

responsibility seems to change what was established in Deut 17:8 where the judge and the high priest render judgments in all difficult cases. We suggest this is within the spirit of the law if not within the letter of the law.

There is one passage which seems to endorse a legalistic interpretation of law. In Ezra 10:3, Shecaniah in a spirit of repentance confesses that many have married foreign women (see also Ezra 9:2 and 14). He then suggests making a covenant "to put away all the wives and their children;... and let it be done according to the *tôrâ*." Ezra, with both priestly and civil authority agrees and calls on those in such situation to "separate yourselves from the peoples of the land and from the foreign wives" (v11, cf. v19 where "they pledged to put away their wives.") Their repentance and confession is salutary. However, one finds it hard to believe that this was the "law" as found in Deut 7:2, 3 or Exod 34:16. There, the concern is that they not enter into marriage with the Canaanites because their debased religious practices would lead the Israelites into idolatry. Such was the case with Solomon, Ahab and Jehoram. But nothing is said of divorcing them where a marriage relation has already been established. Malachi comes closer to the truth when he proclaims the Lord's word, "I hate divorce" (Mal 2:16, cf. 1 Cor 7:12). Whether Malachi was addressing the same problem or a different one we do not know. In either case, nothing in Exod 34 or Deut 7 encourages the breaking of an established family relationship. Contrariwise, the *tôrâ* calls all people to repentance, to acknowledge God and to enter into covenant relation with the Lord. We wonder if Ezra's legalistic interpretation was the precursor of later Pharisaic legalism.

We turn briefly to the covenant lawsuit. In Deut 32:46,47, Moses warns the people of Israel: "Take to heart all the words with which I am warning you today, . . . even all the words of this *tôrâ*. for it is not an idle word for you." The words of warning just given are the song of Moses in 32:1-43.⁴⁸ It is generally agreed that this is an expanded version of the *rib*-pattern, i.e., the covenant lawsuit form.⁴⁹ The structure of the *rib* is similar to the treaty or covenant pattern, but with some slight changes, which include the invocation of witnesses, a record of rebellion, and a most unique element in the biblical lawsuits, blessings through redemptive judgment.⁵⁰ It should be noted that Ps 50, Hos 4, Mic 6, Isa 1 and Jer 2 contain longer or shorter versions of the covenant lawsuit. What is significant for our purposes, is that the charge brought against Israel is rebellion against Yahweh, the Lord of the Covenant, for example: "They have acted corruptly, . . . they are not his children" (32:5), "Then he forsook God who made him, and scorned the Rock of his salvation" (32:15), "And forgot the God who gave you birth" (32:18). The most specific charge is with respect to idolatry: "They made Him jealous with strange gods, with abominations... They sacrificed to demons who were not God." (32: 16,17). In short, the reason God will initiate a lawsuit against Israel is because they will have broken the covenant relationship, not because they will have broken a particular ceremonial regulation or civil legislation. When one studies the lawsuits in the prophetic literature one finds the same concern: the covenant bond has been broken. This leads then to our next point.