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MOSES AND OLD COVENANT OBEDIENCE¹

John E. P. Taylor

This article provides a reading of Deuteronomy 30:11–14 in its literary and historical context, which provides the background to a subsequent article considering Paul’s use of this passage in Romans 10:6–8. It argues that Deut 30:11–14 is answering an objection by showing that there is no inadequacy in the law or Moses’s presentation of it, and so in this sense Israel was able to keep the law.

Introduction

Paul’s use of Deut 30:11–14 in Rom 10:6–8 challenges the exegete with certain questions: Can we distinguish between the validity of Paul’s theology and the validity of his interpretation of the Old Testament? Should we accept the apostle’s teaching and yet be suspicious of his supporting references to the Jewish scriptures? Having looked at both texts in context, it is possible to conclude that Paul either has little knowledge of or care for Moses’s original message in Deuteronomy. For some this is not theologically problematic, because they do not judge Paul by contemporary hermeneutical standards.² Paul, after all, was a first century Jew using first-century Jewish interpretive techniques which had different concerns to modern historical grammatical exegesis. But for others, the implications of that position are substantial and problematic.

In this article, we will examine Deut 30:11–14 in its literary and historical context,³ and then in a subsequent article we will consider Paul’s use of Deut 30 in Rom 10. As a result, we will understand both texts better, gain a deeper appreciation of Paul as an interpreter and theologian,

¹ Parts of this article were originally submitted as a long dissertation for Oak Hill College, under the title: “An examination of Paul’s quotation of Deuteronomy 30:11–14 in Romans 10:6–8 with respect to his hermeneutical process and its potential implications for preaching Deuteronomy.” I am grateful to the Production Editor for help in preparing it for publication in Churchman and to Roger Day for his comments.

² E.g., Richard Longenecker, “Can we Reproduce the Exegesis of the New Testament?” *TynBul* 21 (1970): 6; Steve Moyise, “Scripture in the New Testament: Literary and Theological Perspectives,” *Neot* 42.2 (2008): 324.

³ I am roughly following the methodology set out in G. K. Beale, *Handbook on the New Testament Use of the Old Testament: Exegesis and Interpretation* (Grand Rapids: Baker Academic, 2012).

and also obtain some vital Pauline insights into how the Old and New Covenant relate.

1. The Prospective Purpose of Deuteronomy

Deuteronomy 30, as I shall propose below, is situated in the penultimate and climactic section of the whole book and so it is particularly important for us to understand the theological and rhetorical agenda of the whole book if we are to understand this pericope and assess Paul's awareness of its Deuteronomic context. The book of Deuteronomy has a unique and coherent message but later in this article I will argue that Moses's message takes on a deeper rhetorical significance when read post-exile. For the purposes of this article I will distinguish between the prospective,⁴ pre-exilic, and retrospective,⁵ post-exilic, function of the book.

There is a good case to suggest that "so choose life" (Deut 30:19)⁶ is the climax and summary of Moses's appeal,⁷ and thus captures the illocutionary purpose of the book. J. Gary Millar's lexical observations in this respect are noteworthy. There are fifteen key ways in which Moses speaks of the "action to be taken in response to the divine 'command';"⁸ verbs such as to "hear" (שמע), "keep" (שמר), "remember" (זכר), and "fear" (ירא) contribute to the "unmatched concentration of parenetic vocabulary" found in Deuteronomy.⁹ The most frequently used verb in Deuteronomy is "to give" (נתן), most commonly found as a singular

⁴ By this I mean, "How would someone reading Deuteronomy from a pre-exile perspective, as in Joshua 8:34–35, interpret the book?"

⁵ There seems to be evidence of exilic/post-exilic editing, see Deut 29:8 and 34:9–12 for instance, and hence another valid hermeneutical question to ask is "How would someone reading Deuteronomy from a post-exilic perspective, as in Nehemiah 8:1, interpret the book?"

⁶ Unless otherwise indicated all translations in this article will be mine.

⁷ Since de Wette, the debates concerning the compositional history and canonical form of Deuteronomy are legion and notoriously complex. For the purposes of this study we will examine Deut 30:11–14 within the theological and rhetorical agenda of the final form of the text and will thus be assuming the literary, theological and historical integrity of the text and the essentially Mosaic authority behind the text. See Daniel I. Block, "Recovering the Voice of Moses: The Genesis of Deuteronomy," *JETS* 44.3 (2001): 403; Bill T. Arnold, "Deuteronomy as the *Ipsissima Vox* of Moses," *Journal for Theological Interpretation* 4.1 (2010): 53–74.

⁸ J. Gary Millar, *Now Choose Life: Theology and Ethics in Deuteronomy*, NSBT 6 (Nottingham: Apollos, 1998), 47.

⁹ Millar, *Now Choose Life*, 51.

masculine participle, נָתַן;¹⁰ and the vast majority of those occurrences speak of the land or towns or people that the Lord is *giving* to his people.¹¹ The most frequently used verb form is to do/make (עָשָׂה) in infinitive construct form with a הַ inseparable preposition and the people as the subject, used thirty-eight times. Whilst the significance of such data is limited, it does suggest that Deuteronomy is heavily concerned with how God's people are going to respond to God's imminent gift to them, the land.¹² The most conclusive case, however, must be made by the actual shape and flow of the text.

1.1 The Structure of Deuteronomy

Many scholars agree that Deuteronomy is essentially structured round the three major Mosaic addresses of 1:1–4:43; 4:44–28:68; and 29:1–30:20.¹³ Dennis T. Olson proposes a more detailed structure based on seeing the “editorial superscriptions” as the key section markers¹⁴ (he notes five superscriptions, 1:3–5; 4:44–49; 6:1; 29:1–9; and 31:1–6, to which I would add 12:1 and 27:1¹⁵) which are helpful and complement the basic tripartite structure, particularly when one can distinguish between the superscriptions which introduce major or minor divisions in the text. The *major* sections in Deuteronomy seem to be marked by both an introductory superscript *and* references to kings Sihon and Og, as the narrator reboots the story by referring back to the previous generation's victories.¹⁶ These *major* section-breaks roughly correlate with the three

¹⁰ Which is the second most popular form of *any* verb used, behind only, נָתַן.

¹¹ 39 of 43 occurrences of נָתַן.

¹² “To speak of the fulfilment of promise is, in essence to speak of the land.” Millar, *Now Choose Life*, 55. Walter Brueggemann, *Theology of the Old Testament: Testimony, Dispute, Advocacy* (Minneapolis: Fortress, 2005), 168, notes more widely that in the Old Testament in general YHWH giving is often associated with the land.

¹³ Peter C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 67–69; Christopher J. H. Wright, *Deuteronomy*, NIBCOT (Peabody, MA: Hendrickson, 1996), 2; K&D, 1:vi–vii; A. D. H. Mayes, *Deuteronomy* (London: Oliphants, 1979), 5.

¹⁴ 1:1; 4:44; 6:1; 29:1; 33:1. Dennis T. Olson, *Deuteronomy and the Death of Moses: A Theological Reading* (Eugene, OR: Wipf & Stock, 2005), 14–15.

¹⁵ 12:1 (these are the ordinances and judgements), has a similar form to 6:1 (this is the commandment of ordinances).

¹⁶ Sihon and Og are mentioned in Deut 1:4; 4:46–7; 29:6 and 31:4. The *only* other place in Deut where Sihon and Og are mentioned apart from these junctions is in the extended narration of their defeat in 2:26–3:11.

Mosaic addresses,¹⁷ whereas the other superscriptions mark coherent sections within the larger addresses. As we look at each section we can see how this structure complements the message of the book.

1.2 The Structure of Deuteronomy and the Prospective Purpose of the Book

Within Deut 1:6–4:43, Moses begins by looking back (1:6–3:29), highlighting how “the people’s fate depends on their response to God’s commands and promises.”¹⁸ Then looking forward (4:1–40), Moses pleads with the people that they live in undivided obedient loyalty to their Lord.

The specifics of that obedience are detailed in Deut 4:44–26:19. In many ways this is the heart of the book, with three constituent sections: chs. 5, 6–11 and 12–26. Chapter 5 recounts the giving of the Ten Commandments, then in chs. 6–11 Moses expounds the general principles of the Sinaitic covenant. Amongst these principles three themes reoccur: loyalty, love and reverence/fear.¹⁹ Chapters 12–26 are then a fresh application of the Sinaitic stipulations which the people must follow if they are to enjoy “the good life” in the promised land.²⁰

The blessings and curses of chs. 27–28 reinforce the colossal implications of obedience to the Lord’s stipulations. And then in the climax of the book, chs. 29–30, God’s people are called to choose between blessing and curse; between life and death; between obedience and disobedience. The final section, chs. 31–34, spells out the different ways that *this choice* will remain integral to the life of Israel beyond Moses’s leadership.

¹⁷ Interestingly at the end of most of these sections we find two repeated ideas: an exhortation to keep the commandments/statutes of God (Deut 4:30; 26:17; 26:18; 30:16), and a reminder that the blessing they are about to inherit is in fulfilment of the promises made to the patriarchs (Deut 4:37; 26:19—the promise of verse 19 must at least refer to the one made to the patriarchs, see verse 15—and 30:20).

¹⁸ Jeffrey H. Tigay, *Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 7.

¹⁹ Tigay, *Deuteronomy*, 74; Gerhard von Rad, *Deuteronomy: A Commentary*, OTL (London: SCM, 1966), 63.

²⁰ Heath A. Thomas, “Life and Death in Deuteronomy,” in *Interpreting Deuteronomy: Issues and Approaches*, ed. David G. Firth and Philip Johnston (Nottingham: Apollos, 2012), 186.

1.3 Summary—The Prospective Purpose

Deuteronomy has a life-or-death urgency about it; if the people of God are going to experience God's utopia, they *must* choose to obey him.²¹ Let us now consider the purpose of the book from another vantage point.

2. The Retrospective Purpose of Deuteronomy

A puzzle presented by a synchronic reading of Deuteronomy, and an important issue in understanding 30:11–14, is the interplay between the optimistic and pessimistic strands of the text. The whole book is a call to obedience in the land, with 30:11–20 being the climax of that appeal, and yet there are a number of indicators throughout that obedience will be impossible.

First, Moses's unambiguous prognosis regarding the people is bleak: they are stiff necked,²² they need to circumcise their hearts,²³ and twice we are plainly told that Israel will eventually go into exile.²⁴ Moses's own biography confirms this; he will never enter the land. The Israelites are responsible for this, but so is he.²⁵ The use of the verb מעל (to be unfaithful), used in 32:51, "indicates a violation of legal obligations."²⁶ This may be an over translation, but it captures something of the bitter irony of the final chapter of the book: if Moses, Israel's greatest prophet ever,²⁷ fails to inherit the promise land then what hope do Israel have?²⁸

²¹ Tigay, *Deuteronomy*, 117.

²² A phrase introduced in the critical covenant renewal chapters of Exod 32–24 (32:9; 33:3, 5; 34:9) and mentioned twice in Deut 9:6, 13. These anthropological statements have a gnomic sense to them, as one Jewish scholar notes, this is still what Jews acknowledge about themselves, "the Yom Kippur liturgy includes a congregational confession that we are still a stiff-necked people." W. Gunther Plaut and Bernard Jacob Bamberger, *The Torah: A Modern Commentary*, ed. W. Gunther Plaut (New York: Union of American Hebrew Congregations, 1981), 1395.

²³ Deut 10:16.

²⁴ Deut 4:27 and 30:1. Additionally in Deuteronomy there is the extended curse discourse of ch. 28 in which it becomes plain that these atrocities spoken of are not just a potential outcome, but "a declaration of assured future events." (Olson, *Deuteronomy and the Death of Moses*, 122.)

²⁵ Typically, when Moses draws attention to his death Israel is blamed for it (Deut 1:37; 3:27; 32:52; 34:4) but in 4:21 we see Moses is also to blame.

²⁶ Thomas, "Life and Death in Deuteronomy," 193.

²⁷ Deut 34:10–12. Millar, *Now Choose Life*, 79.

²⁸ The fact that Moses is in the land (see 1:1 and 3:17) does not detract from the rhetorical or theological point, because he is not enjoying it as an inheritance.

This juxtaposition between pessimism and optimism is felt most acutely in chs. 29–30. In 29:27–28 we are told that Israel will be exiled for covenant infidelity. In 30:6 we are told that post-exile, God will enable Israel to be covenantally faithful; and in 30:15–20 Israel is then invited to keep the law and pursue covenant faithfulness in the present.²⁹ This raises the crucial question “how can a people unable to keep the covenant be commanded to do so?”³⁰

A possible solution is to distinguish between “Israel” and true Israel, between the unfaithful nation of Israel and individual Israelites, some of whom are faithful.³¹ Thus the optimistic sections of Deuteronomy refer to those with circumcised hearts, like Moses and Joshua and Caleb for instance.³² This is unconvincing, however, due to the explicitly corporate rhetoric of Deuteronomy; the people are regarded as being one with their parents who were at Sinai and one with each other.³³ Another option would be to see Deuteronomy as a “call to rely on God’s grace.”³⁴ From this perspective the pessimistic strands of Deuteronomy make it clear that it will only be because of God’s faithfulness to the Abrahamic covenant and God’s work of circumcising their hearts that they will be able to obey,³⁵ thus Moses is not *ultimately* urging them to obey,³⁶ the actual choice set before the people is between “disobedience or reliance on grace.”³⁷ However attractive it may be to think that the central theme in Deuteronomy is that great biblical theme, grace, it cannot be reconciled with all of the data of Deuteronomy. One cannot deny that there is grace in the Moabite renewal of the Sinaitic covenant: God’s choice, redemption and self-revelation were all rooted in God’s kindness and not their achievement. God’s benevolence to an undeserving Israel *is* significant

²⁹ Some argue, as we shall later explore, that vv. 11–14 fit with vv. 1–10, others that it goes with vv. 15–20. Either way ch. 30 as a whole is both positive and negative about Israel’s spiritual prospects.

³⁰ Paul A. Barker, *The Triumph of Grace in Deuteronomy: Faithless Israel, Faithful Yahweh in Deuteronomy* (Milton Keynes: Paternoster, 2004), 84.

³¹ For Block this explains why there is the shift between singular and plural addressees in Deuteronomy, see Daniel I. Block, *The Gospel According to Moses: Theological and Ethical Reflections on the Book of Deuteronomy* (Eugene, OR: Cascade, 2012), 17.

³² Block, *The Gospel According to Moses*, 17.

³³ See the corporate rhetoric, for example, in 29:10–14.

³⁴ Barker, *The Triumph of Grace in Deuteronomy*, 75.

³⁵ Barker, *The Triumph of Grace in Deuteronomy*, 106.

³⁶ Barker concludes that “the key is not whether Israel will obey, because it cannot.” (Barker, *The Triumph of Grace in Deuteronomy*, 6.)

³⁷ Barker, *The Triumph of Grace in Deuteronomy*, 68.

within the book. However, in Deuteronomy when God speaks of blessing the Israelites *despite* their sin,³⁸ he is *only ever* specifically talking about the conquest of the land and not any blessing beyond that time.³⁹ This distinction must be maintained to make sense of the book, particularly Moses's exhortation to perpetual obedience. Even the sections about hope beyond exile are not explicit regarding whether God's favour will proceed or precipitate the repentance and obedience of the people. Surely we must conclude, though it is disputed, that with respect to the land there *is* an "attain by grace—maintain by works" paradigm at work;⁴⁰ there is an inescapable "conditional logic" in Deuteronomy.⁴¹

The view that considers the "juxtaposition of optimistic and pessimistic strands served to expose Israel's rebelliousness as the cause of the exile"⁴² does not resolve all the questions but has an explanatory power. Deuteronomy is replete with reasons why Israel should choose life instead of death, and by predicting Israel's failure and pre-diagnosing the problem Deuteronomy exposes how entrenched and how irrational the sin of the people is. The same dynamic is at work when Jesus tells Peter that he will betray him;⁴³ it highlights the irresistible power of sin, that

³⁸ See chs. 8–9.

³⁹ Craigie, *The Book of Deuteronomy*, 194.

⁴⁰ Robson helpfully distinguishes between obedience being the route to blessing and meriting blessing, between appropriating blessing and earning it; he says that Deuteronomy exhorts the former. Whilst this distinction is theologically helpful it cannot be used to obscure the cause and effect nature of this refreshed covenant. Perpetual sufficient obedience/loyalty will be rewarded, not meritoriously but truly, with life and its absence will result in death. James Robson, *Honey from the Rock: Deuteronomy for the People of God* (Nottingham: Apollos, 2013), 140.

⁴¹ David Lincicum, *Paul and the Early Jewish Encounter with Deuteronomy* (Grand Rapids: Baker Academic, 2013), 155; Moshe Weinfeld, *Deuteronomy 1–11, AB 5* (New York: Doubleday, 1991), 58. In fact the mentions of God's grace in Deuteronomy often heighten the sense that obedience to God is not only good for Israel but the only fitting response to God's stipulations. See Deut 8, for instance, particularly the warnings of vv. 11 and 17.

⁴² Christopher J. Thomson, "Optimism and Pessimism in Deuteronomy 29–32: An Examination of the Relationship in Deuteronomy 29–32 Between Optimism and Pessimism Concerning Israel's Ability to Obtain Life Through Obedience to the Law" (BA diss., Oak Hill College, 2007), 40, cited with permission. J. G. McConville, *Grace in the End: A Study in Deuteronomistic Theology* (Carlisle: Paternoster, 1993), 138.

⁴³ Mark 14:26–31.

humanity “cannot but rebel,”⁴⁴ and thus that Israel would ultimately only experience failure and frustration under the law.⁴⁵

Textual justification for such a reading is found in chs. 31–32. Moses’s Song, like the whole book of Deuteronomy, highlights Israel’s faithlessness in the context of God’s past and future faithfulness to them. Whilst the Song (and the whole of Deuteronomy) certainly gives reasons for hope, the function of the song (and the whole of Deuteronomy), is most clearly spelt out in 31:19–21. After Moses’s death, the Song is to be a memorable truncated version of the book of the Torah, and both are witnesses against Israel.⁴⁶ The Song will testify in the cosmic court concerning the state of the people, their sinful inclinations.⁴⁷ Post-exile, the lesson that will be as clear to them, then, as it was to Moses and the LORD pre-exile, is what their hearts are like; their sinful inclination not to love, be faithful to or obey God.⁴⁸

2.1 Summary—The Retrospective Purpose

Deuteronomy is not about grace but rather it is about grace’s theological and chronological prerequisite, the awareness of the need for grace, an exposure of the depth and tragic predictability of their inclination for disloyalty to God. If 30:19 summarises the prospective ambition of this book, a dying man’s plea to choose life, Deut 31:19–21 summarises the retrospective ambition of the book, how it will be viewed post-exile.⁴⁹ Both these perspectives must be kept in mind as we now consider 30:11–14.

⁴⁴ Thomas, “Life and Death in Deuteronomy,” 181.

⁴⁵ Millar, *Now Choose Life*, 176. It is precisely this frustration that Paul speaks of in Rom 7:7–25.

⁴⁶ See Deut 31:19, 21, 26.

⁴⁷ See also Gen 6:5 and 8:21 יָצַר is an interesting word only used two other times in the Pentateuch, in Gen 6:5 and 8:21. In both cases it refers to the post-Adamic slavery to sin exhibited by people.

⁴⁸ This certainly fits with the Pentateuchal notion of the LORD calling people to obedience in order to test (נסה, see Exod 16:4; 20:20; Deut 6:16; 8:2, 16; 13:4) his people and Paul’s statement that one function of the law was that sin might be known, Rom 7:13.

⁴⁹ Jason S. DeRouchie, “From Condemnation to Righteousness: A Christian Reading of Deuteronomy,” *Southern Baptist Journal of Theology* 18.3 (2014): 109.

3. An Exegetical Analysis of Deuteronomy 30:11–14

Chapter 30 starts with Moses's New Covenant interpolation, vv. 1–10, where he draws attention to Israel's future death and resurrection. The following section, vv. 11–14 are clearly a literary unit with one coordinating subject: "this commandment," essentially the book of Deuteronomy.⁵⁰ Here is my translation:

¹¹Actually this commandment,

which I am commanding you today,

is not too hard for you

and nor is it far.

¹²It is not in heaven,

that you might say "who will go up into heaven for us

and take it for us

and make us hear it

in order that we can do it."

¹³And nor is it across the sea,

that you might say "who will go over to the other side of the sea for us

and take it for us

and make us hear it

in order that we can do it."

¹⁴Actually the word is very near to you,

in your mouth and in your heart,

that you might do it.

Arguably, the most determinative issue of interpreting 30:11–14 is the question of which time period Moses is referring to and the connected issue of his expectations regarding Israel's law keeping ability. The introductory temporal clause in v. 1, וְהָיָה כִּי־בִּבְאֵר, introduces a section which is unmistakably future-orientated, but it is not immediately obvious where it stops. If it ends at v. 14 then Moses's remarks in vv. 11–14 about Israel's ability to do the law apply specifically to post-exilic Israel. However, if the future-orientated section ends in v. 10 then vv. 11–14 imply that the first and subsequent hearers can carry out the demands of the law, which seems to contradict his own words and much of the Old Testament. Steven R. Coxhead has provided some strong exegetical reasons for suggesting that we should read vv. 11–14 as being about

⁵⁰ This phrase is used a number of times in Deut and once in Joshua 22:5 and on all occasions it refers to a summary of everything that Moses said "that day."

post-exilic Israel, a future reality for the original audience. This reading is particularly attractive amongst New Testament scholars because if Deut 30:11–14 is in some way predictive then Paul identifying the fulfilment of that prediction in Romans 10:6–8 is more easily justifiable, but still not straightforward.⁵¹ Nevertheless I find the current reality reading more persuasive for reasons that we shall consider once we have assessed the strengths of the alternative case.

3.1 The “Future-Reality” Reading

Coxhead’s case for a “Future-Reality” reading is technical and persuasive, so it is essential that we consider his three points carefully before critiquing them.⁵²

The first, and most significant, concerns the introductory particle, כִּי , at the beginning of v. 11. The “basic function” of the particle, he argues, is one of clausal subordination, and thus “it would be normal to assume that the tense-neutral clauses of vv. 11–14 would then take their tense from vv.1–10 and be read in the future.”⁵³ There are a string of four כִּי -clauses in vv. 9, 10 and 11, and whilst acknowledging the range of translation options, for contextual reasons that we shall shortly examine, Coxhead settles on reading them causally—temporally—temporally—causally. Thus vv. 11–14, introduced by the כִּי operating causally, functions to explain “the ultimate cause for Israel’s post-exilic repentance.”⁵⁴ The LXX similarly renders כִּי in verse 1 as ὅτι , a causal particle.⁵⁵

Coxhead’s second justification for his reading concerns v. 14. If we take “the commandment” and “the word” to be synonyms then v. 14

⁵¹ Jason C. Meyer, *The End of the Law: Mosaic Covenant in Pauline Theology*, NACSBT 6 (Nashville: Broadman & Holman Academic, 2009), 227; Rikk E. Watts, “How Do You Read? God’s Faithful Character as the Primary Lens,” in *From Creation to New Creation: Biblical Theology and Exegesis*, ed. Daniel M. Gurtner and Benjamin L. Gladd (Peabody, MA: Hendrickson, 2013), 214; E. Earle Ellis, *Paul’s Use of the Old Testament* (London: Oliver & Boyd, 1957), 123 n. 1; N. T. Wright, “The Letter to The Romans,” in *NIB* 10:658.

⁵² Steven R. Coxhead, “Deuteronomy 30:11–14 as a Prophecy of the New Covenant in Christ,” *WTJ* 68 (2006): 305–20.

⁵³ Coxhead, “Deuteronomy 30:11–14 as a Prophecy of the New Covenant in Christ,” 308.

⁵⁴ Coxhead, “Deuteronomy 30:11–14 as a Prophecy of the New Covenant in Christ,” 308.

⁵⁵ MM, §3064. Targums Neofiti, Onqelos and Pseudo-Jonathan of Deuteronomy 30:11 start with “because” and this is also how the ESV, KJV, NASB and HCSB render it.

mirrors all that has been said in vv. 11–13,⁵⁶ particularly the clause “it is not too hard for you and not far” which could help us understand how to read פִּלֵּא, which could be translated hard or wonderful, and interpret this pericope. What does it mean that the word is in your mouth and in your heart? The first prepositional phrase “in your mouth” is less theologically loaded, but important. It could be code for memorisation;⁵⁷ the concepts of words being in the mouth and not forgetting are tightly linked in 31:21.⁵⁸ At the very least “in your mouth” communicates an intimate relationship with, and ownership of, the words.⁵⁹ “In your heart” is more complex. Verse 14 could be read as YHWH *putting* the command/word in the heart of the Israelites,⁶⁰ with *all* of the associated biblical-theological significance: “to circumcise the heart is in effect the same as placing the word in the heart.”⁶¹ Thus vv. 11–14 are explaining the effects of vv. 1–10.⁶²

Coxhead’s third reason builds on the suggestion that in vv. 12 and 13, Moses is distinguishing “this commandment which I am commanding you today” from the Sinaitic word which has been expounded in the rest of Deuteronomy. Moses contrasts this word with the Sinaitic word which Moses *did* have to go up to heaven and across the sea to get: Moses is “hinting at a modification to Torah that would take place in the future.”⁶³ Whilst, as Coxhead remarks, this suggestion would make Paul’s reading of these verses being about the gospel in Rom 10:6–8 a lot more straightforward, in my mind it is fundamentally flawed because of Moses’s reiteration in v. 16 of the phrase “which I am commanding you today,” which must connect, rather than contrast, the referent of vv.

⁵⁶ Timothy A. Lenchak, *Choose Life! A Rhetorical-Critical Investigation of Deuteronomy 28:69–30:20*, AnBib 129 (Rome: Pontifical Biblical Institute, 1993), 200.

⁵⁷ Christensen points to Joshua 1:8 in support of this. Duane L Christensen, *Deuteronomy 21:10–34:12*, WBC 6B (Nashville: Nelson, 2002), 744.

⁵⁸ Tigay, *Deuteronomy*, 286–867.

⁵⁹ Deut 23:23 [24 MT] is interesting in this regard, exactly the same phrase is used. Although the פִּי is being used instrumentally rather than spatially, the emphasis on the lips and mouth highlights intimacy, thus culpability, between the person and what is spoken.

⁶⁰ Barker, *The Triumph of Grace in Deuteronomy*, 185.

⁶¹ Barker, *The Triumph of Grace in Deuteronomy*, 188.

⁶² Coxhead similarly notes, “*God’s law in the heart* is in effect an idiom for *obedience*,” the obedience spoken of in verses 2, 6, 8 and 10. Coxhead, “Deuteronomy 30:11–14 as a Prophecy of the New Covenant in Christ,” 309.

⁶³ Coxhead, “Deuteronomy 30:11–14 as a Prophecy of the New Covenant in Christ,” 310.

11–14 and vv. 15–20. In both sections Moses is referring to precisely the same thing, the Mosaic Law.

In addition to Coxhead's arguments, a fourth and more theological-lexical issue concerns the first negative predication regarding this commandment "it is not too hard for you" and how to gloss פלא (hard/wonderful). The same root and binyan is used in 17:8 where Moses is encouraging ordinary townsfolk that disputes which are beyond them can be heard by the Levitical Priests instead. Here פלא seems to be about complexity and computability; when ordinary Israelites do not know how to judge some cases, the Priests will.⁶⁴ Thus, if ch. 30 uses פלא in a similar way, Moses's assertion is that the commandment is not too complex or beyond computation; it is intelligible. One scholar, looking beyond the Pentateuch, shows that פלא in the Niphal, which is the binyan of the verb in Deut 30:11, is repeatedly used for the wonderful or impossible activity of God.⁶⁵ With this gloss, לא־יִפְלְאוּ could mean that doing the commandment is not in the realm of the ontologically impossible: it is a statement about anthropological "power and ability,"⁶⁶ rather than epistemology which is very plausible if you consider v. 14 to be about heart circumcision.

3.2 The "Current-reality" Reading

Coxhead's position is not a majority position amongst Old Testament exegetes,⁶⁷ which may explain why few commentators defend their assertion that in verses 11–14 "the emphasis returns once again to the present."⁶⁸

⁶⁴ Deut 17:9.

⁶⁵ Barker, *The Triumph of Grace in Deuteronomy*, 192.

⁶⁶ Bryan D. Estelle, "Leviticus 18:5 and Deuteronomy 30:1–14 in Biblical Theological Development," in *The Law is Not of Faith: Essays on Works and Grace in the Mosaic Covenant*, ed. Bryan D. Estelle et al. (Phillipsburg: P & R, 2009), 128.

⁶⁷ Coxhead, "Deuteronomy 30:11–14 as a Prophecy of the New Covenant in Christ," 310. It is shared with Sailhamer and Barker, as already mentioned, as well as Wright, *NIB* 10:659; Millar, *Now Choose Life*, 94; Walter Brueggemann, *Deuteronomy*, AOTC (Nashville: Abingdon, 2001), 268. Despite being in the minority, I have engaged with Coxhead here because many of his lexical arguments interact with the major exegetical and theological issues of the text and I have found little else that directly critiques this position.

⁶⁸ Craigie, *The Book of Deuteronomy*, 364. See also J. G. McConville, *Deuteronomy*, ApOTC 5 (Leicester: Apollos, 2002), 429; Christensen, *Deuteronomy 21:10–34:12*, 714; Richard D. Nelson, *Deuteronomy: A Commentary*, OTL (Louisville: Westminster John Knox, 2002), 349; Wright, *Deuteronomy*, 290–91; K&D 1:454; Olson, *Deuteronomy and the Death of Moses*, 132.

His discussion of the causal particle כִּי is particularly difficult to refute. A number of commentators and translators render it asseveratively, or emphatically.⁶⁹ However even when כִּי is used more emphatically “one cannot assert emphatic use to the absolute exclusion of a causal one.”⁷⁰ If this particle is to be rendered with only an “asseverative-emphatic”⁷¹ sense, it would certainly be an unusual usage of it. Carl Follingstad states that the scholarly generalisation of כִּי as a “syntactic connector which maintains continuity”⁷² is a “positive move,”⁷³ and thus reading vv. 11–14 in strong continuity with vv. 1–10 is probably the most natural reading of the particle. However, in this instance there are significant reasons not to take the כִּי causally and to prefer the “current reality” alternative reading of these verses; even though the verbs of this pericope give us no real indication of chronology,⁷⁴ the rhetorical dynamic of the passage might.⁷⁵

⁶⁹ Tigay, *Deuteronomy*, 286; Daniel I. Block, *Deuteronomy*, NIVAC (Grand Rapids: Zondervan, 2012), 706. The first entry in Holladay, for instance, under כִּי is that it can operate as a demonstrative particle, translated indeed or truly. William L. Holladay, *A Concise Hebrew and Aramaic Lexicon of the Old Testament*, 12th ed. (Leiden: Brill, 2000), §3747.

⁷⁰ T. Muraoka, *Emphatic Words and Structures in Biblical Hebrew* (Jerusalem: Magnes, 1985), 164.

⁷¹ Muraoka, *Emphatic Words and Structures in Biblical Hebrew*, 161.

⁷² Carl M. Follingstad, *Deictic Viewpoint in Biblical Hebrew Text: A Syntagmatic and Paradigmatic Analysis of the Particle Ki* (Dallas: SIL International, 2001), 304. Although Follingstad’s more nuanced analysis of כִּי is that it is a “communicative deictic” which in different syntactic positions can function as a complementizer, a focus particle (as we shall soon see) or an epistemic modal/evidential particle. Follingstad, *Deictic Viewpoint in Biblical Hebrew Text*, 314.

⁷³ Follingstad, *Deictic Viewpoint in Biblical Hebrew Text*, 304.

⁷⁴ In vv. 1–10, the repeated *waw* + perfect verbs emphasise the future referent of Moses’s words. In stark contrast vv. 11–14 have no finite verbs in the main clauses, apart from the implied equatives. The only mention of time is in the relative clause in v. 10 “which I am commanding you today.” McConville, *Grace in the End*, 137, uses this to show that the temporal referent has shifted, wrongly in my opinion. By itself the phrase “commanding you today” merely “has the function of identifying the commandment under discussion and does not have the function of stressing the present tense any more than ‘today’ in vv. 2, 8.” (Barker, *The Triumph of Grace in Deuteronomy*, 185.) This must be correct, as the same phrase, “which I am commanding you today,” is also used in v. 16, a section undoubtedly about the future, thus showing that although ch. 30 moves from the future to the present, at some point, one connecting idea throughout is the command(s) given on the plains of Moab.

⁷⁵ Another reason to prefer the “current reality” reading is that in the *BHS* there is a פ (representing פתוחה) in between vv. 1–10 and vv. 11–14, signifying that the

3.2.1 *The Rhetorical Dynamic of Deuteronomy 30:11–14*

In vv. 11–14 Moses, using pleonastic and hyperbolic language, takes four verses to communicate something, that, if one follows a “future reality” reading, he has essentially already conveyed in v. 8: in the future they will be able to obey God. This raises the questions: why say it at all? why say it here? and why say it in the unusual manner that he does?

Notice that vv. 11–14 do not merely predicate information about the commandment. In these verses Moses is “answering an objection,”⁷⁶ or a possible objection, hence Moses’s negation of the four hypothetical predications, particularly vv. 12–13. Having predicted that Israel will not keep the law and that God will transform their heart in order that they might keep the law the objection could be made that there was something wrong with the law, possibly that it was not clear.

Thus, although rare, the ׀ of v. 11 could be “a marker of an ‘(assertive) polar focus’” thus asserting “a positive polar value relative to an explicitly stated or contextually implied counter-presupposition which the speaker/narrator assumes the hearer/reader has in mind in that context.”⁷⁷ In other words, it can be used to introduce a statement countering a possible erroneous assumption—and thus be rendered “in fact” or “actually.”

The objections are not anthropological, as one might think if the pericope is only about a future reality, but rather epistemological, or to be more precise, spatial—contrary to Coxhead’s lexical observations. These verses are elaborating on 29:29, bracketing vv. 1–10, and together they indicate the accessibility and by implication Israel’s ability to keep the law. Whilst it is possible that all of the language of proximity within vv. 11–14 is a metaphor for Israel’s future spiritual ability, this interpretation strains the language unnecessarily, particularly vv. 12–13 which are at the centre of the pericope.

Masorettes considered vv. 11–14 to be not only a new paragraph but an “open paragraph.” The insertion of the weaker particle ׀ (representing סתומא) in between vv. 11–14 and vv. 15–20 highlights that they thought that there was a larger break between vv. 10 and 11 than there was between vv. 14 and 15. They could have used a ׀ (representing סתומא), indicating that a scribe should leave a small gap between the previous paragraph and the following. Instead they inserted a ׀ signalling that a scribe, as he wrote the following paragraph, “had to commence at the beginning of a new line.” See Page H. Kelley et al., *The Masorah of Biblia Hebraica Stuttgartensia: Introduction and Annotated Glossary* (Grand Rapids: Eerdmans, 1998), 155, 167.

⁷⁶ Lenchak, *Choose Life!*, 200.

⁷⁷ Follingstad, *Deictic Viewpoint in Biblical Hebrew Text*, 157.

Verses 12–13 could refer to the Jewish proverbial inability associated with reaching heaven and crossing the sea,⁷⁸ but Moses’s choice of language might also transcend the proverbial. In 4:36 the law is described as if it came from heaven and so in v. 12 Moses might be saying that there is no place for requesting for the law to be brought from heaven, because Moses has already *literally* done that.⁷⁹ Whether proverbial or not, in vv. 12–13 the issue in question is whether they can actually *hear* the law, whether it is accessible and in that sense they are able to keep it, not whether they have the moral capability to perform it.

“In your mouth and in your heart” could, as Coxhead suggests, be a reference to Israel’s new found anthropological ability; this is the way that the six references to the heart in vv. 1–10 use it.⁸⁰ On the other hand, one ought not to unduly homogenise such that one instance of a word must mean the same thing in previous or proximate instances; phrase context must trump sentence or pericope context. It is at least syntactically plausible that v. 14 might be communicating something about the heart distinct from v. 6, and thus be translated “in your mind,”⁸¹ with all of its more cognitive associations. This certainly seems to be what Moses meant by the phrase “it is not too hard” in v. 11, given that is how the same author uses the same verb, אָלֵב (hard/wonderful), elsewhere, in 17:18.

These observations about Moses’s phraseology are confirmed by the syntax of the section. It is clear that there is an equivalence between all of the predications about the commandment / word; it is neither “too hard,” nor “far,” nor “in heaven,” nor “across the sea,” rather it is “near,” and in the “mouth and heart.” In isolation from the others, some of these predications could be read anthropologically, but together they highlight Israel’s privilege in having the law: that through Moses the once hidden will of God has been revealed.

⁷⁸ Tigay, *Deuteronomy*, 286.

⁷⁹ John H. Sailhamer, *The Pentateuch as Narrative: A Biblical-Theological Commentary* (Grand Rapids: Zondervan, 1992), 473. This link is not as clear in regard to crossing the sea. In Exodus the significance of going through the sea is heavily stressed, although admittedly it is the people who are coming to the law rather than the law to the people.

⁸⁰ See 30:1, 2, 6 (3x), 10.

⁸¹ Craigie, *The Book of Deuteronomy*, 365. Tigay, *Deuteronomy*, 287. McConville, *Deuteronomy*, 429. It is also worth noting that whilst we do not want to flatten our reading of scripture, if Paul in Romans is using the phrase in your heart and in your mouth in the same way that Moses is using it then it *cannot* refer to some later spiritual renewal because Paul’s point is that the word is in the heart and mouth of first-century Israel but they *still* have not responded (Rom 10:21).

3.3 Conclusion

Deuteronomy 30:11–14 is a tightly interconnected statement about the nature of “this commandment;” the parallel negative statements about “this commandment” within v. 11 (not too hard, nor far) are then expanded by the parallel negative statements in vv. 12–13 (not in heaven, nor across the sea),⁸² and summarised and stated positively, and emphatically, in v. 14 (near, in your mouth and heart). It is theologically and lexically possible that vv. 11–14 only concern Israel’s future, but I have sought to show that it is not rhetorically or syntactically plausible.

Deuteronomy 30:11–14 is about a reality which is true for the original listeners and which would also be true for future generations that possess the law; Moses is speaking of a *gnomic* present reality—which may be why the chronology is not an explicit feature of the text.⁸³ Having painted a vision of a distant future, in vv. 1–10, and in light of the choice that the generation in front of Moses, and every subsequent generation, have to make, in vv. 15–20, the most natural reading, particularly of vv. 12–13, is that a crucial epistemological objection is being “anticipated and refuted.”⁸⁴ In vv. 11–14 Moses declares that because of his ministry the Torah is not obscure or unintelligible, actually it could not be more accessible to them, and in that sense they are able to keep it.

Summary

As we have seen, the book of Deuteronomy has two aims: to encourage Israel to pursue life and blessing by obeying God’s commands, and eventually to demonstrate to them that deep in their hearts they cannot love, be faithful to or obey God. In Deut 30:11–14 Moses makes a gnomic declaration which was as true on the plains of Horeb as it was by the rivers of Babylon. Although Moses’s words might have inspired the earlier recipients, to the latter hearers they could only have been heard as a damning indictment against the people: there is nothing hindering them from inheriting the promise land, except themselves. With the meaning of Deut 30:11–14 within the original literary and historical context

⁸² Craigie, *The Book of Deuteronomy*, 365.

⁸³ Alter notes that Deut 29:29 [28 MT], a clause without a finite verb, is also “a gnomic declaration,” and thus I see 29:29 and 30:11–14 as forming gnomic bookends around Deuteronomy 30:1–10. Robert Alter, *The Five Books of Moses: A Translation with Commentary* (New York: Norton, 2004), 1026.

⁸⁴ Lenchak, *Choose Life!*, 205.

established, we are in a position to consider Paul's fidelity to Moses's meaning in Rom 10.

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