

A Re-Appraisal of Profane Slaughter in Deuteronomy 12

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Introduction

The book of Deuteronomy has long been seen as representing a radical or even revolutionary program of reform in which the major tenets of religious, political, and social life of the people of Israel are shaped and transformed. Although there are divergent views as to the specific details of the program and the extent to which the reform as represented in Deuteronomy is consistent with other Pentateuchal material, there remains agreement that in fundamental and profound ways, Deuteronomy is radical in its vision.

One of the aspects of that program as usually understood is the tendency toward “secularization.”¹ While this term is understood somewhat differently by various proponents of this view, “secularization” generally refers to a tendency in Deuteronomy to downplay the sacred, and the removal of certain institutions from the realm of the sacred. Thus Weinfeld describes Deuteronomy as having a

distinctly secular foundation. Not only do we encounter institutions of a manifestly secular character such as the judiciary...the monarchy...the military...and civil and criminal laws which treat of the family and inheritance...loans and debts...litigations and quarrels...trespassing...and false testimony...and the like; but...even institutions and practices which were originally sacral in character have here been recast in secularized forms....²

¹ The other elements that are usually seen in the Deuteronomic revolution are centralization and demythologization. For an overview of these elements, see my book, *Deuteronomic Theology and the Significance of Torah: A Re-Appraisal* (Winona Lake: Eisenbrauns, forthcoming).

² M. WEINFELD, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford University Press, 1972; reprint Winona Lake: Eisenbrauns, 1992), 188.

One of the most important examples of secularization in Deuteronomy for Weinfeld and others is the law of “profane slaughter” presented in Deuteronomy 12. Following the demand for centralization of worship to “the place” is a concession that animals may be slaughtered freely in the towns in which the people live. This is, first of all, seen as a practical concession, since prior to the Deuteronomic reform all slaughter of non-game animals was to be carried out at an altar. The elimination of local sanctuaries meant that no altars were available to people living at a distance from the central sanctuary, so Deuteronomy allows for the non-sacrificial slaughter of domesticated animals. This contributed to secularization, in Weinfeld’s view, as “a significant aspect of Israelite daily life [was freed] from its ties to the cultus.”³

More important, however, is the notion that non-sacrificial slaughter is seen as a rejection of the earlier conception that the blood of an animal possessed an inherently sacred quality. Weinfeld notes that Lev 17.6 demands that the blood of *all* slain non-game animals is to be brought to the tent of meeting, and the blood sprinkled on the altar. The blood of game animals is to be poured out and covered with earth (Lev 17.13). The reason for this, he argues, is that all spilled blood demands “vengeance and satisfaction,” and since the blood of game animals cannot be atoned for by pouring it on the altar, it must be covered up.⁴ But Deuteronomy presents a vastly different picture. Weinfeld argues that Deuteronomy 12 repudiates the notion of the sanctity of the blood, doing so by legislating that the blood of all animals slaughtered away from the sanctuary is to be poured out “like water” (Deut 12.16, 24). Demanding that the blood of animals slaughtered for non-sacrificial purposes be poured out like water asserts that the blood “has no more a sacral value than water has.”⁵

³ WEINFELD, *Deuteronomic School*, 214.

⁴ Ibid.

⁵ Ibid.

Levinson supports this position by noting the apparently deliberate way in which the very words of the earlier law are reworked in Deuteronomy 12 in support of the radical innovation of secular slaughter. He notes that certain key words are repeated in the Deuteronomic legislation, but in a way that has subtly shifted their meaning. Thus, where Exod 20.24 says וְזָבַחְתָּ עָלָיו וְזָבַחְתָּ מִבְּקָרְךָ וְאֶת־עֹלֹתֶיךָ וְאֶת־שְׁלָמֶיךָ וְאֶת־צֹאֲנֶיךָ וְאֶת־בְּקָרְךָ (“and you shall sacrifice on it [i.e., an earthen altar] your burnt offerings and your peace offerings, your sheep and your oxen”), Deut 12.21 says וְזָבַחְתָּ מִבְּקָרְךָ וּמִצֹּאֲנֶיךָ (“And you may slaughter [זָבַח] from your cattle and from your sheep”).

The changes in Deuteronomy are due to the fact that the law here is dealing with non-sacrificial slaughter. Levinson notes that

local secular slaughter by definition cannot take place עָלָיו ‘upon it’—upon an altar—because Deuteronomy sanctions only the single altar at the cultic center. For the same reason, the lemma’s reference to the cultic sacrifices אֶת עֹלֹתֶיךָ וְאֶת שְׁלָמֶיךָ ‘your burnt offerings and your well-being offerings’ is deleted from this noncultic context.⁶

He goes on to note that the elements omitted from the Exodus law are found in Deut 12.26-27, which deals with sacrifice and ritual at the central sanctuary, and so would be appropriate there.⁷

He maintains that the authors of Deuteronomy have very carefully reworked the earlier law, even to the point of using the same words, even where problematic (such as the use of זָבַח to refer to non-sacrificial killing). This leads Levinson to conclude that the “author struggles to justify the innovation of secular slaughter in terms of prior textual authority, almost as if the older Exodus altar law itself lexically sanctioned the very innovation that overturns it.”⁸

⁶ B.M. LEVINSON, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 37.

⁷ Ibid.

⁸ Ibid., 38.

Secularization and Profane Slaughter: An Evaluation

The belief that Deuteronomy 12 reflects an attempt at secularization of slaughter has received widespread acceptance. This view is based on two fundamental premises. First, there is the contention that all pre-Deuteronomic slaughter was sacrificial. The second is that Deuteronomy envisions slaughter that is devoid of religious or cultic significance. Both these premises may be challenged.

Sacral Nature of Pre-Deuteronomic Slaughter

The first aspect of the prevailing view of secularization is the idea that prior to Deuteronomy 12, all slaughter was carried out at an altar and was, therefore, sacrificial. This is usually argued primarily on the basis of 1 Sam 14.32-35. In that text, the people are said to be eating with the blood, to which Saul responds by bringing in a large stone and orders the people to slaughter their animals on the stone. Verse 35 concludes the section by describing that Saul built an altar to Yahweh. The stone is understood to be an altar of the sort described in the altar law in Exod 20.25. The sin, then, was that the people were eating animals that had not been properly sacrificed, marked by their failure to give Yahweh his portion and by their failure to sprinkle the blood on an altar. This was rectified when Saul constructed an altar and sacrificed the animals properly. Accordingly, this text is seen as demonstrating that all slaughter was to be carried out at an altar and was considered to be sacrificial.⁹

There are, however, good reasons to question this interpretation. First, the text is explicit in identifying the sin of the people as eating the meat with the blood.¹⁰ There is no mention of any

⁹ R.W. KLEIN, *1 Samuel*, WBC 10 (Waco: Word, 1983), 139; H.W. HERTZBERG, *I & II Samuel*, OTL (Philadelphia: Westminster, 1964), 115-16; M.J. EVANS, *1 and 2 Samuel*, NIBC 6 (Peabody, MA: Hendrickson; Carlisle: Paternoster, 2000), 69-70; B.C. BIRCH, "The First and Second Books of Samuel: Introduction, Commentary, and Reflections," in *NIB 2*: 1080. See also WEINFELD, *Deuteronomic School*, 213-14.

¹⁰ HERTZBERG, *Samuel*, 115-16, and WEINFELD, *Deuteronomic School*, 187, argue that the use of the phrase על־הַדָּם should be understood as "on the blood" rather than "with the blood." In their view, the sin was that the people failed

failure to withhold a portion for Yahweh or to have sprinkled the altar with the blood. Weinfeld sees the use of the phrase *עַל-הַדָּם* as a circumlocution for eating without first sprinkling the blood, and cites Lev 19.26 as evidence.¹¹ But the prohibition in Lev 19.26 is simply about not eating the flesh with the blood. The law is not presented in the context of sacrifice, so it is not necessary to conclude that sacrifice, as opposed to blood manipulation, is in view in that text. In addition, Gen 9.4 prohibits eating meat with blood, again in a general, not sacrificial, context, as does Lev 17.10-14. Thus it seems likely that there is a more general principle about not eating blood (apart from any sacrificial implications), and it is likely that this principle is in view in 1 Sam 14.32-35. That this is a serious offense on its own terms, apart from any violations of sacrificial regulations, is beyond question based on the association of blood and life made in both Gen 9.4 and Lev 17.11, as well as in the fact that the disposal of blood is important even in the case of non-sacrificial game animals. It is therefore not unreasonable to think that the sin of the people in 1 Sam 14.32-35 was a failure to dispose of the blood properly, and is not related to sacrifice.

Second, it is not clear that the stone brought by Saul and used for slaughter by the people should be seen as an altar. The construction of the altar is mentioned in v. 35. But if the stone brought by Saul in v. 33 is seen as an altar, then it is unclear why a second altar would need to be built. Some have said that the original stone was incorporated into the altar described in v. 35,¹² but this is highly speculative. The text indicates that the people were sacrificing on the ground (v. 32). This would make it impossible for the blood to drain properly, with the result that

to sprinkle the blood on the altar as required. But Exod 12.8 employs a similar construction, as the people are instructed to eat the flesh *with* bitter herbs (*עַל-מֵרִירִים*). It is rather unlikely that the command in Exod 12.8 is for the people to eat the meat *on* the herbs, so it is better to conclude, with P.K. MCCARTER, Jr., *1 Samuel*, AB 8 (New York: Doubleday, 1980), 249, that the expression *עַל אֲכַל* “means simply ‘eat with,’ the prepositional phrase referring to something eaten along with the main food....”

¹¹ WEINFELD, *Deuteronomic School*, 187.

¹² HERTZBERG, *Samuel*, 116.

people would be eating meat with the blood. Bringing in a large stone would allow for the blood to drain, thus ensuring that the commandments prohibiting the eating of blood were properly followed.¹³ It is therefore unnecessary to conclude that the stone in v. 32 is intended to be seen as an altar.¹⁴

The significance of this for the interpretation of Deuteronomy 12 is due to the fact that 1 Sam 14.32-35 is normally understood as preceding the composition of Deuteronomy 12. The fact that 1 Sam 14.32-35 may plausibly be read as dealing with blood manipulation, not sacrifice, suggests that slaughter was not always considered sacrificial. If that is so, then the case for secularization in Deuteronomy 12, where what was previously sacral is radically altered and removed from the realm of the cult, is weakened significantly.

Profane or Sacral Slaughter?

Use of זָבַח in Deuteronomy 12

In addition, an argument can be made for seeing Deuteronomy 12 as expanding the realm of the sacred, not curtailing it. In Deut 12.15, 21 it is permitted that in the towns (i.e., away from the central sanctuary) the people may slaughter and eat meat. What is unusual, however, is the fact that the term זָבַח is used in connection with this ostensibly profane slaughter. The word זָבַח is used consistently throughout the Old Testament in connection with sacrifice. Of the 134 times the word appears, all but eight¹⁵ are indisputably related to sacrifice and, therefore, there are sacral connotations to the term. Apart from the verses in question, all the remaining exceptions

¹³ Cf. J.M. GRINTZ, “‘Do Not Eat On the Blood’: Reconsiderations in Setting and Dating of the Priestly Code,” *ASTI* 8 (1972): 78-105.

¹⁴ HERTZBERG, *Samuel*, 116, maintains that the use of a large stone for sacrifice in 1 Sam 6.14 suggests that the stone here should be similarly viewed. In that case, however, the text is explicit in stating that a sacrifice – a burnt offering – was made to Yahweh on the stone. The sacrificial connection is therefore explicit there, whereas it is at best implied in the present text, if indeed it is there at all.

¹⁵ Num 22.40; Deut 12.15, 21; 1 Sam 28.24; 1 Kg 19.16, 21; Ezek 34.3; 2 Chr 18.2.

have been seen as likely bearing sacrificial connotations, or as emulating or asserting a sacrificial sense.¹⁶ That leaves only Deut 12.15, 21 as having perhaps a non-sacral sense.

The fact that all the other uses of זָבַח in the Old Testament (including elsewhere in Deuteronomy) have a sacral connotation raises the question as to whether some sacral implication may be present in its uses in Deuteronomy 12 as well. Milgrom concludes that the use of the term זָבַח in Deut 12.15, 21 was to specify that the manner in which the animal was to be killed was to be the same for profane slaughter as in the case of sacrifices, namely by slitting the throat.¹⁷ In favor of this view, Milgrom notes that there are three terms related to slaughter in the Old Testament: זָבַח, טָבַח, and שָׁחַט. As noted, זָבַח always refers to slaughter in a sacred context. On the other hand, טָבַח always refers to profane slaughter. The third term, שָׁחַט, is used in much the same manner as זָבַח to designate sacrificial slaughter. Thus, he concludes, Hebrew is unique among its cognate languages in having two terms that are identical in designating sacred slaughter, unless שָׁחַט actually had a more technical meaning of slaughtering by cutting the throat.¹⁸ This is in line with the Arabic verb *sahata*, meaning “to slit the throat,” and a corresponding noun meaning “throat.”¹⁹ Moreover, Deut 12.21 indicates that sacrifice is to be done as Yahweh commanded (כַּאֲשֶׁר צִוִּיתָהּ). Since there are no commands in the Pentateuch that specify the exact manner in which animals are to be slaughtered, Milgrom concludes that this citation is not to a specific command, but rather refers to the verb שָׁחַט and specifies that all slaughter is to be carried out through the slitting of the throat. In this view,

¹⁶ See J. MILGROM, “Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy,” *Hebrew Union College Annual* 47 (1976): 2; LEVINSON, *Legal Innovation*, 38, n. 29; R.E. AVERBECK, “זָבַח,” in *NIDOTTE*, 1: 1069. Ezek 34.3 is the one case that is seen as being a true example of a non-sacral use of the term. However, as Milgrom (*op. cit.*) notes, the exilic setting of this text, where true sacrifice was impossible, makes it difficult to say with certainty whether any sacral connotation is implied.

¹⁷ MILGROM, “Profane Slaughter,” 13-15.

¹⁸ *Ibid.*, 14.

¹⁹ *Ibid.* See also R.E. AVERBECK, “שָׁחַט,” in *NIDOTTE*, 4: 78.

then, Deut 12.15, 21 would be specifying that in every case in which an animal is slaughtered, the same procedure (the slitting of the throat) is to be used whether the slaughter is in a cultic context or not.

Levinson, following Hoffman, objects that this reconstruction is untenable because there are no specific rules provided in the Old Testament for the slaughter of animals in sacrifice. The ritual procedures for sacrificial slaughter are found only in later rabbinic materials.²⁰ This is, of course, correct. But it is also the case that many of the problems related to the interpretation of sacrificial ritual have to do with the fact that many of the details that would lend clarity to a later audience are left unsaid since they were readily apparent and familiar to the original audience.²¹ That specific procedures were spelled out in Jewish law much later certainly does not mean that the procedures were known in the time of Deuteronomy's composition. At the same time, however, the fact that specific procedures were made explicit only later does not mean there weren't any known procedures, either.²² The fact that such procedural details are not spelled out in the texts may simply mean that they were familiar to the audience to whom the text was addressed.

So, caution should be exercised in determining what is intended by the use of קָטַף . Milgrom's hypothesis that קָטַף refers to slitting the throat is a tantalizing and intriguing possibility, but is not certain. What seems much more likely, in my estimation, is that the use of קָטַף in Deut 12.15, 21 points to a sacral, not secular, connotation for the procedure. The fact that

²⁰ B.M. LEVINSON, "The Hermeneutics of Innovation: The Impact of Centralization Upon the Structure, Sequence, and Reformulation of Legal Materials in Deuteronomy," (Ph.D. diss., Brandeis University, 1991), 181; idem, *Legal Innovation*, 42, n. 46. He cites D.Z. HOFFMANN, *Das Buch Deuteronomium*, Vols. 1-2 (Berlin: Poppelauer, 1913-22), 1.167-68.

²¹ G.J. WENHAM, "The Theology of Old Testament Sacrifice," in *Sacrifice in the Bible*, ed. R.T. BECKWITH and M.J. SELMAN (Grand Rapids: Baker; Carlisle: Paternoster, 1995), 76-77.

²² While Milgrom maintains that the procedure in view in Deut 12.15, 21 is the slitting of the throat, he acknowledges that this does not mean that "the rabbinic technique of ritual slaughter, i.e. a clean, transverse cut of both the oesophagus and the trachea so that all the main blood vessels are severed ... stems from biblical times." (MILGROM, "Profane Slaughter," 15, n. 48.)

זָבַח always (including elsewhere in Deuteronomy itself) has a sacral connotation, coupled with the fact that the verb שָׁחַט, which is always used of profane slaughter, is not used suggests that the author(s) were not describing a ritual that was considered profane.

To be sure, one cannot base a conclusion on this matter solely on the basis of the vocabulary used (or not used). Such a conclusion would need to be supported by additional evidence suggesting that in the present context of the chapter as a whole a sacral connotation is likely. That is, the determination of the meaning of זָבַח will depend greatly on the view of Deuteronomy 12 as a whole, not just on an examination of the word itself. I believe that the evidence of the chapter in its context supports an understanding of זָבַח as a sacral term.

Holiness of the Land in Deuteronomy

One of the key aspects in support of the idea that זָבַח should be seen as a sacral term relates to the holiness of the land in Deuteronomy. Lohfink has argued that a case can be made for seeing in Deuteronomy an *expansion* of the concept of holiness, in contrast to the idea of secularization.²³ If this is the case, then it is possible to see in Deuteronomy 12 a description of slaughter that is understood as religiously significant.

In Lohfink's important analysis, there are two instances of expansion of holiness in Deuteronomy generally that may assist in the interpretation of Deuteronomy 12. First, he notes that in Deuteronomy there is a particular emphasis on the holiness of the entire people, not just the priests.²⁴ This is seen in the way in which statements of the holiness of Israel appear in contrast to the people of the world as a whole. So, Deut 7.6 says of Israel עַם קָדוֹשׁ אֲתָהּ לַיהוָה

²³ N. LOHFINK, "Opfer und Säkularisierung im Deuteronomium," in *Studien zu Opfer und Kult im Alten Testament: mit einer Bibliographie 1969-1991 zum Opfer in der Bibel*, ed. A. SCHENKER (Tübingen: J.C.B. Mohr [Paul Siebeck], 1992), 15-43.

²⁴ *Ibid.*, 35.

לְעַם יְהוָה (“you are a people holy to Yahweh your God”). But this is followed by the phrase סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָרֶץ (“a people for himself, a treasured possession out of all the peoples who are on the face of the earth”). No mention is made anywhere in Deuteronomy of the people being a “kingdom of priests,” as the Israelites are designated in Exod 19.6. Priests are not set apart in Deuteronomy as models of holiness. Rather, holiness is a quality of Israel as a whole (not just king or priest) in contrast to the peoples of the earth.²⁵ Other texts draw similar distinctions between the holiness of Israel in contrast to the nations (e.g. Deut 14.2; 26.18-19; 28.9-10).

Second, it can be argued that there is in Deuteronomy an expansion of holiness such that it encompasses the land as a whole, not just the sanctuary. There is, first of all, the command in Deut 12.1-2 to destroy *all* pagan worship sites throughout the whole land. This implies that the entire land is to be considered the realm of Yahweh (as only his duly-designated site(s) is to be sought). Moreover, Deuteronomy 7 as a whole makes the case for the incompatibility of pagan worship with Yahweh worship, and explicitly notes that the vestiges of pagan worship throughout the land must be destroyed due to the fact that the Israelites are a holy people (Deut 7.6). Pagan worship practices are described as תועֵבָה in Deut 7.25-26, which is a negative sacral term in Deuteronomy.²⁶ The presence of pagan worship anywhere in the land is incompatible with the presence of the holy people of Yahweh.

²⁵ Cf. E. REGEV, “Priestly Dynamic Holiness and Deuteronomic Static Holiness,” *VT* 51 (2001): 246-47; W. EICHRD, *Theology of the Old Testament*, vol. 1 (London: SCM, 1961), 412.

²⁶ LOHFINK, “Säkularisierung,” 36-37. REGEV, “Holiness,” 249-50, argues that abomination in Deuteronomy is “something faulty or flawed, but since its implications are not given, it is possible that it does not really affect the sacred or endanger the holy.” In contrast, he argues that תועֵבָה in P “pollutes the land of Israel and destroys the sinner himself.” But this does not really do justice to the fact that things that are תועֵבָה in Deuteronomy are almost all actions that either demonstrate disloyalty to Yahweh through association with pagan worship, or violate his commandments, or both. This places the nation as a whole in danger of being expelled from the land, which in turn suggests a disruption of the relationship between Yahweh and Israel. So, the implications of תועֵבָה in Deuteronomy

Laws of warfare may point in a similar direction. Deuteronomy 20 differentiates between the treatment of cities far off and those nearby. Deut 20.13-15 says that when cities far away (i.e., outside the land) are conquered, the Israelites may allow the women to live and may take the conquered people's property as booty. But in the case of cities nearby, within the land, the **חֶרֶם** (ban) is to apply. Accordingly, nothing is to be allowed to live. The rationale provided (Deut 20.18) is so that they may not corrupt Israelite worship with their abominable practices. It is likely, however, that the war envisioned beginning in Deut 20.10 is a war of conquest outside of the land of Canaan. Therefore, the women and children taken as booty would be subject to the Israelites, and also in a position to entice them to follow other gods. There is no apparent qualitative difference between the people far away (who could, perhaps, entice the Israelites to follow after other gods but are not subject to the ban) and those nearby (who are subject to the ban) except that the latter reside in the land while the former do not. It could be countered that women and children are not in a position to entice the Israelites to follow after other gods, and therefore the captured women from far away are not a threat to the purity of Yahweh worship. But the same could be argued vis-à-vis the women and children captured within the land, yet they are commanded to be annihilated with the men. This suggests that the land itself is considered somehow to be holy.

More explicit statements of the holiness of the land itself are found in: Deut 21.23, where the body of an executed criminal is to be taken down so as not to defile (**טָמֵא**) the land; Deut 24.4, where the remarriage of a divorced woman by her first husband is said to be an abomination (**תועבה**) before Yahweh, and the practice is forbidden lest it bring sin upon the *land*, not the

are severe, and have a tremendous impact on the access of the people to the land and, therefore, the holy presence of Yahweh.

people involved.²⁷ Finally, Deut 21.1-9 mandates that the ceremony of the broken-necked heifer is to be carried out in the case of an unsolved murder. Weinfeld rightly notes that in that text, expiation is for the people, not the land.²⁸ But according to Deut 21.1 it is in the land that this law becomes important,²⁹ and Milgrom notes that the ceremony is “incomprehensible without the assumption that blood does contaminate the land on which it is spilt and that this ritual transfers the contamination to untillable land.”³⁰ Since the three cases in which Deuteronomy speaks of the defilement of the land are not found in P, it is difficult to conclude that Deuteronomy seeks to curtail the realm of the holy, and could be said to expand it.³¹

The law of Passover and the Feast of Unleavened Bread in Deut 16.1-8 also contains elements that may point toward the holiness of the land as a whole. As is well known, the presentation of the combined feast in Deuteronomy emphasizes the participation of the people at “the place” (16.2, 6), in apparent contradiction to the earlier practice of celebrating Passover in the home (Exodus 12).³² But Deut 16.4 mandates that leaven is to be removed from the entire territory (גְּבוּל), that is, from the whole land. This suggests that while the focal point of the

²⁷ LOHFINK, “Säkularisierung,” 37; J. MILGROM, “The Alleged ‘Demythologization and Secularization’ in Deuteronomy (Review Article),” *IEJ* 23, 3 (1973): 157.

²⁸ WEINFELD, *Deuteronomistic School*, 210-11.

²⁹ LOHFINK, “Säkularisierung,” 37. Note, as well, how the expression “the land” frames the chapter (vv. 1, 23).

³⁰ MILGROM, “Alleged ‘Demythologization and Secularization,’” 157.

³¹ *Ibid.* In his response to Milgrom’s review article, M. WEINFELD, “On ‘Demythologization and Secularization’ in Deuteronomy,” *IEJ* 23, 4 (1973): 232, maintains that the presence in Deuteronomy 21 of laws dealing with the contamination of the land is due to the fact that these laws constitute “an ancient layer preserved in the Deuteronomistic code.” Weinfeld further maintains (*ibid.*) that the Deuteronomistic interpretation of these laws betrays the authors’ true ambivalence toward the idea, in that only one expression (אֲרָצָה) from P is used to convey the idea of the contamination of the land, and that only once (21.23). But this does not address the issue of why a Deuteronomistic redactor, ostensibly attempting to radically alter the conception of earlier texts in favor of a new understanding, would permit such ancient concepts to remain unaltered. Neither does it address Deut 24.4 in which the contamination of the land is also in view.

³² The issues surrounding the interpretation of Deut 16.1-8 are many, and complex. Among the debated elements are the literary sources that may lie behind the text, the relationship of these texts to other Pentateuchal legislation, and the religio-historical question as to the relationship between the festivals of Passover and the Feast of Unleavened Bread. For the purposes of this study it is not necessary to attempt to weigh in on these issues. For an extensive bibliography on these issues, see D.L. CHRISTENSEN, *Deuteronomy 1:1-21:9*, WBC 6a (Nashville: Thomas Nelson, 2001), 326-28. See also J.G. MCCONVILLE, “Deuteronomy’s Unification of Passover and Maṣṣôt: A Response to Bernard M. Levinson,” *JBL* 119, 1 (2000): 47-58 and the reply of B.M. LEVINSON, “The Hermeneutics of Tradition in Deuteronomy: A Reply to J.G. McConville,” *JBL* 119, 2 (2000): 269-86.

festival is, of course, the central sanctuary, where sacrifices are carried out (Deut 16.2), the whole land is somehow understood as being within the realm of the feast, and accordingly must be cleansed of leaven.

In addition, there is some ambiguity as to what is intended by the use of the word אֹהֶל (tent) in v. 7. It may be used in the sense of “to go home,” implying that following the sacrifice, the people were to return to their homes (cf. Josh 22.4, 6; 1 Kgs 8.66).³³ A problem with this understanding is that Deuteronomy consistently envisions the people as living in houses, and uses the term אֹהֶל to refer to their temporary dwellings in the desert (Deut 1.27; 5.30; 11.6). Some have therefore concluded that this refers to temporary shelters erected in the vicinity of the central sanctuary in which the participants would live during the week of the festival.³⁴ Both interpretations are possible. Regardless of which is the case, there is the sense in which the celebration of the festival is not limited to the boundaries of the central sanctuary, but rather extends (as demonstrated by v. 4) into the whole of the land and so even includes the women and children who need not make the pilgrimage to the central sanctuary according to Deut 16.16, as well as those men who may not have made the journey.³⁵ The ambiguity surrounding the sense of אֹהֶל is seen by McConville as a deliberate effort to convey the “extension of the worship life of Israel into the land.”³⁶

³³ Adopting this view is J.H. TIGAY, *Deuteronomy* דְּבָרִים: *The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: JPS, 1996), 155.

³⁴ P.C. CRAIGIE, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 244; E.H. MERRILL, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 253.

³⁵ Deut 16.16 makes clear that only males are required to attend the thrice yearly festivals at the chosen place. Given the emphasis in Deuteronomy on the inclusion of women in the religious life of the nation (cf. Deut 12.12, 15; 15.12, 17; 16.11, 14) it seems best to conclude that women were not required to participate in the pilgrimage festivals, but may have done so.

³⁶ MCCONVILLE, “Unification,” 56. LEVINSON, “Reply,” 276-77, argues that this hypothesis is untenable due to the fact that sacrificial worship is restricted to the temple, according to Deut 16.5-6. But this misses the point entirely, since what McConville (rightly, in my estimation) argues is not that *sacrifice* is intended here to be carried out throughout the land, but rather that the *worship* is not limited to the central sanctuary and therefore may be seen as extending into the land as a whole. A similar point is made by TIGAY, *Deuteronomy*, 156, and W.S. MORROW,

Deut 16.8 may point in the same direction. On the seventh day there is to be an **עֲצֵרֶת** (sacred assembly) to Yahweh. At issue is the location of this assembly. If the tents in v. 7 are understood as being the homes of the people throughout the land, then the law apparently would require the people to return to the **מִקְוֵה** at the end of the week for the assembly.³⁷ This seems rather implausible in practical terms, as for some the journey could be quite long. This may point toward the view that the pilgrims live in tents at the central sanctuary for the week, participate in the assembly, and then return home. There is, however, another possibility.

I have argued above that it is possible to read this section as seeking to extend the worship of Israel into the land itself. Deut 16.8 may be another example of this, as the location of the **עֲצֵרֶת** is not entirely clear. If the tents in verse 7 are understood as being the people's homes, it is unlikely that they would be required to return to the **מִקְוֵה** later in the week, as we have seen. It is possible, therefore, that what is envisioned is the holding of an assembly in the towns throughout the land.³⁸ If this is so, the celebration of the festival would be carried out in the whole of the land, though clearly sacrifice would be carried out only at the central sanctuary. This is somewhat problematic, however, as the term **עֲצֵרֶת** is usually used in connection with the central sanctuary.³⁹ The final clause of v. 8, however, may help clarify the situation. That clause commands that no work is to be done on the day of the assembly. This can, of course, apply to pilgrims "dwelling" temporarily at the sanctuary, but has greater relevance for people who either did not go the sanctuary in the first place or who have returned home prior to the seventh day. Those who have made the journey to the sanctuary are, more or less by definition,

Scribing the Center: Organization and Redaction in Deuteronomy 14:1-17:13, SBLMS 49 (Atlanta: Scholars, 1995), 145, n. 44.

³⁷ LEVINSON, *Legal Innovation*, 79-80.

³⁸ TIGAY, *Deuteronomy*, 156.

³⁹ Lev 23.26; Num 29.35; 2 Chr 7.9; Neh 8.18; Joel 1.14; 2.15-17

unable to carry out their normal work.⁴⁰ Those in the towns, however, could conduct normal work throughout the week (while abstaining from leaven, as required by v. 4), but they would observe the conclusion of the festival by abstention from work on the seventh day.

So, regardless of whether or not the tents are envisioned as homes or as actual tents at the sanctuary or whether the assembly is local or centralized, the celebration of the feast is not limited to the confines of the מִקְדָּשׁ but is, rather, extended into the land, at least through the cessation from work on the seventh day and through abstention from leaven in the entire land.⁴¹ If the tents should be thought of as homes and the assembly is carried out locally, the extension of holiness to the entire land is even more pronounced. In any event, the religious celebration at the מִקְדָּשׁ extends into and is paralleled by actions taken throughout the land. This suggests that sanctity in Deuteronomy is not limited to the מִקְדָּשׁ but is a quality of the entire land.⁴²

A final text in Deuteronomy that may point toward an extension of holiness to the land is Deut 14.28-29.⁴³ There it is commanded that at the end of three years, the tithe is to be

⁴⁰ MORROW, *Scribing the Center*, 145.

⁴¹ It is quite likely that there were a number of people who did not journey to the sanctuary. Women and children, as we noted, are not required to attend, but may have done so (Deut 16.16). In addition, it is probable that an assembly consisted of representatives of the entire nation in practice, given the problems associated with all the men journeying to a potentially distant sanctuary and remaining for seven days. See TIGAY, *Deuteronomy*, 372, n. 24, and B. HALPERN, *The Constitution of the Monarchy in Israel*, HSM 25 (Chico, CA: Scholars, 1981), 190. Thus the requirement for cessation of labor on that day would allow for non-pilgrims to nevertheless participate in the end of the festival.

⁴² The relationship between the “center” and the “periphery” has been evaluated from a sociological perspective by S. GROSBY, “Sociological Implications of the Distinction Between ‘Locality’ and Extended ‘Territory’ With Particular Reference to the Old Testament,” in *Biblical Ideas of Nationality: Ancient and Modern* (Winona Lake: Eisenbrauns, 2002), 69-91. Grosby notes that concepts of territoriality include the existence of a center and a periphery, and the recognition of the sovereignty of the territorial deity throughout the area of the land. This may support the idea that the worship and presence of Yahweh is to be localized in a “place,” but nevertheless extends throughout the entire territory that is seen as belonging to him.

⁴³ There are other texts outside of Deuteronomy that seem to point in a similar direction. Josh 22.19, for example, draws a contrast between the “uncleanness” of the Transjordanian regions and the cleanness of the entire Cisjordanian land, based explicitly on the presence of the tabernacle. Thus, Yahweh’s presence (associated with the tabernacle) has the effect of rendering the entire land clean. So, sanctity is not limited to the precincts of the tabernacle. Similarly, Is 11.9 refers to the holy mountain of Yahweh, but also refers to the fact that the land/earth (הָאָרֶץ) is filled with the knowledge of Yahweh, pointing to the parallels between the center and the periphery. See, again, GROSBY, “Implications,” 76-78.

maintained in the towns. In this way the celebration of the blessings of Yahweh is carried out throughout the land, and not just at the sanctuary, as is the case for the other years. It could be argued that this law is an example of the humanitarian concerns of Deuteronomy, in that it specifically calls for the sharing of this tithe with the Levite, alien, orphan, and widow (v. 29).⁴⁴ But this overlooks the fact that the tithe law in Deut 14.22-27 also contains in it a humanitarian concern for the Levite (v. 27). More important, however, is the fact that Deut 26.12-15 highlights the sanctity of this portion (v. 13) and the inherently religious nature of the requirements of this law. Thus, something that is seen as inherently sacred and normally associated with the central sanctuary is shared throughout the land as a religious observance. The profound religious significance of this action, as well as the complex interrelationship between sanctuary and land, is seen in the fact that faithfulness to the law in Deut 14.28-29 must be declared before Yahweh at the central sanctuary (26.2, 13).⁴⁵ This, as ever in Deuteronomy, results in blessing of both people and land (Deut 26.15).

The foregoing discussion of texts in Deuteronomy 14 and 16 (and elsewhere) demonstrates that it is plausible to conceive of an expansion of holiness in Deuteronomy. It is all the more telling that this expansion is found in two chapters that are among those seen as most heavily influenced by centralization.⁴⁶ Since other texts in Deuteronomy show an expansion of holiness, it is reasonable to evaluate the data of Deuteronomy 12 in this light.

⁴⁴ WEINFELD, *Deuteronomical School*, 290.

⁴⁵ J.G. MCCONVILLE, *Deuteronomy*, AOTC 5 (Downers Grove: Intervarsity, 2002), 252. W. BRUEGGEMANN, *Deuteronomy*, AbOTC (Nashville: Abingdon, 2001), 162, maintains that this legislation represents “a profound secularization of the practice in which the owner, YHWH, does not even insist on the visible gesture of presentation at the sanctuary, but wants the 10 percent set aside in the community for its use. Thus the religious rite is transposed into an act that concerns the local economy, a 10 percent infusion of extra goods into the community.” This overlooks the religious implications of Deut 14.28-29 and the integral relationship between it and Deut 26.12-15.

⁴⁶ G. VON RAD, *Deuteronomy: A Commentary* (London: SCM, 1966) argues that the effects of centralization may be seen most clearly in chapters 12, 14, 15, 16, 17, 18, and 19 in the Deuteronomical law code.

Religious Implications of Slaughter in Deuteronomy 12

As I argued above, the use of זָבַח to refer to a profane practice is anomalous in Deuteronomy 12. Since at least some other texts in Deuteronomy, including those most apparently dealing with centralization, appear to point toward an expanded concept of holiness, it is possible that זָבַח in Deuteronomy 12 is intended to point toward a sacred, not profane, practice. The exact nature of that practice is not entirely clear. I further argued that caution should be exercised in concluding that זָבַח in Deuteronomy 12 refers to the slitting of the throat. At the same time, it is apparent that the practice is not to be equated with sacrifice, since Deut 12.15, 22 make clear that both the unclean and clean may eat of it.

What seems most likely, then, is that the sacral term זָבַח is deliberately used to highlight the religious significance of the act of slaughter by the Israelites in the land, and therefore that Deuteronomy 12 is pointing to the religious significance of all of life lived in the land before Yahweh. The texts examined from Deuteronomy 14 and 16 have pointed toward an expansion of holiness in Deuteronomy such that the entire people and the land are within the realm of the holy, and holiness in Deuteronomy, as has long been recognized, is not limited to the central sanctuary and its environs. Deuteronomy 12, in my estimation, contributes to that understanding by stressing the inherent holiness of all actions lived out before Yahweh, and the non-sacrificial slaughter of animals is to be understood in this way. Lohfink maintains that “im Sinne des Deuteronomiums wird nichts ins Profane lassen....Irgendwie gibt es in Israel nichts mehr, was nicht heilig wäre.”⁴⁷

Support for this view may be seen in the fact that elsewhere in Deuteronomy the term זָבַח refers to sacral actions, as we have seen. But it is also telling that Deut 28.31 uses the term טָבַח

⁴⁷ LOHFINK, “Säkularisierung,” 36.

to refer to actions taken by enemies of Israel. As we have noted, **זָבַח** always refers to profane slaughter. Its use in Deut 28.31 is expected, since the actions of Israel's enemies would not be of religious significance before Yahweh as are the actions of Israelites. Thus, even in the land, the slaughter of animals by the enemies of Israel is profane. For Israel as the **סְגֻלָּה** of Yahweh and subject to the terms of the covenant in order to demonstrate total loyalty to him, all of life has religious implications. This is not true for others, so the normal term for profane slaughter is used.

That **זָבַח** and non-sacrificial slaughter generally have sacral implications is further seen when the prohibition on eating the blood is considered. As we have seen, Weinfeld and others have maintained that in Deuteronomy there is no sacral significance to the blood, such that it can be poured out like water in the context of non-sacrificial slaughter (Deut 12.16, 24). But this overlooks the fundamental religious basis for the blood prohibition and the fact that even in the context of non-sacrificial slaughter an absolute prohibition on eating blood is maintained.

It has been noted that the absolute prohibition on eating blood is unique to Israel among the cultures of the ANE, and only Israel maintained that the "life" of a creature was in its blood.⁴⁸ Thus, Milgrom concludes that the blood prohibition "cannot be passed off as an outlandish vestige of some primitive taboo; it must be viewed as the product of a rational, deliberate opposition to the prevailing practice of its environment."⁴⁹ If this is the case, then the rejection of the practice of eating blood has theological and religious significance, as the Israelites sought to distance themselves from the thinking and practice of the surrounding cultures. The fact that the blood prohibition is maintained in Deuteronomy 12 and is emphatically stated suggests that

⁴⁸ D.J. MCCARTHY, "The Symbolism of Blood and Sacrifice," *JBL* 88, 2 (1969): 166-76; idem, "Further Notes on the Symbolism of Blood and Sacrifice," *JBL* 92, 2 (1973): 205-10; J. MILGROM, "Ethics and Ritual: The Foundations of the Biblical Dietary Laws," in *Religion and Law: Biblical-Judaic and Islamic Perspectives*, ed. E.B. FIRMAGE, B.G. WEISS, and J.W. WELCH (Winona Lake: Eisenbrauns, 1990), 159-91.

⁴⁹ MILGROM, "Ethics and Ritual," 161-62.

this practice is not religiously insignificant. The pouring of the blood on the ground “like water” (which is stated in terms reminiscent of the pouring of the blood on the altar) may be designed to highlight the contrast between the sacrificial blood manipulation and the manipulation of the blood in the non-sacrificial context, rather than to say anything about the sanctity of the blood itself. What is emphasized is not the non-sacral character of blood, but rather the importance of properly disposing of it in every instance. The fact that the blood prohibition appears three times in Deuteronomy 12, as well as elsewhere in the book (Deut 15.23, and perhaps implied in 14.21 as the basis for the prohibition on the consumption of the נִבְלָה, since an animal that died on its own would not have had the blood drained properly) suggests that this is not incidental or devoid of religious significance. It is hard to conceive of secularization in the context of the blood prohibition that is grounded on the uniquely Israelite religious association of blood and life, particularly since the author(s) of Deuteronomy could easily have purged any elements of earlier theology that did not conform to their thinking, as has been argued is the case elsewhere in Deuteronomy.

All of this suggests that in Deuteronomy 12 there is an emphasis on the profoundly religious nature of life lived before Yahweh in the land. Levinson argues that Deuteronomy 12 creates a “new, noncultic procedure” for non-sacrificial slaughter that is in some ways reminiscent of the ritual carried out at the altar. It is religious, though noncultic.⁵⁰ In this, I believe, he is entirely correct. But rather than see a lemmatic transformation of the earlier altar law, I believe it is more likely that Deuteronomy 12 is highlighting the religious nature of this noncultic action through the blood manipulation and the use of the sacral term נִבְלָה. In this way, Deuteronomy 12 supports

⁵⁰ LEVINSON, *Legal Innovation*, 49.

the understanding of other parts of the book, which highlight the fact that all of life lived in the land is in the realm of the holy and is, therefore, religiously significant.