

## THE FUNCTION OF *taʾlḥ; hr'aṭh* IN THE BOOK OF DEUTERONOMY

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The book of Deuteronomy makes clear from the outset that the purpose of the book is to “expound this Torah.” (1:5) The first reference to “this Torah” (*taʾlḥ; hr'aṭh*) occurs in 1:5. The word with its demonstrative adjective (*taʾlḥ*) indicates that a definite reference is in view. However, the referent of the expression “this Torah” is disputed. Many critical scholars would take this expression as a later redaction designating either the middle section (5-28), or referring to Deuteronomy itself.

Among conservative scholars the referent is not agreed upon either. For example, Harrison thinks it refers to one section of Deuteronomy, and not to the Pentateuch as a whole.<sup>1</sup> Craigie refers it to “all that the Lord had commanded in 1:3.”<sup>2</sup> Keil and Delitzsch change their views on the referent of this expression in different passages. For instance, in 1:5, “this” (*taʾlḥ*) refers to “the law expounded in what follows but substantially it is no other than the law already given in the earlier books.”<sup>3</sup> In 27:3, “all the words of this law” refers to “not only the blessings and curses in vs. 15-26 (as *Josephus, Ant.* iv. 8, 44, *Masius, Clericus*, and others maintain), nor only Deuteronomy (*J. Gerhard, A. Osiander, Vater*, etc.), since this contained no independent ‘second law,’” but to “the whole of the Mosaic law; not indeed, the entire Pentateuch, with its historical narratives, its geographical, ethnographic, and other notices, but simply the legal part of it, the commandments, statutes, and rights of the *Torah*.”<sup>4</sup>

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<sup>1</sup>R. K. Harrison, *Introduction to the Old Testament* (Grand Rapids: Eerdmans, 1969), 636.

<sup>2</sup>P. C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 92.

<sup>3</sup>C. F. Keil and F. Delitzsch, *Commentary on the Old Testament: The Pentateuch*, vol. 3, trans. James Marti (Grand Rapids: Eerdmans, 1981), 282.

<sup>4</sup>*Ibid.*, 431.

In 28:58, Keil and Delitzsch focus upon “this book” (v. 58, “all the words of this law, which is written in this book”). “This book” refers, for Keil and Delitzsch, to “not Deuteronomy . . . but the book of the law, i.e. the Pentateuch, so far as it was already written.”<sup>5</sup> The reason for this conclusion, for Keil and Delitzsch, is found in the following verses (28:60-61). They pointed out that the mentioning of all the grievous diseases of Egypt written in the book of the law (28:61) could not refer to the book of Deuteronomy. Its reference is rather to the book of Exodus, where these diseases occur among the Egyptian plague. And they also argue that the book of Deuteronomy alone cannot provide enough ground for the obligation to keep the law, since the book does not “contain all the essential laws of the covenant, and was never intended to form an independent book of the law.”<sup>6</sup>

In commenting on 31:11-12, Keil-Delitzsch conclude that in light of Nehemiah 8:14,18; in which Ezra reads from “the Book of the Law of God,” he was reading from Leviticus (Lev. 23 in Neh. 8:14). Therefore, “all the words of this law” in Deuteronomy 31:11-12 must mean more than Deuteronomy.<sup>7</sup> Thus it can be seen that the rendering of “this Torah” by Keil-Delitzsch is not entirely uniform, yet its rendering by them is consistent in one point. That is, the expression meant more than just the book of Deuteronomy.

However, returning to the discussion of the referent of 1:5, within the context of the chapter, “all that Yahweh had commanded him [Moses]” in verse 3, as Craigie suggested, refers back to the words that Moses had earlier received at Sinai. This makes the best sense as the referent of “this Torah.”

Von Rad commented on Deuteronomy 4:5-8, in which the expression “this Torah” occurs. He observed that verse 5 can only be rendered in past tense (“have taught”), which would mean that the recital of the law by Moses had already taken place. According to von Rad, “all this law” in verse 8 also supports the past tense because it would make sense “only if the people can themselves confirm this verdict and are not merely looking forward to the announcement of the law.”<sup>8</sup>

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<sup>5</sup>Ibid., 443.

<sup>6</sup>Ibid., 443-44.

<sup>7</sup>Ibid., 458.

<sup>8</sup>Von Rad, *Deuteronomy*, trans. Dorothea Barton, (Philadelphia: Westminster, 1966), 49. The perfect of the verb in contrast with the future in v. 1 has raised questions.

It indicates that Moses is not writing a sermon before he preaches, but rather he is writing the book with this sermonic type of format with a certain perspective in mind. This perspective can be seen in the way Deuteronomy is structured. As shown above, the structure of Deuteronomy is not obvious. However, it can be said that the structure of Deuteronomy is already reflected in the purpose of the book at the very beginning. That is, Moses undertook to expound the meaning of Torah to a new generation. In this manner, the writer of Deuteronomy provides the hermeneutical key for understanding Deuteronomy in its unique role.

Throughout the book of Deuteronomy the specific expression “this Torah” (tāḥ ḥr’aTh), with demonstrative adjective, occurs quite frequently (1:5; 4:8; 17:18-19; 27:3,8,26; 28:58; 29:28 [29]; 31:9,11,12,24; 32:46).

First of all, the expression tāḥ ḥr’aTh does not appear in the other books of the Pentateuch. In the earlier books of the Pentateuch, Torah refers to specific “instruction” or “laws” (e.g., Gen. 26:5; Exod. 16:28; 18:16, 20; Lev. 26:46), and to specific “cultic and ritual prescriptions and religious regulations,”<sup>9</sup> such as “the Torah of [such-and-such type of] offering” (Lev. 5:21 [Eng.6:2]; 5:26 [6:7]; 6:11 [6:18]; 7:1,7,11,37), “the Torah regarding living creature” (Lev. 11:46), “the Torah for the woman who gives birth” (Lev. 12:7), “the Torah concerning leprosy/leper” (Lev. 13:59; 14:2, 32, 57), “the Torah concerning skin diseases/discharge” (Lev. 14:54; 15:32), “the Torah of jealousy,” (Num. 5:29), “the Torah of Nazirite” (Num. 6:13,21).

In Deuteronomy, however, a transition has been made: the individual stipulations of law are no longer called “laws” but “the law”<sup>10</sup> as a whole. Also the term “Torah” emerges as the term which

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Driver, for example, believes it refers to laws which Moses received from Horeb onward. Some take this verse as out of place and as borrowed from an address by Moses after the promulgation of the Deuteronomic laws (Dillmann, Westphal, Steuernagel). Some take it as the mistake of a scribe (Kosters). Some take this verse as a kind of “prophetic perfect,” the perfect being used where a future is expected (Bertholet). Cited by Smith, *Deuteronomy*, 59; however, the fact that there is no textual variant here indicates that the use of the verb is intentional.

<sup>9</sup>For these terms, see Gunnar Ötborn, *TORAH In the Old Testament: A Semantic Study* (Lund: Ohlssons, 1945), passim.

<sup>10</sup>Even in the prophetic literature, some distinctions have been made between the Torah and the prophetic words. For example, Zech. 7:12, “(They) . . . would not listen to the law or to the words that the Lord Almighty had sent . . . through the earlier

predominates over other terms for law. Other terms, for example, are used to express God's law in the earlier books of the Pentateuch, and the same terms are used in Deuteronomy. Whatever such terms are intended to mean, Deuteronomy presents these terms as part of the characteristics of "the Torah" which Moses wants to set before the people and which the people should be careful to keep (1:5; 4:8-9).

Along with other terms, another dominant term which appears in Deuteronomy is *~yrbD*. It can be simply translated as "words." Concerning the "words," Lindar<sup>11</sup> observed that the word *~yrbD* is exclusively used in relation to referring the Decalogue in Exodus. The Ten Commandments is simply described as "words" (*~yrbD*) in Exodus 20:1-17 (cf. Deut. 5:6-18). In contrast, the book of the Covenant (Exod. 21-23), almost immediately following the Decalogue, is introduced as the "judgments" (*~yj P vMhI K*) in Exodus 21:1 and thus distinguished from the Decalogue. In Exodus 24:3 two expressions appear, "all the words of Yahweh" (*hwHy yrbDI K*) and "all judgments" (*~yj P vMhI K*). Lindar takes the former phrase to refer to the Decalogue with the use of *~yrbD* and explains the latter as an editorial addition to the original. In Exodus 34, it records the writing of "the words" on stone tablets, according to Lindar, it again refers to the Decalogue.

This consistency of reserving *~yrbD* for the Ten Commandments in Exodus continues to be, according to Lindar, followed in historical preamble of Deuteronomy (Deut. 4:10,13,36; 5:22; 9:10; 10:2,4) and in the middle section (6:6; 11:18). Lindar observed that the word *~yrbD* is used either in combination with the phrase "the words of this law" (*tallh; hr'aTh yrbDI K*) in 17:19; 27:3,8,26; 28:58; 29:28; 31:24; and 32:46 or else *~yrbD* is used alone in this sense (12:28; 28:69; 31:1). But according to Lindar, these references are all contexts where the later editing can be distinguished from the original code. Lindar argues that in the editing of the book of Deuteronomy, *~yrbD* is extended to include the whole code and this use of *~yrbD* in relation to law is to put the total

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prophets."; Mal. 3:22, "Remember the law of my servant Moses . . ." This distinction is traced to the influence of the Deuteronomic literature, see Barnabas Lindars, "Torah in Deuteronomy," in *Words and Meanings: Essays Presented to David Winton Thomas*, ed. P. R. Ackroyd and B. Lindars (Cambridge: Cambridge University Press, 1968), 120-21.

<sup>11</sup>Lindars, "Torah in Deuteronomy," 117-36.

corpus of law on to the same footing of absolute obligation as the Decalogue.<sup>12</sup>

A problem with Lindar’s analysis is his assumption of the Decalogue being the oldest collection of laws and being stipulations of the original covenant between Yahweh and Israel, and taking other collections of laws as later additions. He is still looking at the literary strand of Deuteronomy and focuses on the process of stages of literary composition of Deuteronomy. Therefore, “torah,” according to Lindar, is the word employed by the Deuteronomic editors to convey their concept of the code as a complete and a single entity, having the same binding force as (or substituting for) the Decalogue.<sup>13</sup>

Regardless of his assumptions concerning the redaction of the book of Deuteronomy, his thesis that Deuteronomy gives *~yrbD* new meaning and lasting significance is convincing. In the present shape of Deuteronomy, *~yrbD* is used to refer to the whole law under which other laws were subsumed. The word was used as a binding force which provides the theological framework for the whole book of Deuteronomy. Therefore, whatever were the preliterate stages behind the present text of Deuteronomy, *~yrbD* should also be considered as one of the characteristic terms for *hr’aTh*; along with other terms mentioned above. Lindar’s article, however, at least, shows that the choice of these words in Deuteronomy has been made with much deliberation. From this perspective the chiasmic structure of the beginning of the book is very meaningful.<sup>14</sup>

A (1:1)    These are the words (*~yrbD*) that  
                       Moses spoke to all Israel  
                                       beyond the Jordan, in the wilderness. . . .  
 B (1:5)                        beyond the Jordan, in the land of Moab,  
                       Moses undertook to expound  
                       this Law (*ta’lh*; *hr’aTh*)

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<sup>12</sup>Ibid., 129.

<sup>13</sup>Ibid., 131.

<sup>14</sup>Craigie, 92, n. 17. Craigie himself is not sure of the significance of this structure. According to this structure, the exposition of the Torah is the words that Moses spoke to Israel. It seems that there is validity to Lindar’s theory that can be applied here. From the very beginning of the book, Deuteronomy is presented as having the same authority as the Decalogue.

Deuteronomy not only presents “the Torah” as encompassing other laws, but also as an authoritative written corpus for the community. Therefore it can be said that the phrase “this Torah” (tallh; hr’aTh) functions as a key hermeneutical and theological term that integrates the book of Deuteronomy into a united and coherent whole. This point will be further discussed in what follows.

Lohfink in his article pointed out that Deuteronomy 5-28 is redacted as a unit by being surrounded by the word “Torah.”<sup>15</sup> He further stated that the laws concerning offices (16:18-18:22) stand at the center of that unit and are linked by “this Torah” which also occurs in the middle of the section (17:18,19).<sup>16</sup>

Lohfink also discusses the fact that all these offices in Deuteronomy 16:18-18:22 (judges, officials, kings, priests, and prophets) are bound to the Torah. That is, the king is to be subordinated to the Torah by keeping a copy of the Torah, reading it, and carefully following all the commands of it (Deut. 17:18-20). The judicial system also presupposes that verdicts are to be given according to the Torah (Deut. 17:11). The Levitical priests are also tied to the Torah. The fact that the original Torah is to be in the custody of the Levitical priests implies their obligation to teach the Torah and to hand it on to successive generations (Deut. 17:18; cf. 31:9, “they ought to read and teach the Torah to the whole congregation of Israel”). Prophets likewise are bound to the Torah, according to Lohfink, in that Moses is presented as the first of the prophets in 5:23-31, and was installed as a mediator of the Torah.<sup>17</sup>

Lohfink applies the term “Torah” only to the middle section of Deuteronomy, chapters 5-28.<sup>18</sup> He sees the Torah as a coherent constitutional scheme in relation to different offices in Deuteronomy. However, his contribution ends there. If we approach the book of Deuteronomy as a whole, the bigger schematic strategy can be seen in relation to Torah. Lohfink’s insight, in fact, could be taken further and applied to the whole book of Deuteronomy.

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<sup>15</sup>Specific scripture references are not provided by Lohfink. Norbert Lohfink, “Distribution of the Functions of Power: The Laws Concerning Public Offices in Deuteronomy (16:18-18:22),” in *A Song of Power And the Power of Song*, ed. Duane L. Christensen (Winona Lake, IN: Eisenbrauns, 1993), 343-44.

<sup>16</sup>Ibid. Lohfink mentions only verse 18.

<sup>17</sup>Ibid., 350-51.

<sup>18</sup>Ibid., 344.

First of all, subordination to Torah is found not only in relation to those offices mentioned in chapters 16-18, but it is one of the basic themes of Deuteronomy, repeatedly emphasized by Moses. Parents and children are bound to Torah in that parents are responsible for teaching their children (Deut. 6). Prophets are strongly bound by the Torah, in addition to what Lohfink says, in that they are to be put to death if they turn people away from the commandments of God's teaching even if they perform a miraculous sign or wonder (13:1-5). This sets up the permanent boundary for the teaching of the prophets, that is, that they cannot deviate from the teaching of the Torah. Most of all, the whole Israelite people must obey the Torah. In fact, their whole future national and personal destiny depends on their loyalty to Torah: "I set before you today life and prosperity, death and destruction. For I command you today to love the Lord your God, to walk in his ways, and to keep his commands, decrees and laws, then you will live and increase, and the Lord your God will bless you in the land you are entering to possess (30:15-16)."

This provides ample evidence that the word "this Torah" plays a significant role in the composition of the book of Deuteronomy and is used as a coherent constitutional scheme. This is true not only for the middle section of the book (5-28), but also for the book as a whole.

A second factor demonstrates that the expression "this Torah" can be seen as an important strategic part of the meaning of Deuteronomy. In the latter part of Deuteronomy, "this Torah" appears in a book form as sacred Scripture. Deuteronomy 17:18-19 already anticipates the canonical book of Torah, and "this Torah" is now seen as recorded in the "book" or "book of the Law" ("all the words of this law, which are written in this book," i.e. "in this Book of the Law," 28:58,61; 29:20,21; 30:10). Who wrote this book of the law? Deuteronomy presents that it was Moses who wrote "all the words of this law" in a book from beginning to end and that it was placed beside the ark of the covenant for a witness against the people. (31:24-26)<sup>19</sup> Though von Rad sees the latest strata in these passages, his observations are still right

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<sup>19</sup>Regarding these verses, some have maintained (e.g., C. Steuernagel, A. Bertholet, W. Staerk, and S. R. Driver) that "Torah" was originally "song." In replacing "Torah" in verse 24 with "song," they contended that there are two introductions to the Song, verses 16-22 and 24-30. It is also claimed that, by making this change, unity between these two introductions is maintained. In any case, there is no textual or other strong grounds to emend verse 24 to "song." It is best that the text stands as it is.

when he says, "Deuteronomy is unmistakably on the way towards working out a canon, towards delimiting those traditions which possess authoritative significance for Israel."<sup>20</sup> One of the major theological forces that shaped Deuteronomy was this intention to give the Mosaic law its canonical status (e.g., Deut. 4:2) and to present it as a completed corpus in a book form. This intention is clearly demonstrated in 33:1-4. In spite of some difficulties in translating the text, its message is clear when it says that God gave the Law to Moses, who in turn gave it to Israel.

In the larger context of the Pentateuch, the Mosaic Law represented as "this Torah" in a Book form represents none other than the Pentateuch. Therefore, Deuteronomy functions to provide the most important hermeneutical clue for understanding the Law of Moses, the Pentateuch. That is, the Pentateuch (the Law of Moses) as a whole is the Torah, the sacred Scripture and the expression of the will of God for his people for all time. This function of Deuteronomy is accomplished by way of using the word "this Torah." This word not only relates Deuteronomy to the previous books, but also incorporates the whole Mosaic Law into a united entity by being included in the book of the Torah.

The implication of this is that by doing so, Deuteronomy presents the whole Pentateuch as the expression of God's will conveyed through Moses as Sacred Scripture given to the people of Israel for all generations.

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<sup>20</sup>Von Rad, *Deuteronomy*, 29.



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