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LAW AND WISDOM ACCORDING TO DEUT 4:5–8

Thomas Krüger*  

Deuteronomy 4:5–8 is an important text for the question of the relationship of Wisdom and Torah in the Hebrew Bible. Only here are Wisdom and Torah related to each other in the Pentateuch.¹ How this is done is not immediately clear and our contribution wants to shed light on the understanding of this difficult text.

1. The Context of Deut 4:5–8

Deuteronomy 4:5–8 is part of a long speech of Moses running from Deut 1:6–4:40. This speech falls into two parts: Deut 1:6–3:29 and 4:1–40.² There is some evidence that Deut 4:1–40 is of a later provenance than its current context.³ In view of its literary and thematic complexity, it is frequently assumed that the passage originated in several phases.⁴ Timo Veijola has characterized the structure and contents of Deut 4:1–40 as follows:

The admonitions to keep the commandments of Yahweh form the outer framework, which are the necessary condition for entering the land and a successful life within it (v. 1 and 40). Within this framework, the following themes come to expression: the inviolability of the commandments of Yahweh, which permit neither additions nor deletions (v. 2), the Baal-peon episode as a cautionary example of the fate of apostates (vv. 3–4), the distinctive wisdom and justice of the law given to Israel in the eyes of the nations (vv. 5–8), an urgent call to keep the first commandment, on which the life and death of the people depend (vv. 9–31), and finally the non-repeatable nature of Israel’s experience of God and the singularity of his God (vv. 32–39).⁵

* English translation Anselm C. Hagedorn (Berlin). German manuscript completed May 1, 2012.
³ On the discussion see Finsterbusch, Deuteronomium, 66–67.
⁴ Ibid.
⁵ "Den äußeren Rahmen bilden Mahnungen zum Einhalten der Gebote Jahwes, was die Bedingung für das Hineinkommen ins Land und das gelungene Leben in ihm sind.
Deuteronomy 41–4 motivates the admonitions to keep the “statutes and commandments” taught by Moses by pointing to the past experiences of the people of Israel (v. 3: “your eyes have seen…”). These experiences demonstrate that those members of the people who defied the first commandment by following Baal-Peor were wiped out by Yahweh, whereas those who held fast to Yahweh are still alive. Therefore, if one wants to stay alive, one is well advised to do what Yahweh demands, whatever that may be.

Deuteronomy 49ff, referring again to Israel’s past experiences (v. 9: “…what your eyes have seen”), argues in a similar vein but in a slightly more complex and differentiated way. At Mt. Horeb and on the basis of the ten words, Yahweh made a covenant with Israel that forbids the manufacture of idols. Because they did not see any form of Yahweh at Mt. Horeb, be it because Yahweh hid his form or because he is invisible, it is impossible for the Israelites to create an image of Yahweh. Since the Israelites experienced Yahweh as a “consuming fire” and a “jealous God” (424) at Mt. Horeb, they have to expect that they, just like their ancestors, will be destroyed by this God if they do not obey him.

2. The Argumentation of Deut 45–8

Unlike these two passages, the call to obedience to the law in Deut 45–8 is not motivated by a threat of God’s might and his will to punish. Rather, the verses point (i) to the positive consequences of obedience to the law for the international reputation of Israel (v. 6), (ii) to the closeness of God (v. 7), and (iii) to the quality of the law (v. 8).

(5) See, I have taught you laws and rules, as Yahweh my God has commanded me to do so in the land that you are about to enter and take possession of it.

(6) Observe (them) and do (so)!

For that will be your wisdom and your discernment in the eyes of the people who will hear all these laws and say: “Surely this great nation is a wise and discerning people.”

(7) For what great nation is there that has gods who are so close as is Yahweh our God whenever we call upon him?

(8) And what great nation has laws and rules as just as this entire Torah that I set before you this day?

a. Verse 5

In contrast to Deut 4:40 (andel כף; cf. v. 8: Natürlich and 54: כף מלתו), by using אֲלֵד, מלתו v. 5 seems to refer to a teaching of the law that has already occurred in the past. In the current context this can only refer to the laws

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6 Since Moses addresses the Israelites in vv. 5–8 (plural), the imperative plural ofrored as in the Samaritan Pentateuch fits the following better than the singular of MT. However, may be understood as an interjection (like ניזן) that is not conjugated; see HAL, Gez.

7 The perfect מִלְתָּר is often understood as expressing a performative action in the present (cf. Moshe Weinfield, Deuteronomy 1–11 [AB 5; New York: Doubleday, 1991], 193: “I am teaching you”; Lothar Perlitt, Deuteronomium [BK V/4; Neukirchen-Vluyn: Neukirchener Verlag, 2006], 286: “ich lehre euch”). However, in contrast to Deut 1:8 (בְּנֵי אִישׁוֹת), we do not have a coincidence of utterance and action here. The translation “Herewith I teach you…” (cf. Georg Brandl, “Deuteronomium 1–4 als Sprachakt,” Bib 83 (2002): 249–57, esp. 250–51) is logically incorrect. With the statement of the legal act of the giving of the land is executed; by contrast a statement like מִRunnable וַיַּעַנְּךָ: then the act of giving does not imply that the teaching of “laws and rules” has taken place when the utterance is completed; cf. Andreas Wagner, Sprechakte und Sprechaktanalyse im Alten Testament (BZAW 255; Berlin and New York: Walter de Gruyter, 1997), 126. If the perfect is interpreted as a futurum exactum (“I will have taught”; Karin Finsterbusch, Wettung für Israel: Studien zu religiösem Lehren und Lernen im Deuteronomium und in seinem Umfeld [FAT 44; Tübingen: Mohr Siebeck, 2005], 149–50) the question remains why, e.g., Deut 43
Deuteronomy 43–4 motivates the admonitions to keep the "statutes and commandments" taught by Moses by pointing to the past experiences of the people of Israel (v. 3: "your eyes have seen..."). These experiences demonstrate that those members of the people who defied the first commandment by following Baal-Peor were wiped out by Yahweh, whereas those who held fast to Yahweh are still alive. Therefore, if one wants to stay alive, one is well advised to do what Yahweh demands, whatever that may be.

Deuteronomy 49ff, referring again to Israel's past experiences (v. 9: "...what your eyes have seen"), argues in a similar vein but in a slightly more complex and differentiated way. At Mt. Horeb and on the basis of the ten words, Yahweh made a covenant with Israel that forbids the manufacture of idols. Because they did not see any form of Yahweh at Mt. Horeb, be it because Yahweh hid his form or because he is invisible, it is impossible for the Israelites to create an image of Yahweh. Since the Israelites experienced Yahweh as a "consuming fire" and a "jealous God" (4:24) at Mt. Horeb, they have to expect that they, just like their ancestors, will be destroyed by this God if they do not obey him.

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(8) And what great nation has laws and rules as just as this entire Torah that I set before you this day?

a. Verse 5

In contrast to Deut 49:12 (pect., cf. v. 8; 49:1 and 51:12: אֲבוֹרֹד אָבִרֹד אָבִרֹד; בָּרֹד בָּרֹד בָּרֹד), by using אַבֵּרְנַי (תּוֹרַת אַבָּרְנַי) in v. 5 seems to refer to a teaching of the law that has already occurred in the past. In the current context this can only refer to the laws

6 Since Moses addresses the Israelites in vv. 5–8 (plural), the imperative plural of רָאָה as in the Samaritan Pentateuch fits the following better than the singular of MT. רָאָה, however, may be understood as an interjection (like יָרָא) that is not conjugated; see HAL, Gö 89.

7 The perfect הָרַע הַיָּמִים is often understood as expressing a performative action in the present (cf. Moshe Weinfeld, Deuteronomy 1–17 [AB 5; New York: Doubleday, 1991]; 193: "I am teaching you"; Lothar Perllt, Deuteronomium [BK V/4; Neukirchner-Verlag: Neukirchner Verlag, 20062], 280: "ich lehre euch"), however, in contrast Deut 1:8 (תּוֹרַת אֵלֶּה) we do not have a coincidence of utterance and action here. The translation "Herewith I teach you..." (cf. Georg Brändli, "Deuteronomium 1–4 als Sprechkatz," Bib 83 [2003]: 249–57, esp. 250–51) is logically incorrect, with the statement הָרַע הַיָּמִים the legal act of the giving of the land is executed; by contrast a statement like הָרַע הַיָּמִים does not imply that the teaching of "laws and rules" has taken place when the utterance is completed; cf. Andreas Wagner, Sprechakte und Sprechaktanalyse im Alten Testament (BZAW 255; Berlin and New York: Walter de Gruyter, 1997), 126. If the perfect is interpreted as a futurum exactum ("I will have taught"; Karin Finsterbusch, Weitrag für Israel. Studien zu religiosem Lehren und Lernen im Deuteronomium und in seinem Umfeld [FAT 44: Tübingen: Mohr Siebeck, 2005], 149–50) the question remains why, e.g., Deut 41
and rules mentioned in Exodus—Numbers. If that is the case, it is difficult to understand how v. 8 can say that Moses only now sets “this entire Torah” (that is apparently identical with the “laws and rules” mentioned in v. 8 and v. 5) before the Israelites. Are we expected to imagine that Moses now submits to the Israelites the “laws and rules” that he taught them as “this entire Torah” so that they can now take a stand on them, or that he again presents to the Israelites all the “laws and rules” which he had already taught them and summarizes these laws as “this entire Torah”? Or do we have an inconsistency here that the authors or redactors of the text simply overlooked?

In any case, “this entire Torah” (Hebr. הָרִ minecraft) is a teaching that Moses delivered at the behest of Yahweh. This is stated by אֶרֶץ יֵהלְתָא אֲלָה, a statement that interrupts the train of thought (the following phrase ...ןַע וְלָשׁוֹת בְּכ) connects to ולָשׁוֹת בְּכ does not mention the legal

b. Verse 6

In verse 6 Moses asks the Israelites at first to keep the “laws and rules” that they have learned from him (and that are not mentioned in the text, but are tacitly to be inferred) and to act accordingly. The remaining verse contains a first explanation of this admonition: the Israelites will be a wise and discerning people in the eyes of the nations because of their (observance of the) law.

It is not clear to what the pronoun אֲלָה (most likely to be read אֱלָה, as in the Samaritan Pentateuch) refers. Does it (i) refer to the keeping and following of the laws as Moses requested from the Israelites (קְרָאתָם לְהָרִminecraft); or does it (ii) refer to the “laws and rules” that Moses taught to the Israelites (and to which the text now refers to by using the singular אֲלָה or אֱלָה instead of the plural אֲלָהֶם; cf. לְהָרִminecraft in v. 8)?

(i) Syntactically, the first mentioned understanding of the text seems to be the most natural: When the Israelites follow the law, this will be their wisdom and discernment in the eyes of the nations—that is to say, the Israelites will be regarded by the nations as wise and discerning.

However, the following sentence does not state that the observance of the law by the Israelites is the reason why the nations call them a wise and discerning people, but rather the notice of the law by the nations (“they will hear these laws and say…”). This prompts the question whether the Israelites are seen as wise in the eyes of the nations because they obey the law taught by Moses or because they have this law? Since the text wants to motivate the Israelites to follow the law, it is probably not interested in separating the one from the other: the Israelites will be regarded as wise and discerning if and because their laws are good and if and because they obey these laws. It is equally possible to understand v. 6 in such a way that the nations will be interested in the laws because of Israel’s exceptional law-observance. If that is the case, the opinion of the nations regarding Israel rests not only upon its formal obedience to the law, but also upon the material quality of the laws the Israelites follow.

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12 This seems to be the interpretation of the Vulgate: haec est enim virtus sapientiae et intellectus coram populis et gentibus universa praecepta haec ducat en populis sapiens et intelligens gens magna. The Septuagint, too, understands v. 6b as a conditional clause but connects it via a relative pronoun with the nations mentioned previously: ὅτι εὐδοκεῖ ὁ θεός ὑμῖν καὶ ὁ θεός ὑμῶν ὑμῖν ὑποτασσόμενος τοῖς ἑθεῖς ὑστεροῖ τά ποτε ἐκκολοκυστὰ ταῦτα καὶ ἑρωίαν ἑνὸς λαοῦ ἑιδαταίμων καὶ ἐπιτιμίων τὸ ἐθνοῦς τὸ μέγα τούτο.古典文法指出，通过这个你将会被看作是明智和通达的，即理解为在各个民族中。— Compare also the Zürcher Bibel: “darin zeigt sich den Völkern eure Weisheit und eure Einsicht”; NRSV: “this will show your wisdom and discernment to the peoples”; NJPS Tanakh: “that will be proof of your wisdom and discernment to other peoples”—According to Christof Hardmeier (Erzähldiskurs und Redepragmatik im Alten Testament [FAT 46; Tübingen: Mohr Siebeck, 2005], 165–66), מִּצְרֵי נַהֲלָה in v. 5 does not only mean that the Israelites observe the laws taught by Moses but also that they, like Moses, should teach them. In this light, Hardmeier argues that מִזְרֵי נַהֲלָה does not simply refer to observance but also to the teaching of the law by the Israelites.
and rules mentioned in Exodus–Numbers.⁸ If that is the case, it is difficult to understand how v. 8 can say that Moses only now sets “this entire Torah” (that is apparently identical with the “laws and rules” mentioned in v. 8 and v. 5) before the Israelites. Are we expected to imagine that Moses now submits to the Israelites the “laws and rules” that he taught them as “this entire Torah” so that they can now take a stand on them, or that he again presents to the Israelites all the “laws and rules” which he had already taught them and summarizes these laws as “this entire Torah”? Or do we have an inconsistency here that the authors or redactors of the text simply overlooked?²⁹

In any case, “this entire Torah” (Hebr.تخريم) is a teaching that Moses delivered at the behest of Yahweh. This is stated by אֲכָלָם יִתְנָה אֲליָא לְנֵי יָהוָה, a statement that interrupts the train of thought (the following phrase לֹא נַעֲשָׂה כְּלַוְזוּת לְכָל מִשְׁפָּטָיו כְּלָוְזוּת נִנְשָׂה connects to the previous phrase).⁹

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In verse 6 Moses asks the Israelites at first to keep the “laws and rules” that they have learned from him (and that are not mentioned in the text, but are tacitly to be inferred) and to act accordingly. The remaining verse contains a first explanation of this admonition: the Israelites will be a wise and discerning people in the eyes of the nations because of their (observance of the) law.

It is not clear to what the pronoun הוא (most likely to be read as in the Samaritan Pentateuch) refers. Does it (i) refer to the keeping and following of the laws as Moses requested from the Israelites (משתה ביראת);¹⁰ does it (ii) refer to the “laws and rules” that Moses taught to the Israelites (and to which the text now refers to by using the singular ארץ instead of the plural עֲרָאָץ in v. 8);¹¹ or does it (iii) refer to the facts and circumstances described in v. 6b (from אָרֵי יִשְׂרָאֵל that then has to be understood as a conditional clause: “if they will hear...they will say”)?¹²

(i) Syntactically, the first mentioned understanding of the text seems to be the most natural: When the Israelites follow the law, this will be their wisdom and discernment in the eyes of the nations—that is to say, the Israelites will be regarded by the nations as wise and discerning.¹³ However, the following sentence does not state that the observance of the law by the Israelites is the reason why the nations call them a wise and discerning people, but rather the notice of the law by the nations (“they will hear these laws and say...”). This prompts the question whether the Israelites are seen as wise in the eyes of the nations because they obey the law taught by Moses or because they have this law? Since the text wants to motivate the Israelites to follow the law, it is probably not interested in separating the one from the other: the Israelites will be regarded as wise and discerning if and because their laws are good and if and because they obey these laws. It is equally possible to understand v. 6 in such a way that the nations will be interested in the laws because of Israel’s exceptional law-observance. If that is the case, the opinion of the nations regarding Israel rests not only upon its formal obedience to the law, but also upon the material quality of the laws the Israelites follow.

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¹¹ See, e.g., Eduard Nielsen, Deuteronomium (HAT I/6; Tübingen: Mohr, 1995), 56–57; “Der Zusammenhang spricht eher dafür, dass die Weisheit des Volkes einfach darin besteht, dass es die gerechten Satzungen und Rechtsbestimmungen, wie diese ganze Tora' besitzt, von Gott geschenkt, durch Mose vermittelt. Die Bundesordnung ist Israels Weisheit.”

¹² This seems to be the interpretation of the Vulgate: haec est enim vexata sapientia et intellectus coram populis ut audientes universa procepsit haec dicant ex populis sapiens et intelligens gens magna. The Septuagint, too, understands v. 6b as a conditional clause but connects it via a relative pronoun with the nations mentioned previously: οὕτως ἐστιν ἡ σοφία ὑμῶν καὶ ἡ σοφία τῶν πόλεων τῶν οὐδῶν ὃς ἐκ τούτων πάντωσι τὰ δικαιώματα ταῦτα καὶ ἔρχονται ὄνομα λαῶν σοφῶν καὶ ἐπιστήμων τῆς θεοῦ τῆς μέγας τούτου.

¹³ Cf. the paraphrase of Rashi: והָיָהוָה הָעֹשֵׂה לְגֵרָתי בְּכָל־עֵו בִּנְבֵית יִשְׂרָאֵל יָעַשׁ, through this you will be considered wise and understanding in the eyes of the peoples.”—Compare also the Zürcher Bibel: “darin zeigt sich den Völkern eure Weisheit und eure Einsicht; NRSV: “this will show your wisdom and discernment to the peoples”;

¹⁴ Cf. the paraphrase of Rashi: והָיָהוָה הָעֹשֵׂה לְגֵרָתי בְּכָל־עֵו בִּנְבֵית יִשְׂרָאֵל יָעַשׁ, through this you will be considered wise and understanding in the eyes of the peoples.”—According to Christof Hardmeier (Erzähldiskurs und Redepragmatik im Alten Testament [FAT 46; Tübingen: Mohr Siebeck, 2005], 165–66), מָחָרַל in v. 5 does not only mean that the Israelites shall observe the laws taught by Moses but also that they, like Moses, should teach them. In this light, Hardmeier argues that מָחָרַל does not simply refer to observance but also to the teaching of the law by the Israelites.
The second understanding of the text is easier semantically than the first one. Because of their laws the Israelites are regarded as wise and discerning in the eyes of the nations. Syntactically, however, one has to assume an incongruity of number between הילקם והרי והי or the קסם והרי והי. Moreover, the nations do not praise the law (as Moses does a little later in v. 8) but Israel. Do they assume that Israel is the author of the law? Or are they of the opinion that the Israelites became especially wise and discerning by these good laws? Pragmatically, there exists a certain tension between the demand to follow the law and the justification of such a demand by the note that Israel will be regarded as wise and discerning amongst the nations because of its law (and not because it follows the laws). This tension vanishes if one tacitly assumes that it would be foolish not to follow such impressive laws. Accordingly, such an appraisal implies that Israel, as a wise and discerning people, indeed follows the laws. What Deut 4:6 states explicitly according to the first understanding (i), the verse would logically imply according to the second understanding (ii): the Israelites are seen as a wise and discerning people because they have good laws and because they follow them.

The same has to be said of the third possibility of understanding the verse: If the wisdom and discernment of the Israelites—according to the nations—consists in being regarded as wise and discerning in the eyes of the nations when they get to know Israel's laws, it is impossible to think that the Israelites did not follow their own laws. Rather, this implies that they do follow them. As a result, this third understanding (iii) implies what the first interpretation (i) states explicitly. However, we then have to assume a rather ponderous manner of expression.

Materially there are no fundamental differences between the three possibilities of understanding Deut 4:6. In any case, Deut 4:6 certainly assumes that the Israelites addressed do seem it worthwhile to be regarded as wise and discerning by the nations. To reach this goal they should, in any case, keep and follow the law. Since the nations praise Israel as a wise and discerning people, this implies in turn that they do not regard the law as bad. One has to note, however, that the nations do not label the law, but Israel, as wise and discerning (the adjective הילקם is only used in reference to living beings or gods in the Hebrew Bible).

From the perspective of the nations, the relationship of Israel's law and wisdom is described according to Deut 4:6 as follows: Israel's wisdom is that it has and keeps the law taught to it by Moses. The text never says that this view of the nations is wrong. In the following, however, the text adds two further points in v. 7 and v. 8 from the perspective of Moses leaving open whether the nations are of the same opinion.

c. Verse 7

Deut 4:7 differs from the context both in form and in content. Only here does Moses, by using "we," incorporate himself into the Israelites. Also, the topic of the verse is no longer the law and its observance but the closeness of God that is indicated by the fact that God listens to the prayers of the Israelites. Is the verse a late addition that shifts the thematic focus of the text away from the law and its observance to the superiority of Israel over the other nations (on this topic, see also Deut 31:9–20, 32:1ff)?

It is possible that v. 7 is mindful of the fact that the Torah originated, at least in parts, in specific judgments that Yahweh gave at Israel's request. Here Moses fulfills a similar role as during the proclamation of the laws (Exodus 16:1ff; Deuteronomy 4:1ff): he is the intermediary between Yahweh and the Israelites. Since Deut 30:1ff stresses that the Mosaic law is very close to the mouth and the heart of the Israelites, this implies that that the mediatorial office of Moses lapses after his death because the written law now enables each Israelite to ascertain at any time what Yahweh expects from the members of his people and how one has to regulate conflict. In this sense, God is close to the Israelites as lawgiver and judge (Deut 4:7) in the Torah.

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15 Cf. 1 Kgs 8:52; Ps 34:18–19; 145:18–19 and the rendering of the verse in Targum Onqelos: "For who is such a great nation whose God is so close to it to accept its prayer in time of its tribulation like the Lord our God whenever we pray before Him?" English translation according to Bernard Grossfeld, ed., The Targum Onqelos to Deuteronomy. An English Translation of the Text with Analysis and Commentary (Aarhus: T & T Clark, 1988), 28.

16 Thus, e.g., Steuernagel, Das Deuteronomium, 65; Veijola, Das fünfte Buch Mose, 110–11.

17 See Exod 18:1ff; Num 15:32ff; 36:1ff and also 1 Sam 12:23a (Samuel prays for the Israelites and teaches them the good and straight way).

18 For such an interpretation of Deut 30:1ff, see esp. Ernst Ehrenreich, Wähle das Leben! Deuteronomium 30 als hermeneutischer Schlüssel zur Tora (BZAR 14; Wiesbaden: Harrassowitz, 2011), 20ff—the significance of the prophets announced in Deut 30:1ff as successors to Moses is thus heavily qualified.
(ii) The second understanding of the text is easier semantically than the first one. Because of their laws the Israelites are regarded as wise and discerning in the eyes of the nations. Syntactically, however, one has to assume an incongruity of number between הָֽאָדָם and the תִּכְתֵּב מָנָ֣ה לְיוָדָ֔ו or הָֽאֲנָשָׁ֖ה and the תִּכְתֵּב מָנָ֣ה לְיוָדָ֔ו.14 Moreover, the nations do not praise the law (as Moses does a little later in v. 8) but Israel. Do they assume that Israel is the author of the law? Or are they of the opinion that the Israelites became especially wise and discerning by these good laws? Pragmatically, there exists a certain tension between the demand to follow the law and the justification of such a demand by the note that Israel will be regarded as wise and discerning amongst the nations because of its law (and not because it follows the laws). This tension vanishes if one tacitly assumes that it would be foolish not to follow such impressive laws. Accordingly, such an appraisal implies that Israel, as a wise and discerning people, indeed follows the laws. What Deut 4:6 states explicitly according to the first understanding (i), the verse would logically imply according to the second understanding (ii): the Israelites are seen as a wise and discerning people because they have good laws and because they follow them.

(iii) The same has to be said of the third possibility of understanding the verse: If the wisdom and discernment of the Israelites—according to the nations—consists in being regarded as wise and discerning in the eyes of the nations when they get to know Israel’s laws, it is impossible to think that the Israelites did not follow their own laws. Rather, this implies that they do follow them. As a result, this third understanding (iii) implies what the first interpretation (i) states explicitly. However, we then have to assume a rather ponderous manner of expression.

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c. Verse 7

Deut 4:7 differs from the context both in form and in content. Only here does Moses, by using “we,” incorporate himself into the Israelites. Also, the topic of the verse is no longer the law and its observance but the closeness of God that is indicated by the fact that God listens to the prayers of the Israelites.15 Is the verse a late addition that shifts the thematic focus of the text away from the law and its observance to the superiority of Israel over the other nations (on this topic, see also Deut 7:9–20; 32:8)?16

It is possible that v. 7 is mindful of the fact that the Torah originated, at least in parts, in specific judgments that Yahweh gave at Israel’s request.17 Here Moses fulfills a similar role as during the proclamation of the laws (Exodus 19ff; Deuteronomy 4ff): he is the intermediary between Yahweh and the Israelites. Since Deut 30:1ff stresses that the Mosaic law is very close to the mouth and the heart of the Israelites, this implies that that the mediatorial office of Moses lapses after his death because the written law now enables each Israelite to ascertain at any time what Yahweh expects from the members of his people and how one has to regulate conflict.18 In this sense, God is close to the Israelites as lawmaker and judge (Deut 4:7) in the Torah.

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15 Cf. 1 Kings 8:52; Ps 34:18–19; 145:18–19 and the rendering of the verse in Targum Onqelos: “For who is such a great nation whose God is so close to it to accept its prayer in time of its tribulation like the Lord our God whenever we pray before Him?” English translation according to Bernard Grossfeld, ed., The Targum Onqelos to Deuteronomy. An English Translation of the Text with Analysis and Commentary (ArtBib 9; Edinburgh: T & T Clark, 1988), 28.

16 Thus, e.g., Steuernagel, Das Deuteronomium, 65; Veijola, Das fünfte Buch Mose, 110–11.

17 See Exod 18:9ff; Num 15:31ff; 36:1ff and also 1 Sam 12:22 (Samuel prays for the Israelites and teaches them the good and straight way).

18 For such an interpretation of Deut 30:9ff, see esp. Ernst Ehrenreich, Wählen das Leben! Deuteronomium 30 als hermeneutischer Schlüssel zur Toram (BZAR 14; Wiesbaden: Harrassowitz, 2011), 20ff—the significance of the prophets announced in Deut 30:1ff as successors to Moses is thus heavily qualified.

14 See most recently, e.g., Bernd U. Schipper, Hermeneutik der Tora (BZAW 432; Berlin: Walter de Gruyter, 2012), 94: “In 4,5f werden diese ‘Sätze und Rechtsbestimmungen’ in כְּמַלְכֵּה (albeit בְּנֵי וֶדֶנֶה) als Israels ‘בְּנֵי וֶדֶנֶה’ bezeichnet.”
evidence suggests that the development from lawgiving to teaching of law is to be associated with the expansion of the deuteronomistic law from an instrument of regulating conflict and structuring society (_חוקון המעמסים_) to a teaching of life (_לומדים, Lebenslehre_) that is valid for, and that has to be learned by, every Israelite (and foreigner). This development is reflected in the various headings of Deuteronomy (Deut 12:8; 6:44–45 [cf. 5:13; 4:1]). As a result, the expression _ракים המוביסים_ is now used also for the teaching in Deut 1–21 (or at least Deut 4–21).20 If that is the case, the use of the term “to teach” indicates the transformation of the (deuteronomistic) law into a sapiential teaching of life.21 This kind of reinterpretation of the _לומדים_ can be seen also, for instance, in Psalm 119.

b. The Assessment of the Law by the Nations and its Observance by the Israelites (Deut 4:6)

Deuteronomy 4:6 presupposes that the Israelites strive for recognition by other nations. This striving is not criticised. This view of the nations differs sharply from other passages in Deuteronomy: Israel is required to massacre or expel the nations that occupy the Promised Land and to destroy their cultural heritage (Deut 12:20). At best, individual members of the other nations can join the Israelite cultic community (Deut 23:2). Among the later texts in the frame of Deuteronomy, there are, however, also texts stating that Yahweh is concerned about the wellbeing of the nations (cf. Deut 2:25; 32:8; 33:3). Several passages talk about the perception of Israel and its history on the part of the nations. According to Deut 2:25, for example, the nations will tremble and quake when they hear of Israel’s success during the conquest of the land. If the Israelites will keep the law, they will be blessed by Yahweh; then the people of the earth will see that

3. Deuteronomy 45–8 within the Context of the Hebrew Bible

a. Moses as Teacher of the Law (Deut 45)

Deuteronomy 45 is one of the few passages within the Pentateuch where the law is the object of teaching and learning.21 The distribution of the

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19 See Bo Johnson, “_לומדים_,” TDOT 13:239–63, 257. Psalm 139:20 describes laws as “just” by using the verb _לומדים_, while Ps 119:1, 62, etc. use the noun _לומדים_. See also Rashi’s explanation of _לומדים_ as _לומדים_ in the Pentateuch (cf. _Rashi_ to Deut 1:18). The term _לומדים_ could have been the original continuation of the statement of the nations in v. 6; or, if one regards the introductory _לומדים_ of v. 7 as original instead of the 1 in v. 8, the justification of this statement; cf. Steuernagel, _Das Deuteronomium_, 65.

20 If _לומדים_ is a later addition (see above), v. 8 (minus the last sentence _לומדים_ of v. 7 as original instead of the 1 in v. 8, the justification of this statement; cf. Steuernagel, _Das Deuteronomium_, 65).

21 Deut 4:5, 14, 53:6a (subject: Moses); Deut 11:9 (subject: Israelites); 31:12 (subject: Israelites and foreigners); 31:12 (subject: Israelites and foreigners); 31:12 (subject: Israelites and foreigners); 31:12 (subject: Israelites and foreigners); 31:12 (subject: Israelites and foreigners); 31:12 (subject: Israelites and foreigners).


d. Verse 8

Verse 8 refers to the “laws and rules” (תַּכְוָהָהָה וַמְסָפִּיסֵם; v. 5) or “all these laws” (v. 6) as “this entire Torah” (כָּל הַתּוֹרָה הָאָלָה) and predicates them as “more just” (בָּדָא, Sam. אֲדָמִים) than the laws of the other nations. The statement is exceptional in that the adjective זָכָרִים in the Hebrew Bible is generally used only with reference to living beings and gods. In contrast to Deut 4:6, where the evaluation of the wisdom and discernment of Israel is made by the nations, in verse 8 Moses proclaims that the mosaic law is more “just” than all other laws, and he solicits approval of such a view by the Israelites. Can we conclude then that Moses does not expect that the nations will realize that the “laws and rules” taught by him are just? Since he thinks them capable of recognizing the “wisdom and discernment” of the law-abiding Israelites (v. 6), such a conclusion appears unlikely. Maybe Moses is simply not sure that the nations will realize and accept that the Mosaic law is more just than their own laws. Perhaps, however, he simply wants the Israelites to keep the Torah not only out of the hope for respect from the nations (v. 6) but also because of their own insight (v. 8). In any case, the note about the “justice/righteousness” of the laws as a motive for their observance points beyond a motivation by reward and punishment. It is not the fear of punishment or the hope for a reward but the sense of justice and striving after it that shall motivate the Israelites to keep the laws.

3. Deuteronomy 4:5–8 within the Context of the Hebrew Bible

a. Moses as Teacher of the Law (Deut 4:5)

Deuteronomy 4:5 is one of the few passages within the Pentateuch where the law is the object of teaching and learning. The distribution of the

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19 See Bo Johnson, ‘‘רוכא,׳׳ TDOT 13:239–63, 257. Psalm 19:30 describes laws as “just” by using the verb יָשַׁר, while Ps 119:7, 62, etc. use the noun גָּדוֹל. See also Rashi’s explanation of the verb יָשַׁר as יָשַׁר נַבְרֶך (יָשַׁר נִבְרֶךְ) could have been the original continuation of the statement of the nations in v. 6: or, if one regards the introductory יִבְרֶך of v. 7 as original instead of the 1 in v. 8, the justification of this statement; cf. Steuerpegel, Das Deuteronomium, 65.

20 יִבְרֶך pl.: Deut 4:5, 14:525; 63 (subject: Moses); Deut 11:23 (subject: Israelites); יִבְרֶך q.: Deut 3:12; 31:12 (subject: Israelites and foreigners). Cf. “to teach/to learn to fear Yahweh” in Deut 5:19; 14:25; 17:19; 31:12–13 and “to teach the song (of Moses)” in Deut 31:9, 22. See also

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Evidence suggests that the development from lawgiving to teaching of law is to be associated with the expansion of the deuteronomistic law from an instrument of regulating conflict and structuring society (תַּכְוָהָה וַמְסָפִּיסֵם) to a teaching of life (דָּרָא; Lebenslehre) that is valid for, and that has to be learned by, every Israelite (and foreigner). This development is reflected in the various headings of Deuteronomy (Deut 12:1; 5:3; 4:44–45 [cf. 5:3; 41]). As a result, the expression יָשַׁר יִבְרֶך is now used also for the teaching in Deut 1:21 (or at least Deut 4:11). If that is the case, the use of the term “to teach” indicates the transformation of the (deuteronomic) law into a sapiential teaching of life. This kind of reinterpretation of the וְיָשַׁר can be seen also, for instance, in Psalm 119.

b. The Assessment of the Law by the Nations and its Observance by the Israelites (Deut 4:6)

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Yahweh's name is proclaimed over Israel and they will stand in fear of Israel (Deut 28:30). In contrast, the nations will mock Israel when it, as punishment for its disobedience, is dispersed among the people (Deut 28:37). According to Deut 32:43, the nations shall praise Yahweh when he has avenged the blood of his servants and wrought vengeance on his adversaries.

To keep Yahweh from annihilating Israel in the wilderness, Moses argues that the Egyptians would misunderstand such a deed (Deut 9:28). According to Deut 32:27ff, Yahweh again shrinks back from the destruction of Israel because he fears that such a destruction will be misinterpreted by Israel's enemies who will attribute it to their own power rather than to Yahweh's might. While the passages mentioned assume a misjudgment of the nations, Deut 29:23ff thinks them capable of a correct assessment—at least when they were taught by an informed Israelite (or foreigner?):

...all nations will ask: Why did Yahweh do this to this land? Wherefore this severe, burning wrath? They will be told: Because they forsook the covenant of Yahweh, the god of their ancestors...and they went and worshipped other gods and prostrated themselves before them...therefore Yahweh's wrath was inflamed against this land so that he brought upon it all the curses recorded in this book. In anger, fury, and severe wrath Yahweh uprooted them from their soil and cast them into another land, where they still are today.

A comparison of this passage with Deut 4:6 is interesting, because Deut 29:23–25 implies that the nations acquire at least some rudimentary knowledge of the Torah ("this book"), at least of the curses contained therein and their function. Deuteronomy 4:6 then presupposes an even broader knowledge of the Torah on the part of the nations. Outside Deuteronomy the thought that the nations become acquainted with the Torah is only mentioned in Isa 29:4ff (II Mic 4:4ff) and 54:4ff (cf. 42a). By contrast, the Hebrew Bible often reports Israel's or Judah's perspective on the laws and customs of the other nations.24 Leviticus 18:3 states that Israel shall not live according to the Canaanite laws but must follow the laws of Yahweh. Ezekiel 11:12 accuses the Israelites that they did not live according to the laws of the Canaanites, but Yahweh who oriented themselves toward the laws of the surrounding nations. According to Ezek 5:6–7 the Israelites forsook Yahweh's laws and acted more wickedly than the nations around them, while not even keeping the laws of the nations which thus are still better than evil (רעהוים: יְשַׁעַת הָאֶרֶץ) and chaos (דְּבָרִים). When it is announced that the nations will judge Jerusalem according to their laws and customs, it is obvious that the nations in general are not seen as lawless and immoral. If one compares and evaluates in such a way one's own laws and customs with the laws and customs of others, it is likely that one will at some point continue this train of thought—as is done in Deut 4:6—and contemplate how one is perceived and assessed by the nations.

**c. Law and Wisdom (Deut 4:6)**

The conviction expressed in Deut 4:6 that the possession and observance of the Torah will earn the Israelites the reputation of a wise and discerning people in the eyes of the nations is without parallel in the Hebrew Bible. Proverbs 28:7 states that it is wise to observe the Torah (לְהָשִּׂיעָה יְשַׁעַת נְגוּרֵי גּוֹיִם), "He who observes the Torah is an intelligent son"; see also 28:4, 9; 29:28). Here, however, יְשַׁעַת does not refer to the Mosaic law but—as is generally the case in the Book of Proverbs—to the teaching of the parents or the sages.25 If the observance of this teaching lets a person "find favour and approbation in the eyes of God and people" as stated in Prov 31:27, one can argue that a statement about the Mosaic law in Deuteronomy (Deut 4:6) is transferred here to the sapiental teaching of Proverbs, as is the case elsewhere in Proverbs 1–9. Thus, it is indicated that this teaching may be equal, or even be superior, to the Mosaic law.26 The opposite of such tradition-oriented wisdom in Proverbs 3 is to trust in one's own understanding (v. 5), an imaginary wisdom (v. 7 "wise in your own eyes") that is alleged not to have faith in Yahweh and not to fear him. A current of a tradition-critical wisdom may be in view here, as can be detected in Job and Qoheleth. Proverbs 1–9 distances itself explicitly from such wisdom, while a life oriented exclusively by the Torah is only criticized implicitly.

In contrast to Deut 4:6, Proverbs does not reflect upon the behavior of the Israelites as a collective entity.27 Rather, the book addresses issues of

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Lev 18:3 (נֵבֶרה); Ps 106:35 (משה).


26 See Schipper, Hermeneutik, 335: "Durch diesen Bezug [i.e., the statements of Deuteronomy about the quality of the Mosaic law] rücken die Tora und Gebote des Weisheitslehrers bzw. von Vater und Mutter in die Nähe der Gebote JWHs."

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24 See, e.g., Judg 3:17; 2 Kgs 17:33 (חֲדַר); Lev 18:30; 20:23; 2 Kgs 17:8 (חרם); Jer 11:2 (חרם); Lev 18:3 (חרם); Ps 106:35 (חֲדַר).


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how the life of individual persons is lived in harmony with the order of the cosmos (Proverbs 8). The same can be said of Psalm 19 and Psalm 119.\(^{28}\) Here, the Torah mediates wisdom—or perhaps better, the Torah mediates the same virtues as wisdom does elsewhere.\(^{29}\) The texts suggest that this happens exclusively by the Torah and that wisdom in this sense is defined by the Torah,\(^{30}\) because they do not mention another source of wisdom besides the Torah. (Or is the observation of the heavens in Psalm 19 an additional source of wisdom?) On the other hand, the texts do not state explicitly that only the Torah mediates wisdom. Additionally, the relationship of the בָּשָׂר mentioned here to the Pentateuch is not quite clear.\(^{31}\)

This latter observation is equally true for Sir 24:23 where wisdom is identified with the "Book of the covenant of the most high God" (βιβλίος διαθήκης θεοῦ υψίστου) and with the Mosaic law (νόμον ὑπὸ ἑνετελοῦ ἡμῖν Μωϋσῆς). In the context of the Book of Ben Sira it becomes clear that the Law may be an excellent source of wisdom,\(^{32}\) but hardly its only source (cf. Sirach 39).\(^{33}\) Also the law does not make all of Israel wise, but only the scribal elite (cf. Sir 38:24ff).

While Sirach 24 integrates the Mosaic law within a more comprehensive wisdom; Bar 3:39-4:4, in turn, reduces wisdom to the Mosaic law.\(^{34}\) Under this condition a statement such as Deut 4:6 would have been impossible since the nations neither know the Mosaic law nor do they have the necessary wisdom to evaluate it. Deuteronomy 4:6 presupposes that the nations and Israel possess the wisdom necessary to understand and apply the law correctly. This is apparently not a problem.\(^{35}\)

Finally Psalm 147 is of interest for a comparison with Deut 4:6. The Psalm praises the power and wisdom of God (v. 5) that manifests itself in the fact that "he proclaimed his commandments to Jacob, his statutes and rules (משמות וחקים) to Israel" (v. 19). While in Deut 4:6 the wisdom of the Israelites manifests itself in the observance of the law, in Psalm 147 the law itself is an indication of the wisdom of Yahweh, the lawgiver. According to Ps 147:20, the disclosure of the law privileges Israel over other nations: "He did not do so for any (other) nation; they do not know his rules." The text does not suggest that this will change at some point. Thus it is closer to Baruch 3:4 than to Deut 4:6.

d. The Closeness of God (Deut 4:7)

If it is true, as argued above, that God in Deut 4:7 is close to the Israelites in the guise of the Mosaic law, this fits well with the presentation of the theophany at Mt. Horeb described in 4:33ff.\(^{36}\) It stresses that the Israelites perceived no shape of Yahweh (v. 12, 15). They heard his voice (v. 12), but whether they understood what Yahweh said to them is not quite clear.\(^{37}\) As a result the appearance of Yahweh on Mt. Horeb leads to the giving of the ten words written down by Yahweh himself to Israel (v. 13) and to the commissioning of Moses to impart to them laws and rules (v. 14). After this is done in Deuteronomy, God is present for Israel in the form of both texts, the Decalogue and the Torah.

This concept of the closeness of God in the text of the Torah and in the Decalogue is opposed to the concept, widespread in the Hebrew Bible, of

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\(^{28}\) See Schipper, Hermeneutik, 115f; Alexandru Grund, Die Himmel erzählen die Herrlichkeit Gottes (WMANT 103; Neukirchen-Vluyn: Neukirchener Verlag, 2004); Kent A. Reynolds, Torah as Teacher. The Exemplary Torah Student in Psalm 119 (VTSup 137; Leiden and Boston, Mass.: Brill, 2010).

\(^{29}\) See Reynolds, Torah, 126ff.

\(^{30}\) See Johannes Marböck, Weisheit im Wandel (BZAW 272; Berlin and New York: Walter de Gruyter, 2006), 94: "Für Israel ist die Weisheit... am sichersten und besten greifbar in der Torah; vor den Völkern der Welt ist die Torah Israels Weisheit".

\(^{31}\) Cf. Odi H. Steck, Das apokryphe Baruchbuch (FRLANT 160; Göttingen: Vandenhoeck & Ruprecht, 1993), 156: In Sirach 24 the law is included in a more comprehensive wisdom ("das Gesetz in die weiterreichende Weisheit einbezogen"). Cf. Marböck’s point that Ben Sira is silent about typical Jewish laws such as circumcision and Sabbath (Weisheit, 93).

\(^{32}\) Cf. Steck, Baruchbuch, 156: "Nichts anderes als das allein Israel gegebene Gesetz ist diese Weisheit; hier ist ihr einzig zugänglicher Ort" (see ibid. 116ff.).

\(^{33}\) On the necessity of wisdom for an interpretation of the law, see Deut 12:1; 16:9; 31:9. Deuteronomy 29:29/30 expresses doubts whether the Israelites have such wisdom and offers possibilities to acquire such wisdom. The prophetic statements about the change or renewal of the human heart by God (Jer 31; Ezek 36 etc.) address the same problem. According to Wisdom 9 God has to give wisdom to human beings so that they can understand the commandments of God. Extreme positions are formulated in Num 23:7ff (the Israelites should observe the commandments of God and should not follow their own heart and eyes, i.e., their own deliberations and experiences) and Qoh 119 (God will condemn the human person if he does not follow his heart and his eyes).


\(^{35}\) See Martin Rose, 5. Moses/Deuteronomium (vol. 2; ZBKAT 5; Zürich: Theologischer Verlag Zürich, 1994), 495; Thomas Krüger, "Die Stimme Gottes," in Gottes Wahrnehmungen (ed. Stefan Gehrig et al.; Stuttgart: Kohlhammer, 2009), 41-64, see 59ff.
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This concept of the closeness of God in the text of the Torah and in the Decalogue is opposed to the concept, widespread in the Hebrew Bible, of

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28 See Schipper, Hermeneutik, 116f; Grund, Die Himmel erzählen die Herrlichkeit Gottes (WMANT 103; Neukirchen-Vluyn: Neukirchener Verlag, 2004); A. Reynolds, Torah as Teacher. The Exemplary Torah Student in Psalm 19 (VTSup 137; Leiden and Boston, Mass.: Brill, 2010).

29 See Reynolds, Torah, 126ff. "Psalm 19 borrows the praises of wisdom in order to praise the benefits of Torah, but in doing so the author of Psalm 19 avoids using words for wisdom." (Ibid. 131).

30 Thus Schipper, Hermeneutik, 124 on Ps 19.

31 See Reynolds, "Moses, 126ff.

32 See Johannes Marböck, "Weisheit im Wandel" (BZAW 272; Berlin and New York: Walter de Gruyter, 2999), 94: "Für Israel ist die Weisheit...am sichersten und besten greifbar in der Torah; vor den Völkern der Welt ist die Torah Israels Weisheit."

33 Cf. Odil H. Steck, Das apokryphe Baruchbuch (FRILANT 160; Göttingen: Vandenhoeck & Ruprecht, 1993), 156: In Sirach 24 the law is included in a more comprehensive wisdom ("das Gesetz in die weiterreichende Weisheit einbezogen"). Cf. Marböck’s point that Ben Sira is silent about typical Jewish laws such as circumcision and Sabbath (Weisheit, 93).

34 Cf. Steck, Baruchbuch, 156: “Nichts anderes als das allein Israel gegebene Gesetz ist diese Weisheit; hier ist ihr einziger zugänglicher Ort” (see ibid. 16ff.).

35 On the necessity of wisdom for an interpretation of the law, see Deut 12:16; 16:9; 34:39. Deuteronomy 29:29/30 expresses doubts about whether the Israelites have such wisdom and offers possibilities to acquire such wisdom. The prophetic statements about the change or renewal of the human heart by God (Jer 31:33; Ezek 36 etc.) address the same problem. According to Wisdom 9 God has to give wisdom to human beings so that they can understand the commandments of God. Extreme positions are formulated in Num 33:1ff (the Israelites should observe the commandments of God and should not follow their own heart and eyes, i.e., their own deliberations and experiences) and Qoheleth 11:9 (God will condemn the human person if he does not follow his heart and his eyes).


37 See Martin Rose, Hosea/Deuteronomion (vol. 2; ZTKAT 5; Zürich: Theologischer Verlag Zürich, 1964), 495; Thomas Krüger, "Die Stimme Gottes," in Gottes Wahrnehmungen (ed. Stefan Gehrig et al.; Stuttgart: Kohlhammer, 2009), 41–64, see 49f.
the closeness of God in the sanctuary or in Jerusalem or on Mt. Zion, a concept critically examined in the prophetic tradition.  

e. The Righteousness of the Law (Deut 4:8)

Though the Pentateuch largely seems to presuppose that the provisions of the Mosaic law are just, only Deut 4:8 states this explicitly. Deuteronomy 6:25 and 24:13 come closest here where both verses say that the Israelites will be just (ךֵּ֣בֶד יְהֹוָּ֣א וָאֵ֖רֵב תָּ֥בָא יְהֹוָּ֖א) when they follow the laws. As Deut 16:20 urges Israel to pursue justice (יְשַׁבֵּ֣א יָ֖שָׁב יְהוָ֣א רֹ֥קַח תֵּ֖בָא יְֽהֹוָּ֑א) after the demand of just jurisdiction (18:28–19; cf. Lev 19:35; Deut 12:6), this may be understood as transcending the narrow context of legal affairs, and thus pointing to a more general principle of life.

These passages, like Deut 4:8, presuppose that it is more or less evident what is to be regarded as just. It is not the Torah that determines what is just and righteous, but rather the Torah is judged and evaluated by the scale of justice. By contrast, texts like Psalm 19 and especially Psalm 119 that, like Deut 4:8, speak explicitly of the righteousness of the laws and rules of Yahweh—as well as the Book of Wisdom—seem to define righteousness and justice on the basis of Torah.

4. Extrabiblical Horizons

It is a part of the common sense of ancient Near Eastern cultures—or better, of the ruling ideology prevalent in these cultures—that the royal jurisdiction, as well as its codification in legal collections, displays the wisdom and righteousness/justice of the ruler. The tale of the Solomonic judgment in 1 Kings 3 illustrates this worldview, as do the narrative frames of the Mesopotamian legal collections. Deuteronomy 4:6 takes up this tradition but no longer speaks of the wisdom and righteousness of the lawgiver. Rather the verses stress the wisdom of the people who follow their laws, as well as the righteousness of the laws.

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38 See, e.g., Exodus 25:2; I Kings 8:2; 2 Chr 6; Ezekiel 40; Ps 46:48; 65:7; 73:28; 84:13.
40 See Ps 19:10; Ps 119:62, 75, 106, 123, 139, 144, 160, 164, 172.
41 See Georg Braulik, Studien zur Theologie des Deuteronomens (SBAB 2; Stuttgart: Katholisches Bibelwerk, 1988), 669ff; 84ff; Georg Braulik, Studien zum Buch Deuteronomium (SBAB 2; Stuttgart: Katholisches Bibelwerk, 1997), 254ff; Gerhard Ries, Prolog und Epilog in Gesetzen des Merturms (MBPF 75; München: Beck, 1983); Martha T. Roth, Law Collections from Mesopotamia and Asia Minor (SBLAW 6; Atlanta, Ga.: Scholars Press, 1997).
44 Anke Joisten-Prusche, Das religiöse Leben der Juden von Elephantine in der Achämenidenzeit (GOF I III/3; Wiesbaden: Harrassowitz, 2008), 78–9; vgl. 77ff.
46 Cf. Antonius H. J. Gunnegeweg, Ezra (KAT XIX/1; Gütersloh: Gütersloher Verlagshaus, 1985), 137; "Die Verweile in Esras Hand" ist dasselbe, was V 14 als Gesetz in deiner Hand".
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This transformation of traditional concepts became necessary since Deuteronomy 4 no longer wants to legitimate a ruler before his people by his legislation. Rather, Deuteronomy 4 focuses on the justification of the laws of one people (Israel) before other nations (and their rulers). Such a situation arose for the Israelites or Judeans during Achaemenid rule. Even though there might not have existed a proper institution of an “imperial authorization” of local laws and customs, we have, nevertheless, enough evidence that the Achaemenid rulers were interested in the customs and laws of their subjects. Perhaps in some cases they even espoused the preservation of and compliance with such laws and customs.43

A Demotic text, for example, reports that Darius I instructed the Satrap of Egypt to send to him “the sages” of Egypt so that they could “write down the previous law of Egypt”, the “law of Pharaoh, the temple, (and) the people.” This was done. The laws were recorded on a papyrus scroll and a copy was made using “Assur script and epistolar script,” i.e., Aramaic and Demotic.44 This may have been more a collection of customs and the knowledge of Egypt in general as known to us from the walls of the Hibis-Temple in the oasis of El Khargeh than a codification of Egyptian law.45

In the Hebrew Bible the Artaxerxes rescript preserved in Ezra 7:12ff. attests—despite its questionable historicity—the notion that the Persian king takes care that the “law of your [i.e., Ezra’s] God and the law of the king” are observed in the province of Yehud (7:26). Additionally the king can speak of the law of Ezra’s God as “divine wisdom” (7:25).46

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44 Anke Joisten-Prußcha, „Das religiöse Leben der Juden von Elephantine in der Achämenidenzeit“ (GOH I 3/2; Wiesbaden: Harrassowitz, 2008), 78–9; vgl. 77ff.


46 Cf. Antonius H., J. Gunnwerg, Ezra (KAT XIX/1; Gütersloh: Gütersloher Verlagshaus, 1985), 137; Die „Weisheit in Ezras Hand“ ist dasselbe, was V 14 als „Gesetz in deiner Hand“
In their inscriptions, the Achaemenid rulers not only praise their own uprightness, but they also designate themselves as lawgivers according to the will of Ahuramazda and call for the observance of the law of Ahuramazda:

Saith Darius the King: Much, which was ill-done, that I made good. Provinces were in commotion, one man smiting the other. The following I brought about by the favor of Ahuramazda, that the one does not smite the other at all, each one is in his place. My law—of that they feel fear, so that the stronger does not smite nor destroy the weak.48

O man, which is the command of Ahuramazda, let this not seem repugnant to thee; do not leave the right path; do not rise in rebellion.49

Thou who (shalt be) hereafter, if you should think "Happy may I be when living and when dead may I be blessed," have respect for that law which Ahuramazda has established; worship Ahuramazda and Artsa reverently.50

The man who has respect for that law which Ahuramazda has established, and worships Ahuramazda and Artsa reverently, he both becomes happy while living and becomes blessed when dead.50

In the light of the self-representation of the Achaemenid kings, it is certainly possible to conceive the idea that one could be praised by such rulers for the observance of the laws of one's own god (Deut 4:6).

During the 5th century BCE Herodotus, too, shows a strong interest in the customs, practices and laws of different peoples.54 He does not only describe them, but often also evaluates them.55 In Hist. I 8 Gyges explains why it is sensible and useful to study the customs and practices of other peoples: "Men have long ago made wise rules for our learning." In Hist. II 160 Herodotus reports that messengers from Elis ask Egyptian sages for advice about how to make the most just rules of competition for the Olympic games. Hist. II 104 illustrates how laws and customs of one nation can influence others. According to Herodotus, one has to respect the differences in laws and customs among the various people. Since Cambyses did not do this, Herodotus declares him "very mad":

... else he would never have set himself to deride religion and custom. For if it were proposed to all nations to choose which seemed best of all customs, each, after examination, would place its own first; so well is each convinced that its own are by far the best. It is not therefore to be supposed that anyone, except a madman, would turn such things to ridicule. (Hist. III 38).

In principle, loyalty to one's own customs and laws is thus laudable.56 The cliché of the Jews as a nation of philosophers in Hellenistic times demonstrates that the expectation voiced in Deut 4:6 that they will be regarded as a wise and discerning people because of the obedience to the Mosaic law is not completely illusory.57 According to an attractive conjecture proposed by Adrian Schenker, this expectation could have been one of the motives for a translation of the Torah into Greek. The translation would then be an attempt to make the law known to the nations.58

5. Conclusion

If the reflections presented above are correct, Deut 4:5–8 is not a discussion of the relationship between Wisdom and Torah in principle. Rather, the verses express the desire that Israel's obedience to the Mosaic Law will

made all their customs and laws of a kind contrary for the most part of those of all other men": II 177: "a perfect law" etc.

53 See, e.g., Hist. IV 80: "This is how closely the Scythians guard their customs, and these are the penalties they inflict on those who add foreign customs to their own": IV 106: "The Man-eaters are the most savage of all men in their way of life; they know no justice and obey no law": VI 106: The Spartans "were unwilling to break the law": VII 102 in Hellas "courage is acquired as the fruit of wisdom and strong law".


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5. Conclusion

If the reflections presented above are correct, Deut 45–8 is not a discussion of the relationship between Wisdom and Torah in principle. Rather, the verses express the desire that Israel’s obedience to the Mosaic Law will made all their customs and laws of a kind contrary for the most part of those of all other men: II 177: "a perfect law" etc.

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Such an expectation fits well in the Persian period. Here at least an influential intellectual group in the province Yehud cherished the hope that the Mosaic Law (whatever its concrete form) would be accepted by the Achaemenid rulers as a local order of life. That this hope was fulfilled is reported (in a historically questionable way) in Ezra 7:21ff. Later on, the religious politics of Antiochus IV directed against such local laws, according to 1 Maccabees 1, led to the Maccabean revolt.

Even though Deut 45–8 is not a statement about the relationship between Wisdom and Torah in principle, the text probably initiated deeper and more exact reflection about this relationship—especially since, owing not least to the increasing knowledge of the laws and customs of other peoples, the question would, over the course of time, unavoidably arise as to whether all Mosaic laws are indeed as just and reasonable as Deut 45–8 claims.

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WHEN WISDOM IS NOT ENOUGH!
THE DISCOURSE ON WISDOM AND TORAH
AND THE COMPOSITION OF THE BOOK OF PROVERBS*

Bernd U. Schipper

In his "Introduction to the Old Testament" published in 1783, Johann Gottfried Eichhorn argued that the first collection of the book of Proverbs, chapters 1–9, should be separated as "a discrete scripture" from the rest of the book. Α Eichhorn based his argument on certain literary evidence. In terms of style as well as in regard to the concept of wisdom, the collection in Proverbs 1–9 differs from the other parts of the book. While Proverbs 10–22 and 25–29 contain "aphorisms in couplet form," Proverbs 1–9 and 30–31 present, as is often stated, "discourses of various characters." Β

It is a scholarly consensus that different concepts of Wisdom can be found in the book of Proverbs. Proverbs 1–9 represents a theological wisdom, while Proverbs 10–22 and 25–29 contain wisdom which focuses more on everyday life, and in the final chapters of the book (Proverbs 30–31) the focus shifts more to a reflection about wisdom itself. Α These final chapters contain the same argumentative style as the first collection. Here, the "proverbial collections," as they are often called, are primarily single sentences and short sayings. Β

* I am grateful to Anselm C. Hagedorn for his help in preparing the English version of this article.


2 Crawford H. Toy, A Critical and Exegetical Commentary on the Book of Proverbs (ICC; Edinburgh: T & T Clark, 1965), 48: "See, for example, the introduction in the most recent English commentaries: Michael V. Fox, Proverbs: A New Translation with Introduction and Commentary (a vals.; AB 18A–B; New Haven, Conn.: Yale University Press, 2004)."


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