

legal life of the nation. A hereditary priesthood is established that will do for Israel roughly what Washington bureaucrats, the Centers for Disease Control, and Oprah Winfrey do for Americans. They are not, however, Israel's only functionaries. Prophets play a pivotal role at most of the critical junctures of the nation's history. The office of prophet is not constituted by an enabling act of Torah—various instances of prophecy precede the existence of the nation—but the text does address the issue of how to distinguish between a true prophet and an imposter. Because the former possesses an imposing authority that the nation disregards at its great peril, while false prophets corrupt the people and lead them into sin, the concern is of no little urgency for Israel.

Duties attaching to the office of the king are specified even though it will be many generations before one is appointed. And so on. This is clearly a document intent on establishing an authoritative institutional structure for the polity, not simply on preaching ritual and ethics.

The origin of the tradition is the Babylonian Talmud (Makkot 23b), where it is disputed. From this emerges an extensive literature to which Maimonides is perhaps the most definitive contributor. I owe this observation to Noah Greenfield.

Subsequent narratives of scripture indicate that Israel's success in employing the criteria is decidedly mixed.

Modern biblical scholarship explains this remarkable foresight by suggesting that Deuteronomy reads back into the time in the desert various practices and problems that emerge much later in the history of the nation.

I concede that this conceptual distinction is anachronistic, but I use it to underscore the avowedly political aspirations of the Hebrew scriptures.

C. Stringency of covenant. That many precepts of Israel's covenant are of utmost urgency is not controversial. "Thou shalt not kill" is one example. Its urgency, however, does not arise from being a provision of the covenant; just the reverse. Prohibition of murder is a conclusion of natural human reason that is brought to positive law rather than originating from it. A rule that pork not be eaten is different. It carries no intrinsic normative weight. If there is reason to eschew pork, it is because pork happens to be prohibited. That reason will be weighty if the way in which the prohibition takes place generates obligations that are stringent. Israel's understanding of covenant is that all of its permissions, prohibitions, and requirements are highly significant. Violations of some commandments carry heavier penalties than do violations of others, but the mere fact of being a provision of the covenant guarantees a strong incentive to comply. That is so for several reasons.

First, when the other party to the covenant happens to be Master of the Universe, heeding his injunctions presents itself as a very good policy to someone who wishes to stay out of trouble. Torah's narratives display many instances of transgressors against Yahweh meeting a dreadful fate. Fear is not, however, the essence of the driving force of the covenant; almost any two-bit earthly sovereign can unleash a lot of pain on those who displease. A second reason why the precepts of the covenant are authoritative is that they are prescribed under optimal epistemic conditions. No requirement is the product of ignorance, prejudice, lack of imagination, or miscalculation. Those who live under the rules need harbor no concern that they are being led into a cul-de-sac by a