

Deuteronomy in the Second Temple period: Law and its developing interpretation

Author:
Simon Paganini^{1,2}
Affiliations:
¹Department for Biblical Theology, University of Aachen, Germany²Department for Old Testament Studies, University of Pretoria, South Africa
Correspondence to:

Simon Paganini

Email:

simone.paganini@uibk.ac.at

Postal address:

RWTH-Aachen, Theaterplatz 14, 52062 Aachen, Germany

Dates:

Received: 03 Oct. 2012

Accepted: 21 Mar. 2013

Published: 05 Sept. 2013

How to cite this article:

Paganini, S., 2013, 'Deuteronomy in the Second Temple period: Law and its developing interpretation', *Verbum et Ecclesia* 34(2), Art. #800, 6 pages. <http://dx.doi.org/10.4102/ve.v34i2.800>

Copyright:

© 2013. The Authors.
Licensee: AOSIS
OpenJournals. This work
is licensed under the
Creative Commons
Attribution License.

A fulfilled ethical life is a desire that in Israel is closely integrated with the observance of laws and legal instructions. The specific way, in which this aspect is concretised, is not the fundamental aspect for the biblical authors. In Pentateuch there are in fact a lot of legal codes. In prophetic writings these are often called into question and in the Second Temple period there are also attempts to correct biblical legislation, which are not in our biblical canon like the qumranic Temple Scroll. The differences between legal codes in the Bible and in the writings of the Second Temple period are above all witnesses that it is possible to correct, to interpret, to actualise and to rewrite laws, which remains authoritative for the people or for a part of it.

Introduction

Jurie le Roux's attention to the Pentateuch and a critical approach to the Old Testament is exemplary, also beyond the South African context (Otto & Le Roux 2005). Establishing Pro Pent he has not only provided a space for critical reflection but he has also stimulated thinking about the ethical consequences of the different theories of the genesis and growth of the Pentateuch.

Ethics¹ and its understanding in and beyond the Pentateuch is also the topic of this article. Following an idea of Jurie le Roux there is in the context of the Old Testament very little difference between law and ethic (see also Otto 1994:81–110). Law is the basis of an ethical life and ethics is the result of the correct interpretation and actualisation of the different rules (Le Roux 1995, 1997).

Human completeness for Israel was always in union with respect for God's Laws.² Without the covenant and its legal ethic there are no possibilities to reach a fulfilling concrete life and, what is more important, there are no possibility to achieve an equal social system and an equalised society, where each woman and each man alike can enjoy life in full (Dt 30, 15–20) (Ehrenreich 2010). This human completeness can however merely be seen as an image of the cosmic, divine completeness. God gives to his people the only true completeness.

But this completeness is not simply grace; it is rather the fruit of observance, celebration, adherence to God, to his laws and commandments (Paganini 2011:477–479). In the Pentateuch there are a lot of different legal codes. All of them are mirrors of a society that searches for its fullness. All of them come from God through Moses (see also Fischer 2000:84–85). The content-related and the hermeneutical differences between them show that there are a lot of ways to try to reach this completeness.

Laws and commandments cannot exist outside the real tangible history (see the interesting observations by Otto 2007a:147–178). Jewish legal tradition is always connected to the concrete experience of the people. It is described in the Old Testament in this way. The whole promulgation of the law is encased in a very long narration. In total, the first five books of the Hebrew Bible, the Torah, offer the two great modes of theological discourse that are the cornerstones of Jewish social thought and practice: Aggadah and Halakah.

Aggadah embraces story as reflected in the narrative context of the Pentateuch. By contrast, Halakah embraces that side of the Torah that is concerned with the formulation of legal decisions and the construction of a fulfilled nation under divine sovereignty. A separation of Aggadah – narrative texts – from Halakah – legal texts – is merely artificial, at least as the Torah tradition is concerned, where the narrative carries forward the themes of the legal codes and ritual texts (so fittingly in Markl 2005). Indeed, the biblical authors came to understand that the revelation at Sinai had to be expressed both in terms of Genesis and Exodus stories and covenant laws to form and

1. Even in Jurie le Roux's scientific research is evident that ethics cannot be separated from the understanding and from the study of the normative and legislative systems inside the Pentateuch. The book of Deuteronomy offers a paradigmatic object for such an investigation. See also Otto (1994:10–11) and Paganini (2011:58–61).

2. This is also the main theological message of Deuteronomy. See Paganini (2011:473–477).

Read online:


Scan this QR
code with your
smart phone or
mobile device
to read online.

underline social ideals and practices into Israelite thought. Separating the halackic from the aggadic component parts of the Torah makes sense merely from the point of view of the editorial history of the Pentateuch. Biblical and later rabbinic traditions recognised the enormous value of interlinking two seemingly disparate modes of discourse, narrative and law, story and ritual prescriptions, that in other ancient Near East contexts remained rather distinct.

I would like to show in four steps how biblical laws try to support the idea that completeness and, of course, ethics are often the consequence of legal concepts only. Law is namely the primary institutional framework for constructing a society that embodies social ideals. The concrete legal instruction is not the most important issue.³ Central is the possibility to adapt old legal codes, to actualise them and to confer them an always renewed authority.

At first I would like to describe shortly the historical and cultural context of the biblical legal texts. I start my study with a discussion of ancient Near Eastern law. Then I turn my attention to the one text that immediately comes to mind when people think of biblical law, namely the Ten Commandments. Societies cannot live and cannot be grounded on principles alone and so in a third step I want briefly to explore the Exodus Covenant Code, the legal code of Deuteronomy and the priestly legislation in Leviticus and Numbers. Here we will find evidence of a vigorous debate about the precise way of transforming a sick and also bad into a fulfilled-society. In non canonical texts there are also attempts to promulgate laws in order to regulate the life in order to reach a fulfilled concrete existence. I will conclude with the presentation of a single example: the Qumranic Temple Scroll (11Q19).

Text in context: The environment of Biblical Law

Within the monarchic houses of the ancient Near East the enactment of legal codes⁴ – whether for practical, religious, or propagandistic purposes, was a very cultivated tradition. Codes from several centuries remain extant from the archives of the Assyrian and Babylonian Kings, such as those of Ur-Nammu (2100 BCE), Lipit-Ishtar (1900 BCE), Eshnunna (1850 BCE) and Hammurabi (1750 BCE) as well as the Hittite Laws (1600 BCE), the Middle Assyrian Laws (1200–1100 BCE) and the Neo-Babylonian Laws (700 BCE). Although the extant codes are numerous, we are not in a position to say precisely why these codes were collected. At the practical level undoubtedly collection of laws functioned to educate judges and served as reference works for corrected legal decision. At the very least, so also the biblical codes, served the religious purpose of informing the Gods that the justice they desired had been realised in the laws of society as contained in the codes. Furthermore the codes probably served the propagandistic or ideological function of supporting and underpinning the

institution, which promulgates them. The promulgation of a law code served to underscore the legitimacy and power of the central authority. The scope and emphasis of ancient Near Eastern law included such recurring topics as bodily injuries, slave laws, property matters, sexual excesses, family laws, theft laws et cetera. As we can see, for instance, in the Code of Hammurabi that is a royal inscription.⁵

Similar subjects are covered also in the pentateuchal legal codes. Biblical law is not reducible to a narrowly construed ‘civil law’. Unlike other Near Eastern codes biblical codes blend ritual and social obligations, they don’t draw sharp lines between laws concerning religious rites and social laws devoted to community. By reading the pentateuchal texts in relation to their ancient Near Eastern counterparts, we discover that the social vision spawned by Israel’s variegated legal traditions is inextricably intertwined with the liturgical programme. In other words, social well-being, and metaphorically human completeness, is not simply a product of royal or judicial authority but find its deepest roots in Israel’s worship as a response to divine sovereignty.

The Ten Commandments: Principles for an ethical fulfilled society

Moses is in the biblical narrative leader, guide, military commander, intermediary between people and God, but above all he is the lawgiver: all the pentateuchal laws go back to Moses (Fischer 2000:84–120). Treated as the patron of legal tradition, the figure of Moses is connected to several key passages that in essence offer summations of the most important prohibitions that are present in all biblical legal traditions. This is obviously only a literary construction. Only once does God himself speak directly to his people promulgating a law. The text of the Ten Commandments comes direct from God and has consequently the biggest authority. We know this text as the Decalogue, the ten words.

The Ten Commandments take the form of a series of prohibitions; they are actually not laws in the strict sense of the word.⁶ ‘Law’ is an injunction that takes up a particular legal case evaluating it in terms of attendant circumstances and punishment. For the most parts, the prohibitions in the Ten Commandments are given by contrast without spelling out precisely how they are to be enacted or what sort of sanctions are to befall the lawbreaker. It is to assume that this simplicity of the structure and the resulting expansiveness of their content arise from deliberate design.

Fundamental to this formulation of the Ten Commandments is the view that Israel’s Lord is to command the sort of respect that Ancient Near Eastern treaties reserved for earthly rulers (McConville 2002:117–136). A monarch such as Assyrian ruler Esarhaddon (680–669 BCE) presents us with a fine example of this mentality in a treaty in which he is at pains to ensure that the vassal accept the divinely sanctioned succession

3. In the biblical legislation is not unusual to be faced with the fact that elements lack (punishment, judging instance etc.) to establish in practice the validity of the law.

4. The collection of the texts can be found in Roth (2005).

5. For a very good discussion of the interconnections of the Hammurabi Code with the Bible and its laws see Boecker (1980) chapter 4.

6. Markl (2007) speaks about a kind of ‘constitution’ for the people of Israel.

of the crown prince, Ashurbanipal.⁷ In the Bible Israel's Lord is presented as both the ultimate giver and mediator of the covenant. The people as a whole are the vassals. In these formulations of the Ten Commandments we can see a subtle critique of monarchy and the attempt to limit its power: social authority is reserved for God, not for an earthly monarch. Moreover human completeness is the consequence of respecting God's, not men's law.

Whilst we might never recover the precise circumstances behind the adoption of the Ten Commandments' rhetorical structure, we can certainly say that the conjunction of the Ten Commandments with the case laws found in the covenant code and in Deuteronomy achieves a remarkable result: Israel's legal system was established to carry forward people's response to their covenant obligation at Sinai. Unlike elsewhere in the ancient Near East, where the law was a royal prerogative, in Israel each and every member of the community has a religious, moral, and social duty toward the national deity, and thought this toward society. The lists in Exodus 20 and Deuteronomy 5 both amalgamate sacred and secular concerns, weaving an expansive communal structure and social ethic (see Markl 2007:92–112 and 209–216). The canonical linking of the Ten Commandments to the law codes has the effect of making the legal system an extension of the community's Exodus freedom traditions. Without this important experience there is no possibility to reach life in full.

From Exodus to Deuteronomy: A developing tradition of legal ethics⁸

The short legal code given in Exodus 21–23 is known as the 'Covenant Code'. We do not know the precise date of its original formulation or the specific phases of its development. Scholars have proposed very different diachronic hypothesis to explain its genesis and growth. But as it now stands, in a synchronically reading of the Pentateuch, the Covenant Code is set out as the first 'commentary' with explanations and interpretations to the Ten Commandments as given in Exodus 20. The scope and content of the Covenant Code is akin to the ancient Near Eastern law codes, with additional ritual components though. The thrust of the Covenant Code is not simply toward individuals or classes of persons but also to social structures and communal practices (Levinson 1997:139–143).

By framing the poverty question as both a matter of person and structures, and by invoking laws to regulate these circumstances, the Covenant Code far surpasses its ancient Near Eastern counterparts. Justice for the poor became acceptable both as civil and religious matter in ancient Israel. As such the social praxis of justice making is clearly organised in the code. A concretisation of a concern for the poor and the effort to institutionalise remedies was placed at the heart of the Covenant Code.

7. For the connections between vassal-treaties and biblical text see the monograph of Steymans (1995).

8. See Pleins (2001:54–75).

With the exodus from Egypt as motivation, the tradition will ever after link exodus and justice. Thus it is normal that a fulfilled society is a synonym for a legal-right society. Deuteronomy is the last book in the Torah, but its intimate relation with the Covenant Code is explicit. As a legal code, Deuteronomy 12–26 covers ground similar to Exodus. A comparison between the laws in Deuteronomy and those in the Covenant Code reveals a striking degree of overlapping in terms of content.

A careful study of the language and contents of both texts suggests that the Covenant Code in Exodus was written first. This led us to a key observation: whatever else we might say about any change that occurs in Deuteronomy, there is a strong degree of conscious relations in content between the two collections of laws. In other words Deuteronomy represents a legal tradition purposely in the making. Deuteronomy rearranges and rewrites the material of the Covenant Code in a different fashion and in complete disregard to any organisational principles that may have been at work in the Covenant Code. Deuteronomy structures its law code as a consequence of the law of centralisation (Dt 12) (Paganini 2011:125–134).

Whereas Exodus 21–23 became a 'commentary' on the Ten Commandments simply by its juxtaposition to them, Deuteronomy 12–26 became a veritable commentary on both the Ten Commandments and the entire Exodus Covenant Code as the legal tradition adapted to speak to the changing question and needs of a developing community. However it is also clear that not all of the material of the Covenant Code has been taken over by Deuteronomy. Furthermore, beyond Deuteronomy's deletions from Exodus material, there are also significant additions to the collection in Deuteronomy. In spite of the differences, the overall focus of both Covenant Code and Deuteronomistic Code is the same: religious and social justice belong together, both of them serve to guide human beings to fulfil their existence in a relation with the divinity. We cannot be sure of the precise social and political forces that combined to forge the revision of Deuteronomy, but it appears that Deuteronomy reflects an urban environment in which the centralisation of the cult is of decisive importance, one step away from the clearer agrarian background of the Covenant Code. Human fullness and divine fullness are in Deuteronomy very close.

The Deuteronomistic Historians who incorporated this legislation in the larger Deuteronomistic History seems to have understood this implicitly: the failure to give singular loyalty to God brought disaster to Israel. The authors of the Covenant Code and of Deuteronomy are to be seen in priestly circles. In the Torah there are however still a lot of legal materials, which can be rated amongst priestly writings (see also Hamilton 1992:73–96). One can recognise today in the more generally acknowledged priestly materials an equally profound voice at work in the shaping of Israel's total social vision. The mode of Priestly expression has its own distinctive rhetorical features, theological tendencies and political emphases. The priestly programme has a great interest in ritual and purity. It was an alternative to the

collapsed royal project of Israel's monarchic period. The priestly law code must be finally collected in a time when there were no possibilities to live according to this legislation, because the people were in exile (also after their return) or they had no political power.

Then, we must consider the ritual and social legislation of Leviticus and Numbers to be the quasi-utopian vision of a priestly group hoping for control of the land after the debacle of the monarchy. I don't want to analyse the whole priestly legislation, only briefly, as an example, a part of the so-called 'Holiness Code' from Leviticus 17–26.

Following Leviticus 16, which details the purification of the tabernacle for the Day of Atonement ceremony, the Holiness Code foreshadows a broad range of worship and social obligations. Here the priestly legislation concerning the poor finds its place within this web of ritual, sexual, communal and familiar legislations. Leviticus was not designed as some nostalgic book of Israel's mosaic heritage, but as a programmatic and even utopian platform for its future (Otto 1994:65–80). In this world the poor, women, aged people, strangers and even the environment itself were the focal points of priestly legal discussion. For these writers the success of the reconstruction after the exile was a direct function of the care with which the disenfranchised were treated economically, socially and legally. Within the general limits of the Holiness Code, then, there appears to be a broad social vision that attempts to concretely address the situation of the Israelites in the period of the Second Temple.

When examining the Israelite legal codes we should be careful to distinguish between historical development and the religious function of these texts.

We must also always bear in mind the distinction between the socio-historical functioning of the codes during the time of the wandering in the desert – that is often the fictive narration in the Pentateuch – or in the time of the monarchy – that is often the background of the narration in the Deuteronomistic History – and their process of handing over within the torah as a product of the Second Temple period's renaissance in religious thought and practice.⁹ In this time the biblical text was written and the different legal codes were placed side by side. Biblical authors recognised the fundamental significance of each of these codes, not concerning their content but their message: they all reflect the possibility to reach a fulfilled life in accordance with God's covenant. This process is also typical for some writings of the Second Temple period.

Non canonical writings in the Second Temple period: No limit to legal interpretations¹⁰

With the discovery of the so-called 'Qumran scrolls' scholars had at their disposal original handwritings which were almost 1000 years older than those they had before. Beside

9. With regard to the legal hermeneutics of this process see Markl (2005:107–121).

10. More observations in Paganini (2009:241–296).

the Biblical writings, the Dead Sea Scrolls contain a number of independent texts, which shed new light on the formation, the reception and the history of the impact of the books of the Old Testament into the Jewish literature of the Second Temple period.

This holds true in particular for the two manuscripts of the Temple Scroll, which come from the 11th Cave in the proximity of the Qumran-settlement. For the most part the Temple Scroll contains a collection of laws and instructions directly communicated by God in the first person and thus – from a formal point of view – claiming an authority which partly goes even beyond that of the Biblical laws, which were promulgated by Moses. The Temple Scroll contains commands and rules which are based on texts of Exodus, Leviticus, Numbers and Deuteronomy, with nearly a third of the texts – from the 48th up to the 66th and last column – showing remarkable similarities to laws from the book Deuteronomy (Otto 2011).

Furthermore the Temple Scroll presents itself as an authoritative interpretation of the Sinai Torah and claims to be a valid source of authentic divine revelation. God speaks, explains his own law and interprets it with words similar to Moses' words written in Deuteronomy.

The controversy about the legally correct interpretation of the Torah becomes evident in those passages of the Temple Scroll that were adopted from the legal material of the Pentateuch. Many differences between Pentateuch and Temple Scroll can be explained by the intention of its authors to improve the text of the Pentateuch. But this alone does not explain the huge number of variants. What is more important, however, is the question why ordinances and stipulations of Deuteronomy, Leviticus, Exodus and Numbers that were spoken by Moses, speaking of God in the third person, were transformed into divine speech in the first person, so that the words of Moses were transferred back from Moses' mouth to that of God (for details see Paganini 2009a:33–240).

This transformation is an important trait of the legal hermeneutics of the Temple Scroll. The relationship between the Temple Scroll and the Pentateuch was recently described as a paradox. On the one hand the Temple Scroll claims the legal authority of the Pentateuch whereas on the other hand it keeps its distance from it. Paradoxically, the Scroll should draw its authority from its opponent, the Pentateuch. Those scholars here applied a theory developed to describe the relation between the Covenant Code and Deuteronomy as a process of 'recycling', which means 'supersede' (Levinson 1997), to the relation between Deuteronomy and the Temple Scroll. This thesis of a paradoxical relationship between interpreted and interpreting texts is not convincing because the paradox remains unexplained. It needs an explanation why the authority of a text should be confirmed by making it vulnerable. This is not only a problem for the adoption of the individual ordinances and stipulations of Deuteronomy in the Temple Scroll, but also for its concept as a whole. The relation between Pentateuch and Temple Scroll – as

the relation between Covenant Code and Deuteronomy Code – is by far more complex than the simple alternative between substitution and supplementation may suggest. The legislation of the Temple Scroll is not very different from that of Deuteronomy, but its hermeneutic is totally different.

Pentateuch and Temple Scroll are witnesses of an intensive discourse in the first and second century BCE about priestly claims to have the only legitimate access to the divine word (see also Otto 2007b:159–175). This becomes evident in those passages of the Temple Scroll which were adopted from the legal material of the Pentateuch: in columns 48–66 especially from Deuteronomy. Drafting the text in the first person with the object of establishing that it is God himself who is the speaker; merging commands that concern the same subject; unifying duplicate commands, including those that contradict one another and modifying and adding the commands in order to clarify their halakhic meaning, those are all characteristics of the activity of the authors of the Scroll in adapting the stipulations of the Pentateuch.

The more technical aspects of exegetical adoptions of Deuteronomy in the Temple Scroll were already well described by a number of authors (see for details Paganini 2009a:255–265). More important for us is the question why stipulations of Deuteronomy 12–26 that were spoken by Moses were transformed into divine speech. Sentences like Deuteronomy 16:20 ‘and inherit the land, which YHWH, your God, gives you’ were changed into ‘the land, which I shall give you, to inherit it for all the time’ or Deuteronomy 18:9 ‘when you will come into the land, which YHWH, your God, will give you’ into ‘when you will come into the land, which I shall give you’ (Col 60). The Deuteronomic centralisation-formula changes into ‘the sanctuary, where I will settle my name’ (Col 45:12). This transformation is an important trait of the legal hermeneutics of the Temple Scroll.

The authors of the Temple Scroll read the Pentateuch in the Hasmonean period synchronically, so that all the diachronical problems of the literary history of the Pentateuch are not important here (see also Otto 2011:58–74). We can also renounce to describe the controversial discussion if the authors of the Temple Scroll use different sources in those parts which went back to Deuteronomy or if they directly adopted the biblical texts. The question if the scribes of the Temple Scroll were authors or redactors is less important for the reconstruction of the concept of the legal hermeneutics of the synchronically-read Temple Scroll (Paganini 2009b:256–279).

Column 2:1–16, the first column that we can read today,¹¹ quoted Exodus 34:10–16. Thus the revelation in the Temple Scroll which contains a kind of Deuteronomic interpretation of the law is located not in Moab, like the Legislation of the Deuteronomy, but at Mount Sinai. And this is decisive for the interpretation of the whole Scroll. Exodus 34, 10–16 presents the divine revelation to Moses during his second stay of 40 days and 40 nights with YHWH on Mount Sinai (Ex 34:1–4; 28).

11. The first column of the scroll is unfortunately lost.

The Temple Scroll was attached not to Moses’ first stay with YHWH on the mountain, but to his second stay, not only after the Decalogue, the Covenant Code and the renewed covenant, but also after the instructions for building the Tent Sanctuary (Ex 25–31) and the violation of the covenant by the Golden Calf (Ex 32). The authority of Decalogue, Covenant Code and instructions for the sanctuary were in this way not questioned. Only the authority of the Deuteronomic Code – the actualisation of the Covenant Code in Moab for the second generation after the Exodus – is corrected and not accepted.

The structure of the Scroll was formed by concentric circles of Holiness from the Holy of Holiest of the temple to the Holy City and its surroundings. In this latter area the stipulations of Deuteronomy should reach their functions not as part of Moses’ orations to the people in the land of Moab but as God’s direct revelation at Mount Sinai.

As God’s direct revelation to the people the Scroll claimed the same status as Exodus 34:10–26 in the narrative of the Sinai pericope. Both texts assert to be God’s reinterpretation of his own words in Exodus 20–24, Exodus 34 in the narrative of the Pentateuch and the Temple Scroll in the interpretation of Deuteronomy in the Second Temple period. In the legal hermeneutics of the Pentateuch Deuteronomy was presented as Moses’ interpretation of the Sinai Torah and its application to the expected new situation of Israel’s inheritance of the Promised Land. In Exodus 24:12 God had charged Moses to teach his people. In the narrative of the Pentateuch Moses expounded the Sinai Torah of Decalogue and Covenant Code in his orations of Deuteronomy in the Land of Moab (Dt 1:1–5), after the divine revelation in the desert had come to an end (Nm 36:13). With Moses’ transcription of Deuteronomy (Dt 31:9) and his death (Dt 34) the only access to the will of God was given by expounding the written Torah. So is the description of the Pentateuch.

The authors of the Scroll adopted parts of Deuteronomy 12–26 and transferred it back from Moses’ mouth to that of God himself. This meant that they claimed to have a direct access to God’s revelation independent of Moses’ interpretation of the Torah in Deuteronomy.

The authors of the Temple Scroll claimed for themselves rather to have a direct access to the divine revelation which had been uttered by God after the people had violated the covenant. This meant that they did not reject all the contents of Deuteronomy, on the contrary, they adopted it. So there is not a paradox, but they contested any claims of the authors of the Pentateuch for exclusiveness of the right to expound the Torah. They orientated themselves not according to Moses but to God himself, because he already had given a model for interpreting the Torah by expounding his own words (Ex 34) after the fall of the people (Ex 32).

The legal hermeneutics of the Pentateuch were originally created by priestly circles. In the narrative of the Pentateuch they created their own legitimation for interpreting the Torah in succession of Moses (Otto 1999:75–98). The authors of the Scroll contradicted to this legitimation by claiming to

be legitimised not by Moses' function to expound the Sinai-Torah but by their direct access to the words of God himself. Improving the text of Deuteronomy they demonstrated their superiority over Moses as interpreters of the Torah.

The authors of the Temple Scroll were probably priests driven out of priestly circles, so that the temple in Jerusalem was for them no longer the legitimate centre of the cultic veneration of YHWH (Paganini 2009a:263–278). By the fundamental opposition to this temple in the Scroll they blew up the legitimisation of the Zadokites.¹²

The legal hermeneutics of the Temple Scroll in its relation to that of the Pentateuch was less paradoxical as it seems to be at first glance, but the result of an intensive discourse between priestly scribes in this period. The priestly authors of the late postexilic Pentateuch legitimised their claim of expounding the Torah by the idea that God's revelation had come to an end with Moses' death and there would be no more divine intervention into history and no new revelation, so that expounding the Torah should be the only access to God's revelation. Prophetic circles protested against this priestly claim with the idea that there would be new divine interventions and revelations and that these would be the decisive ones. The authors of the Temple Scroll also expected a new divine intervention erecting the new temple and interpreting the authoritative legislation of their time, in order to have the possibility to fulfil their life.

Conclusion

A fulfilled ethical life is a desire in the ancient Near East and in Israel that is closely integrated with the observance of laws and legal instructions. Only in this way can one fulfil God's plan. Thereby, the practical way it happens is in the Old Testament not essential in order to establish the value of the legal dimension. In the Pentateuch there are a lot of partly different legal codes, also prophets speak against this official legislation and its interpretation. In the Second Temple period there are a lot of attempts to correct biblical legislation, which are not in our biblical canon like the Temple Scroll. The differences between legal codes in the Bible are above all not only testimonies of a diachronic formation of the text, but moreover witnesses that it is possible to correct, to interpret, to actualise and to rewrite laws, which remains authoritative for the people or for a part of it. This synchronic approach is surely not the only one possible, but it is an interesting possibility in order to underline the hermeneutical understanding of these writings in the Second Temple period.

Important is also the fact, that there is not only one way to fulfil God's covenant. The Covenant Code, the Deuteronomy

12. See Otto (2011:59–60) for additional bibliographical indications.

Code, *mutatis mutandis* also the Holiness Code, but also the Temple Scroll are all equivalent attempts to reach a whole ethical fulfilment before of God.

Acknowledgements

Competing interests

The author declares that he has no financial or personal relationship(s) that may have inappropriately influenced him in writing this article.

References

- Boecker, H.J., 1980, *Law and the Administration of Justice in the Old Testament and the Ancient Near East*, University Press, Minneapolis.
- Ehrenreich, E., 2010, 'Wähle das Leben! Deuteronomium 30 als hermeneutischer Schlüssel zur Torah, supp. res. 14, Behefte zur Zeitschrift für Altorientalische und Biblische Rechtsgeschichte.
- Fischer, G., 2000, 'Das Mosebild der hebräischen Bibel', in E. Otto (ed.), *Mose. Ägypten und das Alte Testament*, Katholische Bibelwerk, Stuttgart.
- Hamilton, J.M., 1992, *Social Justice and Deuteronomy: The Case of Deuteronomy 15*, Scholar Press, Atlanta.
- Le Roux, J., 1995, 'No theology, no relevance, no new South Africa', *Old Testament Essays* 8(2), 167–190.
- Le Roux, J., 1997, 'Our historical heritage', *Old Testament Essays* 10(3), 401–423.
- Levinson, B.M., 1997, *Deuteronomy and the hermeneutics of legal innovation*, University Press, Oxford.
- Markl, D., 2005, 'Narrative Rechtshermeneutik als methodische Herausforderung des Pentateuch [Narrative Hermeneutics as legal methodological challenge of the Pentateuch]', *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 11, 107–121.
- Markl, D., 2007, *Der Dekalog als Verfassung des Gottesvolkes. Die Brennpunkte einer Rechtshermeneutik des Pentateuch in Ex 19–24 und Dtn 5*, supp. res., Herders Biblische Studien.
- McConville, J.C., 2002, *Deuteronomy*, Intervarsity Press, Illinois. (AOT).
- Otto, E., 1994a, 'Das Heiligkeitgesetz Leviticus 17–26 in der Pentateuchredaktion', in P. Mommer (ed.), *Altes Testament Forschung und Wirkung. Festschrift für Henning Graf Reventlow*, pp. 65–80, Peter Lang, Frankfurt.
- Otto, E., 1994b, *Theologische Ethik des Alten Testaments*, Kohlhammer, Stuttgart. (KTW 3,2).
- Otto, E., 1999, 'Rechtshermeneutik in der Hebräischen Bibel. Die innerbiblischen Ursprünge halachischer Bibelauslegung [Legal hermeneutics in the Hebrew Bible. The intra-biblical origins halachic interpretation of the Bible]', *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 5, 75–98.
- Otto, E., 2007a, *Das Gesetz des Mose*, Wissenschaftlichen Buchgesellschaft, Darmstadt.
- Otto, E., 2007b, 'Die Rechtshermeneutik der Tempelrolle (11QTa). [The legal hermeneutics of the Temple Scroll (11QTa)].', *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 13, 159–175.
- Otto, E., 2011, 'Temple Scroll and Pentateuch. A priestly debate about the interpretation of the Torah', in K. de Troyer (ed.), *The Qumran Legal texts between the Hebrew Bible and Its Interpretation*, pp. 59–74, Peeters, Leuven.
- Otto, E. & Le Roux, J. (eds.), 2005, *A critical study of the Pentateuch. An encounter between Europe and Africa*, Lit Verlag, Münster. (Altes Testament und Moderne 20).
- Paganini, S., 2009a, 'Nicht darfst du zu diesen Wörtern etwas hinzufügen'. *Die Rezeption des Deuteronomiums in der Tempelrolle: Sprache, Autoren und Hermeneutik*, supp. res. 11, Behefte zur Zeitschrift für die alttestamentliche Wissenschaft.
- Paganini, S., 2009b, 'Das biblische Gesetz und seine Interpretation am Beispiel der qumranischen Tempelrolle', *Zeitschrift für katholische Theologie* 131(3), 256–279.
- Paganini, S., 2011, *Deuteronomio, nuova versione, introduzione e commento*, Paoline, Milano. (I Libri Biblici 5).
- Pleins, J.D., 2001, *The social visions of the Hebrew Bible: A theological introduction*, John Knox Press, Louisville.
- Roth, M.T., 2005, *Law collections from Mesopotamia and Asia Minor*, Scholar Press, Atlanta.
- Steymans, H.U., 1995, *Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons. Segen und Fluch im Alten Orient und in Israel*, supp. res. 145, Orbis Biblicus et Orientalis.