

Rethinking the Relationship between Deuteronomy and the Deuteronomistic History: The Case of Kings

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IN THE PROLOGUE to his legal code, Hammurapi recounts the many blessings which the gods have enabled him to perform on behalf of his people.

He who heaps high abundance and plenty;
who perfects every possible thing for the city of Nippur;
the pious provider of the Ekur temple;
the capable king, the restorer of the city Eridu;
the purifier of the rites of the Eabzu temple;
the onslaught of the four regions of the world;
who magnifies the reputation of the city Babylon;
who gladdens the heart of his divine lord Marduk.¹

This extensive enumeration of the Babylonian monarch's accomplishments differs in length, but not so much in broad content, from the other royal encomiums one finds in ancient Near Eastern royal texts. (Re)construction of palace and temple, fortification of the city, victory in battle, national prosperity, international trade, international recognition, patronage of the cult, administration of justice, and personal piety are all points of pride in royal discourse.

An earlier version of this paper was delivered to a joint session of the sections "Biblical Law" and "Deuteronomistic History" at the Annual Meeting of the Society of Biblical Literature in 1999. I wish to thank the participants in this session for their thoughtful questions and comments.

¹ The translation follows that of M. T. Roth, *Law Collections from Mesopotamia and Asia Minor* (SBLWAW 6; Atlanta: Scholars, 1995) 77.

If the positive benefits of royal authority are enthusiastically championed by scribes in various Near Eastern lands, royal authority is itself an issue in Deuteronomy and the Deuteronomistic History. Over against the panegyrics one often finds in royal inscriptions, the Book of Deuteronomy presents a very wary attitude toward kingship. Many of the very trappings that elevate the king above his compatriots in Mesopotamian, Egyptian, and Canaanite societies are proscribed in Deuteronomy. Indeed, the monarchy is but one of several societal institutions restructured by the authors of Deuteronomy in the light of centralization.²

When one leaves Deuteronomy and approaches the narratives about the monarchy in Samuel-Kings, one is immediately confronted with a variety of issues in hermeneutics. Should the stories about Israel's and Judah's kings be read as self-contained wholes, or should they be read in the light of royal inscriptions from other lands in the ancient Near East?³ Should the stories be compared with a variety of earlier biblical laws? Or should the stories about Israel's and Judah's kings be read in the light of and compared with Deuteronomy? According to Martin Noth, the last option is the correct one.⁴ Noth has argued that the Deuteronomist, the author or editor of Joshua, Judges, Samuel, and Kings, incorporated *Urdeuteronomium* (Deut 4:44–30:20*) into the beginning of his work and framed it with speeches of Moses.⁵ Unfortunately, Noth did not develop or demonstrate this important point.⁶ The inclusion of law, according to Noth, was not an afterthought. The Deuteronomist assigned to it “a crucial role, regarding it as a norm for the relationship between God and people and as a yardstick by which to judge human conduct.”⁷ In this theory Deuteronomy becomes a hermeneutical cipher by which to understand and evaluate the monarchy.

The recourse to Deuteronomy is understandable and defensible. There are quotations of and allusions to Deuteronomy in Kings. The language, style, and theology of the speeches and prayers of major characters in Joshua, Samuel, and

² The impact of centralization on the formulation and order of these laws is underscored by B. M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997).

³ See, most recently, S. B. Parker, *Stories in Scripture and Inscriptions* (New York: Oxford University Press, 1997); N. Na'aman, “The Contribution of Royal Inscriptions for a Re-Evaluation of the Book of Kings as a Historical Source,” *JSOT* 82 (1999) 3-17.

⁴ M. Noth, *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament* (2d edition; Tübingen: Niemeyer, 1957). The first part of this work has been translated as *The Deuteronomistic History* (2d ed.; JSOTSup 15; Sheffield: JSOT Press, 1991).

⁵ Noth, *The Deuteronomistic History*, 27-33, 45-60.

⁶ Noth's discussion of *Urdeuteronomium* is rather brief; cf. T. Römer, “The Book of Deuteronomy,” in *The History of Israel's Traditions: The Heritage of Martin Noth* (ed. S. L. McKenzie and M. P. Graham; JSOTSup 182; Sheffield: JSOT Press, 1994) 178-83.

⁷ Noth, *The Deuteronomistic History*, 124.

Kings resonate to some degree with the language, style, and ideology of Deuteronomy.⁸ Nevertheless, Noth's important hypothesis raises major issues that need to be scrutinized carefully. The proposition that two different authors, or two different sets of authors, were involved in the composition of Deuteronomy and the Deuteronomistic work has been construed narrowly by Noth and the many others who have followed him. The Deuteronomist ostensibly cites Deuteronomy to critique the conduct of kings.⁹ But the relationship between two successive writers, or two successive groups of writers, need not be interpreted so simplistically or so narrowly. A later writer can complicate and contest an earlier work, even as she draws upon the phraseology and ideas from it within her own work. The repetition of a lemma from an older work does not entail the lemma's carrying the same meaning in its new context. New contexts generate new meanings. A writer can also quote portions of an authoritative work to defend or mask the innovations inherent within her own work. Indeed, this may best explain the relationship between Deuteronomy and the Covenant Code.¹⁰

Even when an author draws heavily upon an earlier work, the source may be only one of several employed by the author. Because the influences on such an author are many, the tenor, tone, and content of her work will not match the tenor, tone, and content of any one of her sources. The resulting literary product is a new creation. Chronicles may stand as an example. Few doubt that the Chronicler was

⁸ A cardinal point emphasized by Noth (*Deuteronomistic History*, 134-45), elaborated upon by O. Plöger ("Reden und Gebete im deuteronomistischen und chronistischen Geschichtswerk," in *Festschrift für Günther Dehn zum 75. Geburtstag* [ed. W. Schneemelcher; Neukirchen-Vluyn: Neukirchener Verlag, 1957] 35-49) and by M. Weinfeld (*Deuteronomy and the Deuteronomistic School* [Oxford: Oxford University Press, 1972] 320-67).

⁹ Noth thought that the Deuteronomist lived during the Babylonian exile. I place the composition of the primary edition of the Deuteronomistic History (Dtr¹) in the reign of Josiah: see G. N. Knoppers, *Two Nations under God: The Deuteronomistic History of Solomon and the Dual Monarchies* (2 vols.; HSM 52-53; Atlanta: Scholars, 1993-94) 1. 17-54. A number of other scholars have also disagreed with Noth about the date, purpose, and composition of the Deuteronomistic History. H. D. Preuss ("Zum deuteronomistischen Geschichtswerk," *TRu* 58 [1993] 229-64, 340-95) provides a comprehensive overview.

¹⁰ See R. Albertz, *A History of Israelite Religion in the Old Testament Period* (2 vols.; OTL; Louisville: Westminster/John Knox, 1994) 1. 203; F. Crüsemann, *The Torah: Theology and Social History of Old Testament Law* (Minneapolis: Fortress, 1996) 109-200; E. Otto, *Kontinuum und Proprium: Studien zur Sozial- und Rechtsgeschichte des Alten Orients und des Alten Testaments* (Orientalia Biblica et Christiana 8; Wiesbaden: Harrassowitz, 1996) 112-22; Levinson, *Deuteronomy and the Hermeneutics*, 23-97. On the reuse of older legal tradition in Deuteronomy, see also M. Z. Brettler, *The Creation of History in Ancient Israel* (London: Routledge, 1995) 62-78. The point cannot be dismissed if one follows J. Van Seters (*The Life of Moses: The Yahwist as Historian in Exodus-Numbers* [Louisville: Westminster/John Knox, 1994] 247-89) and reverses the line of dependence between the two works. Even if one argues that the (Yahwistic) author of the Covenant Code borrowed from Deuteronomy, the borrowing still results in a major transformation of earlier legal material.

indebted in some fashion to the standards of Deuteronomy. The Chronicler endorses the Deuteronomic demands for the centralization of Yahwistic worship and the elimination of all non-Yahwistic sanctuaries. In accordance with the standards of Deuteronomy, the Chronicler subordinates kings to the rule of law. The Chronicler, in fact, refers so often to earlier legal precedents that nineteenth-century commentators deemed this to be incontrovertible proof that he wrote late.¹¹ The Chronicler, writing about the past, clearly draws on Deuteronomy's legislation in another respect. By establishing an elaborate system in which punishments and rewards are tailored toward the actions of pivotal persons within the span of a single generation, the Chronicler writes a new account of the monarchy that conforms to the standard of divine justice found in Deut 7:9-10.¹² The system of rewards and punishments over several generations found in Kings gives way to one in which monarchs are rewarded or punished within the course of their own lifetimes. In this respect the Chronicler created a work that is more Deuteronomic than Kings is.¹³ In spite of the Chronicler's clear indebtedness to the standards espoused in Deuteronomy, no one, to my knowledge, has argued in favor of renaming Chronicles "The True Deuteronomistic History."¹⁴ The reason may have to do with the sense that the Chronicler is indebted to a variety of earlier influences, including Deuteronomy, and that in spite of this indebtedness to earlier tradition, the Chronicler often goes his own way. Was there not something similar in the relation of Samuel-Kings to Deuteronomy? The depiction and evaluation of the monarchy in Samuel-Kings show a number of major influences, including that of *Urdeuteronomium*.

In what follows I will address the issue of royal authority in Deuteronomy and the Deuteronomistic History by drawing a number of comparisons between the presentation of kingship in Deuteronomy and that in Kings. The Deuteronomic

¹¹ See M. P. Graham, *The Utilization of 1 and 2 Chronicles in the Reconstruction of Israelite History in the Nineteenth Century* (SBLDS 116; Atlanta: Scholars, 1990); K. Peltonen, *History Debated: The Historical Reliability of Chronicles in Pre-Critical and Critical Research* (2 vols.; Publications of the Finnish Exegetical Society 64; Helsinki: Finnish Exegetical Society; Göttingen: Vandenhoeck & Ruprecht, 1996).

¹² On the manner in which the writers of Deut 7:9-10 revise earlier precedent, see B. M. Levinson, "The Human Voice in Divine Revelation: The Problem of Authority in Biblical Law," in *Innovation in Religious Traditions: Essays in the Interpretation of Religious Change* (ed. M. A. Williams, C. Cox, and M. S. Jaffee; Religion and Society 31; Berlin: de Gruyter, 1992) 46-61. The Chronicler's depiction of justice in a single generation was likely influenced also by Ezekiel 18 and Ezek 33:10-20; see S. Japhet, *The Ideology of the Book of Chronicles and Its Place in Biblical Thought* (BEATAJ 9; Frankfurt am Main: Lang, 1989) 161-65.

¹³ See G. N. Knoppers, "Solomon's Fall and Deuteronomy," in *The Age of Solomon: Scholarship at the Turn of the Millennium* (ed. L. K. Handy; SH[C]ANE 11; Leiden: Brill, 1997) 392-410.

¹⁴ The Chronicler's debt to Deuteronomy is stressed by G. von Rad, *Das Geschichtsbild des christlichen Werkes* (BWANT 54; Stuttgart: Kohlhammer, 1930).

law of the king, seen in the context of a larger program for distributing power among a variety of Israelite office holders, will serve as a starting point. The exercise should illumine distinctive features of both works. Most of the comparisons will be drawn from Kings rather than Samuel, because the nature and extent of the Deuteronomistic editing of Samuel continue to be the subjects of much debate,¹⁵ while most scholars agree that the Book of Kings has been edited substantially by the Deuteronomists.

I. The Marginalization of and Constraints upon Kingship in Deuteronomy

The Deuteronomic law of the king is but one part of a larger program for distributing powers among a variety of institutions—local courts (Deut 16:18; 17:2-7), a central court (17:8-13), a king (17:14-20), a levitical priesthood (18:1-8), and prophets (18:15-22).¹⁶ Within the division of powers envisioned by the

¹⁵ T. Veijola, *Das Königtum in der Beurteilung der deuteronomistischen Historiographie: Eine redaktionsgeschichtliche Untersuchung* (Annales Academiae Scientiarum Fennicae B/198; Helsinki: Suomalainen Tiedeakatemia, 1977); J. Van Seters, *In Search of History* (New Haven: Yale University Press, 1983); W. Dietrich, *David, Saul, und die Propheten: Das Verhältnis von Religion und Politik nach den prophetischen Überlieferungen vom frühesten Königtum in Israel* (BWANT 122; Stuttgart: Kohlhammer, 1987); M. A. O'Brien, *The Deuteronomistic History Hypothesis: A Reassessment* (OBO 92; Fribourg: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1989); A. Rofé, "Ephraimite versus Deuteronomistic History," in *Storia e tradizioni di Israele: Scritti in onore di J. Alberto Soggin* (ed. D. Garrone and F. Israel; Brescia: Paideia, 1991) 221-35; S. Seiler, *Die Geschichte von der Thronfolge Davids (2 Sam 9–10; 1 Kön 1–2): Untersuchungen zur Literarkritik und Tendenz* (BZAW 267; Berlin: de Gruyter, 1998).

¹⁶ This can be seen in U. Rüterswörden, *Von der politischen Gemeinschaft zur Gemeinde: Studien zu Dt 16,18–18,22* (BBB 65; Frankfurt am Main: Athenäum, 1987); S. D. McBride, "Polity of the Covenant People," *Int* 41 (1987) 229-44; J. C. Gertz, *Die Gerichtsorganisation Israels im deuteronomischen Gesetz* (FRLANT 165; Göttingen: Vandenhoeck & Ruprecht, 1994) 28-97; Albertz, *History of Israelite Religion*, 1. 195-226; C. Schäfer-Lichtenberger, "Der deuteronomische Verfassungsentwurf: Theologische Vorgaben als Gestaltungsprinzipien sozialer Realität," in *Bundesdokument und Gesetz: Studien zum Deuteronomium* (ed. G. Braulik; Herders biblische Studien 4; Freiburg: Herder, 1995) 105-18; E. Otto, "Von der Gerichtsordnung zum Verfassungsentwurf: Deuteronomische Gestaltung und deuteronomistische Interpretation im 'Ämtergesetz' Dtn 16,18–18,22," in "Wer ist wie du, Herr, unter den Göttern?" *Studien zur Theologie und Religionsgeschichte Israels für Otto Kaiser zum 70. Geburtstag* (ed. I. Kottsieper et al.; Göttingen: Vandenhoeck & Ruprecht, 1994) 142-55; idem, "Von der Programmschrift einer Rechtsreform zum Verfassungsentwurf des Neuen Israel: Die Stellung des Deuteronomiums in der Rechtsgeschichte Israels," in *Bundesdokument und Gesetz* (ed. Braulik), 92-104; W. S. Morrow, *Scribing the Center: Organization and Redaction in Deuteronomy 14:1–17:13* (SBLMS 49; Atlanta: Scholars, 1995); Crüsemann, *Torah*, 234-49; W. Dietrich, "Histoire et Loi: Historiographie deutéronomiste et Loi deutéronomique à l'exemple du passage de l'époque des Juges à l'époque royale," in *Israël construit son histoire: L'historiographie deutéronomiste à la lumière des recherches récentes* (ed. A. de Pury, T. Römer, and J.-D. Macchi; MDB 34; Geneva: Labor

authors of Deuteronomy, the monarchy is the only social institution whose existence is deemed to be optional.¹⁷ In the Sumerian King List, the monarchy is “lowered from heaven,” but in Deuteronomy the advent of the monarchy is neither necessary nor inevitable.¹⁸ The creation of a system both with local courts and with one central court is mandated by Deuteronomic law (Deut 17:2-7, 8-13). Prophecy, redefined by the authors of Deuteronomy (18:5-22), is a requisite component of Israel’s national constitution. The Levites, whose inheritance is deemed to be Yhwh himself, are given a clear mandate to receive various offerings from the people (18:1-8); Levi and his descendants, elected by God, serve in perpetuity in Yhwh’s name (18:5). In contrast to the divine affirmation of these other offices, kingship is not divinely mandated but is conceded to popular desire when Israel finds itself in the land (17:14). The possibility of the monarchy’s introduction into Israelitic life is completely contingent upon the people’s wishes (17:14-15). Its possible attraction lies not with any benefit inhering in the institution itself but rather with the fact that kingship is the prevailing form of governance in other societies (17:14).

The significance of the monarchy’s optional status is easily overlooked. Because the monarchy is not essential to the national constitution, Israel can do quite well without it. In Deuteronomy some of Israel’s institutions clearly depend upon each other; for instance, the demand for the constitution of a central court presumes the existence of magistrates and levitical priests to staff such a tribunal (Deut 17:9). But the courts, the military, the levitical priests, and the prophets do not depend on the monarchy. Kingship is neither mentioned nor alluded to in connection with centralization (12:1-31), the penalties for oneiromancy (13:2-6), the punishments for seditious agitation (13:7-19), the support of the Levites (14:27-29), the remission of debts in the seventh year (15:1-18), the three major feasts (16:1-17), or the organization of the military (20:1-9). None of this legislation accords any role

et Fides, 1996) 297-323; J. H. Tigay, *Deuteronomy* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1996) 159-78; Levinson, *Deuteronomy and the Hermeneutics*, 98-143.

¹⁷ At the end of this essay, we will revisit the question of the composition of Deut 16:18–18:22 and its relation to the work of the Deuteronomistic writer(s), but because we focus primarily on the larger question of the relationship between Deuteronomy and the Deuteronomistic History in matters of royal authority, it seems best not to prejudice the issue at the outset. For the convenience of readers, variant positions on the composition of the Deuteronomic law of the king will be noted throughout the course of our discussion; F. García López (“Le roi d’Israël: Dt 17, 14-20,” in *Das Deuteronomium: Entstehung, Gestalt und Botschaft* [ed. N. Lohfink; BETL 68; Leuven: Leuven University Press, 1985] 277-97) provides a helpful overview of recent scholarship.

¹⁸ See T. Jacobsen, *The Sumerian King List* (AS 11; Chicago: University of Chicago Press, 1939) 70-71.

of enforcement to an overarching royal authority. It was common for royal scribes in the ancient Near East to celebrate the position of monarchical rule at the center of national polity, but the Deuteronomic authors reduce the prerogatives of kingly rule, relegating the monarchy to a contingent, ancillary, and minor status in Israelite polity.¹⁹

The fine balance struck by the division of powers does not match up well against the Deuteronomistic presentation of the monarchy, which shows little interest in a distribution of power among several different social institutions along the lines suggested by Deuteronomy. For example, neither the legislation affecting the operation of local courts nor the legislation calling for the creation of a central court is mentioned in Kings. The Deuteronomist shows no interest in local courts staffed by magistrates and officials or in a central court staffed by levitical priests and a magistrate. The operative contrast here comes in Chronicles, by a historian who does manifest an interest in Deuteronomy's judicial system.²⁰ The Deuteronomist criticizes neither David nor Solomon for appointing or dismissing priests.²¹ He does not attack Solomon and Josiah for leading the people in observing the

¹⁹ Because Deuteronomy does engage kingship, the judiciary, prophecy, and the functions of those holding the related offices, it seems best not to view Deut 16:18–18:22 as a text concerned solely with cultic and religious matters, *pace* L. Peritt, "Der Staatsgedanke im Deuteronomium," in *Language, Theology, and The Bible: Essays in Honour of James Barr* (ed. S. E. Balentine and J. Barton; Oxford: Clarendon, 1994) 182-98. In the ancient Near East, cultic issues are not easily dissociated from social, economic, and political issues. The law of the king may be utopian, idealistic, and impractical, as Peritt insists, but that does not mean that the law of the king is also apolitical. Insofar as the stipulations in Deut 16:18–18:22 define the functions of priests, prophets, judges, and (potentially) kings, these stipulations sketch a polity of leadership for Israel. As such, this material is profoundly political in nature, as well as social and religious. See B. Halpern, *The Constitution of the Monarchy in Israel* (HSM 25; Chico, CA: Scholars, 1981) 226-33; McBride, "Polity," 229-44; Rütterswörden, *Von der politischen Gemeinschaft*, 89-91; J. G. McConville, "King and Messiah in Deuteronomy and the Deuteronomistic History," in *King and Messiah in Israel and the Ancient Near East: Proceedings of the Oxford Old Testament Seminar* (ed. J. Day; JSOTSup 270; Sheffield: JSOT Press, 1998) 276-81.

²⁰ In the Chronicler's presentation of Jehoshaphat (2 Chr 19:4-11), drawing upon Exod 18:13-27 and Deut 1:9-18; 17:8-13, the Judahite king creates a central court staffed by Levites, priests, and ancestral heads (2 Chr 19:4-11). In line with Deuteronomy's legislation, the king has no direct role in the ongoing operation of the central court, but Jehoshaphat, as king, does convene the court and instruct its judges both about their specific responsibilities and about the proper execution of justice (2 Chr 19:6-7, 10-11). In spite of the Chronicler's reference to Deuteronomy, no such royal role is envisaged in Deuteronomy itself: see G. N. Knoppers, "Jehoshaphat's Judiciary and the Scroll of YHWH's Torah," *JBL* 113 (1994) 59-80.

²¹ Compare 2 Sam 8:17-18; 20:25-26; 1 Kgs 2:26-27, 35; 4:22. See further S. Olyan, "Zadok's Origins and the Tribal Politics of David," *JBL* 101 (1982) 177-93; R. D. Nelson, "The Role of the

major feasts of *sukkôt* and *pesah*, respectively.²² In Deut 31:9-13 Moses hands the Torah to the elders and the priests and informs the latter that they are to recite “this Torah in the presence of all Israel” every seven years. In the Books of Joshua, Judges, Samuel, and Kings there are precious few instances in which the Torah is actually read aloud in the context of a public assembly, and even when it is, the proceedings do not follow a Deuteronomic script. Joshua reads the text of the Torah to elders, officials, magistrates, levitical priests, and resident aliens, while Josiah reads the text of the covenant to people, priests, and prophets alike (2 Kgs 23:2-3).²³

To be sure, Deuteronomy’s carefully balanced polity allows for a kingship of very limited powers (Deut 17:14-20), but the institution of Deuteronomic kingship should not be confused with that of the chief executive office one finds in Kings. If the legislation of Deut 16:18-18:22 creates a balance of powers, the monarchy is one of the lesser powers in that balance. Most of the actual stipulations in the law of the king are negative, placing restrictions on monarchical powers and prerogatives.

According to the first restriction, the monarch cannot be a foreigner but must be a person drawn from among the Israelite populace, whom Yhwh elects (בַּחֵר, 17:15).²⁴ A basic kinship exists among all Israelites, and the relationship between God and people is primary.²⁵ In this respect the king does not even

Priesthood in the Deuteronomistic History,” in *Congress Volume, Leuven, 1989* (ed. J. A. Emerton; VTSup 43; Leiden: Brill, 1991) 132-47.

²² Most commentators understand “the feast” (אָהֶל) of 1 Kgs 8:65 as a reference to the Feast of Booths. Josiah’s Passover is depicted in 2 Kgs 23:21-23 (cf. Deut 16:1-8).

²³ Although Deut 31:9-13 may be secondary to *Urdeuteronomium* (see, e.g., A. D. H. Mayes, *Deuteronomy* [NCB; Grand Rapids: Eerdmans, 1979] 374-75), it is doubtful that these verses stem from the Deuteronomistic Historian(s). There is a clear discrepancy between what Deut 31:9-13 mandates and what one reads in Josh 8:30-35 and 2 Kgs 23:1-3.

²⁴ Both K. Galling (“Das Königsgesetz im Deuteronomium,” *TLZ* 76 [1951] 133-34) and G. von Rad (*Deuteronomy* [OTL; Philadelphia: Westminster, 1966] 119) have seen the mandate of Deut 17:15, “you shall set over yourself a king whom your God will choose (בַּחֵר) from among your brethren,” as a mandate pointing toward charismatic kingship. Yet both Saul (1 Sam 10:24; 2 Sam 21:6) and David (2 Sam 16:18; 1 Kgs 8:16; 11:34) are said to be God’s elect. See further R. Clements, “The Deuteronomistic Interpretation of the Founding of the Monarchy in I Sam. VIII,” *VT* 24 (1974) 398-410. Moreover, the law of the king allows for dynastic kingship (Deut 17:20), as D. A. Glatt-Gilad (“The Deuteronomistic Critique of Solomon: A Response to Marvin A. Sweeney,” *JBL* 116 [1997] 700-703) reminds us.

²⁵ Deut 1:16-17; 13:12; 17:15; 18:1-8; 21:21; 29:9-10. See G. von Rad, *Studies in Deuteronomy* (SBT 9; London: SCM, 1953) 70-71; O. Bächli, *Israel und die Völker: Eine Studie zum Deuteronomium* (ATANT 41; Zurich: Zwingli, 1962); Weinfeld, *Deuteronomy and the Deuteronomic School*, 91-100; L. Peritt, “‘Ein einzig Volk von Brüdern’: Zur deuteronomischen Herkunft der biblischen Bezeichnung ‘Bruder,’” in *Kirche: Festschrift für Günther Bornkamm zum 75. Geburtstag* (ed. D.

attain the rank of first among equals.²⁶ Not only must the king come from the ranks of the Israelites; he also must not exalt his heart above his kinsmen (17:20).²⁷

According to the second and third restrictions, the king must neither multiply horses for himself nor lead the people back to Egypt to multiply horses (Deut 17:15). The meaning of these stipulations is debated. Does the proscription of accruing horses (17:16) address the issue of commercial expeditions or the quantity of cavalry and combat chariotry?²⁸ Does the proscription of returning to Egypt refer to slave trade,²⁹ or does it refer to chariot trade?³⁰ This may be a case not of either/or but of both/and. Since horses could be used in both commercial and military enterprises, the mention of accruing horses and of going back to Egypt to amass horses may be sufficiently broad to cover both martial and commercial enterprises. If so, these two stipulations would severely undermine the king's ability to conduct war and engage in trade with other nations. In this context, the Deuteronomic prescriptions governing the conduct of war are relevant (Deut 20:1-20). In times of war, the constitution of an army is incumbent upon the body politic. Allowances are made for all sorts of predicaments that might lead someone to recuse himself from active duty (20:5-9). The Deuteronomic legislation mentions a priest (כֹּהֵן) and officers (שָׂטָרִים), who are to

Lührmann and G. Strecker; Tübingen: Mohr [Siebeck], 1980) 28-52; H. D. Preuss, *Deuteronomium* (ErFor 164; Darmstadt: Wissenschaftliche Buchgesellschaft, 1982) 182-85; E. W. Nicholson, "Deuteronomy's Vision of Israel," in *Storia e tradizioni di Israele* (ed. Garrone and Israel), 191-203.

²⁶ McBride ("Polity," 241) cites Deut 10:8-9; 21:5; 31:9; 33:8-10 to argue that the levitical priests wield the most power of all the office holders described in Deuteronomy. No one, however, thinks that among Deuteronomy's office holders the king wields substantial power.

²⁷ Mayes, *Deuteronomy*, 55-57; G. Braulik, *Deuteronomium II: 16,18-34,12* (NEchtB 28; Würzburg: Echter, 1992) 130.

²⁸ See the discussions by H. L. Ginsberg, *The Israelian Heritage of Judaism* (Texts and Studies of the Jewish Theological Seminary of America 24; New York: Jewish Theological Seminary, 1982) 23-24; G. E. Gerbrandt, *Kingship according to Deuteronomistic History* (SBLDS 87; Atlanta: Scholars, 1986) 111; E. Nielsen, *Deuteronomium* (HAT 1/6; Tübingen: Mohr [Siebeck], 1995) 185; Tigay, *Deuteronomy*, 167.

²⁹ Galling, "Königsgesetz," 136; von Rad, *Deuteronomy*, 119; Gerbrandt, *Kingship*, 111. Some commentators (e.g., A. C. Welch, *The Code of Deuteronomy: A New Theory of Its Origin* [New York: Doran, 1924] 117-18; G. Minette de Tillesse, "Sections 'tu' et sections 'vous' dans le Deutéronome," *VT* 12 [1962] 69-70) view v. 16b as a gloss.

³⁰ S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; 3d ed.; Edinburgh: T. & T. Clark, 1902) 211-12. See also the comments of D. J. Reimer, "Concerning Return to Egypt: Deuteronomy xvii 16 and xxviii 68 Reconsidered," in *Studies in the Pentateuch* (ed. J. A. Emerton; VTSup 41; Leiden: Brill, 1990) 217-29, and of D. G. Schley, "'Yahweh will cause you to return to Egypt in ships' (Deut XXVIII 68)," *VT* 35 (1985) 369-72. Some writers (e.g., A. Caquot, "Remarques sur la 'loi royale' du Deutéronome," *Sem* 9 [1959] 28; Mayes, *Deuteronomy*, 272) think that the proscription deals more broadly with alliances.

address the troops, and army commanders (שָׂרֵי צְבָאוֹת), who are to lead the troops (20:1-9). In many ancient Near Eastern societies a traditional royal duty involved mobilizing, organizing, and leading the military, which would be composed in large measure of professional troops, but the monarch is not given any major role in the war legislation of Deuteronomy.³¹ The commanders of the army are appointed by the officers (20:9).³² Moreover, the law of the king limits the number of horses a king may acquire, thereby severely restricting his ability to wage war. In the laws governing the protocols of martial conduct, the king does not function as an officer, much less as a commander in chief; in fact, the king is not mentioned at all.³³

The fourth restriction placed upon the monarchy centers on royal polygamy. The king must not have many wives, “lest his heart turn astray” (Deut 17:16). Again, the contrast with the situation in other Near Eastern lands is striking. The royal harem was a sign of a king’s status and prestige, a symbol of his power and affluence. Limiting the number of wives that a monarch could have also reduces his capacity to use members of his royal family in marriage alliances with neighboring states.³⁴ Such a harem, deemed to have a potentially corrosive effect on a monarch’s character, is forbidden to the Israelite king.

The fifth restriction placed upon Israel’s would-be monarch is the proscription of substantial wealth. The king is not allowed to accrue large quantities of silver and gold (Deut 17:17).

The only positive mandate given to the king in Deuteronomy centers on the study of Torah. Upon taking office, the king is to make a copy of the Torah from the scroll that is in the custody of the levitical priests (Deut 17:18).³⁵ The authors of Deuteronomy, assuming that the king can become a *litteratus*, mandate that the monarch keep this copy close by and read it all the days of his life, so that he may learn to fear Yhwh and “observe all the words of this Torah” (17:19). The emphasis on subordination to the terms of the Torah is especially prominent in the last section of the law of the king. While a number of ancient Babylonian and

³¹ Rütterswörden, *Von der politischen Gemeinschaft*, 90.

³² According to Deut 16:18, the officers “within your gates” are to be appointed by the people.

³³ It is unclear whether the Deuteronomic legislation prohibits the Israelites themselves from accumulating horses and chariots. As Ginsberg (*Israelian Heritage*, 23-24) and Tigay (*Deuteronomy*, 186) observe, the legislation on sacral war in Deuteronomy 20 seems to assume the elimination of professional soldiers. Whether the legislation also eliminates the use of chariots is unclear, because the formulation of Deut 20:1 may presume that the Israelites have horses and chariots of their own.

³⁴ This phenomenon is discussed by D. J. McCarthy, *Treaty and Covenant* (AnBib 21; 2d ed.; Rome: Biblical Institute Press, 1978) 62-63, 74-75 and, in more detail by P. Kalluveettil, *Declaration and Covenant* (AnBib 88; Rome: Biblical Institute Press, 1982) 79-83.

³⁵ The difficult expression מִלְפָּנֵי הַכֹּהֲנִים הַלְוִיִּם in Deut 17:18 has occasioned considerable discussion, but most commentators agree that it intimates the levitical priests’ having custody of the Torah scroll. See also Deut 31:9-13, although many commentators consider this text a later addition.

Assyrian kings promulgate law, the authors of Deuteronomy subordinate the king to law. In Deuteronomy, the king is subject to a legal code that is not promulgated by him. Moreover, he is subject not to a separate law but to the same law to which the people are subject.³⁶ Only by fulfilling the terms of the instruction, straying “neither to the right nor to the left,” will the king and his descendants experience a long reign in the midst of Israel (17:20).

At this point, it might be protested that the law of the king is being read too restrictively. One could argue that the law of the king, brief in length and selective in its coverage, leaves kings with considerable legal room to maneuver. Conceivably, for example, the monarch could have some administrative responsibilities, even though no such duties are outlined in the text. This may be true. Nevertheless, one is left with the task of counterbalancing the king’s restrictions and his one positive responsibility over against the duties of the people at large and those of the other office holders. The whole point of apportioning authority among several authorities is to ensure that no one person aggrandizes or monopolizes power.³⁷ In this respect, the Deuteronomic legislation does not seem to permit one authority to usurp the prerogatives of another. For instance, because the king’s only positive function is to read the Torah daily, he has no authority either to teach the Torah or to interpret it (Deut 17:18-19).³⁸ Deuteronomy’s king may function as a model Israelite or as a symbolic head of state.³⁹ Nevertheless,

³⁶ A point stressed by R. Sonsino, “Characteristics of Biblical Law,” *Judaism* 33 (1984) 203-4.

³⁷ See N. Lohfink, “Die Sicherung der Wirksamkeit des Gotteswortes durch das Prinzip der Schriftlichkeit der Tora und durch das Prinzip der Gewaltenteilung nach den Ämtergesetzen des Buches Deuteronomium (Dt 16,18–18,22)” in his *Studien zum Deuteronomium und zur deuteronomistischen Literatur* (3 vols.; Stuttgarter biblische Aufsatzbände 8, 12, 20; Stuttgart: Katholisches Bibelwerk, 1990) 1. 305-23, esp. 315-17.

³⁸ Some commentators view Deut 17:18, or Deut 17:18-19, as a secondary text. Among them are Galling, “Königsgesetz,” 136; Minette de Tillesse, “Sections ‘tu’ et sections ‘vous,’” 70; von Rad, *Deuteronomy*, 119; R. P. Merendino, *Das deuteronomische Gesetz: Eine literarkritische, gattungs- und überlieferungsgeschichtliche Untersuchung zu Dt 12–26* (BBB 31; Bonn: Hanstein, 1969) 181-85; G. Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Kohlhammer, 1971) 233-35; T. Veijola, *Die ewige Dynastie: David und die Entstehung seiner Dynastie nach der deuteronomistischen Darstellung* (Annales Academiae Scientiarum Fennicae B/193; Helsinki: Suomalainen Tiedeakatemia, 1975) 141; T. N. D. Mettinger, *King and Messiah: The Civil and Sacral Legitimation of the Israelite Kings* (ConBOT 8; Stockholm: Almqvist & Wiksell, 1976) 289-90; Mayes, *Deuteronomy*, 271; Gerbrandt, *Kingship*, 105; García López, “Le roi d’Israël,” 296; Nielsen, *Deuteronomium*, 174, 178-79. Deleting 17:18-19 leaves the law of the king with only prohibitions. It is possible that those verses stem from a second stage of development in which the editors self-consciously refer to “this Torah,” but it seems doubtful that these verses stem from the Deuteronomistic editors of Samuel-Kings. The authors of Samuel-Kings do not display any sustained interest in whether kings (except for Josiah, 2 Kgs 23:2) read the Torah scroll. Even Josiah does not simply read the scroll to himself (וַיִּקְרָא בְּאָזְנֵיהֶם); he also reads it publicly to the people (וַיִּקְרָא בְּרָא).³⁹

³⁹ So Lohfink, “Sicherung der Wirksamkeit,” 318, and García López, “Le roi d’Israël,” 297.

teaching the Torah is a function of the priesthood, which has custody of the Torah (17:18). Speaking on behalf of God (18:1-8) is a prophetic function (18:19-22).

The Deuteronomic law also affords the king with no opportunity, legally speaking, to alter this larger state of affairs.⁴⁰ The king is unable to amend the Torah's own regulations on the distribution of power. The divine voice in Deuteronomy proclaims the Torah scroll absolute, prohibiting any alteration of its content (Deut 13:1; 17:20). In this manner, the dispersal of powers mandated by Deuteronomy provides a monarch with no warrant to expand his power at the expense of other authorities. It is only by honoring the directives of the Torah scroll, which include clear restrictions upon royal prerogatives, that a king and his descendants can expect to reign for a long time (17:20).

Even a cursory analysis of the law of the king reveals that some expected royal responsibilities are missing. One is the king's responsibility for the administration of justice and involvement in it. As mediators between the divine and human realms kings represented the gods and goddesses to the people by securing the people's peace and justice. The ministry of justice, the prerogative and responsibility of the king, was thought to be instrumental in ensuring the harmonious operation of society. Hence, Hammurapi boldly claims that he instituted "law and justice in the language of the land thereby promoting the welfare of the people."⁴¹ In Kings, the case of the two prostitutes tests Solomon's mettle as royal judge in Israel (1 Kgs 3:16-28). His shrewd judgment in this decision wins him juridical acclaim: "When all Israel heard the judgment which the king rendered . . . , they realized that he had divine wisdom (חכמת אלהים) to render justice" (1 Kgs 3:28).⁴² Conversely, injustice and inefficient rule are the major reasons why Yašsub demands that his father abdicate the throne in the Legend of Kirta.⁴³

In the tradition of sacral kingship, a king occupies a critical position between the divine and human spheres; but this tradition, attested at Ugarit, in Egypt, and in various Mesopotamian city states, is absent from Deuteronomy.⁴⁴ The proposition that the Israelite king is the adopted son of a god is not to be found in

⁴⁰ Lohfink, "Sicherung der Wirksamkeit," 318.

⁴¹ Translation of T. J. Meek, *ANET*³, 165.

⁴² See Knoppers, *Two Nations under God*, 1. 81-84.

⁴³ KTU 1.16.VI.39-58. See G. N. Knoppers, "Dissonance and Disaster in the Legend of Kirta," *JAOS* 114 (1994) 572-82.

⁴⁴ The royal ideologies found in these cultures were neither uniform nor static, of course, but scribes in these societies did share some basic notions about the importance of the king and about the king's critical status in mediating between the divine and the human; see R. Labat, *Le caractère religieux de la royauté assyro-babylonienne* (Etudes d'assyriologie 2; Paris: Librairie d'Amérique et d'Orient Adrien-Maisonneuve, 1939); H. Frankfort, *Kingship and the Gods: A Study of Ancient Near Eastern Religion as the Integration of Society and Nature* (Chicago: University of Chicago Press, 1948); W. H. Schmidt, *Königtum Gottes in Ugarit und Israel: Zur Herkunft der Königsprädikation Jahwes* (BZAW 80; 2d ed.; Berlin: Töpelmann, 1966); J. Gray, "Sacral Kingship in Ugarit," *Ugaritica* 6 (1969) 289-302; S. N. Kramer, "Kingship in Sumer and Akkad: The Ideal King," in *Le palais et*

Deuteronomy.⁴⁵ If anyone qualifies for the exalted metaphor “son of God” in Deuteronomy, it is Israel, not the king.⁴⁶ The determination that a king should oversee and maintain worship, caring for its sacral places, festivals, rites, holdings, and personnel, is absent from Deuteronomy.⁴⁷ One might suppose that the principal aim of legislation in Deuteronomy—centralization—would entail the ascent of royal authority, but this does not seem to be the case. In Deuteronomy the elimination of all non-Yahwistic sanctuaries and the centralization of Yahwistic worship are the responsibility of the body politic (Deut 12:1-28). Similarly, the legislation centralizing the Feast of Passover, the Feast of Weeks, and the Feast of Booths affects all Israelite males, who are commanded to appear in the “place that he will choose” (16:16). Neither the transformation of these three major festivals nor the apparent relegation of the Feast of Unleavened Bread to a local celebration, both mandated by Deuteronomic legislation,⁴⁸ accords any formal role to the king, the figure potentially reigning in the city containing the central sanctuary.⁴⁹ “The centralized cultus usurps the place—textual as well as hierarchical—more conventionally ascribed to the monarch.”⁵⁰

The situation is different, however, in Samuel-Kings. There, something of the belief in sacral kingship is retained. Both David and Solomon are portrayed as pivotal figures in their times. David and Solomon offer sacrifices, are anointed kings, lead national assemblies, participate in ritual processions, and utter prayers with national implications.⁵¹ Solomon pronounces divine blessings and prays that the petitions in his prayer will be recited when the Israelites find themselves in all sorts of different predicaments (1 Kgs 8:15-61). Solomon, of course, is responsible for building, furnishing, and successfully dedicating the temple at Jerusalem

la royauté (archéologie et civilisation), compte rendu (ed. P. Garelli; XIX^e Rencontre Assyriologique Internationale; Paris: Geuthner, 1974) 163-76; M. T. Larsen, “The City and Its King: On the Old Assyrian Notion of Kingship,” in *Le palais et la royauté* (ed. Garelli), 285-300; G. W. Ahlström, *Royal Administration and National Religion in Ancient Palestine* (SH[C]ANE 1; Leiden: Brill, 1982) 1-25; H. Cazelles, “Sacral Kingship,” *ABD*, 5. 863-66.

⁴⁵ 2 Sam 7:14; Isa 9:5; Pss 2:7; 89:20-38; 110:1-7. See F. M. Cross, *Canaanite Myth and Hebrew Epic* (Cambridge, MA: Harvard University Press, 1973) 241-65, and the references given there.

⁴⁶ Deut 1:31 (cf. Exod 4:22-23; Hos 11:1); McConville, “King and Messiah,” 276.

⁴⁷ Contrast the sentiments found in Pss 2:1-9; 45:1-18; 72:1-19; 78:68-72; 89:1-38; 110:1-7; 132:1-18. See G. N. Knoppers, “David’s Relation to Moses: The Context, Content, and Conditions of the Davidic Promises,” in *King and Messiah* (ed. Day), 91-118, and the references given there.

⁴⁸ See Levinson, *Deuteronomy and the Hermeneutics*, 53-97.

⁴⁹ Were a landed Israel to demand a king, that king as an Israelite male would be expected to “appear before Yhwh your God in the place he will choose,” along with his own gift according to the blessing that Yhwh bestowed upon him (Deut 16:16-17), but he would do so as one of many Israelite males participating in the nation’s major pilgrimage feasts.

⁵⁰ Levinson, *Deuteronomy and the Hermeneutics*, 142.

⁵¹ 2 Sam 5:3; 6:1-19; 7:18-29; 23:16; 24:22-25; 1 Kgs 1:39; 3:4, 6-9, 15; 8:1-2, 5, 62-64; 9:25; 10:5.

(1 Kgs 6:1-9:1). David is repeatedly upheld by the Deuteronomist as the model king whom all Judahite kings should emulate.⁵²

The evaluations of royal figures in Kings assume that the monarchs of Israel and Judah are responsible for maintaining the relationship between God and people. In the Deuteronomist's narration of the monarchy he expects kings to use all of their powers to promote and defend the temple at Jerusalem. He expects kings to secure both *Kultuseinheit* and *Kultusreinheit*.⁵³ In this respect Chronicles offers another interesting contrast. Whereas the Deuteronomist, in Kings, ties the nation's weal and woe directly to the actions of the king, the Chronicler mentions popular involvement in reforms and national declines. Judah's regression under Rehoboam, for example, is due not only to Rehoboam's abandonment of Torah but also to that of "all Israel with him" (2 Chr 12:1). Similarly, in discussing the reforms of prominent kings such as Hezekiah (2 Chronicles 29-31) and Josiah (2 Chr 34:4-13; 35:1-19), the Chronicler stresses the involvement of the people, the priests, and the Levites.⁵⁴

As Noth himself acknowledged, the Deuteronomist's recourse to the Deuteronomic law in judging the monarchy was selective. The Deuteronomist does not always define what the "statutes" (חֻקִּים), "testimonies" (עֲדוּת), "judgments" (מִשְׁפָּטִים), and "commandments" (מִצְוָה) are, but as most commentators have stressed, their primary reference is cultic. By comparison, the Deuteronomic code contains a wide range of legislation affecting social, economic, cultic, and political aspects of Israelite society. The great reduction of what constitutes normative law has more consequences than many scholars have realized. The concentration upon cultic matters is a huge concession, because it effectively eliminates most of Deuteronomy's social, familial, and political legislation from consideration.

Moreover, Noth feels compelled to make another concession: in spite of his claim that the Deuteronomist focused on the cultic aspects of Deuteronomic law, he repeatedly observes that the Deuteronomist was not really interested in the cult.⁵⁵ The editor of Joshua, Judges, Samuel, and Kings was not particularly concerned with sacrifices, festivals, rituals, and priestly rites. Given Deuteronomy's

⁵² 1 Kgs 11:4, 6; 15:11; 2 Kgs 14:3; 16:2; 18:3; 22:2. David's exemplary conduct also serves as the paradigm for the kind of kingship that Jeroboam should have exercised (1 Kgs 14:8); see Knoppers, *Two Nations under God*, 2. 91-112.

⁵³ Even the Deuteronomistic commentary on the fall of Israel ties the Northern Kingdom's demise to the foundational sin of Jeroboam (2 Kgs 17:21-23). The Deuteronomist addresses the plight of the people as a whole but assigns a pivotal place to Jeroboam and laments the survival of Jeroboam's cultic establishment in a new form (2 Kgs 17:24-34); see Knoppers, *Two Nations under God*, 2. 67-71.

⁵⁴ One suspects that in mentioning such broad participation the Chronicler has the demands of Deuteronomy at least partially in view.

⁵⁵ Noth, *Deuteronomistic History*, 124-25, 137-42.

attention to sacrifices, festivals, and the priesthood, Noth's observation constitutes another highly important admission on his part.⁵⁶ Of course, the Deuteronomist devoted copious attention to the construction and dedication of the temple, because he realized its historical importance to Israel, but according to Noth, the Deuteronomist viewed the temple as "little more than a place towards which one turns in prayer."⁵⁷ Ironically, the Deuteronomist did give sustained attention to illicit sanctuaries and forms of worship. The continued tolerance, if not support, of heteropraxis constituted a fundamental failure of the Israelites during the period of the monarchy.

This brings up a third concession that Noth is forced to make. A major tension exists between the coverage of the Deuteronomistic History and the standards espoused by Deuteronomy, in that the authors of Samuel-Kings expect kings to maintain orthopraxis and stamp out heteropraxis. Centralization has become a royal responsibility.⁵⁸ Having seen Noth qualify in so many ways his claim about the Deuteronomist's use of *Urdeuteronomium*, one wonders how much of *Urdeuteronomium* is left. The Deuteronomistic evaluations of royal conduct assume that kings should wield enormous powers in regulating the religious affairs of the nation. The issue, therefore, is not whether the Deuteronomist is an unabashed royal apologist; he undoubtedly is not. He clearly shows himself to be most able and willing to criticize the conduct of many of Judah's kings and all of Israel's kings. The issue centers on the measures by which the Deuteronomist evaluates the conduct of individual monarchs. The Deuteronomistic criteria for assessing royal conduct are predicated upon pervasive royal supervision and control of worship. Even those kings whom the Deuteronomist deems to have "done what is right in the sight of Yhwh" but who have allowed the high places to survive have not done well enough.⁵⁹

⁵⁶ Noth (*The Deuteronomistic History*, 139) thinks that Deuteronomy, too, exhibited a negative attitude toward the cult, but he thinks that the Deuteronomist surpassed the authors of Deuteronomy in this respect.

⁵⁷ *Ibid.* For a different interpretation of the import of Solomon's temple dedication, arguing that Solomon's prayer magnifies the importance of the temple to Israelite life, see G. N. Knoppers, "Prayer and Propaganda: The Dedication of Solomon's Temple and the Deuteronomist's Program," *CBQ* 57 (1995) 229-54.

⁵⁸ Noth, *The Deuteronomistic History*, 101-17, 125-27. This point was also affirmed by G. von Rad, "The Deuteronomic Theology of History in I and II Kings," in the English translation of his collected essays, *The Problem of the Hexateuch and Other Essays* (New York: McGraw-Hill, 1966) 205-221. By suggesting that the Deuteronomist evaluated the monarchy in light of the relatively recent reforms of Josiah, Noth tries to explain the Deuteronomist's stance simply by recourse to history. He continues to insist that the Deuteronomist's main interest lies with the Israelite people, but his recourse to the strong Deuteronomistic affirmation of Josiah suggests that there is more to the issue than he allows.

⁵⁹ See 1 Kgs 15:14; 22:44; 2 Kgs 12:4; 14:4; 15:4. 35. Cultic high places are never mentioned in Deuteronomy; the high places mentioned in the Song of Moses (Deut 32:13) and the Blessing of

The contrast with the many limitations placed on royal authority in Deuteronomy is startling. As we have seen, the legislation in Deuteronomy imposes a series of important constraints upon kingship and does not explicitly accord to the king any role of leadership in the campaign for centralization (Deut 12:1-31), in the enforcement of the punishments for oneiromancy and seditious agitation (13:2-19), in the reform of the three major feasts (16:1-17), in the reorganization of the judiciary (16:18-20; 17:2-13), or in the restructuring of the military (20:1-9). Over against this reforming legislation, the Deuteronomist assumes that monarchs are to enforce centralization, appoint priests, serve in some judicial capacity (at least as a final court of appeals), lead major feasts, and head the military. In the one literature royal powers are strigently delimited, while in the other formidable royal powers are mandated. In one work the royal role is that of a figure-head, bereft of traditional kingly authority, while it is assumed in the other that the king leads the nation and exercises substantial authority in implementing specific Deuteronomic legislation. In this context, one cannot, and should not, take for granted that Deuteronomy and the Deuteronomistic History stem from precisely the same social milieu. If much of Deuteronomy's political, social, and cultic legislation seems to reflect the concerns and priorities of scribes, officials, and priests at the temple court in Jerusalem, the Deuteronomistic historiography of the monarchy reflects the concerns and priorities of scribes and governmental officials at Jerusalem's royal court.

A comparison with the portrayals of monarchs in other Near Eastern lands may also be made. The Deuteronomistic demand that kings in both Israel and Judah suppress all rivals, Yahwistic or otherwise, to the temple in Jerusalem is striking when it is viewed against the common ancient Near Eastern royal practice of patronizing and refurbishing various sanctuaries. Scribes in Mesopotamia, Canaan, and Egypt commend royal support for public worship, but they do not normally promote the wholesale destruction of sanctuaries and cultic objects within their own states.⁶⁰ In extolling massive royal intervention, in both rural and

Moses (Deut 33:29), older poems, are places of battle, not places of worship (see G. Hölscher, "Komposition und Ursprung des Deuteronomiums," *ZAW* 40 [1922] 182; E. T. Mullen, "The Sins of Jeroboam: A Redactional Assessment," *CBQ* 49 [1987] 218-19). Given the consistent concern with high places, especially during the years of monarchy in Judah, the discrepancy between Deuteronomy and the Deuteronomistic History is striking. The more Deuteronomistic editions one posits within Deuteronomy, the more startling the discrepancy becomes. If one believes that the Deuteronomic code was subject to a series of major and minor Deuteronomistic reworkings, one has to reckon with the fact that none of these editors of the Deuteronomic code ever saw fit to confront what the Deuteronomistic editor(s) of Kings viewed as one of Judah's most persistent problems.

⁶⁰ In this respect, the blame which the exilic Deuteronomist (Dtr²) places upon Manasseh's shoulders for the fall of Judah is no exception to the focus established earlier by the Josianic Deuteronomist (Dtr¹) upon the critical role played by the monarchy (2 Kgs 21:10-16; 23:26-27; 24:3-4). By contrast, the Chronicler blames Zedekiah, various officials and priests, and the people themselves for the Babylonian exile (2 Chr 36:13-16). On the importance of Manasseh's sins, see P. S. F. van Keulen,

urban areas, to achieve the Deuteronomic goals of cultic purity and cultic unity, the Deuteronomists affirm powers of the monarchy which are unprecedented in the ancient Mediterranean world.

II. The Reign of Solomon

We have been contrasting Deuteronomy's division of powers with the powers attributed to monarchs in Kings. But there is another way in which the materials in Deuteronomy and Kings have been compared. Some scholars have employed the law of the king in Deut 17:14-20 as a hermeneutical cipher by which to determine the Deuteronomist's posture toward the conduct of characters in the history he narrates. The parade example is Solomon. Some have argued that the law of the king is the implicit or explicit standard by which the Deuteronomist criticizes the tenure of Solomon.⁶¹ The polygamy, great wealth, and commercial trade in horses during Solomon's reign are thought to reflect negatively on Israel's temple-building king.⁶² Since I have dealt with this issue at length in another context,⁶³ it will not be necessary to repeat that discussion here. It will be helpful, however, to raise a few pertinent points.

Although the interdictions prohibiting the accumulation of royal wealth, wives, and horses have been regarded as the core of the Deuteronomic stance on kingship,⁶⁴ wives, wealth, and horses are not pivotal concerns in the Deuteronomistic evaluations of monarchs. The Deuteronomistic evaluations of kings in Israel and

Manasseh through the Eyes of the Deuteronomists: The Manasseh Account (2 Kings 21:1-18) and the Final Chapters of the Deuteronomistic History (OTS 38; Leiden: Brill, 1996); E. Eynikel, "The Portrait of Manasseh and the Deuteronomistic History," in *Deuteronomy and Deuteronomic Literature: Festschrift C. H. W. Brekelmans* (ed. M. Vervenne and J. Lust; BETL 133; Leuven: Leuven University Press, 1997) 233-61; B. Halpern, "Why Manasseh Is Blamed for the Babylonian Exile: The Evolution of a Biblical Tradition," *VT* 48 (1998) 473-514.

⁶¹ For example, Noth, *Deuteronomistic History*, 91-99; M. Z. Brettler, "The Structure of 1 Kings 1-11," *JSOT* 49 (1991) 91-93; K. I. Parker, "Solomon as Philosopher King? The Nexus of Law and Wisdom in 1 Kings 1-11," *JSOT* 53 (1992) 83-86; A. Frisch, "Structure and Significance: The Narrative of Solomon's Reign (1 Kings 1-12.24)," *JSOT* 51 (1991) 3-14, and "The Narrative of Solomon's Reign: A Rejoinder," *ibid.*, 22-24; M. A. Sweeney, "The Critique of Solomon in the Josianic Edition of the Deuteronomistic History," *JBL* 114 (1995) 607-22; J. T. Walsh, "The Characterization of Solomon in 1 Kings 1-5," *CBQ* 57 (1995) 471-93; D. S. Williams, "Once Again: The Structure of the Narrative of Solomon's Reign," *JSOT* 86 (1999) 49-66.

⁶² Many scholars have thought, in fact, that the law of the king was composed by the authors of Deuteronomy with a view to Solomon's reign. It has to be admitted, however, that the presentation of Solomon on which this supposition is based (1 Kings 1-11) is not a neutral accounting but a (later) Deuteronomistically edited, ideologically charged, and highly stylized representation of his tenure. It is quite possible, of course, that the Deuteronomistic presentation is itself based on older sources, but such sources have to be isolated from Deuteronomistic commentary.

⁶³ G. N. Knoppers, "The Deuteronomist and the Deuteronomic Law of the King: A Reexamination of a Relationship," *ZAW* 108 (1996) 329-46.

⁶⁴ For example, E. Gerstenberger, *Wesen und Herkunft des "apodiktischen Rechts"* (WMANT 20; Neukirchen-Vluyn: Neukirchener Verlag, 1965) 67.

Judah center on the promotion of the centralized cult of the temple and the abolition of all illicit cults, whether Yahwistic or other. The gravity of this point should not be underestimated. If the Deuteronomist deems royal accumulations of silver, gold, wives, or horses to be unlawful, why does he not condemn monarchs systematically in the presence of such excesses? Given the nature of monarchies in the ancient Mediterranean world, the Deuteronomist undoubtedly could have found reason to condemn almost all the monarchs of Israel and Judah for at least one of these excesses. From the very outset, this raises the possibility that the one case in which these motifs appear may not reflect a Deuteronomistic perspective.

It is true that the Deuteronomist severely criticizes the second part of Solomon's reign.⁶⁵ The Deuteronomist blames Solomon for the breakup of the kingdom.⁶⁶ Nevertheless, the criteria of evaluation differ from those found in the Deuteronomistic law of the king.⁶⁷ Solomon's crimes include building high places for the gods of his foreign wives and worshipping these gods (1 Kgs 11:1-13, 31-38).⁶⁸ Inasmuch as Solomon's marital status comes into play, exogamy, not polygamy, is the main issue.⁶⁹

As for Solomon's accumulation of wealth and horses, it may be questioned whether this bounty contributes to a negative picture of Solomon. In the Deuteronomistic presentation of Solomon's tenure as king, Solomon's legendary holdings in silver and gold constitute one of the distinctive marks of his reign. The dream revelation to Solomon at Gibeon, long recognized as a pivotal passage in the Deuteronomistic narration of Solomon's reign, introduces this theme of great wealth (1 Kgs 3:4-14).⁷⁰ In response to Solomon's unselfish petition to Yhwh for "an insightful heart to judge your people" (3:9), the Lord freely promises unparalleled

⁶⁵ There are also hints of trouble in the first part of his reign (e.g., in 1 Kgs 5:27-30), but on the whole, the Deuteronomist's presentation is largely complimentary toward Solomon; see Knoppers, *Two Nations under God*, 1. 77-134.

⁶⁶ *Ibid.*, 135-68.

⁶⁷ Knoppers, "Solomon's Fall," 394-401.

⁶⁸ In condemning Solomon the Deuteronomist does not cite the *traditum* of Deut 17:16. He cites both the *traditum* of Deut 7:3, forbidding the invading Israelites to intermarry with the seven autochthonous nations, and the *traditio* of Josh 23:11-13, warning the Israelites against engaging in sexual relations with the indigenous inhabitants of Canaan; see G. N. Knoppers, "Sex, Religion, and Politics: The Deuteronomist on Intermarriage," *HAR* 14 (1994) 121-41.

⁶⁹ Knoppers, "Sex, Religion, and Politics," 129-36. For the opposite view see Brettler, "Structure," 92; Driver, *Critical and Exegetical Commentary on Deuteronomy*, 211; Mayes, *Deuteronomy*, 272-73; Caquot, "Remarques," 29; Gerbrandt, *Kingship*, 111; Parker, "Philosopher King," 85; Welch, *Code of Deuteronomy*, 126-29.

⁷⁰ See B. Porten, "The Structure and Theme of the Solomon Narrative (1 Kings 3-11)," *HUCA* 38 (1967) 97-113; M. Noth, *Könige* (BKAT 9; Neukirchen-Vluyn: Neukirchener Verlag, 1964-68) 47-48; J. Gray, *I & II Kings* (OTL; 2d ed.; Philadelphia: Westminster, 1970) 22-23; E. Würthwein, *Die Bücher der Könige: 1 Könige 1-16* (ATD 11/1; Göttingen: Vandenhoeck & Ruprecht, 1977) 30-38;

wealth and glory to Solomon. Deuteronomic law forbids the king to accumulate much silver and gold, but in Kings such an accumulation is a divine bequest: “even what you have not requested I shall also give to you, riches and glory the like of which no king has ever had” (3:13).⁷¹

After the revelation at Gibeon, the Solomonic administration prospers, becoming both a fount of wealth and a destination of the nations’ bounty.⁷² There is no clear indication that the Deuteronomist finds fault with Solomon for amassing such wealth.⁷³ Quite the contrary, in narrating the end of the first period of Solomon’s reign, the Deuteronomist depicts Solomon’s enormous wealth as the realization of the divine promises made to Solomon at Gibeon:

ויגדל המלך שלמה מכל מלכי הארץ לעשר ולחכמה

King Solomon was greater than all the other kings of the earth in riches and in wisdom (1 Kgs 10:23).⁷⁴

The topic of horses arises twice in the Deuteronomistic treatment of Solomon, in 1 Kgs 5:6-8, a reference to Solomon’s large holdings in horses, and in 1 Kgs 10:26-29, mentioning his extensive trade in chariots. As I have argued elsewhere,⁷⁵ there is no indication that these notices function as an explicit or implicit criticism of Solomon. The mention of Solomon’s 40,000 stalls for his chariots and his 12,000 horsemen (1 Kgs 5:6) occurs in the context of notices highlighting the extent of Solomon’s administration.⁷⁶ The matter of Solomon’s horses appears after a notice marking the geographic extent of Solomon’s rule (5:4) and a comment about the

H. A. Kenik, *Design for Kingship* (SBLDS 69; Chico, CA: Scholars, 1983) 27-197; C. L. Seow, “The Syro-Palestinian Context of Solomon’s Dream,” *HTR* 77 (1984) 141-52; D. McC. Carr, *From D to Q: A Study of Early Jewish Interpretations of Solomon’s Dream at Gibeon* (SBLMS 44; Atlanta: Scholars, 1991) 7-87; A. G. Auld, “Salomo und die Deuteronomisten – eine Zukunftsvision?” *TZ* 48 (1992) 343-54.

⁷¹ I follow the LXX^B (*lectio brevior*). The MT adds כל ימך.

⁷² See Knoppers, *Two Nations under God*, 1. 77-90.

⁷³ Compare 1 Kgs 5:1; 6:22, 28; 7:48, 50; 9:14, 28; 10:2, 10, 16-17, 18-20, 21, 24-25.

⁷⁴ Two passages, 1 Kgs 3:4-14* and 1 Kgs 10:23-24, comprise an *inclusio* marking the introduction to the divine promises to Solomon and their realization; see G. N. Knoppers, “‘There Was None Like Him’: Incomparability in the Books of Kings,” *CBQ* 54 (1992) 414-17.

⁷⁵ Knoppers, “Deuteronomic Law of the King,” 337-44.

⁷⁶ The order of the LXX differs from that of the MT: 1 Kgs 4:19, 17, 18; 5:7; 8:2-4. See also 3 Kgdms 2:46b, e, f, g, i, k and the comments of J. Trebolle Barrera, *Salomón y Jeroboán: Historia de la recensión y redacción de 1 Reyes 2:12, 14* (Institución San Jerónimo 10; Valencia: Institución San Jerónimo, 1980) 274-96; E. Tov, “The LXX Additions (Miscellanies) in 1 Kings 2 (3 Reigns 2),” *Textus* 11 (1984) 89-118; R. Pennoyer, *Solomonic Apologetic: Text and Redaction in the Succession Narrative with Special Attention to the So-called “Miscellanies” in 3 Reigns 2* (Ph.D. Diss., The Johns Hopkins University, 1992) 60-64, 165-69.

people's bliss, "All the days of Solomon, Judah and Israel from Dan to Beer-sheba lived in security, everyone under his own vine and under his own fig tree" (5:5).⁷⁷

Later in Solomon's reign, Solomon not only accumulates war chariots and horses for his fortified cities but also initiates and supervises a substantial trade in these commodities (1 Kgs 10:26-28). The procurement of horses from Egypt and Que recalls the interdictions in the law of the king (Deut 17:17).⁷⁸ In other words, there is an overlap between what Deuteronomy decries and what Kings supplies, but such an overlap does not imply that the material dealing with royal wealth and royal steeds in Kings should be read negatively. Writers need not affirm works to which they allude; they can revise or contest the very works to which they are indebted. The notices about horses and chariots occur among enumerations of Solomon's accomplishments.⁷⁹ It may be argued, in fact, that Solomon's wealth, military power, and trading ventures—placed alongside his wisdom, royal administration, and temple building—contribute to a very positive image of the first period of his reign.⁸⁰

III. Deuteronomy and Kings: A Study in Contrasts on the Question of Royal Authority

Now that we have drawn a series of contrasts between the standards of Deuteronomy and the presentation in the Deuteronomistic work, it is time to reassess the relationship between them. The Deuteronomist employed *Urdeuteronomium* in composing his own writing, but he did this in a much more sophisticated and nuanced manner than many have supposed. The Deuteronomist is perfectly able to enlist *Urdeuteronomium* either to commend or to denounce the

⁷⁷ The relevance of this positive comment has also been noted by Seow ("Syro-Palestinian Context," 142-43), who draws a parallel with the Bar Räkib inscription, and by Glatt-Gilad ("Deuteronomistic Critique," 702).

⁷⁸ See D. G. Schley, "1 Kings 10:26-29: A Reconsideration," *JBL* 106 (1987) 595-601; Brettler, "Structure," 92-95. The MT's מַצְרִיִּם (1 Kgs 10:28) is often emended to מַצְרִי, as Que was a neighbor of Mušri, but the presence of a corruption is contested by H. Tadmor ("Que and Mušri," *IEJ* 11 [1961] 141-50).

⁷⁹ A comparison with Chronicles is apt because Chronicles represents the earliest interpretation of Kings available to us. The Chronicler's presentation of Solomon's reign (2 Chronicles 1-9), which is heavily dependent on that of Kings and is universally regarded to be highly complimentary, also includes this material about horses, wealth, and chariots (2 Chr 9:22-28). The Chronicler's omission of the material in 1 Kings 11, an enumeration of Solomon's sins in which he is blamed for the division, has the effects of accentuating the positive legacy of Solomon's reign and of making disunion largely the result of Jeroboam's revolt and Rehoboam's ineptitude (see G. N. Knoppers, "Rehoboam in Chronicles: Villain or Victim?" *JBL* 109 [1990] 423-40; idem, "Battling against Yahweh': Israel's War against Judah in 2 Chr 13:2-20," *RB* 100 [1993] 511-32). Unless one can demonstrate that the Chronicler somehow missed the negative nuances of his source, it seems that he understood Solomon's fabulous wealth and thousands of horses positively.

⁸⁰ Knoppers, *Two Nations under God*, 1, 77-134.

actions of certain figures in his history. Recourse to an older, prestigious text has its distinct advantages. Both the authors of Deuteronomy and the Deuteronomist affirm the need for centralization and subject Israel's leaders to the rule of law. Yet the Deuteronomist is also an independent author who can subvert the very code he incorporates and cites within his history. This author, writing later than the authors of Proto-Deuteronomy, is free to select from, adapt, supplement, and revise his source. He is perfectly able to make even Deuteronomy speak with a new royal voice.⁸¹

In Deuteronomy Israel is to become a theocracy centered around the place that Yhwh will choose. If Deuteronomy's legislation entails that Israel's cult is to be centralized at one Yahwistic sanctuary, it also entails that traditional forms of monarchical power are to be decentralized among other institutions. From an institutional point of view, Israel is acephalous, a society whose functions of leadership are distributed among a number of different office holders. With this division of powers, the king has only a marginal and contingent function. But the Deuteronomist evidently does not subscribe to the agenda of the Deuteronomic authors for dispersing powers among a number of civil institutions. The Deuteronomist, unlike the authors of Deuteronomy, explicitly condones substantial royal powers. He commends an authoritative and central role for the monarchy. Therefore, one has to question the existence of a tight relationship between Deuteronomy and Kings on the presentation of the monarchy. *Urdeuteronomium* is but one influence, albeit a highly important influence, in the writing of the Deuteronomistic work.⁸²

There is another possible explanation for the disparity between Deuteronomy and the Deuteronomistic History on the question of royal authority. It is possible that Noth's definition of Proto-Deuteronomy was mistaken.⁸³ Indeed, many scholars have taken issue with Noth about what is Deuteronomic and what is Deuteronomistic in Deuteronomy.⁸⁴ The last few decades have witnessed numerous attempts to locate evidence of Deuteronomistic editing in the Deuteronomic code itself (Deuteronomy 12–26), not simply in the speeches that frame the code, as Noth originally alleged.⁸⁵ According to these scholars, part or all of Deut 16:18–

⁸¹ The treatment of Josiah's reforms and Passover is a clear example; see Knoppers, *Two Nations under God*, 2. 171–228.

⁸² It is clear that ancient Near Eastern royal ideology has also left its mark on the Deuteronomistic account of the monarchy; see, for example, Knoppers, *Two Nations under God*, 1. 122–34.

⁸³ The argument antithetical to Noth's view is that of J. D. Levenson, "Who Inserted the Book of the Torah?" *HTR* 68 (1975) 203–33. He contends that the entire Deuteronomic code postdates the main edition of the Deuteronomistic History.

⁸⁴ See the survey of Preuss, *Deuteronomium*, 20–26, 75–173, and more recently that of Römer, "Book of Deuteronomy," 184–99.

⁸⁵ For example, by Preuss, "Geschichtswerk," 230–45; T. Römer, "Le Deutéronome à la quête des origines," in *Le Pentateuque: Débats et recherches: XIV^e Congrès de l'ACFEB, Angers, 1991* (ed. P. Haudebert; LD 151; Paris: Editions du Cerf, 1992) 65–98.

18:22 stems from one or more Deuteronomistic hands. If this is so, part or all of Deuteronomy's legislation affecting civil institutions may postdate the primary edition of the Deuteronomistic History.⁸⁶ Alternatively, part or all of the legislation in Deuteronomy could stem from the Deuteronomistic historians themselves. One should ask, however, which "Deuteronomists" are represented in such reworkings?

Here, one encounters larger questions about the nomenclature "Deuteronomic writer," "Deuteronomist," and "Deuteronomistic historian." Such questions inevitably involve the composition of Deuteronomy and the relationship between the editors of Deuteronomy and the editors of Samuel-Kings. When commentators find layers of writing within Deuteronomy which they cannot trace to sources, should they attribute such secondary and tertiary layers to a series of Deuteronomic writers, or to a succession of Deuteronomistic writers? For decades, scholars working on Deuteronomy have adopted the latter option; that is, they have assumed that the secondary and tertiary editing they discern in Deuteronomy stems from the work of the Deuteronomistic editors of Joshua, Judges, Samuel, and Kings.⁸⁷ But, one has to ask whether it is at all likely that the primary editor of the Deuteronomistic work is responsible for all of the Deuteronomistic editing of Deuteronomy. If much of the law of the king (Deut 17:14-20), or of the constitution for office holders (16:18-18:22) of which the law of the king is a part, stems from Deuteronomistic hands, as some scholars contend, how likely is it that the Deuteronomists who edited Kings wrote such texts? However one dates the material in Deut 16:18-18:22—before, contemporaneous with, or after the work of the primary Deuteronomistic editor(s) of Kings—the disparities between the two works remain.

Considering the distance between the standards of Deuteronomy and those of the Deuteronomistic History, it is appropriate to push the issue further and ask whether some of the Deuteronomistic editing of Deuteronomy is distinct from the editing of the Deuteronomistic History. The two editings need not be the same.⁸⁸ The Deuteronomistic school was not a monolithic entity.⁸⁹ The Deuteronomistic editing of the Book of Jeremiah is a case in point. Most scholars have recognized

⁸⁶ An overview of recent discussions is provided by U. Rüterwörden, "Der Verfassungsentwurf des Deuteronomiums in der neueren Diskussion: Ein Überblick," in *Altes Testament, Forschung und Wirkung: Festschrift für Henning Graf Reventlow* (ed. P. Mommer and W. Thiel; Frankfurt am Main: Lang, 1994) 313-28.

⁸⁷ In other words, scholars have typically not chosen to speak of successive Deuteronomic editors. One detects the influence of Noth (*Deuteronomic History*, 27-33, 45-60), who simply posited a Deuteronomic legal code incorporated by the Deuteronomist into his historical work.

⁸⁸ Nor should one rule out *prima facie* the possibility of more than one Deuteronomic edition of the legal code in Deuteronomy.

⁸⁹ One hesitates to call the Deuteronomistic phenomenon a "movement" after reading the definitions and criticisms by N. Lohfink, "Gab es eine deuteronomistische Bewegung?" in *Jeremia und die "deuteronomistische Bewegung"* (ed. W. Gross; BBB 98; Weinheim: Beltz Athenäum, 1995)

that the Deuteronomistic editing of Jeremiah manifests particular ideological concerns, even though it shares some linguistic and stylistic traits with Deuteronomy and the Deuteronomistic historical work.⁹⁰ Given that the Deuteronomistic redaction(s) of Jeremiah represent the work of editors different from those of the Deuteronomistic History, the same may be true, at least in part, of the Deuteronomistic editing of Deuteronomy.

313-82. A significant portion of this has been translated as “Was There a Deuteronomistic Movement?” in *Those Elusive Deuteronomists: The Phenomenon of Pan-Deuteronomism* (ed. L. S. Shearing and S. L. McKenzie; JSOTSup 268; Sheffield: Sheffield Academic Press, 1999) 36-66.

⁹⁰ W. Thiel, *Die deuteronomistische Redaktion von Jeremia 1–25* (WMANT 41; Neukirchen-Vluyn: Neukirchener Verlag, 1973); idem, *Die deuteronomistische Redaktion von Jeremia 26–45* (WMANT 52; Neukirchen-Vluyn: Neukirchener Verlag, 1981); Albertz, *A History of Israelite Religion*, 2. 382-87; T. Römer, “Y a-t-il une rédaction deutéronomiste dans le livre de Jérémie?” in *Israël construit son histoire* (ed. de Pury, Römer, and Macchi), 419-41. The case has also been made for the view that portions of Zechariah were edited by Deuteronomists; see, for instance, R. F. Person, *Second Zechariah and the Deuteronomic School* (JSOTSup 167; Sheffield: Sheffield Academic Press, 1993), but note the cautions of R. A. Kugler, “The Deuteronomists and the Latter Prophets,” in *Those Elusive Deuteronomists* (ed. Shearing and McKenzie), 127-44.