

Reflecting on (Non-)Violence in the Book of Deuteronomy in (Old Testament) Canonical Context¹

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We do not see the world as it is, but as we are.
— The Talmud

Where human beings are harmed by other human beings with some name of God on their lips, we must offer resistance, unmask and condemn, whether in our own ranks or in the other confessions and religions.²
— Erhard Gerstenberger

ABSTRACT

In recent Pentateuch scholarship, the book of Deuteronomy is allocated a central place, not only with regard to the history of the origin of the Pentateuch, but also in constructing the theology of the Pentateuch, even the Tanach, at large. From the perspective which advocates the thematic study of the Pentateuch’s life-related themes (amongst others “human rights,” poverty, sexuality or the possession of land), the issue of violence constitutes a particular problem. The paper explores the inner debate on violence within Deuteronomy and the canon within its contemporary context, as well as in terms of its reception in some scholarly commentaries in the (post-) modern world. In an overview of the book as a whole, special attention will be paid to Deut 13 (the demand to killing even the own son in case of idolatry) and Deut 20 (uncritical positive prescriptions for warfare).

A INTRODUCTION

It seems to be consensus in present-day Pentateuch research that hardly any consensus exists.³ However, it is more and more accepted that Deuteronomy forms the “linchpin” of the Pentateuch and that Torah studies should commence here.⁴

This notion is so much emphasised by Eckardt Otto, that in his *Abschiedsvorlesung* in 2009 in Munich⁵ argued that Deuteronomy should constitute

¹ To Herrie van Rooy, with friendly appreciation.

² Erhard Gerstenberger, *Theologies in the Old Testament* (Edinburgh: T & T Clark, 2002), 298–299.

³ Christoph Levin, “Die Entstehung des Judentums als Gegenstand der Alttestamentliche Wissenschaft,” (Presidential address, IOSOT Conference, Munich, 2013), 1–3.

⁴ Eckart Otto, *Das Deuteronomium Im Pentateuch Und Hexateuch: Studien Zur Literaturgeschichte von Pentateuch Und Hexateuch Im Lichte Des Deuteronomiumrahmens* (FAT 30; Tübingen: Mohr Siebeck, 2000), 1, calls Deuteronomy “die Wiege des Pentateuch.” See also John van Seters, *The Pentateuch* (Sheffield: Sheffield Academic Press, 1999), 30–86.

the vantage point for a theology of the OT and even the Christian canon. With the latter idea as such I am not necessarily in contention, but if with "theology" is meant a thought system that holds authority or should appeal to modern human beings,⁶ whether Jews, Christians or otherwise,⁷ one to my mind cannot avoid the difficulties which such a notion implies, especially if one originates from Germany, South Africa and Israel⁸ with their legacies of violence, past and present.

But merely living in our modern world where there is military conflict in about 30 of the world's 192 countries, and various types of violence (rape, murder, *etcetera*)⁹ in virtually every society, the reader of Deuteronomy can only by a conscious strategy of ignoring avoid the problem if the biblical text is valued by him or her as part of his or her religious tradition, not even to be regarded as the "Word of God."¹⁰

⁵ See Eckart Otto, "Deuteronomium als Mittelpunkt einer Theologie des Alten Testaments," (unpublished farewell lecture, University of Munich 2009). Cf. also Otto's discussion of the place of Deuteronomy in the canon in the informative review of the research on Deuteronomy in his commentary: Eckart Otto, *I, 1–4, 43* (vol. 1 of *Deuteronomium 1–11*; Freiburg: Herder, 2012), 280–284.

⁶ James Barr, *The Bible in the Modern World* (London: SCM, 1973), 165, warning against a fundamentalistic reading of the text, discusses the (ancient) Israelite attitude to war and the problem it poses for the modern Christian. Ferdinand Deist, *Verandering Sonder Geweld?* (Kaapstad: Tafelberg, 1983), 104–114, calling for a "theology of peace," discussed the problem of the contradiction between the OT and the NT with regard to violence, and what it posed for the South African reader, (significantly) in the apartheid's context of the 1980's.

⁷ One thinks of Islam, where the OT (Torah) and Gospel traditions are to a certain extent recognised in the Qur'an (e.g. Sura 3:4), see Hans-Joachim Schoeps, *An Intelligent Person's Guide to the Religions of Mankind* (London: Victor Gollancz, 1967), 227–229, and Bruce Lawrence, *The Qur'an: A Biography* (Vancouver: Douglas & McIntyre, 2006), 86, although there is of course no explicit reflection on the book of Deuteronomy.

⁸ I, for one, have German ancestors and was born and bred (indoctrinated?) in South Africa, with a special positive interest (teaching OT and Biblical Archaeology) in Israel (past and present).

⁹ The present contribution will be restricted to physical violence, without denying the existence of other types of violence, cf. Nicky Spies, "Oral Communication on Four Types of Violence," (Personal communication, Stellenbosch, 2014), who distinguishes four types (amongst others verbal abuse), which reminds of Jesus' first antithesis in the Sermon on the Mount (Matt 5:22), declaring insulting the brother – using the term "Raka" ("fool," an extremely insulting remark) – as being, like murder, liable to judgment.

¹⁰ To my mind the literal interpretation of the term "Word of God" in referring to the Bible has caused much pain and suffering in the history of Christianity. Interestingly, the issue of violence in Deuteronomy is usually not much reflected upon, not by (historical-critical) scholars, probably because they seem to be more interested in the origin of the text than what it communicates, and not by lay people, because they simply do not read the book as a whole, at most only quoting a verse here and there, mostly out of context. For a critical reflection on the Bible as having authority as the "Word of God," see Barr, *The Bible*, 13–34

In an ironic way an ancient book becomes an actual and relevant book if it is studied from a *thematic* approach where life-related themes (e.g. human rights, political liberation, poverty, sexuality, possession of land) common to both ancients and moderns are scrutinised in the text, in this case the Pentateuch.¹¹ The differences between ancient and modern modes of thinking quickly emerge and are consciously introduced into the debate. But surprisingly there are also similarities of thought, of which – when the colonial enterprises of the past centuries¹² are taken into account – the imperialistic destruction of the enemy is but one instance.

A never-ending research into the history of origins of the Pentateuch¹³ can claim scientific respectability and steer clear of the challenge posed by the violence in the book. The historical approach can also be used to “historise” the problem by viewing Deuteronomy as being embedded in its contemporary context, and therefore to be “empathetically” understood.¹⁴ However, even in such a case one is confronted

and David H. Kelsey, *The Uses of Scripture in Recent Theology* (Philadelphia: Fortress Press, 1975). For conservative “popular” commentaries, not treating the violence of Deuteronomy as a problem, but rather justifying it, see (especially on ch. 7, 13 and 20) Walter Kaiser, “Deuteronomy,” *The Baker Illustrated Bible Commentary*, (ed. Gary M. Burge and Andrew E. Hill; Grand Rapids, Mich.: Baker Books, 2012), 146–175; George T. Manley and Ronald K. Harrison, “5. Mose (Deuteronomium),” *Kommentar zur Bibel: AT und NT in einem Band* (ed. Donald Guthrie and J. Alec Motyer; Wuppertal: R. Brockhaus, 1998), 240–277; Graham H. Davies, “Deuteronomy,” *Peakes Commentary on the Bible* (ed. Matthew Black and Harold H. Rowley; London: Thomas Nelson, 1962), 274, does this to a lesser extent, explaining the *herem* in terms of the need to eradicate idolatry, but recognising that “many moral difficulties in the command remain.”

¹¹ See Eben Scheffler, “Studying the Pentateuch: Pleading for a Thematic Approach,” (paper presented at the annual Pro Pent seminar, Bas Lake, 2012).

¹² I refer to past centuries instead of 20th century to allow for the inclusion of the Americas, Australia and South Africa, where Red Indians, Aborigines and Blacks were killed on a large scale by representatives of the so-called “Christian,” “civilised” West. This tale, with its complex and also “barbaric” ramifications is brilliantly related by Niall Ferguson, *Civilization: The Six Killer Apps of Western Power* (London: Penguin, 2012); see also Roger Osborne, *Civilization: A New History of the Western World* (London: Pimlico, 2007), 236–238. For the “disastrous” use of Deuteronomy in apartheid theology in South Africa, see Ferdinand Deist, “The Dangers of Deuteronomy: A Page from the Reception History of the Book,” in *Studies in Deuteronomy in Honour of C. J. Labuschagne on the Occasion of his 65th Birthday* (ed. F. Garcia Martinez, Antonius Hilhorst, Jacques T.A.G.M. van Ruiten and Adam S. van der Woude; VTSup 53; Leiden: Brill, 1994), 28–29.

¹³ An excellent recent review of this research is provided by Thomas Römer, “Zwischen Urkunden, Fragmente und Ergänzungen: Zum Stand der Pentateuchforschung,” *ZAW* 125/1 (2013): 2–24. Cf. also the lengthy review of research on Deuteronomy by Otto, “Deuteronomium 1–11, 1,” 1–284.

¹⁴ Empathetic understanding demands that the reader immerse him or herself totally into the context and specific situation of the people performing the actions as described in the text. Judgement is reserved in favour of an attitude of “to understand all is to forgive all,” although

with Deuteronomy’s unique position in the Pentateuch with regard to violence and a pro-war attitude.

Deuteronomy’s stance on violence (especially war) is simply not shared by all Pentateuchal literature. Already in his commentary about 50 years ago Von Rad¹⁵ remarked:

...vielmehr ist das ganze Dt. von einem ausgesprochenen kriegerische Geist bestimmt.... Gerade in dieser Hinsicht unterscheidet sich das Dt. markant vom Bundesbuch, Heiligkeitgesetz oder der Priesterschrift.

One can conclude that ancient texts need not *per se* be violent simply because they are ancient – to the contrary, there were also texts with a non-violent tenor. Moreover, “putting Deuteronomy into context” does not solve the hermeneutical problem either (involving coming to grips with Deuteronomy as canonical scripture). Nevertheless the first task in any enterprise of coming to grips with the book’s violence still remains to locate it into what Von Rad¹⁶ called “eine bestimmte politische Situation der Geschichte Israels.” However, the violence cannot always be politically contextualised, since war does not constitute the only context for violence in the book of Deuteronomy. Furthermore, it should also be asked if Deuteronomy (cf. the possible emphasis on human rights in the book) does not also put a check on violence – hence the “non” between brackets in the title of this paper.¹⁷

It is virtually impossible to exploit the theme of physical violence to the full within the scope of this article. The term “reflections” in the title is therefore significant. In what follows an overview under two rubrics will be provided, namely the *nature* or *character* of the violence that permeates the book (B) and the different *forms* or *types* of violence in the book (C), (non)violence in Deuteronomy (D), before returning to some hermeneutical remarks (E).

B SOME CHARACTERISTICS OF VIOLENCE IN DEUTERONOMY

Firstly, violence *permeates* virtually every chapter of Deuteronomy, and not only the Deuteronomic Code of chs. 12–26. It appears in the paraenetic sections of chs. 1–11, as well as the appendices, and is even not absent in Moses’ song (ch. 32) that primarily deals with God’s loving care for Israel.

the adage of Wellhausen “Verstehen ist noch lange nicht billigen” (quoted by Deist, “Dangers of Deuteronomy”), is also kept in mind.

¹⁵ Gerhard von Rad, *Das fünfte Buch Mose: Deuteronomium* (2nd ed.; Göttingen: Vandenhoeck & Ruprecht, 1968), 17. The priestly writings off course contain much violent material when it comes to the sacrificial killing of animals and punitive measures such as stoning (cf. Lev 9, 10, 24). Von Rad’s term “kriegerische Geist” (war spirit) should therefore be taken quite literally and cannot be applied to all forms of violence.

¹⁶ Von Rad, *Deuteronomium*, 17.

¹⁷ Georg Braulik, “Das Deuteronomium und die Menschenrechte,” *TQ* 166/1 (1986): 8–24.

Secondly, the violence that is depicted is *cruel, brutal and severe*. The most prominent manifestation of this severity is most surely to be found in the measures in ch. 7 regarding the *herem* (or ban) which demands the total destruction of the enemy and its property after a military victory, including the execution of the women and children,¹⁸ sometimes even animals. But also in other forms of violence the severity is obvious (see discussion below).¹⁹

Thirdly, the *role of religion* in the violence is prominent. The war is sanctified and YHWH’s role in it is prominent (cf. 7:16–26; 9:1–6; 20:1–4; 23:9–14; 31:1–8).²⁰ YHWH is not explicitly mentioned as the “divine warrior” as in Exod 15, but he demands the war and the *herem* and sometimes executes it himself without the people’s participation (cf. his sending the hornets in ch. 7:20, hailstones in Josh 10:11). Other forms of violence are also part of the law that is religiously sanctioned (see below).

Fourthly, God’s *favour* to his people is linked with the *negative fate* of their enemy. The book seems to reflect a stance that prosperity for Israel not merely presupposes not being disturbed by, or the mere victory over, or downfall of the enemy, but it appears as if the total destruction of the enemy is – as (amongst others) demanded in the *herem* – constitutive for Israel’s well-being – an extremely nationalistic or solipsistic perspective.

¹⁸ For an excellent discussion of what he calls the “Deuteronomistic Ban Theory” and its (non)use and function in the history of ancient Israel, see Reinhard Achenbach, “Divine Warfare and YHWH’s Wars: Religious Ideologies of War in the Ancient Near East and in the Old Testament,” in *The Ancient Near East in the 12th–10th Centuries B.C.E: Culture and History: Proceedings of the International Conference, Held at the University of Haifa, 2–5 May, 2010* (ed. Gershon Galil, Ayelet Gilboa, Aren M. Maeir and Dan’el Kahn; AOAT 392; Münster: Ugarit–Verlag, 2012), 21–26; see also Cornelius Brekelmans, “*herem*,” *THAT* 1:635–639.

¹⁹ It is especially viewing the severity of the *herem* “from Canaanite perspective” that causes Regina Schwartz, *The Curse of Cain: The Violent Legacy of Monotheism* (Chicago: University of Chicago Press, 1997), 9, 61–62, 176, to argue for the re-writing of the Bible. To my mind this would not solve the problem, since the Bible would continue to exist as part of the Judaeo–Christian tradition. The solution should rather be sought in terms of the status of the Bible’s authority and the constant re–interpretation of authoritative traditions, which could even include radical modification. See also Esias E. Meyer, “The Role of the Old Testament in a Violent World,” *VetE* 32/2 (2011); Art. #502, 8 pages; DOI: 10.4102/ve.v32i2.502. To my mind Meyer (page 1) exaggerates by calling the Bible “a collection of violent books,” thereby denying opposite views partaking in an internal debate in the Bible (as far as violence is concerned cf. e. g. Song of Songs, the ant–war attitude of Chronicles, the quietism of Isaiah and Micah etc., see below).

²⁰ See Gerhard von Rad in *Der Heilige Krieg in Alten Testament* (Zürich: Theologischer Verlag, 1951).

Fifthly, the violence against the enemy is motivated by Israel being specially *elected* among the nations to be his holy or consecrated people with whom he has a *covenant* that demands the keeping of his law (Deut 7:7, 16).²¹

In the *sixth* place, the violence can also – most significantly – be directed *towards* Israel itself, as is clear from the *ex eventu* predictions regarding the curses during the exilic experience (ch. 28). By these “predictions,” violence is used as a (negative) conditioning factor to motivate Israel to uphold the law in its post-exilic situation. If the law is not kept, if idolatry occurs, Israel will experience the very same violence and material deprivation that had originally been meant for the enemy (cf. especially Deut 28:15).

Further aspects that characterise the violence can surely be mentioned and will become clear in the discussion below. At this stage one can provisionally conclude that Deuteronomy’s violence is not of the minimal kind that present-day police officers would use as a last resort (at the same time regarding it as unfortunate). The opposite is actually true: in the book of Deuteronomy we encounter *maximum violence* in all its ferocity, which of course increases the hermeneutical problem.²²

The question can be asked whether the hermeneutical problem is not self-created by one’s focusing on the “negative” aspects of the text by “reading the text against the grain.”²³ It is also often argued that extreme forms of violence can in certain instances even be justified, since we also find it in the Bible.²⁴ A few provisional hermeneutical remarks are therefore in order.

²¹ Reading the text fundamentalistically, Jews and even Christians would internalise the notions of Israel’s exclusive election. If the text is recognised as a human product this can constitute a problem, as it did for Leopold Weiss, a German born Jew who converted to Islam in 1926, after taking issue with the idea of the Jews being a chosen people (excluding all others). For Weiss’s moving account of his conversion and its motivation, see the famous book written under his newly adopted name, Muhammad Asad, *The Road to Mecca* (New York: Simon & Schuster, 1954). If however the Tanach is viewed as containing an internal debate seeking divine truth, a text such as Amos 9:7 (referring to the “election” of the Philistines and Aramaeans) comes into play.

²² The violence of the Bible is often used to challenge faith as such, which poses a serious challenge to OT theologians, see e.g. Richard Dawkins, *The God Delusion* (London: Bantam Press, 2006), 237–250.

²³ For the concept of “reading against the grain,” see David Clines, *Interested Parties: The Ideology of Writers and Readers of the Hebrew Bible* (Sheffield: Sheffield Academic Press, 1995), 187–211.

²⁴ See Deist, “Dangers of Deuteronomy,” 20–29. Cf. also Walther Zimmerli, *Die Weltlichkeit des Alten Testaments* (Göttingen: Vandenhoeck & Ruprecht, 1971), 58–71, who positively discusses Israel’s relations with the enemy as in line with the “mundane” character of the OT. For a (to my mind) failed attempt to justify Israel’s wars as “defensive wars,” see Hendrik van Oyen, *Ethik des Alten Testaments: Geschichte der Ethik* (vol. 2; Gütersloh: Gerd Mohn, 1967), 182–185. For a modern discussion on the relative justification of war, see

Suffice it to say at this stage that some conceptions of the Bible as the "Word of God" provide their readers with such a "dogmatic" lens that the contents of the text are simply overlooked, or ignored – resulting in a reading of the text that is even not according to its grain at all. Secondly, overlooking the violence in the text denies the *inner debate* on the issue in the Bible itself where opposite views are encountered (as I hope to indicate below). Furthermore, if I may be subjective for a moment, I don't want to take part to promote atheism or agnosticism, but would rather advocate a view of faith wherein the "difficult parts of the Bible" are faced head-on, in order that they can constitute no stumbling block, nor can be used to defend a fundamentalistic kind of scepticism (under which category to my mind that of Dawkins falls, despite his own denial).²⁵

C FORMS (TYPES) OF VIOLENCE IN DEUTERONOMY

It should be emphasised from the outset that the violence we encounter in Deuteronomy cannot be spiritualised. It cannot be side-stepped by interpreting it as "abstract" in any way. It is essentially physical, entailing human beings in all its totality.²⁶

Firstly, whereas the characteristics of violence thus far mentioned mainly refer to *war* situations (cf. the *herem* in Deut 7 and the rules for war in Deut 20), and whereas war constitutes probably the most prominent context for violence, there are, as will become clear below, other forms as well, and by no means are they less severe.

Secondly, in Deuteronomy *capital punishment*²⁷ (most often by stoning)²⁸ is employed for various reasons. Most prominent is ch. 13 (cf also 17:2–7) where loyalty

Helmut Thielecke, *Politics* (vol. 2 of *Theological Ethics*; Philadelphia: Fortress Press, 1967), 452–472.

²⁵ Dawkins, "God Delusion," 279–286. It should off course also be noted that the existence of God does not depend on the Bible. Those attempting to disprove his existence by traducing the Bible, ironically ascribes to the Bible's authority as point of departure. Dawkins clearly fell into this trap.

²⁶ It is said of St Augustine that before his conversion he had a problem with the OT, a problem which was only solved when he learned from Ambrosius to understand it allegorically, see R. Lorenz, "Augustin" *RGG* 1:740. Ironically, one can conclude that St Augustine had a more appropriate understanding of the OT before his conversion than afterwards. The more sophisticated views of the 12th century Jewish scholar Moses Maimonides can also be mentioned in this regard. He opined that anybody who understands the Pentateuch literally should be expelled from the Jewish faith. See Sam Atkinson, *The Philosophy Book* (London: DK Pub, 2011), 84–85. In Maimonides's view the basic meaning of the text is not denied, but cannot in a hermeneutical sense be followed as it stands. It therefore represents a view much more in line with what we attempt to advocate in this contribution.

²⁷ See Frances Klopper, "Doodstraf in Ou-Testamentiese Perspektief," (M.A. diss.; University of Port Elizabeth, 1988).

²⁸ That one was regarded as cursed when being hanged on a pole, does in the context of the book not imply a prohibition on being hanged, but actually an option for execution.

to YHWH²⁹ demands that those who advocate (or entice to) idolatry, whether it be a prophet, family member or “bad people” of a town, should be executed. In the latter case, involving a town, the measures of the *herem* applies, implying the killing of innocent women and children of the whole town (13:12–17). Furthermore (and exegetes or readers living in the ivory tower of Western luxury, safety and security should be aware) one should consciously reflect on *stoning*,³⁰ the cruelty of the act (being thrown backwards from a cliff or wall, and then stoned if not already dead), the possible gradual dying involved where eventual death can also only occur after a day or two, hardly less painful than crucifixion.³¹ But even if one “historises” the instances of idolatry in a political context (cf. Otto’s view on the origins of human rights over against autocratic rulers like Essarhaddon),³² it should still be kept in mind that capital punishment by stoning is not confined to a political context. It is also prescribed for executing a rebellious son, merely for disobeying his parents (21:21), or if a betrothed girl would be found not to be a virgin (22:21) and most probably also in the case of adultery (restricted to sleeping with a neighbours wife, 22:24). These prescriptions are far removed from Western societies, even where capital punishment is still law for some offences (e.g. as in the USA). If present-day religious groups would carry out such executions they would in a modern western context surely be arrested.

A *third* form of violence used in what was considered to be “minor transgressions” includes *flogging* (cf. Deut 25:1–3). The restriction to 40 strokes was in the ancient context surely interpreted as a “human right” (or at least a human restriction because the brother should not be degraded). However, it cannot be overlooked that the provision of 40 strokes still constitutes severe punishment. A measure that only employs restrictions above 40 strokes actually testifies to the violent nature of the

²⁹ Eckart Otto, *Krieg und Frieden in der hebräischen Bibel und im Alten Orient: Aspekte für eine Friedensordnung in der Moderne* (T&F 18; Stuttgart: W. Kohlhammer, 1999), 86–90, to my mind correctly indicated that ch. 13’s demand for loyalty to YHWH should be interpreted in the context of the Assyrian loyalty oath of Essarhaddon, and actually constitutes an opposition to loyalty to an earthly being (king), thereby being subversive and initiating the idea of human dignity and “rights.” However, the punishment involved contravenes the idea of human rights, even in an ancient context. For a case of “religious tolerance” in ancient Israel, see Frances Klopper, “We Have a Right to Believe Differently: 2 Kings 5:1–27 and Religious Tolerance,” in *Old Testament Science and Reality: A Mosaic for Deist*, (ed. Willie Wessels and Eben Scheffler; Pretoria: Verba Vitae, 1992), 198–206.

³⁰ On the terms used for stoning (*saqal* and *ragam*) see Otto Michel *BHW* 5:118. Interestingly the terms are not discussed in *THAT*. That the Deuteronomic prescriptions on stoning was internalised in Judaism is clear from the Mishna (Sanh. VI–VII, 5), see Herbert Danby, *The Mishna: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (Oxford: Oxford University Press, 1974), 389–392.

³¹ On crucifixion, designated by Cicero (*Verr.* V 64, 165) as *crudelissimum taeterrimumque supplicum* (“the most cruel and abominable penalty”) see Eben Scheffler, *Fascinating Discoveries from the Biblical World* (Pretoria: Biblia, 2000), 129–133.

³² See footnote 26 above.

society involved, and because the society is ancient, the contextualisation of the measure does not diminish the severity of the violence.³³

A *fourth* form of violence (also meant as punishment) involves the *mutilation* of the human body as in the well-known dictum "and eye for an eye and tooth for a tooth, a hand for a hand and foot for a foot" in Deut 19:20. An interesting case of mutilation is the prescription in Deut 25:11–12 to cut off a wife's hand when she comes to her husband assistance when he is involved in a fight with another man (she grabbing her husband's opponent's testicles).³⁴ Every male person knows that such a grabbing could be most painful, but whether the measure ensures a human right in favour of the said grabbed man is most doubtful. To the contrary, the severe measure of cutting off the woman's hand rather testifies to the absence of human rights for the woman who merely acted out of loyalty for her husband.

Fifthly, violence to *animals* (cf. also the obscure reference to trees in ch. 20) should be mentioned.³⁵ Deuteronomy 12 prescribes animal sacrifices to be made only at the central sanctuary, but special provision (unique to Deuteronomy) is made for the eating of meat everywhere as "a blessing of YHWH" (12:15).³⁶ Since we (westerners) live in an omnivorous society where the eating of meat is at the order of the day, we tend to overlook the violence to animals, thereby confirming the adage of the Talmud that we do not see the world as it is, but as we are. Vegetarians (whose numbers are increasing), as well as other pro-animal lobbyists would probably view violence to animals as an even more severe form than that inflicted on humans amongst themselves, because of the vulnerability of animals before humans. The fact that animal sacrifice is not practised in Christianity anymore (due to the sacrificial interpretation of Jesus' death)³⁷ can be noted as a positive animal friendly measure. However, we are

³³ Any modern "historical-critical" exegete who wants to advocate an "empathetic" understanding of the measure should to my mind first undergo the 40 lashes, or forever hold his or her peace. For the first evangelist (Mark 15:15) scourging was surely interpreted as being extremely cruel and part of Jesus's suffering that had preceded his crucifixion.

³⁴ If the *ius talionis* rule of 19:20 is not to be literally interpreted in view of Deut 19:15–21, the rule to cut off the women's hand is the only biblical legislation in which mutilation is the penalty, see *The CTS New Catholic Bible* (London: The Catholic Truth Society, 2007), 286.

³⁵ The role that nature play in the Bible has to a large extend been overlooked in what can be described as the *anthropocentric* exegesis of Western scholarship. Today this is challenged by so-called ecological readings. For an early "pioneer" exponent of such a reading see Andreas Dierks, "Perspektiven von Tier und Mensch im Alten Testament" (M.Th. diss., University of South Africa, 1993).

³⁶ According to *The CTS New Catholic Bible*, 270, Deut 12:15 contains the earliest legislation on non-sacrificial slaughter, purely for eating without religious implications.

³⁷ Cf. Rom 3:25; Heb 9:11–14; 10:1–10. For Paul the "living body" of the believer furthermore replaces the literal sacrifice (Rom 12:1–3). It should be noted that the criticism or relativising of animal sacrifice already starts with the prophets, and as far as those utterances can be regarded as uttered by the relevant prophets themselves, they interestingly precedes Deuteronomy (e. g. Amos 5:21–27; Isa 1:10–13; Jer 6:20; Hos 6:6; Mic 6:6–8). The same tenor can be found in the Psalms (40:7–8; 51:18–19; 69:31–32; 141:2) which in all probability

still confronted by it in the text of Deuteronomy that forms part of Christian Holy Scripture.

The slaughtering of the *heifer* in Deut 21:1–8 constitutes an interesting case of violence against *innocent* animals. A human right (protection against innocent blood-vengeance) is probably achieved, but at the price of the putting to death of an innocent animal. The risk of unjustified violence against humans is thereby avoided by employing pro-active violence against an innocent animal. That an animal is involved and not a "lower" form of life (like for instance a plant) testifies to the fact that an animal was regarded as having a certain degree of consciousness which qualified it to be a substitute for a human death, the human life nevertheless being regarded as more important (ironically despite the explicit violent nature of human beings). Of course such measures are not at the order of the day in present-day so-called civilised societies, nor is it forbidden, and in any case allowed in traditional societies. However, (and I am no vegetarian) we allow for the very same actions (not to mention the revelling in killing in the "sport" of hunting) to provide for our custom and desire to eat meat. Most probably in 100 years from now humans will look back on our present-day practices towards animals with the same astonishment with which we now look back at the slaughtering of human life during World War I and II, or the practice of slavery for eighteen centuries into the Christian era. Time will tell.

D NON-VIOLENCE OR LIMITATIONS TO VIOLENCE IN DEUTERONOMY

The prominence of violence in the book of Deuteronomy should not blind one for the fact that there are indeed restrictions to violence, especially when the violence can be regarded – in Von Rad's words – as "gemeinschaftswidrig,"³⁸ in other words against the interests of society. The following aspects can be mentioned.

Firstly, the sixth commandment (*not to kill*) is prominent in the Decalogue (Deut 5:17).

Secondly, in Deut 4:42–43 provision is made for *cities of refuge* to protect an innocent killer against blood-vengeance (cf. also the function of the already discussed

reflects an exilic or post-exilic situation (contemporary or post-Deuteronomy). Jesus Sirach develops the motif further in the Hellenistic period, regarding the keeping of the law as sufficient sacrifice (Sir 34:18–35:12). For the absence of sacrifices at Qumran (IQS VIII,8–9; IX,4–5) see Geza Vermes, *The Complete Dead Sea Scrolls in English* (London: Penguin Books, 1997), 82–83; also Scheffler, "Fascinating," 111. For the historical Jesus, see Crossan on Mt 5:23–24 in John Dominic Crossan, *The Essential Jesus: Original Sayings and Earliest Images* (San Francisco: HarperSanFrancisco, 1994), 134,168. Although the contemporary relativising accentuates the severity of Deuteronomy's violence, it is important to note that in none of these instances the abolition or relativising of sacrifices is motivated by any appreciation of the cruelty or violence done to animals. However, on (later) compassion to animals in the Talmud, see Abraham Cohen, *Everyman's Talmud* (London: Dent & Sons, 1968), 235–237.

³⁸ Cf Von Rad, *Deuteronomium*, and Braulik, "Menschenrechte."

heifer). *Thirdly*, Deut 17:16 (probably having Solomon in mind)³⁹ prohibits excessive *military built-up* (the king should not assemble to many chariots and horses).

Fourthly, child sacrifice is regarded as an abominable Canaanite religious practice and prohibited in Deut 12:3 and 18:10, probably to prevent a repetition of Ahas’s action in sacrificing his son according to 2 Kgs 16:3.⁴⁰

Fifthly, there rests a curse on one who *strikes his neighbour* in secret (27:4).

Sixthly, judges have the role to see to it when *flogging* (25:1–3)⁴¹ is applied as punishment (which should be done in their presence) that the number of strokes are proportionate to the offence.

Seventhly, Deut 23:16 prescribes that a *runaway slave* should not be imprisoned or molested, but accommodated (contrary to common ANE practice).⁴²

Eighthly, even *animals* should in certain contexts be kindly treated: the fallen ox or donkey of the neighbour should be helped (although for the benefit of the neighbour), and an ox (although to facilitate the treading of corn) should not be muzzled (25:4).⁴³

In the *ninth* place, there are also simple “mundane” measures to curb bloodshed. Deuteronomy 22:8 provides for a parapet on one’s house to prevent the spilling of blood if somebody would fall from it.

In the *tenth* place, in the *rules for warfare* (ch. 20), there are measures that can be viewed as very human, even though the intention is to establish a fearless army. These measures include permission to go home for dedicating a new house, enjoying the fruit of a new vineyard and taking a betrothed wife, and even for being afraid.

³⁹ See Eben Scheffler, “Criticising Political Power: The Challenge of Deuteronomy 17:14–20,” *OTE* 20/3 (2007): 776–779.

⁴⁰ Andrew D. Mayes, *Deuteronomy* (London: Oliphants, 1979), 280 does not agree with Samuel Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; Edinburgh: T & T Clark, 1986), 221 that child sacrifice amongst the Canaanite nations was practiced in order to obtain divine information, since no reference to that effect is extant besides his interpretation of 18:10. To “avert calamity” seems to be the reason for it in 2 Kgs 3:27, although this is not mentioned in the Mesha Stone which preserve the Moabite version of the same battle. See Scheffler, “Fascinating,” 86–89.

⁴¹ In Deut 25:1–3 one clearly sees how the author(s) of the book is aware of the severity of its violent measures and attempt(s) to curb it.

⁴² Mayes, *Deuteronomy*, 320, quotes the Code of Hammurabi in this regard (cf. *ANET* 166). The Deuteronomic stance reminds of Paul’s view in the letter to Philemon, which could have been influenced by 23:16, although no reference to it is made there. For an elaborate discussion, see Hermann Strack and Paul Billerbeck, *Die Brief des Neuen Testaments und die Offenbarung Johannis* (vol. 3 of *Kommentar zum Neuen Testament aus Talmud und Midrasch*; 5th ed.; Munich: C. H. Beck, 1969), 668–670.

⁴³ See Cohen, *Everyman’s*, 235–237.

They are very generous and if applied in modern times would most probably lead to the disintegration of an army. However, the measures for waging war against distant towns are harsh. In the case of Canaanite towns to be captured they are even harsher: No life should be spared. Trees should be spared, but if needed for warfare what seems to be a progressive ecological insight is annulled (20:19–20).⁴⁴

We have already discussed some of these measures due to the supposed violence which they do contain. One can conclude that non-violence is actually not advocated in Deuteronomy but only – in some instances – the curbing of extreme violence. The need for curbing violence indicates that the severity of the violence is realised (even if only on a subconscious level) and the tempering measures actually underscores its harshness. Braulik’s view (underplaying the violence in Deuteronomy and comparing the Deuteronomic measures with the Declaration of human rights of the United Nations)⁴⁵ is therefore too optimistic, as correctly observed by Deist.⁴⁶

E CONCLUSION: THE CONTINUING DEBATE ON VIOLENCE

Rogerson in his brief commentary on Deuteronomy (intended for a wider public)⁴⁷ at least does not shy away from the problems that texts like Deut 13 and 20 create for the modern reader. As far as the latter is concerned he stresses the fact that the rules for warfare (Deut 20) have no parallel elsewhere in the OT, and modern readers may well regret their presence here. On the other hand it can be argued that, in presenting these rules the authors of Deuteronomy have endeavoured to infuse some compassion into them. According to Rogerson,

War is an inescapable, if highly regrettable, feature of human existence, and even in the twenty-first century international bodies have both recognised the right of nations to defend themselves by force of arms if attacked, and tried to ameliorate the effects of warfare on prisoners and civilians.⁴⁸

Going into intense debate on this view is not plausible here, except to point out that as long as one regard war as an essentially “inescapable feature of human existence,” so long it will remain with us.⁴⁹

⁴⁴ For an extensive discussion see Johann Maier, *Kriegsrecht und Friedensordnung in Jüdischer Tradition* (T&F 14; Stuttgart: Verlag W. Kohlhammer, 2000), 242–354.

⁴⁵ Braulik, “Menschenrechte,” 8–9. Braulik’s comparison of Deuteronomy with most of the articles of the Declaration makes for interesting reading, but if the differences are also taken into account it actually emphasises the harshness of Deuteronomy’s violence.

⁴⁶ Deist, “Dangers of Deuteronomy,” 9, opines that Braulik produces “a fairly romantic interpretation of Deuteronomy.”

⁴⁷ John Rogerson, “Deuteronomy,” *Eerdmans Commentary on the Bible* (ed. James Dunn and John Rogerson; Grand Rapids, Mich.: W.B. Eerdmans, 2003), 153–173.

⁴⁸ Rogerson, “Deuteronomy,” 164.

⁴⁹ See Eben Scheffler, “War and Violence in the Old Testament World: Various Views,” in *Animosity, the Bible, and Us: Some European, North American, and South African Perspectives* (ed. John T. Fitzgerald, Fika Van Rensburg and Herrie F. Van Rooy; SBLGPBS 12;

Secondly, in view of the prominence of violence in Deuteronomy (and even the rest of the Bible),⁵⁰ the question could be asked whether it is at all possible to campaign for peace in the present-day world with the Bible in hand. Should the Bible not (especially the OT) rather be discarded and radically criticised? It is noteworthy that secularism (in the sense of atheism or agnosticism) increases at an alarming tempo in the Western world and the violence in the Bible (and its reception in the history of Christianity) usually functions as a prominent argument (e. g. Dawkins, cf. above). Old Testament scholars who in any way still want to profess Judaism or Christianity can no longer avoid these debates with neo-atheists.

Thirdly, the “historising” of situations of violence which Otto does with regard to Deut 13 (emphasis on loyalty to YHWH in an Assyrian dominated context), or Achenbach with regard to warfare and the *herem*, by situating the ideology of the text in a post-exilic context with the function to encourage Jews in an imperial context, should be taken seriously.⁵¹ These interpretations can be considered as a vantage point for a hermeneutic dealing with the challenge of the text. In itself it can perhaps convince the OT scholar or historian of Israel’s history who is in any case aware of the diversity of views on nearly every issue in the OT or Israel’s history.⁵² However, the ordinary reader or sceptic reader will hardly be convinced.

Fourthly, the latter conclusion leads to a point already touched upon. It becomes the duty of theologians and the clergy to communicate to Christians, aspiring Christians as well as opponents of Christianity that whenever reference is made to the Bible as “Word of God” (in church services or otherwise), no literal reference can be implied, as if the Biblical literature contains a monolithic or uniform stance on every

Atlanta, Ga.: Society of Biblical Literature, 2009), 14–17 for a hermeneutical reflection on the possibility to bring war to an end.

⁵⁰ See John Fitzgerald, Fika Van Rensburg and Herrie Van Rooy, eds., *Animosity, the Bible, and Us: Some European, North American, and South African Perspectives* (SBLGPBS 12; Atlanta, Ga.: Society of Biblical Literature, 2009).

⁵¹ See discussion above (Otto, “Krieg und Frieden,” and Achenbach, “Divine Warfare”). In a highly relevant discussion, Gerlinde Baumann, *Göttesbilder der Gewalt im Alten Testament verstehen* (Darmstadt: WBG, 2006), 81 attempts to deal with violent concepts of God in five steps, namely contextualising (= historising) in ancient Israelite context, contextualising in ANE context, scrutinising the development of violent traditions, taking account of the current literary context and asking how ancient authors dealt with their own experience of violence through the text (for a discussion of Baumann see Meyer, “The Role,” 5). I developed my own ideas independent from Baumann, therefore being encouraged by the remarkable resemblances.

⁵² See Zevit’s reference to the “religions” and Gerstenberger’s reference to “theologies” as far as ancient Israel is concerned. See Ziony Zevit, *The Religions of Ancient Israel: A Synthesis of Parallactic Approaches* (London ; New York: Continuum, 2001), and Gerstenberger, *Theologies*.

life issue. The Bible as a canon⁵³ incorporates not only different, but often contrary and conflicting views on different questions within contingent temporal and local contexts which exist in tension or debate with one another. This is the essential character of the library of Biblical books, and whoever assigns authority to these texts is also obliged to pay due respect to this fact. This leads to the following observation.

Fifthly, the Deuteronomic stance on violence is not typical for the OT or the Bible as a whole.⁵⁴ After all there is a Covenant Code and a Holiness Code and a P tradition in the Pentateuch, reflecting an irenic spirit contrary to that of Deuteronomy.⁵⁵ Taking the prophetic corpus into account, one can refer to the possible quietism of Micah (ch. 4) and Isaiah (chs. 2, 7 and 30). The views encountered in the Chronicler represent a special case of possible debate with older views. Whereas David in the Deuteronomistic History is acclaimed for his successful wars (2 Sam 8), he is criticised in Chronicles for too much bloodshed (given as a reason for why he could not build YHWH’s temple, 2 Chr 22:8; cf also the criticism of his military census in 1 Chr 21).

A direct criticism of Deuteronomic measures can be found in 2 Chr 28. After a war between the Northern and Southern Kingdom the Northern Kingdom intended to apply the *herem* (v. 8), but the prophet Oded intervenes and in 2 Chr 28:9–15 compassionate pro-active intervention is reported instead and thus advocated.

2 Chronicles 28:8,14–15	2 Chronicles 28:8,14–15
וַיִּשְׁבֹּו בְּנֵי־יִשְׂרָאֵל מִאֲחִיכֶם מִאֲתִים אֲלֹף נְשִׁים בְּנִים וּבָנֹות וְגַם־שְׁלָל רַב בְּזִיזוֹ מִהֶּם וַיִּבְיאוּ אֶת־הַשְּׁלָל לְשָׁמְרוֹן:	⁸ The people of Israel took captive two hundred thousand of their kin, women, sons, and daughters; they also took much booty from them and brought the booty to Samaria.
וַיַּעֲזֹב הַחֲלוֹז אֶת־הַשְׁבִּיה וְאֶת־הַבָּזָה לִפְנֵי הַשָּׂרִים וּכְלַ-הַקָּהָל:	¹⁴ So the warriors left the captives and the booty before the officials and all the assembly.
וַיָּקְמוּ הָאֲנָשִׁים אֲשֶׁר־גַּנְבּוּ בְּשָׁמוֹת וַיִּחְזַּקּוּ בְּשִׁבְיָה וּכְלַ-מְעַרְמִיהֶם הַלְּבִישׁוּ מִן־הַשְּׁלָל	¹⁵ Then those who were mentioned by name got up and took the captives, and with the booty they clothed all that were naked among them;

⁵³ See Davies’s excellent discussion in Philip Davies, *Scribes and Schools: The Canonization of the Hebrew Scriptures* (Louisville, Ky.: Westminster John Knox Press, 1998) for the contingencies involved in the Bible’s canonisation process.

⁵⁴ For a fuller discussion as what is possible here, see Scheffler, “War and Violence,” 9–14.

⁵⁵ See J. Patout Burns, ed., *War and its Discontents: Pacifism and Quietism in the Abrahamic Traditions* (Washington: Georgetown University Press), 1996. As noted above (footnote 15), this “irenic spirit” does not apply to the slaughtering of animals.

<p style="text-align: center;"> וַיְלַבְשׁוּם וַיִּנְعַלּוּם וַיִּאַכְלּוּם וַיִּשְׁקּוּם וַיִּסְכּוּם וַיִּנְהַלּוּם בְּחַמְרִים לְכַלְבּוֹשָׁל וַיִּבְאַיּוּם יִרְחֹוּ עִירְהַתְמָרִים אַצְלָ אֲחִיהָם וַיִּשְׁבוּ שָׁמָרוֹן: </p>	<p>they clothed them, gave them sandals, provided them with food and drink, and anointed them; and carrying all the feeble among them on donkeys, they brought them to their kindred at Jericho, the city of palm trees. Then they returned to Samaria.</p>
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It is noteworthy in the narrative that the Northerners were prompted by the prophet Oded only to *refrain* from applying the *herem* (2 Chr 28:9–11). Of their own accord they explicitly chose to go beyond that by substitute the *herem* with its opposite: compassionate behaviour to the benefit of their enemy.

One therefore is not confined to the historical Jesus⁵⁶ or the NT to cherish a different view that challenges the violence of Deuteronomy. It most probably occurred the other way round. The historical Jesus and the NT authors (who had the OT as their only Bible) most probably revived recessive irenic OT traditions to promote peace. The use of 2 Chr 28:9–15 in the composition of the parable of the Good Samaritan is a prominent example.⁵⁷

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⁵⁶ For a convincing argument for the non-violence of Jesus, see John H. Yoder, *The Politics of Jesus: Vicit Agnus Noster* (Grand Rapids, Mich.: Eerdmans, 1972). Unfortunately Meyer "The Role," 7–8, although reasoning from a Christian context does not refer to the stance of the historical Jesus in his hermeneutical reflections.

⁵⁷ See Eben Scheffler, "The Assaulted (Man) on the Jerusalem–Jericho Road: Luke's Creative Interpretation of 2 Chronicles 28:15," *HvTSt* 69/1 (2013); Art. #2010, 8 pages; DOI: 10.4102/hts.v69i1.2010, for a comprehensive discussion.

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