**DEVARIM (**1st part)

*Devarim* (*Deuteronomy*) 1.1 – 2.1

*Eitz Hayim* 981; Plaut 1316; Hertz 736

Today’s parashah is the first portion of the Book of Devarim—“Words” in literal English, or Deuteronomy as traditionally called from early Greek translations. No surprise, then, that this portion is full of things to talk about and that almost every siddur has an opening essay about the contents. What is a surprise is that few of those essays talk about Devarim’s true origin. *Eitz Hayim* (pg 980) says, “Deuteronomy has a strong intellectual orientation” and “strongly influenced later Jewish tradition.” The Hertz chumash just says that it is more important than anything else in Jewish scripture. Neither is specific about the book’s origin, which is critical. Worse yet, most refer to the Book’s second name, [*Mishnei*](file:///%5C%5Cmishnei) *Torah*, Repetition of the Torah, which is wrong. The one exception of which I am aware is an eight-page essay in the 1981 chumash by the late Rabbi Gunther Plaut, which states that language in Deuteronomy is “different from that found in the other books of the Torah,” and, most important, that “It is possible and even likely that Deuteronomy’s core . . . was set down as a book before the other four books of the Torah were formulated as distinct document.” That is close to my d’var this morning—that what we now call “Devarim” or “Deuteronomy” was considered “the Torah” before the rest of the Hebrew Bible was put together as one book.

Before I go further, I have an acknowledgement. Just as my overview a few weeks ago of Vayikra (Leviticus) gave partial credit to Rabbi Garten for his course on Vayikra some years ago, now I must give credit to our “scholar-in-residence,” Dr Shawna Dolansky, for leading me to what is called “Deutero-canonical History,” and recommending Richard Friedman’s book, *Who Wrote the* Bible, as an excellent introduction to it. As well, David Steinberg read an earlier version of this d’var, and gave me useful comments. The sources that they recommended are listed in the written version of this d’var, as is an annex on alternative hypotheses on the sources of the Hebrew Bible.

Let me start the substance of my d’var with a teaser, one entry is entitled, “*Deuteronomy the First Torah*.” It was what I read first, and I can tell you that I was astounded by what I learned.

To jump right in, the first full sentence in the article in *TheTorah.com* by David Glatt-Gilad is as follows:

Before the Five Books of Moses were compiled as a complete work, evidence from Deuteronomy as well as from Joshua and Kings shows that Deuteronomy itself was known as “the Torah.”

Shortly thereafter, he backs that statement with an explanation:

Deuteronomy is known in rabbinic literature as “mishneh torah” (see Deut 17:18) in the sense of a repetition of the Torah (thus also the meaning of the Greek name Deuteronomion)—and this appears to be its function in the current, redacted Torah. Yet Deuteronomy’s original function can not be understood as a mere repetition of laws that appear in the other books of the Pentateuch because it is its own, independent book. So many laws that appear in Deuteronomy are new, having no parallel in other parts of the Torah (e.g., the law of the king’s behavior, and the law of the captive woman), so it cannot be construed as a repetition of the Torah.

Glatt-Gilad then goes on to summarize the Deuteronomic History of Deuteronomy. First, he points out that in Genesis through Numbers the word “Torah” means “teaching” or “instruction” and is used to denote a limited set of directions for a particular ritual at a particular time. However, in the Book of Deuteronomy, ***and only in this one book***, the word refers to the whole body of commandments--that is, to Genesis through Deuteronomy--what we would today call “Torah.”

Complementing this essay by Glatt-Gilad, Deuterocanonical History is a major theme of Richard Friedman’s book, *Who Wrote the Bible?* As he begins to explore Moses’ farewell speech in the Hebrew Bible, Friedman recognizes (pg 103) (following the work of a German scholar named Martin Noth):[[1]](#endnote-1)

. . . a special relationship between Deuteronomy and the next six books of the Bible: Joshua, Judges, 1 and 2 Samuel, and 1 and 2 Kings. . . . The language of Deuteronomy and these other books was too similar for coincidence. . . . It told a continuous story, a flowing account of the history of the people of Israel in their land.

Moreover, “. . . in Joshua and Kings the word “Torah” refers to Deuteronomy, and not to the five books of Torah.”

Many examples of the dependence of those “Deuteronomistic” books can be found. Here are three of the many examples in the Glatt-Gilad article:

* “God’s declaration to Joshua that the Israelites will conquer the maximal borders of the promised land (Josh 1:3–5) closely echoes Deuteronomy 11:24–25.”
* “God’s call to Joshua to be strong and courageous (חזק ואמץ; Josh 1:6) follows the diction of Deuteronomy 31:7.”
* God tells Joshua to faithfully observe “all the torah that Moses my servant commanded you.” This is augmented by the command “do not stray from it right or left . . . so that you will succeed wherever you go” (Josh 1:7).The latter two phrases are taken straight out of Deuteronomy (17:11 and 28:14).”

 Indeed, any time that there is a reference in the Deuteronomistic books to something that Moses did, whether good or bad, the source is found in Deuteronomy, not elsewhere in the Hebrew Bible.

Friedman does recognize that (pg 115), “that it is stronger to deduce evidence from what a text does say than from what it does not,” and that “‘argument from silence’ must be used cautiously.” However, at times it cannot be ignored, and one such time is the reign of Josiah. As stated on page 115, all the evidence supports “a culmina-tion and a break at Josiah.” To choose but two of the many examples identified by Friedman (pg 114):

* Every king of Judah down to Josiah emphasises the centralization of the Jewish religion. After Josiah, this criterion disappears completely.
* Any reference to King David stops except for notes about those four insignificant kings after Josiah before the fall of Judah to the Babylonians under Nebuchadnezzar.

David Glatt-Gilad concludes his article in *TheTorah.com* with the subtitle, “The *Torah* in Deuteronomy is Deuteronomy.“ However, to alleviate any concern about overlap, he cautions readers:

 This is not to say that other parts of what eventually came to be the complete Pentateuch did not exist prior to or alongside Deuteronomy—but these were not known to, or at least not seen as authoritative by, the authors of Joshua and Kings.

Therefore, not only is it incorrect to argue that the Book of Deuteronomy is a repeti- tion or editing of the first four books of the Bible. If anything, it “should be understood as an attempt to modify, or even radically (if subtly) transform, its earlier or contem--porary sources . . . in a self-contained *torah.*” Moreover, as Friedman describes (pg 141-145), Deuteronomy as we know it today shows evidence of a first and a second edition. The first edition was created during the reign of Josiah, and the second after the destruction of the First Temple when many covenantal promises had to be revised; one could no longer claim that they were eternal.[[2]](#endnote-2) However, the writing of both editions is so similar that they must been by the same author, as I will come to in a moment.

In other words, there was no 5-book Hebrew Bible at the time that Deuteronomy was written, or, in keeping with Deuterocanonical History, this was the *only* book when it was first written. Sometime later—I am not so bold as to give a specific date, but some time before 200 BCE—it became the fifth of five books.

One more twist to this story or history. When I said before that Shawna recommended Richard Friedman’s 1987 book as the best introduction to Deuterocanonical History, I did not tell you that she also said, “Most scholars today consider his views too simple (i.e., that the reality was far more complex).” It might seem that that I have come to a non-conclusion in my review of Deuterocanonical History, but I do not think so. Friedman was probably right in general even if reality was more complex. My d’var does not go beyond the general level of description.

Before, ending my d’var, there is another conclusion from the Friedman book: He asks who wrote those other six books that are related to Deuteronomy and that follow it in the Hebrew Bible? Obviously, it had to be someone who was sensitive to the political and theological concerns of that time and who was a good writer. Friedman comes down strongly in favour of the Prophet Jeremiah. He points out that Jeremiah was in Jerusalem when the first edition of Deuteronomy was produced (and, if you remember, “discovered” during the reign of King Josiah), and in Egypt when the second version was produced. His own book is filled with the language of Deuteronomic History. In short, Freidman leaves us with the feeling: Who else could have been the Deuteronomist? However, there is a real answer to what is supposed to be a rhetorical question. It is Baruch, son of Neriah, who outlived Jeremiah by 10 to 20 years. For the most part, we know of him as Jeremiah’s scribe or secretary, but he certainly became his editor. Why is it not possible and even probable that, after Jeremiah’s death, Baruch became his ghost writer?[[3]](#endnote-3)

In conclusion, now that I have criticized Friedman, I want to pass the credit back to him for a sentence that appears on page 3 of his book entitled, *The Bible with Sources Revealed:* “The Bible is a rich, complex, beautiful work as a result of the extraordinary way it was created.”

Shabbat shalom,

Main Sources

* Richard Elliott Friedman (1987). *Who Wrote the Bible?* New York: Simon & Schuster.
* Richard Elliott Friedman (2003). *The Bible with Sources Revealed: A New View into the Five Books of Moses.* San Francisco: Harperone/HarperCollins.
* David Glatt-Gilad (nd) Deuteronomy: The First Torah: <https://www.thetorah.com/article/deuteronomy-the-first-torah>.
* Martin Noth (1972). *A History of Pentateuchal Traditions*. Englewood Cliffs, NJ: Prentice Hall. German edition, 1948.
* <https://en.wikipedia.org/wiki/Supplementary_hypothesis>
* https://en.wikipedia.org/wiki/Documentary\_hypothesis#:~:text=The%20documentary%20hypothesis%20(DH)%20is,%2C%20Numbers%2C%20and%20Deuteronomy).

Endnotes

1. Given that Noth was German, that he taught in German universities, and that his book on this subject was published in 1948 (in German), it is fair to assume that he was working on Deuteronomy during the Nazi era. I have no idea how that was possible. None of the bios say anything about that time in his life. [↑](#endnote-ref-1)
2. On page 111, Friedman presents an anecdote about the custom at Harvard Divinity School for advanced students to present papers for the departmental seminar about controversial issues. In this case the issue involved whether a covenant with God is conditional or unconditional; that is, does God’s part depend or not on whether the Jews/Israelites do their part. Friedman was that student, and at the time argued for unconditionality, but has since changed his mind and now argues for conditionality. Jews have to do their part for the covenant to be continued into the future. [↑](#endnote-ref-2)
3. Baruch was more ambitious than he is described in the Hebrew Bible. In particular, he wanted to be a prophet. Jeremiah supported him in this ambition, but God was cautious. The indecision is never clarified, but in some documents Baruch as among Israel’s 48 prophets.

Annex: Hypotheses About the Origin of the Hebrew Bible

Though there is much evidence behind the deuterocanonical history of the Hebrew Bible, it is at heart a hypothesis. Here are very brief notes on two other hypotheses, one more than a century old, and the other much more recent. A third possibility known as the Fragmentary Hypothesis was briefly popular. It argued that specific fragments rather than documents of greater length were used to create the Pentateuch. This hypothesis easily explained apparent inconsistences in the text, but it was totally unable to explain the greater portions of the text that were consistent and chronological.

	* The ***Documentary Hypothesis*** for first published by the German Scholar Julius Wellhausen in 1885, and throughout the 20th century it was almost universally accepted as the origin of different parts of the Hebrew Bible. Using what he called—in my view presumptuously—“Higher Criticism,” he divided the text into four blocks depending upon their wording or origin. According to the Wikipedia website (after deleting footnotes):  “It posited that the Pentateuch is a compilation of four originally independent documents: the [Yahwist](https://en.wikipedia.org/wiki/Jahwist) (J), [Elohist](https://en.wikipedia.org/wiki/Elohist) (E), [Deuteronomist](https://en.wikipedia.org/wiki/Deuteronomist) (D), and [Priestly](https://en.wikipedia.org/wiki/Priestly_source) (P) sources. The first of these, J, was dated to the [Solomonic period](https://en.wikipedia.org/wiki/Solomon) (c. 950 BCE). E was dated somewhat later, in the 9th century BCE, and D was dated just before the reign of [King Josiah](https://en.wikipedia.org/wiki/Josiah), in the 7th or 8th century BCE. Finally, P was dated to the time of [Ezra](https://en.wikipedia.org/wiki/Ezra) in the 5th century BCE. The sources would have been joined together at various points in time by a series of editors or "redactors." The consensus around the original version of the documentary hypothesis has now collapsed, with criticism of it mounting after about 1970. The arguments opposing it found errors in the dating, especially of “J,” questioned whether “E” was different from “J,” and challenged the relevance of the other two sources as independent blocks. However, more recently, some biblical scholars have urged a review of source criticism through what is called the Neo-Documentary Hypothesis (<https://bibleinterp.arizona.edu/articles/bad368008>).
	* The ***Supplementary Hypothesis*** was developed in the last decades of the 20th century as doubts grew about the credibility of the documentary hypothesis. It accepts three sources within the Pentateuch, which in order of composition are Deuteronomist (D), Yahwist (J), and Priestly (P). The Deuteronomist was likely composed in the 7th century BCE and influenced books from Joshua through Kings. It was likely written in the early years of the Babylonian captivity. The Yahwist period came two centuries later, around 540 BCE in the late years of the Babylonian captivity, and influenced the Books of Genesis, Exodus, and Numbers. The Priestly period was last, around 400 BCE, in the Second Temple period. These changes in timing bring the creation of the Pentateuch forward several centuries from the documentary hypothesis to the 7th to 5th centuries BCE, which conforms to modern views of the history of Israelite entry into Canaan, as well as recent archaeological discoveries. As well, the supplementary hypo-thesis is at least generally consistent with deuterocanonical history. More specifically, whereas the documentary hypothesis views each of its four sources as independent documents, the supplementary hypothesis sees J and P as contributing to D, which is the only independent source.-/end\- [↑](#endnote-ref-3)