

MOTIVE CLAUSES IN THE LAWS OF DEUTERONOMY: THEIR FORMS, FUNCTIONS AND CONTENTS

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Introduction

THE PURPOSE of this study is to describe the numerous "motive clauses" attached to the laws of Deuteronomy. This will be accomplished by classifying them according to "form"—the type of conjunction with which the motive clauses generally open—on the one hand, and according to groups distinguished by similar "content" on the other.

As a rule, one or two examples of the type under discussion will be cited in full, for the purpose of illustration, and the other clauses in the same class will be referred to by chapter and verse only. Some cases of special interest—if they present a problem, or if an illuminating analogy is to be made with similar statements of the law in other Codes, etc.—will be discussed more fully.

Gemser (1953, p. 50) defined the motive clauses as follows: "grammatically subordinate sentences in which the motivation for the commandment is given." This definition is too narrow, since in some cases it is very difficult (if not impossible) to demonstrate the "grammatical subordination" of the clauses.¹ Rather, a "logical" subordination is to be sought in them. What is really important is the function of these clauses and not the exact type of their subordination. From a functional point of view it is sufficient to state that

1. Examples may be found in the section "Prefatory and Asyndetic Motivations."

motive clauses are "sentences in which the motivation, or reason for the commandment, is given."

It is important to distinguish between motive clauses of *laws* and ordinary motive speech. By "motive speech" is meant parenetic exhortations to keep the commandments, wherein motives for keeping the Torah as a whole are given. Von Rad (1953, p. 15) terms this "preaching about the commandments." Such "preaching" appears mainly in the speeches before and after the main body of the Deuteronomic law (chapters 12–26), namely in chapters 1–11 and 27–34. Such motives are not dealt with in this essay.²

As regards the number of motive clauses, Gemser (1953, p. 51) states that he counted in the laws of Deuteronomy "99 paragraphs (subjects or cases) with 61 motive clauses giving the high percentage of 60, and when subcases and less certain motivations are counted in, a total of 129 cases with 71 motivations giving 55%." Gemser does not give a list of either the laws or their motive clauses, and I am reluctant to engage in guesswork as to which cases he included in his count. However, a short glance at the examples cited in the following sections will show that I arrived at over a hundred cases of motive clauses!³ On the other hand, Weinfeld's statement (1960, pp. 89ff) that "at the side of every law (in Deut) stands a motivation," is either loose wording or a gross exaggeration.

Several laws have two motives, each beginning generally with a different formal conjunction. These will be mentioned twice; once in the form under discussion, and again in the section "Double Motivations." As against such doubly motivated laws, a few others have motive clauses which open *asyndetically*, without any formal conjunction. Those will be mentioned in the section "Prefatory and Asyndetic Motivation."

I. Forms and Functions of Motive Clauses

1. כִּי ("for, because") clauses

The second commandment of the Deuteronomic Decalogue has the following clause as its sanction:

. . . אֵל קַנָּא פִּקֵּד עוֹן אֲבוֹת עַל בָּנִים . . . ("for I . . . am a jealous God, visiting the sins of the fathers upon the children . . ."). In a similar vein, stressing the Lord's quality as a zealous or avenging God, the third

2. The Talmud takes even such passages as Deut 6:18 וַעֲשִׂיתָ הַיָּשָׁר וְהַטּוֹב ("do what is right and good . . .") as statements of law, giving this as the reason for the law that appraised property seized on account of debt is always redeemable, cf. *Baba meši'a* 35a.

3. Indeed, I am not sure that I have exhausted all the possibilities or that even more cases of motivation could not possibly have been arrived at!

commandment reads (5:11): . . . **כי לא ינקה ה'** ("for the Lord will not clear . . .").

Cases of special interest

- (1) The injunction to love the stranger reads (10:19):
וזהבתם את הגר כי גרים הייתם בארץ מצרים ("You must love the stranger, for you were strangers in the land of Egypt"). This verse must be taken with Ibn Ezra and the new J.P.S. translation as a command, not merely good advice and preaching. Ibn Ezra sees a double motive in this law, the first being the fact that God loves the stranger (5:18). That it is possible to *command* to love can be learned from the injunction "Love thy neighbor as thyself" (Lev 19:18). The motive "for you were strangers in the land of Egypt" agrees verbatim with Exod 22:20, 23:9 (JE) and Lev 19:34 (H), which show similar concern for the stranger.
- (2) The injunction against accepting bribes has a motive clause taken from Wisdom Literature and is in the Wisdom style of three beats (16:19): **כי השחד יעורר עיני חכמים / ויסלף דברי צדיקים** ("for bribes blind the eyes of the wise and upset the plea of the just"). This, according to Weinfeld (1960, p. 91), marks the influence of Wisdom Literature on Deuteronomy.
- (3) The law against destroying the fruit trees around a besieged city gives two different motivations both beginning with **כי**. As a first utilistic ground it is said (20:19) **כי ממנו תאכל** ("for you eat from it"), and a second reason is added in the form of a question **כי האדם עץ השדה לבוא מפניך במצור** ("is the tree of the field human to withdraw before you under siege?").⁴

Functions of the כי clauses

In almost all clauses cited above the function of the conjunction **כי** is one of a "causal" or "explanatory" nature. In only one or two clauses can it be shown

4. Further instances of the **כי** form are to be found in laws concerning the following: intermarriage (7:3-4); destruction of Canaanite places of worship (7:5-6); gold graven images (7:25-26); eating blood (12:23); the false prophet (8:4); seduction into idolatry (13:7-12); the flesh of a carcass (14:21); tithes (14:27-29); the Release (15:2); lending money (15:10-11); Passover (16:1); *massot* (16:3); Succot (16:15); the priestly revenues (18:1-5); the rights of the first born (21:15-17); the burial of the hanged (21:22-23); false charges (22:18-19); true charges of infidelity (22:20-21); rape of a betrothed girl (22:26-27); abhorring Edomites and Egyptians (23:8); purity of the holy camp (23:10-15); payment of vows (23:22); the parallel law in P [Num 30:3] is not provided with a motive clause); pawning the mill, or upper millstone (24:6); and timely payment of hired servants (24:14-15).

to be of a promissory nature. In the injunction to lend to the needy, even right before the Year of Release, it states (15:10) . . . **כי בגלל הדבר הזה יברכך ה'** ("for because of this matter the Lord will bless you. . ."). However, this is not an ordinary **כי** clause, as it has an additional conjunction **בגלל** ("because of") attached to it, which may account for it opening a promissory clause. Also with regard to the festivities to be held during the Feast of Booths, the motive clause opening with **כי** is of a promissory nature (16:15): . . . **כי יברכך ה' . . . בכל תבואתך ובכל מעשי ידיך** ("for the Lord . . . will bless you in all your crops and all your undertakings"). Out of the thirty-odd instances of motive clauses adduced in this section, we have only two cases of promissory character opening with **כי**, a rather insignificant number.

2. ו / ך ('and, the result') clauses

The law of the king forbids him to acquire many horses and to take many wives. The clauses stating the reasons for these prohibitions both open with ך (17:16–17):

רק לא ירבה לו סוסים ולא ישיב את העם מצרימה . . . ולא ירבה לו נשים . . . ולא יסור לבבו . . . ("But he shall not keep many horses, thus he will not send the people back to Egypt . . . and he shall not have many wives, lest his heart go astray. . ."). The Sabbath commandment has as an additional motive clause (5:15) . . . **וזכרת כי עבד היית בארץ מצרים . . .** ("and so you shall remember that you were a slave in the land of Egypt. . .").

Cases of Special Interest

- (1) The motive clause in the law of the Hebrew slave (15: 12–18) is rather problematic. The law states (a) that the slave is to be set free in the seventh year (v. 12); and (b) that upon his release he is to be furnished with gifts (v. 14). The next verse states the motive thus: **וזכרת כי עבד היית בארץ מצרים ויפדך ה' אלהיך על כן אנכי מצוך** ("And so you shall remember that you were a slave in the land of Egypt and the Lord your God redeemed you; therefore I enjoin this commandment upon you today"). The problem is whether the motive refers to (a), or (b), or perhaps both.

Here is how the medieval commentators tackle the problem: Rashi takes it to refer to the furnishing of gifts only; Rashbam seems to agree with his grandfather. Sforno (on v. 15) suggests that both (a) and (b) are included in the motive, stating: "For not only did He deliver you from slavery, but furnished you out of the money of those who enslaved you."⁵

5. Ibn Ezra and Nahmanides are silent on the matter.

- (2) A similar case of divided opinion is the motive (or motives) given for the injunction to bury those punished by hanging (21:23): **כי קללת אללהים תלוי ולא תטמא את אדמתך** ("for he that is hanged is an affront to God and you shall not defile the land"). Driver (1895, pp. 248–249) seems to suggest that the main motive is in the second clause **ולא תטמא את אדמתך**.⁶ The new J.P.S. translation seems to suggest that the entire verse is one motive. Rashbam and Nahmanides hold, apparently, that both clauses in v. 23 are equally important motives. Finally, Rashi apparently takes only the first clause **כי קללת אללהים תלוי** as the motive.
- (3) An interesting case of motivation is afforded in the law on pledges (24:12–13). The law concerning the pledge of a poor man is based on Exod 22:25–26. But, whereas the motive in Exodus ends with a *warning* to the lender: **והיה כי יצעק אלי ושמעתי כי חנון אני** ("therefore, if he cries out to Me, I will pay heed, for I am compassionate"), the Deuteronomic law ends with a *blessing* for the lender: **ושכב . . . בשלמתו וברכך ולך תהיה צדקה . . .**⁷

Functions of the ׀ / ׁ clauses

In the majority of the cases cited, the function of the ׀ / ׁ is to introduce the goal or aim of the preceding law. In all such cases the correct translation of ׀ / ׁ is "so as," "in order (not) to," "so that," "thus you will," etc. Such are the clauses in the laws of the king; the purging of the community from evil; the resting of the slave on the Sabbath, and most others in this section. In a few cases one could possibly agree with Gemser (1953, p. 53 and note 6) that the conjunction ׀ / ׁ is a "*Wāw* explicativum or epexegeticum." Such may be the clauses in 15:15; 16:12; 24:18, 21. In this function the ׁ is similar to the **כי**—it explains or elaborates upon the reason for the law.⁸

6. Cf. Num 35:33–34 that murder defiles the land. Cf. also Ibn Ezra on v. 23, his second view "and according to plain sense . . ."

7. This probably reflects Deuteronomy's strong emphasis on the idea of reward as a motive for commandments; cf. below the section "The Idea of Reward as a Motive." Further examples of motive clauses opening with ׁ are to be found in various laws concerning the purging of the community by administering the specified punishment (as in 13:6; 17:7; 19:13; 19:19; 21:9; 21:21 and 22:21; see, however, the controversy between Ibn Ezra and Nahmanides on the matter); seduction into idolatry (13:12); Shavuot (16:12); cities of refuge (19:10); exemption from battle (20:8); the parapet (22:8); exemption from the army (24:5); justice towards hired servants (24:15); and justice towards the meek (= the stranger, the fatherless and the widow) (24:17–18). To this last instance cf. Exod 22:20–21, and Lev 19:33 giving the identical motive.

8. However, also in these few cases one can understand the clause introduced by the ׁ as the goal, aim, or result of the law!

entire book of Deuteronomy). H has the borrower's welfare in mind—Deuteronomy the lender's.¹⁴

Functions of the למען Clauses

As indicated in the second example cited above (the law of the king), this form has two distinct functions: (a) In the majority of cases (12 out of 17), למען introduces a clause of a "promissory" nature, some divine blessing resulting from observing the commandment in question; (b) in five cases, למען introduces the result at which the legislator aims by the law—a certain spiritual or psychological attitude. The distinction is in some cases a narrow one—since a change of the spiritual attitude in the desired direction can also be regarded as a blessing from God—however, it ought not to be overlooked entirely.¹⁵

4. תועבה ("abomination") Motivations

There are 12 so-called תועבה laws in Deuteronomy. These motivations belong by their form to the כי clauses, since they generally open with כי. They are, however, homogeneous in character, all having as their motivation the fact that the prohibited actions are "abhorrent to the Lord." The central word in them is תועבה.

There is, in my opinion, a basic theme (although it is highly varied) underlying the majority of the laws—the ways of the idolatrous nations, not to be imitated by the Israelites. The subjects treated in the תועבה laws are: cult of images, Canaanite cults and cultic usages (7:26, 12:31, 13:15, 17:4), child offering, all kinds of divination (18:9–12), temple prostitution (23:18–19), sacrifice with a blemish (17:1), unclean animals and birds (14:3),¹⁶ curse of the image-cult (27:15), remarrying one's divorcee (24:4), the use of double weights and measures (25:13–16), extermination of the Canaanite peoples (20:18), and the wearing of men's clothes by women and vice versa (22:5).

14. Cf. likewise the differences in motivation between Deuteronomy and H in the law on gleanings (Deut 24:19–22 and Lev 19:9–10, 23:22) and the law on weights and measures (Deut 25:13–16 and Lev 19:35–36). Additional instances of למען clauses in Deuteronomy one finds in laws concerning the following: blood prohibition (12:25); doom of the idolatrous city (13:18); tithes (14:23); tithes in the *third* year (14:29); *massot* (16:3); judges (16:20); freeing of the mother bird (22:7); and public reading of the Torah (31:9–13).

15. Gemser (1953, p. 54) misses the distinction altogether and treats the למען form as though it had only one function, namely, "promissory."

16. Nahmanides on 14:3 points out that this verse is the motive for the prohibition of unclean birds and animals.

Cases of Special Interest

- (1) In the law against divinations (18:9–12) it would appear that the motive begun in verse 12 ('**כי תועבת ה'**) is carried over and elaborated upon in verses 14–15, which are the opening verses of a new law, that of the prophet. Verses 14–15 are therefore an additional motive clause, explaining why Israel is not to practice the forms of divination mentioned in vv. 10–11: apart from these practices being “abhorrent to the Lord,” they are superfluous since Israel is to have prophets.
- (2) One of the above cases appears in the Dodecalogue of Curses (27:15), i.e., the first curse prohibiting the image-cult with the motive '**תועבת ה'**. But it cannot for that reason be argued that it ought not to have been included, since a curse is only a stronger form of prohibition.
- (3) The motive for the extermination of the Canaanite peoples is somewhat different in form, as it begins with the conjunction **למען**. However, it is nonetheless a **תועבה** motivation in its continuation (20:18): **למען אשר לא ילמדו אתכם לעשות ככל תועבותם אשר עשו לאלהיהם . . .** (“so that they should not teach you to do all the abhorrent things that they have done for their gods. . .”).

5. **פן** (“lest”) Clauses

The opposite of the promissory **למען** clauses are those beginning with the conjunction **פן**, which are of a dehortative nature. I found five cases of such disuasive motivation in Deuteronomy:¹⁷ the cities of refuge are instituted (19:6) . . . **פן ירדף גואל הדם אחרי הרוצח** (“lest the blood-avenger pursue the manslayer. . .”); the four exemptions from military service are three times motivated by a clause with the conjunction **פן** (20:5–7): **פן ימות במלחמה** (“lest he die in battle”) and the fourth time with **ולא** (verse 8).¹⁸

Function of the פן Clause

פן introduces a motive clause of a dehortative character, designed to dissuade one from some action “lest” an undesired result should follow. Only in the injunction to institute cities of refuge does the legislator have in mind a positive act (setting aside of cities of refuge). But also here the result of failing

17. The **פן** clause in 6:15 is a case of “motive speech” and cannot be considered.

18. The other three laws in which **פן** opens the motive clause involve: forty stripes (25:3); sowing a vineyard with two kinds (22:9); burning the graven images of the Canaanites; and taking the gold and silver on them (7:25).

to comply with this demand would be undesired, namely the spilling of innocent blood.

6. על כן ("therefore") Clauses

In a few cases the motivation is taken up again and strengthened by the composite conjunction על כן. These are not, properly speaking, motivations in their own right, but rather give the opportunity to reiterate the law on the strength of the just stated motive.

Four cases of such clauses come to mind in Deuteronomy:

- (1) The second motivation in the Sabbath-commandment reads (5:15) **וזכרת כי עבד היית בארץ מצרים ויציאך ה' אלהיך משם . . . על כן** ("You shall remember that you were a slave in the land of Egypt and the Lord your God freed you from there . . . therefore the Lord your God has commanded you to observe the Sabbath day").
- (2) One is to assist the poor by lending him money, even though it be close to the Year of Release (15:11): **כי לא יחדל אביון מקרב הארץ . . . על כן אנכי מצוך לאמר פתח תפתח את ידך לאחיך** ("for there will never cease to be needy ones in the land, therefore I command you: open your hand to your brother. . .").¹⁹
- (3) The law of the Hebrew slave terminates in the motive (15:15) **וזכרת כי עבד היית בארץ מצרים ויפדך ה' אלהיך על כן אני מצוך את הדבר הזה היום** ("You shall remember that you were a slave in the land of Egypt and the Lord your God redeemed you, therefore I command you this thing today"). The problem of what provision in the law this clause refers to was discussed in the ו / ך clauses.
- (4) Also the motivation in the paragraph on the cities of refuge is strengthened by **על כן** (19:6-7): **פן ירדף גאל הדם אחרי הרצח . . . על כן אנכי מצוך לאמר שלש ערים תבדיל לך** ("lest the avenger of blood pursue the manslayer . . . therefore I command you, saying: You shall separate three cities").

7. על דבר אשר ("because") Clauses

Twice the composite conjunction על דבר אשר introduces the motive clause:

- (1) (22:24): When a man lies with a betrothed virgin in a city, both of them shall be stoned to death, **על דבר אשר לא צעקה בעיר** ("because she did not cry for help in the town"), and the

19. We find similar strengthening by על כן in the law of the Hebrew slave (15:15) and in the paragraph on the cities of refuge (19:6-7).

man על דבר אשר ענה את אשת רעהו (“because he violated his neighbor’s wife”).

- (2) The Ammonites and Moabites are forbidden to enter the Lord’s assembly (23:3–4) על דבר אשר לא קדמו אתכם בלחם ובמים (“because they did not meet you with food and water”).

These are the only two cases of such clauses in Old Testament law. Their function is explanatory, justifying the penalty provided for by the law.

8. תחת אשר (“since, because”) Clauses

Twice the composite conjunction תחת אשר introduces the motive clause:

- (1) (21:14): When one no longer desires the captive woman, one must release her outright and not enslave her;²⁰ one is forbidden to sell her for money: תחת אשר ענייתה (“since you had your will of her”).
- (2) (22:28–29): If a man seizes an unbetrothed girl and lies with her and they are discovered, he is to pay her father fifty shekels of silver, marry the girl and never divorce her תחת אשר ענה (“because he has violated her”).

9. אשר (“for, because”) Clauses

Twice the conjunction אשר alone introduces the motive clause:

- (1) (16:21–22): One is not to erect an אשרה of any tree beside God’s altar, or set up a stone pillar ה' אלהיך אשר שנא ה' (“for such the Lord your God detests”).²¹
- (2) The second reason for the exclusion of the Ammonites and Moabites from the assembly of the Lord is (23:5) ואשר שכר עליך את בלעם ואלהיך אשר שנא ה' (“and because they hired Balaam son of Beor . . . to curse you”).

The function of אשר is to introduce an explanatory motive clause and must be rendered “because, for.” אשר has the meaning of “because” elsewhere in the Bible,²² and also the shortened form שׁ in rabbinic literature has the meaning “because.”

10. Double Motivations

In a number of cases double motivations occur, the two motives being introduced either by the same conjunction or by two different ones.

20. For the meaning of תתעמר see Driver (1895, p. 245, note 14) and the new J.P.S. translation.

21. The motive אשר שנא refers to both the אשרה and the stone pillar.

22. Cf. Gen 30:18; 31:49; 34:13, 27; Josh 22:31; 1 Kgs 3:19; 15:5; Eccl 8:12.

- (1) (7:25): One is not to take the silver and gold on the graven images of the Canaanites firstly פִּן תּוֹקֵשׁ בוֹ (“lest you be snared by it”),²³ and secondly כִּי תוֹעֵבֶת ה' אֱלֹהֶיךָ הוּא (“for it is abhorrent to the Lord your God”).
- (2) The two grounds for assisting the needy by lending money are (15:10–11): (a) . . . כִּי בְגַלְלֵהְךָ ה' אֱלֹהֶיךָ (“for on account of this the Lord your God will bless you. . .”); (b) כִּי לֹא יִחַדֵּל . . . אֲבִיוֹן מִקְרַב הָאָרֶץ (“for there will never cease to be needy ones in your land . . .”), and then comes the strengthening (c) עַל כֵּן אֲנִי . . . מְצַוֶּה לְאָמֹר פֶּתַח תִּפְתַּח אֶת יָדְךָ (“therefore I command you: open your hand . . .”).²⁴

11. Prefatory and Asyndetic Motivations

By “prefatory motivations” I mean motives which come before the law itself is stated, so to speak, “prefacing” it. “Asyndetic” means “not connected by conjunctions.” All the examples of “prefatory motives” are also asyndetic, but not vice versa. It is in these cases that it is not easy to show the “grammatical” subordination, as will be seen from the examples that follow.

- (1) The prohibition of gashing oneself and of shaving the front of one’s head because of the dead is motivated by the preceding clause (14:1) בְּנֵי אֱתֶם ה' אֱלֹהֵיכֶם (“You are children of the Lord your God”). In the next verse the ground for the prohibition is elaborated upon thus: כִּי עַם קְדוֹשׁ אַתָּה לֵה' אֱלֹהֶיךָ וּבַחַר ה' לֵהֲיִית לּוֹ לְעַם סְגוּלָה מִכָּל הָעַמִּים אֲשֶׁר עַל פְּנֵי הָאֲדָמָה (“For you are a people consecrated to the Lord your God—the Lord chose you from among all peoples on earth to be His treasured people”). The medieval commentators are agreed that בְּנֵי אֱתֶם ה' אֱלֹהֵיכֶם is the principal motive.²⁵ Also Driver (pp. 155–157) takes this as one of the motives.
- (2) The pericope on unclean birds and animals is prefaced by the motive (14:3): לֹא תֹאכַל כָּל תּוֹעֵבָה (“You shall not eat anything abhorrent”). Both Ramban and Driver understood this as the motive.

23. For the meaning of the phrase see Driver (1895, p. 105) and Sforno, who represent different viewpoints.

24. Additional cases of double motivation are in laws concerning: destroying fruit trees during a siege (20:19); remarrying one’s divorcee after she married another man (24:4); and just weights (25:15–16).

25. Rashi states: . . . לְפִי שֶׁאַתֶּם בְּנֵי שֵׁל מְקוֹם וְאַתֶּם רְאוּיִין לֵהֲיִית נְאִים וְלֹא גְדוּדִים (“Because you are God’s children and it behooves you to be handsome and not gashed . . .”). Ibn Ezra writes: וְטַעַם בְּנֵים אַחַר שֶׁאַתֶּם בְּנֵים לֵה' לְכֵן אַל תִּתְגַּדְּדוּ (“And the meaning of [reason for] ‘children’: since you are God’s children *therefore* do not gash yourselves . . .”). Ramban is vague, but also takes this as at least one of the motives, while Rashbam is silent on the matter.

- (3) The command to blot out the memory of Amalek from under heaven (25:19) is prefaced by a lengthy motive taking up two verses (vv. 17–18): **זכור את אשר עשה לך עמלק בדרך בצאתכם ממצרים: אשר קרר . . . בדרך ויזנב בך כל הנחשלים אחריו ואתה עיף ויגע . . .** (“Remember what Amalek did to you on your journey after you left Egypt—he surprised you on the march and cut down all the stragglers in your rear, while you were famished and weary . . .”).²⁶ The motive refers to the incident related in Exod 17:8–16. There Moses pronounces judgment on Amalek (v. 16): **מלחמה לה' בעמלק מדר דר** (“the Lord will be at war with Amalek throughout the generations”), which is explained in Deuteronomy to mean that His chosen people are to be instrumental in God’s war with Amalek.
- (4) In treating leprosy the Israelites are to attend carefully to the directions of the Levitical priests, *for* (24: 8–9) **זכור את אשר עשה ה' אלהיך למרים בדרך בצאתכם ממצרים** (“You should remember what the Lord your God did to Miriam on the journey after you left Egypt”). Rashbam is right in viewing this as the motive for the preceding injunction, stating: **שהרי תזכור את אשר עשה ה' למרים** (“for surely you will remember what God did to Miriam”)—adding the conjunction **שהרי** to the otherwise asyndetic motive.²⁷ In the last case the motive is asyndetically introduced, but it is not prefatory.

II. Classification of Motives by their Common Contents

Having discussed the forms and functions of the motive clauses in detail, it remains to classify them more generally according to their common contents. Can the motive clauses in the laws of Deuteronomy be arranged into *groups* of motives, each of which would be distinguished by a common idea or content running through them? In answer to this question two approaches will be outlined.

Gemser (1953, pp. 56–60) makes a valuable distinction between four basic types of motives:

- (1) Motive clauses of a simply “explanatory” character, e.g., in the law dealing with the rape of a betrothed virgin. Both the man and the woman are to be stoned to death (22:24), the girl **לא דבר אשר לא בעיר** (“because she did not cry for help in the town”), and the

26. Cf. Ibn Ezra on v. 18 and the new J.P.S. translation.

27. Ramban, however, takes v. 9 (זכור etc.) as a separate precept: **ולפי דעתי שהיא מצות עשה . . . אוהרה מלדבר לשון הרע** (“In my opinion it is a positive commandment . . . it is a warning not to slander”). He rejects Rashi who, apparently, also took it as a motive.

- man על דבר אשר ענה את אשת רעהו ("because he violated his neighbor's wife").
- (2) Clauses in which the "ethical" contents are clearly discernible, e.g., the reason given for the Sabbath commandments (5:14): למען ינוח למוך ואמתך כמוך ("so that your male and female slave may rest as you do").
 - (3) Motives of a "religious" kind. Such are all the תועבה laws in Deuteronomy, e.g., the law against wearing men's clothes by women and vice versa (22:5): כי תועבת ה' כל עשה אלה ("for whoever does these things is abhorrent to the Lord your God").
 - (4) Finally, clauses of "religious-historical" contents, which urge the fulfilling of the commandment by reference to and on the ground of God's holy acts in history ("Heilstaten"), such as the deliverance from Egypt and the granting of the land of Canaan as a heritage. An example of these is the second motivation of the Sabbath commandment in Deut 5:15: וזכרת כי עבד היית בארץ מצרים ויפדה ה' אלהיך משם . . . ("And so you shall remember that you were a slave in the land of Egypt and the Lord redeemed you from there . . ."). In the next commandment (5:16), to honor one's father and mother, the second "Heilstat," the giving of the land, is referred to.

However, a number of Gemser's examples are ill-chosen, because he confuses explanatory clauses with ethical ones.²⁸ Moreover, valuable as Gemser's distinctions are, they are too broadly conceived.

In order to bring out more clearly the nature of Deuteronomic law as reflected in its motive clauses, we shall classify them somewhat differently, into the following types (sufficiently, but not too broad in character):

1. Humanistic motives.
2. Motives which emphasize Israel's election and holiness as a people.
3. Clauses whose motives consist of a promise of Divine reward.
4. Motive clauses of a didactic nature.

Some of the more striking examples in each of the four groups follow.

1. Humanistic Motives

Weinfeld (1961, p. 241, footnote) gives a convenient classification of Humanist Laws peculiar to Deuteronomy, not all of which have motives attached to them. Of those which have, the following may be mentioned:

- (1) *Laws emphasizing the value and dignity of human life*, such as those concerning roof battlements (22:8): ולא תשים דמים בביתך כי יפל

28. E.g., the motives in 19:6,10; 22:24-26; 24:6; 25:6 (to mention only a few), which bear unmistakably ethical and humanistic stamps, are used as examples of "explanatory clauses."

הנפל ממנו ("so that you do not bring bloodguilt on your house if anyone should fall from it"); excessive whipping of one punished (25:3): ונקלה אחיך לעיניך . . . פן יוסיף להכותו ("lest being flogged further . . . your brother be degraded in your eyes"); and selling the captive woman (21:14): ומכור לא תמכרנה בכסף לא תתעמר בה תחת ("you must not sell her for money; you must not enslave her, since you had your will of her").²⁹

- (2) *Laws dealing with interpersonal relations*, such as those concerning assisting the poor (15:10–11): . . . לא יחדל אביון מקרב הארץ ("For there will never cease to be needy ones in your land . . ."); furnishing the slave with gifts upon his release (15:15): וזכרת כי עבד ("Remember that you were slaves in the land of Egypt"); and discrimination against the hated wife's first-born son (21:17): . . . כי הוא ראשית אונו ("for he is the first fruit of his vigor . . .").

In this connection it is illuminating to contrast the humanistic motivation in Deuteronomy of the Sabbath commandment (5:14) למען ינוח עבדך ואמתך ("so that your male servant and female servant may rest as you do") with the motive in Exod 20:11, which is religious-theological in character. Weinfeld argues that the humanistic tendency, exhibited in the above examples (and many others), marks the influence of Wisdom Literature on Deuteronomy. However, it may just as easily be the result of prophetic teaching.

2. *Israel's Election by God and Their Holiness as Motives*

Israel is described as being chosen by God from among all other peoples on earth to be His treasured people. Hence they are also a holy people עם סגולה + עם קדוש; cf. 7:6 = 14:2. The fact of their election obliges Israelites to conduct themselves with holiness and nobility ("noblesse oblige"). On these grounds, customs and behavior which are repulsive to the refined soul are forbidden to Israel. In this class of acts belong all the so-called תועבה laws discussed above. Since these deeds are "abhorrent to the Lord," they are not to be practiced by His chosen, holy people. This is how these תועבה motivations ought to be understood.³⁰

It is significant that precisely such repugnant customs as gashing oneself, shaving the front of one's head and the eating of unclean birds and animals are

29. According to Rashbam and Sforino we have a humanistic motive in the prohibition to leave an executed person hanging overnight (21:23): . . . כי קללה אלהים תלוי ("for a hanged body is an affront to God . . ."). However, "plain sense" would seem to demand that this is a religious motive.

30. See Sforino on 14:1, 2, 21 who states the case admirably.

forbidden on the grounds of Israel's election and holiness and their being "abhorrent" acts, respectively (14:1–21).

3. *The Idea of Reward as a Motive*

In this category fall all of Gemser's "historico-religious" motive clauses, since the deliverance from Egypt and the granting of Canaan are also viewed in the light of reward to the forefathers and their children.³¹ But if this category is even broader and includes many more motivated laws than Gemser's, it is at the same time also the more revealing of Deuteronomy's aim.

According to Weinfeld (1960, pp. 8–15, 104–105) the entire idea of reward in all its aspects, promulgated by Deuteronomy, finds its parallels and its origin in Wisdom Literature, both general and Israelite. However, as remarked above in reference to the humanistic motives, Deuteronomy's doctrine of reward cannot be restricted to Wisdom Literature. No theology postulating an ethical God could operate without the notion of reward and punishment. Such a doctrine is equally central to prophetic teaching, and in some passages, as in Isa 3:10–11, is applied even to the individual.

As reward for observing the commandments Deuteronomy offers many inviting things:

- (1) "The good life," which here is to be taken in a very broad sense to include well-being, longevity, and happiness. All these are motives in specific laws, such as those concerning honoring one's parents (5:16); blood prohibition (12:25,28); justice in court (16:20); the king (17:20); willful murder (19:13); freeing the mother-bird (22:7); and just weights and measures (25:15).³²
- (2) As a reward for assisting the poor, which entails relinquishing part of one's property, Deuteronomy promises that the Lord will bless all the enterprises one undertakes. Examples may be found in the laws concerning tithes (14:28–29); usury (23:20–21); freeing the Hebrew slave (15:18); and gleanings for the poor (24:19).
- (3) The motive of inheritance of the land is dominant throughout Deuteronomy. In this respect Deuteronomy differs from Wisdom Literature. Whereas in Wisdom Literature this implies continued *individual* residence on ancestral land undisturbed,³³ in Deuteronomy it is a matter of *national* inheritance of the promised land. This is in line

31. Cf., for example, 4:37–38; 7:8–9; 8:17–18; 11:9,21.

32. For the emphasis of "happiness" in particular cf. 12:19; 16:15; 26:11. The good life is also the prime motive in the general exhortations and preaching to keep the commandments, those we labelled "motive speech"; cf. 4:40; 5:30; 6:3,18.

33. Cf., for example, Ps 37:29; Prov 2:21–22; 10:31; Job 15:19.

with Deuteronomy's introduction of the concept of a "holy people," and its national aim.³⁴ The severest punishment is therefore the loss of the "motherland" (4:26–27; 11:17).

4. Didactic Motives

The basic aim of Deuteronomy is to educate the chosen people and show them the way of life; how to walk in His paths and serve Him with all their hearts and souls. These are the ultimate motives for *all* the precepts, the entire Torah, and this is all for their own good (10:12–13; 11:27–28; 28:1–14; 30:15–20).

However, in order to remain in God's favor one is not to provoke His judgment and punishment by deeds that are hateful to Him. Kaufmann (1960, vol. 1, p. 53) points out that, among the books of the Torah, only Deuteronomy embodies the idea that punishment also serves an educational purpose.³⁵

This is marked by the recurrent phrase *ישמעו ויראו* ("they will hear and be afraid"), which justifies the punishment in the following cases:

- (1) Enticer into idolatry (13:12)—*וּכְלֵי יִשְׂרָאֵל יִשְׁמְעוּ וַיִּרְאוּ וְלֹא יוֹסִיפוּ—לַעֲשׂוֹת כַּדְּבַר הַרַע הַזֶּה בְּקִרְבְּךָ* ("thus all Israel will hear and be afraid, and will not continue doing such evil things in your midst").
- (2) One who disregards the decision of the supreme court (17:13)—*וְכָל הָעָם יִשְׁמְעוּ וַיִּרְאוּ וְלֹא יִזְדוֹן עוֹד* ("All the people will hear and be afraid and will not act presumptuously again").
- (3) False witness (19:20)—*וְהַנְּשָׂאִים יִשְׁמְעוּ וַיִּרְאוּ* ("... the others will hear and be afraid . . .").
- (4) The incorrigible son (21:21)—*וְכָל יִשְׂרָאֵל יִשְׁמְעוּ וַיִּרְאוּ* ("... all Israel will hear and be afraid").

Further instances of didactic motivations are: one is prohibited from intermarrying (7:4): *כִּי יִסִּיר אֶת בְּנֶךְ מֵאֲחֵרֵי וְעַבְדוּ אֱלֹהִים אֲחֵרִים*. . . ("for he will turn your son away from Me and they will worship other gods . . ."); the king is instructed to have a copy of this Torah written for him and study it daily (17:18–19): *לְמַעַן יִלְמַד לִירְאָה אֶת ה' אֱלֹהָיו לְשֹׁמֵר אֶת כָּל דְּבַרֵי הַתּוֹרָה* ("... so that he may learn to revere the Lord his God, to observe every word of this Torah"); Israel is commanded to exterminate the Canaanite peoples (20:18): *לְמַעַן אֲשֶׁר לֹא יִלְמְדוּ אֶתְכֶם לַעֲשׂוֹת כְּכָל תּוֹעֵבוֹתֵי אֲשֶׁר עָשׂוּ לְאַלְהֵיהֶם*. . . ("so that they should not teach you to do all the abhorrent things that they have done for their gods . . .").

34. Cf. especially 5:29–30; 11:21.

35. Elsewhere in the Bible this idea is expressed in Ps 94:12 and Prov 3:11–12, and is basic to the Elihu speeches in Job 32–37.

Furthermore, the idea of reward, discussed in the previous section, is basically an educational one. Therefore, each motive clause which promises a reward for fulfilling the commandment is at once a didactic motive.

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