Belief in Yhwh as Identity Marker in Pre-exilic Israel: An Identity-Oriented Reading of Deuteronomy 13

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ABSTRACT

This article outlines an identity-oriented reading of the so-called "apostasy series" (Deut 13) to explore the modes of articulation and construction of collective identity in pre-exilic Israel. Heuristically, the article integrates assumptions of the social constructionist approach and some points of Jan Assmann's model of "secondary religion". The reading of Deut 13 in this article highlights, on the one hand, how religious belief functions as a marker of collective identity in Deut 13, and on the other, how identity construction depends on inner social articulations within Israel rather than on subversive political or theological claims against the Assyrian power. Ultimately, Deut 13 frames the shaping of a self-articulation within Israel, which may be expressed as follows: belief in Yhwh as an identity marker allows the Israelite community to distance itself from one of its parts to define what Israel is and what it is not. The real tension felt in the passage is between a plural community and a collective that attempts to standardise plurality to define itself, that is, a tension between a real Israel and an ideal Israel, between the layers of historical reality and the normative abstractions that attempt to control them.

KEYWORDS: Deuteronomy 13, Identity, Social Constructionism, Belief, Yhwh

A   INTRODUCTION AND METHODOLOGICAL GROUNDS

This article outlines an identity-oriented reading of the so-called "apostasy series" (Deut 13) to explore the modes of articulation and construction of collective identity in pre-exilic Israel. The article begins with a brief overview of the social constructionist approach and the current scholarly debate about identity-related matters and issues, with a particular focus on recent contributions in Biblical Studies. The introductory remarks sketch the methodological grounds necessary for the follow-up argumentation. The

assumptions of social constructionism are heuristically integrated with some points of Jan Assmann's category of "secondary religion". The rationale for this operation lies in the fact that Assmann discusses the principle of secondary religion and its implications in terms of identity-building mechanisms.[1] The article presents Assmann's model particularly highlighting some of its salient concepts and categories that are used to analyse Deut 13. The final results of the reading reveal, on the one hand, how religious belief functions as a marker of collective identity in Deut 13, and on the other, how identity construction depends on inner social articulations within Israel rather than on subversive political or theological claims against the Assyrian power.

During the second half of the twentieth century, scholars in the humanities, especially in cultural studies and social constructionism, have increasingly addressed the complex and slippery topic of identity. Such scholars generally assume that identities, whether individual or collective, are determined neither by natural principles nor by history understood in the sense of a mere flow of events; furthermore, identities are not viewed as once and for all fixed formulations. In this view, identities are positionally defined instead of essentially defined. Identities are regarded as discursive constructs, that is, products of continuous negotiation processes among interacting actors and social groups.[2] Every identity is produced "in specific historical and institutional sites within specific discursive formations and practices."[3] Therefore, to understand a historically situated collective identity it is necessary to pay attention to both the context within which such identity is formed and the cultural mechanisms that built and shaped its enunciative strategies.[4] In this theoretical framework, the

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[1]   See e.g., Jan Assmann, *Ma'at. Gerechtigkeit und Unsterblichkeit im Alten Ägypten* (München: C.H. Beck, 1990, repr., 2006), 20; *Moses the Egyptian. The Memory of Egypt in Western Monotheism* (Cambridge, MA: Harvard University Press, 1997), 1–2; *Of God and Gods. Egypt, Israel, and the Rise of Monotheism* (Madison, WI: The University of Wisconsin Press, 2008), 97–98, 138; *The Price of Monotheism* (trans. R. Savage; Stanford: Stanford University Press, 2010), 23.

[2]   For a comprehensive theoretical discussion on this approach, drawing from neo-Marxism and Foucauldian discourse analysis, see Stuart Hall, "Who Needs 'Identity'?" in *Questions of Cultural Identity* (eds. Stuart Hall and Paul Du Gay; London: SAGE Publications, 1996; repr., 2003), 1–17. For wide-ranging and up-to-date overviews of academia's contemporary developments on the topic of identity, see Seth J. Schwarz, Koen Luyckx, Vivian L. Vignoles, eds., *Handbook of Identity Theory and Research*, 2 vols. (New York: Springer, 2011); Anthony Elliott, ed., *Routledge Handbook of Identity Studies*, 2nd ed. (London: Routledge, 2019); Patrick J. Williams and Kaylan C. Schwarz, eds., *Studies on the Social Construction of Identity and Authenticity* (London: Routledge, 2020).

[3]   Hall, "Who Needs 'Identity'?" 4.

[4]   When dealing with *Deuteronomy*, the need to narrow the focus on collective rather than individual identity stems from the very way the source material is shaped; as Ebach puts it, "trotz der singularischen Formulierung nicht von Identitätsfigurationen, die auf

following issues are well recognised and explored: first, the role of the religious phenomenon and of religious experience in collective identity formation processes; second, the role of religious beliefs as a conceptual subset of religion. It is the social construction of boundaries that produces collective identity. Religion is a complex system where boundaries are constructed, operating amidst other systems such as ethnicity, political relations, and the broader cultural fabric. In turn, those boundaries mark and organise some of the symbolic codes of distinction that allow for negotiation and appointment of meanings. In this process, specific meanings coagulate, are distinguished and defined, thus enabling the construction of an identity over and against an undefined and indistinct background.[5]

Concerning ancient Israel's identity formation, scholars tended to focus on two phases: first, the rise of Israel as a state entity between the late second and early first millennium; and second, the age of foreign dominations in the exilic and post-exilic periods.[6] More recently, attention was also placed on the

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das Individuum zielen, gesprochen werden kann. Indem jeder Israelit als 'Du' angesprochen wird und jeder Fremdling der Fremdling ist, entfällt jegliche individualisierende Differenzierung zwischen den Vertreterinnen und Vertretern dieser Gruppen" (Ruth Ebach, *Das Fremde und das Eigene. Die Fremdendarstellungen des Deuteronomiums im Kontext israelitischer Identitätskonstruktionen* [BZAW 471; Berlin: De Gruyter, 2014], 10). In a very influential essay, sociologists Eisenstadt and Giesen posited the fact that collective identity is socially constructed and not naturally generated as the basis for their treatment of collective identity formation processes (Samuel N. Eisenstadt and Bernhard Giesen, "The Construction of Collective Identity," *EJS* 36/1 [1995]: 74). On the legitimacy of using sociological theories and categories on the construction of collective identity for the study of premodern societies see Ebach, *Das Fremde*, 13 fn. 44, who mentions the fruitful activity of the Fribourg research group SFB 541 (1997–2003) in this field of research; cf. Carly L. Crouch, *The Making of Israel. Cultural Diversity in the Southern Levant and the Formation of Ethnic Identity in* Deuteronomy (VTSup 162; Leiden: Brill, 2014), 83–99, who provides instead an overview on identity construction from an anthropological perspective.

[5]   See Eisenstadt and Giesen, "The Construction," 74–76; David A. Snow and Catherine Corrigall-Brown, "Collective Identity," in *International Encyclopedia of the Social and Behavioral Sciences*. 2nd ed. (ed. James D. Wright; Amsterdam: Elsevier, 2015), 4: 174–180; Bosco B. Bae, "Believing Selves and Cognitive Dissonance: Connecting Individual and Society via 'Belief'," in *Religion and the Individual: Belief, Practice, and Identity* (eds. Douglas J. Davies and Michael J. Thate; Basel: MDPI, 2017), 6–19. Cf. Jon L. Berquist, "Construction of Identity in Postcolonial Yehud," in *Judah and the Judeans in the Persian Period* (eds. Oded Lipschits and Manfred Oeming; Winona Lake: Eisenbrauns, 2006), 53–66, 57–58, 63–64; Crouch, *The Making*, 102.

[6]   See Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and Their Expression in the Hebrew Bible* (Winona Lake: Eisenbrauns, 1998), 222–225; Crouch, *The Making*, 1–2 and fn. 1 (who also provides a list of exceptions to this general trend), 107–112.

period between Israel's rise and the experience of exile.[7] The two most indicative essays in this sense were published in 2014 by Ruth Ebach and Carly L. Crouch. In both essays, these scholars utilise Deuteronomy as the primary reference text.[8] Ebach explores the Israelite concept of "foreigner" (גר, נכרי) in Deuteronomy and its role in identity construction processes with the aid of several sociological theories.[9] In her view, Deuteronomy's treatment of the "foreigner" is a pivotal

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[7]   This interest dovetails with the fact that more in general in recent years identity construction theories have been more and more used to interpret and engage with biblical texts; see Coleman A. Baker, "Social Identity Theory and Biblical Interpretation," *BTB* 42/3 (2012): 129–138. Most recently, see e.g., Linda M. Stargel, *The Construction of Exodus Identity in Ancient Israel. A Social Identity Approach* (Eugene: Pickwick Publications, 2018); Karalina Matskevich, *Construction of Gender and Identity in Genesis. The Subject and the Other* (LBHOTS 647; London: T&T Clark, 2019); Andrew M. King, *Social Identity and the Book of Amos* (LHBOTS 706; London: T&T Clark, 2021); Johannes U. Ro and Diana V. Edelman, eds., *Collective Memory and Collective Identity. Deuteronomy and the Deuteronomistic History in Their Context* (BZAW 534; Berlin: De Gruyter, 2021).

[8]   The question of Israelite identity and the processes of its formation cross another set of issues which could be defined – borrowing Peter Machinist's renowned expression - the "question of distinctiveness in Ancient Israel", that is, the problem of the specificity of Ancient Israel as a social and cultural entity with respect to its surroundings (Peter Machinist, "The Question of Distinctiveness in Ancient Israel: An Essay," in *Ah, Assyria… Studies in Assyrian History and Ancient Near Eastern Historiography Presented to Hayim Tadmor* [SH 33; eds. Mordechai Cogan and Israel Eph'al; Jerusalem: Magnes Press, 1991], 196–212). As Machinist points out, the approach of scholars who search the biblical texts for traces of an actual and objective Israelite distinctiveness is at one time product and proponent of the same apologetic intent that the authors of the texts themselves had. The real issue "is not the *actual* uniqueness of Israel … It is, instead: how can the ways in which the questioning was framed and answered in the Bible help us … to understand the shape of Israelite culture" (Machinist, "The Question," 202; [emphasis in the original]); which is another way to ask: what can the texts tell us about how a certain distinct Israelite identity has been constructed? It is no coincidence that the social legislation of Deuteronomy, which shows a strong focus on identity issues, also happens to be the text where we find the richest and most varied collection of distinctiveness statements (Machinist, "The Question," 207–208; cf. Edward L. Greenstein, "The God of Israel and the Gods of Canaan: How Different Were They?," in *Proceedings of the Twelfth World Congress of Jewish Studies. Jerusalem, July 29-August 5, 1997: Division A. The Bible and Its World* [ed. Ron Margolin; Jerusalem: World Union of Jewish Studies, 1997], 47*–58*; Christoph Uehlinger, "Distinctive or Diverse? Conceptualizing Ancient Israelite Religion in its Southern Levantine Setting," *HeBAI* 1/4 [2015]: 1–24, 2–7).

[9]   See Ebach, *Das Fremde*, passim; similarly, José E. Ramírez Kidd, *Alterity and Identity in Israel. The* גר *in the Old Testament* (BZAW 283; Berlin: De Gruyter, 1999)

links the representation of the גר to Israel's understanding of its own identity; however, he argues that most occurrences of the term are found in texts either composed or edited at a late stage, thus reflecting Israel's experience during or after the exile. Literature on

point in negotiating a collective Israelite identity. Crouch reads Deuteronomy as an identity formation project against the background of Assyrian pressure on the Levant during the seventh c. B.C.E. She conceptually distinguishes two areas within this project—first, Deuteronomy is aimed at defining Israelite identity, and second, it is aimed at defending and maintaining Israelite identity. She further outlines a set of criteria and practices upon which the project is based: exclusive Yahwism, the centralisation of the cult, the creation of a shared origin narrative (i.e., the exodus), and the observance of customs aimed at the formation of an endo-culture, etc.[10]

B   SECONDARY RELIGION AS A READING LENS FOR IDENTITY CONSTRUCTION

The concept of "secondary religion" was first elaborated in 1980 by historian of religion and mission theologian Theo Sundermeier and was taken up and reworked in the following years by Egyptologist Jan Assmann. Through Assmann's work, the concept was properly introduced and applied in Biblical Studies, Ancient Israelite Religion and Old Testament Theology.[11] According to Assmann's theoretical outline, the model of secondary religion (*Bekenntnis-/Gegen- religion*) is differentiated from that of primary religion (*Kultur-/Traditions- religion*) in several features. In this article, focus is only on those features which are integrated in our reading of Deuteronomy.[12]

A pivotal role is played by the notion of confession (*Bekenntnis*). This principle is relevant for our discussion in two main respects. First, as emphasised

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the גר is vast. For a fresh look see Daniel Graber, "The גר (*Gēr*) in Deuteronomy," in *Deuteronomy in the Making. Studies in the Production of Debarim* (BZAW 533; eds. Diana V. Edelman et al.; Berlin: De Gruyter 2021), 365–382; the recent monography by Mark R. Glanville, *Adopting the Stranger as Kindred in Deuteronomy* (AIL 33; Atlanta: SBL Press, 2018) discusses a fair amount of previous scholarship.

[10] Crouch, *The Making*, passim. Several points she deals with had already been touched, albeit briefly, by Robert L. Cohn, "The Second Coming of Moses: Deuteronomy and the Construction of Israelite Identity," in Margolin, *Proceedings*, 59*–71*.

[11] See especially Andreas Wagner, "Primäre/sekundäre Religion und Bekenntnis–Religion als Thema der Religionsgeschichte," in *Primäre und sekundäre Religion als Kategorie der Religionsgeschichte des Alten Testaments* (BZAW 364; ed. Andreas Wagner; Berlin: De Gruyter, 2006), 3–20; Sigrun Welke–Holtmann, "Das Konzept von primärer und sekundärer Religion in der alttestamentlichen Wissenschaft – eine Bestandsaufnahme," in Wagner, *Primäre*, 45–55.

[12] For a complete overview and a discussion on Assmann's model of "secondary religion", see Anja A. Diesel, "Primäre und sekundäre Religion(serfahrung) – das Konzept von Th. Sundermeier und J. Assmann," in Wagner, *Primäre*, 31–41. The handy charts also show the differences between Sundermeier's and Assmann's models and their articulations. I mainly rely on Diesel's work for the sketch of Assmann's model. Relevant passages from Assmann's works will be quoted in what follows.

by Assmann himself, confession is a profession of religious belief which acts as a process of normative self-definition.[13] As such, confession assumes as a criterion for distinction and separation from the other-than-self both the content of beliefs and their application. Secondly, since secondary religions are initiated by an act of revelation and/or foundation, their contents are removed from the scope of natural evidence and are instead attributed to that revelation or teaching activity. This scenario implies that the distancing produced by the profession of a belief is necessarily a conscious one. Thus, secondary religions "*must* be known" and wittingly experienced.[14] When a belief is expressed as a creed, it then becomes an identity marker, and it is also perceived as such.

Furthermore, secondary religions endorse an exclusive and excluding concept of religious truth, which Assmann calls *Mosaische Unterscheidung* (Mosaic Distinction). In its most essential formulation, Assmann defines it as the basic distinction between truth and untruth in religious matters.[15] Such distinction produces a "counter-religion" (*Gegenreligion*), that is, a religion which rejects everything that went before and what is outside itself as something untrue. This truth is based on the awareness of one's difference and on the estrangement from what is seen and represented as incompatible with it.[16] This scenario dovetails well with the notion of "constitutive outside" as formulated by Hall:

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[13] See Assmann, *Ma'at*, 20; *Moses*, 210; cf. Wagner, "Primäre/sekundäre," 4 fn. 5. For the concept of self-definition Assmann builds on the classic work by Ed P. Sanders, ed., *Jewish and Christian Self-Definition*, 3 vols. (Philadelphia: Fortress Press, 1980–1982); cf. more recently the general remarks on the contribution of anthropology to the understanding of this matter in Jouette M. Bassler, "The Problem of Self-Definition: What Self and Whose Definition?," in *Redefining First-Century Jewish and Christian Identities: Essays in Honor of Ed Parish Sanders* (CJAS 16; eds. Fabian E. Udoh et al.; Notre Dame: University of Notre Dame Press, 2008), 42–66, 47–48.

[14] Assmann, *Ma'at*, 20 [emphasis added].

[15] This distinction is labelled "Mosaic" not because it is related to Moses on a historical level, but because tradition links it to Moses (see e.g., Assmann, *Moses*, 1–2; *Of God*, 127–128; *The Price*, 2–3). A major issue in using Assmann's categories to analyse any precise historical context lies in the fact that his assumptions are focused on extremely wide-ranging cultural phenomena and make use of conceptual categories rather than being based on historical terms. See the methodological *caveats* and the perplexities displayed by Mark S. Smith, *God in Translation. Deities in Cross-Cultural Discourse in the Biblical World* (Tübingen: Mohr Siebeck, 2008; repr., Grand Rapids, MI: Eerdmans 2010), 8, 24–29; cf. Welke-Holtmann, "Das Konzept," 45–55. The aim of this article is not to express any analytical opinion on Assmann's overall approach. As already noted, some of the concepts he elaborated will be used here as heuristic tools to gain an integrated view of the processes of identity construction in the discussion about Deut 13.

[16] See Assmann, *Moses*, 2; *The Price*, 3, 12–15.

it is only through the relation to the Other, the relation to what it is not, to precisely what it lacks, to what has been called its *constitutive outside* that the 'positive' meaning of any term - and thus its 'identity' - can be constructed.[17]

C BELIEF AND IDENTITY IN THE "APOSTASY SERIES"

The so-called "apostasy series" in Deuteronomy 13 presents a threefold series of legal injunctions prescribing death for any prophet (vv. 2–6) and any relative or friend (vv. 7–12) who incites Israel to worship other deities than Yhwh, and utter destruction (חרם) for any city or community (vv. 13–18) which has been seduced by these exhortations. This legal text is shaped in a form which points to the addressee with second person singular statements, which is different from the usual impersonal style used in case law.[18] The following factors justify the consideration of Deut 13 to a case study to examine identity construction processes in pre-exilic Israel. Firstly, Deut 13 is a well-defined and self-contained structural unit within the Deuteronomic Code (Deut 12–26); therefore, it is possible to analyse it separately from the broader context.[19] Secondly, although from the point of view of redaction criticism Deut 13 is very tangled and layered, it is (almost) generally accepted that its core belongs with the first pre-exilic bulk material of Deuteronomy.[20] Moreover, the well-known parallels

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[17] Hall, "Who Needs 'Identity'?" 4–5 [emphasis in the original]. Cf. Ebach, *Das Fremde*, 16.

[18] On the form of Deut 13 see especially Paul E. Dion, "Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel during the Late Monarchical Era," in *Law and Ideology in Monarchic Israel* (JSOTSup 124; eds. Baruch Halpern and Deborah W. Hobson; Sheffield: JSOT Press, 1991), 147–216, 162–167; cf. Juha Pakkala, *Intolerant Monolatry in the Deuteronomistic History*, SESJ 76 (Helsinki: The Finnish Exegetical Society; Göttingen: Vandenhoeck & Ruprecht, 1999), 39–40. On the contextual meaning of the second person singular and its role in identity construction processes, see Ebach, *Das Fremde*, 131–135. The results I will propose in this article aptly supplement Ebach's results.

[19] This is not to say that Deut 13 is an isolated text; on the immediate literary context of Deut 13 and its relations with Deut 12 and 17:2–7 see Dion, "Deuteronomy 13," 156–162; cf. Crouch, *The Making*, 127–129 and fn. 59, 137 and fn. 86.

[20] The main exception to this trend being Timo Veijola, *Das fünfte Buch Mose. Deuteronomium. Kapitel 1,1–16,17* (ATD 8.1; Göttingen: Vandenhoeck & Ruprecht, 2004), 279–293, who assigns the first compositional layer to a Deuteronomistic theologian of the "covenant" (DtrB) and lowers its date to the post-exilic period; cf. also Timo Veijola, "Wahrheit und Intoleranz nach Deuteronomium 13: Lothar Perlitt zum 65. Geburtstag," *ZThK* 92/3 (1995): 287–314. He is followed by Pakkala, *Intolerant*, 20–50, who similarly posits a nomistic editor as the author of Deut 13; cf. also Juha Pakkala, "Der literar- und religionsgeschichtliche Ort von Deuteronomium 13," in *Die deuteronomistischen Geschichtswerke. Redaktions- und religionsgeschichtliche Perspektiven zur "Deuteronomismus"-Diskussion in Tora und Vorderen Propheten* (BZAW 365; eds. Markus Witte et al.; De Gruyter: Berlin, 2006),

and analogies with Neo-Assyrian and other Ancient Near Eastern texts help in anchoring Deut 13 in the seventh c. B.C.E. with a fair degree of certainty, which in turn establishes its *Sitz im Leben* and comparable literary forms.[21]

125–137. For a painstaking discussion on the many redaction and dating hypotheses of this passage see Christoph Koch, *Vertrag, Treueid und Bund. Studien zur Rezeption des altorientalischen Vertragsrechts im Deuteronomium und zur Ausbildung der Bundestheologie im Alten Testament* (BZAW 383; Berlin: De Gruyter, 2008), 108–111; cf. Ebach, *Das Fremde*, 115 fn. 397. In what follows, as far as questions of redaction criticism are concerned, I mainly follow Ebach, *Das Fremde*, 108–124, who collects and discusses various previous contributions, e.g., those of Merendino, Seitz, Dion, Rose, Veijola, Pakkala, Steymans, Otto, Koch, etc. Thus, I maintain as part of the first compositional layer vv. 2a.3bα.4a.6a.6bβ.7a.9.10.11a.12, entirely expunging the episode of the apostate city (vv. 13–18) as dtr (cf. Josh 6–8; Deut 20:10–18); see Ebach, *Das Fremde*, 109 fn. 373; Koch, *Vertrag*, 124–129; cf. Dion, "Deuteronomy 13," 174–175; Pakkala, *Intolerant*, 34–35; Crouch, *The Making*, 125–129. Significant points for my argument, however, will be discussed more extensively. On the "canon formula" in v.1 see Bernard M. Levinson, "Esarhaddon's Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1," *JAOS* 130/3 (2010): 337–347. He makes a strong case for envisioning the formula not as a late scribal colophon, but as a mimic of the adjuration to loyalty of the Assyrian *adê* (see below). If there, however, the focus was on dynastic succession, in Deut 13:1 instead the formula is used to allow the transition from the loyalty pledged to the Covenant Code to the loyalty pledged to Deuteronomic Law that comes after it.

[21] Since the publication of the Vassal Treaties of Esarhaddon (VTE, later more commonly designated as EST: Esarhaddon Succession Treaties) by Donald J. Wiseman, "The Vassal–Treaties of Esarhaddon," *Iraq* 20/1 (1958): 1–99 (see also more recently Simo Parpola and Kazuko Watanabe, eds., *Neo-Assyrian Treaties and Loyalty Oaths*, SAA 2 [Helsinki: Helsinki University Press, 1988], 28–59) a large amount of literature has grown on the subject, tracing parallels and influences – tighter or milder - between these texts and both Deut 13 and 28. Notable, among many entries along the decades, are those by Weinfeld, Dion, Levinson, Steymans, and Otto. Assyrian texts, however, were not the only Ancient Near Eastern parallels found for Deut 13. Other proposals have focused on Hittite texts (e.g., CTH 133, fifteenth c. B.C.E.) or texts coming from a West-Semitic milieu, such as the Sefire Treaties inscriptions (KAI 222–224, eighth c. B.C.E.); see the recent summary in Drew S. Holland, "On the Commonalities of Deuteronomy 13 with Ancient Near Eastern Texts," *JESOT* 5/2 (2016–2017): 141–166. For a general overview see Carly L. Crouch, *Israel and the Assyrians. Deuteronomy, the Succession Treaty of Esarhaddon, and the Nature of Subversion* (ANEM 8; Atlanta: SBL Press, 2014), 47–92; William S. Morrow, "Ancient Near Eastern Treaty Tradition and Biblical Covenants: Recent Surveys," *JHS* 21 (2021): 1–21. Handy histories of scholarship in Crouch, *The Making*, 106 fn. 3; Ebach, *Das Fremde*, 116–119; cf. Eckart Otto, "Assyria and Judean Identity. Beyond the *Religionsgeschichtliche Schule*," in *Literature as Politics, Politics as Literature. Essays on the Ancient Near East in Honor of Peter Machinist* (eds. David S. Vanderhooft and Abraham Winitzer; Winona Lake: Eisenbrauns, 2013), 339–347; Laura Quick, *Deuteronomy 28 and the Aramaic Curse Tradition* (Oxford: Oxford University Press,

1   Identity via Belief

The first significant point to be considered concerns Assmann's principle of *Bekenntnis*. Deut 13, at least in its incipient formulation, shares several features with the Ancient Near Eastern literary form of the oath of allegiance (*Treueid*).[22] In Deut 13, the object of such an oath is loyalty to YHWH's law, which is closely bound to the belief in the divine origin of that law and has a clear echo in the first commandment (Ex 20:3; Deut 5:7).[23] Thus, the conscious profession of a belief is explicitly used as a demarcating criterion between Israel (those who are loyal to YHWH's commandment on the basis of their faith in it) and the marginalised groups (those who are to be excluded from Israel) due to unbelief and noncompliance with YHWH's law. In so doing, belief reaches a level at which it is used as the systematic ground material for lawmaking.[24] The necessary condition to enact the legislation in Deut 13 is the normative collective self-definition of the recipients based on their belief in YHWH and their commitment to such belief. Those who do not confess such belief and preach apostasy are excluded from the Israelite community through death or a ban, even if they come from Israel's very "middle" (קרב, vv. 2a, 6bβ, 12) or if they have blood or marriage relations with other Israelites.[25] This means that even relationships

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2018), 12–40. For a recent synthesis on the Urdeuteronomium theory and a possible connection with Josiah's reform see Thomas Römer, "The Rise and Fall of Josiah," in *Rethinking Israel. Studies in the History and Archaeology of Ancient Israel in Honor of Israel Finkelstein* (eds. Oded Lipschits, Yuval Gadot, and Matthew J. Adams; Winona Lake: Eisenbrauns, 2017), 329–339; cf. Markus Zehnder, "Building on Stone? Deuteronomy and Esarhaddon's Loyalty Oaths (Part 1): Some Preliminary Observations," *BBR* 19/3 (2009): 341–374; "Building on Stone? Deuteronomy and Esarhaddon's Loyalty Oaths (Part 2): Some Additional Observations," *BBR* 19/4 (2009): 511–535.

[22]   On Deut 13 as a *Treueid* to YHWH and its connection with the literary form of legal corpora see especially Eckart Otto, "Treueid und Gesetz. Die Ursprünge des Deuteronomiums im Horizont neuassyrischen Vertragsrechts," *ZAR* 2 (1996): 1–52; *Das Deuteronomium: politische Theologie und Rechtsreform in Juda und Assyrien* (BZAW 284; Berlin: De Gruyter, 1999), 15–90; cf. Bernard M. Levinson and Jeffrey Stackert, "Between the Covenant Code and Esarhaddon's Succession Treaty. Deuteronomy 13 and the Composition of Deuteronomy," *JAJ* 3 (2012): 123–140.

[23]   Cf. Veijola, "Wahrheit," 312; Crouch, *The Making*, 115.

[24]   Cf. Andrew D.H. Mayes, "On Describing the Purpose of Deuteronomy," *JSOT* 58 (1993): 13–33, 29.

[25]   For v. 10 it is now almost universally accepted the reference to capital punishment according to Levinson's reading, who maintains the MT as more authoritative against the LXX on the basis of parallels with VTE. See Bernard M. Levinson, "'But You Shall Surely Kill Him!': The Text-critical and Neo-Assyrian Evidence for MT Deuteronomy 13:10,", in *Bundesdokument und Gesetz: Studien zum Deuteronomium* (HBS 4; ed. Georg Braulik; Freiburg: Herder, 1995), 37–63. Recently, however, his position has been challenged by Laura Quick, "'But You Shall Surely Report Concerning Him:' In Defense of the Priority of LXX Deuteronomy 13:9," *ZAW* 130/1 (2018): 86–100, who

based on "natural" factors (or at least what are perceived as such) lose prominence in defining a collective identity with respect to the new categories produced by introducing a revealed law and the profession of belief in such law. This is a glaring example of the removal of the contents of beliefs from natural evidence, which Assmann ascribes to secondary religions.[26]

In such a scenario, where belief takes on a systematic and normative dimension, is the principle of "apostasy" conceivable. However, the English term only roughly describes the guilt that is being displayed and the reason for the legal measures that are taken consequently. To have a better picture, it is necessary to turn to the terminology used in the text. In v. 6a, YHWH provides a rationale for inflicting the death penalty on the prophet, saying that he *dibber sārāh 'al*-YHWH, "has spoken treason against YHWH". In her study, Ebach concludes that the crime in question is that of high treason, which aptly fits the form of a loyalty oath.[27] However, it should be noted that the substantive סרה expresses a particular nuance, namely that of falsehood. This becomes particularly clear if one understands the verbal voice of דבר as a *verbum dicendi*.[28] Therefore, the prophet's treason is the utterance of falsehood, or in other words, perjury, which contradicts the truth content of the belief in YHWH.[29] What exactly this truth consists of is a secondary matter for this discussion; what

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suggests that the Sefire Treaties provide a plausible witness to get back to the LXX variant.

[26] Cf. the comments on "achieved" vs. "ascribed" identity in Crouch, *The Making*, 121. A similar scenario is presented in the prophet's episode when it is stated that one should not heed his words, even if the prophet declares signs and wonders and these take place (Deut 13:2b–3a). Attachment to YHWH and his commandment outweighs even a tangible prodigy happening before one's eyes. However, vv. 2b–3a are often considered secondary, likely an addition by the same hand that wrote vv. 4b–5, which implies that YHWH is testing Israel through those wonders; see e.g., Dion, "Deuteronomy 13," 167–172; Otto, *Deuteronomium*, 38–40; Pakkala, *Intolerant*, 32; cf. Ebach, *Das Fremde*, 112. Yet, in light of what has been said about the removal of belief from natural evidence, it would not be entirely out of place to assign vv. 2b–3a to the pre-dtr core and to envision only the gloss of vv. 4b–5 as a later addition; so already Gottfried Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Kohlhammer, 1971), 151, who assumes vv. 2b–3a to be pre-dtr because the plurals אות ומופת are used with a verb in the singular.

[27] Ebach, *Das Fremde*, 129–130.

[28] See e.g., Edward J. Woods, *Deuteronomy. An Introduction and Commentary* (TOTC 5; Downers Grove, IL: Inter-Varsity Press, 2011), 195; Veijola, *Das fünfte*, 280 and fn. 920; Ebach, *Das Fremde*, 111 fn. 381; the latter also substantiates her argument adducing a parallel from VTE §57, l. 502 (*dabāb surrāti u lā kīnāti*). Cf. v. 4a: *lō tišma'*, "you shall not *listen*" (שמע) [emphasis added], and Deut 18:20.

[29] Cf. Jeffrey H. Tigay, *Deuteronomy* [dbrym] (Philadelphia: Jewish Publication Society, 1996), 130–131.

is relevant is the fact that this falsehood or perjury implies the existence of a confronted truth and that such truth is closely tied to the belief in Yhwh. Thus, Deut 13 outlines the base conceptual structure of Assmann's "Mosaic distinction" between true and false, which produces a *Gegenreligion*.

2   Identity via Alterity

At this point, one must ask: against what? Or, in other words: how does Deut 13 define its "constitutive outside"? In Assmann's outline, every identity is necessarily produced through and against the definition of alterity.[30] This is also true here. Of course, there is no such thing as an actual "outside." Every alterity is culturally constructed just as much as identity. Nonetheless, in order to understand the processes of identity construction, it is also necessary to understand the historical circumstances that provide the ground for the construction of alterity.[31] During the seventh century, after the destruction of the Northern Kingdom and the siege of Jerusalem by Sennacherib (701), the cultural identity of the small kingdom of Judah, which at that point had become a vassal of the Assyrian empire, was certainly in a situation of crisis and fragility. The looming threat of Assyrian hegemony was one of the most important triggers for the need to define an identity and to face the risk of dilution in the shadows of the empire. In contrast to much previous scholarship, Crouch does not view the early stages of Deuteronomy's formation as a direct attempt to opposition and resistance by means of the subversive appropriation of neo-Assyrian literary forms and genres. On the contrary, she argues that - as an identity formation project - Deuteronomy was brought about by a reaction against the tightening of relations and contacts between Judah and the neighbouring Levantine populations; a situation which, in any case, was determined by the new political equilibria under the westward pressure of the Assyrian empire.[32]

This scenario is supported by a few considerations. Deut 13:3bα features one of the standard dtr-formulae to designate "foreign gods" (אלהים אחרם). In this case, however, it is part of the original pre-dtr layer of Deut 13. It is not clear, partly because of the formulaic nature of the expression, which gods are involved specifically. In any case, the editorial expansion with the relative clause in v. 3bβ (undoubtedly dtr) was probably placed there to avoid an earlier

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[30]   See Assmann, *Moses*, 2; *The Price*, 23.

[31]   Cf. Ebach, *Das Fremde*, 122.

[32]   See Carly L. Crouch, "The Threat to Israel's Identity in Deuteronomy: Mesopotamian or Levantine?," *ZAW* 124/4 (2012): 541–554; *The Making*, 8–82; contra Otto, "Assyria," 342–347; cf. Quick, *Deuteronomy*, 37–40. A similar stance had already been supported by Louis Stulman, "Encroachment in Deuteronomy: An Analysis of the Social World of the D Code," *JBL* 109/4 (1990): 613–632.

ambiguity that stemmed from the mere mention of the אלהים אחרם.[33] Thus, these gods were not אחרם because they were worshipped by other (Mesopotamian) peoples and later penetrated Israelite worship. Rather, they were West-Semitic deities different from Yʜᴡʜ and already worshipped in Israel. This is precisely where the risk laid.[34] This nuance dovetails better with the picture of Deut 13 sketched so far. The otherness of these gods is not a given reality, that is, it is not determined by their actual foreign origin, but on the contrary, it is performatively produced by Israel through the law that forbids their worship and punishes those who do.

Two observations further corroborate this stance. First, on the basis of textual and epigraphic evidence, Alexander Rofé argues for a date in the late monarchic period (eighth-seventh centuries) when there was a move to eradicate names of other gods than Yʜᴡʜ, which was likely in response to the new geo-political setup brought up by the Assyrian westward expansion.[35] Since the immediate threat came from the neighbouring peoples, Judah reacted not by fighting distant religious practices but by rejecting *its own* "other" gods and focusing on the exclusive worship of Yʜᴡʜ. Deut 13 is focused on opposing inner experiences of religious pluralism rather than external threats. Second, the references to Israel's "middle" (קרב, vv. 2a, 6bβ) must be considered. As Ebach points out,[36] unlike תוך this term does not just refer to a spatial position, but also includes a social dimension. It designates the inner part of a group, which in this case has a strong symbolical connotation, being the very focus of Israel's collective identity. The middle is the beating heart of the collectivity and influences all its members. In the case of Deut 13, the "evil" (רע, v.6bβ)[37] committed by the prophet is located precisely there, at the center of the community; and for this reason, it must be eradicated. It is likely, then, that this is a prophet of Yʜᴡʜ who also preaches the worship of אלהים אחרם (cf. Deut 18:18–20). These are not different irreconcilable identities, but rather

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[33] See Yair Hoffman, "The Conception of 'Other Gods' in Deuteronomistic Literature," in *Concepts of the Other in Near Eastern Religions* (IOS 14; eds. Ilai Alon, Ithamar Gruenwald, Itamar Singer; Leiden: Brill, 1994), 103–118, 107–108; cf. Ebach, *Das Fremde*, 122.

[34] Cf. Crouch, *The Making*, 121, 124 fn. 52.

[35] See Alexander Rofé, "Text and Context: The Textual Elimination of the Names of Gods and Its Literary, Administrative, and Legal Context," in *From Author to Copyist: Essays on the Composition, Redaction, and Transmission of the Hebrew Bible in Honor of Zipi Talshir* (ed. Cana Werman; Winona Lake: Eisenbrauns, 2015), 63–79.

[36] Ebach, *Das Fremde*, 141–144.

[37] On the use of this term and its meaning in this context, see again Ebach, *Das Fremde*, 135–140.

irreconcilable claims to one Yahwistic identity.[38] Most significantly, the ground for this irreconcilability is not belief in YHWH per se but rather a deliberate elaboration (or, rather, confession) of it that leads to the exclusion of others to demarcate what Israel is and what it is not.

D   CLOSING REMARKS

The model of "secondary religion" elaborated by Assmann proved to be heuristically very effective in deciphering the processes of identity construction in Deut 13. The passage removes the belief in YHWH from an objective-natural level and places it on the level of profession and creed.[39] This happens by means of the confession (*Bekenntnis*) of belief in YHWH, which is turned into the ground for a normative self-definition and an identity marker stronger than any other social relations, even blood relations. In this way, not only does belief act as a passive identity marker, but it also functions as a shared confession, which is used as a constitutive element of Israel's collective identity through the systematic formulation of laws.

Within this Yahwist "confession", we see at work the operational mechanisms of Assmann's *Gegenreligion*, namely, the polarisation around a principle of truth that rejects as falsehood everything that lies outside itself, thus producing antagonistic alterity. A look at the historical and socio-cultural context of the seventh century B.C.E. has allowed us to contextualise this cultural representation of alterity not in the framework of a direct reaction to the expansionist policies of the Neo-Assyrian Empire but rather in the narrower scenario of religious pluralism in the West-Semitic area and within Israel itself. Therefore, we see in Deut 13 the shaping of a self-articulation in Israel – belief in YHWH as an identity marker, which allows the Israelite community to use a part of itself as its constitutive outside. As in many other examples scattered throughout the biblical texts, the real tension felt in the passage is that between a plural community and a collective that attempts to standardize plurality in order to define itself, the tension between a real Israel and an ideal Israel, between the layers of historical reality and the normative abstractions that attempt to control them.

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[38]   See Crouch, *The Making*, 121; cf. Tigay, *Deuteronomy*, 129–131, contra Pakkala, "Der literar," 132–133.

[39]   Cf. Veijola, "Wahrheit," 313–314.

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