ABSTRACT

THE ETHICAL FUNCTIONS OF DEUTERONOMIC LAWS
IN EARLY SECOND TEMPLE JUDAISM

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This study is about the ethical functions of Deuteronomic laws in Judaism in the 3rd–1st centuries BCE: what they were and how to study them. Since the 1980’s boom in Hebrew Bible ethics studies, at least eight theses regarding the ethical functions of Deuteronomic laws in antiquity have become prominent. Though the scholars who advance these theses employ diverse methods, they commonly make the Deuteronomic laws themselves their direct objects of analysis, basing conclusions about how the laws functioned on the structure, logic, form, or historical and literary contexts of the laws. As Henry McKeating noted in 1979, however, how a law actually functioned in antiquity might have differed from what the law’s literary appearance and context suggest. Nonetheless, such direct ethical analysis of Pentateuchal laws continues unabated.

Alternatively, I approach the ethical analysis of Deuteronomic laws indirectly. I demonstrate how Deuteronomy’s laws pertaining to testimony (Deut 19:15–21), kings (Deut 17:14–20), and vows (Deut 23:22–24) functioned ethically in early Second Temple period Jewish texts, including the Temple Scroll, Susanna, Daniel, Psalm of Solomon 17, the Damascus Document, Ecclesiastes, the Epistle of Jeremiah, and 1 Esdras. The eleven case studies I analyze each provide evidence of how one of the three Deuteronomic laws functioned ethically on the particular occasion an author used it.

On the basis of the case studies, I then make two types of arguments. First, I evaluate and nuance the eight surveyed theses, arguing that Deuteronomic laws functioned both as divine rules to be obeyed but also as a basis for reasoned action, that the laws functioned dynamically as a topically comprehensive law despite their topical gaps, that the laws’ prescriptive verbal formulations functioned both prescriptively and as the basis for descriptive ethical judgements, that the laws functioned to influence conduct and, to a limited extent, character, and that Deuteronomic laws could be conceived of as functioning in conceptual schemes other than YHWH’s covenant with Israel. Secondly, I argue for the insufficiency of direct analysis alone and the need for indirect analysis in historical ethics studies on Pentateuchal laws and other Judeo-Christian texts.