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Deuteronomy and City Life

a form criticism of texts with the word "city" in Deuteronomy 4:41-26:19

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► **OTS 2003: Praise for Deuteronomy and City Life**

Walter Brueggemann, Eden Theological Seminary

His careful analysis leads to a bold conclusion, that Deuteronomy, positively values the city as a plan of Yahweh's governance.

Carroll Stuhlmueller, Catholic Theological Union, Chicago (The Bible Today 21 1983: 345)

As a doctoral dissertation, Benjamin's book moves carefully through form-criticism and sociological studies of thirteenth-century Israel. While the book is a heavy scholarly study, the topic is pertinent for today where urban problems reach mammoth proportions. Israel did not introduce a nomadic or rural ideal but rather brought its tribal attitudes and customs to bear upon the harsh feudal conditions in Canaanite cities, to reestablish justice through self-governing means, to prohibit excessive land holdings, and to protect a just distribution of food. Liturgy secured these ideals by celebrating the covenant with God. The major part of this book studies each passage in Deuteronomy, 4:41-26:19 where the word "city" occurs. A mine of information, with well argued central thesis, but at times too eclectic in marshaling scholarly positions.

H.G.M. Williamson (Book List 1985: 72)

The heart of this published dissertation is a detailed analysis of ten passages in Deuteronomy which include the word 'city'. The influence of Benjamin's supervisor, R. Knierim, is discernible in the somewhat wearisome discussions of the finer points of form criticism, though it is not always clear that the refining of labels used materially affects interpretation. The transliteration of Hebrew is also abysmal (witness the book's subtitle!). Nevertheless, an interesting thesis emerges: these texts 'reflect an urban tradition which endorses city life as one setting in which early Israel encountered and served Yahweh'. En route, there are some well-directed arguments leveled against nomadic idealism and an attempt to drive a fashionable wedge between feudal (e.g. Canaanite) and 'retribalized' (e.g. Israelite) cities. Despite the introductory pages, Benjamin wisely stops short of contemporary application, for his discussion of cities in antiquity shows how fundamentally different they were from their twentieth-century counterparts.

Journal for the Study of the Old Testament (1983):125

"From the very beginning, Israel was an alliance, not only of tent and village communities, but of cities as well. Therefore, the first cities in Israel were the not the feudal cities conquered during the 10th century ...but rather the tribalized cities like Gibeon, Schechem,

Shiloh and Hebron converted to Israel's self-governing way of life during the 13th century BCE.' Following a competent survey of sociological, historical and archaeological issues relevant to Deuteronomy and to Israel's origins, Benjamin conducts a disciplined form-critical analysis of ten texts between Deut 4.41 and 26.19 which contain urban legislation, arguing for their origin in early 'tribalized' city culture.

Theology Digest 32 (1985): 161

Don Benjamin lectures in the Graduate School of Theology at the University of St. Thomas in Houston and at Rice University. This is a form-critical study of ten texts from Deuteronomy which contain the word "city." It argues that these texts "developed from a segment of early Israel which was both thoroughly urban, and thoroughly Yahwist. The Israelites who promoted these traditions encountered Yahweh in the city, and fulfilled their obligations to Yahweh through the ordinary institutions of city life."

James W. Flanagan, University of Montana, Missoula (JBL 1985: 517-519)

Deuteronomy and City Life is a Claremont Graduate School dissertation devoted to the form criticism of ten passages from Deuteronomy. By demonstrating that Deut 4:41-26:19 endorses cities as settings where Yahweh could be encountered, Benjamin hoped to challenge the assumption that biblical religion was exclusively rural religion. The passages were chosen solely because each contains the word "city" (*ar*). The list includes all the uses in the section cited, namely, the parenthesis (6:10-19), the supplement on the cities of refuge (4:41-53), and several legal instructions (13:13-19; 20:10-20; 21:1-9; 21:18-21; 22:13-21; 22:23-27; 25:5-10).

Benjamin applies the methods used by the Form Critical Project at Claremont, a standard approach for studies of this kind. He begins with an introductory chapter-loosely related to the topic of the book-which discusses the unity of the Bible and the importance of cities in both Testaments. In a second chapter he surveys secondary literature on the nature of Israelite society and socio-political organization in an attempt to locate a general setting for his texts. Benjamin chooses "retribalized cities," which for him contrast with Canaanite "feudal cities." In Chap. 3, the heart of the volume where the form criticism is presented, the genre, structure, setting, and intention of each unit are discussed in detail. The last chapter presents summaries and explanations of how each passage may have been interpreted at several stages in the tradition.

Benjamin's concept of city is derived from Gottwald's analysis of early Israel and from Hammond's and Frick's studies on ancient and Israelite cities. The description he finds is central to his interpretation and in many ways dictates even his form critical analysis. He argues that cities had six characteristics: people living in close proximity; a single government; homes in a unified complex of buildings surrounded by a wall; writing used in politics, commerce, and worship; fewer than 50 % of the inhabitants engaged in farming; and the size of the territory

controlled is larger than necessary for survival. Five of the six characteristics, he feels, were shared by feudal and retribalized cities; they differed only in the size of the territory they controlled economically, militarily, or religiously.

Benjamin claims that the difference resulted in contrasting social systems. The contrasts were: (1) feudal systems were supported by a surplus economy, whereas the retribalized city was "a simple, self-governing subsistence economy" (pp. 2021); (2) a single landowner governed feudal cities, and all citizens worked for him; and (3) in retribalized cities, the judicial system was the most important social institution, while in feudal cities liturgy held that role because it maintained the divine right of the king and the subservience of the people. Thus, an elaborate process of arbitration was used in retribalized cities to teach the citizens how to maintain their own independence and how to prevent their differences from destroying the community (p. 289). Thus, "*Retribalized cities* are significant walled settlements together with their adjacent walled and unwalled sister settlements and their farms, forests and pastures which make a thoroughly Yahwist way of life possible" (italics his, p. 18).

Benjamin believes his analysis has exposed several other important phenomena. The first is the diversity of theologies that flourished simultaneously in Israel. The retribalized theology was only one of several that could be found in a single city. For example, a "theology of place," that is, of the sanctuary and ark, based on the use of *maqom*, can be distinguished from the theology of city. The former was found in centers where the ark rested: Gilgal, Bethel, Shechem, Shiloh, and Jerusalem. The locus of the theology of city is less clearly identified by Benjamin. Retribalized cities, he states, were cities "like Gibeon, Shechem, Shiloh, and Hebron."

A second phenomenon derived from Benjamin's urban reconstruction is the role of the "municipal court." Although he does not describe it in detail, the courts seem to have been the governing body of retribalized cities, that is, the judicial system mentioned above. During the monarchy, traditions from these courts were integrated with the re-emerging feudal system and royal theology so that the two traditions, feudal and retribalized, were both maintained. "The Yahwistic character of the city of Jerusalem was liturgical. The Yahwistic character of Judah was legal" (p. 290).

Chaps. 3 and 4, which contain the form critical study, must be read against the background of this reconstruction. An example will suffice to illustrate how the author handles each pericope. After determining the genre and structure of the pericope in Dent 6:10-19, Benjamin discusses its several settings. He identifies the Jerusalem court as its institutional and social matrix, the reign of Josiah as its cultural, epochal, or historical matrix, the 12th and 10th centuries as well as the Deuteronomic reform as its intellectual, ideological, and theological matrix. The intention of the pericope, he argues, was "to clear away whatever will keep a prosperous and urban Israel from remembering Yahweh" (p. 108).

The book has merits, especially in the sections devoted to form criticism. The author weighs established opinions and takes them seriously, but he also contributes his own insights which are derived directly from the biblical text. The dissertation genre is evident throughout, however, and is particularly apparent in the to summaries of secondary literature which

contribute little to the argument and times distract from the topic at hand.

Readers may also be distracted by the introductory chapter which is not clearly related to the thesis of the book. It is the second chapter, however, that requires the most serious scrutiny because it contains the presuppositions about ancient Israelite society which control the author's form criticism. Of the questions raised there, perhaps the most troublesome is the general social and political environment envisaged as surrounding the proposed retribalized cities. The scene as sketched by Benjamin seems romantic. To posit many and varied contemporaneous traditions flourishing side by side, and then to concentrate exclusively on a rather subtle contrast between feudal and retribalized cities, raises many questions. We must wonder whether one can distinguish a subsistence from a surplus economy where both existed in the same city, or when separate cities were both fortified, had at least 50 % craft specialization, and literacy. These are usually marks of centralized polity, a phenomenon that would seem to suit Benjamin's feudal cities better than his retribalized. Alternatives need to be explored before we can be satisfied that we have found the setting for all the texts in question. Villages are settings that readily suggest themselves.

The book is challenging in its attempt to relate two quite different methods of biblical analysis. Even if the author does not convince us with every detail of his arguments, he has identified an important agenda that deserves additional study.

The Ministers Library, vol. 2

Questions contemporary histories and theologies of ancient Israel which stress the complete non-urban character of the Israelites. Provides some startling and insightful sidelights on this period of Israel's history.

George W. Coats, Lexington Theological Seminary, Lexington KY (RelSRev 12 (1986): 284

A form-critical analysis of a major theme in Deuteronomy in the format of the series Forms of Old Testament Literature, this book concludes that texts in Deuteronomy with this theme "reflect an urban tradition which endorses city life as one setting in which ...cities are gifts from Yahweh which Israel is to enjoy; cities are responsible for preserving Yahwehism by their administration of justice."

> **DCL 1983: 198**

The dead body discovered outside the jurisdiction of any particular city (Deut 21:1-9) is not a *corpus delicti*. The body of the victim is not missing. It is the perpetrator that is missing. A *corpus delicti* is a missing body. It is a general rule not to convict unless the corpus delicti can be recovered. Instances have occurred of a person being convicted of having killed another, who, after the supposed criminal has been put to death for the supposed offence, has made his appearance - alive. The wisdom of the rule is apparent; but in order to insure justice, in extreme cases, it may be competent to prove the basis of the corpus delicti by presumptive, but conclusive, evidence.

Reviews

Record: 1

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Diane Jacobson, "The City in the Bible: Implications for Urban Ministry"

http://www.luthersem.edu/word&world/Archives/14-4_City/14-4_Jacobson.pdf

Meir Bar-Ilan, "The Battered Jewish Child in Antiquity"

<http://faculty.biu.ac.il/~barilm/battered.html>

Bruce Wells, "Sex, Lies, and Virginal Rape: the slandered bride and false accusation in Deuteronomy."

<http://www.sbl-site.org/Publications/JBL/JBL1241.pdf>