CHAPTER 12

ISRAEL IN DEUTERONOMY

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The book of Deuteronomy is engaged in an intensive project of Israelite identity formation, provoked initially by an increased exposure to alternative cultural matrices in the southern Levant in the long seventh century BCE and then reinforced by the global scope of Israelite experience in the wake of the destruction of the kingdom of Judah in the early sixth century. Although the construction of a distinctively Israelite religious and cultural identity is not the book's sole concern, it accounts for a number of the book's preoccupations and constitutes one of its most significant contributions to the theology of the Hebrew Bible and associated religious traditions.

This chapter discusses some of the most important features of Israelite identity developed in Deuteronomy's legislative and exhortatory core, including the distinctively Israelite cultural characteristics of exclusive Yahwism, centralized worship, and a shared mythology of Israel's origins in an exodus from Egypt, as well as examining ways in which this Deuteronomic material seeks to protect the distinctive Israelite identity it constructs.[1] A final section discusses some of the ways that this construction of Israelite identity was adjusted in response to Israel's deportation, displacement, and long-term diaspora.

Developing a Distinctive Israelite Culture

The deuteronomic legislation is designed to differentiate Israelites from non-Israelites. Many of the distinctive features of Israelite practice that it chooses to highlight are religious in nature, including a commitment to exclusive Yahwism and centralization of worship at a single cult site. Others are more broadly cultural, although the separation between these categories is far from absolute.

Exclusive Yahwism

The Israel that Deuteronomy constructs is exclusively Yahwistic. This is perhaps the single most distinctive feature of Israelite culture and identity as defined by the Deuteronomic

project. Israel is distinguished from all other groups by its identification with YHWH and by the fact that it worships YHWH exclusively: whereas non-Israelites may have a chief deity while worshipping multiple deities, Israel is characterized by a highly unusual, monolatrous worship practice. This devoted worship of YHWH is the focus of the opening exhortative Shema ("Hear, O Israel . . .," 6:4), which calls upon Israel to acknowledge its fundamentally Yahwistic character, while texts such as Deut. 13:2–19; 16:21–22; and 17:2–7 reinforce this exclusivity from a legal perspective.

The Shema summons the Israelites to "a confession . . . that will serve to shape their identity and their way in the world" (Miller 1990, 98). Israelites, this credo makes clear, are *necessarily* Yahwistic: according to the Deuteronomic definition, an "Israelite" who is not Yahwistic is not really an Israelite. The Shema also emphasizes that Israelites are *exclusively* Yahwistic: an Israelite who worships any other god in addition to YHWH is ~~also~~ not really an Israelite. These two elements of Israelite Yahwism are articulated in the two halves of Deut. 6:4. The first half, "Hear, O Israel, YHWH is our god," establishes that Israel is defined as a people who recognize YHWH as its deity. The second half, "YHWH alone," establishes that it is only YHWH whom the Israelites recognize in this way.

An anthropological perspective on identity formation draws attention to the way that these statements deliberately homogenize Israelite religious culture.[2] Actual religious practice and belief in pre-exilic Judah was diverse and far from exclusively Yahwistic, but the Deuteronomic emphasis on the Israelites' sole worship of YHWH represents a rejection of this diversity in favor of the worship of a single deity at a single cult site.[3]

Many of the Deuteronomic laws are designed to enact this exclusively Yahwistic vision of Israel. One of the most significant such passages is Deut. 13:2–19, which highlights the importance of exclusive Yahwism to Israel's identity by presenting three potential challenges to Israel's distinctively and exclusively Yahwistic character, together with their consequences: exhortations to worship other gods pronounced, in turn, by the diviner (13:2–6), the family member (13:7–12), and the inhabitants of a particular city (13:13–19). In each case, an individual or group pursues the worship of deities other than YHWH and encourages Israelites to do the same. The incompatibility of this worship of other deities with membership in the Deuteronomically defined, exclusively Yahwistic Israelite community means that these people are no longer Israelites. Moreover, because their non-Israelite practices threaten this exclusively Yahwistic Israel, they must be removed from the community (cf. 20:10–16).[4]

Deuteronomy constructs Israelite identity, here and elsewhere, in a way that means it is not solely ascribed—that is, accorded by virtue of birth or other event beyond an individual's control. Rather, it contains a strong element of achieved identity—that is, identity gained by virtue of deliberate action or inaction on the part of the individual.[5] Because the book makes extensive use of kinship language—referring to Israel as a community of "brothers," for example—much attention has been paid to ascriptive elements of Deuteronomic Israelite identity. Yet, there are several passages that indicate Deuteronomy's Israel is not solely of that type. To the contrary: a person whose ascriptive qualities—namely, birth into the Israelite community—predispose him or her to an identification as Israelite can effectively forego that identity by acting like a non-Israelite—most prominently, by failing to enact the primary feature of Israelite identity, namely, exclusive Yahwistic worship (cf. Reeder 2012, 23).[6] An Israelite, in other words, can cease to *be* an Israelite if they fail to *act* like an Israelite.[7]

Centralized Religious Praxis

The centralization of the Yahwistic cult at a single cult site (Deut. 12) is the second most prominent feature of Deuteronomy and is also closely involved in the book's construction of a distinctive Israelite identity. The mandate that Israel worship its deity at a single worship site is distinctive, representing a rejection of the existing diversity of cultic sites and an exception in the broader ancient Near Eastern context. It also underscores the exclusively Yahwistic nature of the Israelite cult by associating that worship with an exclusively Yahwistic cult site, away from non-Yahwistic sites elsewhere. Last but not least, centralizing Israel's worship gathers the Israelites together into a restricted, proximate space and thereby promotes Israelites' interactions only with fellow Israelites.

From an identity perspective, the centralization agenda is notable because one way that a group can facilitate and reinforce shared identity is by promoting the spatial proximity of its members (Cohen 1969, 203–204). The most recognizable of such efforts is the tendency to associate collective identity with a particular piece of territory—and a territorial form of this mechanism is also evident in Deuteronomy's interest in Israelite claims to a Levantine homeland, mostly in the Deuteronomistic material. Yet the centralization legislation goes well beyond the proximity entailed by life in a shared homeland: it legislates a much more immediately intensified proximity among members by focusing Israelite ritual at a single cult site and requiring the Israelites to be present at regular intervals (cf. 16:1-17). These mandated assemblies promote interaction among Israelites, bringing Israelites together in an explicitly Israelite space where Israelite practice and identity may be reinforced and challenges from outside are minimal.

Origins in Egypt

Another way that Deuteronomy establishes Israel's identity is in its regular appeals to a shared Israelite origin story, the exodus from Egypt.[8] Though the book's various ways of referring to the exodus probably reflect different nuances, the unifying theme of all these statements is the centrality of the event for the community's definition of itself: "Israel was Israel in the strictest sense only from Egypt onward" (Schmid 2010, 145–46). An Israelite, by definition, is someone who shares this story: someone who lays claim to the exodus tradition and the narrative of Israelite origins that it articulates.

Notably, this story presents an in-built danger to Israelite identity, insofar as this story of Israel's origins outside the eventual Levantine homeland implies that that homeland was previously inhabited by non-Israelites. Indeed, the implications of this origin story arise almost immediately in the Deuteronomic introduction, where there is a strong emphasis on avoiding or eradicating the land's non-Israelite inhabitants in order to protect Israelite distinctiveness (Deut. 6–7*). Frequent reminders that Israel came out of Egypt—in the introduction and throughout the text—are another means of counteracting the danger posed by Israel's allochthonous origins: these statements underline Israel's special status as those whom YHWH chose to be associated with YHWH and reiterate that the Israelites who are now in the land are distinct from the land's non-Israelite inhabitants, precisely because they came from elsewhere. If Israel constitutes those whom YHWH brought out from Egypt, Israel is by definition distinct from the autochthonous inhabitants of the land.

Other Forms of Cultural Distinctiveness

While Deuteronomy foregrounds these major features of Israelite identity, it also legislates a variety of other behavior designed to differentiate and protect Israel.

Israel is distinct, for example, in the means by which it communicates with its deity: the prioritization of intuitive prophecy, to the exclusion of all technical forms of divination, sets Israel apart from other ancient Near Eastern divinatory hierarchies (18:9–22). Although many other cultures employed prophets to communicate with their gods, the prophet's status in these cultures was among the least esteemed of the divinatory practitioners. In Deuteronomic Israel, the prophet is preeminent, and the technical practitioners whose skills were so prized by Israel's neighbors are devalued to the point of rejection. The prophet will also be "from among you, from your brothers": here as elsewhere, the Deuteronomic law protects Israelite identity by minimizing interactions with non-Israelites (Cohen 1969, 203; cf. Geertz 1973). This is also another case of homogenization, in which an existing diversity of practices is rejected in favor of a single approach.

A variety of other laws also are designed to differentiate Israel from their neighbors. Thus, Deut. 23:18 prohibits a son or daughter of Israel from becoming either קדש (a male holy person) or קדשה (a female holy person). Although the precise function of the קדשה and the קדש are unclear, they are here opposed on the grounds that this cultic profession is unacceptable for Israelites: "A קדשה (female holy person) will not be *from the daughters of Israel*, nor will a קדש (male holy person) be *from the sons of Israel*." The prohibition is not on general principle; implicitly, non-Israelites are permitted to be קדשים (cultic functionaries of this particular kind).

Similarly, Deut. 23:19 addresses types of offerings permissible for presentation to YHWH, using terminology that suggests that the concern is with ritual specialists whose (Deuteronomically) Yahwistic credentials were suspect. Even more explicitly, Deut. 16:21–22 prohibits objects associated with deities other than YHWH. Here, too, the prohibition is not categorical; it is specifically "near to the altar of Yahweh your god" that the אשרה (Asherah, meaning either the goddess or an object associated with her) is banned. As with other prohibited practices, the problem relates to the possibility of confusion on the part of worshippers with regard to the identity of the deity(ies) they worship. The centrality of exclusive Yahwism to Israelite identity means that objects that are not also exclusively Yahwistic must be rejected.

A large number of passages addressing issues of Israelite identity use the term תועבה, usually translated "abomination." This term is used to signal that something is somehow strange, alien, or unfamiliar, relative to the perspective of the speaker (Gerstenberger 2004, 1431; cf. L'Hour 1964, 503; Crouch 2015). This aspect is overt in Deuteronomic prohibitions that use it regarding the use of images of non-Israelite gods (7:25–26); divinatory practices involving children (12:31; cf. 18:10); a variety of technical divinatory practices (18:9–12); and the worship of deities other than YHWH (13:15, 17:4; cf. 27:15, 32:16).[9] A number of other passages describe a given practice as תועבה, suggesting that they, too, reflect similar concerns about Israelite distinctiveness. These include legislation regarding voluntary offerings (23:19) and transvestitism (22:5), sacrificial offerings (17:1), dishonest weights (25:13–16), and dietary prescriptions (14:3, 21).

The homogenization of Israelite culture through the elimination of diverse subcultures, and specifically through the differentiation of Israelites from non-Israelites, is a major feature of the Deuteronomic identity project. Exclusive Yahwism differentiates Israelites by virtue of the identity of their particular deity as well as by the distinctiveness of worshipping a single deity. This is supported through the physical congregation of Israelites at a single cult site, promoting regular interaction among group members and reinforcing common beliefs and values. A shared story of Israel's origins in an exodus from Egypt unites the group around a shared past. Ritual practices, including the particularities of cultic officials, divinatory experts, and permissible offerings, contribute to Israelite differentiation. Collectively, these features of Israelite identity go some way toward achieving the Deuteronomic identity project.

Avoiding Outsiders

The Deuteronomic project also seeks to protect Israelite identity by isolating Israelites from non-Israelites wherever possible. In some instances, these protective efforts overlap with the definitional legislation—Deut. 13:2–19, for example, underscores the importance of exclusive Yahwism in conjunction with efforts to physically eliminate potential threats to it. A number of passages, however, are focused simply on minimizing interaction between Israelites and non-Israelites, as a means of minimizing Israelite exposure to the non-Israelite practices. These texts discourage social interaction outside the group and encourage social interaction inside it, creating a self-perpetuating endoculture in which "primary relations . . . are governed by [the group's] specific values, norms, and beliefs" (Cohen 1969, 203). Kinship language is prominent in these passages: these "[e]xploit the strong sentiments and emotions that are associated with primary relationship between members and the elementary family" to focus Israelite attention safely inward, away from external dangers (Cohen 1969, 208–209; cf. Jones 1997, 84, with further references).[10]

Prohibiting Intermarriage

Perhaps the single foremost threat to Israelite identity is the possibility of its dissolution through intermarriage with non-Israelites.[11] Endogamy is correspondingly prioritized, in keeping with identity phenomena observed in other times and places: marriage within ~~the~~ group is widely recognized as a means of reinforcing a mythology of common genetic origins and enforcing cultural commonality (Cohen 1969, 203; Southwood 2012, 62, 67).[12]

Deuteronomy 7:1–4a focuses on intermarriage with the existing inhabitants of the land and makes clear that the danger of such unions is the intimate contact with persons outside the Yahwistic Israelite community that they entail—specifically, the risk that Israelites will be exposed through marriage to non-Israelite, non-Yahwistic practices. The text accordingly adjures Israelites to shun contact, especially intimate contact, with the non-Israelite

inhabitants of the land. Notably, the text's focus on cultural distinctiveness belies the ostensibly genetic orientation of the endogamy principle itself.

Differentiating Kingship

The Deuteronomic material also discourages interaction between Israelites and non-Israelites more generally. This takes several forms, including the isolation of the Israelite royal figurehead. The strict limitations on the powers of the Israelite king (17:14–20) have puzzled commentators but reflect Deuteronomic identity concerns arising from the social, political, and economic context of the long seventh century. The focus is on the king's high-risk position as a nexus of Israelite interaction with non-Israelites. Indeed, his very existence is confusable with non-Israelite practice: rhetorically, at least, the Israelite king exists because the people have said "Let me set over myself a king, *like all the nations which surround me*" (17:14 [emphasis added]). Given that a king is nevertheless apparently unavoidable, the text legislates his behavior in a way that secures Israel's insularity and makes the role fundamentally different from its non-Israelite analogues. Most prominently, Israel's king must be chosen by YHWH, Israel's deity (17:15a); he must also be an Israelite (17:15b). The bans on acquisition of horses (17:16a) and numerous wives (17:17) are designed to protect the Israelites' distinctive identity through isolationism. This king does not engage in international political alliances, does not amass a powerful army or an extensive harem, and does not enrich the royal coffers or himself. He is thus unlike any other king known from the ancient Near East: "Though a king might make Israel 'like all the nations' (*kĕkol-haggōyīm*; v. 14), the nature of the kingship would distinguish Israel, in ideal terms, from those other groups" (Mullen 1993, 74; see also discussion in Barrett 2009, 210–17). Although the people wished to be like the nations in having a king, the Deuteronomic law effectively subverts these intentions by delineating a royal role that sets Israel's ruler apart.

Eliminating or Excluding Non-Israelites

Also in an isolationist vein is the elimination of non-Israelites from the territory claimed for Israelite habitation (20:10– 18). The identification of the danger in terms of Israel's predecessors in the land (20:17) and in the language of תועבות (20:18) make the identity concerns of this violence explicit. The differentiation between "the cities which are very distant from you" and those which are "here among the cities of these nations" (20:15) also signals that the issue is specifically with the non-Israelites present in the land (not foreigners in general), whose physical proximity constitutes an immediate risk of interaction and, thereby, for the dissolution of Israelite identity.

Less lethal Deuteronomic efforts to defend Israel's cultural borders include the explicit exclusion of various categories of non-Israelites from the Israelite community. These include overtly ethnically based exclusions, as in the exclusions of the Ammonite and Moabite (23:4) and probably in the case of persons of mixed Israelite and non-Israelite heritage (23:3), as well as more general exclusions, as in the case of the eunuch (23:2). Though sometimes opaque, the intention in each of these cases appears to be the minimization or elimination of Israelites' social interactions with non-Israelites.

Disadvantaging Foreigners

The principal means by which the Deuteronomic material distinguishes between Israelites and genuine foreigners—non-Israelite persons originating outside the land, rather than those found within it—is by taking advantage of the economic circumstances in which most foreigners are encountered. Three cases establish distinct protocols for dealing with foreigners: a law dealing with the disposal of carrion (14:21a), a law instructing the remission of Israelite debts (15:1–3), and a law concerning lending at interest (23:20–21). Notably, these texts take an essentially neutral attitude regarding the foreigner: though they consistently favor Israelites, they do so by treating the Israelite rather than the foreigner extraordinarily. Thus, the sale of meat to foreigners (14:21a) is only notable in the context of the injunction against such a sale to a fellow Israelite (or its gift to those in need). The charging of interest (23:20–21) is remarkable only insofar as it is a practice not permitted within Israel. The immutability of debt contracts (15:2–3) is likewise entirely mundane; contracts were assumed to be so, barring a change in rulership and a royal declaration of debt remission. Each of these laws, in other words, is in keeping with normal ancient Near Eastern practice—at least as far as the foreigner is concerned. They are only unusual with regard to the extraordinary treatment they instruct with regard to Israelites.[13]

Exceptions

Although one might expect an absolute Deuteronomic rejection of all non-Israelites' interaction with Israelites, there are some exceptions, collectively facilitated by the Deuteronomic conception of Israelite identity as ultimately achieved rather than simply ascribed. The case of the war captive (21:10–14) is the ultimate example: the passage reiterates that, though theoretically ascribed through birth into the Israelite community, Israelite identity may nevertheless be achieved by individuals to whom the status was not automatically accorded at birth. This conception of Israelite identity is apparent also in passages that present "Israelite-ness" as something that may be lost as a result of failure to act like an Israelite (e.g., 13:2–19). In the case of the war captive, however, it may be gained through positive action.[14] As anthropologists note, ethnic "[i]dentities are ambiguous, and . . . this ambiguity is connected with a negotiable history and a negotiable cultural content" (Eriksen 1993, 73).[15]

The case of the admission of the Edomite to the community (23:8–9), in its turn, reflects the paradoxical potential of a perceived genetic relationship with Israel. The use of familial language draws on a rhetoric of common ancestry, which is typical of articulations of ethnic unity and is in keeping with the rationale used when justifying laws that differentiate between Israelites and non-Israelites (on this, see Cohen 1969, 202; Jones 1997, 84; Keyes 1981, 5–7). Such language appears especially in cases that might be perceived as particularly difficult to implement.

Of all Israelite interactions with non-Israelites, the case of the גר—traditionally "sojourner," more recently "resident alien" or "migrant"—is the least straightforward. The identity of persons named with this term in Deuteronomy has been the source of significant contention—in part because of the apparent inconsistency of a Deuteronomic agenda

focused on defining and protecting Israelite identity and a Deuteronomic law code that allows a non-Israelite regular, albeit limited, access to the Israelite community.

The reason for this incongruity is that while Israelite identity is a major Deuteronomic concern, it is not the only one. The Deuteronomic material is also notably attentive to the needs of socially and economically marginal persons—and it is the classification of the גר in this category that, despite his non-Israelite status, complicates the otherwise straightforward rejection and avoidance of non-Israelites. Caught awkwardly between the desire to minimize Israelites' social interaction with outsiders and an interest in protecting marginalized persons, the liminal location of the גר is carefully delineated: he is provided with specific economic rights that must be protected by the Israelite community, even as he is not included as a member of that community. Thus, the גר is included in festivals celebrating agricultural success (16:9–15) but excluded from the celebration of Passover, which is focused on the origins of Israel in the exodus event (16:1–8).

The toleration of the non-Israelite גר on the periphery of Israelite existence is a testament to the perceived strength of Deuteronomic Israelite identity.[16] Throughout the rest of the Deuteronomic text, Israelite identity is decisively formulated, enacted, and protected using a diverse arsenal of identity formation strategies. Foremost among the distinctively Israelite practices advocated by the Deuteronomic material is the establishment of an exclusively Yahwistic religious framework, with Israel defined in terms of an exclusive relationship with a single deity. The differentiation of Israelites from non-Israelites by virtue of their exclusive identification with YHWH is further supported by the many ways in which the Deuteronomic text works to differentiate Israelite practices, whether by reorganising the hierarchy of divinatory techniques or by the modification or elimination of culturally ambiguous officials and practices. Expressions of Israelite kinship are prominent, especially in efforts to motivate difficult legislation, as well as in laws dealing with Israel's (purported) genetic cohesion, including those promoting endogamy and those excluding the Ammonite and the Moabite. References to Israel's origins in Egypt make a claim to Israel's genetic and social cohesion through appeal to a shared Israelite past. Other mechanisms of the Deuteronomic identity project include spatial proximity, achieved especially through ~~the~~ centralization, and efforts to isolate Israelites from non-Israelites—via endogamy, limitations on the Israelite king, refusals to incorporate non-Israelites into the community, and differential treatment between Israelites and non-Israelites.

Israel beyond the Land

The material that deals with Israelite identity in the Deuteronomic core is mostly devoid of interest in people or political apparatuses outside the immediate land in which Israel resides. The true foreigner appears only a few times, and where he does~~,~~ he is presumed to be a temporary visitor. This essentially parochial perspective was profoundly altered by Israelite experience in the sixth century, when the kingdom of Judah was destroyed and its literate elites were displaced to Babylonia and elsewhere. A much wider, post-disaster perspective on Israelite identity is assumed by the Deuteronomistic material, mostly at the beginning and the end of the book.

This is most immediately apparent in the much greater level of attention paid in the Deuteronomistic material to actual outsiders. Non-Israelites are mentioned on nearly fifty occasions, and nearly two thirds of these refer overtly to a wider global population. It is "the peoples under all the heavens" who will fear Israel in Deut. 2:25 and a "distant nation, from the end of the earth" whom YHWH employs to exact punishment on Israel (28:49); thereafter, it is "among all the peoples from the end of the earth to the end of earth" that Israel will be scattered (28:64, cf. 4:27). It is among the nations that Israel has been banished (30:1) and from them that YHWH will ultimately gather Israel up (30:3).

This wider perspective is also reflected in Deuteronomistic injunctions about Israelite behavior. The rationale given for keeping the commandments, for example, concerns Israel's status in the eyes of outsiders: "You must observe [these statutes and ordinances] diligently, for this will show your wisdom and discernment to the peoples, who, when they hear all these statutes, will say, 'Surely this great nation is a wise and discerning people!' " (4:6). Unlike the Deuteronomic texts, which reflect an internal dialogue within the community about its requirements for membership, the Deuteronomistic material introduces a strong outward-facing element: it matters not only that the Israelites can identify their fellow Israelites but that non-Israelites are able to do so as well.

The new, Deuteronomistic introduction in Deut. 1–3 articulates Israel's identity with reference to this global context. Describing Israel's wanderings in the wilderness, ~~they~~ rescript Deuteronomic concerns about contact with non-Israelites for Israelites who are now outside the land. Thus, when the Israelites engage Sihon of Heshbon (2:24–36), he and his people are annihilated in terms echoing the war laws of Deut. 20:10–16. But the account deviates from the Deuteronomic legislation, which instructs complete destruction only in the case of cities that are "near to you"—that is, cities in the land. When it comes to cities that are "far from you"—cities outside the land—the Deuteronomic law is more lenient. When Deut. 2–3 adopts the harsher policy, despite referring to an encounter that occurs outside the land, it is applying the logic of Deut. 20—that those who pose a threat to Israelite identity must be destroyed—in a global context. It is no longer only those who co-inhabit the land who threaten Israel but also those encountered in other lands.

The book's final chapters reflect a similar outlook when they address the temptation to worship gods other than YHWH. In the Deuteronomic texts, the non-Yahwistic deities that Israelites must shun are referred to as "other gods." In the Deuteronomistic material, they are more specifically "the gods of these nations" (29:17), "gods of foreignness" (31:16), "strange things" (31:16), or a "foreign god" (32:12). Such nomenclature suggests that the deities in mind in these passages are gods without a history in the land, unlike those that posed a problem in the Deuteronomic material. As Israelites move among the nations, they must fend off the temptation to worship the deities they encounter there.

The Deuteronomistic passages presuppose an underlying reality in which Israel is no longer present in its Levantine homeland. Non-Israelites are no longer the non-Yahwists living alongside the Israelites in the land, but "all the peoples" "under all the heavens", and the gods whom these non-Israelites worship are accordingly identified as "foreign." Though these later texts are congruent with the Deuteronomic desire to protect a distinctive Israelite identity, the global, diasporic horizon introduced by the Israelites' displacement in the sixth century is clear in their language and logic.

Notes

1. A more detailed discussion of these and related concerns may be found in Crouch (2014).
2. See Cohen (1969, 204) on homogenization of culture and practice as characteristic of ethnic phenomena.
3. See the essays in Stavrakopoulou and Barton (2010).
4. Observing the role of violence in identity formation, Reeder (2012, 8) describes this as "constructive violence," that is, "violence that intends good."
5. For discussion of ascribed and achieved identity, see Peek (2005); Banks (1996, 117). On religious identity as achieved identity, see Hammond (1988); Warner (1993). Ascribed and achieved identities are rarely absolute, nor are they mutually incompatible. Eriksen (1993, 57).
6. Israelite identity as both achieved and ascribed has also been noted by Nestor (2010, 200–201).
7. Conversely, the Deuteronomic material also conceives of the possibility of an ascribed non-Israelite achieving Israelite status (21:10–14; 23:8–9).
8. Stories about a people's shared origins is one of the most recognizable features of ethnic groups. Like shared ancestry, whether these shared historical origins are real or imagined is largely beside the point.
9. While some things described with this terminology can be persuasively argued to reflect practices known to have been engaged in by non-Israelites, indications that many practices thus stigmatized were also engaged in by "Israelites" suggests that the use of הבעות language is constructive as well as descriptive in intent: it is used to actively create an "Israelite" identity by advocating the abandonment of certain practices on the grounds that they are "non-Israelite." Compare the constructive capacity of ethnic identity formation as described by Cohen (1969; Barth 1969); see also Peel 1989; Keyes 1981) and Southwood's discussion of the language of "foreignness" in Ezra 9–10 (Southwood 2012).
10. Brother language is especially prominent in legislation that provides preferential treatment for Israelites and in cases that might be considered particularly difficult to implement, including the law of the king (17:14–17), the law of the prophet (18:15), the list of those who might be most persuasive in encouraging non-Yahwistic worship (13:7), the law of levirate marriage (25:5–8), and the explanation for the admission of the Edomite into the Israelite community (23:8–9), as well as the laws of debt remission (15:1–11) and manumission (15:12–18), the law concerning usury (23:20–21), and the law mandating the return of lost property (22:1–4). It often seems intended to evoke an extra degree of responsibility or to imply a certain standard of behavior, as in the laws concerning false witness (19:16–19), enslavement (24:7), military exemptions (20:5–9), and fraternal conflicts (25:1–3, 11–12). On the appeal to familial relations to evoke empathy in motivating ethical behaviors in Deuteronomy, see Kazen (2011, 102–109); on its use as affective language, see Williams (2009, 113–32); and Hamilton (1992, 34–40).
11. The imagined nature of genetic cohesion may be readily recognizable as myth but remains necessary: "there is nothing strange or modern in overlooking a gap between the real and the mythical. The latter establishes the necessary moral unity of a group. . . . The recognition of ancestry pretends, 'imagines' if you like, a genetic origin which may not be biologically correct. It remains socially correct, however, and even morally necessary to define the social mythically in terms of the genetic" (Hastings 1997, 170).

12. Similarly: "Ethnicity defines the group within which one is normally expected to marry." Hastings, *Construction of Nationhood*, 168.
13. This neutrality contradicts the common claim that Deuteronomy is trying to undermine imperial authority: rather, the author has devised an ingenious means of achieving the Deuteronomic goal of Israelite differentiation without threatening the imperial status quo.
14. Whether this was voluntary or forced is another matter; on the realities behind this law, see Washington 1997, 1998; Thistlethwaite 1993, 64–65).
15. Similarly: "Ethnic identities are neither ascribed nor achieved: they are both" (Eriksen 1993, 57). Hastings (1997, 170), speaking more generally, notes that: "In adopting the ancestors and gods of one's hosts, one's conquerors or even those one has conquered, one is adopting their *mores* and a shared moral community which leaps beyond any genetic bond, without, however, disallowing the latter's symbolic meaning."
16. Perhaps even its perceived inevitability, to borrow a concept from Bourdieu (1977); and Nestor (2010, esp. 216–36).

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