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DEUTERONOMY 26:16-19 AS THE CENTRAL FOCUS  
OF THE COVENANTAL FRAMEWORK  
OF DEUTERONOMY

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by  
Steven Ward Guest

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**APPROVAL SHEET**

DEUTERONOMY 26:16-19 AS THE CENTRAL FOCUS  
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## LIST OF ABBREVIATIONS

AB	Anchor Bible
<i>ABD</i>	D. N. Freedman, ed., <i>The Anchor Bible Dictionary</i>
ANE	Ancient Near East
<i>ANET</i>	J. B. Pritchard, ed., <i>Ancient Near Eastern Texts Relating to the Old Testament</i> , 3 <sup>rd</sup> ed. with supplement
AO	Archiv für Orientforschung
AOAT	Alter Orient und Altes Testament
AOTC	Apollos Old Testament Commentary
ARM	Archives royales de Mari
ASORMS	American Schools of Oriental Research Monograph Series
<i>BA</i>	<i>The Biblical Archaeologist</i>
<i>BAR</i>	<i>Biblical Archaeology Review</i>
<i>BASOR</i>	<i>Bulletin of the American Schools of Oriental Research</i>
<i>BH</i>	<i>Buried History</i>
<i>BI</i>	<i>Biblical Interpretation</i>
<i>BN</i>	<i>Biblische Notizen</i>
<i>BRev</i>	<i>Bible Review</i>
BibSem	The Biblical Seminar
BSL	Biblical Studies Library
<i>BT</i>	<i>The Bible Translator</i>
<i>BTB</i>	<i>Biblical Theology Bulletin</i>

BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CAD	<i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i> , Chicago, 1956-
CBQ	<i>Catholic Biblical Quarterly</i>
COS	William W. Hallo, ed., <i>Context of Scripture: Monumental Inscriptions from the Biblical World</i> . 3 vols.
CM	Cuneiform Monographs
CRF	Covenant relationship formula
DCH	D. J. A. Clines, ed., <i>The Dictionary of Classical Hebrew</i>
Did	<i>Didaskalia</i>
DKHG	William Chomsky, trans., <i>David Kimhi's Hebrew Grammar (Mikhlol)</i>
EI	<i>Eretz Israel</i>
GKC	E. Kautzsch, <i>Gesenius' Hebrew Grammar</i> , ed. A. E. Cowley
GTS	Gettysburg Theological Studies
GVG	C. Brockelmann, 1908, 1913. <i>Grundriss der vergleichenden Grammatik der semitischen Sprachen</i> . 2 vol.
HL	Hittite Laws
HS	<i>Hebrew Studies</i>
HSS	Harvard Semitic Studies
HUCA	<i>Hebrew Union College Annual</i>
IBHS	B. K. Waltke and M. O'Connor, <i>An Introduction to Biblical Hebrew Syntax</i>
ICC	International Critical Commentary
IDB	<i>Interpreter's Dictionary of the Bible</i>
IEJ	<i>Israel Exploration Journal</i>
Int	<i>Interpretation</i>
JAAR	<i>Journal of the American Academy of Religion</i>

<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JATS</i>	<i>Journal of the Adventist Theological Society</i>
JB	Jerusalem Bible
<i>JBL</i>	<i>Journal of Biblical Literature</i>
JBS	Jerusalem Biblical Studies
<i>JCS</i>	<i>Journal of Cuneiform Studies</i>
<i>JETS</i>	<i>Journal of the Evangelical Theological Society</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>JLA</i>	<i>The Jewish Law Annual</i>
Joüon	P. A. Joüon, <i>Grammar of Biblical Hebrew</i> , trans. and rev. by T. Muraoka
<i>JQR</i>	<i>Jewish Quarterly Review</i>
<i>JNES</i>	<i>Journal of Near Eastern Studies</i>
JPSTC	The JPS Torah Commentary
<i>JR</i>	<i>Journal of Religion</i>
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
<i>JSS</i>	<i>Journal of Semitic Studies</i>
<i>JTS</i>	<i>Journal of Theological Studies</i>
KB	Ludwig Koehler and Walter Baumgartner, eds., <i>Lexicon in Veteris Testamenti Libros</i>
<i>KTU</i>	M. Dietrich, O. Loretz, and J. Samartin, eds., <i>Keilalphabetische Texte aus Ugarit einschliesslich der keilalphabetischen Texte außerhalb Ugarits</i>
<i>KTU</i> <sup>2</sup>	M. Dietrich, O. Loretz, and J. Samartin, eds., <i>The Cuneiform Alphabetic Texts from Ugarit, Ras Ibn Hani and Other Places</i> , ( <i>KTU</i> : 2 <sup>nd</sup> enlarged ed.)
Lane	Edward Lane, ed., <i>An Arabic-English Lexicon</i> . 2 vols. 1863.
LH	Laws of Hammurabi

LNB	Neo-Babylonian Laws
LU	Laws of Ur-Namma
LXX	Septuagint
MSME	Michigan Series on the Middle East
NAC	New American Commentary
NIBC	New International Bible Commentary
<i>NIDOTTE</i>	Willem VanGemeren, ed., <i>New International Dictionary of Old Testament Theology and Exegesis</i>
NICOT	New International Commentary on the Old Testament
OB	Old Bronze
OBO	Orbis Biblicus et Orientalis
OBT	Overtures to Biblical Theology
OTL	The Old Testament Library
OTM	Old Testament Message
<i>OTS</i>	<i>Oudtestamentische Studiën</i>
<i>OTT</i>	Gerhard von Rad, <i>Old Testament Theology</i> . 2 volumes. Translated by D. M. G. Stalker. New York: Harper & Row; Edinburgh: Oliver & Boyd, 1962, 1965.
<i>PRU</i>	<i>Le Palais Royal d'Ugarit</i> , ed. C. F. A. Schaeffer and J. Nougayrol
<i>PWCJS 5</i>	<i>Proceedings of the Fifth World Congress of Jewish Studies</i>
<i>RA</i>	<i>Revue d'Assyriologie et d'Archéologie orientale</i>
<i>RB</i>	<i>Revue Biblique</i>
<i>ResQ</i>	<i>Restoration Quarterly</i>
<i>RevExp</i>	<i>Review and Expositor</i>
<i>RHA</i>	<i>Revue hittite et asianique</i>
RS	Ras Shamra, ancient Ugarit

<i>RTR</i>	<i>The Reformed Theological Review</i>
SAA	State Archives of Assyria
<i>SBJT</i>	<i>The Southern Baptist Journal of Theology</i>
SBLDS	Society of Biblical Literature Dissertation Series
SBLMS	Society of Biblical Literature Monograph Series
SBLWAW	Society of Biblical Literature Writings from the Ancient World
SBTS	Sources for Biblical and Theological Study
SLEx	Sumerian Laws Exercise Tablet
SLHF	Sumerian Laws Handbook of Forms
TOTC	Tyndale Old Testament Commentaries
<i>TynBul</i>	<i>Tyndale Bulletin</i>
<i>UF</i>	<i>Ugarit-Forschungen</i>
<i>VT</i>	<i>Vetus Testamentum</i>
VTE	Vassal Treaties of Esarhaddon
VTSup	Supplements to Vetus Testamentum
WBC	Word Biblical Commentary
YJS	Yale Judaica Series
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

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## PREFACE

“Every journey begins with the first step.” The cliché is familiar, but I wonder if Moses had occasion to use it with anyone. Certainly Moses knew that the journey on which he embarked, leading the Israelites from slavery in Egypt to the Promised Land via Mount Sinai, would be neither easy nor short.

I, too, began a long journey more than six years ago with a first step; I am glad to report that my journey to this destination did not take forty years! However, it does seem that many of these days have been spent retracing steps in a trackless wasteland. Most of these days I have been in the company of Moses. I must confess that I have been guilty of a little grumbling along the way. No sooner had I begun the journey in the summer of 2003 and doubts overcame my faith. At that time Moses spoke clearly to me:

Be careful to follow every command I am giving you today, so that you may live and increase and may enter and possess the land that the Lord promised on oath to your forefathers. Remember how the Lord your God led you all the way in the desert these forty years, to humble you and to test you in order to know what was in your heart, whether or not you would keep his commands. He humbled you, causing you to hunger and then feeding you with manna, which neither you nor your fathers had known, to teach you that man does not live on bread alone but on every word that comes from the mouth of the Lord. Your clothes did not wear out and your feet did not swell during these forty years. Know then in your heart that as a man disciplines his son, so the Lord your God disciplines you. Observe the commands of the Lord your God, walking in his ways and revering him. For the Lord your God is bringing you into a good land (Deuteronomy 8:1-7a NIV).

Now, I find myself standing on my own “Plains of Moab,” ready to cross over to bigger and better things. As I reflect on this part of the journey, I must testify to the Lord’s mighty deeds. He has humbled me and tested me, and he has shown me his glory. I have hungered, yet I have not been in want. At this time, he has reminded me of his faithfulness to me and has issued a call for me to renew my commitment to him, to his ways, to his commandments, and to his voice.

I am well aware that I have not come thus far on my own. The Lord, as he often does, has determined that I travel in the congregation of his people. I wish that I could acknowledge all of those who encouraged me along this journey. First, I must thank Dr. Daniel Block, who invited me to take the first step of this journey. He, like Moses, called me to follow the Lord and shepherded me through the initial stages of this wilderness sojourn. He introduced me to the rigors of the discipline required for the journey and taught me to hear **דברי־יהוה**. Once I accepted his invitation to pursue these studies, the friends of the Evangelical Community Church of Abu Dhabi and the Southfield Community Church affirmed my decision in a very real way by providing the major portion of the funding to pay for my studies. Although leaving the dear family of God in Abu Dhabi was one of the most difficult aspects of this decision, God led us to another dear family to cheer us on and support us through the various twists and turns and obstacles encountered in this phase of the journey. I praise God for his provision through his people in the LaGrange Baptist Church (specifically the Robin Lawson Sunday School class, Sharon Richardson, and Pastor Tony Rose). Like Aaron and Hur, they held up my arms during the battle by sustaining our family through this time. Another, more loosely defined community of people that helped me on this journey is the one I found in my course of studies at Southern, particularly the friends in the library, who patiently listened as I thought out loud and who gently offered words of encouragement and correction. Among those who deserve special recognition are Becky Josberger (and her dear husband Jim), Jim Harriman, Liz Robar (and her dear husband Doug), Chuck Deglow, John Meade, Derek Bass, Michael Wren, and Todd Benkert. I owe a debt of gratitude to Dr. Ken Fentress, who modeled for me the fusion of educator and pastor I hope to emulate in my future ministry of teaching. I will not fail to thank Dr. Duane Garrett, who graciously agreed to assume responsibility for my coursework and comprehensive examination supervision as Dr. Block transitioned from Southern. I also wish to thank Dr. Russell Fuller, who agreed to supervise my dissertation writing, even

though I had not studied with him during the coursework phase of the program. And finally, I need to recognize and thank Tim Meiners. It was through his gracious offer of employment that the daily manna necessary to sustain my family was provided. Tim was generous in compensation and accommodated my changing schedule as was necessary from semester to semester.

It seems trite to just offer only a few words to those who have sacrificed and given so much to make this study possible. Our two children, Esther and Hannah, said goodbye to everything familiar and dear friends in Abu Dhabi to follow Dad to Louisville. They have displayed a tremendous amount of understanding and forbearance when Dad had to do more reading, more study, or was busy writing. They have been gracious more often than they should have been when Dad said, "I'm sorry, I can't. . . ." Thank you, girls; God has truly blessed my life through you. You would have to look long and hard to find a dad who is more proud of his children than I am of you. My wife, Joan, has been supportive throughout this process, encouraging me to follow the Lord's leading, even when that leading seemed less than clear to both of us. She has struggled to pick up the slack on many fronts—as a parent, as a breadwinner, as a homemaker, etc. She has worked to keep the budget afloat—working more jobs in one year than most people work in a lifetime. She has patiently listened while I verbally processed my thoughts. Many times she willed me through when I thought I could not take another step. She, too, is looking with me beyond our "Jordan," with eager anticipation of "settling" into God's place for us. We will rejoice together when Yahweh parts those waters and leads us safely to the place that he will choose out of all the tribes to cause us to dwell there—to proclaim his name there. Thank you, Joan; I could ask for no better traveling companion. You have been God's best blessing in my life.

Steven W. Guest

Louisville, Kentucky

May 2009

## CHAPTER 1

### INTRODUCTION

The keystone. In the construction of the old stone bridges, the role of the keystone was critical to the structure. The keystone links that which goes before with that which follows. Both sides of the arch rise to meet at this crucial stone. One could say that the weight of the bridge rests on this very important component. Without the keystone, the arch would collapse and come crashing down. Likewise, what follows suggests that in many ways, the analogy of the keystone in a bridge can inform an understanding of the role of Deuteronomy 26:16-19 in the book of Deuteronomy.

This text occupies the pivotal position in the overall covenantal framework<sup>1</sup> of Deuteronomy coming at the conclusion to the Stipulations section of the covenant.<sup>2</sup> Even though this literary unit can be considered part of a larger set of instructions concerning future cultic ceremonies,<sup>3</sup> or though it could be understood to represent a formal vassal oath of obedience,<sup>4</sup> there are clues that these four verses do, in some sense, stand alone.<sup>5</sup>

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<sup>1</sup>The use of the term “framework” here does not suggest, as did W. M. L. de Wette, “Dissertatio critica, qua Deuteronomium a proribus Pentateuchi libris diversum, alium cuiusdam recentioris auctoris opus esse monstratur” (Dissertation, Jena, 1805), that our current text of Deuteronomy is the result of a long process of literary growth whose core is essentially chaps. 12-26. That is, chaps. 1-4 and 5-11 were not added to an “urdeuteronomium” as introduction to the Mosaic or ancient laws and chaps. 27-34 were not added as closing discourses in order to provide the “framework” for a complete document. Rather, I am using this concept more in line with the concept of Baltzer’s “formularly.” The argument presented herein is that Deut 26:16-19 occupies a central position and serves a critical function within the formulaic pattern of Deuteronomy’s covenantal structure.

<sup>2</sup>Typically, treaties in the ancient Near East followed a prescriptive pattern with the component parts arranged in the following manner: Preamble, Historical Prologue, Stipulations, Deposition of the Text, Witness, and Blessings and Curses. See discussion below.

<sup>3</sup>So Richard Clifford, *Deuteronomy with an Excursus on Covenant and Law* (Wilmington, DE: Michael Glazier, 1982), 136-141. His understanding is that 26:16-19 represents a liturgical ceremony in which the law code of the stipulations of Deuteronomy becomes treaty text. His proposal will be considered from a literary-structural standpoint in chap. 4.

<sup>4</sup>See discussion below on Mendenhall’s assertion concerning the additional features of covenants that he deems necessary for the validity of treaties.

As such, these verses complete the ascent of the “front matter” of the covenant and begin the descent of the conclusion of the covenant. The abbreviated model for the ratification of the covenant, as narrated in 26:16-19,<sup>6</sup> records the exchange of the parties to the covenant. This transaction includes two variations of the covenant relationship formula which serve a dual purpose. First, it expresses the commitment of both parties to the terms of the treaty and the associated covenantal obligations. Second, it clearly states the covenantal requirements of exclusive loyalty to Yahweh<sup>7</sup> and obedience to Yahweh.<sup>8</sup> And, in so doing, it inextricably binds the expectation of obedience to the privilege of being the people of Yahweh.<sup>9</sup>

Amongst the various proposals offered for the structuring of Deuteronomy,<sup>10</sup>

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<sup>5</sup>See discussion in chap. 4 that proposes that 26:16-19 functions on both micro (i.e., as a part of the literary structure of Deut 26:1-19) and the macro (i.e., as a part of the greater literary structure of Deut 1-30) levels within Deuteronomy.

<sup>6</sup>This is not to suggest that the actual ratification of the covenant took place at this juncture. As an outline of the procedure for future covenant renewals, this text encapsulates the content of the transaction that would take place in such a ceremony.

<sup>7</sup>The employment of the covenant relationship formula in 4:20; 7:6 and 14:2 is closely associated with the requirement of the exclusive worship of Yahweh. See the discussion in chap. 5.

<sup>8</sup>The employment of the covenant relationship formula in 27:9; 28:9 and 29:12 is closely associated with the requirement of obedience. See the discussion in chap. 5.

<sup>9</sup>One might naturally associate the idea of Yahweh being Israel’s God with the instruction for exclusive worship and the idea of Israel being Yahweh’s people with the requirement of obedience. Yet in this prescription for covenant ratification and later renewal, the requirement of obedience is more profoundly associated with Yahweh being Israel’s God in v. 17.

<sup>10</sup>Prior to the discovery of the ancient Near Eastern treaties and the analysis by Viktor Korošec, *Hethitische Staatsverträge; ein Beitrag zu ihrer juristischen Wertung*, Leipziger rechtswissenschaftliche studien 60 (Leipzig: T. Weicher, 1931), there were varying proposals regarding the structure and organization of materials in Deuteronomy. De Wette, “Dissertatio,” undertook a literary analysis and concluded that the original form of Deuteronomy (“Urdeuteronomium”) consisted of chaps. 12-26 to which introductions (chaps. 1-4 and 5-11) and closing discourses (27-34) were added. After de Wette two basic schemes for Deuteronomy’s structure were offered. One line of thought identified the structure with the three discourses in the book (followed by Kuenen, Westphal, and S. R. Driver). The other basic proposal identified the legal core (12-26) framed by Introduction (1-11) and Conclusion (27-34).

While there is merit to many of the various proposals, this study will proceed on the assumption that Deuteronomy’s structure follows the model of the ancient Near Eastern treaties, specifically those of Hittite origin. This is in agreement with Thomas E. Finch, “The Theology of Deuteronomy with Special Emphasis on the Implications of the Hittite Suzerainty Treaties” (Th.D. diss., Dallas Theological Seminary, 1980), 135, who asserts, “From the evidence, it seems that the best solution to the matter of the relationship of the discourses to each other is to be found in the Hittite suzerainty treaties.” This treaty formula is modified somewhat by the fact that Deuteronomy is a covenant renewal document (see Kenneth Kitchen, *The Bible in its World: The Bible and Archaeology Today* [Downers Grove, IL: InterVarsity Press, 1977], 79) given in the context of Moses’ farewell speech. This is consistent with Dennis T. Olson, *Deuteronomy and the Death of Moses: A Theological Reading*, Overtures to Biblical

von Rad's unique outline highlights the significance of Deuteronomy 26:16-19 by assigning it a separate section alongside much larger portions of the text.<sup>11</sup> His reason for setting this passage apart from the rest is that he understood that 26:16-19 represented a cultic ceremony of covenant commitment or renewal.<sup>12</sup> Lohfink, acknowledging von Rad's structure for Deuteronomy, suggests that if von Rad's appraisal is correct, then Deuteronomy 26:17-19 is at the core of Deuteronomy.<sup>13</sup>

By its very nature a treaty requires the involvement of at least two parties. On the surface it would seem obvious, even to a casual reader, that if one of the two parties in this treaty were to reject their role in the treaty transaction, then the treaty could not be put into effect.<sup>14</sup> That is to say, if Yahweh were to refuse to offer, "I will be your God," or if Israel were to rebuff this gesture by not responding, "we will be your people" to

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Theology (Minneapolis: Augsburg Fortress, 1994), who argues that Deuteronomy is structured intentionally as the valedictory speech of Moses. See chap. 2 for the specific details as to how the various authors organize the materials in Deuteronomy following the ancient Near Eastern treaty formulary.

<sup>11</sup>See Gerhard von Rad, *The Problem of the Hexateuch and other Essays*, trans. E. W. Trueman Dicken (New York: McGraw-Hill, 1966), 27. He identifies a four-part structure for Deuteronomy: (1) Historical presentation of the events at Sinai, and paraenetic material connected with these events (Deut 1-11), (2) The reading of the law (Deut 12-26:15), (3) The sealing of the covenant (Deut 26:16-19), and (4) Blessings and curses (Deut 27-34).

Von Rad is not alone in isolating these verses in his outline. Merrill also devotes a point in his first order outline to these verses. However, in doing so, he fails to note the integral connection of 26:16-19 to the previous instructions regarding the ceremonies. He suggests that the text only "summarizes and completes the great stipulation sections of the covenant document and urges compliance with its mandates." Eugene H. Merrill, *Deuteronomy*, NAC, vol. 5 (Nashville: Broadman & Holman, 1994), 337.

<sup>12</sup>Gerhard von Rad, "Deuteronomy," in *IDB*, ed. George A. Buttrick (Nashville: Abingdon, 1962), 1:835.

<sup>13</sup>See Norbert Lohfink, "Dt 26, 17-19 und die 'Bundesformel,'" *Zeitschrift für Theologie und Kirche* 91 (1969): 527-28.

Daniel I. Block, "The Privilege of Calling: The Mosaic Paradigm for Missions (Deut 26:16-19)," *Bibliotheca Sacra* 162, no. 648 (2005): 388, also recognizes the crucial nature of this text describing it as the "critical hinge in the overall flow of [Moses'] second address." The argument of this dissertation reveals a far greater extent of the impact of these verses.

<sup>14</sup>Dennis J. McCarthy, "Covenant-Relationships," in *Questions Disputées D'Ancien Testament: Méthode et Théologie*, rev. and enl. ed., ed. C. Brekelmans, Bibliotheca Ephemeridum Theologicarum Lovaniensium 33 (Leuven: University Press, 1989) in his study of covenant relationships in Genesis, draws together his conclusions from this work and his essay on secular covenant making in the Deuteronomistic history (Dennis J. McCarthy, "Berit and Covenant in the Deuteronomistic History," in *Studies in the Religion of Ancient Israel*, ed. G. W. Anderson et al., VTSup 23 [Leiden: Brill, 1972]). He asserts that "covenant-making occurs when a relationship already exists" (102). Moreover, he observes, "[The covenant] cannot usually come about unless all join in making it, and it means nothing unless all are somehow involved in it, even tied by it" (103).

Yahweh's offer, the covenant/treaty would not be ratified and the covenantal framework of Deuteronomy would collapse.<sup>15</sup> But, is that all that is transpiring in this text?<sup>16</sup> Does this text simply represent Yahweh as suzerain offering the terms of the treaty to his vassal Israel and Israel accepting their suzerain's stipulations?<sup>17</sup>

### Thesis

This study maintains that the covenant relationship formula as expressed in Deuteronomy 26:16-19 (לְהִיּוֹת לְךָ לְאֱלֹהִים . . . לְהִיּוֹת לוֹ לְעַם) serves as a focal

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<sup>15</sup>Or, focusing on the stipulations aspect of the covenantal exchange, if Israel did not respond affirmatively "We will keep all the commandments" to Yahweh's stipulations, "You will walk in my ways, you will keep my statutes, my commandments, and my ordinances, and you will listen to my voice," then the covenant would not be ratified and the covenantal framework of Deut would collapse.

These verses confront the reader with a very difficult translational quandary. Most translations render the phrases in such a way as to construe the exchange as Israel speaking in v. 17 and affirming that Yahweh is their God and Yahweh responding in v. 18 and affirming that Israel will be his people of special possession. This quandary is presented in chap. 3 and a solution is proffered in support of rendering Yahweh as the speaker in v. 17 and Israel responding in v. 18.

<sup>16</sup>Many have noted that there are no parallels to this ceremony of covenant commitment found in extant ancient Near Eastern treaty documents. However, Donald J. Wiseman, "Abban and Alalakh," *Journal of Cuneiform Studies* 12, no. 4 (1958): 124-29, in his translation of a recovered treaty at Alalakh indicates that an oath was sworn to ratify the transaction. The nature of this treaty is arguably different from most suzerain-vassal treaties. Also, McCarthy, *Treaty and Covenant*, 182, notes similar oaths in the Mati'ilu treaty and the vassal treaty of Esarhaddon. And, in the vassal treaty of Kurtiwaza, McCarthy notes that specific instructions for the ratification oath are detailed and Kurtiwaza's compliance is explicitly recorded. Additionally, Finch, "The Theology of Deuteronomy," 243, asserts, "Though actual records of the treaty ritual have not been preserved for the most part, clear references to the treaty ritual do exist." This dissertation argues that the inclusion of this prescription for the ratification (and later renewal) ceremony (26:16-19) is significant to the covenantal framework of Deuteronomy.

<sup>17</sup>There are those that suggest that Deuteronomy is patterned after the parity rather than the suzerain-vassal treaty. This is especially true in the discussion of our central text (26:16-19) in that it appears that the two parties use reciprocal terminology to ratify the treaty. For example, McCarthy, *Treaty and Covenant*, 183, asserts, "What seems so special here [Deut 26:17-19] is that the action reported is bilateral." John A. Thompson, *Ancient Near Eastern Treaties and the Old Testament* (London: Tyndale Press, 1964), and, *idem*, "The Near Eastern Suzerain-Vassal Concept in the Religion of Israel," *Journal of Religious History* 3 (1964): 1-19, comments that the nature of Hittite suzerain-vassal treaties (which he asserts serves as the model for Deuteronomy's structure, see his comments, *Ancient Near Eastern Treaties*, 13 and 22) gives the impression that there is a parity relationship between the treaty partners. He notes the invitation from the suzerain to the vassal to make the treaty, the promise of help in crisis, and the assurance of blessing for covenant loyalty. See Thompson, *Ancient Near Eastern Treaties*, 13. However, these benefits should not confuse the reader of the Hittite treaties or of the covenantal document of Deuteronomy. This study demonstrates that a clear picture of the transaction reveals that Deuteronomy is modeled on the suzerain-vassal treaties. Frank Charles Fensham, "Father and Son as Terminology for Treaty and Covenant," in *Near Eastern Studies in Honor of William Foxwell Albright*, ed. Hans Goedicke (Baltimore: The Johns Hopkins Press, 1971), 125, asserts that the terminology "Father-Son" used in the context of the ancient Near Eastern treaties "was popular when special friendship was cultivated between overlord and vassal," but were not used in the context of parity treaties. This concept is most readily seen in Deut 14:1, but may also be understood in 1:31; 8:5; and 32:5, 19.

point which defines, unifies, and bears the weight of the covenantal framework of the book of Deuteronomy.

This study will demonstrate the critical importance of the covenant relationship formula to the covenantal framework within Deuteronomy. In order to accomplish this task it will be necessary to first identify the correspondence between the constituent parts of the ancient Near Eastern treaties and the covenantal framework of Deuteronomy. Focusing on the grammatical and syntactical questions associated with the use of the Hiphil of אָנַח and the associated infinitival phrases in this exchange, a conceptual model for the narrative which may underlie this event is proposed which calls into question the ancient and modern translations of this critical text. Consideration of the literary-structural analysis of Deuteronomy 26 will show that while 26:16-19 belongs to the larger instructional unit concerning future ceremonies, it has features that point to its distinction from its context. Further literary analysis will demonstrate the relationship of 26:16-19 to Deuteronomy 27 and the rest of the book. It will be necessary to explore, from a literary point of view, the employment of the covenant relationship formula as it is expressed in the various constituents of the covenant. Then we will demonstrate how the covenant formula and the associated covenant obligations in 26:16-19 unify and bind together the covenantal framework of Deuteronomy.

### **Background Material**

There are three areas that require investigation pertaining to the history of research in order to lay a solid foundation for this dissertation. First, it will be necessary to review the assertions made that Deuteronomy's structure has certain affinities with the suzerain-vassal treaties of the ancient Near East. Then Rendtorff's proposal that the formulaic expression לְהִיּוֹת לְךָ יְיָ לֵאלֹהִים . . . לְהִיּוֹת לוֹ לְעַם represents the essence of the covenant will be examined. Finally, translation difficulties engendered by the unique occurrence of this formula in its context of Deuteronomy 26:17-19 will be

considered, paying careful attention to two specific factors that have proved notoriously difficult for translators.

### **Deuteronomy Patterned after Ancient Near Eastern Treaties**

While the idea that Deuteronomy is patterned after formal legal transactions much like the ancient Near Eastern treaties has been suggested since Wellhausen in the late nineteenth century,<sup>18</sup> it was not until documents from the ancient Near East surfaced and were identified and characterized by Viktor Korošec<sup>19</sup> that this idea was able to take shape with confidence. Credit is given to George E. Mendenhall<sup>20</sup> for first making the assertion that Deuteronomy is indeed patterned after ANE treaties.<sup>21</sup> His articles served as the agent<sup>22</sup> which precipitated a flurry of further articles and monographs.<sup>23</sup> Although

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<sup>18</sup>Ernest W. Nicholson's book, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon, 1986) is not intended to be a treatise on the question of the relationship between Deuteronomy and the ANE treaties; however, he does provide a thorough summary of the covenant idea from Wellhausen (1878) to the present (1986). In chap. 1 he suggests that there was much controversy in biblical scholarship during the period 1878-1918 regarding the importance and role of the covenant in ancient Israel. His second chapter entitled "The Controversy Ended," asserts that by means of a sociological approach, Max Weber, *Das antike Judentum, Gesammelte Aufsätze zur Religionssoziologie*, 3 (Tübingen, 1921), and Martin Noth, *Das System der zwölf Stämme Israels*, BWANT 4,1 (Stuttgart, 1930) were able to begin the process of the consolidation of consensus. In chap. 3 he recounts that the evidence from ANE parallels offered support (for a time) for previous assertions regarding the antiquity of and the fundamental role of covenant in Israel's social and religious history. In chap. 4 he approvingly reviews recent developments (1960s to 1980s) that suggest that covenantal traditions may not have been known even to eighth-century prophets.

<sup>19</sup>Korošec, *Hethitische Staatsverträge*.

<sup>20</sup>George E. Mendenhall, "Ancient Oriental and Biblical Law," *BA* 17, no. 2 (1954): 26-46, and idem, "Covenant Forms in Israelite Tradition," *BA* 17, no. 3 (1954): 50-76. These articles were republished under the title *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh: Biblical Colloquium, 1955).

<sup>21</sup>Although, earlier Elias J. Bickerman, "Couper une alliance," *Archives d'Histoire du Droit Oriental* 5 (1950): 133-56, suggests that there is an analogy for Israel's relationship with Yahweh in the suzerain treaties of the Hittite period. This fact is footnoted in Mendenhall, "Covenant Forms," 62 n. 26.

<sup>22</sup>Kenneth A. Kitchen, "The Fall and Rise of Covenant, Law, and Treaty," *TynBul* 40 (1989): 119, describes Mendenhall as the "trail-blazer" in this matter.

<sup>23</sup>See Dennis J. McCarthy, *Old Testament Covenant: A Survey of Current Opinion* (Richmond, VA: John Knox Press, 1972), 13-15, for a brief survey of some of the most significant works published. His bibliography identifies several resources that make connections between the treaty format and the biblical record.

Klaus Baltzer's important work<sup>24</sup> was not widely available to the English-speaking world for many years, Baltzer drew similar conclusions from Korošec's work and applied these to the structure of Deuteronomy, thereby influencing later authors. Meredith G. Kline,<sup>25</sup> Dennis J. McCarthy,<sup>26</sup> Kenneth A. Kitchen,<sup>27</sup> and Gordon J. Wenham<sup>28</sup> further developed Mendenhall's line of thinking. Now the idea enjoys wide support in biblical scholarship.<sup>29</sup>

**George E. Mendenhall.** Mendenhall, seeking to extend (and to provide a corrective to) the assertions of Wellhausen regarding the nature of the historical development of the solidarity of the nomadic and Palestinian tribes that would later become Israel, appeals to the evidence of the international suzerain-vassal treaties made

<sup>24</sup>Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, trans. David E. Green (Oxford: Blackwell, 1971). This edition is based on the second edition of his book *Das Bundesformular*, Wissenschaftliche Monographien zum Alten und Neuen Testament, Bd. 4 (Neukirchen Kreis Moers: Neukirchen Verlag, 1960). This in turn represents the revision of his D.Theol. thesis (1957) and Habilitationsschrift at Heidelberg (1959).

Baltzer comments (n. 49 on p. 7) that since he and Mendenhall share a common source, viz., Korošec, it is not surprising that they find much agreement. However, he notes that the focus of his study was on form-critical issues while Mendenhall was concerned primarily with historical questions.

<sup>25</sup>Kline's initial work is presented in two successive articles. See Meredith G. Kline, "The Two Tables of the Covenant," *Westminster Theological Journal* 22 (1959/60): 133-46, and idem, "Dynastic Covenant," *Westminster Theological Journal* 23 (1960/61): 1-15. His full and complete treatment is presented in *Treaty of the Great King: The Covenant Structure of Deuteronomy* (Grand Rapids: Eerdmans, 1963).

<sup>26</sup>Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the OT*, *Analecta Biblica Investigationes Scientifical in Res Biblicas*, vol. 21A, 2<sup>nd</sup> ed. (Rome: Pontifical Biblical Institute, 1978). His first edition was published in 1963.

<sup>27</sup>Kenneth A. Kitchen, *Ancient Orient and Old Testament* (Chicago: InterVarsity, 1966), 90-102, and idem, *The Bible in its World*, 79-85. His assertions are reiterated in "The Fall and Rise," 118-35.

<sup>28</sup>Gordon J. Wenham, "The Structure and Date of Deuteronomy: A Consideration of Aspects of the History of Deuteronomy Criticism and a Re-examination of the Question of Structure and Date in the Light of that History and of the Near Eastern Treaties" (Ph.D. diss., University of London, 1969).

<sup>29</sup>However, it should be noted that not all accept the notion that Deuteronomy is patterned after the ANE treaty. See, for instance, Nicholson, *God and His People*, especially 71-78.

Moreover, while Weinfeld follows Mendenhall in suggesting that Deuteronomy is patterned after the ANE treaty, he argues that the model for this comes from a much later time, namely the Assyrian period. See Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972); idem, *Deuteronomy 1-11: A New Translation with Introduction and Commentary*, *The Anchor Bible*, vol. 5 (New York: Doubleday, 1991); and idem, "Deuteronomy, Book of," in *ABD*, vol. 2, ed. David Noel Freedman (New York: Doubleday, 1992).

prevalent in the second millennium BC<sup>30</sup> by the Hittites to argue that this paradigm served as the catalyst that gave shape and lasting viability to Israel's development into nationhood.<sup>31</sup> He acknowledges that previous scholars had identified covenant as an important component in the development of Israel's nationhood and cult, but he notes that there was not a consensus as to which type of covenant could have united the disparate tribes while at the same time providing the framework for the "nationalization" of Yahweh worship.<sup>32</sup> This, he asserts, could have only been accomplished through the utilization of the Hittite model of the suzerain-vassal treaty.<sup>33</sup>

Before he proceeds to review the findings of Korošec as they relate to the standard structure of these international treaties, Mendenhall notes that there are three biblical "traditions" that are similar in nature to the "legal tradition" of the suzerain-vassal treaty. These materials can be found in Exodus, Deuteronomy, and Joshua.<sup>34</sup>

Mendenhall qualifies his summary of the constituent parts of the suzerain-vassal treaties by stating that not all components are found in each treaty. Moreover, these elements do not necessarily occur in the same order.<sup>35</sup> He identifies the six parts which are "nearly always found"<sup>36</sup> as these: (1) Preamble;<sup>37</sup> (2) the historical prologue;<sup>38</sup>

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<sup>30</sup>Thompson, *Ancient Near Eastern Treaties*, 18, suggests that treaties were "part of the common life" in the milieu in which ancient Israel became a nation.

<sup>31</sup>See Mendenhall, "Covenant Forms," 51. He describes the establishment of the covenant as the "*event* which had a definite historical setting" (emphasis original).

<sup>32</sup>Ibid.

<sup>33</sup>Ibid., 52-67; here Mendenhall discusses the nature of the covenant and its accessibility to the peoples of the region during the time period of the settlement and the specific structure of Hittite treaties and the parallels within the Old Testament that indicate a dependence of the latter upon the former.

He further argues that Assyrian suzerain-vassal treaties of the first millennium BC could not have served as the model upon which one can determine the development of Israel's political or religious history since these treaties do not typically include the characteristic historical prologue and are "radically different" from the Hittite treaties and the biblical evidence.

<sup>34</sup>Ibid., 56.

<sup>35</sup>So also McCarthy, *Treaty and Covenant*, 52, who says, "There are sufficient omissions and variations in the vassal treaties to warrant the conclusion that the schema did not impose itself rigidly."

<sup>36</sup>Mendenhall, "Covenant Forms," 58.

(3) the stipulations,<sup>39</sup> (4) provision for deposit in the temple and periodic public reading,<sup>40</sup> (5) the list of gods as witnesses;<sup>41</sup> and (6) the curses and blessings formula.<sup>42</sup> Moreover, he adds three more features that he deems necessary for the conclusion of such treaties: (7) the formal oath by which the vassal pledged his obedience;<sup>43</sup> (8) the solemn oath ceremony;<sup>44</sup> and (9) the protocol for dealing with unfaithful vassals.<sup>45</sup>

At this point Mendenhall turns his attention to the two “traditions” that “fall into the form described above.”<sup>46</sup> First he addresses the covenantal features of the Decalogue. However, the following discussion repeatedly notes that elements of the Hittite treaty are missing from the Decalogue.<sup>47</sup> Next he reviews Joshua 24 and

<sup>37</sup>Described as “identif[y]ing the author of the covenant, giving his titles and attributes, as well as his genealogy.” Ibid.

<sup>38</sup>Described as “detail[ing] the previous relations between the two [parties].” Quoting Korošec, Mendenhall highlights that the purpose of the historical prologue is to make clear “that the vassal is obligated to perpetual gratitude toward the great king because of his benevolence, consideration, and favor which he has already received.” Ibid.

<sup>39</sup>Described as “the obligations imposed upon and accepted by the vassal.” Mendenhall proceeds to identify typical stipulations. Ibid., 59.

<sup>40</sup>He notes that the treaty was usually deposited in the sanctuary of the vassal state and that instructions were given as to the frequency of public readings. Ibid., 60.

<sup>41</sup>These include the gods of the Hittite and vassal states. Moreover, deified elements of the natural world were also included. Ibid.

<sup>42</sup>This section makes clear that the deities were the covenant enforcers. For further elaboration on the description of the constituents of the treaty, see George E. Mendenhall, “Covenant,” in *ABD*, ed. David Noel Freedman (New York: Doubleday, 1992), 1:1180-82.

<sup>43</sup>He discloses that there is no evidence as to the form or content of this oath. Mendenhall, “Covenant Forms,” 60-61.

<sup>44</sup>Again he notes that this is included by inference from records of soldier loyalty oath ceremonies. Ibid., 61.

Curiously there is a lack of comment on the corresponding oath or commitment on the part of the suzerain. If a treaty by nature requires two parties’ involvement, then one would expect to find records of the suzerain’s commitment to his obligations. This omission stands in stark contrast to the testimony of our central text. This study suggests that Yahweh as suzerain offers himself to be Israel’s God and assumes the responsibility of making Israel his holy people. This agrees with Lohfink’s assertion that the antecedent to the statement in 28:9 (פֶּאֶשֶׁר נִשְׁבַּע לְךָ) is found in the exchange of 26:17-19. See discussion below.

<sup>45</sup>Once again, he remarks that this element is “quite likely” included in the Hittite suzerain-vassal treaties.

<sup>46</sup>Mendenhall, “Covenant Forms,” 62.

<sup>47</sup>Some of the missing elements are the requirement for the deposit and periodic reading of the treaty, the gods list, the blessings and curses, and the lack of sworn obedience.

highlights the narrative's retention of the patterns of the Hittite treaties making the correlation of each to the constituent parts of the treaty format. The only missing feature is that of the blessings and curses.<sup>48</sup>

By presenting a reconstruction of Israel's putative history,<sup>49</sup> Mendenhall attempts to demonstrate why the "rediscovery of Moses" prompted such radical commitment on the parts of Josiah and his contemporaries when a "book of the law"<sup>50</sup> was found in the temple. He maintains that it was not so much the specific regulations that prompted such actions as recorded in the narrative of 2 Kings 22-23, but rather the rediscovery of "the basic nature of the old amphictyonic covenant" combined with the realization that Yahweh had not committed himself without condition to the preservation of the nation or Davidic dynasty.<sup>51</sup> He continues by describing the melding process that took place between the patriarchal and Mosaic traditions that was accomplished in light of the historical and current political realities. The result, which he suggests is largely represented by our text of Deuteronomy,<sup>52</sup> was that the ancient edicts of Yahweh were harmonized with, and modernized for, the contemporary situation. Moreover, this process created a sense of religious legitimacy for secular law.

His article, however, stops short of demonstrating how Deuteronomy is modeled after the Hittite suzerain-vassal treaties. Even in subsequent publications in

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<sup>48</sup>He notes that the only stipulation in this text is the elemental prohibition against other gods.

<sup>49</sup>Highlights of this supposed history include the fall of Shiloh to Philistia that precipitated the adoption of the monarchy, the division between north and south brought on by the lack of acceptance of David's dynasty in the north (which Mendenhall infers may have been the result of conflict between the Mosaic covenant traditions and the necessities of the politics of kingship), the adaptation of the Abrahamic covenant and its application to the Davidic monarchy for the purpose of legitimizing the same, and the threat of destruction issued by the prophets and supported by the political/military realities of the eighth and seventh centuries. See his discussion, Mendenhall, "Covenant Forms," 70-73.

<sup>50</sup>Which he denotes as "universally regarded as that incorporated in what is now Deuteronomy." Ibid., 73.

<sup>51</sup>Ibid.

<sup>52</sup>See George E. Mendenhall, "Covenant," in *IDB*, ed. George A. Buttrick (Nashville: Abingdon, 1962), 1:721.

which he writes about the covenant,<sup>53</sup> he does not make a specific connection between Deuteronomy and the Hittite treaties.

**Klaus Baltzer.** Although his German publication<sup>54</sup> was conceived and basically completed independently of Mendenhall, Baltzer notes the affinity of the results of his study and Mendenhall's conclusions.<sup>55</sup> Methodologically he follows von Rad in a form-critical approach, taking into consideration literary questions. He begins with non-biblical texts and applies these patterns to the biblical parallels, "so as to then be able to answer the question of the structure and employment of the formulary of that agreement between God and human community."<sup>56</sup>

Baltzer identifies the elements of the treaty slightly differently from Mendenhall. He distinguishes the categories as follows: (1) Preamble; (2) antecedent history; (3) statement of substance concerning the future relationship;<sup>57</sup> (4) specific stipulations; (5) invocation of the gods as witnesses; and (6) curses and blessings. He adds, "[This schema] remains so constant that, if a treaty is preserved only in fragments, they can be arranged in order with a high degree of assurance." However, he adds the

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<sup>53</sup>See Mendenhall, "Covenant," in *IDB* (1962); idem, "Covenant" in *Anchor Bible Dictionary* (1992); and idem, "The Suzerainty Treaty Structure: Thirty Years Later," in *Religion and Law: Biblical-Judaic and Islamic Perspectives*, ed. Edwin B. Firmage, Bernard G. Weiss, and John W. Welch, (Winona Lake, IN: Eisenbrauns, 1990).

<sup>54</sup>Klaus Baltzer, *Das Bundesformular*, Wissenschaftliche Monographien zum Alten und Neuen Testament, no. 4, ed. Günther Bornkamm and Gerhard von Rad, 2<sup>nd</sup> rev. ed., with a bibliographical appendix (Neukirchen-Vluyn: Neukirchener Verlag, 1964).

<sup>55</sup>Baltzer, *Covenant Formulary*, 7 n. 49.

<sup>56</sup>*Ibid.*, 7-8.

<sup>57</sup>Baltzer states that this could also be known as the "general clause." See Baltzer, *Covenant Formulary*, 12 n. 19. Baltzer is the first to suggest that the ANE treaties distinguished between the general stipulation and specific stipulations.

If this general clause is identified with Deut 5-11 and is concerned with the fundamental stipulation of the exclusive loyalty to Yahweh (as is argued in chaps. 2 and 5 of this dissertation), then this would support the traditional Catholic/Lutheran/Anglican understanding of the numbering of the Ten Commandments, that is, combining the prohibitions against having any other gods besides Yahweh and the crafting of images for worship. Jason S. DeRouchie, "Numbering the Decalogue: A Textlinguistic Reappraisal" (paper presented at the annual meeting of the Evangelical Theological Society, Washington, DC, November 2005) offers an argument for this numbering based on a textlinguistic approach.

caveat that consistency in structure does not imply “uniformity in detail.”<sup>58</sup> Rather, he comments that every treaty was crafted to address the specific circumstances of each relationship.

Baltzer then makes comparisons to the parallels between the ANE treaty formulary and the formulary as it is employed in various Old Testament texts. For his purposes he discusses Joshua 24, the Sinai pericope,<sup>59</sup> and Deuteronomy. In his treatment of Deuteronomy, however, he limits his discussion to the parallels found in Deuteronomy 1-4 and parallels found in 28:69-30:20.<sup>60</sup>

**Meredith G. Kline.** In the first of two articles that appeal to the correspondence between the suzerainty type of international treaty and the biblical record of God’s covenant with Israel, Kline deals primarily with the Decalogue as it occurs in Exodus 20. The thrust of his argument seeks to demonstrate that the “two tables of the covenant” actually refer to two copies of the covenant that were deposited in the sanctuaries of the gods of the respective parties to the covenant. Moreover, he attempts to demonstrate that all six of the standard components of the international treaty form are found in the Decalogue.<sup>61</sup> In the second article he uses the component parts of the

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<sup>58</sup>Baltzer, *Covenant Formulary*, 10. Baltzer’s confidence as it relates to the consistency in the covenant formulary is beyond that of Mendenhall’s. See Mendenhall, “Covenant Forms,” 51. So also McCarthy.

<sup>59</sup>Specifically as represented in Exod 19 and 24.

<sup>60</sup>Baltzer, *Covenant Formulary*, 31-36. He isolates what he calls the “legal code” (chaps. 12-26) from the discussion because it would be “impossible to take into account the enormous body of literature.” One must note that Baltzer does acknowledge other texts within Deuteronomy that are related to the treaty formulary (ibid., 36-39), the ratification of the treaty (Deut 31-Josh 1; ibid., 68-72), and the recitation of the treaty formulary (ibid., 84-89).

<sup>61</sup>See Kline, “The Two Tables,” 133-36. He identifies the following correspondences: (1) preamble with the statement “I am Yahweh your God” (20:2a); (2) historical prologue with the statement “who brought you out of the land of Egypt, out of the house of bondage” (20:2b); (3) stipulations with the prohibition against devotion to other gods (20:3); (4) the divine witness is missing because it is by nature incompatible; and (5) curses and blessings are imbedded in the stipulations of the covenant (20:5, 6, 7, 11, 12). He does not point to any instruction concerning the deposition of the treaty within the Decalogue of Exodus 20. However, the main concern of this article is dealing with the deposition of the text, which is identified with the two tables upon which the covenant was written and that were placed within the sanctuary.

international treaty<sup>62</sup> to show that there is a “structural unity and integrity”<sup>63</sup> to Deuteronomy. The parallels between the treaty format and Deuteronomy are (1) Preamble (1:1-5); (2) historical prologue (1:6-4:49); (3) stipulations (5-26); (4) curses and blessings or covenant ratification (27-30); (5) succession arrangements of covenant continuity, in which are included the invocation of witnesses and directions for the deposition and public reading of the treaty (31-34).<sup>64</sup>

**Dennis J. McCarthy.** Recognizing the “pioneer[ing] and still fundamental study”<sup>65</sup> of George Mendenhall, McCarthy undertook a form critical study of ancient Near Eastern treaty documents<sup>66</sup> and compared them to Old Testament parallels.<sup>67</sup> He argues that the basic and necessary components consist of the introduction to the speaker, historical prologue, stipulations, document clause, god list of witnesses, and the curses and blessings.<sup>68</sup>

The majority of McCarthy’s attention is given over to the analysis of Deuteronomy 4:41-28:68<sup>69</sup> as it compares to the ANE treaty pattern. While he affirms the correspondence between the treaty form and Deuteronomy, he repeatedly stresses that there is not complete congruence between the two. This he attributes to Deuteronomy’s

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<sup>62</sup>Although Kline uses occasional examples from the Vassal Treaty of Esarhaddon to illustrate the connections of Deuteronomy to the international treaty format, he argues specifically that Deuteronomy should be understood as dated from the fourteenth-thirteenth centuries. See Kline, “Dynastic Covenant,” 15.

<sup>63</sup>Ibid., 2

<sup>64</sup>Ibid.

<sup>65</sup>McCarthy, *Treaty and Covenant*, 5.

<sup>66</sup>He considers materials from the pre-Hittite period, Hittite parity and vassal treaties, Syrian, and Assyrian treaties.

<sup>67</sup>Specifically in Deuteronomy, Samuel, Joshua, and the Sinai pericope.

<sup>68</sup>Specifically in the first edition. In the second edition McCarthy modifies his views slightly.

<sup>69</sup>In the first edition of his work, McCarthy, *Treaty and Covenant*, 120, compared only 4:41-11:32 and 26-28 specifically, only noting that “the Dtic Code occupies cc. 12-26:15 [which] is in its proper place in the normal sequence of the treaty structure between the introduction and the blessings and curses.”

rhetorical style. Moreover, in his second edition, McCarthy underscores the fact that the treaty formulary is highly malleable and correspondence between the treaties cannot be expected in the matters of sequence or detail. Furthermore, he seems to modify his stance with regard to the necessity of the document clause<sup>70</sup> and historical prologue in the Hittite treaty formulary.

**Kenneth A. Kitchen.** In his treatment of “Hebrew Contacts with Near Eastern Religions,”<sup>71</sup> Kitchen begins his discussion of the Sinai Covenant<sup>72</sup> and its parallels in the ancient Near East by referring to Mendenhall’s programmatic essay. He then builds on two assertions made therein, namely, that there is remarkable congruence between the Sinai covenant and the international treaties of the fourteenth/thirteenth centuries BC and that there are significant distinctions between treaties originating from the second millennium and those originating from the first millennium. After a careful analysis of the three texts of the Sinai covenant, noting their specific correspondence to the constituents of the late second millennium treaty texts, he declares that the “frameworks and text of Exodus, Leviticus (chapter 26 at least), Deuteronomy and Joshua 24” are patterned after ANE treaties. Moreover, he avers that the covenantal structure and contents of Deuteronomy follow this model in such a way as to make it clear that its provenance must have been in the thirteenth century BC.<sup>73</sup>

**Gordon J. Wenham.** Building on the work of Mendenhall, Wenham makes a slightly different proposal for the structure of Deuteronomy. He argues that

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<sup>70</sup>See his discussion, *Treaty and Covenant*, 2<sup>nd</sup> ed., 65-68.

<sup>71</sup>See Kitchen, *Ancient Orient*, 87-111.

<sup>72</sup>By “Sinai covenant” Kitchen here refers to the covenant made at Sinai including the Decalogue and succeeding legislation, and the renewals of that covenant on the plains of Moab and at Shechem under Joshua.

<sup>73</sup>Kitchen, *Ancient Orient*, 99.

Deuteronomy is based on the Hittite treaty model that incorporates aspects of ancient Near Eastern law code. His proposed framework is as follows: (1) historical prologue (1:6-3:29); (2a) basic stipulations (4:1-40; 5:1-11:32); (2b) detailed stipulations (12:1-26:19); (3) document clause requiring the recording and renewal of the covenant (27:1-26); (4) blessings (28:1-14); (5) curses (28:15-68); (6) recapitulation (29:1-30:20), concluding with an appeal. He suggests that the later chapters do not belong to the covenant form but represent a covenant renewal.<sup>74</sup>

### The Covenant Relationship Formula

A plethora of articles, essays, and books has been written on the issue of the covenant relationship formula.<sup>75</sup> This is due in part to the development of form-critical methodology. Rendtorff identifies Hermann Gunkel as the founder of form criticism and characterizes the propensity of this method as “isolat[ing] individual, often very small textual fragments, over against their context.”<sup>76</sup> The result of this type of study was to separate ideas and concepts that were normally associated in larger contexts<sup>77</sup> of Scripture. The consequence of this was to weaken the canonical and theological

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<sup>74</sup>See Wenham, “The Structure and Date of Deuteronomy,” 213.

<sup>75</sup>See K. Baltzer, *The Covenant Formulary*; John Briggs Curtis, “The Relationship Formula of Deuteronomy 26:17-18 and the Covenant,” in *Proceedings, Eastern Great Lakes and Midwest Biblical Societies*, vol. 15 (Buffalo, NY: Canisius College, 1995), 169-83; Gordon P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi*, Biblical Studies Library (Grand Rapids: Baker Books, 1998); Paul Kalluveetil, *Declaration and Covenant*, *Analecta Biblica Investigationes Scientifica in Res Biblicas*, vol. 88 (Rome: Biblical Institute Press, 1982); Lohfink, “Dt 26, 17-19 und die ‘Bundesformel,’” 517-53; Rolf Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, trans. Margaret Kohl, *Old Testament Studies* (Edinburgh: T & T Clark, 1998); Seock-Tae Sohn, “‘I Will Be Your God and You Will Be My People’: The Origin and Background of the Covenant Formula,” in *Ki Baruch Hu: Ancient Near Eastern, Biblical, and Judaic Studies in Honor of Baruch A. Levine*, ed. Robert Chazan, William W. Hallo, and Lawrence H. Schiffman (Winona Lake, IN: Eisenbrauns, 1999), 355-72; H. H. Schmid, “Ich will euer Gott sein, und ihr sollt mein Volk sein: Die sogenannte Bundesformel und die Frage nach der Mitte Alten Testaments,” in *Kirche: Feitschrift für Günther S. Bornkamm zum 75. Geburtstag*, ed. Dieter Lührmann und Georg Strecker (Tübingen: J. C. B. Mohr, 1980), 1-26.

<sup>76</sup>Rendtorff, *The Covenant Formula*, 9.

<sup>77</sup>Or even in larger literary units within their overall contexts.

coherence of the Scriptures.

With this said, Rendtorff reviews the history of research relating to the covenant formula, which he identifies with the idea, “I will be God for you and you shall be a people for me.”<sup>78</sup> He points to Smend<sup>79</sup> as the first to investigate this formula. Smend’s work focused on the use of this expression in Deuteronomy 26:16-19. His conclusion is that this formula originated in the covenant ratification/renewal of Josiah recorded in 2 Kings 23. Rendtorff comments that the methodological assumptions employed by Smend<sup>80</sup> have a negative impact on his understanding of the covenant formula. The most obvious impact, for Rendtorff, is Smend’s treatment of the bilateral exchange (C) לְהִיּוֹת לְךָ לֵאלֹהִים . . . לְהִיּוֹת לוֹ לְעַם as the accepted formulaic construction. He notes that Smend and others then view the utilization of either Formula A or Formula B as defective.

Rendtorff begins with a caveat that this formula “is by no means linked directly in every instance with the Hebrew word *b'rit*.”<sup>81</sup> He continues by identifying the three versions (with their variants) of the covenant formulae noting their occurrences.<sup>82</sup> He designates them “Formula A”: “I will be God for you לֵאלֹהִים לְךָ” (occurring 16 times); “Formula B”: “You shall be a people for him לוֹ לְעַם” (occurring 10 times); and “Formula C”: which is a combination of the two formulae (occurring 12 times).<sup>83</sup> In the next third of his book, he looks again at the covenant

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<sup>78</sup>Rendtorff, *The Covenant Formula*, 11.

<sup>79</sup>Rudolf Smend, “Die Bundesformel,” *Theologische Studien* 68 (1963). Rendtorff notes that Smend’s nomenclature of “covenant formula” is generally accepted.

<sup>80</sup>Namely, that form critical conclusions and their associated insights must be applied in every instance where a form is found, and that these forms must originate in a specific event.

<sup>81</sup>Rendtorff, *The Covenant Formula*, 11. He does, however, show that some of the formulae are directly linked with בְּרִית, e.g., in Gen 17.

<sup>82</sup>*Ibid.*, 13-37.

<sup>83</sup>Formula B, depending on the setting, may also be: “you shall be a people for me לְהִיּוֹת לִי לְעַם.” Rendtorff comments, “This [variation] shows that the formula never merely describes an existing condition, but always a process through which Yhwh becomes, or has become, Israel’s God, and Israel

formula in its contexts.<sup>84</sup> This leads him into a discourse on the exegetical context of the covenant formula.<sup>85</sup> In his final analysis Rendtorff comments,

It therefore emerges under the most diverse aspect that in important sectors of the Hebrew Bible the covenant formula is an element of theological language which is introduced in a *highly conscious manner*. It expresses in an extremely pregnant way God's relationship to Israel and Israel's to God. At the same time, it combines with other terms, above all 'covenant' and 'choose', as well as with other elements of theological language. . . . In many cases it *binds these elements* together and interprets them afresh, or creates new theological coherences through their association.<sup>86</sup>

Rendtorff's assertion underlies the premise of this present work which strives to demonstrate the theological significance of this formula in Deuteronomy 26:16-19. The analysis of the various occurrences of this formula as it is employed throughout Deuteronomy will support not only Rendtorff's assertion but also the thesis of this present work.<sup>87</sup>

### **Translation Difficulties in Deuteronomy 26:16-19**

With slight variations, most translations of verses 17-18 follow closely to the rendering of the English Standard Version: "You have declared today that the LORD is your God, and that you will walk in his ways, and keep his statutes and his commandments and his rules, and will obey his voice. And the LORD has declared today that you are a people for his treasured possession, as he has promised you, and that

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becomes, or has become, Yhwh's people, whether it be in the past, present or future." Ibid., 13. Rendtorff characterizes the employment of any of these variations as a representative of the covenant formula. This study follows Rendtorff's conclusion in this matter.

<sup>84</sup>Namely, in the Priestly Pentateuch (14-21), in Deuteronomy (22-27), in the books of Samuel and Kings (28-30), in Jeremiah (31-34), and in Ezekiel (35-38).

<sup>85</sup>Namely, in its relationship to the covenant, to the Exodus, to other formulas (e.g., the recognition formula), and to the contexts of the priestly writings, Deuteronomy, and to the Prophets (39-56).

<sup>86</sup>Rendtorff, *The Covenant Formula*, 92 (emphasis added).

<sup>87</sup>This analysis is undertaken in chap. 5 of this study.

you are to keep all his commandments.” Each translation maintains the subject-verb relationship<sup>88</sup> of the Hebrew for both verses. The rendering of **הִאֲמַר** is variously as “declare/proclaim” (ESV, NLT, NKJV), “affirmed” (Tanak), “chosen” (LXX, Targum, and Vulgate), or “obtained . . . agreement” (NRSV). None, except the NRSV (which can be understood as a smooth rendering of “you have caused the LORD to agree”), expresses the causative nature of the Hiphil stem. All, except the NRSV, represent verse 17 as the declaration of Israel<sup>89</sup> and verses 18-19 as the declaration of Yahweh, as one would expect with a normal subject-verb correlation.<sup>90</sup> The difficulty in the translations comes in the spelling out of the subordinate clauses (**לְ** + inf) and their relationship to the main subject of the sentence.<sup>91</sup> Typical suggestions in the commentaries at this point seem to follow the translations with some minor variations.<sup>92</sup>

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<sup>88</sup>That is, the inflection of the subject as it occurs in both vv. 17 and 18.

<sup>89</sup>Literally, “you” (2ms) understood here to represent collective Israel as party to the agreement.

<sup>90</sup>However, see the discussion below on the nature of the Hiphil verbal stem. The contention of this study is that “normal subject-verb correlation” that is maintained in most verbal stems can be impacted greatly in the Hiphil stem. See chap. 3 for a discussion of the grammatical blending marked by the Hebrew binyan that suggests that the object of the morphological causative participates in the action denoted by such a verb and minimizes the role of the grammatical subject in the sentence construction and the conceptual model it represents.

<sup>91</sup>The translations require the “insertion” of “you” (either in v. 17 or in v. 18), thereby “introducing” a new subject into the flow of the verse. John W. Wevers, *Notes on the Greek Text of Deuteronomy*, Society of Biblical Literature Septuagint and Cognate Studies 39 (Atlanta: Scholars Press, 1995), 412-13, notes, “That **הִאֲמַר** is uncertain in meaning here is clear from the coordinate marked infinitives: **לְשַׁמֵּר . . . וְלִשְׁמֹעַ . . . לְשִׁמְרָתוֹ**, all coordinated with **לְהִיטֵי לְךָ לְאֱלֹהִים**. The **הִאֲמַר** can sensibly apply in the causative sense to the **לְהִיטֵי** construction, but the next infinitives all must have “you” as subject.

<sup>92</sup>So Merrill, *Deuteronomy*, 337; Clifford, *Deuteronomy*, 136-37; Jeffrey H. Tigay, *Deuteronomy*, Jewish Publication Society Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 245; Louis Goldberg, *Deuteronomy*, Bible Study Commentary (Grand Rapids: Zondervan, 1986), 136-37; Christopher J. H. Wright, *Deuteronomy*, New International Biblical Commentary on the Old Testament, vol. 4 (Peabody, MA: Hendrickson Publishers, 1996), 272; Peter C. Craigie, *The Book of Deuteronomy*, New International Commentary of the Old Testament, vol. 5 (Grand Rapids: Eerdmans, 1976), 324; Dennis T. Olson, *Deuteronomy and the Death of Moses: A Theological Reading*, Overtures to Biblical Theology (Minneapolis: Augsburg Fortress, 1994), 116; and Duane Christensen, *Deuteronomy 21:10-34:12*, WBC, vol. 6B (Nashville: Thomas Nelson, 2002), 646. However, J. G. McConville, *Deuteronomy*, AOTC (Downers Grove, IL: InterVarsity Press, 2002), 375, translates “Today you have confirmed the declaration of the LORD. . . . Today the LORD has confirmed your declaration.” Richard D. Nelson, *Deuteronomy: A Commentary*, OTL, vol. 5 (Louisville: Westminster/John Knox, 2002), 304, translates, “You have caused Yahweh to agree. . . . Yahweh has caused you to agree.” Von Rad also maintains the causative nature of the verbal stem. See Gerhard von Rad, *Deuteronomy*, trans. Dorothea Barton, OTL (Philadelphia: Westminster, 1966), 157.

**The Hiphil of אָמַר.** The Hiphil of אָמַר presents an enigmatic, even inscrutable, challenge for translators and interpreters of the focal text of this investigation. In this section a careful analysis of the declarations in the covenant exchange (26:17-19) is offered with an extended discussion of the anomaly of the Hiphil of אָמַר and the difficulties this presents for the modern translator.<sup>93</sup>

Wagner notes in his dictionary article, “In both the Hebrew and Aramaic sections of the OT the verb *’mr* appears about 5300 times. *’mr* is found almost exclusively in the qal (or Aram. peal).”<sup>94</sup> Since this text incorporates the only two occasions where אָמַר is conjugated in the Hiphil, one has to deliberate in an attempt to discern the motives behind its appearance. Why did the author choose to express himself in this unique way? What was the author trying to communicate?<sup>95</sup> Why did he not use another synonym such as רָבַר, נָגַד, עָנָה to more clearly communicate that the action of these verses was indeed a declaration, affirmation, or acceptance?<sup>96</sup>

**Objections to the causative rendering of the Hiphil stem.** The two main objections to the literal translation of the Hiphil stem of אָמַר are theological and synthetic. In terms of the first, many are uncomfortable with the idea that Israel could cause Yahweh to do anything, that anyone could force his hand, that an individual or a

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Patrick D. Miller, *Deuteronomy, Interpretation* (Louisville: John Knox Press, 1990), 185-86, offers an “amplified” rendition that is worthy of note: “Today you have accepted the Lord’s declaration. He has declared to you: *He will be your God*, and you are to walk in his ways, keep his statutes, his commandments and his ordinances, and obey his voice, and today, the Lord has accepted your declaration. You have declared to him: Because you wish to be his people, his personal possession, as he promised you, *you will keep all his commandments*, that he may set you high above all nations that he has made, in praise, and fame, and honor, and you shall become a people holy to the Lord your God, as he has promised” (emphasis original).

<sup>93</sup>In chap. 3 an option for decoding this verbal form in its context is presented, and a proposal for a possible rendering into English is proffered.

<sup>94</sup>Seigfried Wagner, “אָמַר, ’āmar,” in *Theological Dictionary of the Old Testament*, ed. G. Johannes Botterwick and Helmer Ringgren, trans. John T. Willis (Grand Rapids: Eerdmans, 1983), 1:328.

<sup>95</sup>Or should one ask, “What is the author trying to say?”

<sup>96</sup>These verbs are used in the context of Deut 26: נָגַד in v. 3, עָנָה in v. 5, and רָבַר in vv. 18-19. An attempt to answer this question is made in chap. 4.

group could make him capitulate in any degree.<sup>97</sup> In terms of the second objection, the construal of the causative force of אָמַר makes “the syntax of the subsequent portions of verses 17-19 extremely awkward.”<sup>98</sup>

**Options for decoding the Hiphil of אָמַר.** Among the non-causal solutions proffered for the decoding of the verbal stem, three present themselves most frequently: the intensive, the declarative, or the permissive interpretation. The first seems to be employed most often in the translations. The intensive use of the Hiphil of אָמַר in this instance changes the meaning from “to say” (Qal) to “to declare/affirm/confirm.”<sup>99</sup>

Vriezen<sup>100</sup> offers a solution to this question which seems to be an amalgam of the intensive and permissive uses of the Hiphil. He rightly sets this text in its ancient Near Eastern context and attempts to provide clarity to the transaction narrated here. He mentions the proposals of Driver<sup>101</sup> and Bertholet.<sup>102</sup> Both of these, he notes, find something “offensive” in the idea that Israel, as the vassal partner in the exchange, could cause Yahweh to make his declaration. The solution that they offer is to mollify the causative rendering of אָמַר by identifying it with commonly understood technical or legal terminology that was used in the confirmation of the treaty.

Vriezen discusses the known treaties of Esarhaddon and their possible parallels to this text. He asserts that Deuteronomic theology portrays this exchange as one

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<sup>97</sup>Curtis, “The Relationship Formula,” 171, may represent those that hold this position.

<sup>98</sup>Craigie, *Deuteronomy*, 325 n. 3. Clifford, *Deuteronomy*, 140, agrees.

<sup>99</sup>This is the preference of Smend, *Die Bundesformel*; Tigay, *Deuteronomy*, 245; and Christensen, *Deuteronomy*, 646.

<sup>100</sup>T. C. Vriezen, “Das Hiphil von ’amar in Dt 26,17-18,” *Jaarbericht van het Vooraziatisch-Egyptisch Genootschap “Ex Oriente Lux”* 17 (1964): 207-10.

<sup>101</sup>Driver, *Deuteronomy*, page number not identified by Vriezen.

<sup>102</sup>Vriezen incorrectly identifies K. H. C. Bertholet as the author he cites, but the commentary on the Hiphil of ’amar is actually found in Alfred Bertholet, *Deuteronomium: Erklärt, Kurzer Hand-Commentar zum Alten Testament*, vol. 5, ed. D. Karl Marti (Freiburg: J. C. B. Mohr, 1899).

between a suzerain and his vassal. Yet, he also compares what he perceives to be similar “negotiations” between Hattušili and Ramses II to the seeming verbal parity of the agreement as found in this text.<sup>103</sup>

At this point he makes an appeal to the employment of the Hiphil with שאל “to ask” in Exodus 12:36 and 1 Samuel 1:28. In both cases the verb should be understood in a permissive sense, that is, “to honor or grant a request.” When Vriezen applies this principle to the phrases in 26:17 and 18, the translation becomes, “Today, Yahweh has confirmed to you that he will be your God . . . . Today, you have confirmed to Yahweh that you will be his people . . . .” He concludes his article by suggesting that the offensive aspects of the causative are thereby placated and affirms that the Hiphil of אמר should be understood as a technical term employed in treaty or contract transactions.

Closely related to this intensive rendering of אמר is the rendering of this verb in the declarative sense. The declarative sense is more specific and depends somewhat on the causative nature of the stem. Claassen describes this dynamic: “The idea could be that to declare a thing in words amounts to bringing it about in fact.”<sup>104</sup> In this context, the declarative sense of אמר would suggest that the speaking of the words “to be your God” or “to be his people of special possession” would in effect cause this to be so.<sup>105</sup>

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<sup>103</sup>However, see McCarthy, *Treaty and Covenant*, 2<sup>nd</sup> ed., chap. 3, especially 46–48, where he discusses the features of the parity treaty between Hattušili and Ramses II. If McCarthy’s analysis is correct, then it is obvious that the text of Deuteronomy does not follow the parity treaty model. See his discussion in chap. 1, where he addresses the confusion regarding the very nature of a covenant that requires independent parties to the agreement but still allows for a clear distinction between the suzerain and vassal.

<sup>104</sup>W. T. Claassen, “The Declarative-Estimative Hiph‘il,” *Journal of Northwest Semitic Languages* 2 (1972): 12.

<sup>105</sup>Understanding how the infinitival subordinate clauses are to be included into this sort of declaration is difficult. Certainly the stipulations of v. 17 (namely, the “walking in his ways,” the “keeping of his statutes, his commandments, and his ordinances” and the “listening to his voice”) cannot be understood to have been accomplished in the declaration.

Claassen’s proposal arrives at the conclusion which A. Wagner offers by means of the application of the Speech-Act theory to these verses. See discussion below.

The conjecture that the Hiphil of אָמַר is here engaged as technical/juridical language seems to be based on this. Citing Smend,<sup>106</sup> Seigfried Wagner retains the causative sense of אָמַר but asserts that it should be understood “in the sense of an official, binding statement.”<sup>107</sup> Andreas Wagner also cites Smend approvingly but takes his observations a step further.<sup>108</sup> He speaks of the “bivalence” of the verbal idea expressed. By this he seems to combine two dynamics. First is the dynamic wherein he incorporates principles from Speech-Act theory and applies that to the verb אָמַר. He presents his case using Genesis 1:29 and Psalm 2:7 and argues that the very act of “saying” in these verses brings into effect that which is said. The second dynamic, although not explicitly identified as such, is connected with the nature of the Hiphil stem.<sup>109</sup> A. Wagner suggests that the *Aktantenstruktur* (or valence) of the verb in the Hiphil stem causes a change in the speaker associated with the verb. That is, he identifies Yahweh as the speaker in verse 17 and Israel as the speaker in vv.18-19.<sup>110</sup> The result of his observation is that Yahweh “proclaims” himself to be Israel’s God (in an “effective” manner) in verse 17, and Israel responds by proclaiming themselves to be (in an “effective” manner) Yahweh’s people.<sup>111</sup>

For the permissive rendering, the idea of the verb would have to communicate that the conditions for this to happen were in place. In other words, verse 17 would be translated, “You have made it possible for Yahweh to say that he would be your God,”

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<sup>106</sup>Wagner cites Rudolf Smend, *Die Bundesformel*, 7ff.

<sup>107</sup>Wagner, “אָמַר ’āmar,” 329. He relates this to the “speaking into being” as אָמַר is used in Gen 1.

<sup>108</sup>Andreas Wagner, “Die Bedeutung der Sprechakttheorie für Bibelübersetzungen, aufgezeigt an Gen 1,29, Ps 2,7 und Dtn 26,17-19,” in *Interpretation of the Bible*, ed. Jože Krašovec, JSOTSup 289 (Sheffield: Sheffield Academic Press, 1998), 1581-82.

<sup>109</sup>See the discussion below regarding the nature of the Hiphil verbal stem.

<sup>110</sup>Thus agreeing with Lohfink. See discussion below.

<sup>111</sup>A. Wagner, “Die Bedeutung der Sprechakttheorie,” 1578-83.

and verse 18 would continue, “Yahweh has made it possible for you to say that you will be his people.”<sup>112</sup> However, this proposal invites similar theological objections as noted above to the causative rendering of אָנִי, that is, in what manner or by what means has Israel “made it possible for Yahweh” to make such a statement? This notion is contrary to many of the specific statements in Deuteronomy that indicate Israel did nothing to merit Yahweh’s grace or to prompt him in any way.

**A Review of the Grammar and Syntax of the Hiphil.** At this point it may be of use to digress somewhat and review the grammar and syntax textbooks. The first feature of the Hiphil stem that a beginning student of Hebrew learns is that this stem connotes causality. A student is taught to fall back to this “default position” when encountering a Hiphil stem in the text.<sup>113</sup> Waltke and O’Connor remind us, “Though both stems involve causation, the factitive-resultative *Piel* generally has to do with the bringing about of a state or a condition, and the causative *Hiphil* with the *causing of an event*.”<sup>114</sup> Further,

With the *Piel*, the object is transposed passively into a new state or condition.

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<sup>112</sup>J. H. Charlesworth, “The *Beth Essentiae* and the Permissive Meaning of the Hiphil (Aphel),” in *Of Scribes and Scrolls: Studies on the Hebrew Bible, Intertestamental Judaism, and Christian Origins*, ed. Harold W. Attridge, John J. Collins, and Thomas H. Tobin, College Theology Society Resources in Religion 5 (Lanham, MD: University Press of America, 1990), 75-77, while not referring specifically to our passage makes the following statement: “Here I wish to stress that [the Hiphil stem can denote] permission, *especially when the subject is God*” (emphasis added).

S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 3<sup>rd</sup> ed., ICC (Edinburgh: T. & T. Clark, 1902), 293, may also represent this perspective. He expresses a tentative readiness to accept the idea of causality. First he suggests that this may be a technical term used between contracting parties. Then he writes, “So here Israel, by listening so readily to the commandments set before it, has (virtually) ‘caused Jehovah to say’ that He will be its God.” This understanding must be rejected in that the simple listening to the commandments is insufficient to solicit so great a reaction from Yahweh. Moreover, at no time in Israel’s history (from the Exodus narrative to this point) had Israel so faithfully kept the commandments of Yahweh as to engender this degree of response from Yahweh.

<sup>113</sup>For example, see Allen P. Ross, *Introducing Biblical Hebrew* (Grand Rapids: Baker Academic, 2001), and Ronald J. Williams, *Hebrew Syntax: An Outline*, 2<sup>nd</sup> ed. (Toronto: University of Toronto Press, 1976). Paul Joüon, *A Grammar of Biblical Hebrew*, vol. 2, trans. and rev. T. Muraoka, *Subsidia Biblica* 14, 2 (Rome: Pontifical Biblical Institute, 2000), §54d, states, “The basic meaning [of the Hiphil system] is that of causation.” Gesenius §53c supports this as well.

<sup>114</sup>Bruce Waltke and M. O’Connor, *IBHS* (Winona Lake, IN: Eisenbrauns, 1990), 434 (emphasis added).

Philosophers would refer to this transposition as “accidental” because the object makes no contribution to the verbal notion. With the *Hiphil*, however, *the object participates in the event expressed by the verbal root . . . the Hiphil represents the subject as causing an object to participate indirectly as a second subject in the notion expressed by the verbal root. In fact, this notion probably accounts for the Hiphil’s distinctive form.*<sup>115</sup>

Later they juxtapose 1 Samuel 6:6 (*Piel* of כָּבַד – why do you harden) with Exodus 8:11 (*Hiphil* of כָּבַד – caused to become hard) to demonstrate that “The *Piel* verbs here direct attention to the results of the situation apart from the event . . . and the *Hiphil* [verb] refers to the process.”<sup>116</sup>

The principles of grammar and syntax, especially related to the morphological causative with its ditransitive construction employed in this text will be expanded upon greatly in chapter 3 of this study. This discussion will explain how the assertion of Waltke and O’Connor (regarding the object as a second subject) should be understood in Deuteronomy 26:17 and 18.

**The Hiphil of אָנַח and the associated infinitival phrases.** Norbert Lohfink<sup>117</sup> addresses the problem of the Hiphil of אָנַח and the difficult grammatical construction posed by the sequence of the ל + infinitive within the context of what he insists is a covenantal transaction in this text. First, he comments on the critical apparatus in BH3 saying that only from a literary-critical perspective is the text

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<sup>115</sup>Ibid., 435 (emphasis added). In this context Waltke and O’Connor appeal to Jenni’s assertion that the *Hiphil* tends to refer to occasional or one-time situations. To illustrate they draw attention to E. A. Speiser’s view that the *Hiphil* originally signified: ‘X (the subject) caused that Y (the second subject) be or do something.’

Nili Mandelblit, “Grammatical Blending: Creative and Schematic Aspects in Sentence Processing and Translation” (Ph.D. diss., University of California, San Diego, 1997), offers a proposal in chap. 4 of her study for the grammatical blending signaled by the Hiphil binyan. In chap. 5 of her study, she demonstrates the differences between a causative construction in the Hiphil and a causative construction using Piel. Her analysis is consistent with that of Waltke and O’Connor stated here. See also her Table 7-1 (167) that describes the identity of the causal agent and the effected predicate marked in the Hiphil conjugations.

<sup>116</sup>Waltke and O’Connor, *IBHS*, 438.

<sup>117</sup>The following is a summary of sections three and four in Lohfink, “Dt 26, 17-19 und die ‘Bundesformel,’” 527-35.

“perturbed.”<sup>118</sup> He dismisses the LXX translation as unnecessary and unacceptable, commenting that the Hebrew text can be understood without conjecture.

Turning his attention to the syntax of the infinitival phrases in verses 17-19, he notes that the Hebrew infinitive constructions do not always conform to the patterns of infinitive constructions in other languages. Specifically, he notes that the logical subject of the phrases jumps back and forth.<sup>119</sup> He returns to this dynamic and offers clarification on the subject of each phrase after attending to the real question of the passage—the identification the subject<sup>120</sup> of the verbal notion of the Hiphil of אָנַח and the collateral translation required by this identification.

Lohfink observes that although אָנַח occurs 5280 times in the Old Testament, this is the only instance in which it is found in the Hiphil. While he acknowledges that the practice of rendering verbs in the Hiphil is normally with a causative force, he notes that the Hiphil may be rendered in a number of ways. He considers the permissive<sup>121</sup> and intensive<sup>122</sup> construals. With tentativeness,<sup>123</sup> he continues his discussion rendering the Hiphil of אָנַח by using “to declare” or “to proclaim” in his translation.

Here Lohfink observes that by using this idea of “to declare” or “to proclaim” in conveying the meaning of the Hiphil of אָנַח while retaining the causative “effect” of the stem, the dynamics of the two verses are completely changed. Namely, the “speaker

<sup>118</sup>Ibid., 530.

<sup>119</sup>Ibid. He appeals to §124s in Joüon for support. The comment here concerns the atemporal and apersonal nature of the infinitive construct. Therefore, time and aspect as well as the subject of the construction can only be determined by context.

<sup>120</sup> That is, not necessarily the grammatical subject of אָנַח, but rather the agent which participates in the action of אָנַח.

<sup>121</sup>Lohfink, “Dt 26, 17-19 und die ‘Bundesformel,’” 530, namely, “Today you have let Yahweh declare to you that he will be your God. . . . Yahweh has let you declare today. . . .”

<sup>122</sup>Ibid. The resulting translation would strengthen אָנַח from “say” to “declare, promise, or proclaim.”

<sup>123</sup>He remarks that the root of אָנַח is not ordinarily construed with the accusative of person. Ibid.

becomes the other partner.”<sup>124</sup> Thus, verse 17 becomes the declaration of Yahweh and verses 18-19 become the declaration of Israel.<sup>125</sup>

Proceeding to the task of untangling the infinitives of verse 17 and verses 18-19, he suggests that a simple reading<sup>126</sup> of these verses would lead one to believe that the subject (or object) of the first infinitive in verse 17 is Yahweh and that the subject (or object) of the second, third and fourth infinitives is Israel. For verses 18-19 the subject (or object) of the first, second and fourth infinitives is Israel and the subject (or object) of the third infinitive is Yahweh. However, this understanding is challenged by the addition of the phrase “as he promised”<sup>127</sup> attached to the two infinitival phrases (the first and fourth in verses 18-19) pertaining to Israel becoming Yahweh’s people. He argues that this formula in the first and fourth infinitival phrases speaks of Yahweh’s responsibility in the agreement. Thus, he maintains that in the exchange of verse 17 and verses 18-19, Yahweh identifies his treaty obligations in the first infinitival phrase of verse 17<sup>128</sup> and Israel’s treaty obligations in the second, third and fourth phrases.<sup>129</sup> Then in verses 18-19 Israel acknowledges its responsibility in the second infinitival phrase<sup>130</sup> and speaks of

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<sup>124</sup>Lohfink, “Dt 26, 17-19 und die ‘Bundesformel,’” 530. This conclusion seems to employ the principles of what Mordechai Ben-Asher, “Causative *Hip ‘il* with Double Objects in Biblical Hebrew,” *Hebrew Annual Review* 2 (1978): 11-19, labels “transformational syntax.” See the discussion in chap. 3 of this study.

<sup>125</sup>That is to say, with a simple intensive rendering the two principle phrases of vv. 17-18 would read, “You have declared that Yahweh is your God,” and “Yahweh has declared that you are his people of special possession.” But, if the causative effect is retained, these phrases would read, “You have caused Yahweh to say that he will be your God,” and “Yahweh has caused you to say that you will be his people.”

<sup>126</sup>Taking into consideration the change of speakers noted above.

<sup>127</sup>The difference between the phrases *כַּאֲשֶׁר דִּבֶּר-לְךָ* and *כַּאֲשֶׁר דִּבֶּר* is insignificant. Lohfink calls this formula the *Rückverweisformel* (a back-reference formula). Lohfink, “Dt 26, 17-19 und die ‘Bundesformel,’” 532.

<sup>128</sup>That is, to be Israel’s God.

<sup>129</sup>That is, to walk in Yahweh’s ways, to keep his statutes, commandments and ordinances, and to listen to his voice. This is a comprehensive expression to describe complete obedience.

<sup>130</sup>That is, to keep all his commandments. This is a summary expression to describe complete obedience stipulated in the three infinitival phrases of v. 17.

Yahweh's responsibility in the first, third and fourth infinitival phrases.<sup>131</sup> And although the pattern is not parallel, at least in terms of the corresponding reversal<sup>132</sup> in the four infinitival phrases of verse 17 and the four in verses 18-19, there is a reversal pattern in terms of the speaker identifying his obligation and the ensuing three obligations of the partner in the two statements in this exchange.<sup>133</sup> This can be seen in Table 1 below.<sup>134</sup>

Lohfink supports his conclusions regarding the identification of the speakers in verse 17 and verses 18-19 and regarding his interpretation of the Hiphil of אָמַר by appealing to Deuteronomy 28:9 which repeats the expression קָדוֹשׁ לְעַם from Deuteronomy 26:19. This text includes a *Rückverweisformel*, but its wording is slightly altered.<sup>135</sup> He asserts that the use of נִשְׁבַּע in this text is an indication that the transaction

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<sup>131</sup>That is, Yahweh would have Israel for his people of special possession, Yahweh would set Israel in praise, fame and honor, and Yahweh would have Israel for his holy people.

<sup>132</sup>That is, one would expect a 1 + 3 pattern in the reciprocation. Since in v. 17 Yahweh identifies his responsibility in the first phrase and Israel's obligations in phrases 2-4, one might expect that Israel's answer in vv. 18-19 would follow suit naming its responsibility in the first phrase and Yahweh's obligations in phrases 2-4. The theological import of this "anomaly" will be presented in chap. 3 of this study.

<sup>133</sup>Although Clifford, *Deuteronomy*, 140, notes that the translation of these verses is not clear, it seems that he agrees with Lohfink's conclusions regarding the identification of the treaty responsibilities of each partner. However, he maintains Israel as the speaker in v. 17 and Yahweh as the speaker in vv. 18-19. His proposed translation (136-37) does not clarify matters but rather agrees with most English translations.

<sup>134</sup>It should be noted that something is "lost in the translation" in this chart due to the narrative nature of the text recorded here. It appears that in this text Moses is serving as a "court secretary" recording the transaction in the treaty exchange. Moreover, as suggested in chap. 4, this text is included in the context of Deut 26 as a model on which future covenant renewal ceremonies would be based. As is often the case in liturgical passages, there is an economy of words.

If there were any questions as to whether or not this transaction represents a parity or suzerain-vassal treaty, Table 1 should make it clear that we have here a vassal standing before its gracious suzerain. One can clearly see the "reciprocal" nature of the transaction. First, Yahweh stipulates in v. 17 that Israel must obey completely and Israel affirms that it will obey completely. Secondly, Israel recognizes that they cannot "make themselves" Yahweh's people "by decree" but only by obedience to his commands. One could understand Israel's response to Yahweh's gracious offer to be their God as follows: "In light of the fact that you have chosen us to be your people of special possession, we will obey."

However, Clifford, *Deuteronomy*, 140, argues that this text clearly represents the establishment of a parity, not a suzerain-vassal, treaty. His conclusion is tempered by the remark, "The initiative of the Lord is sufficiently clear throughout the whole book to avoid any impression of simple equality between God and Israel." Yet, he simply asserts that since "two free beings commit themselves to each other" in this transaction, it must be a parity treaty. On this point, see the discussion in McCarthy, *Treaty and Covenant*, 2<sup>nd</sup> ed., chap. 1, wherein he maintains that every covenant requires the participation and commitment of two parties.

<sup>135</sup>In 28:9 the text reads כִּי־נִשְׁבַּע־לְךָ כֹּהֵן־יְהוָה instead of כִּי־דִבַּר־לְךָ כֹּהֵן־יְהוָה as in 26:19.

Table 1: Treaty obligations in their infinitival forms

Speaker	Speaker obligation	Partner obligation
Yahweh verse 17	לְהִיּוֹת לְךָ לֵאלֹהִים	וּלְלַכֵּת בְּדַרְכֵי וּלְשָׁמֵר חֻקֵי וּמִצְוֹתָיו וּמִשְׁפָּטָיו וּלְשִׁמֹעַ בְּקוֹלוֹ
Israel verses 18-19	וּלְשָׁמֵר כָּל-מִצְוֹתָיו	לְהִיּוֹת לוֹ לְעַם סְגֻלָּה כַּאֲשֶׁר דִּבֶּר-לְךָ וּלְחַתֵּךְ עֲלִיּוֹן עַל כָּל-הַגּוֹיִם אֲשֶׁר עָשָׂה לְתַהֲלָה וּלְשֵׁם וּלְחַפְזָרֶת וּלְהִתְדָּךְ עִם-קָדֹשׁ לַיהוָה אֱלֹהֶיךָ כַּאֲשֶׁר דִּבֶּר

narrated in Deuteronomy 26:17-19 represents the oath-swearing ceremony of the treaty. Specifically he portrays this procedure in the following manner with respect to verses 18-19. Rather than passively listening to Israel's recitation of its treaty obligations and its enumeration of his attending responsibilities, Yahweh actively accepts Israel's declaration and swears on oath to perform his treaty duties.<sup>136</sup> He asserts:

Das würde bedeuten, daß das Hiphil von 'mr folgenden Vorgang ausdrückt: Eine Person A veranlaßt eine Person B, eine Erklärung abzugeben, in der B eine Forderung an A ausspricht, worauf A diese Forderung akzeptiert, indem er einen Eid darauf leistet, sie zu erfüllen.<sup>137</sup>

Further he maintains that to suppose that the Hiphil of אָמַר is employed here in a specialized way to convey the legal idea of the treaty exchange<sup>138</sup> is to propose an idle

<sup>136</sup>However, see Kline, "Law Covenant," 5 n. 8. Here Kline disagrees with McCarthy's construal (and also, though not specifically with Lohfink) of v. 17 as Yahweh's declaration and vv. 18-19 as Israel's declaration. He reasons that God would not take an oath that consisted primarily of Israel's responsibilities. He agrees with the majority of English translations on the interpretation of the Hiphil of אָמַר. He concludes, "These verses are to be understood then not as a description of the ratificatory oath ritual as such but as a summation of the general significance of this covenantal engagement."

<sup>137</sup>Lohfink, "Dt 26, 17-19 und die 'Bundesformel,'" 534. "This would imply that the Hiphil of 'mr expresses the following procedure: Person A allows person B to give a declaration, in which B presents A with a requirement; upon which A accepts this requirement by making an oath, swearing that he will fulfill [the requirement]." The author wishes to acknowledge and thank Anna Reedy for her assistance with this difficult translation.

<sup>138</sup>See discussion above. Lohfink, however, is taking exception to Driver, *Deuteronomy*, 293. Driver offers the conjecture that "הָאָמַר" was perhaps a term used technically by contracting parties in a covenant, each causing the other to recite the terms of the agreement between them." However, Driver's surmise that the causative factor behind Yahweh's action was simply Israel's readiness to listen to his commandments cannot be accepted.

argument. His explanation makes that line of reasoning unnecessary.<sup>139</sup>

### Methodology

In chapter 2 (The Covenantal Framework of Deuteronomy) a comparison of the various proposals for the covenantal structure of Deuteronomy—assuming that the Hittite treaty formulary serves as the structural pattern for the covenantal framework of Deuteronomy—is offered. Acknowledging that Deuteronomy is crafted as the farewell speech of Moses, it is posited that the three sermons<sup>140</sup> of Moses (1:6-4:44; 4:45-28:69 [29:1 Eng]; and 29:1 [29:2 Eng]-30:20) follow a homiletical outline that is patterned after the Hittite treaty formulary.<sup>141</sup> The parallels between the Hittite treaty formulary and the covenantal structure of Deuteronomy may be seen as follows: Historical Prologue (1:6-4:44); General Stipulation (4:45-11:32); Specific Stipulations (12:1-26:15); Record of the Ratification Ceremony (26:16-19); Document Clause (27:1-10); Appeal to Witness (27:11-26); Blessings and Curses (28:1-69 [29:1 Eng]); and Solemn Oath Ceremony (29:1 [29:2 Eng] - 30:20).

Chapter 3 (Reconsidering the Hiphil of אָנָה) will attend to the grammatical and syntactical difficulties of the focal text. This review will suggest deficiencies in the ancient and modern translations of 26:17-19. This will also provide the rationale for a reconsideration of the traditional understanding of the dynamics of this exchange. A

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<sup>139</sup>See also Norbert Lohfink, “Lectures in Deuteronomy” (a summary of materials presented for the exclusive use of students at the Pontifical Biblical Institute, 1968, prepared in English by S. McEvenue S.J.), (Graduate Union Theological Library, Berkeley, California), 119-23.

<sup>140</sup>Von Rad, *Deuteronomy*, 12, characterizes Deuteronomy as “predominantly hortatory speech to the people.” See also, idem, “Deuteronomy,” in *IDB* (Nashville: Abingdon, 1962), 1:834-35. Miller, *Deuteronomy*, 11-14, suggests that a Deuteronomist intentionally crafted Deuteronomy with a “preaching character” in order to bolster its authority. He enumerates nine different traits that reflect the sermonic style.

<sup>141</sup>This study will follow Wenham and Thompson, *Deuteronomy*, 19, and suggest that the covenantal structure is followed closely in chaps. 1-30. Chaps. 31-34 contain provisions for the continuity of the covenant. However, as Mendenhall has commented on additional features necessary for the conclusion of a treaty (see discussion above), matters in chaps. 31-34 may be loosely associated with these features. Moreover, there is merit to Kline’s inclusion of these chapters in his rubric “succession arrangements” (see discussion above and in chap. 2).

proposed storyline that may better reflect the nature of the covenantal obligations and stipulations assumed and required by the respective “speakers” is here presented.

In chapter 4 (The Canonical Context of Deuteronomy 26) a literary-structural analysis will demonstrate the relationship of 26:16-19 to its larger textual unit within Deuteronomy 26. Furthermore, consideration is given to the question of the relationship of 26:16-19 to Deuteronomy 27. The result of this investigation will show that there is a seamless transition via this keystone of 26:16-19 between the ascent<sup>142</sup> and the descent<sup>143</sup> of the covenantal framework of Deuteronomy.

In chapter 5 (The Covenant Relationship Formula in Deuteronomy) further literary analyses will be applied to the use of the covenant formula in each of the constituent parts of the treaty formulary as they are applied in Deuteronomy. This will explain how the covenant relationship formula functions in 4:20 (Historical Prologue), in 7:6 (General Stipulation), in 14:2 (Specific Stipulations), in 27:9 (between the Document Clause and the Appeal to Witness), in 28:9 (Blessings and Curses) and in 29:12 [13] (Solemn Oath Ceremony). This will reveal that the covenant relationship formulae leading up to 26:16-19 are associated with the necessity of Israel’s exclusive loyalty to Yahweh and that the formulae in passages after 26:16-19 are associated with Israel’s obligations to obey Yahweh.

Chapter 6 (Deuteronomy 26:16-19 as the Keystone of the Covenantal Framework of Deuteronomy) summarizes the work of chapters 1 and 2 then applies the findings of chapters 3 through 5 to demonstrate that the covenant relationship formula (לְהִיּוֹת לְךָ יְיָ אֱלֹהִים . . . לְהִיּוֹת לוֹ לְעַם) as expressed in 26:16-19, with its concomitant covenantal obligations, can bear the weight of and does indeed serve as the

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<sup>142</sup>That is, the antecedent components of the treaty—the Preamble, Historical Prologue, General Stipulation, and Specific Stipulations.

<sup>143</sup>That is, the succeeding components of the treaty—the Document Clause, the Appeal to Witness, and the Blessings and Curses.

keystone of the covenantal framework of Deuteronomy. The covenantal exchange in 26:17-19 connects the emphasis on obedience in verse 17 to that of the covenant relationship formula in 27:9; 28:9; and 29:12 and connects the emphasis on exclusive loyalty in verses 18-19 to that of the covenant relationship formula in 4:20; 7:6; and 14:2. This, in turn, will affirm Rendtorff's assertion that the "covenant formula is an element of theological language which is introduced in a *highly conscious manner*."<sup>144</sup>

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<sup>144</sup>Rendtorff, *The Covenant Formula*, 92 (emphasis added).

## CHAPTER 2

### THE COVENANTAL FRAMEWORK OF DEUTERONOMY

Chapter 1 identified the various constituents of the Hittite treaty formulary and established that there is general consensus that Deuteronomy is influenced by this formulary which must have been prevalent before and during the time of Deuteronomy's writing. However, a cursory reading of chapter 1 reveals that this general consensus quickly evaporates when one looks at the specifics of just how much influence this formulary had over Deuteronomy's structure and final form.

The task of chapter 2 is to compare the existing proposals for the covenantal framework of Deuteronomy<sup>1</sup> and to proffer an alternative schema that acknowledges the essentially sermonic nature of Deuteronomy while recognizing the underlying substructure<sup>2</sup> of the Hittite treaty formulary.<sup>3</sup> During the process of this comparison, the various strengths and weaknesses of each proposal will be documented.

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<sup>1</sup>Focus is directed to those proposals that employ the Hittite treaty formulary, as noted in chap. 1, as a model for the organization of Deuteronomy more or less in its entirety. Thus, we will not include discussion of Mendenhall, Baltzer, McCarthy, or others who see only reflections of the treaty formulary or constituent parts of the formulary expressed in Deuteronomy.

<sup>2</sup>Kenneth Turner, "Death of Deaths in the Death of Israel: Deuteronomy's Theology of Exile" (Ph.D. diss., The Southern Baptist Theological Seminary, 2005), 265, concedes, "The main problem with this type of structure is that Deuteronomy is *not* a treaty document *per se*, nor is the correspondence with the ANE treaties exact" (emphasis original). Appealing to the distinctions made by Patrick Miller between Deuteronomy's literary and theological structure and its covenantal substructure, Turner asserts, "The covenantal character of Deuteronomy, then, is better viewed as a *substructure* of the book" (emphasis original). See the discussion in Patrick Miller, *Deuteronomy* (Louisville: Westminster John Knox Press, 1990), 10-14. See also the discussion in Peter T. Vogt, *Deuteronomical Theology and the Significance of Torah: A Reappraisal* (Winona Lake, IN: Eisenbrauns, 2006), 25-27.

<sup>3</sup>John A. Thompson, *Deuteronomy: An Introduction and Commentary*, Tyndale Old Testament Commentaries (London: InterVarsity Press, 1974), 20-21, insists, "It is beyond question that the structure of Deuteronomy is related in some way to the structure of political treaties of the ancient Near East. . . . Deuteronomy is, in any case, a carefully designed literary piece which owes much in its structure to ancient Near Eastern models." Likewise, Gordon J. Wenham, "The Structure and Date of Deuteronomy: A Consideration of Aspects of the History of Deuteronomy Criticism and a Re-examination of the Question of Structure and Date in the Light of that History and of the Near Eastern Treaties" (Ph.D. diss., University

## Proposals for the Covenantal Framework of Deuteronomy

### Gerhard von Rad

Although von Rad does not specifically appeal to the ancient Near Eastern treaties and their correspondence to the structure of Deuteronomy,<sup>4</sup> his assertion that Deuteronomy's origins lie in the cultus and the liturgy of covenant renewal<sup>5</sup> reflects in large measure the basic premises of those who are cognizant of such parallels and organize the contents of Deuteronomy in similar ways.

Von Rad, following a form critical approach to Deuteronomy, identifies four main sections to its structure:

1. Historical presentation of the events at Sinai, and paraenetic material connected with these events (Deut. I-XI)
2. The reading of the law (Deut. XII-XXVI.15)
3. The sealing of the covenant (Deut. XXVI.16-19)
4. The blessings and curses (Deut. XXVIIIff)<sup>6</sup>

This outline clearly follows, in the general parameters, the treaty formulary pattern of Historical Prologue followed by Stipulations in turn followed by the Blessings and Curses. Von Rad makes an insertion into this pattern by isolating the feature of the

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of London, 1969), 184, maintains, "It is now widely accepted that his [the author of Deuteronomy] guiding principle was the covenant form. Nevertheless it does not seem to me that the recognition that Dt follows the treaty pattern makes the suggestion that it is based on sermons superfluous."

<sup>4</sup>As a matter of fact, von Rad makes no appeal to the works of Korošec or Mendenhall in his commentary. This may be explained by the fact that Mendenhall's essays were published just shortly before von Rad's commentary and essays (originally written in German and later translated into English). However, even his entry in the *IDB*, published in 1962, does not include discussion of these works nor does it refer to these works in its abbreviated bibliography. However, he acknowledges the works of Mendenhall, Baltzer, and others in his *Old Testament Theology* (Gerhard von Rad, *Old Testament Theology*, vol. 1, *The Theology of Israel's Historical Traditions*, D. M. G. Stalker [New York: Harper & Row; Edinburgh: Oliver & Boyd, 1962], 138) and concludes that a careful comparison between the Hittite treaties of the fourteenth and thirteenth centuries BC and the covenantal formulations between Israel and Yahweh reveals a high degree of commonality.

<sup>5</sup>See Gerhard von Rad, "Deuteronomy," in *The Interpreter's Dictionary of the Bible*, ed. George A. Buttrick (Nashville: Abingdon, 1962), 1:835-37; idem, *The Problem of the Hexateuch and other Essays*, trans. E. W. Trueman Dicken (New York: McGraw-Hill, 1966), 27-34; and idem, *Deuteronomy: A Commentary*, trans. Dorothea Barton, OTL (Philadelphia: Westminster, 1966), 11-27, especially, 23-27.

<sup>6</sup>Von Rad, *Problem*, 27. In the later publication ("Deuteronomy" in *IDB*), von Rad modifies this structure by omitting chaps. 1-5, 27, and 31-34 from the discussion. He organizes Deuteronomy into the following sections: exhortation (chaps. 6-11); statement of the law (chaps. 12-26:15); commitment to the covenant (26:16-19); blessing and curse (chaps. 28-30) (835).

sealing of the covenant.<sup>7</sup>

Since von Rad did not make any pretense of appealing to the ancient Near Eastern treaty parallels, one cannot criticize him on the basis of his lack of adherence to a strict correspondence between his discussion and the pattern of the treaty formulary. However, one can question whether or not his structure incorporates or accounts for the details of the text. In this matter, although the first chapter of Deuteronomy makes reference to Sinai,<sup>8</sup> the concern of the text from 1:19 through 3:29 is not with Sinai but rather the journey from Sinai to Beth-Peor. The exhortation to exclusive allegiance to Yahweh in 4:1-40 is rooted firmly in the Sinai experience,<sup>9</sup> yet this exhortation appeals to the immediate past<sup>10</sup> and future expectation.<sup>11</sup> Without question chapter 5 is an historical presentation of the events of Sinai. It may be true that the instructions of chapters 6 and 7 are connected with the covenant made at Sinai, yet repeatedly these exhortations are grounded in the Exodus event and/or in the promises to the fathers.<sup>12</sup> The paraenesis of

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<sup>7</sup>One must recall that Mendenhall noted that there were additional transactions required for the conclusion of the treaty. One of these components was the formal oath by which the vassal pledged his obedience. This formal oath could mirror von Rad's characterization of 26:16-19 as the sealing of the covenant. See George E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17, no. 3 (1954): 60-61.

<sup>8</sup>Deut 1:6-8 recounts Yahweh's instruction to leave Horeb and 1:9-18 recalls Moses' appointment of tribal leaders to assist him in leading Israel from Sinai to Canaan.

<sup>9</sup>Deut 4:9-14, 23-24, and 33-38 specifically appeal to the events connected with Sinai.

<sup>10</sup>See 4:10, the failure at Baal-Peor.

<sup>11</sup>See 4:1, ". . . that you may live, and go in and take possession of the land. . . ." See also 4:14, ". . . that you might do them in the land that you are going over to possess." Verses 37-38 juxtapose the reality of the Exodus and the imminent conquest of Canaan in terms that seem to ignore the intermediate stage of Sinai and the wilderness wanderings. Finally, in 4:40, Moses makes it clear that obedience to the commands which he is commanding this day, which follow in 5:6-21 (essentially the text of the Ten Words of Exod 20), will result in the prolonging of life in the land that Yahweh was about to give to them.

<sup>12</sup>For instance, in chap. 6, the exhortation not to forget Yahweh (who brought them to the land promised to the fathers) is connected to Yahweh's deliverance from slavery in Egypt (6:12). The warning clearly alludes to Sinai (6:14-15//Exod 32-34) and to pre-Sinai (6:16//Exod 17:2-7) events. However, the conclusion of this admonition is tied directly to the deliverance from Egypt and the promises to the fathers (6:21-23).

In chap. 7 the instructions concerning the destruction of the Canaanites harkens back to Sinai (7:1//Exod 34:11; 7:6//Exod 19:4-6; 7:9-10//Exod 34:6-7), yet the chapter repeatedly references the oath to the fathers (7:8, 12) and the redemption from Egypt (7:8, 18-19).

chapters 8-11 are clearly connected to the events of Sinai, especially if one includes among those events the various pericope between the Exodus and the wilderness wanderings.<sup>13</sup>

His proposed second structural unit (12-26:15) is designated “The reading of the law.” Curiously, the epitome or summary of the law as expressed in the Decalogue and recounted in Deuteronomy 5<sup>14</sup> is actually outside this second structural unit of Deuteronomy for von Rad. Certainly this text ought to be included under this rubric. However, as one reads von Rad more closely, it becomes clear that his title “reading of the law” really summarizes his perspective that Deuteronomy 12-26:15 is a homiletic expansion of the Sinai traditions found in Exodus 19-24 (the Decalogue and the Book of the Covenant).<sup>15</sup>

Since von Rad’s employs the designation “Blessings and curses” for the final section of Deuteronomy (chapters 27-34), one must ask how all of the distinct subject matter of these chapters can be subsumed under this sectional heading. Blessings and curses obviously feature prominently in these chapters.<sup>16</sup> However, not all the subject

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<sup>13</sup>Chap. 8//Exod 16 and Num 11; chaps. 9 and 10//Exod 32-34; and 11:4-5//Exod 14; 11:6//Num 16. Possibly von Rad uses the phrase “historical presentation of the events at Sinai” in a similar fashion to Kitchen when he includes the covenants of Sinai and the renewals on the plains of Moab and at Shechem in Joshua 24 under the designation “Sinai covenant,” but he does not make this clear. See Kenneth Kitchen, *Ancient Orient and Old Testament* (Chicago: InterVarsity Press, 1966), 87-111.

<sup>14</sup>See John Walton, “Deuteronomy: An Exposition of the Spirit of the Law,” *Grace Theological Journal* 8 (1987): 213-25. His thesis is that chaps. 6-26 are “an expansion of the decalogue with the intent of addressing the spirit of the law” (225). While there is much to agree with in his discussion, the argument of this dissertation would suggest that the Decalogue anchors chaps. 5-11 (the General Stipulation). The Specific Stipulations in chaps. 12-26 are then derived from the Decalogue (and thus the General Stipulation). Walton’s thesis would have to be modified if he followed the Catholic/Lutheran/Anglican method for numbering the Decalogue. See the discussion below. An alternative to Walton’s proposal is offered in chap. 5 of this dissertation.

<sup>15</sup>Von Rad, *Problem*, 27-34. See also idem, “Deuteronomy,” 831-35. He notes in the latter source that there is more homiletic expansion in chaps. 12-18 than in 19-25, which he characterizes as an “indiscriminant succession” of various laws (831). See also idem, *Deuteronomy*, 13, wherein he highlights the parallels between Deut and Exod 21-23. These parallels are almost exclusively taken from Deut 14-26. The only exceptions are references to Deut 5:13-15 and 6:13.

<sup>16</sup>27:11-26 describes a ceremony to be held upon entry into Canaan in which blessings and curses are to be pronounced (even though only curses are recited in vv. 15-26). Chap. 28 enumerates the blessings of covenant obedience and the curses of covenant disobedience. Chaps. 29-30 are an exhortation to covenant obedience and warning against covenant disobedience. Possibly one can see the connection between curses and the Song of Moses in chap. 32 and the blessings and Moses’ benediction in chap. 33.

matter of these chapters can be neatly included under the heading of “Blessings and curses.”<sup>17</sup>

The strength of von Rad’s organization of Deuteronomy is that it recognizes the pivotal importance and transitional role of 26:16-19. Yet, there are some incongruities in his analyses of these verses. In his earlier writings he identified these verses as a discreet unit.<sup>18</sup> However, in his commentary,<sup>19</sup> he does not treat 26:16-19 separately. He does make a distinction between this text and the preceding section (“recital of the laws” in 12:1-26:15) and the following section (“proclamation of the blessing and the curse” in 27ff).<sup>20</sup> However, in his commentary on the text, von Rad does not consider 26:16-19 separately from 26:1-19. Rather he suggests that verse 16 is the “hortatory conclusion” to 12:1-26:15.<sup>21</sup> He begins his remarks on verses 17-19 by saying, “This section differs from all the proceeding units by not containing any individual regulation needing to be brought up to date, nor yet a sermon.” He proceeds to comment on the role of Moses as covenant mediator and cautions against reading the transaction recorded here as bilateral in nature.<sup>22</sup> In the commentary section he does not fully develop the significance of this unit.<sup>23</sup>

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<sup>17</sup>For instance, the instructions for the ceremony at Ebal in 27:1-10 does not have a direct connection to blessings and/or curses (unless it is included in the greater unit of chap. 27 as a whole). Moreover, it is hard to see how the instructions for Joshua’s succession and the provisions for the periodic reading of the law in chap. 31 are directly related to Blessings and Curses. Finally, there is a disjoint between the report of Moses’ death in chap. 34 and the sectional heading Blessings and Curses.

<sup>18</sup>See von Rad, “Deuteronomy” (in *IDB* published in 1962) and idem, *Problem* (published in 1966 [translated from the German *Gesammelte Studien zum Alten Testament*, published by Kaiser Verlag, Munich, 1958]). One must note that the first essay in this publication (after which it is named) is actually a reprint of Gerhard von Rad, “Das forgeschichtliche Problem des Hexateuch, *Beiträge zur Wissenschaft vom Alten und Neuen Testament*, 4, Folge, Heft 26, 1938.

<sup>19</sup>See von Rad, *Deuteronomy* (translated from the German *Das fünfte Buch Moses: Deuteronomium*, Göttingen: Vandenhoeck & Ruprecht, 1964).

<sup>20</sup>See the discussion, von Rad, *Deuteronomy*, 12.

<sup>21</sup>*Ibid.*, 161.

<sup>22</sup>*Ibid.*

<sup>23</sup>That he does not develop this seems remarkable, especially in light of Lohfink’s suggestion that if von Rad’s appraisal is correct in identifying the structure for Deuteronomy, then Deut 26:17-19 is at

### **Meredith G. Kline**

Kline clearly took issue with the results of the higher critical studies which asserted that Deuteronomy took shape by means of editorial expansion and accretions around the kernel of a Deuteronomistic Code (12-26). Thus he put forward his alternative for the structure of Deuteronomy that affirmed its unity and integrity. He states clearly, “The position to be advocated here is that Deuteronomy is a covenant renewal document which in its total structure exhibits the classic legal form of the suzerainty treaties of the Mosaic age.”<sup>24</sup> The following represents his outline for Deuteronomy: (1) Preamble (1:1-5); (2) Historical Prologue (1:6-4:49); (3) Stipulations (5-26); (4) Curses and Blessings or Covenant Ratification (27-30); Succession Arrangement or Covenant Continuity (31-34).<sup>25</sup> This organization is supported substantially by showing the correspondence between Deuteronomy and other ancient Near Eastern treaties.<sup>26</sup>

This insistence on Deuteronomy’s unity and integrity is the greatest feature and most substantial contribution that Kline brings to the discussion. His work incapacitates the suppositions and theories for the origin of and the growth of Deuteronomy that are proffered by scholars who are informed by the tenets of higher criticism. His careful comparison of the correlation of the structure of Deuteronomy with the ancient Near Eastern treaty formulary reveals that the reconstructions tendered are unnecessary and

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the core of Deuteronomy. See Norbert Lohfink, “Dt 26, 17-19 und die ‘Bundesformel,’” *Zeitschrift für Theologie und Kirche* 91 (1969): 527-28.

<sup>24</sup>Meredith G. Kline, “Dynastic Covenant,” *Westminster Theological Journal* 23 (1960/61): 2.

<sup>25</sup>Ibid. However, these headings are slightly modified in his commentary on Deuteronomy. See Meredith G. Kline, *Treaty of the Great King: The Covenant Structure of Deuteronomy* (Grand Rapids: Eerdmans, 1963), Table of Contents. The structural divisions remain the same only the headings are slightly modified: (1) Preamble (1:1-5); (2) Historical Prologue (1:6-4:49); (3) Stipulations (5-26); Sanctions Covenant Ratification (27-30); Dynastic Disposition (31-34).

John A. Thompson, *Ancient Near Eastern Treaties and the Old Testament* (London: Tyndale Press, 1964), 22, follows much the same structure. His only modification is to delineate between the General Stipulation (5-11) and the Specific Stipulations (12-26).

<sup>26</sup>See Kline, “Dynastic Covenant,” 3-13. Much more and detailed support is offered in his commentary on the Deuteronomistic treaty; see Kline, *Treaty*, 47-149.

border on the fanciful. His structure follows the canonical/final form of Deuteronomy and incorporates the features of the text as they occur.<sup>27</sup> His structure is not forced on the text; rather the structure helps to explain the dynamics of the text. Moreover, his proposed structure illuminates and elucidates those features in context which were formerly perceived to be later insertions because they supposedly interrupted the flow of the text. For instance, 1:6-4:49 can be shown to be integral to the text of Deuteronomy and not a supplemental historical introduction to an alleged Deuteronomistic historical composition. Likewise, chapters 27, 29-30 need no longer be described as “unoriginal appendixes” to the body of laws found in 12-26 and 28. And finally, chapters 31-34 cannot be “dismissed as miscellaneous appendixes” to the book as a whole.<sup>28</sup>

However, one cannot overlook a few inconsistencies in Kline’s presentation. First, while Kline acknowledges that “Deuteronomy . . . according to its own representations consists almost entirely of a series of addresses,”<sup>29</sup> he does not identify the boundaries of those speeches. As noted in chapter 1, Deuteronomy recounts a series of three farewell sermons<sup>30</sup> followed by provisions for the continuity of the covenant.<sup>31</sup> Yet, Kline’s structure does not account for the change in tone and style between 1-30 and 31-34. The text of Deuteronomy exhibits a clear distinction in the literary nature between chapters 30 and 31.<sup>32</sup> One would expect that if Moses were employing the same genre<sup>33</sup>

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<sup>27</sup>That is, as they occur canonically in the text. This order also demonstrates that Deuteronomy follows (with minor variations), in its organization and sequence, the standard formulary pattern.

<sup>28</sup>Kline makes this argument in “Dynastic Covenant,” 8. See also the discussion on 11-13.

<sup>29</sup>Ibid., 3.

<sup>30</sup>The boundaries of these sermons are (1) 1:6-4:44; (2) 4:45-28:69 [29:1 Eng]; and (3) 29:1 [29:2 Eng] - 30:20. Chaps. 31-34 may not be essential to the treaty formulary. However, as Mendenhall has commented on additional features necessary for the conclusion of a treaty (see discussion above), matters in chaps. 31-34 may be loosely associated with these features. Certainly, there is merit to Kline’s inclusion of these chapters in his rubric “succession arrangements.”

<sup>31</sup>Chaps. 31-34 contain these provisions.

<sup>32</sup>The literary cue at the beginning of chap. 31 (וַיֵּלֶךְ מֹשֶׁה וַיְדַבֵּר אֶת־הַדְּבָרִים הָאֵלֶּה) Then Moses went and spoke these words) is distinct from the literary cues in 4:45 (אֵלֶּה הָעֲדוֹת וְהַחֻקִּים) and 12:1 (וְהַמִּשְׁפָּטִים אֲשֶׁר דִּבֶּר מֹשֶׁה). These are the testimonies, statutes and ordinances which Moses spoke,

from chapters 1-30 through to 31-34 that there would be a degree of literary similitude from chapter to chapter. Yet, it is clear that the narrative method (with its embedded poetry) is much different in chapters 31-34 than the narrative of chapters 1-30.<sup>34</sup> This is not to suggest that there is no merit to Kline's inclusion of chapters 31-34 under the rubric of "Dynastic Disposition" as a continuation of the covenant formulary,<sup>35</sup> but one must explain why such a change in style is utilized here.

On a related note, while Kline begins his essay with an assertion that Deuteronomy parallels the treaty formularies contemporary to the Mosaic age and concludes this essay with a similar assertion that the Syro-Anatolian suzerainty treaties of the fourteenth-thirteenth centuries BC give expression to the "full classic pattern" mirrored in Deuteronomy, he appeals to the parallels found in the Assyrian Vassal Treaties of Esarhaddon for most of his correspondences to the treaty formulary in chapters 31-34.<sup>36</sup> This does not support his argument against those who hold to a later date for Deuteronomy based on the parallels found in the Assyrian treaties of the 7<sup>th</sup>

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(אלה החקים והמשפטים אשר תשמרון לעשות בארץ) These are the statutes and ordinances which you are to observe carefully in the land), and 29:1 (אלה דברי הברית אשר צוה יהוה את משה) These are the words of the covenant which Yahweh commanded to Moses).<sup>7</sup> This would suggest that although Moses is certainly continuing to speak, there is a different tone and/or purpose to his instruction. Rofé likewise agrees that chap. 30 concludes "the great covenant of Horeb which *constitutes the main body* of the book of Deuteronomy" (emphasis added). See Alexander Rofé, "The Covenant in the Land of Moab: Historico-Literary, Comparative, and Form Critical Considerations," in *Das Deuteronomium, Entstehung Gestalt und Botschaft*, ed. Norbert Lohfink, Bibliotheca Ephemeridum Theologicarum Lovaniensium 68 (Leuven: University Press, 1985, 312.

<sup>33</sup>As suggested by Kline's insistence on maintaining the treaty classification.

<sup>34</sup>George Adam Smith, *The Book of Deuteronomy* (Cambridge: University Press, 1918), xii, acknowledges this change in style. Although Smith clearly accepts the critical consensus of his day that Deuteronomy is the result of a process of editorial and redactional expansion, he makes the following amazing statement concerning the compositional character of Deut 1-30 as it contrasts with 31-34: "But chs. i.-xxx. . . are composed throughout in the same style, one of the most palpable, distinctive and memorable in the Old Testament. No other Hebrew prose . . . is so elevated and so sustained or has such a swing and such sweep. Not only in exhortation but in narrative and even in the statement of single laws . . . this style is what we call rhetorical."

<sup>35</sup>The "Dynastic Disposition" might find its parallel to the components deemed necessary by Mendenhall for the conclusion of the treaty. Compare Mendenhall, "Covenant Forms," 60-61.

<sup>36</sup>See Kline, "Dynastic Covenant," 8-14. His conclusion regarding the Syro-Anatolian pattern is found on p. 15.

century BC. While the details of the parallels between Deuteronomy and the succession concerns of the Hittite suzerains may not be as evident or as explicitly stated, his appeal to the parallels in the later treaties does undermine his assertions for Mosaic authorship.<sup>37</sup>

One further critique before concluding this review of Kline. Kline seeks to lend additional support to his argument by noting the parallel between the ancient Near Eastern treaties and Deuteronomy in the fact that both evidence an act of response by the vassal in the treaty ritual. He points to the self-maledictory oath in Esarhaddon's Nimrud treaty<sup>38</sup> and the Hittite soldiers' oath from the ancient Near Eastern records. Then he mentions Deuteronomy 27 as the biblical record of vassal response.<sup>39</sup> However, when one compares the literary and thematic natures of these supposed parallels, other than the fact that the response of the soldiers and the response of the Israelites is "Amen," there is little left of the parallel. For instance, the vassal response normally is a recapitulation of the terms of the treaty and a commitment to being a loyal partner. In the soldiers' oath, the maledictions expressed are depicted in a representative fashion that seems to depend on sympathetic magic. The curse is pronounced, for example, "Just as this wax melts and just as the sheep fat is rendered, who breaks the oath and takes deceptive action against

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<sup>37</sup>Certainly Kline could have appealed to earlier treaties in which matters of succession are evident. Compare the following treaties: (1) Tudhaliya II of Hatti and Sunashshura of Kizzuwatna (circa 1400BC), (2) Suppiluliuma I of Hatti and Shattiwaza of Mittani (circa 1350BC), (3) Hattusili III of Hatti and Benteshina of Amurru (circa 1300BC), (4) Hattusili III of Hatti and Ulmi-Teshshup of Tarhuntassa (circa 1300BC), (5) Tudhaliya IV of Hatti I and Kurunta of Tarhuntassa (circa 1250BC) in Gary Beckman, *Hittite Diplomatic Texts*, 2<sup>nd</sup> ed., ed. Harry A. Hoffner, Jr., SBLWAW, vol. 7 (Atlanta: Scholars Press, 1999), 19-20, 44, 101-02, 109 and 113, and 119-20 respectively. (These dates, as well as those in the footnotes below are dependent upon the chronological chart in Beckman, *Hittite Diplomatic Texts*, xiv-xv.) If this method did not do it justice, one would expect that Kline may have shown the essential continuity of the tradition/formulary of the treaties from the earliest expressions to and through the Assyrian period to demonstrate that the Assyrian concern for succession was not a novel development but rather drew on patterns already prevalent in the Mosaic period.

Frank Moore Cross, *From Epic to Canon: History and Literature in Ancient Israel* (Baltimore: The Johns Hopkins University Press, 1998), makes this point in his comment, "While the Neo-Assyrian fealty oaths are useful in providing parallels, especially to the curse formulae of Deuteronomy and Leviticus, they are as analogies to Israel's early covenant institutions even more remote than Syrian and Hittite international treaties."

<sup>38</sup>Specifically Kline refers to ll. 494-512 of this treaty. See Donald J. Wiseman, *The Vassal-Treaties of Esarhaddon* (London: British School of Archaeology in Iraq, 1958), 65-68.

<sup>39</sup>See his discussion in Kline, "Dynastic Covenant," 3.

the king of Hatti, may he melt like the wax and may he be rendered like the sheep fat.” The soldiers were obliged to respond, “Let it be.”<sup>40</sup> Yet, when one compares the text of Deuteronomy 27:15-26 one hardly finds a recapitulation or summary of the terms of the covenant,<sup>41</sup> nor does one find a list of specific curse-signs that will befall the violator of the covenant.<sup>42</sup>

### **Kenneth A. Kitchen**

Kitchen traces the development of the treaty formulary from the early period (in Ebla/Assyria and Akkad/Elam circa 2300 BC) to the intermediate period (in Old Babylonia, Syria, and Hatti circa early to mid second millennium BC) to the middle period (in Hatti circa late second millennium–fourteenth/thirteenth centuries BC) to the late period (in Syria and Mesopotamia circa first millennium BC). He demonstrates that there is a remarkable consistency from period to period while noting the distinctive elements characteristic to each period. Then he focuses on the middle period and highlights “twenty-one reasonably preserved treaties of the late second millennium . . . from the Hittite archives” that follow a nearly uniform pattern from beginning to end. The constituents include the following characteristics (in this order): (1) Title/Preamble; (2) Historical Prologue; (3) Stipulations (basic; detailed); (4) Depositing and regular reading of treaty; (5) Witnesses; (6) *a/b* Curses, Blessings. He identifies additional

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<sup>40</sup>Quotations taken from Billie Jean Collins, “The First Soldiers’ Oath,” in *The Context of Scripture*, ed. William W. Hallo (Leiden: Brill, 2003), 1:165. See also Moshe Weinfeld, “The Loyalty Oath in the Ancient Near East,” in *Ugarit-Forschungen*, vol. 8, ed. Kurt Bergerhof, Manfred Dietrich and Oswald Loretz (Neukirchener Verlag: Verlag Butzon & Bercker Kevelaer, 1976), 379-414, for discussion on the loyalty oath in connection within the treaty transaction.

<sup>41</sup>Even though von Rad and others have labeled these verses as the “Dodecalogue,” surely this misnomer is confusing. The term dodecalogue suggests a parallel between the “Ten Words” of Exod 20 or Deut 5 and the text of 27:15-26. However, there seems to be little to no correspondence between the commands of the Decalogue and the prohibitions in Deut 27:15-26. Moreover, many have attempted to determine a rubric under which these disparate curses may be collected, but no suitable category has been identified.

<sup>42</sup>George E. Mendenhall, “Covenant,” in *ABD*, ed. David Noel Freedman (New York: Doubleday, 1992), 1:1182, maintains, “The oath is a conditional self-cursing: i.e., an appeal to the gods to bring certain penalties upon the oath taker if he violates the promise he is swearing to keep.”

elements (7, 8, 9) oath, solemn ceremony, note of sanction.<sup>43</sup> Then he creates a table to show how closely the Old Testament covenant documents<sup>44</sup> follow the prescribed pattern (refer to Table 2).<sup>45</sup> He incorporates into his discussion facts concerning the nature of law codes from this period and concludes that the Old Testament covenant documents are a unique combination of treaty formulary and law code whose literary style “stems from about 1200BC or not long afterwards.”<sup>46</sup>

The focus of Kitchen’s argument is clearly on the dating of the Old Testament covenant documents and the identification of these with Moses’ (or Joshua’s) authorship. In this regard he does take exception to the suggestions of McCarthy and Weinfeld (and others who are “imprisoned within the 19<sup>th</sup>-century theory”<sup>47</sup>) that Deuteronomy had its origins in the late period of the monarchy.

The strength of his presentation is that he does account for each of the constituents found in the treaty formulary and identifies their parallels in the Old Testament covenant documents. This is especially clear in the presentation of Table 2. Furthermore, his argument appeals to a large number of treaties from the ancient Near East from a specific time period that exhibit a near uniformity of style. Further, he demonstrates that there is an overarching consistency from period to period in the treaty tradition while at the same time showing there are characteristics that vary within the formulary from period to period.

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<sup>43</sup>See Kenneth A. Kitchen, *The Bible in Its World: The Bible and Archaeology Today* (Downers Grove, IL: InterVarsity Press, 1977), 80-81. He notes that elements 7, 8, and 9 are rarely put into writing in the treaty document.

<sup>44</sup>These documents he identifies as Exodus-Leviticus, Deuteronomy, and Josh 24.

<sup>45</sup>This table is adapted from the table and text in Kitchen, *The Bible in Its World*, 82. His references to the Exodus-Leviticus and Josh 24 parallels are excluded for clarity since these are outside the scope of this current discussion.

<sup>46</sup>*Ibid.*, 82-84.

<sup>47</sup>*Ibid.*, 84.

Table 2: Kitchen's identification of the parallels between the Hittite treaty formulary and Deuteronomy's covenant document

Hittite treaty formulary constituents	Deuteronomy's covenant document
(1) Title/Preamble	1:1-5
(2) Historical Prologue	1:6-3:29
(3) Stipulations, basic & detailed	4; 5-11 plus 12-26
(4) a. Deposit of Text	31:9, 24-26
(4) b. Public Reading	31:10-13
(5) Witnesses	31:16-30, 26; 32:1-47
(6) a. Blessing	28:1-14
(6) b. Curses	28:15-68
(7, 8) Oath, Solemn ceremony	27
(9) Sanction for disobedience	32

On the other hand, Kitchen made no attempt to explain the possible rationale for the inconsistency in order between the Hittite treaty formulary of the middle period and the order of the covenant expression in Deuteronomy. While he acknowledges that some of the representative treaties do not include the provision for the deposit and reading of the text and others include the witness clause earlier in their order, he does not suggest that any of the treaties included these features *after* the Blessings and Curses section. If there is this degree of variance between Deuteronomy and the treaty formulary, one would expect that an accounting for the rationale behind Deuteronomy's structure would be offered. Finally, Kitchen fails to comment on why clauses for the deposit of the text, the reading of the text, and the appeal to the witnesses are intermingled in chapters 31-32 when these form distinct units in the ancient Near Eastern treaties.

### **Gordon J. Wenham**

Wenham's proposal for the structure of Deuteronomy rests on his argument that Deuteronomy does not strictly follow the typical formulary of the ancient Near Eastern treaties<sup>48</sup> but rather incorporates features from the ancient Near Eastern law-code formulary into its fabric.<sup>49</sup> His treatment of Deuteronomy is dependent on a literary analysis of the canonical form of its text and form critical comparisons to the literature of the ancient Near East. Beginning with the conclusions of Mendenhall, he compares the relative strengths of the opposing views regarding the early or late dates for Deuteronomy.<sup>50</sup> Then he discusses the nature and form of law collections.<sup>51</sup> Finally, he analyzes the covenant form in the Old Testament.<sup>52</sup> This analysis reveals a remarkable correspondence in the structure between the law-code, Old Testament covenants, and treaties.<sup>53</sup> He concludes that the Old Testament covenant form depends heavily on the treaty formulary with elements of law-code woven into its design.<sup>54</sup> He proposes the following framework for Deuteronomy: (1) historical prologue (1:6-3:29); (2a) basic stipulations (4:1-40; 5:1-11:32); (2b) detailed stipulations (12:1-26:19); (3) document clause requiring the recording and renewal of the covenant (27:1-26); (4) blessings (28:1-

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<sup>48</sup>See Wenham, "The Structure and Date of Deuteronomy," 178. He notes that the conventional association of the treaty formulary with the Old Testament covenant form is "too simple."

<sup>49</sup>He notes that this is not an unusual dynamic in that Urukagina's legal reform was done in the context of a covenant with Ningirsu. Furthermore, he observes that law-giving and covenant making are frequently associated in the Old Testament. So, mutual influence is to be expected. *Ibid.*, 178-79.

<sup>50</sup>*Ibid.*, 152-67. He compares the early date arguments of Kitchen and Kline to the late date arguments of Wiseman and McCarthy.

<sup>51</sup>He appeals to the law codes of Ur-Nammu, Lipit-Ishtar, Eshnunna, and Hammurabi. *Ibid.*, 167-72.

<sup>52</sup>He appeals to the texts of Exod 20-23, Deuteronomy, Josh 24, and 1 Sam 12. *Ibid.*, 172-77. He proposes a "distinct OT covenant form" that follows the pattern: (1) Historical Prologue; (2) Stipulations [(a) basic and (b) specific]; (3) Document Clause; (4) Blessings; (5) Curses; and (6) Recapitulation of the main covenant demand. This, he claims, "stands half-way between the treaty form and the 'law-code' form" (177).

<sup>53</sup>*Ibid.*, 178.

<sup>54</sup>*Ibid.*, 179.

14); (5) curses (28:15-68); and (6) recapitulation (29:1-30:20), concluding with an appeal.<sup>55</sup> He suggests that the later chapters (31-34) do not belong to the covenant form but represent a covenant renewal.<sup>56</sup>

There is much to commend in Wenham's proposal. First and foremost is his use of the final form of the text of Deuteronomy. His introduction into the discussion of the possibility that the Old Testament covenant form may be a composite of the treaty formulary and the law-code formulary gives him the basis for arguing that the features of Deuteronomy that do not fit neatly into the treaty formulary pattern may be explained by the overlaying of the law-code formulary. As with Kline, he demonstrates that there is no need to propose the historical or literary development of Deuteronomy since its organization follows prescribed forms common in the ancient Near Eastern literature.<sup>57</sup> Moreover, he carefully considers the challenges presented by the school of higher criticism and answers their main objections, oftentimes using their own tools.<sup>58</sup>

Another unique feature of Wenham's proposal is the identification of chapter 27 with the Document Clause found in both the law-code formulary<sup>59</sup> and the treaty formulary.<sup>60</sup> In the structure of Deuteronomy, chapter 27 appears precisely at the point one would expect to find it if indeed Deuteronomy is patterned after ancient Near Eastern

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<sup>55</sup>Ibid., 199.

<sup>56</sup>Ibid., 213.

<sup>57</sup>In the first eight chaps. of his dissertation, Wenham conducts an historical survey of the various proposals concerning Deuteronomy's origin and development. He concludes that "different theological outlooks and pre-understandings of the development of Israel's history largely determine the view taken of the origin of Deuteronomy, and second, that the problems of the structure of Deuteronomy cannot be divorced from the question of its date" (Abstract, 2).

<sup>58</sup>He employs the tools of rhetorical, literary, historical, and form criticism throughout his work. He also uses stylistic arguments to answer critics' objections. He appeals to the discipline of form criticism to reject the contention that Deuteronomy was written to address the centralization of worship in Jerusalem and to propose the early dating of Deuteronomy.

<sup>59</sup>This constituent is located between the statement of laws and the blessing.

<sup>60</sup>This constituent is located between the detailed stipulations and the god list.

legal documents.<sup>61</sup> Deuteronomy 27 gives instructions for the recording of “all the words of this law” on large stones near the altar constructed on Mount Ebal and possibly for the public reading of the law. These instructions are characteristic features of ancient Near Eastern treaties.<sup>62</sup>

An additional strength of Wenham’s thesis is that he argues forcibly against the sundry allegations that Deuteronomy exhibits features that can only be accounted for by positing various sources, layers, or redactors/editors. As for the claim that the hand of a redactor (or two entirely different sources) is revealed by the inconsistent use of the first person and the second person in the various addresses of Deuteronomy, he shows that this is not an uncommon dynamic in ancient Near Eastern treaties.<sup>63</sup> As for the argument that redactional layering can be identified in the repeated phrases or variations within or between literary units, he notes that both Deuteronomy and ancient Near Eastern treaties are written in a rhetorical style which often employs repetition and variation for effect.<sup>64</sup> Wenham also addresses the objections that the subject matters of Deuteronomy 4, 27, 29 and 30 would indicate that these chapters are insertions into the text by a later redactor. His first response to this objection is that these chapters fit closely with the pattern established for the Old Testament covenant form. But in addition

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<sup>61</sup>Wenham comments on the fact that many explain the omission of a god list in Deuteronomy by asserting that inclusion of such a list would be inconsistent with Israelite monotheism. However, he notes that the law-code formulary does not make such appeals to the deities. Wenham, “The Structure and Date of Deuteronomy,” 178.

<sup>62</sup>Compare comments by Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, trans. David E. Green (Oxford: Blackwell, 1971), 16-17 and 26-27, and Wenham, “The Structure and Date of Deuteronomy,” 207, on the necessity of a written document in the treaty process. Compare the observations in Meredith G. Kline, “The Two Tables of the Covenant,” *Westminster Theological Journal* 22 (1959/60): 138-41.

<sup>63</sup>Wenham provides the following citation for support: W2 vo. 25-39, F4 §20, vo. 40-41. These are references to J. Friedrich, *Staatsverträge des Hatti-Reiches in hethitischer Sprache*, Leipzig, 1926-1930, and E. F. Weidner, *Politische Documente aus Kleinasien*, Leipzig, 1923, respectively.

<sup>64</sup>Wenham, “The Structure and Date of Deuteronomy,” 182-83. See also 192-96, wherein he specifically offers counterpoints to the arguments of Minette de Tillesse’s source criticism and affirms Norbert Lohfink’s conclusion that “number-switching” cannot be a reliable guide to various sources.

to this, he argues from literary and form critical perspectives that these chapters should be included in their present locations.<sup>65</sup> Moreover, he appeals to the similarities of the lexical terms employed throughout Deuteronomy to show that the vocabulary of these chapters is consistent with the rest of Deuteronomy.<sup>66</sup>

As noted above, Wenham makes a strong argument for the inclusion of Deuteronomy 4, not only in the final form of Deuteronomy, but also as text that belongs to the original content of Deuteronomy. However, he argues that this chapter should be included with the content that mirrors the basic stipulations section of the ancient Near Eastern treaties. His first argument for this decision is rather weak and confused. Specifically, he simply appeals to Baltzer's observation that the phrase וְעֵתָּה is used frequently as the introduction to the stipulations section. But then he notes that there is a verbal link between 3:29 and 4:3.<sup>67</sup> It seems more plausible that this link rather signals the reader that the author may have intended to join these two sections together. Moreover, the name of the place that Israel encamped in 3:29 is בֵּית פְּעוֹר but it is referred to as בַּעַל פְּעוֹר in 4:3. This suggests that the exhortation of 4:1-40<sup>68</sup> has its historical precedent in the events associated with the encampment in 3:29 and should be included in the Historical Prologue, not in the stipulations section.

Wenham shows a clear chiasmic pattern that links 4:32-40 with 5:1-6.<sup>69</sup> He uses this to further support his assertion that chapter 4 belongs to the basic stipulations section. Yet, in that same part of his discussion, he also states that there are many verbal

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<sup>65</sup>See his discussion, Wenham, "The Structure and Date of Deuteronomy," 196-213.

<sup>66</sup>He asserts, "The vocabulary of chapters 4, 27, and 29-30 is thoroughly dtic." Ibid., 197.

<sup>67</sup>Ibid., 199.

<sup>68</sup>The thrust of the exhortation here is a call to loyalty to Yahweh which stands in stark contrast to the rejection of Yahweh demonstrated by the worship of Baal at Beth Peor.

<sup>69</sup>Wenham, "The Structure and Date of Deuteronomy," 205.

links between 4:32-40 and the earlier verses in chapter 4.<sup>70</sup>

However, his discussion almost totally ignores 4:41-49.<sup>71</sup> He admits that it is only as these verses are set aside that the link between 4:1-40 and chapters 5-11 becomes clear. There may be another explanation for this narrative interlude that is anticipated in the structure of Deuteronomy. To answer his objection that “these verses [4:41-49] refer to Moses and the Israelites in the 3rd person instead of in the 1st or 2nd person,”<sup>72</sup> one could posit that the change in style here alerts the reader to a clear distinction made between the Historical Prologue section and the following Stipulations section. Additionally, there is the *inclusio* specifically framing 1:6 and 4:40 with the reference to **בְּעֵבֶר הַיְרֵדָן** in 1:5 and 4:41, both of which refer to Moses in the 3rd person. And finally, verses 44-45 form a curious doublet. However, if one understands verse 44 as the concluding statement of 1:6-4:44 and verse 45 as the opening statement for 4:45-26:15,<sup>73</sup> then these verses would not be perceived to be redundant.<sup>74</sup> On the one hand, if one assumes a default translation of **הַתּוֹרָה** not as “law” but rather as “instruction,”<sup>75</sup> one can see that this verse summarizes the content of 1:6-3:29 *and* the exhortation in 4:1-40.<sup>76</sup>

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<sup>70</sup>Wenham is correct in seeing a close link between chaps. 4 and 5-11. However, if one takes into consideration Baltzer’s observations that the antecedent history provides the foundation for the treaty relationship, one *should* expect an “intimate connection” between this history and the general clause (which he refers to as “the statement of substance”). See discussion in Klaus Baltzer, *The Covenant Formulary*, 12. The connection between the narrative and the stipulations is investigated more carefully in chap. 5 of this study.

<sup>71</sup>Except to acknowledge that “4:41-43 and possibly 44-49 appear to be the end of the historical prologue.” See Wenham, “The Structure and Date of Deuteronomy,” 200. This statement seems to add doubt to his claim that 4:1-40 should be incorporated into the section of the basic stipulations of chaps. 5-11.

<sup>72</sup>*Ibid.*, supposedly demonstrating that these verses were not part of the original text.

<sup>73</sup>Or 26:19. See discussion in chap. 4.

<sup>74</sup>Alfred Bertholet, *Deuteronomium*, Kurzer Hand-commentar zum Alten Testament, ed. D. Karl Marti (Leipzig und Tübingen: J.C.B. Mohr, 1899) also breaks the text between 4:44 and 4:45.

<sup>75</sup>This is indeed the conclusion of the study of Paul R. Gilchrist, “Towards a Covenantal Definition of *tôrâ*,” in *Interpretation and History: Essays in Honour of Allan A. MacRae*, ed. R. Laird Harris (Singapore: Christian Life Publishers, 1986), 93-107.

<sup>76</sup>While **הַתּוֹרָה** is not unrelated to **וְהַמִּשְׁפָּטִים וְהַחֻקִּים וְהַיְעָרָת** it is by no means equivalent to these terms in Deuteronomy.

On the other hand, the expression **וְהַמְשָׁפְטִים וְהַחֲקִים וְהָעֵרֶת** in verse 45 clearly anticipates the content of chapters 5-26.<sup>77</sup>

That the main purpose of the Historical Prologue is to recount the previous relationship between the two parties and to establish a sense of obligation on the part of the vassal to perpetual gratitude and loyalty is widely accepted. The exhortation of Deuteronomy 4 then appeals to the faithfulness of the suzerain detailed in 1:6-3:29 and spells out the concomitant obligation of vassal loyalty. The function of **וְעַתָּה** in 4:1, then, is not to indicate the beginning of the stipulations section, but rather to show that the call to obedience and exclusive worship of Yahweh in 4:1-40 is predicated upon all that Yahweh has done for Israel.<sup>78</sup>

Although Wenham's analysis that Deuteronomy 27 is an independent section<sup>79</sup> and may represent a parallel to the Document Clause is plausible, a critique may be leveled against this proposal in that he does not address the role of the curses in 27:11-26.<sup>80</sup> He makes it clear that the curses of chapter 27 are not to be associated with the blessing and curses of chapter 28. Yet, he does not suggest any parallels from either ancient Near Eastern law-codes or treaties in which similar curses are associated with or

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<sup>77</sup>Norbert Lohfink, *Great Themes from the Old Testament*, trans. Ronald Walls (Edinburgh: T & T Clark, 1982), 25, suggests that 4:45 could have been "the title of the law of Josiah." While the present author does not agree with Lohfink as to the historical development of the text of Deuteronomy, his assertion suggests that he, too, sees this text as the beginning of the new literary unit.

<sup>78</sup>**וְעַתָּה** and **עַתָּה** are used eight times in Deuteronomy (2:13; 4:1; 5:25; 10:12, 22; 12:9; 26:10; 31:19; and 32:39). Each of these either function as a marker of a particular time (that is, "now") or as an indication of a need for action as a result of antecedent events or facts.

James Muilenburg, "Form and Structure of the Covenantal Formulations," *VT* 9, no. 4 (1959): 347-65, makes much of this feature in his observations regarding the form and structure of the covenantal formulations in Exod 19:3-6; Josh 24; and 1 Sam 12. He maintains that the marker **וְעַתָּה** in Exod 19:5; Josh 24:14; and 1 Sam 12:13 indicates the beginning of the paraenesis section of the covenantal formulations in each passage. This pattern seems to be employed in this subsection of the Historical Prologue, that is, it is indicating the response elicited in light of the preceding truths presented.

<sup>79</sup>That is, Deut 27 should not be included as a part of the detailed stipulations. See discussion in Muilenburg, "Form and Structure," 206-07.

<sup>80</sup>He only makes a passing comment that it may represent "the formal response of the vassal to the treaty conditions." See Wenham, "The Structure and Date of Deuteronomy," 208. However, he does not clearly associate this with Deut 27:11-26.

contained in the Document Clause.<sup>81</sup> This problem is addressed below.

Finally, Wenham offers very little in terms of explanation as to why he does not include chapters 31-34 in his discussion concerning the structure of Deuteronomy. He suffices to say that they “clearly belong to the context of covenant renewal, [but they] cannot be simply subsumed under the covenant form.”<sup>82</sup>

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<sup>81</sup>Rather, he indicates that curses follow blessing in the law-codes and curses follow the god list and precede blessing in treaties. See Wenham, “The Structure and Date of Deuteronomy,” 178, in which he compares the formularies of the law-code, OT covenants, and treaty. In this context he maintains that the missing god list in Deut 27 is due to the fact that the model after which this material is patterned is the law-code, so one would not expect to find a god list.

Andrew E. Hill, “The Ebal Ceremony as Hebrew Land Grant,” *JETS* 31, no. 4 (1988): 399-406, contends that the ceremony in Deut 27 represents a parallel to the Babylonian *kudurru* land grant ceremony. He maintains that this best explains the features of and difficulties in the text. For instance, this would account for the reference to Moses in the third person, the mention of curses minus their complementary blessings, and the apparent doublets in 27:2-3a and 27:3b-10. Also, he identifies the pillars of Deut 27 with the *kudurru* boundary stones. Furthermore he avows that “this identification eliminates the need to hypothesize editorial misplacement or fragmentary artificial reconstruction or even harmonization with the subsequent covenant-renewal ritual in Deuteronomy 28-31 to account for the lack of positive parallels to the curses since the blessings are excluded by design in the genre of the royal grant” (403).

However, Hill’s own description of the *kudurru* seems to militate against his proposal. He describes the six-fold content of these grants: (1) often the boundary stone has a name; (2) the field(s) in question are described in detail; (3) sometimes the name(s) of the surveyors are included; (4) the circumstances of the land exchange are given; (5) the witnesses present during the transaction are listed, and often the stone is dated to the year of King So-and-So; and (6) the curse formulae are given. Yet, he makes little effort to identify these features with the text of Deut 27. The only exceptions are that he intimates that the listing of the tribes in vv. 12-13 account for the witnesses and the curses of vv. 15-26 parallel the curses of the land grant ceremony. Even so, the parallels between the curses of 27:15-26 are largely imagined with the exception of the curse in 27:17. Hill notes that the curses of the *kudurru* are pronounced against the violators of the grant, presumably those who would interfere between the “grantee” and the “grantor” of the land. The curses of 27:15-26 do not fit this characterization but rather seem to be, in this case, invoked upon members of the “grantee” community.

A final incongruity that is at odds with Hill’s contention is his own portrayal of the land grant as a “reward for past loyalties” (401). This *might* be construed to be true if there was some reference to the loyalty of the fathers or the oath sworn to the fathers in Deut 27 (as in 1:35; 4:31, 37; 6:10, 18, 23; 7:8, 12, 13; 8:1, 18; 9:5; 10:11, 15; 11:9, 21; 19:8; 26:3, 15; 28:11; 29:13; 30:5, 20; 31:7, 20). However, the internal testimony of Deuteronomy (as in 9:5 “Not because of your righteousness or the uprightness of your heart are you going in to possess their land”) argues against the possibility that Deut 27 should be considered to be a ceremony of land grant.

A more reasonable explanation for the curses of Deut 27 is tendered by Donald Louis Magnetti, “The Oath in the Old Testament in the Light of Related Terms and in the Legal and Covenantal Context of the Ancient Near East” (Ph.D. diss., The Johns Hopkins University, 1969), 124. Appealing to Mendenhall’s comment that the oath was necessary for the validation of a treaty, he suggests that Deut 27:15-26 serves to ratify the “people’s acceptance of the terms of the covenant in Ex. 19:8 and Ex. 24:7.” His reference to the renewal of the covenant validated by the swearing of an oath in 2 Chr 15:10-15 lends support to his idea. Both pericopae mention the sacrificing of animals and rejoicing before Yahweh. Second Chr 15:14 explicitly states that the people swore an oath. Magnetti infers the swearing of an oath in the invoking of the curses in Deut 27. However, the form of the curse in Deut 27 does not conform to any of the oath formulae highlighted by Magnetti in his dissertation. See his discussion on pp. 188-210. The basic forms of the oath include the swearing by the gods or invocation of the self-curse. But the self-curse as described by Magnetti follows the form “May Yahweh (or, the gods) do so to me and more if . . . .” The last part speaks of the specific violation of the stipulations. So, again, it seems that this explanation fails to account for the specific form of Deut 27.

<sup>82</sup>Wenham, “The Structure and Date of Deuteronomy,” 213.

While there are others who have identified significant correlations between the Hittite treaty formulary and the covenantal framework of Deuteronomy,<sup>83</sup> these offer little that has not been addressed in the above summaries.

### **Alternative Schema for the Covenantal Framework of Deuteronomy**

At this juncture a proposal for a slightly different schema for the covenantal framework of Deuteronomy is advocated, doing so with the recognition that much of what is herewith offered is deeply indebted to and builds upon the foundation laid by many others, including those in the foregoing discussion. Moreover, it is intended that this proposal incorporate the reality of the rhetorical nature of Deuteronomy.<sup>84</sup> Since it is generally agreed that the addresses of Moses are limited to the text of Deuteronomy 1:6-30:20, the focus of this study will remain on this text.<sup>85</sup>

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<sup>83</sup>For instance, Thompson clearly sees the correspondence and presents his commentary in such a way as to acknowledge the basic structure of Deuteronomy as three Mosaic addresses which follow the treaty formulary in their organization. However, he offers little that is new, but rather agrees with and depends heavily on the observations of Kline and Wenham. See John A. Thompson, "Covenant Patterns in the Ancient Near East and Their Significance for Biblical Studies," *The Reformed Theological Review* 18, no. 3 (1959): 65-75; idem, "Non-Biblical Covenants in the Ancient Near East and Their Relevance for Understanding the Covenant Motif in the Old Testament," *Australian Biblical Review* 8 (1960): 39-45; idem, "The Near Eastern Suzerain-Vassal Concept in the Religion of Israel," *Journal of Religious History* 3 (1964): 1-19; idem, *Ancient Near Eastern Treaties and the Old Testament* (London: Tyndale Press, 1964); and idem, *Deuteronomy: An Introduction and Commentary*, Tyndale Old Testament Commentaries (London: InterVarsity Press, 1974). See especially pp. 14-21 of the commentary.

Likewise Craigie asserts that Deuteronomy is modeled after Hebrew covenant documents, which in turn find their precursor in the ancient Near Eastern treaties. He insists that this required adaptation from a political to a religious setting. Specifically he avers, "The literary (treaty) pattern may be more than merely a literary device; it is probable that it reflects also the ceremony during which the covenant was renewed and a successor to Moses was appointed." He, too, appeals to Kline's outline (only slightly modifying it by separating chaps. 27 and 28 [Blessings and Curses] from chaps. 29-30 [A Concluding Charge]). See Peter C. Craigie, *The Book of Deuteronomy*, New International Commentary of the Old Testament (Grand Rapids: Eerdmans, 1976), 20-32, and his analysis of contents on pp. 67-69.

<sup>84</sup>As Craigie, *Deuteronomy*, 17, observes, "The style is hortatory, that of an orator addressing his congregation with words designed to move them to obedience and commitment to the Lord of the covenant."

<sup>85</sup>This decision does not imply a denial that Moses spoke after 30:20, but rather it is an acknowledgement of the definite change in style from hortatory address in 1:6-30:20 to a more narrative based report of speech. Moreover, the argument herein is that the basic constituents of the treaty formulary are incorporated in the rhetoric of 1:6-30:20. This study agrees with Kline that the matters addressed in 31:1-34:12 certainly are not miscellaneous appendixes to the book but rather fulfill the overall purpose of the book. This is consistent with Kline, Thompson, Craigie, and others who agree that these chapters pertain to the continuity of the covenant from Moses to Joshua and beyond. This is contrary to Wenham's characterization that chaps. 31-34 represent a covenant renewal. Rather, as Olson forcefully argues, an overarching motif in Deuteronomy is Moses' impending death and his concern for the continuation of the

The intention of this section is to first identify the parallels in the structure of Deuteronomy 1-30 with the generally agreed upon constituents of the Hittite treaty formulary. By doing so the reader will see that the proposed schema for the covenantal framework of Deuteronomy 1-30 follows closely the standard pattern<sup>86</sup> of the treaty formulary. Where there is agreement between this proposal and the general consensus of scholarship as to the parallels between the structure of Deuteronomy and the treaty formulary, only minimal support will be offered for the delineation of the textual unit of Deuteronomy and its identification with the analogous treaty constituent. Where this proposal takes exception to previous suggestions as to the correspondence between Deuteronomy and the treaty formulary, further support for the identification of this textual unit with its corresponding treaty constituent will be presented. More attention will be devoted to the new ideas proffered by this schema. However, one should note

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covenantal relationship between Israel and Yahweh. See Dennis T. Olson, *Deuteronomy and the Death of Moses: A Theological Reading*, Overtures to Biblical Theology (Minneapolis: Augsburg Fortress, 1994).

However, the issues addressed in chaps. 31-34 are not identified as the constituent parts of the treaty formulary but are only secondarily related to the treaty formulary or rather give specific details concerning the fulfillment of the treaty obligations. This is consistent with Mendenhall's suggestion that the Hittite treaties may have included these (or similar) provisions in the treaty ceremony (and only occasionally in the treaty document). There are instances of provisions within chaps. 31-34 that may find parallels in various ancient Near Eastern treaties, for instance, succession arrangements (31:1-8, 14-15, 23), protocol for dealing with unfaithful vassals (31:16-22, 29; 32:1-47), Document Clause and specific instructions for the recording of and periodic reading of the treaty document (31:9-13, 24-26), and an invitation for human witnesses to the treaty oath (31:26-32:47) to name a few. However, see the discussion below wherein the Document and Witness Clauses are identified within the covenantal framework of Deut 1-30.

The observation that there is a clear distinction between the text of Deut 1-30 and 31-34 is supported further by L. J. DeRegt, *A Parametric Model for Syntactic Studies of a Textual Corpus, Demonstrated on the Hebrew of Deuteronomy 1-30* (Assen/Maastricht, The Netherlands: Van Gorcum, 1988), 3-9. His argument is that this text is a "linguistically homogeneous corpus" (4). He also appeals to form critical arguments, source analysis, and genre analysis to further support his selection of chaps. 1-30 for investigation. Furthermore, Robert Polzin, *Moses and the Deuteronomist: A Literary Study of the Deuteronomistic History* (New York: The Seabury Press, 1980), 25-72, using literary techniques, identifies a clear distinction between the three speeches of Moses in 1:6 to 31:6 and the "collection of Moses' final sayings" in 31:7-33:29. Bernard S. Jackson, *Studies in the Semiotics of Biblical Law*, ed. David J. A. Clines and Philip R. Davies, JSOTSup 314 (Sheffield: Sheffield Academic Press, 2000), 263, agrees when he asserts, "Chapter 31 commences an independent speech, separated from what precedes by the narrator's short continuation passage (Deut. 31.1-2). But the sequence that begins ch. 31 has a different narrative function from what precedes. Here we get Moses' valedictory." Compare Childs' comments on the "different narrative framework" of Deut 31-34. See Brevard S. Childs, *Introduction to the Old Testament as Scripture* (Philadelphia: Fortress, 1979), 211.

<sup>86</sup>This standard pattern not only accounts for the major components of the treaty (as do other aforementioned proposals) but also follows closely the order in which these constituents appear in the majority of the known treaty texts of this era.

that some of the supporting evidence for this proposal will be put forward in the succeeding chapters where it is deemed more appropriate. Finally, the placement of the covenant relationship formula in Deuteronomy will be compared to the structure of Deuteronomy's covenantal framework, laying a foundation for the literary analyses of chapter 5 and for the overall thesis that this formula serves to bind the entirety of Deuteronomy's covenantal framework together.

### **The Covenantal Framework of Deuteronomy 1-30**

Table 3 below shows the correspondence between the Hittite treaty formulary and the proposed covenantal framework of Deuteronomy 1-30. The general agreement between this proposal and its predecessors is revealed while at the same time clearly identifying the points of contention.

**Preamble (1:1-5).** This text is outside the boundaries established for the three sermons of Moses (1:6-30:20) that serve as the parameters for this study. However, since there are clear links between the first words of Deuteronomy (אֱלֹהֵי הַדְּבָרִים) and the introductory words of many ancient Near Eastern treaties, it calls for comment.<sup>87</sup>

From the very first words the author of Deuteronomy wants to draw the reader into his frame of reference by introducing the homology between this document and contemporaneous suzerain-vassal treaties. While the text tells us that these are the words of Moses (1:1),<sup>88</sup> they did not originate with him. These are the words of the Great King

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<sup>87</sup>Many of the Hittite treaties begin with the expression "These are the words of the Great King" and continue by recounting the various titles held by the Great King. See, for instance, the treaties recounted in William W. Hallo, ed., *The Context of Scripture* (Leiden: Brill, 2003), 2:93-106. Compare comments in Kline, *Treaty of the Great King*, 50. These features are affirmed by George E. Mendenhall, "Covenant," in *IDB*, ed. George A. Buttrick (Nashville: Abingdon, 1962), 1:714.

<sup>88</sup>From a literary standpoint, it is hard to argue against the insistence that an undetermined narrator is technically the author of Deuteronomy. The narrator introduces the book in 1:1-5, the narrator reports the direct speech of Moses and of Yahweh, and the narrator directly communicates information to the reader in 1:1-5; 2:10-12, 20-23; 3:9, 11, 13b-14; 4:41-5:1a; 10:6-7, 9; 27:1a, 9a, 11; 28:69; 29:1a; 31:1, 7a, 9-10a, 14a, 14c-16a, 22-23a, 24-25, 30; 32:44-45, 48; 33:1; 34:1-4a, 5-12. This is the point made by Polzin, *Moses and the Deuteronomist*, 25-72. However, this study takes exception to his conclusions that

Yahweh (1:3). Moses is simply functioning as a mediator<sup>89</sup> between Yahweh and his vassal Israel by explaining יהוה יְהוָה which would be the basis for this covenantal relationship (1:5).

**Historical Prologue (1:6-4:44).** The Historical Prologue in the ancient Near Eastern treaties is a carefully crafted description of the previous relationship between the suzerain and the vassal often recounting the benevolence and favor of the suzerain expressed toward the vassal. The purpose of this part of the treaty is to underscore the obligation of perpetual gratitude on the part of the vassal and the expectation of exclusive loyalty to the suzerain. It can also include references to the vassal's insubordination and restoration to the vassal-suzerain relationship.<sup>90</sup>

As for the text of Deuteronomy 1:6-4:44 one can see many parallels to the Historical Prologues of the ancient Near Eastern treaties.<sup>91</sup> The benevolence and favor of

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this undetermined narrator can and should be identified with a later deuteronomist who was responsible for editing/compiling the Deuteronomistic history of Joshua-2 Kings. Yet, some of Polzin's insights into the dynamics of the text of Deuteronomy are especially keen. Some of Polzin's observations are rather remarkable, namely, that "the narrator seems at great pains to impress upon his reader that it is Moses, and Moses alone, who possessed the type of reliable authority to convey accurately and authoritatively the direct words of God that form the book" (27), and, the "narrator is clearly stating, 'As far as our basic stance is concerned, Moses and I are one'" (29). Polzin argues that it is only to the degree that the narrator successfully identifies himself with Moses in the eyes of his readers that his purposes in communicating the Deuteronomistic history can be fully realized. Polzin suggests that it is through this device that the instruction of Deuteronomy can be "re-actualized" (to borrow from von Rad) for future generations. I agree with Polzin that the recounting of Deuteronomy from the perspective of the narrator is probably the most effective means for preserving its contemporaneity. If indeed Deuteronomy was written as a document of covenant renewal, then crafting it as the work of a narrator is both necessary and reasonable. This style would serve to facilitate its employment beyond the generation to which Moses spoke on the plains of Moab. Moreover, as Polzin rightly underscores, the instructions in chap. 27 are more effectively communicated through the narrator's voice than through Moses' direct address (34). This use of the narrator's voice also facilitates one of the book's purposes, that is, to demonstrate the covenantal continuity beyond the death of Moses. Thus, while one could rightly argue that certain narrative sub-units (e.g., 2:10-12, 20-23; 3:14; and 34:1-12) may be necessarily attributed to a later editor, there is no reason to deny the possibility that Moses might have indeed been the author of Deuteronomy in its essential entirety, even though he may have employed the narrator's "voice" to convey its contents.

<sup>89</sup>That Moses is mediator for the entirety of Deuteronomy, this is nowhere more evident in the transaction recorded in the focal text of 26:16-19. See Richard D. Nelson, *Deuteronomy: A Commentary*, OTL, vol. 5 (Louisville: Westminster/John Knox, 2002), 311, and Thompson, *Deuteronomy*, 258.

<sup>90</sup>Compare the treaties between Mursili II of Hatti and Kupanta-Kurunta of Mira-Kuwaliya and Tudhaliya IV of Hatti and Shaushga-muwa of Amurru in Gary Beckman, *Hittite Diplomatic Texts*, 2<sup>nd</sup> ed., ed. Harry A. Hoffner, Jr., SBLWAW, vol. 7 (Atlanta: Scholars Press, 1999), 74-75, 103-05 respectively.

<sup>91</sup>Contra A. D. H. Mayes, *Deuteronomy*, New Century Bible Commentary (London: Oliphants, 1979), 35 and 42, who notes the similarity between Deut 1-4 and the ancient Near Eastern treaties, but

Table 3: Identification of the parallels between the Hittite treaty formulary and Deuteronomy's covenantal framework

Hittite Treaty Formulary	Corresponding Text Unit in Deuteronomy
1) Preamble	1:1-5
2) Historical Prologue	1:6-4:44
3a) Stipulations–General	4:45-11:32
3b) Stipulations–Specific	12:1-26:19 <sup>92</sup>
4) Document Clause	27:1-10
5) Appeal to Witness <sup>93</sup>	27:11-26
6) Blessings and Curses	28:1-69 [Eng 29:1]
7) Solemn Oath Ceremony <sup>94</sup>	29:1 [Eng 29:2]-30:20

the Suzerain is noted throughout.<sup>95</sup> There are references to the vassal's rebellion and restoration.<sup>96</sup> The purpose of the Historical Prologue of Deuteronomy is explicitly

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emphatically contests, "It is true that several treaty texts already referred to, particularly the Hittites treaties, also present such a mixture [of history and paraenesis], but in Deuteronomy large sections of the historical material, though presently joined with the parenetic, stand quite apart from the latter as history recounted not perhaps simply for its own sake, but *certainly not with the object of inducing a feeling of gratitude* in Israel for favours shown her by Yahweh in the past" (emphasis added).

<sup>92</sup>See chap. 4 where the argument is made that 26:16-19 serves a dual function. First, as part of the final group of stipulations, it describes one of the future ceremonies which are prescribed for observance in the land. As such, it is considered to be a part of the greater textual unit of chaps. 12-26. However, it can also be isolated from the preceding and following textual units and shown to serve as the keystone between the first three constituents and the remaining constituents of the covenantal framework of Deuteronomy which binds all of the constituents into a unified whole.

<sup>93</sup>This constituent is often referred to, quite naturally, as the God List or the Divine Witnesses because this constituent in the ancient Near Eastern treaties usually appeals to the gods of the vassal (and routinely to the gods of the suzerain as well) to witness the treaty transaction to ensure loyalty between the partners. See discussion below.

<sup>94</sup>The Solemn Oath Ceremony is not included in the Hittite treaty formulary, but as Mendenhall and Wenham (and others) have insisted, that there would have been such a ceremony goes without question. Since 29:1-30:20 is included in Moses' three sermons, it is considered within the "extended" treaty formulary.

<sup>95</sup>For example, there is the promise of a good and spacious land (1:6-8), the provision for effective leadership and justice (1:9-18), care in the wilderness journey (2:7), the pledge (and fulfillment) of the destruction of enemies (2:8-23; 2:26-3:22).

<sup>96</sup>The rebellion at Kadesh Barnea (1:26-46) is singled out in this text. Moreover, the very mention of Beth-Peor in 3:29 had to provoke anguish in the community. As alluded to above, Moses

identified in 4:1-40.

**General Stipulation (4:45-11:32).** The General Stipulation of the ancient Near Eastern treaties is predicated upon the antecedent history and “summarizes the purpose of the following specific stipulations.”<sup>97</sup> This constituent essentially consists of general imperatives whose basic requirement is directed towards the vassal’s loyalty.<sup>98</sup>

With this description in mind, it is not surprising to find in the very first words of the General Stipulation a summary statement of Israel’s obligation to maintain its loyalty to Yahweh (5:6-21).<sup>99</sup> Once the basic principle of covenant relationship is detailed in 5:1-6:3, Moses highlights: (1) measures for maintaining covenant relationship (6:4-25), (2) implications of covenant relationship (7:1-26), (3) warnings against forgetting covenant relationship (8:1-20), (4) failures in covenant relationship (9:1-10:11), (5) restoration to covenant relationship (10:12-22), and (6) choices required for covenant relationship (11:1-32). The basic theme in 4:45-11:32 is clearly that of covenant loyalty to Yahweh expressed through exclusive worship.

**Specific Stipulations (12:1-26:19).** Noting Baltzer’s characterization of the function of the General Stipulation,<sup>100</sup> one should expect there to be a correlation between

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changes this place name slightly (to Baal-Peor) to drive home his hortatory point in 4:1-40.

<sup>97</sup>Baltzer, *The Covenant Formulary*, 12.

<sup>98</sup>Ibid., 13.

<sup>99</sup>This covenant loyalty should be expressed by following the imperatives of 5:7-9. As noted in chap. 1, an argument can be made that these verses contain the first word (דְּבָרִים) of the “Ten Words (עֲשֵׂרֶת הַדְּבָרִים).” See Jason S. DeRouchie, “Numbering the Decalogue: A Textlinguistic Reappraisal” (paper presented at the annual meeting of the Evangelical Theological Society, Washington, DC, November 2005).

<sup>100</sup>Christopher J. H. Wright, *Deuteronomy*, New International Biblical Commentary on the Old Testament, vol. 4 (Peabody, MA: Hendrickson Publishers, 1996), 158, speaks of the “interpenetration of vocabulary, themes, and theology” between chaps. 12-26 and 1-11. He continues, “All the sections of laws in chapters 12-26 are presented in the light of, or more precisely, in response to, the great truths and principles that have been so eloquently expounded in chapters 1-11 (esp. 4-11).” He describes this dynamic as a “reciprocal relationship” between what Yahweh has done for Israel and what Israel ought to do in response.

the Specific Stipulations and the General Stipulation.<sup>101</sup> Some of the recurring themes from the Specific Stipulations in the Hittite treaties include but are not limited to: (1) payment of tribute,<sup>102</sup> (2) military assistance (including instructions for prisoners of war),<sup>103</sup> (3) renunciation of all foreign diplomatic ties,<sup>104</sup> (4) extradition of fugitives,<sup>105</sup>

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<sup>101</sup>See Mendenhall, "Covenant," in *ABD*, 1:1183-88. His discussion of the Sinai Covenant suggests that the Ten Words of Exod 20 are all rooted in the prologue "I am Yahweh your God who brought you out of Egypt." He comments on the tendency to classify the Ten Words into Godward obligations or obligations to fellow human beings. He rightly states, "All of the stipulations represent those characteristics of human behavior that constitute the definition of the will of God" (1184, emphasis original). This same principle should be applied to the Specific Stipulations of Deut 12-26 as they arise out of the General Stipulation of Deut 5-11.

There is much discussion on the extent of the correspondence between the Decalogue and the arrangement of the Specific Stipulations in Deut 12-26. The one extreme may be represented by S. A. Kaufman, "The Structure of the Deuteronomical Law," *Maarav* 1 (1979): 105-58, who asserts, "the Law of Deuteronomy (chapters 12-26) is a highly structured composition whose major topical units are arranged according to the order of the laws of the Decalogue—more specifically the Decalogue as it appears in chapter 5 of that book" (108-09).

See also Walton, "Deuteronomy: An Exposition," 213-25. Walton agrees with much of Kaufman, but takes his observations one step further. He suggests that the order of the laws in chaps. 12-26 is not only based on the literary correspondence between the Specific Stipulations and their expressions in the Decalogue but betrays deeper and broader issues of importance. He organizes the Decalogue into four main issues: Authority, Dignity, Commitment, and Rights and Privileges. Then he demonstrates how commandments 1-4 address these issues as they relate to God and how commandments 5-10 relate these issues to relationships with mankind. Walton follows the Protestant numbering of the Decalogue. He differs from Kaufman also in that he suggests that Deut 6-11 is an expansion of the first commandment. The remainder of the commandments find their expansion in Deut 12-26.

Georg Braulik, "The Sequence of the Laws in Deuteronomy 12-26 and in the Decalogue," in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. Duane L. Christensen, trans. Linda M. Maloney, Sources for Biblical and Theological Study 3 (Winona Lake, IN: Eisenbrauns, 1993), 313-35, in his essay endeavors "to clarify the structure of the existing text of chapters 12-26 and to make the Decalogue visible therein as a kind of large-scale or general framework for its composition and arrangement" (321). He recognizes the value of Kaufman's study, even with its "methodological and exegetical deficiencies." He acknowledges that there is an imprecise correspondence between the first four commandments and chaps. 12-18, but he demonstrates that in chap. 19 through 26:15 the correspondence is more evident. Braulik follows the Catholic numbering of the Decalogue. His discussion accounts for (however, not in an intentional way) the distinction between the General Stipulation and the Specific Stipulations.

This discussion is revisited and expanded upon greatly in chap. 5 of this dissertation.

<sup>102</sup>See Beckman, *Hittite Diplomatic Texts*, 55, 60, 166, and 175, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup> century BC. Possible parallels in Deuteronomy may be 14:22-29 and 26:1-15.

<sup>103</sup>*Ibid.*, 16, 20, 23, 29, 37, 55, 84, 88, 102, 106, 120, and 38, for example. These examples are taken from treaties or other documents dating from the 15<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 12:2, 3; 20:1-20; 25:17-19 and 21:10-14.

<sup>104</sup>*Ibid.*, 24 and 155, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 12:29-32; 16:21-22; and 20:11-15.

<sup>105</sup>*Ibid.*, 12, 15, 25, 35, 39, 45, 62, 66, 71, 80, 83, and 91, for example. These examples are taken from treaties or other documents dating from the 16<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 17:2-7, 12 and 19:1-13.

(5) relations between vassals,<sup>106</sup> (6) yearly visit,<sup>107</sup> (7) delineation of frontiers,<sup>108</sup>  
 (8) sexual conduct,<sup>109</sup> and (9) reporting of sedition.<sup>110</sup>

**Document Clause (27:1-10).**<sup>111</sup> This portion of the treaty specifies that the treaty document be placed in the temple of the vassal's deity (and oftentimes in the temple of the suzerain's deity) and be read repeatedly.<sup>112</sup> This reading was to be done in public so that the general populace in toto was aware of the substance of the treaty.<sup>113</sup>

The parallel between the Document Clause of the Hittite treaties and Deuteronomy 27:1-10 is not intuitive. Yet, one can see the essentials of the Document Clause in this text. While Deuteronomy 27 does not make reference to the depositing of the text in a temple (for obvious reasons), it is clear that the event in which the Document Clause is described was clearly considered a sacred assembly.<sup>114</sup> There is the instruction

<sup>106</sup>Ibid., 45, 46, 61, 65, 66, 72, 80, 83, 90, and 169, for example. All examples are taken from treaties or other documents dating from the 14<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 24:7, 10-15, 17-22; 25:1-2 and 5-16.

<sup>107</sup>Ibid., 19, for example. This example was taken from a treaty dating from the 14<sup>th</sup> century BC. A possible parallel in Deuteronomy may be 16:1-17.

<sup>108</sup>Ibid., 24, 35, 45, 84, 109, and 114, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup>-13<sup>th</sup> centuries BC. A possible parallel in Deuteronomy may be 19:14.

<sup>109</sup>Ibid., 31 and 32, for example. These examples are taken from a treaty dating from the 14<sup>th</sup> century BC. A possible parallel in Deuteronomy may be 22:13-30.

<sup>110</sup>Ibid., 12, 15, 70, 79, and 90, for example. These examples are taken from treaties or other documents dating from the 16<sup>th</sup>-13<sup>th</sup> centuries BC. A possible parallel in Deuteronomy may be 13:1-18.

<sup>111</sup>This constituent is also described as "Deposition and provision for public reading."

<sup>112</sup>See the discussion in Kline, "The Two Tables," 138-41. Compare Beckman, *Hittite Diplomatic Texts*, 3. An example of this occurs in the treaty between Suppiluliuma of Hatti and Shattiwaza of Mitanni wherein it requires that "a duplicate of this tablet is deposited before the Sun-goddess of Arinna. . . . And in the land of Mitanni a duplicate is deposited before the Storm-god, Lord of the *kurinnu* of Kahat" (Beckman, 46, see also 51, dated to the 14<sup>th</sup> century BC). In both of these the vassal is required to read it "repeatedly, for ever and ever." The treaties between Mursili II of Hatti and Kupanta-Kurunta of Mira-Kuwaliya and between Muwattalli II of Hatti and Alaksandu of Wilusa specify that the text be read "three times yearly" (Beckman, 81 and 91, dated to the 15<sup>th</sup> and 14<sup>th</sup> centuries BC).

<sup>113</sup>The public venue is clearly stipulated in the treaty Suppiluliuma of Hatti and Shattiwaza of Mitanni. See Beckman, *Hittite Diplomatic Texts*, 51. Mendenhall, "Covenant," in *ABD*, 1:1181, affirms this position in his description of this aspect of the treaty components.

<sup>114</sup>In his discussion of the importance of the inscription of the treaty, Baltzer notes that treaties were recorded on iron, silver, gold, or even on basalt stelae. He suggests that a stela found at Sujin (Sefire)

to build an altar and to offer sacrifices<sup>115</sup> and to rejoice before Yahweh. The parallel account in Joshua 8:33 portrays the centrality of the Ark of the Covenant in the ceremony. The writing of the entire text on the plastered stones could be a counterpart to the writing of the treaty. While there is not a specific instruction in Deuteronomy 27 to read the text, Joshua 8:34 indicates that Joshua read all the words of the law.<sup>116</sup>

Kline,<sup>117</sup> Kitchen,<sup>118</sup> and Thompson<sup>119</sup> have suggested that the instructions found in Deuteronomy 31:9-13 and 24-26 are analogous to the Document Clause of the ancient Near Eastern treaties. There is no question about the correspondence. However, when one considers the structure of Deuteronomy, it is clear that Deuteronomy 27 serves this purpose. Moreover, as noted above, these verses (appealed to by Kline, Kitchen, and Thompson) lie outside the covenantal framework of Deuteronomy.<sup>120</sup>

**Appeal to Witness (27:11-26).** The Appeal to Witness in the Hittite treaties is often expansive in its attempt to include all known gods of both the Hittites and the vassal. Additionally, elements of the natural world<sup>121</sup> are importuned to participate in the

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represented the deposit of the treaty text in an *open-air sanctuary*. See Baltzer, *The Covenant Formulary*, 17-18.

<sup>115</sup>See J. M. Munn-Rankin, "Diplomacy in Western Asia in the Early Second Millennium," *Iraq* 18 (1956): 84-92.

<sup>116</sup>Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the OT*, *Analecta Biblica Investigationes Scientifcae in Res Biblicas*, vol. 21A, 2<sup>nd</sup> ed. (Rome: Pontifical Biblical Institute, 1978), denies the importance of the Document Clause in the ancient Near Eastern context. However, Baltzer, *The Covenant Formulary*, 16-17 and 26-27, affirms the significance of having a written document in the treaty process. Wenham, "The Structure and Date of Deuteronomy," 207, on the other hand contends that "the production of a treaty document was *integral* to the making of a covenant" (emphasis added). Appealing to Korošec, Wenham unyieldingly asserts, "The treaty only exists with the production of the document" (165). However, Mendenhall, "Covenant," in *IDB*, 720, insists that it is the oath which substantiates the treaty/covenant. The ambiguity may be due to the fact that these two constituents are normally found in succeeding parts of the treaty.

<sup>117</sup>Kline, "The Two Tables," 139-42, and idem, "Dynastic Covenant," 8-12.

<sup>118</sup>Kitchen, *The Bible in Its World*, 82.

<sup>119</sup>Thompson, *Deuteronomy*, 290-96.

<sup>120</sup>Wenham also makes this contention. See Wenham, "The Structure and Date of Deuteronomy," 176 n. 2.

<sup>121</sup>Some suggest that these natural elements are actually understood to be deities.

ratification of the treaty.<sup>122</sup> Many times the functions of the various gods are described as they relate to covenant enforcement. These gods were to do more than simply observe the transaction between the suzerain and his vassal and listen to the articulation of the oath; they were expected to discipline either party for a breach of the terms of the treaty.<sup>123</sup> This becomes clearer in the normal sequence of the treaty formulary in that the gods are invoked and then the curses of the treaty are expressed. These gods serve to initiate the curses upon the violation of the agreement.

At this point, the clear parallels to the structure of Deuteronomy become less than apparent. There may be two very different, yet related, rationales for the discontinuity. The first is that there is no corresponding comprehensive god list in Deuteronomy. The second rationale is more theological in nature, that is, as Mendenhall rightly contends, “The list of witnesses so characteristic of Hittite treaties and necessary for binding legal documents in ancient law, could not have a parallel in the exclusive covenant between Yahweh and Israel.”<sup>124</sup> There is no question about the truth of this statement. Yahweh could not bind himself in covenant to Israel by invoking other so-called deities to ensure his faithfulness to this covenant. Moreover, Yahweh alone was to be Israel’s God. It would be meaningless for Israel to invoke Yahweh as a covenant enforcer against Yahweh himself!<sup>125</sup>

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<sup>122</sup>See Mendenhall, “Covenant,” in *IDB*, 715. See also the representative treaties in Beckman, *Hittite Diplomatic Texts*, 11-123.

<sup>123</sup>Compare Baltzer, *The Covenant Formulary*, 14-15. Of course, in most instances, the threat of discipline was directed toward the vassal. It would only stand to reason that there ought to be a close association between the constituent Appeal to Witness and the Blessings and Curses constituent in the treaties. The Blessings and Curses clearly delineate the expected response of the witnesses in the event of vassal compliance with or defiance against the treaty commitments. This fact lends credibility to the identification of 27:11-26 with the Appeal to Witness clause in that it immediately precedes the associated Blessings and Curses.

<sup>124</sup>Mendenhall, “Covenant,” in *IDB*, 720. Terry Lee Rude, “Imperative and Response: A Theology of Deuteronomy” (Ph.D. diss., Bob Jones University, 1979), 246, makes a similar assertion. He, like many others, notes that in Deuteronomy the Appeal to Witness clause is fulfilled by the appeal to heaven and earth.

<sup>125</sup>Baltzer, *The Covenant Formulary*, 24, also notes this irony when he asks, “But what happens when, in the case of a covenant between God and people, Yahweh is both party to and guarantor of

Kitchen and others have suggested that there may be parallels to the Hittite treaty formulary component Appeal to Witness in the covenant as recorded in Deuteronomy. As noted above, Kitchen identifies Deuteronomy 31:16-30 and 32:1-47 with the witness clause of the treaty formulary. Others, simply making a lexical connection (עֵד = witness), appeal to the various “witnesses” in the text.<sup>126</sup> However, if one carefully considers any or all of these purported parallels, none of them serve the *primary purpose* for which the Hittites appealed to witnesses in the first place, that is, as covenant enforcers. Only if one considers the derivative effect of the blessings or curses<sup>127</sup> as an expression of the intent of the Appeal to Witness can one make this association between the Witness texts of Deuteronomy and the Appeal to Witness clause in the Hittite treaties. This is tenuous at best since these Deuteronomic “witnesses” are not acting as agents of enforcement.<sup>128</sup>

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the covenant?” He answers the question by appealing to Deut 4:26; 30:19; and 31:28, wherein the “heavens and earth” are called upon as “witnesses.” However, his reasoning suggests that in this case Yahweh “submits” himself to the authority of and in accountability to the “heavens and earth,” or possibly that the “heavens and earth” replace him as the guarantor of the covenant. Neither of these possibilities seems sensible or theologically consistent. One would only be exchanging one difficulty for something more difficult.

Another explanation for the missing god list is offered by Wenham, “The Structure and Date of Deuteronomy,” 178. He comments, “The omission of the god-list of the treaty form in the OT is usually explained by its incompatibility with Israelite monotheism.” However, he notes that the god-list is not included in the law-code formularies of the ancient Near East. Since he insists that Deuteronomy is a unique melding of the law-code formulary with the treaty formulary, the omission of the god-list is due to the patterning of Deuteronomy after the law-code formulary at this point.

<sup>126</sup>Namely, heaven and earth (4:26; 30:19), the Song of Yahweh/Moses (31:19, 21, 28; 32:1-47) and/or the Book of the Torah itself (31:26). This may be due to the fact that in the recapitulation in Josh 24, the ceremony seems to follow the covenant formulary very closely. At the point wherein one would expect the Appeal to Witness clause, Joshua indicates that the people themselves are witnesses (עֵד) and they affirm his statement (v. 22). Moreover, at the conclusion of the ceremony Joshua set up a stone that had “heard all the words” and would serve as a witness against the people should they in the future deal treacherously with Yahweh.

Interestingly, the majority of these “witness” texts occur outside the covenantal framework (chaps. 1-30) proposed in this dissertation. Of those “witnesses” that are within these boundaries, only heaven and earth remain and both of these appeals are made in sections characterized by hortatory address calling for specific response.

<sup>127</sup>That is, unproductive land, lack of rain, etc., spelled out in Deut 28.

<sup>128</sup>The Song of Yahweh/Moses serves to testify to the future realities of Israel’s disobedience. Likewise, the Book of the Torah testifies to Yahweh’s righteous requirements and to Israel’s failures. They are not acting as *agents* of Blessings and Curses, that is, as covenant enforcers. Again, Deut 28:22-24 makes it very clear that the heavens and earth are acted upon by Yahweh to initiate the curses of the covenant; they are not direct agents.

So, if one grants that Mendenhall is correct in his assertion that the covenant between Yahweh and Israel cannot be enforced by the appeal to pagan deities, then how should this element be expressed in this covenant? The answer lies in 27:11-26. What is recorded for us is a solemn ceremony of invocation, but instead of summoning “the gods,” Israel is invoking its deity Yahweh as the covenant enforcer.

Instruction is given as to the division of the tribes for this ceremony. Half are to stand on Mount Gerizim to bless the people and half are to stand on Mount Ebal to pronounce the curses.<sup>129</sup> And although the recitation of the blessings by the Levites is not recorded in Deuteronomy 27,<sup>130</sup> there is no reason (except from silence) to argue that these blessings were not pronounced.<sup>131</sup> The repeated call<sup>132</sup> can be understood as a plea

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<sup>129</sup>This is the traditional understanding, but the text may suggest another dynamic. In v. 12 the instruction for the assignment of the Gerizim-located tribes begins: אֱלֹהֵי יִשְׂרָאֵל לְבָרֵךְ אֶת־הָעָם. But in v. 13 the instructions for the Ebal-located tribes begins: וְאֱלֹהֵי יִשְׂרָאֵל עַל־הַקְּלָיָהּ.

<sup>130</sup>In his article Immanuel Lewy, “The Puzzle of Dt. XXVII: Blessings Announced, but Curses Noted,” *VT* 12 (1962): 207-11, basing his argument on his understanding of the growth of the Pentateuch, suggests that Deuteronomy had its early provenance in the north (possibly with Elisha). The text we have today is greatly expanded by Jerusalemite editors. He suggests that the blessings pronounced in the “original” ceremony were the blessings of Deut 28:1-6 and the curses pronounced were the corresponding curses of Deut 28:15-19. However, this assertion rests on a particular and unnecessary reconstruction and complex textual history that depends on questionable “evidence.” Moreover, this justification is gratuitous if the present proposal for Deuteronomy’s structure is accepted.

<sup>131</sup>However, if one carefully considers the parallel in Josh 8:30-35, one will see that this text seems to follow very closely the pattern established in Deut 27. Joshua had an altar of uncut stones built on Mount Ebal (8:30-31, commanded in Deut 27:5-6), he offered burnt offerings and sacrificed fellowship offerings (8:31, commanded in Deut 27:6-7), he wrote on the stones a copy of the law (8:32, commanded in Deut 27:3, 8), he divided the people and stationed them on Mounts Ebal and Gerizim (8:33, commanded in Deut 27:12-13), he read *all the words of the law—the blessing and the curse*—according to all that was written in the Book of the Law (8:34, implied if not commanded in Deut 27:8, 12-14), and the narrator affirms that “there was not a word of all that Moses commanded that Joshua did not read” (8:35). However, there is one “glaring inconsistency” between the record of Josh 8:30-35 and the instructions in Deut 27. This “inconsistency” is found in 8:33 where the text indicates that this ceremony was for the purpose of *blessing* the people of Israel. The account in Deut 27, *if indeed* it is comprehensive, would suggest that only cursing was pronounced. Yet, there is a hint in Deut 27:12 that blessing was pronounced as well. Therefore, it is quite possible that both blessing and cursing were pronounced.

However, one could argue that if Yahweh were acting in response to Israel’s request to remove from its community (see the footnote below dealing with the use of the word אָרִיר), the violators of the treaty stipulations—as embodied in the repetition of the curses in Deut 27:15-26, then the community would be safeguarded and would be in a position to receive the promised blessing for covenant faithfulness. In this sense, the pronouncing of the curses would actually be a means of blessing.

While this reasoning is not specifically addressed by Elizabeth Bellefontaine, “The Curses of Deuteronomy 27: Their Relationship to the Prohibitives,” in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. Duane L. Christensen, Sources for Biblical and Theological Study 3 (Winona Lake, IN: Eisenbrauns, 1993), 256-68, her essay supports the possibility of the idea that this “curse ceremony” is actually an invoking of Yahweh’s protection for the community. She concludes, “The curse ceremony as described in Deuteronomy 27 consists in the pronouncement of the curses by the Levites and the corresponding response of affirmation by the community. The purpose of the ceremony extends

from the community to Yahweh for the separation from its midst<sup>133</sup> those who are acting in violation of the stipulations of the covenant. In other words, the community<sup>134</sup> is entreating Yahweh to act as the enforcer<sup>135</sup> of the covenant.

**Blessings and Curses (28:1-69).** The Blessings and Curses of the ancient Near Eastern treaties were to be the positive and negative reinforcements of the treaty obligations. It was not unusual for the Blessings and Curses to be converse of each other.<sup>136</sup> As for the blessings, these were expressions of the protective benevolence of the gods toward the vassal for faithfulness to the stipulations. These were directed to the person and to the community of the vassal. Blessings included health and long life for

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beyond the desire that every criminal receive his due. It reflects a genuine fear on the part of the community that one member may commit a designated crime in secret and escape apprehension. In this event the whole community would be liable to divine vengeance. . . . Hence, in Deuteronomy 27 the imprecations uttered by the Levites, and totally assented to by the members of the assembly, were designed to invoke God's vengeance upon *the guilty member alone* and thereby to ensure the safety of the whole community" (267, emphasis added).

<sup>132</sup>Interestingly, this call follows a very specific pattern. In all of the verses the Qal passive masculine singular participle of אָרַר is employed. In vv. 15 and 26 this is followed by the relative pronoun אֲשֶׁר and an imperfect 3rd masculine singular verb. In vv. 16-25 אָרַר is followed by a masculine singular participle. The effect of this construction is that the generic and non-specific curse is called down upon a very specific offender, that is, "the one who \_\_\_\_\_ (the specific violation identified)." The construction (and dynamic) here is very different from the construction of the curses in Deut 28:15-68. Here the entire community (not the specific offender) is subject to the curses and the curses are very specific in nature.

<sup>133</sup>In his article Josef Scharbert, "אָרַר," in *Theological Dictionary of the Old Testament*, ed. G. J. Botterweck and Helmer Ringgren, vol. 1, trans. John T. Willis (Grand Rapids: Eerdmans Publishing Company, 1977) notes the treaty/covenantal connections of אָרַר and makes the case for understanding the curse formula as an expression of expulsion, exclusion, or separation from the community. The intention of the formula is to deter members of the community from violating the terms of the treaty/covenant. The employment of the curse, in effect, is calling for the consigning of violator to misfortune/destruction, thereby purging the community of guilt by association. He remarks that "the 'arur'-formula is used as a ratification of the Yahweh-covenant regulations governing the whole life of Israel" (410). Similar observations and assertions are made by Robert P. Gordon, "אָרַר," in *NIDOTTE*, vol. 1, ed. Willem A. VanGemeren (Grand Rapids: Zondervan Publishing House, 1997) and C. A. Keller, "אָרַר," in *Theological Lexicon of the Old Testament*, vol. 1, ed. Ernst Jenni and Claus Westermann, trans. Mark E. Biddle (Peabody, MA: Hendrickson Publishers, 1997).

<sup>134</sup>וְאָמַר כָּל-הָעָם אָמֵן

<sup>135</sup>Keller, "אָרַר," 181, clearly states, "Yahweh is the absolute lord over all 'ārūr declaring." Compare S. Gevirtz, "Curse," in *IDB*, ed. G. A. Buttrick (Nashville: Abingdon, 1962), 750, who suggests that the Hebrew curse formula is characteristically West Semitic and therefore depends on the "deity for the execution of the desired effect."

<sup>136</sup>See Beckman, *Hittite Diplomatic Texts*, 40-41, 58, 64, 69, 92-93, and 112, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 28:3-6 and 16-19.

the vassal, his loved ones, and his progeny.<sup>137</sup> Economic prosperity (blessings on the fields and flocks<sup>138</sup>), fertility,<sup>139</sup> and general welfare (expressed through the concept of “peace”<sup>140</sup>) were standard features of the blessing that resulted from obedience. These were bestowed by the gods of the treaty.<sup>141</sup>

The curses were meted out by the gods for disregard of or direct violation of the stipulations of the treaty. These were characterized by destruction—destruction of the vassal, his family, and his community. Financial ruin,<sup>142</sup> infertility,<sup>143</sup> disease and blight,<sup>144</sup> defeat in war,<sup>145</sup> and famine<sup>146</sup> were common features of the curse. These curses often effected not only the population of the vassal but also his land. Drought and

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<sup>137</sup>Ibid., 41, 48, 53, 69, and 73, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup> century BC. Possible parallels in Deuteronomy may be 5:33.

<sup>138</sup>Ibid., 48, 54, 73, 93, and 112, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 28:8-14.

<sup>139</sup>See J. B. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament*, 3<sup>rd</sup> ed. (Princeton: Princeton University Press, 1969), 206, for example. This example was taken from a treaty dating from the 14<sup>th</sup> century BC. Possible parallels in Deuteronomy may be 28:4.

<sup>140</sup>See Beckman, *Hittite Diplomatic Texts*, 54, for example. This example is taken from treaty dating from the 14<sup>th</sup> century BC. Possible parallels in Deuteronomy may be 4:40 and 5:29, 33.

<sup>141</sup>Ibid., 40-41, 53-54, 58, 64, 69, 86, 112, and 122, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 28:1, 63, and 68.

<sup>142</sup>Ibid., 48 and 112, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup>-13<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 28:30-34, 38-40, 44, and 48.

<sup>143</sup>Ibid., 52 and 53, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup> century BC. See also Pritchard, *Ancient Near Eastern Texts*, 206. Possible parallels in Deuteronomy may be 28:18.

<sup>144</sup>See Beckman, *Hittite Diplomatic Texts*, 52 and 53, for example. This example is taken from a treaty dating from the 14<sup>th</sup> century BC. Possible parallels in Deuteronomy may be 28:21-22, 27-29, 35, and 59-61.

<sup>145</sup>Ibid., 86, for example. This example was taken from a treaty dating from the 14<sup>th</sup> centuries BC. Possible parallels in Deuteronomy may be 28:25-26, 48, 49-53.

<sup>146</sup>See Martha Roth, “The Laws of Hammurabi,” in *The Context of Scripture*, ed. William W. Hallo (Leiden: Brill, 2000), 2:352, for example. This dates back to the 18<sup>th</sup> century BC. Possible parallels in Deuteronomy may be 28:38-40 and 51-52.

the resultant lack of productivity from the land were mentioned routinely in the curses.<sup>147</sup> Many times curses are portrayed through simile and metaphor.<sup>148</sup>

That the ancient Near Eastern treaty formulary indicates that curses precede blessings (if blessings are included) is acknowledged. However, the text of Deuteronomy reverses this order.<sup>149</sup> If indeed, the purpose of the invocation of Yahweh as covenant enforcer in Deuteronomy 27:15-26 is fulfilled, that is, the secret<sup>150</sup> violators in the community are identified and dealt with by Yahweh, then the community as a whole would be in compliance with the terms of the covenant and could expect Yahweh's blessing. This could explain the reversal of the expected order as compared to the treaty formulary.<sup>151</sup>

**Solemn Oath Ceremony (29:1-30:20).** Mendenhall's study of the ancient Near Eastern treaties leads him to the conclusion that "descriptions of the words or forms by which the oath was sworn seems to be completely lacking and unknown."<sup>152</sup> However, he infers from the record of the soldiers' loyalty oath (and the testimony of Exod 20-24 and Josh 24) that some sort of oath or ratification ceremony was included in the greater treaty transaction.<sup>153</sup> The elements of this ceremony may include, according

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<sup>147</sup>Ibid., for example. Possible parallels in Deuteronomy may be 28:23-24.

<sup>148</sup>See Beckman, *Hittite Diplomatic Texts*, 48, 52, and 53, for example. These examples are taken from treaties or other documents dating from the 14<sup>th</sup> century BC. Possible parallels in Deuteronomy may be 28:44, 48, and 49.

<sup>149</sup>The argument herein is that the "curses" of Deut 27 are not formulaic curses in the treaty formulary pattern. Otherwise, the text of Deuteronomy would follow a curse-blessing-curse pattern. This study takes exception to the viewpoint that Deut 27-28 together represent the analogous Curses and Blessings constituent of the covenant of Deuteronomy.

<sup>150</sup>See the discussion in the Excursus on the connection between the secret sins in Deut 27:15-26 and Deut 29:17-20, 28.

<sup>151</sup>Wenham, "The Structure and Date of Deuteronomy," 178, suggests that this reversal is due to the fact that the covenant formulary in the Old Testament is an amalgam of ancient Near Eastern treaty and law-code formularies. The blessing → curse order is reversed in the law-code formulary as compared to the curse → blessing order found in the treaty formulary.

<sup>152</sup>Mendenhall, "Covenant," in *IDB*, 715.

<sup>153</sup>See discussion, Mendenhall, "Covenant," in *ABD*, 1:1182 and 1:1185.

to Mendenhall, “a verbal assent to the covenant” and “a ritual act involving the sacrifice of an animal, so that the fate of the [animal] is presented as the fate to be expected by the people if they violated their sacred promise.”<sup>154</sup> Wenham corroborates that there must have been some ceremony of affirmation immediately following the statement of the Blessings and Curses by appealing to the evidence in the treaty between Suppiluliuma and Mattiwaza.<sup>155</sup> He maintains that this parallel, which he labels “recapitulation,” is found in Deuteronomy 29-30.<sup>156</sup>

While the recapitulation of Deuteronomy 29-30 does not include any record of specific verbal assent to the covenant or to a ritual act of animal sacrifice,<sup>157</sup> it does incorporate a rehearsal of the basic components of the treaty.<sup>158</sup> The pattern of Deuteronomy 29-30 could possibly serve as a model for any number of “ratification ceremonies” in the ancient Near East.

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<sup>154</sup>Ibid.

<sup>155</sup>This treaty can be found in Beckman, *Hittite Diplomatic Texts*, 53 and 54. This treaty is dated to the 14<sup>th</sup> century BC.

<sup>156</sup>See Wenham, “The Structure and Date of Deuteronomy,” 165-66 and 207-10. By “recapitulation” Wenham highlights that these chapters repeat and stress the main features of the covenant. He makes much of the parallels between chaps. 4 and 29-30. While Wenham includes chap. 4 in the category of stipulations, as has been argued above, it seems that chap. 4 should be understood as an exhortation grounded in the truths of the historical antecedents. This exhortation, also, anticipates the General Stipulation of fidelity to Yahweh expressed in chaps. 5-11. The “recapitulation” of chaps. 29-30 is clearly framed in the rhetoric of admonition, thus enveloping the main body of the treaty (chaps. 5- 28) with hortatory addresses. For a thoroughgoing presentation of the rhetorical nature of Deut 29-30, refer to Timothy A. Lenchak, “*Choose Life!*” *A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20*, *Analecta Biblica* 129 (Rome: Pontifical Biblical Institute, 1993).

<sup>157</sup>However, there might be a parallel to this ritual in 29:22. That is, as Mendenhall suggests that the slaughtered animal represents the fate of a disobedient vassal, so too, the overthrow of Sodom and Gomorrah, Admah, and Zeboim is a picture of what will happen to Israel should she forsake the terms of the covenant.

<sup>158</sup>Deut 29:1-7 includes an historical summary; 29:8 is an imperative to observe the words (possibly an allusion to the Ten Words which anchor the General and Specific Stipulations) of the covenant; 29:9, 10, 13 and 15 indicate the audience with whom the covenant is being made; 29:11 indicates that the purpose of the convocation is to make a verbal assent to the covenant; 29:15-17 is a warning against violating the General Stipulation of the covenant; 29:17-28 speak of the curse associated with covenant breach and they likewise articulate the truth that Yahweh is the covenant enforcer (29:28 may also be an allusion to Yahweh as covenant enforcer); 30:1-10 speak of the Curse and Blessing associated with covenant with an emphasis on blessing; 30:10 identifies the document of the covenant; and 30:11-20 are a final appeal to make a commitment to the terms of the covenant.

Furthermore, one can understand why these chapters were incorporated into the covenantal framework of Deuteronomy 1-30 through the device of a third Mosaic sermon. Surely, as Mendenhall and others insist, the covenant could not have been concluded without this Solemn Oath Ceremony.<sup>159</sup> Yet, this is more than a Solemn Oath Ceremony. Though the tenor is somewhat somber, it ends on a positive note. The “altar call” in 30:11-20 assures Israel that the requirements of commitment to this covenant are not beyond reach or outside the realm of possibility. As Barker concludes,

Israel is thus being asked to rely on Yahweh’s grace and to receive what he promises to give. The exhortation does not presuppose Israel’s ability. The *priority lies with divine grace*, though human responsibility is not lost.<sup>160</sup>

### **The Covenant Relationship Formula within the Covenantal Constituents**

As noted in chapter 1, the covenant relationship formula is employed in a highly significant manner<sup>161</sup> throughout the book of Deuteronomy, exclusively within the parameters of Moses’ three sermons, that is, the covenantal framework of Deuteronomy. More specifically, these occur once (and only once) within six of the seven constituents in Deuteronomy which are analogous to constituents of the treaty formulary noted above.<sup>162</sup> These are found in 4:20 (within the Historical Prologue), in 7:6 (within the General Stipulation), in 14:2 (within the Specific Stipulations), in 27:9 (between the Document Clause and the Appeal to Witness), in 28:9 (within the Blessings and Curses),

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<sup>159</sup>To have concluded his second sermon at 28:69 after the recounting of the Blessings and Curses without calling for a response in 29-30 would have been analogous to the playing of the first seven notes in an octave, that is, there would have been no closure or resolution.

<sup>160</sup>Paul A. Barker, *The Triumph of Grace in Deuteronomy: Faithless Israel, Faithful Yahweh in Deuteronomy*, Paternoster Biblical Monographs (Carlisle: Paternoster Press, 2004), 214-15 (emphasis added).

<sup>161</sup>As anticipated by Rolf Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, trans. Margaret Kohl, Old Testament Studies (Edinburgh: T & T Clark, 1998), 92.

<sup>162</sup>The only place it is not employed is in the Preamble, which as noted in the discussion, is outside of the boundary of Moses’ three sermons (1:6-30:20).

and in 29:12 [Eng 13] (within the Solemn Oath Ceremony). Tying these all together is the expression of the covenant relationship formula as it is used in 26:17-18.<sup>163</sup>

### **Excursus: Early Date of Deuteronomy 27**

Much of the above argument is predicated upon the understanding that Deuteronomy is essentially Mosaic and that Moses was largely responsible for the final form of the book that has been preserved until the present. This view takes issue with the widely held position that Deuteronomy's final form is the result of centuries of redactions and/or editorial additions to the text.<sup>164</sup> Disagreement with this view above is noted in the appropriate places.

However, there are other evidences that would further support an early date and probable Mosaic authorship for Deuteronomy 27. These evidences are canonical,<sup>165</sup> literary, archaeological, and theological.

Mona Bias has written persuasively on the matter of the chronological priority of the Blessings and Curses in Deuteronomy 27 and 28<sup>166</sup> to the pre-exilic prophets.<sup>167</sup> She does this based on the study of literary styles, themes, patterns, clichés, and formulae

<sup>163</sup>Chap. 5 is an investigation into the function of each expression of the covenant relationship formula in its context from a literary standpoint.

<sup>164</sup>The range of opinion varies greatly. There are those who deny Mosaic authorship wholesale. For instance, Rofé, "The Covenant in the Land of Moab," 318, writes about the "Deuteronomic fiction of Moses addressing Israel." Also Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law*, trans. A. W. Mahnke (Minneapolis: Fortress, 1996) describes Moses as an "institution" contrived by the religious leaders and the "people of the land" late in the monarchic period. Others take a more moderate view that there may be a Mosaic core around which other materials have accrued. Many hold that this Mosaic core is represented by Deut 5-26 and 28. See, for example, Nelson, *Deuteronomy*, 4-9 and 315. This position is espoused also by Robert H. Pfeiffer, *Introduction to the Old Testament* (New York: Harper, 1941), 187. This view suggests that Deut 27 was later inserted into this Mosaic core. If this was the case, then the argument presented in this dissertation would be severely challenged.

<sup>165</sup> Wenham, "Date of Deuteronomy," 20, makes the assertion, based on the chiasmic canonical structure of Deuteronomy, that Deut 27 belongs to the original content of Deuteronomy.

<sup>166</sup>While the position advocated in this dissertation is that Deut 27 and 28 should not be classified together under the rubric "Covenant blessings and curses," this fact does not detract from nor does it have any negative implications for the main emphasis of Bias' assertions.

<sup>167</sup>Mona Paingan Bias, "Reflexes of the Covenant Blessings and Curses of Deuteronomy 27 and 28 in the Pre-exilic Prophets" (Ph.D. diss., Dallas Theological Seminary, 2003).

in both Deuteronomy 27-28 and the pre-exilic prophets. She presents evidences for the utilization of the Blessings and Curses in the prophetic writings. In doing so, she presents criteria for identifying quotations and allusions to the Blessings and Curses of Deuteronomy in the later writings. Her appendix includes, in tabular format, the specific occurrences of allusion made in the books of Joel, Amos, Hosea, Isaiah, and Micah.<sup>168</sup>

From a literary standpoint, the instructions of Deuteronomy 29:17-20, 28 [Eng 29:18-21, 29] are much more emphatic in the light of the Appeal to Witness in Deuteronomy 27, if the abovementioned conclusions are correct. That is, if the nature of the “curses” in Deuteronomy 27 is actually an invocation from the community to Yahweh to eliminate from its midst those who practice sin “in secret,”<sup>169</sup> then the individual who “blesses himself in his heart” (29:18) and believes himself to be protected by the community and its covenant with Yahweh, is “put on notice” that Yahweh can and will selectively bring judgment upon the violator. This deracination of the “poisonous root or bitter fruit” (29:17) from the general population will ward off the possibility that the moist and the dry alike would be swept away (29:18). Then the final statement of the chapter could be understood to suggest that Yahweh will “police” the “secret things,” and that the community will be kept safe if it practices covenantal fidelity.

As for a possible example of archaeological evidence for the early date of Deuteronomy 27, Adam Zertal has written extensively<sup>170</sup> that the stone altar and cultic

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<sup>168</sup>These tables identify the degree of allusion in each prophetic book, that is whether or not there is a verbal (definite or probable) or conceptual allusion or whether the allusion is simply an echo.

<sup>169</sup>One must acknowledge that sin, in general, is practiced “in secret”; that is, most wish to avoid detection. However, one must reckon with the qualifier “in secret (בְּסֵתֶר)” within the list of sins specified in Deut 27:15-16. While it is outside the scope of this dissertation to provide a solution as to why these sins were included in the canonical record and were associated with this Appeal to Witness section, it is suggested that for the most part, these sins would be among those in the Specific Stipulations that may go undetected in the community and thus cannot be policed by the community which could then be vulnerable to Yahweh’s judgment.

<sup>170</sup>See Adam Zertal, “Has Joshua’s Altar been found on Mt. Ebal?” *BAR* 11, no. 1 (1985): 26-43. The assertions of this article are challenged by Aharon Kempinski, “Joshua’s Altar—An Iron Age Watchtower,” *BAR* 12, no. 1 (1986): 42, 44-49. These challenges were then answered by Adam Zertal, “How Can Kempinski Be So Wrong?” *BAR* 12, no. 1 (1986): 43, 49-53. Further publications of interest include idem, “An Early Iron Age Cultic Site on Mount Ebal: Excavation Seasons 1982-1987—A

site at Mount Ebal may indeed date back to the conquest of Canaan under Joshua.<sup>171</sup> Furthermore, testimony in Judges 8 and 9 associate this area<sup>172</sup> with a sacred venue known as “Baal-berith.”<sup>173</sup> One has to wonder if there is a possibility that this sacred venue is associated with the memory (or actual site) of the renewal of the covenant under Joshua which only later became identified with the Canaanite deities through Israel’s syncretistic practice. If so, then Judges 8 and 9 would serve as further “evidence” to the early date of Deuteronomy 27 through the ceremony of Joshua 8.

As for the theological evidence, if Deuteronomy 26:16-19 serves as a pattern for future covenant renewals<sup>174</sup> and encapsulates the transaction accomplished by the covenantal commitments, then one can see why the author of Deuteronomy would—following his treaty formulary pattern—move directly to the Document Clause and Appeal to Witness instructions.<sup>175</sup> Moreover, the instruction for a future covenant renewal at Shechem<sup>176</sup> prior to the actual ceremony on the plains of Moab<sup>177</sup> would serve to solidify the continuity of the covenant from Sinai to future generations.

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Preliminary Report,” *Tel Aviv* 13-14 (1986-1987), 9-30; idem, “The Cult Site on Mount ‘Ebal” [on-line]; accessed 18 April 2008; available from <http://ebal.haifa.ac.il/ebal01.html>; Internet; idem, *The Manasseh Hill Country Survey*, vol. 1: *The Shechem Syncline*, Culture and History of the Ancient Near East (Leiden: Brill, 2004). In private correspondence Zertal also noted that he has authored another book currently being translated into English under the title *A Nation is Born* (publication details not given) that may be of interest on the subject.

<sup>171</sup>Zertal, *The Manasseh Hill Country Survey*, 533. He dates this conquest to 1220-1000 BC (Iron Age I). His article “Joshua’s Altar” is most explicit in its assertions that this archaeological discovery supports the biblical description.

<sup>172</sup>Shechem is located between Mt Ebal and Mt Gerizim.

<sup>173</sup>Ronald E. Clements, “Baal-Berith of Shechem,” *Journal of Semitic Studies* 13 (1968): 21-32, takes issue with the various proposals “regarding Israel’s debt to the cult of Baal-Berith” that suggest that the tribal confederation which later became known as “Israel” adopted the concept of a divine-human covenant from this city cult of Canaanite origin. While he agrees with B. Luther that the Shechemite covenant was very likely a divine-human covenant between the local deity and the sons of Hamor, he disagrees with the conclusion that this provided the basis for the Israelite traditions of a divine-human covenant. He argues that this tradition has its origin in the Sinai covenant.

<sup>174</sup>This discussion is resumed in greater length in chap. 4.

<sup>175</sup>If the exchange in vv. 17-19 is actually representative of the oath of the sworn covenant, then this assertion is strengthened. As noted above, in the ancient Near Eastern treaty tradition, the treaty was not considered “official” without a document and its attending oath.

<sup>176</sup>This covenant renewal took place very shortly after the renewal on the plains of Moab.

## **Conclusion**

In this chapter, various proposals for the covenantal structure of Deuteronomy offered by von Rad, Kline, Kitchen, and Wenham have been reviewed. Building on the strengths of their proposals, an alternative schema for the covenantal structure of Deuteronomy is offered that addresses the criticisms of the previous proposals. This schema recognizes the distinct literary style of the three sermons of Moses in 1:6-30:20 and demonstrates that it is entirely possible that the Hittite treaty formulary served as an organizational principle for the covenantal framework of Deuteronomy.

Now the foundation is laid for the argument in chapters 3 through 6 that the covenant relationship formula is strategically employed in each of the constituents of the covenantal framework of Deuteronomy so as to unify the presentation and give theological coherence to the message of Deuteronomy. A byproduct of this study is the strengthening of the argument that Deuteronomy 27 belongs firmly within the scope of Mosaic authorship.

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Once Moses completed his “explanation of the instruction” (1:5) with the concluding act of the covenant oath ceremony in 30:20, he recorded all these things, installed Joshua as his successor, taught Israel the Song of Yahweh, blessed the tribes, and ascended Pisgah to die. Following a thirty day mourning period, the Israelites crossed the Jordan. After a brief delay that included the circumcising of all the men of Israel who had not been circumcised in the wilderness and the observance of Passover, Israel began its conquest of Canaan. They spent at least a week at Jericho then defeated Ai before proceeding to Shechem. Possibly, all of this could have been accomplished in sixty days or less.

<sup>177</sup>This ceremony (in Deut 29-30), very clearly on the evidence of the covenant recorded in Deuteronomy, is actually a renewal of the covenant established at Sinai.

## CHAPTER 3

### RECONSIDERING THE HIPHIL OF אָמַר

As noted in chapter 1 of this dissertation, the rendering of the Hiphil of אָמַר has been a source of consternation to many. Even the editors of the BHS have rendered their verdict that the text is “perturbed.”<sup>1</sup> Smith describes the text as “deranged.”<sup>2</sup> Others would agree with McConville’s conclusion that the assignment of speaker and corresponding partner obligations in verse 17 and verses 18-19 “is not so immediately clear.”<sup>3</sup> Lohfink describes the text as a “rather dense Hebraic infinitive construction,”<sup>4</sup> and suggests that this construction may reflect “all the complexity of the juridical construction of an ancient Oriental treaty.”<sup>5</sup>

Accordingly, as argued in this dissertation, these verses must be understood in the context of the covenantal framework of Deuteronomy 1-30. As such, they likely represent the model for the solemn oath,<sup>6</sup> if not the oath itself, that was spoken at the time

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<sup>1</sup>This contention is dismissed by Norbert Lohfink, “Dt 26,17-19 und die ‘Bundesformel,’” *Zeitschrift für Theologie und Kirche* 91 (1969): 530. Simon J. DeVries, *Yesterday, Today and Tomorrow. Time and History in the Old Testament* (Grand Rapids: Eerdmans, 1975), 182, blames the editor or redactor of Deuteronomy for the confusion. He suggests that these verses “constitute original independent elements, embellished by the pareneticist with a number of, at times, ill-fitting phrases that shape the entire pericope as a strongly one-sided admonition, requiring obedience of Israel while omitting further reference to Yahweh’s obligation.” The discussion below will affirm the text’s essential unity and will reveal a careful authorial artistry and will take issue with his assertion that reference to Yahweh’s obligation is omitted.

<sup>2</sup>George Adam Smith, *The Book of Deuteronomy* (Cambridge: University Press, 1918), 298-300.

<sup>3</sup>J. G. McConville, *Deuteronomy*, AOTC (Downers Grove, IL: InterVarsity Press, 2002), 382-83.

<sup>4</sup>Norbert Lohfink, *Great Themes from the Old Testament*, trans. Ronald Walls (Edinburgh: T & T Clark, 1982), 26.

<sup>5</sup>Ibid.

<sup>6</sup>Jan Ridderbos, *Deuteronomy*, trans. Ed M. van der Mass (Grand Rapids: Regency Reference Library, 1984), 34, describes this text as the joining of the Lord and Israel to each other with “a mutual declaration of what they will do for each other and *what they expect from each other*” (emphasis added).

of covenant ratification and its periodic renewal.<sup>7</sup> Since this text shows signs of being recorded from the viewpoint of a court recorder or third party mediator,<sup>8</sup> the specifics of the exchange between the two covenant partners becomes less clear.<sup>9</sup>

This chapter will revisit the issue of the Hiphil of אָנַח as it is employed in the exchange of 26:17-19. The goal of this exercise is to provide the rationale for a reconsideration of the traditional understanding of the dynamics of the exchange as represented by the overwhelming majority of translations of, and commentaries on, the text. The foundation for the proposed “storyline” that reflects the nature of the transaction preserved in the covenantal exchange will be laid (1) by reviewing the grammar of causative constructions—specifically taking into account the features of morphological causatives of transitive verbs<sup>10</sup>—and applying those principles to this text, (2) by re-examining and comparing the placement of the masoretic accents in this bilateral exchange, (3) by recognizing the constraints of the syntactic structure, (4) by critiquing the ancient and modern translations for their adherence to or deviation from the grammatical and syntactical norms, and (5) by noting theological concerns raised in the traditional translational renderings. These foundational activities specifically allow the reader (1) to review the theoretical and observed processes involved in causative constructions that are universally understood and apply them to the Hiphil of אָנַח and its

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<sup>7</sup>Among those who identify Deut 26:17-19 as such are Meredith G. Kline, *Treaty of the Great King: The Covenant Structure of Deuteronomy* (Grand Rapids: Eerdmans, 1963); Gerhard von Rad, *Deuteronomy: A Commentary*, trans. Dorothea Barton, OTL (Philadelphia: Westminster, 1966); John A. Thompson, *Deuteronomy: An Introduction and Commentary*, Tyndale Old Testament Commentaries (London: InterVarsity Press, 1974); S. Dean McBride, Jr, “Polity of the Covenant People: The Book of Deuteronomy,” *Interpretation* 41 (1987): 234; and McConville, *Deuteronomy*.

<sup>8</sup>See Thompson, *Deuteronomy*, 258.

<sup>9</sup>An image that may fit well with the style of this text and the context of the covenant ratification is that 26:16-19 is either spoken by a third party mediator or recorded by a court recorder. V. 16 stands at the head of the ceremony and is declared to both parties but is directed to the vassal. Then v. 17 is addressed toward one of the parties and vv. 18-19 are addressed to the other party to the covenant. The specifics of this ceremony are proposed at the end of this chapter.

<sup>10</sup>The case is made in this chapter for understanding the Hiphil of אָנַח is a morphological causative of a transitive verb.

double-object construction in verse 17 and in verses 18-19, (2) to examine the inconsistencies of the masoretic accentual word-groupings which may intimate that the syntactical and rhetorical parallelisms between verse 17 and verses 18-19 may not be complementary, (3) to identify the possible syntactical constraints of the construction employed in these verses thereby establishing a point of comparison for the critique of the various renderings of the Hiphil of **נָזַר** offered in the translations and commentaries. This rehearsal of the grammatical and syntactical features of these verses will also incorporate a discussion of the “surface structure” versus the “deep structure” of sentences which employ transitive verbs with double objects. While the “surface structure” may explain why the majority of the accepted translations—both ancient and modern—have assumed a certain and uniform contour, the “deep structure” may offer reasons for why this contour should be re-evaluated.

It is not the intention of this chapter to overturn or reject over two millennia of tradition and translation history,<sup>11</sup> but rather to ask the reader to reconsider the possibility that the Hiphil of **נָזַר** may have been employed by the author of Deuteronomy to communicate an underlying narrative for the covenantal promises and stipulations made by the partners to the covenant. The observations made and questions raised by this process will then provide the building blocks for a proposed conceptual model of the sequence of events that could supply the sub-text to Deuteronomy 26:17-19. However, this specific conceptual model depends on the “deep structure” of the parallel exchange—and the grammatical blending associated with the Hiphil binyan—to identify the

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<sup>11</sup>Bernard M. Levinson, “Calum M. Carmichael’s Approach to the Laws of Deuteronomy,” *Harvard Theological Review* 83, no. 3 (1990): 227-57, in his thoroughgoing response to Carmichael’s hermeneutic of the legal corpus as he understands its function within the greater deuteronomic history, is rightfully scathing in his assessment. He writes, “In redefining the problem of legal order as that of narrative allusion and in substituting neo-midrashic eisegesis for controlled philology, Carmichael voids Deuteronomy—both legal corpus and the Decalogue—of all cultic, legal and ethical force. Deuteronomy’s only *novum* and content thus becomes restricted to Carmichael’s hermeneutic, in which Carmichael emerges as the first person in more than two millennia to recover the esoteric true meaning—the narrative signification—of the legal corpus for which, by definition, there is no written evidence, save Carmichael’s original analysis.”

“speaker”<sup>12</sup> (and the corresponding “partner”) in verse 17 and in verses 18-19. This, in turn, will allow for a tentative assignment of the attending obligations undertaken by the “speaker”<sup>13</sup> and stipulations set forth or expected from the “partner” in verse 17 and in verses 18-19. A diagram of this complex series of infinitival phrases (representing these obligations and stipulations) is offered to show how the syntactical construction of these verses interlocks the bilateral commitments and partner stipulations into a coherent whole. Finally, an attempt is made to posit a reasonable English translation.

The Hiphil verbal stem can and should be rendered in ways other than the causative depending on its specific context.<sup>14</sup> Yet, since the causative function is the most common way of interpreting Hiphil verbal forms, one should consider its possible use in this setting before appropriating some lesser exercised option. When one considers all the options that were available to the author of Deuteronomy 26:17-19 for communicating the essence of the transaction expressed herein, if that essence was one of simple choosing or declaration, it begs the question why a less complicated and

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<sup>12</sup>The “surface structure” (as understood in most translations and commentaries) suggests that the “speaker” should be identified with the grammatical subject in both v. 17 and v. 18.

<sup>13</sup>Some object to speaking of Yahweh’s obligations as if the suzerain who joined in the suzerain-vassal treaty would not assume any obligations per se. However, Frank M. Cross, *From Epic to Canon: History and Literature in Ancient Israel* (Baltimore: The Johns Hopkins University Press, 1998), 16, states, “Even the international treaties of the Hittites and the suzerainty or parity treaties of north Syrian Semites in the second millennium were mutual, at least in form and language, *obligations being undertaken by both parties*” (emphasis added). He supports this assertion by appealing to Hayim Tadmor, “Treaty and Oath in the Ancient Near East: A Historian’s Approach,” in *Humanizing America’s Iconic Book*, Society of Biblical Literature Centennial Addresses 1980, ed. Gene M. Tucker and Douglas A. Knight (Chico, CA: Scholars Press, 1982), 138-40, and James B. Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed. (Princeton: Princeton University Press, 1969), 628 n. 64. A.D.H. Mayes, *Deuteronomy*, New Century Bible Commentary (London: Oliphants, 1979), 339, concurring that the text of Deut 26:17-19 is difficult, asserts, “Whatever translation is adopted, each declaration refers to the *obligations undertaken by both parties to the covenant*, and the reference is to a solemn legal act whereby the covenant is agreed” (emphasis added).

<sup>14</sup>For instance, the Hiphil can function in a declarative-estimative sense (see W. T. Claassen, “The Declarative-Estimative Hiph’il,” *Journal of Northwest Semitic Languages* 2 [1972]: 5-16), or in the permissive sense (see J. H. Charlesworth, “The *Beth Essentiae* and the Permissive Meaning of the Hiphil (Aphel),” in *Of Scribes and Scrolls: Studies on the Hebrew Bible, Intertestamental Judaism, and Christian Origin*, ed. Harold W. Attridge, John J. Collins, and Thomas H. Tobin, College Theology Society Resources in Religion 5 [Lanham, MD: University Press of America, 1990], 67-78), or the intensive (see Wilhelm Gesenius and Emil Kautzsch, *Gesenius’ Hebrew Grammar*, 2nd rev. ed., trans. A. E. Cowley [Oxford: Clarendon, 1910], §53d).

potentially more understandable verb and/or verbal stem was not employed.<sup>15</sup>

As a cursory review of the Hebrew grammars will indicate, the basic assumption when one encounters a verb conjugated in the Hiphil is that the verbal form is conveying a sense of causativity.<sup>16</sup> For this reason, one should consider that the Hiphil of **אָנַח** is employed purposefully in this context because of its unique construal function that is engaged to verbally map the intricate dynamics involved in the ratification of the terms and conditions of a covenant between the partners to that covenant.<sup>17</sup>

Rashbam seems to make this assumption when he defaults to the literal causative rendering “You caused God to say” (in v. 17) and “God caused you to say” (in v. 18) to translate **אָנַח** in his commentary on Deuteronomy.<sup>18</sup> Lockshin’s annotations on Rashbam’s translation and explanation comments on the disagreement between Rashi and Rashbam’s “context-based understanding of the text.” Rashi understood **אָנַח** to mean “to set aside, to appoint, or to choose.” Rashbam argued that the decision to be Israel’s God is reserved for God<sup>19</sup> and that it was Israel’s responsibility to accept their assignment to be his people.<sup>20</sup>

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<sup>15</sup>A simple suggestion for the answer to this question based on the canonical context of Deut 26 is offered in chap. 4.

<sup>16</sup>See, for example, Allen P. Ross, *Introducing Biblical Hebrew* (Grand Rapids: Baker Academic, 2001), and Ronald J. Williams, *Hebrew Syntax: An Outline*, 2<sup>nd</sup> ed. (Toronto: University of Toronto Press, 1976). Paul Joüon, *A Grammar of Biblical Hebrew*, trans. and rev. T. Muraoka, *Subsidia Biblica* 14, 2 (Rome: Pontifical Biblical Institute, 2000), §54d, states, “The basic meaning [of the Hiphil system] is that of causation.” Gesenius §53c supports this as well.

<sup>17</sup>However, the analysis of the various translations of vv. 17 and 18 offered below suggests that the overwhelming majority of translators and commentators treat the Hiphil of **אָנַח** as some sort of lexical causative, that is, that the morpheme **אָנַח** has an approximate semantic equivalence to “choose” or to “declare.”

<sup>18</sup>Samuel ben Meir, *Rashbam’s Commentary on Deuteronomy: An Annotated Translation*, ed. and trans. Martin I. Lockshin, *Brown Judaic Studies* 340 (Providence, RI: Brown Judaic Studies, 2004), 150-51.

<sup>19</sup>Rashbam’s point was to reserve for God the decision to be Israel’s God. Seemingly his concern with Rashi’s interpretation (and that of the traditional approach to 26:17) was that somehow Israel’s choosing God or declaring God to be their God was somehow impinging on God’s freedom.

<sup>20</sup>See the discussion, Samuel ben Meir, *Rashbam’s Commentary on Deuteronomy*, 150-51. Lockshin continues his annotations with a remark that “[Ibn Ezra] quotes an interpretation of Judah Halevi that offers the same interpretation as Rashbam’s.” However, this study cannot accept Rashbam’s explanation that God “acquiesced” to be Israel’s God as a result of their observing his commandments

## Grammatical Considerations

Before one can hope to unravel this complex and nuanced issue of the Hiphil of אָנַח in Deuteronomy 26:17-19, a review of the grammar of causatives and ditransitive constructions is in order.<sup>21</sup> These basic principles will lay the foundation for the closer examination of the Hebrew text and the possibilities for rendering it in other languages—doing so within the parameters of the grammatical “expectation” without violating the rules of syntax.

Grammarians identify three basic types of causatives: analytical, lexical, and morphological.<sup>22</sup> Analytical causatives are formed through complex sentence construction by employing regular syntactic devices to combine simplex sentences into a causative construction. Comrie explains, “This means that the predicate expressing the idea of causation will be separate from the predicate of the [situation].”<sup>23</sup> Mandelblit maps this syntactical construction in Hebrew as follows: [NP' V<sub>1</sub> *le-* NP" V<sub>2-*INF*</sub>] and explains this as Agent (NP') Cause (V<sub>1</sub>) Patient (NP") Act (V<sub>2</sub>).<sup>24</sup> Lexical causatives are

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(v. 17) nor that Israel “acquiesced” to be God’s people because he performed miracles and powerful deeds. (See chap. 4 of this study for the “rationale” behind this supposed “acquiescence.” In chap. 5 this study also demonstrates that Deuteronomy’s perspective concerning the reality of Israel being Yahweh’s people was determined prior to the events recorded in Deuteronomy and that the means by which Israel became Yahweh’s people was provided for by Yahweh himself.) Moreover, as Lockshin notes, Rashbam’s commentary on the full expressions in v. 17 and vv. 18-19 are problematic when compared to the syntax of the Hebrew original.

<sup>21</sup>A comprehensive discussion of these matters is outside the scope of this dissertation. Only some of the fundamentals are presented here as they have a bearing on the issue at hand. A casual reading of the various grammatical and syntactical studies referenced in the bibliography of this dissertation will reveal a remarkable consistency (considering the exceedingly diverse and large number of languages within the human family) to the cognitive processes which seem to inform and underlie the construction of sentences for the purpose of meaningful communication.

<sup>22</sup>These are more fully explained in Bernard Comrie, “Causative Verb Formation and Other Verb-deriving Morphology,” in *Grammatical Categories and the Lexicon*, vol. 3 of *Language Typology and Syntactic Description*, ed. Timothy Shopen (Cambridge: Cambridge University Press, 1985), 331-32.

<sup>23</sup>*Ibid.*, 331. He illustrates this, “If we take [situation] to be *Sam slid off the roof*, then corresponding analytic causatives in English would be *Mary brought it about that Sam slid off the roof*, *Mary caused Sam to slide off the roof*, *Mary made Sam slide off the roof*, where the idea of causation is expressed by the verbs *bring about*, *cause*, or *make*” (emphasis original). Suzanne Kemmer and Arie Verhagen, “The Grammar of Causatives and the Conceptual Structure of Events,” *Cognitive Linguistics* 5, no. 2 (1994): 117, offer a similar definition: “An analytic causative is a two-verb structure that expresses a predicate of causation and a predicate of effect.”

<sup>24</sup>Nili Mandelblit, “Grammatical Blending: Creative and Schematic Aspects in Sentence

those morphemes that are routinely associated with a particular causative meaning. For example, the verb “kill” has an approximate semantic equivalence to “cause to die.”<sup>25</sup> A morphological causative is created when “the predicate of [situation] undergoes some derivational process in order to express causativity.”<sup>26</sup>

Mandelblit offers a study of the cognitive processes by which sentences are generated which “involves the blending of conceived events with syntactic construction”<sup>27</sup> using grammar “to *mark various blending configurations.*”<sup>28</sup> Her analysis is applied to “a single grammatical system: the Hebrew verbal morphological *binyanim.*”<sup>29</sup> This process, which she labels “grammatical blending,” demonstrates how the grammatical features of the *binyanim* provide important clues for the reconstruction of conceptual models using the lexical and syntactical features incorporated into sentences. She describes her work,

Both the syntactic and the morphological patterns of the Hebrew verbal system will be defined as independent constructions, but I will suggest that they *differ in the type of schemas* associated with grammatical patterns: while the *syntactic* patterns are associated with *semantic schemas* defining *basic event types*, and thus providing *semantic content* to a sentence (in addition to, and independently from, the semantic content provided by the sentence’s lexical items), the *morphological* verbal patterns in Hebrew are associated with *dynamic blending schemas*, defining patterns of *mapping and integration* across conceptual (or semantic) structures provided by the syntax and the lexicon.<sup>30</sup>

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Processing and Translation” (Ph.D. diss., University of California, San Diego, 1997), 219. In this case NP' represents the grammatical category first noun phrase, V<sub>1</sub> represents the verb of causation, *le* represents the Hebrew preposition לְ, NP'' represents the second noun phrase, and V<sub>2-INF</sub> represents the verbal action of the second noun phrase which is usually expressed in the infinitival form.

<sup>25</sup>Leonard Talmy, “Lexicalization Patterns: Semantic Structure in Lexical Forms” in *Grammatical Categories and the Lexicon*, vol. 3 of *Language Typology and Syntactic Description*, ed. Timothy Shopen (Cambridge: Cambridge University Press, 1985), 59.

<sup>26</sup>Comrie, “Causative Verb Formation,” 331.

<sup>27</sup>Mandelblit, “Grammatical Blending,” xiv.

<sup>28</sup>Ibid. (emphasis original).

<sup>29</sup>Ibid., xv.

<sup>30</sup>Ibid., 11-12 (emphasis original).

Further,

In my analysis of the Hebrew verbal system (chapters 4-7), I will suggest that Hebrew *binyanim* (verbal morphological patterns) are *constructions*, where the morphological pattern is associated with a *construal* function, triggering a particular structuring of the communicated event.<sup>31</sup>

Mandelblit begins by discussing two different types of syntactical construction that indicate causation: the caused-motion construction and the ditransitive construction.<sup>32</sup> She notes that caused-motion sentences follow the form [SUB V OBJ OBL].<sup>33</sup> She states, “The basic sense of this construction is argued to be: ‘X causes Y to move Z’.”<sup>34</sup> She supplements her description of the blending operation in the generation of caused-motion sentences. Illustrating this with the sample sentence, *Rachel sneezed the napkin off the table*, she explains, “The causal sequence of events is composed of two sub-events: the *causing sub-event* (Rachel sneezing) and the *effected sub-event* (the napkin moving off the table). The two sub-events are linked by a causal predicate.”<sup>35</sup>

Initially, one could be confused by the preposition לְ affixed to the infinitival phrase and classify the sentences in v. 17 and vv. 18-19 as caused-motion sentences thereby identifying the four infinitival phrases of verse 17 and the four infinitival phrases of verses 18-19 with the grammatical function of the oblique object or indirect object. However, these phrases are not functioning in this manner in these two sentences. Furthermore, the grammatical subjects<sup>36</sup> are not portrayed as the active agents behind a

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<sup>31</sup>Ibid., 13 (emphasis original).

<sup>32</sup>Mandelblit introduces these ideas on pp. 10-12. She further elaborates on caused-motion sentences on pp. 31-43.

<sup>33</sup>In this case SUB represents the subject, V represents a non-stative verb, OBJ represents the object, and OBL (normally associated with an indirect object) represents the oblique object and is a directional prepositional phrase. These represent the grammatical *functions*. This structure can also be represented by grammatical *categories* as follows: [NP V NP PP] where NP stands for noun phrase, V stands for verb, and PP stands for prepositional phrase.

<sup>34</sup>Mandelblit, “Grammatical Blending,” 10.

<sup>35</sup>Ibid., 31 (emphasis original).

<sup>36</sup>In v. 17 this is the 2ms suffix תָּ and in vv. 18-19 this is יְהוָה.

causing sub-event (associated with the verbal notion **האמר**).<sup>37</sup> Rather **האמר** is employed in a ditransitive construction wherein the relationship between the agency of causation and the grammatical subject of **האמר** is unspecified.<sup>38</sup>

The ditransitive construction follows the form [SUB V OBJ<sub>1</sub> OBJ<sub>2</sub>].<sup>39</sup>

Mandelblit notes, “This syntactical patterns [*sic*] is argued to be associated with a basic

<sup>37</sup>That is, there is no corresponding action by the grammatical subject in v. 17 and the grammatical subject in vv. 18-19 that can be identified as the dynamic force which precipitated the corresponding activity. For example, in the sentence *Rachel sneezed the napkin off the table*, it is the act of Rachel sneezing (the causing sub-event) which moved the napkin off the table (the effected sub-event). Applying this to v. 17, then, it is not Israel’s “saying” (**האמר**) that precipitates the action by Yahweh.

<sup>38</sup>That is, if **האמר** is understood to mean, “caused to say.” In other words, for example in v. 17, it is not Israel’s “saying” that causes the effected sub-event. In this case, if the verbal action is assigned to the grammatical subject, then there is no perceived action that can be identified with the effected sub-event and the causative construction is rendered meaningless. If **האמר** should be understood in a declarative-estimative sense (see discussion of Claassen and Wagner in chap. 1), for example in v. 17 “You have declared . . .” (or, maybe more specifically, “You have brought it into being by declaring . . .”) then the balance of the sentence does not make sense syntactically. This interpretation would require that the four-part declaration would consist principally of the following components:

את־יהוה     להיות לך לאלהים  
 וללכת בדרך־כיו  
 ולשמר חקיו ומצותיו ומשפטיו  
 ולשמע בקלו

Moreover, the declarative-estimative meaning of the Hiphil of **אמר** is problematic in and of itself. Joüon, *A Grammar of Biblical Hebrew*, 2:163, provides examples of the declarative-estimative use of the Hiphil with a variety of verbs, e.g., **הצדיק** *to pronounce just*; **הרשיע** *to declare guilty*; **הקל** *to despise* (to consider someone insignificant); **העריץ** *to fear* (to consider someone strong). If **האמר** is another instance of the declarative-estimative use of the Hiphil, how would one render this? Following the pattern of Joüon, should this be rendered *to pronounce/declare אמר* or *to consider someone as אמר*? These expressions are devoid of any meaning.

If **האמר** is understood as a lexical causative and is rendered “to choose” (as with each of the ancient translations cited below), the same syntactical difficulty arises. That is, the four ל + infinitive phrases (in v. 17 and in vv. 18-19) are not treated equally as the syntactic diagram (Figure 7 below) seems to dictate. This case would then be very similar to the observation above, namely, that the first “object” of choosing is the entirety of the phrase **את־יהוה . . . להיות לך לאלהים** but the second, third, and fourth “objects” of choosing would be the remaining ל + infinitive phrases which are devoid of anything which corresponds to **את־יהוה** that occurs in the first “object.”

This same syntactical confusion would exist in vv. 18-19 under these conditions, although it is not as obvious since the first direct object **ך** is affixed to **האמר**. The four-part declaration (or four “objects” of choosing) would be (principally):

ך-להיות לו לעם סגלה  
 ולשמר כל-מצותיו  
 ולתתך עליון על כל-הגוים אשר עשה  
 ולהיתך עם-קדש ליהוה אלהיך

Finally, although her comments are made with reference specifically to Modern Hebrew, Mandelblit, “Grammatical Blending,” 200-01, asserts, “We do *not* find that the syntactic pattern [NP V NP dir-PP] has gained independent existence in Modern Hebrew to freely designate novel types of caused-motion events” (emphasis original). Rather, she suggests that caused-motion events in Hebrew are communicated through the Hiphil binyanim of a transitive verb.

<sup>39</sup>Again, this represents the grammatical *functions*. From a grammatical *category* perspective, the form is [NP V NP NP].

*transfer* schema: ‘X causes Y to receive Z’.<sup>40</sup> Mandelblit offers an example—with grammatical notations—to show the grammatical blending that occurs with a Hiphil verb and two accusative objects to which she gives the moniker “three participant *hif'il* sentences.”<sup>41</sup>

<i>Hamarkid</i>	<i>hirkid (r.k.d- hif'il)</i>	<i>et</i>	<i>hakahal</i>	<i>et/be-</i>	<i>rikud hamakarena</i>
The-dance-instructor	dance- <i>hif'il</i> <sub>past</sub>	ACC	the-audience	ACC/OBL	the-dance-of-macarena
The dance instructor (or DJ) had the audience dance (brought the audience to dance) the Macarena <sup>42</sup>					

Grammarians use the label “increased valency (or potential valency)”<sup>43</sup> to describe this tendency in causative constructions. That is, there is usually an agent (or “causer”) who brings about a situation<sup>44</sup> in which the patient (or “causee”) acts on a third participant. Comrie describes this phenomenon:

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<sup>40</sup>Mandelblit, “Grammatical Blending,” 11 (emphasis original).

<sup>41</sup>Mandelblit, “Grammatical Blending,” 79. The three participants identified by NP', NP", and NP" in Figures 1 and 2.

Although his discussion does not address the grammatical blending associated with the Hiphil of transitive verbs, Bernard Levinson, *“The Right Chorale”: Studies in Biblical Law and Interpretation*, ed. Bernd Janowski, Mark S. Smith, and Hermann Spieckermann, *Forschungen zum Alten Testament* 54 (Tübingen: Mohr Siebeck, 2008), 96-109, esp. 101-02, offers a very helpful discussion of the ditransitive construction explaining the linguistic difference between an affected object and effected object. This author is deeply indebted to Professor Levinson for his encouragement and for calling attention to this resource.

<sup>42</sup>Mandelblit, “Grammatical Blending,” 79.

<sup>43</sup>The notion of “valency” describes the tendency in causative sentences whereby the verb’s transitivity is increased. That is, a verb that is normally intransitive, in a causative construction, will exhibit transitive characteristics. A verb that is normally transitive, in a causative construction, will exhibit ditransitive (sometimes labeled “bitransitive”) characteristics. See Comrie, “Causative Verb Formation,” 330. See also Andreas Wagner, “Die Bedeutung der Sprechakttheorie für Bibelübersetzungen, aufgezeigt an Gen 1,29, Ps 2,7 und Dtn 26,17-19,” in *Interpretation of the Bible*, ed. Jože Krašovec, JSOTSup 289 (Sheffield: Sheffield Academic Press, 1998), 1580-82. See also G. Saad and S. Bolozky, “Causativization and Transitivity in Arabic and Modern Hebrew,” *Afro-Asiatic Linguistics* 9 (1984): 101-10.

<sup>44</sup>The manner by which the “causer” influences or acts upon the “causee” is not always readily apparent. As in Mandelblit’s example, the dance instructor is represented as the “causer” who acts in some unspecified manner (did he give them instructions to dance? did he start the Macarena music? did he have them follow his lead?), but it is the audience that dances the Macarena.

This ambiguity of causation in the morphological causatives is also noted by Kemmer and Verhagen, “The Grammar of Causatives and the Conceptual Structure of Events,” 117-18, “The hallmark of the causative construction, which sets it apart from the latter kind of expression, is that in the causative construction the actual causing event is not overtly specified by one of the predicates. . . . The above characterization of causative constructions easily extends to morphological causatives: in that case, the causal and effected predicate *happen to be expressed in one word* composed of two morphemes, one indicating the causal predicate and the other the effected predicate. Again, the causal predicate is non-specific as to the causing action designated” (emphasis added).

One feature that does seem to be common to languages with morphological causatives is that it is always the *causee that has to change its syntactic relation in order to fit in with the increased valency of the causative verb: the causee is subject of the basic verb*, but cannot remain as subject of the causative verb, this position being usurped by the causer.<sup>45</sup>

This study proposes that the Hiphil of אָנַח in Deuteronomy 26:17 and 18 is indeed a morphological causative and the “causee” in the respective sentences “has to change its syntactic relation in order to fit in with the increased valency of the causative verb.”<sup>46</sup> This pattern fits the syntax of verse 17 and verse 18-19 more readily. Figures 1 and 2 below provide literally-causative translations of the principal parts of verses 17 and 18-19 respectively and attach the labels showing the grammatical categories and the grammatical functions associated with the lexical constituents of these sentences.

That an infinitive can function as a noun phrase is well attested in biblical Hebrew and the grammars. Waltke and O’Connor affirm that the infinitive construct can function nominally.<sup>47</sup> Joüon specifically identifies, amongst the nominal uses of the infinitives construct, the use of such as the object of a verb.<sup>48</sup> In verse 17 and verses 18-19, the four infinitival phrases are in an accusative frame and are together behaving as an

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<sup>45</sup>Comrie, “Causative Verb Formation,” 336 (emphasis added). See also the discussion of Ben-Asher below who applies the principles of transformation grammar to Hiphil verbal constructions with double objects to demonstrate that the “causee” (using Comrie’s terminology) is the subject of the embedded clause. This “causee” participates in the action of the basic verb in the deep structure (that is, the verbal notion separated from its morphological causation). This “morphological causation” is assigned to the subject of the verb (the “causer”) in the surface structure. Christo H. J. van der Merwe, Jackie A. Naudé, and Jan H. Kroeze, *A Biblical Hebrew Reference Grammar*, ed. Stanley E. Porter and Richard S. Hess, *Biblical Languages: Hebrew 3* (Sheffield Academic Press: Sheffield, 2002), 86, explain, “The subject of the stem in the Hiphil causes the object of that verb to *act as subject* in the idea expressed by the stem” (emphasis added). Mandelblit, “Grammatical Blending,” 71-73, asserts, “In the case of *hif’il* verbs, what is mapped into the verbal slot of the integrating construction *is always the effected predicate* within the conceived causal sequence.” She continues, “The *roots* of *hif’il* verbs always convey the *effected* predicate within a causal sequence of events, while the causing predicate is left unspecified” (emphasis original). In the example from Mandelblit above, the audience (“causee”) dances (the verbal notion identified with the basic verb *r.k.d*) while the specific causative force “exerted” by the dance instructor (“causer”) is ambiguous.

<sup>46</sup>Comrie, “Causative Verb Formation,” 336. John C. L. Gibson, *Davidson’s Introductory Hebrew Grammar: Syntax*, 4<sup>th</sup> ed., (Edinburgh: T & T Clark, 1994), 113, also suggests that the direct object in a causative construction can function similarly to the subject with respect to the complement.

<sup>47</sup>See Bruce Waltke and M. O’Connor, *IBHS* (Winona Lake, IN: Eisenbrauns, 1990), §36.2.

<sup>48</sup>See Joüon, *A Grammar of Biblical Hebrew*, §124c.

adverbial accusative, namely, as a verbal complement denoting that which was said.<sup>49</sup>

The ל affixed to each infinitival phrase<sup>50</sup> is not, as noted earlier, a marker indicating the indirect object, but rather it marks the direct object of the transitive verb.<sup>51</sup>

You	caused	Yahweh	to say	to be your God to walk in his ways to keep his statutes, his commandments, his ordinances to listen to (obey) his voice
ת		את־יהוה	אמר	להיות לך לאלהים וללכת בדרכיו ולשמר חקיו ומצותיו ומשפטיו ולשמע בקלו
NP'	grm	NP''	V	NP'''
SUB		OBJ <sub>1</sub>	V	OBJ <sub>2</sub>
		affected object		effected object
		SEC		OEC

Figure 1: Grammatical categories and functions of the principal lexical items in 26:17<sup>52</sup>

Yahweh	caused	you	to say	to be his people of special possession to keep all his commandments to set you on high above all the nations which he made to be a holy people to Yahweh your God
ויהוה		ך	אמר	להיות לו לעם סגולה ולשמר כל-מצותיו ולתתך עליון על כל-הגוים אשר עשה ולהיתך עם-קדש ליהוה אלהיך
NP'	grm	NP''	V	NP'''
SUB		OBJ <sub>1</sub>	V	OBJ <sub>2</sub>
		affected object		effected object
		SEC		OEC

Figure 2: Grammatical categories and functions of the principal lexical items in 26:18-19

<sup>49</sup>Compare, Waltke and O'Connor, *IBHS*, §36.2.1.d. See also §10.2.3.e, "The double accusatives can refer to the *object* of the causation predicate (person or thing) and the *means* or *complement* of the other verbal predicate" (emphasis original).

<sup>50</sup>Waltke and O'Connor note, "The preposition used most commonly with infinitives is ל." Ibid., §36.2.2.b. Their complete discussion of this is located in §36.2.3.

<sup>51</sup>That this is possible is noted in *ibid.*, §10.4.b. See also discussion in Gibson, *Davidson's Grammar*, 115-18. He comments, "As well as its normal prep. usages, ל has some non-prepositional usages similar to those of את." One of these mentioned is to indicate a direct object of a transitive verb.

<sup>52</sup>See the following discussion which includes definitions of grm (universal grammatical designation for causation), affected object, effected object, SEC (subject of the embedded clause) and OEC (object of the embedded clause). Vowel markings have been removed in Figures 1, 2, 4, and 5 for clarity.

The four infinitival phrases, as indicated in Figures 1 and 2 above, are conjoined by ו to form one compound object clause.<sup>53</sup> That the compound object clause<sup>54</sup> consists of a series of infinitival phrases may be due to the fact that its first phrase (in v. 17 and in v. 18) is a constituent of the covenant relationship formula. This formula in 4:20; 7:6; and 14:2 is expressed in the infinitival form (ל + infinitive of הָיָה).<sup>55</sup> So, it only seems natural that in the covenantal exchange here in 26:17 and 26:18-19 the object clause would be expressed with a ל + infinitive of הָיָה. Then, the remaining constituents of this compound object clause should also assume the construction of ל + infinitival phrase. Gibson notes that the object clauses are often employed as direct objects,<sup>56</sup> and that the content of a declaration (after words of speech such as אָמַר and נָדַר) is considered to be a direct object and that it is normally expressed in an object clause.

Mordechai Ben-Asher utilizes the principles of transformation grammar<sup>57</sup> to discuss the behavior of Hiphil verbs that take double objects.<sup>58</sup> He applies the terminology “transformational syntax,”<sup>59</sup> to this process and uses diagrams to show the syntactical relationships between the subject, the Hiphil verb, and the double objects. He

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<sup>53</sup>That the second object in a Hiphil double accusative construction can be compound is attested in Deut 5:24; 2 Kgs 7:6 and 20:13.

<sup>54</sup>Arthur Walker-Jones, *Hebrew for Biblical Interpretation*, Society for Biblical Literature Resources for Biblical Study 48 (Atlanta: Society for Biblical Literature, 2003), 185, comments, “The infinitive construct with a prefixed lamed (ל-) has a wide range of uses that complete or explain another verb by answering the questions why, what, or how.”

<sup>55</sup>The first occurrence in Gen 17:7 (and 10 of the 33 other occurrences of the covenant relationship formula identified by Rolf Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, trans. Margaret Kohl, Old Testament Studies [Edinburgh: T & T Clark, 1998], appendix) takes the form ל + infinitive of הָיָה.

<sup>56</sup>Gibson, *Davidson’s Grammar*, 110. He notes, “They are introduced by the conjunction וְ, less often אֲשֶׁר, *that*.” However, he does remark that the וְ of an object clause is sometimes omitted.

<sup>57</sup>For a brief discussion of these linguistic concepts, see the entries “deep structure,” “surface structure,” and “transformation” in David Crystal, *A Dictionary of Linguistics and Phonetics*, 5<sup>th</sup> ed. (Malden, MA: Blackwell Publishing, 2003).

<sup>58</sup>See the full discussion of Mordechai Ben-Asher, “Causative Hip’il with Double Objects in Biblical Hebrew,” *Hebrew Annual Review* 2 (1978), 11-19.

<sup>59</sup>*Ibid.*, 11.

asserts, “The Hebrew Bible also possesses *hip ‘il* forms whose *qal* is transitive, and the *hip ‘il* is therefore ‘doubly transitive,’ i.e., it may govern two objects.”<sup>60</sup> He identifies seventeen such verbs.<sup>61</sup> He explains,

All these forms govern two objects on occasion. There is a certain relation between these two objects, namely, that which exists between a subject and its object. So if we replace the verb in the *hip ‘il* by cause and the verb in the *qal* (e.g., *hišmîā* ‘caused to hear), we find that in their deep structure these sentences contain an embedded clause; and we may regard the one object as the subject of this embedded clause (SEC) and the other object as the object thereof (OEC).<sup>62</sup>

He illustrates this with Genesis 37:23 *wayyapšîṭû ’et-yôšēp ’et-kuttontô* (“they stripped

<sup>60</sup>Ibid., 12.

<sup>61</sup>However, *he ’emîr* is not among those identified by Ben-Asher. Overlooking this verb is logical if one considers that the traditional translations of this verb have understood the effect of the conjugation to be either a simple choice or a simple declaration, that is, “you have chosen (declared) Yahweh to be your God, to walk in his ways, to keep his statutes, his commandments, and his ordinances, and to listen to his voice.” This rendering makes it very difficult to see the double object construction, that is, Yahweh as the first object (clearly marked as such with the particle **אֵת**) and the series of infinitival phrases (acting as noun phrases) as the second compound object. This is especially difficult to see in that the second object is not marked with the typical signs of the second/embedded objects (that is, **אֵת**, **כִּי**, or **אֲשֶׁר**). Ben-Asher summarizes, “It may be said that the causative *hip ‘il* verbs with two objects in general govern the two objects in the accusative (with or without *’et*). One of the objects may be an embedded clause or an anaphoric pronoun (which is sometimes omitted in the vicinity of *’āšer*).

Ben-Asher concludes his article by noting that he compared his findings with the Mishna. He indicated that this construction occurs less frequently and that only ten of the biblical verbs are used in this manner in the Mishna. He comments that with the word *hōrā* there is one instance where the second object is an infinitive. Moreover, in cases where *hōrā* is used in a construction with only an OEC, the OEC is always an infinitive with *lā*-(18).

A final comment about the article must be made. The present author sought to verify Ben-Asher’s assertions regarding the exhaustive listing of the exemplars of those verbs conjugated in the Hiphil which are doubly transitive. The claim that *hiqnā* meets his criteria could not be confirmed. Moreover, only one questionable occurrence for *hirwā* could be identified as meeting his criteria. Furthermore, the verb *higīd*, which is not included in Ben-Asher’s list, *does* seem to meet his criteria for inclusion. This omission is somewhat surprising given the frequent use of *higīd*.

<sup>62</sup>Ben-Asher, “Causative *Hip ‘il*,” 12. Waltke and O’Connor, *IBHS*, 435, describe what Ben-Asher calls the “deep structure” of the Hiphil causative with the following: “The *Hiphil* represents the subject as causing an object to participate indirectly as a second subject in the notion expressed by the verbal root.”

Mandelblit, “Grammatical Blending,” 73-74, takes exception to the idea expressed here that the Qal verb is more “basic” than Hiphil verbs. Rather, she argues, “The *binyan* is the grammatical marker of the blending operation and provides cues to the hearer in reconstructing (or “de-integrating”) the blending configuration during the process of interpretation” (emphasis original).

Relating Ben-Asher’s observations to the previous discussion and Figures 1 and 2, grammarians correlate the subject of the embedded clause (SEC) with the affected object upon whom the grammatical subject acts as agent (often in an unspecified manner). Likewise, the object of the embedded clause (OEC) is correlated with the effected object. The terminology used by grammarians is often confusing. In the case of v. 17 and v. 18, the affected object of the doubly transitive causative is the subject of the embedded clause. See Joüon, *A Grammar of Biblical Hebrew*, §125a, b, and p for a discussion of the direct accusative, accusative of the affected object, and accusative of the effected object. He makes a helpful distinction between the affected object and the effected object, namely, the “*affected* object is understood as existing prior to the action, the *effected* object is produced by the action itself” (449, emphasis original).

Joseph of his coat”). Figure 3 shows how he represents this diagrammatically.

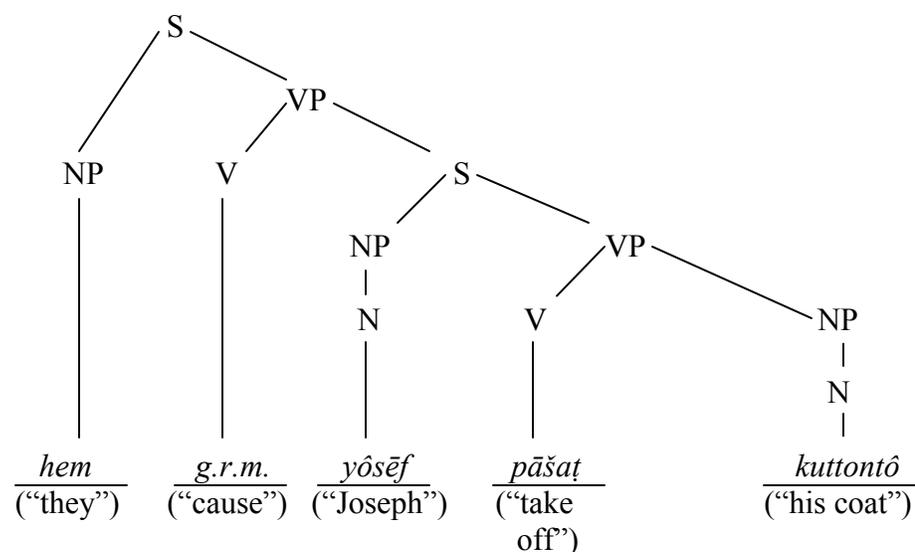


Figure 3: Transformational syntax diagram for Genesis 37:23<sup>63</sup>

When 26:17 is considered, only one object is readily identifiable, אֶת־יְהוֹנָתָן. The second object—which is the object of the embedded clause—is actually a compound object consisting of the four infinitival phrases governed by לְ. Figure 4 below shows this diagrammatically.

Likewise, in verses 18-19 the object is אֶת־. The second object—again the object of the embedded clause—is a series of infinitival phrases each governed by לְ. Figure 5 shows this diagrammatically.

The problem the English translator faces then is that the English language does not have a word that functions comparably to the example from Genesis 37:23 for the expressions in Deuteronomy 26:17 and 18. That is, in Genesis 37:23 the phrase “cause to

<sup>63</sup>In this diagram N represents the noun, NP represents the noun phrase, S represents the subject, V represents the verb, VP represents the verb phrase, g.r.m. represents the syntactical notion of causation; the diagram is from Ben-Asher, “Causative *Hip*’il,” 12.



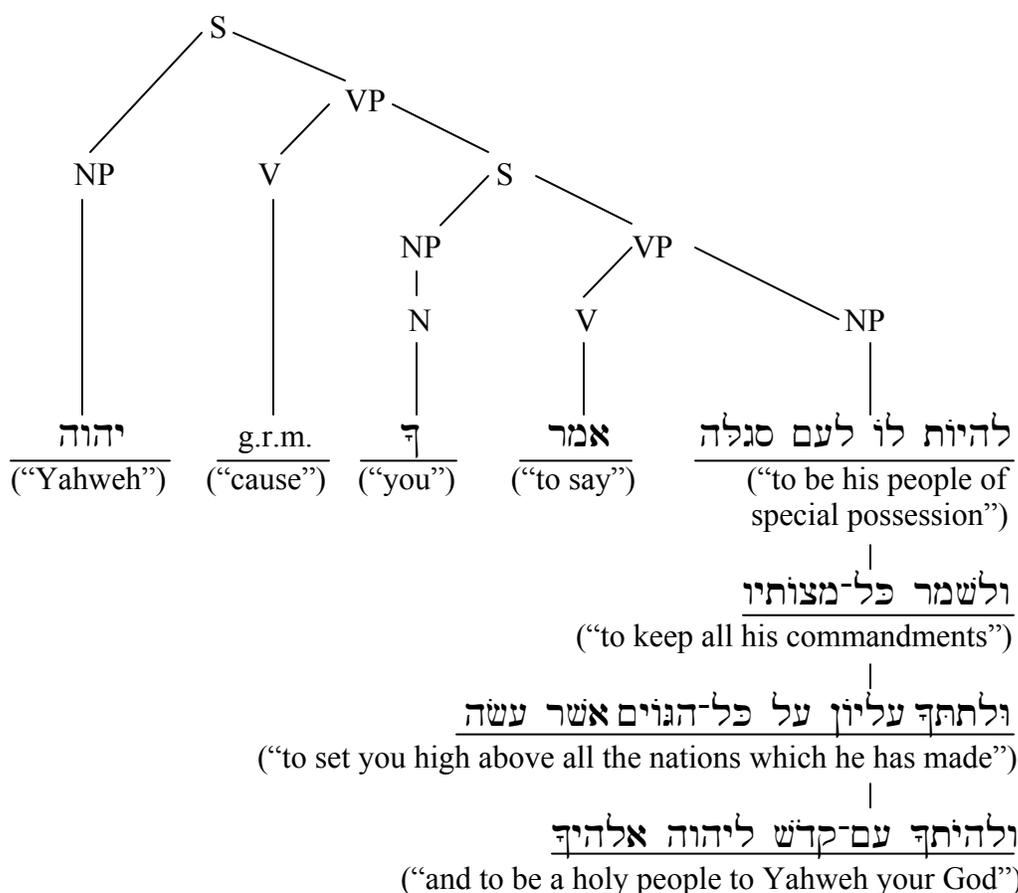


Figure 5: Transformational syntax diagram for Deuteronomy 26:18-19

that is semantically equivalent, conveying the same meaning and having the same effect as the original language expression.

So then, one could propose that the conceptual model for the event described by 26:17-19 may follow this tentative outline. First, Israel "causes" Yahweh to make the four-part declaration of verse 17. In it he assumes the obligation of being Israel's God and stipulates that Israel walk in his ways, keep his statutes, his commandments, and his ordinances, and listen to (obey) his voice. In response, Yahweh "causes" Israel to state its covenant obligations and stipulations in verses 18-19.<sup>65</sup>

<sup>65</sup>These will be specified in the discussion below.

### A Closer Look at the Masoretic Accents

Any interpretation that conflicts with the punctuation of the *te ‘amim*—don’t be attracted to it and don’t listen to it. — Rabbi Abraham ibn Ezra<sup>66</sup>

Strong words coming from a recognized master ought not to be hastily dismissed. Although it is outside the scope of this dissertation to comment on each and every accent and its placement in Deuteronomy 26:17-19, one would be remiss to ignore the master entirely. In this section, the disjunctive masoretic accents—by which phrases and words are associated (or dissociated) into smaller interpretive units—are re-examined for clues that may aid in understanding the complex bilateral exchange of the obligations and stipulations of the covenant. The inconsistencies<sup>67</sup> may reveal the possibility that the Masoretes perceived that the syntactical construction did not parallel the rhetorical intent in these covenantal commitments.

Jacobson and Price indicate that the primary purpose for the masoretic accentual system (*te ‘amim*) was to provide markings for the cantillation of the text. This cantillation of the text seems to have been undertaken for the purpose of “preserving the traditional understanding of the text.”<sup>68</sup> Thus the “*te ‘amim* function as an elaborate punctuation system, a means of parsing the syntax of classical Hebrew.”<sup>69</sup>

Figure 6 below includes the text of Deuteronomy 26:17-19 complete with the

<sup>66</sup>Quoted in both Joshua R. Jacobson, *Chanting the Hebrew Bible: The Art of Cantillation*, (Philadelphia: Jewish Publication Society, 2002), 23, and James D. Price, *The Syntax of Masoretic Accents in the Hebrew Bible*, Studies in the Bible and Early Christianity 27 (Lewiston, NY: The Edwin Mellen Press, 1990), 9.

Georg H. Ewald, *Syntax of the Hebrew Language of the Old Testament*, trans. James Kennedy (Eugene, OR: Wipf & Stock, 2004), 293, is a little over-ambitious in his assessment of the correspondence between the accents and the syntax when he states, “There will always be found a beautiful harmony between the accentuation and the syntax, so that each may afford explanation and support the other.”

<sup>67</sup>Describing this phenomenon as “inconsistent” may betray an expectation on the part of the author. Yet, tradition—in translations and commentary—has treated the exchange between v. 17 and vv. 18-19 as a reciprocal transaction, virtual mirror images of commitments made between the covenant partners. The syntactical diagram in Figure 7 below also anticipates a certain level of reciprocity between v. 17 and vv. 18-19.

<sup>68</sup>Price, *The Syntax of the Masoretic Accents*, 9.

<sup>69</sup>Jacobson, *Chanting*, 23.

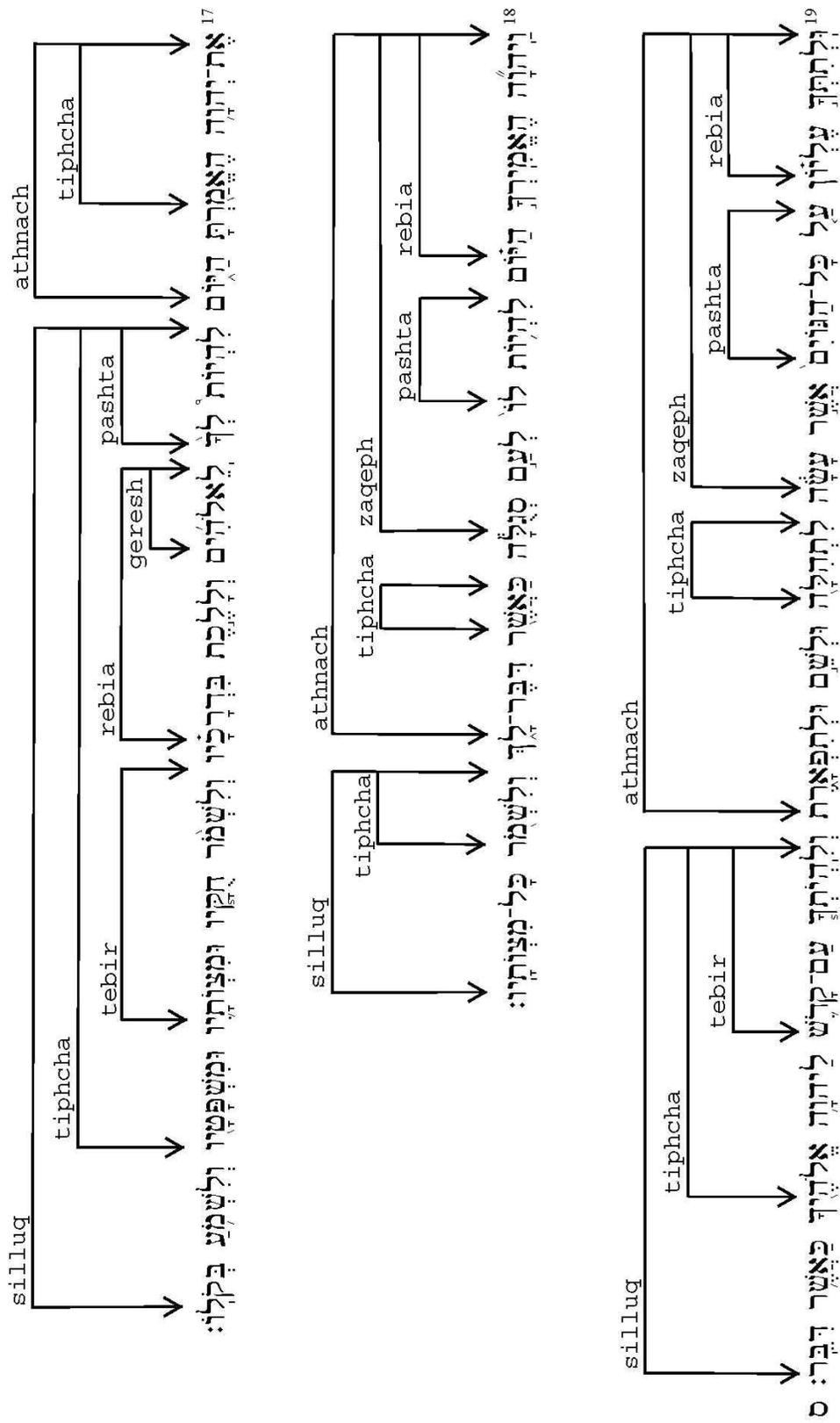


Figure 6: Parsing of Deuteronomy 26:17-19 employing the masoretic accents

masoretic accents. Each verse is parsed<sup>70</sup> using the first four levels of disjunctive accents<sup>71</sup> beyond the verse divider *sôph pasûq*. This figure also highlights the domain associated with each disjunctive.

As noted previously, the traditional perception associated with the text of 26:17-19 is that verse 17 and verses 18-19 represent mutual declarations of covenantal commitments made by the partners to this covenant. Specifically, verse 17 is associated with Israel's declaration of its commitment to Yahweh as God and its commitment to complete obedience. Verses 18-19 are associated with Yahweh's declaration of his commitment to Israel and the condition upon which these promises are made, namely, Israel's complete obedience.<sup>72</sup> Many commentators have described the correspondence between these declarations as a "mirror image."<sup>73</sup> Yet, the masoretic accents reveal a very different approach to these two declarations.

In verse 17 the *athnach* segment contains the subject, verb, the first accusative object, along with the adverbial *הַיּוֹם*. The balance of the verse contains the four ל + infinitival phrases conjoined together as the second accusative object.

In verses 18-19 one finds a very different arrangement. First of all, this

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<sup>70</sup>A thorough explanation of the steps involved in parsing verses is offered in *ibid.*, 439-500.

<sup>71</sup>Price, *The Syntax of Masoretic Accents*, 137-38, comments, "The disjunctive accents *usually* mark places in a verse where division occurs with respect to the syntax of the Hebrew language itself" (emphasis added). However, he warns, "Although most accents are easy to interpret, the tension between the rules that govern the placement of accents and the syntax of the language itself causes the interpretation of the accents to be difficult at times." This caution was expressed once again in private correspondence between the present author and Dr. Price when he was asked to comment on the seeming inconsistencies between the accent locations and the syntax of these verses which results in curious word-group patterns in what has been perceived to be parallel exchanges in v. 17 and vv. 18-19. This author expresses his gratitude to Dr. Price for reviewing and correcting and commenting on the first draft of Figure 6.

<sup>72</sup>See the discussion below for a careful analysis of the translations and their identification of the "speakers" for each declaration.

<sup>73</sup>McConville, *Deuteronomy*, 382. Richard D. Nelson, *Deuteronomy: A Commentary*, OTL, vol. 5 (Louisville: Westminster/John Knox, 2002), 311, commenting on these verses, writes, "The basic formula [the covenant relationship formula: "I will be your God and you will be my people"] has been filled out into a double declaration that is both poetic and intricately reciprocal."

declaration is divided into two verses by *sôph pasûq*.<sup>74</sup> Secondly, one may have anticipated that if verses 18-19 make a *parallel* declaration to that of verse 17, then the *athnach* in verse 18 would have occurred at **הַיּוֹם** and the four ל + infinitival phrases conjoined together as the second accusative object would have been included in the domain of the *silluq* segment.<sup>75</sup> Instead, the *athnach* segment in verse 18 includes only the first ל + infinitival phrase thereby separating the first component of the compound second accusative object of **הַאֲמַר** from the remaining constituents of the conjoined second object. Moreover, the second component of the second accusative object in verses 18-19 is isolated in its own short *silluq* segment concluded by *sôph pasûq*. This leaves the final two conjoined second accusative objects in their own verse again “disjoined” from each other into separate *athnach* and *silluq* segments.

Granted, as Price notes, there is “tension between the rules that govern the placement of accents and the syntax of the language itself.”<sup>76</sup> This text confirms his assertion in an inherently obvious manner. Yet, one may have to consider the possibility that the masoretic accents are suggesting to the reader an interpretation differing from the traditional approach and leaving open the potential for the identification of the “speakers” in the corresponding declarations which may be reversed from the traditional interpretation.

### Syntactical Considerations

Figure 7 proffered below shows the proposed syntactical connections of this

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<sup>74</sup>However, the syntax of the ל + infinitival phrases in vv. 18-19 seems to “overrule” the *sôph pasûq* verse divider binding all of vv. 18-19 into a single thought unit. See the discussion “Syntactical Considerations” below, specifically Figure 7.

<sup>75</sup>Since vv. 18 and 19 have a considerable number more constituents than v. 17, it would not be possible—given the very strict rules for applying the masoretic accents—to incorporate all of these infinitival phrases (and their complements) into a single *silluq* segment. V. 18 begins with the same grammatical constituents (subject, verb, the first accusative object, and **הַיּוֹם**) as in v. 17, albeit in a slightly different arrangement.

<sup>76</sup>Price, *The Syntax of Masoretic Accents*, 138.

הַיּוֹם הַזֶּה  
 יִהְיֶה אֱלֹהֶיךָ מִצְוֶיךָ  
 לַעֲשׂוֹת אֶת-הַחֻקִּים  
 הַאֵלֶּה  
 וְאֶת-הַמִּשְׁפָּטִים

וּשְׁמַרְתָּ  
 וַעֲשִׂיתָ אוֹתָם  
 בְּכָל-לִבְבְּךָ  
 וּבְכָל-נַפְשְׁךָ:

הַיּוֹם  
 אֶת-יְהוָה הָאֹמֵר  
 לְהִיְוֹת... לֵאלֹהִים  
 לְךָ  
 וּלְלַכֵּת  
 בְּדַרְכָּיו  
 וּלְשַׁמֵּר  
 חֻקָּיו  
 וּמִצְוֹתָיו  
 וּמִשְׁפָּטָיו  
 וּלְשַׁמֵּעַ  
 בְּקוֹלוֹ:

הַיּוֹם  
 וַיְהִי הָאֹמֵר  
 לְהִיְוֹת... לְעַם סִגְלָה  
 לְךָ  
 כַּאֲשֶׁר דִּבֶּר-לְךָ  
 וּלְשַׁמֵּר כָּל-מִצְוֹתָיו:  
 וּלְחַתֵּךְ  
 עֲלִיזוֹן  
 לְעַל כָּל-הַגּוֹיִם  
 אֲשֶׁר עָשָׂה  
 לְתַהֲלָה  
 וּלְשִׁם  
 וּלְחַפְּאֵרַת  
 וּלְהִיתָךְ עִם-קֹדֶשׁ  
 לְיְהוָה אֱלֹהֶיךָ  
 כַּאֲשֶׁר דִּבֶּר:

Figure 7: Syntactical diagram of Deuteronomy 26:16-19

important text.<sup>77</sup> It creates a point of comparison for the discussion of the various translations which follow. It also establishes the syntactical constraints necessary for the critique of assumed translation decisions and seeming inconsistencies within each translation. It will provide a point of comparison for Ben-Asher's discussion of the transformational syntax of Hiphil verbs with double direct objects as it is applied to the Hiphil of אָמַר in 26:17 and 18. Finally, this figure will also determine the parameters for the theological conclusions drawn and the conceptual model of the covenant ratification offered at the end of this chapter.

By highlighting the main verbal clause of each sentence and the attending infinitival phrases, this diagram unambiguously exposes the correspondences between verse 17 and verses 18 and 19. This syntactic construction *suggests* parallel relationships between the main verbal clauses and each of the following infinitival phrases in these two sentences. Yet, at the same time the diagram may also intimate that the reader/translator ought not rely *solely* on these apparent syntactical parallels to determine the corresponding obligations of the covenantal partners. By attaching the phrases כְּאֲשֶׁר וְדַבֵּר-לָךְ and כְּאֲשֶׁר וְדַבֵּר to the first and fourth infinitival phrases in verses 18 and 19 and the slight alteration of the subject-verb-object order between the first phrase of verse 17 and the first phrase of verse 18 the author may be signaling that the attending obligations (in vv. 18-19) are not the responsibility of the speaker (Israel) but may already have been (or will be) performed by the partner (Yahweh).

This figure displays plainly what Ben-Asher refers to as the “surface structure” of the two sentences.<sup>78</sup> This surface structure may explain why the majority of the

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<sup>77</sup>As suggested in the analysis of chap. 4 of this study, v. 16 belongs to the textual unit 26:16-19. Moreover, a feature of the syntax of v. 16 will provide additional support for the conclusions drawn in the discussion of the concerns raised by the various translation decisions. For these reasons, it is included in this diagram.

<sup>78</sup>The expression “surface structure” refers to the identity of the grammatical subject and the verb in the main clause. See the discussion of Ben-Asher above.

translations identify Israel as the subject (that is, the one who performs the action of the verb) in verse 17 and identify Yahweh as the subject in verses 18-19.<sup>79</sup> Likewise, the simple order of the obligations as listed in the successive infinitival phrases might suggest—based on the surface structure as rendered in the translations—that the primary and *reciprocal* covenantal obligations are לְהִיּוֹת לוֹ לְעַם and לְהִיּוֹת לְךָ לְאֱלֹהִים.<sup>80</sup> Following this same logic, depending solely on the sequence of corresponding constituents,<sup>81</sup> the secondary covenantal obligations (that is, stipulations required) of Israel and Yahweh would be outlined in Table 4. For Israel (in the first column) this seems reasonable. However, as Table 4 demonstrates, the reciprocal pattern of the infinitival phrases is not maintained throughout the full extent of both declarations. If one follows this to its logical conclusion, then it is Yahweh (in the second column) who declares or chooses (2) to keep all his commandments,<sup>82</sup> (3) to set Israel on high, and

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<sup>79</sup>From a purely grammatical standpoint these identifications are correct. Yet, as explained in the previous section, the binyan Hiphil creates a blending schema by which the affected object assumes the role of subject of the embedded clause and thereby participates in the action represented in the basic (Qal/Pa'al) notion of the verb. In this case, Israel may be better identified as the agent (or “causer”) in v. 17 and Yahweh as the agent (or “causer”) in vv. 18-19. Then, due to the nature of morphological causatives of ditransitive verbs, the patient (or “causee”) in v. 17 should be identified as Yahweh and the patient (or “causee”) in vv. 18-19 should be identified as Israel.

<sup>80</sup>This idea of primacy and reciprocity seems to be reinforced by the occurrence of the full expression of the covenant relationship formula (C) לְהִיּוֹת לְךָ לְאֱלֹהִים . . . לְהִיּוֹת לוֹ לְעַם apart from the remaining constituents attached to the formula as it is found in vv. 17-19. One could possibly perceive that the reciprocity extends (or should be applied) only to vv. 17 and 18, that is, there is a reciprocity and primacy to the relational aspects represented by the first infinitival phrases of vv. 17 and 18 and there is reciprocity in the commandment-obedience aspects represented by the second, third, and fourth infinitival phrases of v. 17 and the second infinitival phrase of v. 18. This “reciprocity” of commandment-obedience aspects is hardly reciprocal. In v. 17 (understood from this perspective) Israel promises complete and comprehensive obedience and in v. 18 Yahweh simply acknowledges Israel’s intention to keep all the commandments. However, this disregards what seems to be unequivocally clear in the syntactical diagram, that is, the four ל + infinitive phrases in v. 17 and in vv. 18-19 require balance. Each of these phrases are components of what has been “said” (הִאמַר) in v. 17a and in v. 18a. If the reciprocity is only acknowledged between v. 17 and v. 18, then v. 19 must be detached from the covenantal exchange.

This study will propose that although these two phrases appear immediately after the main verbal clauses in their respective sentences they do not perform similar functions. That is, they do not represent the primary *obligation* of the covenant partners but rather emphasize the *relationship* established through commitment to the stipulations of the covenant.

<sup>81</sup>Namely, the sequence of second, third, and fourth constituents.

<sup>82</sup>This is awkward coming on the heels of Israel’s thorough commitment to the same in verse 17. Jeffrey H. Tigay, *Deuteronomy*, Jewish Publication Society Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 246, remarks, that it is “puzzling” that God should include this as part of his promise. He recommends, “The clause is possibly a textual variant of one of the similar clauses in verse 17, mistakenly copied by a scribe here instead of there.” This study, however, will advocate that this

(4) to reserve for himself Israel as a holy people.<sup>83</sup> Clearly, Yahweh does not assume responsibility in his declaration for “keeping all his commandments.”

Table 4: The purported corollary stipulations placed upon the covenantal partners

For Israel (v. 17)	For Yahweh (vv. 18-19)
וּלְלַכֵּת בְּדַרְכָּיו	וּלְשַׁמֵּר כָּל-מִצְוֹתָיו
וּלְשַׁמֵּר חֻקֵּי וּמִצְוֹתָיו וּמִשְׁפָּטָיו	וּלְתַתֵּן עֲלֵיוֹן עַל כָּל-הַגּוֹיִם אֲשֶׁר עָשָׂה
וּלְשַׁמֵּעַ בְּקוֹלוֹ	וּלְהִתֵּן עִם-קֹדֶשׁ לַיהוָה אֱלֹהֵיךָ

The syntactical considerations drawn from the diagram in Figure 7 suggest that the four conjoined ל + infinitival phrases function as the grammatical second accusative object (or effected object) of the morphological causative **האמר** that are “said” (or verbalized) by the affected object in the respective sentences. And, although the relational constituents **לְהִיְתוֹת לְךָ לְאֱלֹהִים** and **לְהִיְתוֹת לוֹ לְעַם סְגֻלָּה** occupy the first position in the corresponding declarations, the addition of **כִּי־דִבַּר-לְךָ**<sup>84</sup> in verse 18 may suggest that the syntactical parallelism (in terms of the corresponding order of the sequence between v. 17 and vv. 18-19) and the rhetorical parallel may not be complementary.<sup>85</sup> Moreover, the repetition of the phrase **כִּי־דִבַּר** seems to link the first and last components of the entire second statement of the covenantal obligations and stipulations in verses 18-19.<sup>86</sup> So then, syntactically the relational aspects of the

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phrase represents Israel’s obligation in the covenantal exchange and “mirrors” Israel’s obligations identified by Yahweh in v. 17. Additionally, the style of this phrase is more in keeping with previous commitments Israel made in Exod 19:8 and 24:7.

<sup>83</sup>Craigie’s observation that the alternation of identification of the subject with each infinitival phrase has been discussed elsewhere.

<sup>84</sup>This creates a syntactical “imbalance” between the two relational constituents.

<sup>85</sup>That is, the phrase **כִּי־דִבַּר-לְךָ** (denoting the promise made by Yahweh) associated with the expression **לְהִיְתוֹת לוֹ לְעַם** more than likely represents an obligation of Yahweh, even though it is spoken as part of Israel’s covenantal declaration.

<sup>86</sup>That is, the phrase **כִּי־דִבַּר** (denoting the promise made by Yahweh) associated with the expression **וּלְהִיְתוֹת עִם-קֹדֶשׁ** more than likely represents an obligation of Yahweh, even though it is spoken as part of Israel’s covenantal declaration.

covenantal exchange are prioritized in the two statements. But rhetorically, these components may both be functioning as part of Yahweh's covenantal obligation.

The stage is set for an analysis of the various translations<sup>87</sup> included in this study. This analysis will focus on each translation's adherence (or lack thereof) to the syntactical structure of the corresponding Hebrew sentences.<sup>88</sup>

### Translations

Since, as has been mentioned, the Hiphil of אָמַר occurs only in this context, it is impossible to determine the alternative renderings by appeal to other contexts.

However, one can compare the translations—ancient and modern—to determine how previous translators understood and rendered this unique verbal form. This study will make no attempt to compare or critique the entirety of the translations for Deuteronomy 26:17-19 but will instead focus on the first phrases containing the terms אָמַרְתָּ and אָמַרְתָּךְ and the relationship of the corresponding infinitival phrases in each sentence.

### Ancient Translations

Only three of the ancient translations are considered: the Septuagint, Targum Onkelos,<sup>89</sup> and the Vulgate. The justification for selecting these three is that each is recognized for their antiquity, they are considered to be independent, reliable witnesses to the Hebrew text, and the textual transmission of these translations is considered to be

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<sup>87</sup>To discuss at any length the history of any of the translations considered or to critique the translation methods employed by them is beyond the scope of this study. Moreover, one has to limit the number of translations considered. The translations included in this study are all recognized as reliable and trustworthy to a great extent. The modern translations chosen are representative—with only minor variations—of the vast majority available in the English language today. See Mandelblit, “Grammatical Blending,” 178-83, for a discussion of the definition of translation, a review of the “literal” versus “free” translation debate, and a proposal for a cognitive and conceptual approach to translation.

<sup>88</sup>This analysis is undertaken on the basis that most of the translations appear to treat the Hiphil of אָמַר as a “lexical causative.” That is, they substitute what is deemed to be a “functional equivalent” in the receptor language without retaining the causative affect in the source language. The only possible exceptions to this are the LXX and the NRSV.

<sup>89</sup>See discussion below for the reasoning behind excluding Targums Neofiti and Pseudo-Jonathan from consideration.

historically reliable.

**The Septuagint.**<sup>90</sup> Although there is much tradition and lore surrounding the production of the Septuagint, it is widely agreed that the Torah of the Hebrew scriptures came into being as the result of Jewish scholars working in Alexandria in the 3<sup>rd</sup> century BC. This translation gained wide acceptance in the community and was recognized as authoritative in both the Jewish and the later Christian communities. In general it is a consistent witness to the MT.<sup>91</sup> The text of Deuteronomy 26:17-19 is presented here.

<sup>17</sup> τὸν θεὸν εἴλου σήμερον εἶναί σου θεὸν καὶ πορεύεσθαι ἐν ταῖς ὁδοῖς αὐτοῦ καὶ φυλάσσεσθαι τὰ δικαιώματα καὶ τὰ κρίματα αὐτοῦ καὶ ὑπακούειν τῆς φωνῆς αὐτοῦ  
<sup>18</sup> καὶ κύριος εἶλατό σε σήμερον γενέσθαι σε αὐτῷ λαὸν περιούσιον καθάπερ εἶπέν σοι φυλάσσειν πάσας τὰς ἐντολάς αὐτοῦ <sup>19</sup> καὶ εἶναί σε ὑπεράνω πάντων τῶν ἔθνων ὡς ἐποίησέν σε ὀνομαστόν καὶ καύχημα καὶ δόξαστόν εἶναί σε λαὸν ἅγιον κυρίῳ τῷ θεῷ σου καθὼς ἐλάλησεν

The verbs employed by the translators to render  $\text{בָּחַרְתָּ}$  and  $\text{בָּחַרְתִּי}$  are εἴλου and εἶλατό. The Greek verb αἰρέομαι has a range of meaning which includes “to choose, to prefer, or to decide.” Its basic meaning is “to choose.”<sup>92</sup> This verb, in both phrases is rendered in the aorist tense. So, the LXX translator both changes the verb<sup>93</sup>

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<sup>90</sup>LXX Septuaginta, ed. Alfred Rahlfs (Stuttgart Württembergische Bibelanstalt / Deutsche Bibelgesellschaft), 1935. Accessed via BibleWorks for Windows ver. 6.0.012z, BibleWorks, LLC, 2003.

<sup>91</sup>John W. Wevers, *Notes on the Greek Text of Deuteronomy*, Society of Biblical Literature Septuagint and Cognate Studies 39 (Atlanta: Scholars Press, 1995), x-xiv, lists several of his presuppositions which “are basic to the understanding of Deut as a translation of the Hebrew Deuteronomy.” The first is “that the translators were consciously at work on a canonical text. . . . It meant that the translators considered their task thoughtfully, did not simply render Hebrew words into equivalent Greek lexemes, but tried to put into Greek dress what they believed God intended to say to his people.” The second is “that the parent text being translated was in the main much like the consonantal text of MT.” The third is that the translation was “sensible” to the Alexandrian audience for whom it was translated. The fourth is that the Greek Pentateuch “represent[ed] what the Alexandrian Jewry of the third B.C. century thought their Hebrew Bible meant.” He continues, “This Greek text, and not the Targums nor the Mishnah, is the earliest exegetical source that we have for understanding the Pentateuch. As such it surely must be the first document to which one turns when trying to understand the Torah.”

<sup>92</sup>Henry George Liddell and Robert Scott, *A Greek-English Lexicon*, 9<sup>th</sup> ed. (New York: Oxford University Press, 1996), provides the alternate meaning “to take in preference.” Timothy Friberg, Barbara Friberg, and Neva F. Miller, *Analytical Lexicon of the Greek New Testament* (Grand Rapids: Baker Books, 2000), suggests the alternative meaning “taking for oneself.”

<sup>93</sup>That is, the translator substitutes a verb meaning “to choose” for the Hebrew verb which means “to say.” However, William Arndt, *A Greek-English Lexicon of the New Testament and other Early Christian Literature*, 3<sup>rd</sup> rev. ed., Frederick Danker (Chicago: University of Chicago Press, 2000) notes that αἰρέομαι (aorist middle indicative) does retain the capacity for the double accusative.

and mollifies the causative effect from its Hebrew parent text.<sup>94</sup> Wevers asserts that the “LXX obviously was puzzled by this text,”<sup>95</sup> and comments that the LXX evidences in these verses a degree of interpretation on the part of the translator.<sup>96</sup> He comments, “That האמרת is uncertain in meaning here is clear from the coordinate marked infinitives: ולהיות לך לאלהים . . . ולשמע . . . ולשמר . . . וללכת . . .”<sup>97</sup> This ambiguity is eliminated by the use of εἶλου.

Likewise, in verse 18 the LXX takes the same approach. The translation clearly attributes the action of choosing in this verse to God. Wevers suggests that the second infinitival phrase of verse 18 “expresses the purpose of the divine choice; they are chosen to be the Lord’s people in order that they might observe all his ordinances.”<sup>98</sup>

As Wevers observes, the third infinitive ולתתך is replaced by εἶναί (to correspond to γενέσθαι in v. 18) thereby avoiding “the notion that God had האמירך [caused you to say] . . . ‘in order to set you high over all the peoples.’”<sup>99</sup> The net effect

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<sup>94</sup>However, Emanuel Tov, “The Representation of the Causative Aspects of the Hiph’il in the LXX: A Study of Translation Technique,” *Biblica* 63 (1982): 417-24, provides a very brief discussion of the rendering of Hiphil verbs in the LXX. He notes the technique of using causative suffixes (including -έω, αἰρέω) to render these verbs. He provides several examples in lists (which he notes are not exhaustive), in which αἰρέω of Deut 26:17 and 18 is not included. So then, the translator of the LXX may have attempted to signal the causative aspect of האמרת. However, this notion is almost entirely lost in the irregular conjugations of εἶλου and εἶλατό.

Tov’s discussion is supported by Herbert W. Smyth, *Greek Grammar*, rev. Gordon M. Messing (Cambridge, MA: Harvard University Press, 1984), 245, wherein he notes that denominative verbs ending “in -εω denote a *condition* or an *activity*, and are often intransitive. . . . Verbs ending in -οω are usually factitive, denoting *to cause* or *to make*” (emphasis original). In his discussion of the causative middle he states that it “denotes that the subject has something done by another for himself” (§1725).

<sup>95</sup>Wevers, *Notes*, 412. However, he does not demonstrate how he arrived at this conclusion.

<sup>96</sup>This suspicion is confirmed in the critical notes of Adrian Schenker, ed., *Biblia Hebraica quinta editio*, fascicle 5, *Deuteronomy* (Stuttgart: Deutsche Bibelgesellschaft, 2007), 74.

<sup>97</sup>Wevers, *Notes*, 412-13. He indicates that the causative notion could apply to the first infinitive, that is, “You have caused God to say that he would be your God.” But, he insists, that the following three infinitives must insert “you” as subject. The masoretic vowel markings have been removed to conform to the text of Wevers (typical throughout this section).

<sup>98</sup>*Ibid.*, 413. This is similar to the understanding of Targum Onkelos. See discussion below.

<sup>99</sup>*Ibid.*, 414. Wevers’ comment here is less than clear. He seemingly desires to communicate that the LXX is trying to avoid the difficult rendering of a literal understanding of וַיְהוֹה הָאֱמִירָךְ . . . וַיִּתְּךָ עַל כָּל־הַגּוֹיִם, that is, Yahweh caused you to say . . . that he would set you high above all the nations. . . .

of these changes is that the ambiguity of **האמירך** is removed and the results of God's choosing are threefold: that they should be a peculiar people who would observe all his ordinances, that they should be above all nations, and that they should be a holy people.

The problem with this translation is that it does not preserve the structural parallelism of the successive infinitival phrases between verse 17 and verses 18-19. That is, in verse 17 the four infinitives follow directly from the main verb of choosing and represent the four choices made by Israel. But the translation of verses 18-19, as Wevers notes, renders the second infinitival phrase, φυλάσσειν πάσας τὰς ἐντολὰς αὐτοῦ, and subordinates it to the first infinitival phrase, γενέσθαι σε αὐτῷ λαὸν περιούσιον, so that it is not directly related to the main verb of the sentence. Moreover, the LXX renders the third infinitive **ולתתך** (to give, set, or put) with εἶναί (the infinitival form of the verb “to be”) to “smooth” its translation, but in the process it ignores the meaning of the Hebrew verb and rather interprets it by assigning a new meaning.

**The Targumim.**<sup>100</sup> Although there are three targumim that include Aramaic translations of Deuteronomy,<sup>101</sup> only the translation from Targum Onqelos is cited for comparison.<sup>102</sup>

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<sup>100</sup>The Targum Onqelos cited in this study is derived from the Hebrew Union College Comprehensive Aramaic Lexicon project. Accessed via BibleWorks for Windows ver. 6.0.012z, BibleWorks, LLC, 2003.

<sup>101</sup>These are Targum Onqelos, Targum Neofiti, and Targum Pseudo-Jonathan.

<sup>102</sup>This is due to the fact that Targum Neofiti and Targum Pseudo-Jonathan are widely recognized as rather expansive translations and/or interpretations of the Hebrew text. This is evident when one consults the English translations of Targum Neofiti and Targum Pseudo-Jonathan, noting the italicized content of the verses in question. See Martin McNamara, *The Aramaic Bible*, vol. 5A, *Targum Neofiti 1: Deuteronomy*, ed. Kevin Cathcart, Michael Maher, Martin McNamara (Wilmington, DE: Michael Glazier, 1997), 121-22, and Ernest G. Clarke, *The Aramaic Bible*, vol. 5B, *Targum Pseudo-Jonathan: Deuteronomy*, ed. Kevin Cathcart, Michael Maher, Martin McNamara (Wilmington, DE: Michael Glazier, 1998), 71-72. Both editions indicate that the English translations employ italics to show where the Aramaic does not follow the Hebrew text. Targum Onqelos corresponds more closely to the Hebrew text. (See the introductory remarks of Moses Aberbach and Bernard Grossfeld, *Targum Onkelos to Genesis: A Critical Analysis Together with an English Translation of the Text* [New York: Ktav Publishing House, 1982], 9-10. Here they claim that this Targum is “the oldest and most accurate Aramaic translation of the Hebrew Scriptures.” They characterize it as a careful interpretation “with a religiously unimpeachable and pedagogically intelligible version of the Pentateuch.”) Targum Pseudo-Jonathan does follow Targum Onqelos in using **הטב** for the Hiphil of **אמר**. Targum Neofiti, on the other hand, provides expansive interpretation by employing the Aramaic verb **בילך**. In light of the fact that Deut 26:17-19

ית ויי חטבת יומא דין למהוי לך לאלה ולמהך באורחן דתקנן קדמוהי  
 ולמטר קדמוהי ופקודוהי ודינוהי ולקבלא ולא תקבלא למימריה:  
 ויי חטבך יומא דין למהוי ליה לעם חביב כמא דמליל לך ולמיטר  
 כל פקודוהי:  
 ולמיתנך עלאי עלאה על כל עממיא דעבד לתושבחה ולשום ולשום  
 ולרבו ולמהך עם קדיש קדם ויי אלהך כמא דמליל:

This Aramaic translation seems to follow the same process as the LXX, that is, the verbs **האמרת** and **האמירך** have been rendered by **חטבת** and **חטבך**. This verb, likewise, has the basic meaning “to choose.” It has been rendered in the Peal stem,<sup>103</sup> thereby muting the causative effect of the Hebrew Hiphil stem.<sup>104</sup> Translating these phrases into English then should be understood as follows: “Today you have chosen Yahweh to be your God . . .” in verse 17, and “Today Yahweh has chosen you to be his beloved people, just as he said to you . . .” in verse 18.<sup>105</sup>

This translation understands the effect of the Hiphil on **אמר** is to change its meaning from “to say” to “to choose.”<sup>106</sup> The subject in verse 17 remains the understood

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represents the bilateral commitments made between suzerain and vassal, the use of **מלך** in v. 17 (“You have made the Memra of the Lord king over you”) and in v. 18 (“The Memra of the Lord rules over you as king”) is understandable. Both Targum Neofiti and Pseudo-Jonathan agree with Targum Onqelos in identifying Israel as the subject of the verb in v. 17 and God as the subject of the verb in v. 18.

<sup>103</sup>This corresponds to the Hebrew Qal stem.

<sup>104</sup>Differing nuances (and possibly meanings) in the rendering of verbs in the various stems is well attested and is not disputed. For example, **אכל** (Qal—to eat, devour; Ni—to be eaten, consumed; Pual—to be destroyed; Hiphil—to feed), **מות** (Qal—to die; Hiphil—to kill), and **ראה** (Qal—to see, perceive; Ni—to appear; Hiphil—to show) represent verbs where one can readily see the connection in meaning of the Qal form and the meaning in the other derived stems. For other verbs the connection is not as apparent: **אמן** (Qal—to be firm; Ni—to be reliable, faithful; Hiphil—to believe), **דגם** (Qal—to be silent; Niphal—to perish; Hiphil—to destroy), and **למד** (Qal—to learn; Piel—to teach; Pual—to be taught), for example. Granted, not all verbs in the Hebrew Bible have an attested form in the Qal stem, so it is not possible to determine a “connection” between the Qal meaning and the meaning of a particular verb extant only in the derived stems. The point made here, though, is that the connection in the understood meaning of **האמר** (“to cause to say”) and the understood meaning of **חטב** (“to choose”) is anything but readily apparent.

<sup>105</sup>This agrees with the English translation of Bernard Grossfeld, *The Aramaic Bible*, vol. 9, *The Targum Onqelos to Deuteronomy*, ed. Kevin Cathcart, Michael Maher, Martin McNamara (Wilmington, DE: Michael Glazier, 1988), 76. Grossfeld comments, “The Hebrew, a *Hiphil* of the verb *’mr* ‘to say,’ is difficult here, and *interpretively rendered* to mean ‘select’” (emphasis added). He notes that this agrees with later rabbinic interpretation.

<sup>106</sup>Again the critical notes of Schenker, ed., *Deuteronomy*, 74, indicate that the translators of Targums Onqelos, Pseudo-Jonathan, and Neofiti as well as the Fragment Targum to the Pentateuch sought to develop the meaning of the lemma.

“you.”<sup>107</sup> Thus, the action of choosing is directed in four ways; Israel (1) chooses Yahweh to be their God, (2) chooses to walk in his ways, (3) chooses to observe his ordinances, his commandments, and his laws, and (4) chooses to listen to his “*Memra*.” The subject of verses 18-19 is Yahweh. Here Yahweh is described as choosing Israel (1) to be his beloved people, (2) to observe all his commandments, (3) to set them in praise and fame and greatness over all the nations, and (4) to be a sacred nation.

The Aramaic translation avoids the structural parallelism problems presented by the LXX in verses 18-19. However, the difficulty is presented when one asks what is intended by the idea that Yahweh chose Israel to obey his commandments, that is, how does the second infinitive relate to the main verbal idea?<sup>108</sup>

**The Vulgate.**<sup>109</sup> Originating in the 4<sup>th</sup> century through the careful work of Jerome, the Vulgate provided a Latin translation from the Hebrew manuscripts of the day with reference to available Greek and other Latin versions.

<sup>17</sup> Dominum elegisti hodie ut sis tibi Deus et ambules in viis eius et custodias caerimonias illius et mandata atque iudicia et oboedias eius imperio <sup>18</sup> et Dominus elegit te hodie ut sis ei populus peculiaris sicut locutus est tibi et custodias omnia praecepta eius <sup>19</sup> et faciat te excelsiorem cunctis gentibus quas creavit in laudem et nomen et gloriam suam ut sis populus sanctus Domini Dei tui sicut locutus est

The Vulgate is a fairly literal translation of the Hebrew text, corresponding

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<sup>107</sup>That is the 2ms inflection of the verb, in this case understood to be Israel (or the individual Israelite).

<sup>108</sup>Admittedly in Gen 18:19 the notion that Yahweh chose Abraham so that he might instruct his posterity in the way of Yahweh is present. However, the Hebrew verb used here is יָדַע not בָּחַר. The notion of choosing in Deuteronomy is most frequently associated with בָּחַר. This lemma is used primarily with Yahweh as subject and the object of choosing is usually Israel or הַמְּלָכִים.

Interestingly, an electronic search (<http://call.cn.huc.edu/index.htm>) for the Aramaic lemma חָטַב used in Deut 26:17 and 18 reveals that it is only used in Targum Onkelos of Deuteronomy and Targum Pseudo-Jonathan of Deuteronomy. There were no other uses in the Torah or in the rest of the Targumim of the Old Testament.

<sup>109</sup>An appeal to the Vetus Latina would be preferred in this instance since it represents an older Latin translation than the Vulgate. However, a critical edition of the Vetus Latina that includes Deuteronomy is not available. The Latin edition of Petrus Sabatier does not include Deuteronomy. For more information on the project one can consult <http://www.vetus-latina.de/en/index.html>. The Latin text used here is the *Biblia Sacra Iuxta Vulgatam Versionem*, Vulgate Latin Bible, ed. R. Weber, B. Fischer, J. Gribomont, H.F.D. Sparks, and W. Thiele (at Beuron and Tübingen) (Stuttgart: Deutsche Bibelgesellschaft, 1969, 1975, 1983). Accessed via BibleWorks for Windows ver. 6.0.012z, BibleWorks, LLC, 2003.

virtually word for word with the MT in this instance. Yet, this translator here again renders the inflected verbs **הָאֵלֹהִים** and **הָאֵלֹהִים** with *elegisti* and *elegit* from the verb *elego* which has the basic meaning, “to choose, to pick out, to select.”<sup>110</sup> So the essential meaning of these verses is the same as that of the LXX and Aramaic translations, namely, Israel is the subject of verse 17 who chooses Yahweh to be their God, and Yahweh is the subject of verses 18-19 who chooses Israel to be his peculiar people.

The Vulgate does not follow the LXX at the beginning of verse 19 by changing the infinitive **וְלִתְהַיְהוֹת** to a form of the verb “to be,” but rather translates it with *faciat*. Moreover, it maintains the structural parallelism of the infinitival phrases between verse 17 and verses 18-19 as in the Hebrew text avoiding the subordination of the second infinitival phrase to the first infinitival phrase in verse 18—unlike the LXX rendering.

### Modern Translations

This study will consider the following modern translations: The English Standard Version, the Tanakh, the VanDyke and Ketab El Hayat Arabic translations, and the New Revised Standard Version.

**The English Standard Version.**<sup>111</sup> As noted in chapter 1, most of the English translations follow closely the rendering of the English Standard Version.<sup>112</sup> The verb of speech (**הָאֵלֹהִים**) is translated in virtually all of them using either “declare” or “proclaim” in both verses 17 and 18.<sup>113</sup>

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<sup>110</sup>Again the critical notes of Schenker, ed., *Deuteronomy*, 74, suggest that the Vulgate translator interpreted the meaning of the Hiphil of **אָמַר**.

<sup>111</sup>English Standard Version, Wheaton, IL: Crossway Books/Good News Publishers, 2001. Accessed via BibleWorks for Windows ver. 6.0.012z, BibleWorks, LLC, 2003.

<sup>112</sup>The English Standard Version is chosen for comparison since it is a more recent English translation which has been readily accepted and affirmed for its careful and faithful attention to the original languages in the received texts with comparisons made to many of the best manuscript evidences available at the time of translation. Moreover, the translation philosophy of the ESV is “essentially literal.”

<sup>113</sup>This is the case with the New International Version, the New King James Version, the New Living Translation, and the New American Standard Bible. The English Darby Bible employs the verb “accept.” The King James Version and the American Standard Version use “avouched.”

<sup>17</sup> You have declared today that the LORD is your God, and that you will walk in his ways, and keep his statutes and his commandments and his rules, and will obey his voice. <sup>18</sup> And the LORD has declared today that you are a people for his treasured possession, as he has promised you, and that you are to keep all his commandments, <sup>19</sup> and that he will set you in praise and in fame and in honor high above all nations that he has made, and that you shall be a people holy to the LORD your God, as he promised.

That the majority of English translations utilize a verb of speech to render **הִאֲמַר** is significant when one observes that the LXX, the targums,<sup>114</sup> and the Vulgate all use verbs that connote the action of choosing. These translations identify Israel as the subject of verse 17 and Yahweh as the subject of verses 18-19. They also maintain the structural parallelism of verse 17 to verses 18-19 as it relates to the infinitival phrases of both “declarations.”

**Tanakh.**<sup>115</sup> The Tanakh translation was undertaken by Jewish scholars who attended carefully to the MT and other manuscript evidence. Their intent was to provide an idiomatic translation into modern English.

<sup>17</sup> You have affirmed this day that the LORD is your God, that you will walk in His ways, that you will observe His laws and commandments and rules, and that you will obey Him. <sup>18</sup> And the LORD has affirmed this day that you are, as He promised you, His treasured people who shall observe all His commandments, <sup>19</sup> and that He will set you, in fame and renown and glory, high above all the nations that He has made; and that you shall be, as He promised, a holy people to the LORD your God.

This translation differs slightly from the other English translations in two ways: (1) by using the verb “affirm” to render **הִאֲמַר**, and (2) by following the LXX in rendering the second infinitival phrase as a relative clause connected to the first and not directly connected to the main verb of the sentence in verse 18.<sup>116</sup> The question one must ask of the first difference is this: “Is this an affirmation by declaration” (making the

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<sup>114</sup>Even in the case of Targum Neofiti which uses **מִלֵּךְ**, the idea could still be understood to represent Israel as choosing the Memra of the Lord as king.

<sup>115</sup>Adele Berlin and Marc Zvi Brettler. *The Jewish Study Bible*. Jewish Publication Society (New York: Oxford University Press, 2004).

<sup>116</sup>Tigay, *Deuteronomy*, 246, comments on this translation and asserts, “Grammatically this clause is no different from those in verse 17, and it should be translated the same way.”

translation, then, different not in meaning but in degree) “or does that verb intimate an underlying process of ratification?” If the latter is the case, then the translation may be attempting to preserve the causative effect of the Hiphil of אָנַח. <sup>117</sup> This translation, likewise, follows the assignment of Israel as the subject of the verb אָנַח in verse 17 and Yahweh as the subject of the verb אָנַח in verses 18-19.

**Arabic.** Two Arabic translations are included here for consideration. The first is the VanDyke translation. <sup>118</sup> The second is the Ketab El Hayat. <sup>119</sup>

17 قَدْ وَاَعَدْتَ الرَّبَّ الْيَوْمَ أَنْ يَكُونَ لَكَ إِلَهًا، وَأَنْ تَسْلُكَ فِي طَرِيقِهِ وَتَحْفَظَ  
فَرَائِضَهُ وَوَصَايَاهُ وَأَحْكَامَهُ وَتَسْمَعَ لِصَوْتِهِ. <sup>18</sup> وَأَوَاْعَدَكَ الرَّبُّ الْيَوْمَ أَنْ  
تَكُونَ لَهُ شَعْبًا خَاصًّا، كَمَا قَالَ لَكَ، وَتَحْفَظَ جَمِيعَ وَصَايَاهُ، <sup>19</sup> وَأَنْ يَجْعَلَكَ  
مُسْتَعْلِيًّا عَلَى جَمِيعِ الْقَبَائِلِ الَّتِي عَمَلَهَا فِي التَّنَاءِ وَالْإِسْمِ وَالْبِهَاءِ، وَأَنْ تَكُونَ  
شَعْبًا مُقَدَّسًا لِلرَّبِّ إِلَهِكَ، كَمَا قَالَ.

<sup>117</sup>See the discussion below. Bernard Levinson in the study notes of *The Jewish Study Bible* associated with vv. 17-19 indicates that v. 17 is God’s declaration in which he “specifies His responsibility (to be God) and then identifies His three expectations of Israel.” He further identifies vv. 18-19 as Israel’s declaration of its “responsibility (to obey the commandments) while then outlining the three responsibilities of God toward Israel.” In private correspondence with Levinson, he explained that these comments were made based on his understanding of and agreement with Lohfink, “Dt 26,17-19 und die ‘Bundesformel.’” Furthermore, he posited that v. 17 and vv. 18-19 were instances of double accusative construction and that the series of lamed plus infinitive constructs represented the second object. He suggested that this same type of construction is used in Exod 21:2. This feature is discussed in Bernard M. Levinson, “The ‘Effected Object’ in Contractual Legal Language: The Semantics of ‘If You Purchase a Hebrew Slave’ (Exodus 21:2),” in *“The Right Chorale”: Studies in Biblical Law and Interpretation*, ed. Bernd Janowski, Mark S. Smith, and Hermann Spieckermann, *Forschungen zum Alten Testament* 54 (Tübingen: Mohr Siebeck, 2008), 93-111, and idem, “Is the Covenant Code an Exilic Composition? A Response to John Van Seters,” in *“The Right Chorale”: Studies in Biblical Law and Interpretation*, ed. Bernd Janowski, Mark S. Smith, and Hermann Spieckermann, *Forschungen zum Alten Testament* 54 (Tübingen: Mohr Siebeck, 2008), 276-330.

<sup>118</sup>Scriptures taken from the Holy Bible, VanDyke translation [on-line]; accessed 24 October 2008; available from <http://www.arabicbible.com/bible/word/05-Deut.doc>. Internet. This translation is also identified as the Smith-VanDyck (or simply VanDyck) translation. It was produced by American Protestant missionaries in Beirut between 1848 and 1865 working with the Lebanese scholars. Sasson Somekh, “Biblical Echoes in Modern Arabic Literature,” *Journal of Arabic Literature* 26 (1995): 189, describes this translation as “much superior” to the Roman Catholic translation and an earlier Protestant translation produced at Cambridge in the 1850’s. He also notes that the translators “took great pains to translate the entire text anew and directly from the original languages: Hebrew, Aramaic and Greek.”

<sup>119</sup>Scriptures taken from the Holy Bible, New Arabic Version (Ketab El Hayat), sixth printing, copyright © 1988, 1995 by International Bible Society®. Used by permission. All rights reserved worldwide.

17 فَأَنْتُمْ قَدْ أَعْلَنْتُمْ الْيَوْمَ أَنَّ الرَّبَّ إِلَهُكُمْ وَأَنْتُمْ سَتَسْلُكُونَ فِي سُبُلِهِ وَتُطِيعُونَ  
 فَرَائِضَهُ وَأَحْكَامَهُ وَتَسْمَعُونَ لِقَوْلِهِ 18 كَمَا أَعْلَنَ الرَّبُّ الْيَوْمَ أَنَّكُمْ تَكُونُونَ  
 لَهُ شَعْبًا خَاصًّا، حَسَبَ وَعْدِهِ لَكُمْ، وَأَنْ عَلَيْكُمْ طَاعَةٌ وَصَايَاهُ جَمِيعًا،  
 19 فَيَجْعَلْكُمْ أَسْمَى مِنْ كُلِّ الْأُمَمِ الَّتِي خَلَقَهَا مِنْ حَيْثُ النَّاءِ وَالشَّرَفِ  
 وَالْمَجْدِ، وَتَكُونُونَ شَعْبًا مُقَدَّسًا لِلرَّبِّ إِلَهُكُمْ كَمَا وَعَدَ.

In the VanDyke translation the verbs *وَأَعَدَّتْ* and *وَأَعَدَّكَ* are used to translate *הִאֲמִירָהּ* and *הִאֲמִירָךָ*. The verb *وَعَدَ* has the basic meaning in the I stem of “to make a firm promise.” The translators here used the III stem which connotes the idea of “involving another person in the action.”<sup>120</sup> So the picture conveyed by the main verbal clauses of these two sentences is that of two parties coming together to make sure promises of a reciprocal nature to one another.

This translation uses the particle *أَنَّ*<sup>121</sup> to suggest that there are two “results” of the verbal action in verse 17, namely, “You have promised (1) that the Lord will be your God, and (2) that you will walk in his ways and keep his statutes, commandments, and judgments, and hear his voice.” The effect is to combine the second, third, and fourth original Hebrew infinitives together into a single promise. In verses 18-19 *أَنَّ* is used three times—in the phrases which translate the first, third, and fourth Hebrew infinitival phrases. The effect is that the promise of verses 18-19 pertains to the Lord (1) making Israel to be special people, (2) setting them high above the peoples which he has made, and (3) making them to be a holy people. The implication is that the second Hebrew infinitival phrase is omitted from Yahweh’s promise to Israel.<sup>122</sup> This translation also identifies Israel as the subject of verse 17 and Yahweh as the subject of verses 18-19.

<sup>120</sup>See discussion of the III stem of the trilateral verb in Karin C. Ryding, *A Reference Grammar of Modern Standard Arabic* (Cambridge: Cambridge University Press, 2005), 503. Ryding continues, “For this reason it is termed ‘associative.’ Related semantic modifications conveyed by this inflectional class include reciprocal action, repeated action, and attempted action.”

<sup>121</sup>This particle is also used to reinforce the notion of the action/effect of the verb. In this case it would heighten the certitude of the components of the promise.

<sup>122</sup>This is reasonable, as discussed earlier, in that it seems awkward for Yahweh to include in his promise to Israel a reference to Israel’s obligation to keep all his commandments.

The Ketab El Hayat employs a different verb to render **הֵאָמַר**, namely **عَلَنَ**, which means “to announce.” This verb is rendered in the IV stem. But compared to the VanDyke translation, the particle **أَنَّ** seems to be employed in a very different manner. In verse 17 it precedes all of the phrases which translate the Hebrew infinitives and seems to highlight the first infinitival phrase: The Lord will be your God. The remaining three components—you will walk in his ways, you will keep his obligations and judgments,<sup>123</sup> and you will hear his voice—are then coordinated.<sup>124</sup> In verses 18-19 the translation does not follow the same pattern. First, in verse 18 the particle **أَنَّ** is missing as it relates to the first component of the announcement, namely, becoming a special people to the Lord. **أَنَّ** is inserted at the middle of verse 18 (before the second Hebrew infinitival phrase) to highlight the obligation of keeping all the commandments. This particle is not used in verse 19.<sup>125</sup> This signal could be understood in two ways. First, it could be that the translator of the Ketab El Hayat sought to coordinate the second Hebrew infinitival phrase with or subordinate it to the first infinitival phrase in verse 18. The outcome of this announcement is then threefold: Yahweh announces that (1) Israel will be a special people, (2) he will set them for a name, and (3) they will be a holy people.<sup>126</sup> Or, secondly, it could signal that the translator is hereby highlighting the obligations of the vassal as the exchange takes place.<sup>127</sup> The effect would then be to diminish the mutuality of the exchange by emphasizing the declaration of loyalty from Israel in verse 17 and

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<sup>123</sup>This translation combines **וְנִצְוֹתָיו וְחֻקָּיו** (statutes and commandments) into **فَرَايِضُهُ** (obligations).

<sup>124</sup>The lack of the particle **أَنَّ** with regards to these phrases may indicate that these phrases are not included in the formal “announcement” of v. 17.

<sup>125</sup>Again, using the particle **أَنَّ** only with the second phrase may indicate that the focus of the formal “announcement” in vv. 18-19 is on the keeping of all the commandments setting the other three infinitival phrases outside the boundaries of the announcement.

<sup>126</sup>Interestingly, **وَعَدَ**, which is employed in the VanDyke translation to express the meaning of **הֵאָמַר**, is used in the Ketab El Hayat in the phrase “just as he promised” in both verses 18 and 19.

<sup>127</sup>This would almost certainly be the case if **أَنَّ** is used conditionally.

emphasizing the stipulation of obedience to all the commandments in verse 18. The “benefits” of this commitment (being made a special people, being set on high, and being made a holy people) are then minimized or conditioned upon the obedience of the vassal.

**New Revised Standard Version.**<sup>128</sup> This English translation has for its textual basis the *Biblia Hebraica Stuttgartensia* with reference to the Dead Sea Scrolls and the Septuagint. Its translation technique is on the borderline between formal and dynamic equivalence.

<sup>17</sup> Today you have obtained the LORD’s agreement: to be your God; and for you to walk in his ways, to keep his statutes, his commandments, and his ordinances, and to obey him. <sup>18</sup> Today the LORD has obtained your agreement: to be his treasured people, as he promised you, and to keep his commandments; <sup>19</sup> for him to set you high above all nations that he has made, in praise and in fame and in honor; and for you to be a people holy to the LORD your God, as he promised.

The translators of the NRSV obviously wrestled with the unique verbal form in these verses. They apparently desired to capture and preserve the dynamic of the causative effect of the Hiphil of אָמַר in a more periphrastic translation. But rather than providing a literal translation, “You have caused Yahweh to say. . .” in verse 17 and “Yahweh has caused you to say. . .” in verse 18, an attempt is made to convey the sense of the double object with אָמַרְתֶּם. One might propose the action unfolded in the following manner: On the deep structure level Yahweh states (אָמַר) the terms of the agreement, namely, (1) he will be their God and they will (2) walk in his ways, (3) keep his statutes, his commandments, and his ordinances, and (4) listen to his voice. The action of Yahweh stating the terms of the agreement is contained fully within the embedded clause of the causative construction of verse 17.<sup>129</sup> The NRSV treats Israel—the subject of the surface

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<sup>128</sup>New Revised Standard Version, n.p.: Division of Christian Education of the National Council of the Churches of Christ in the United States of America, 1989. Accessed via BibleWorks for Windows ver. 6.0.012z, BibleWorks, LLC, 2003.

<sup>129</sup>See the previous discussion of Ben-Asher.

structure—as if it is acting upon this embedded clause by accepting Yahweh’s terms of the agreement. In verses 18-19 Yahweh is the subject of the surface structure and Israel becomes the subject of the deep structure (or the embedded clause). In this embedded clause, Israel states (אמר) its terms of the agreement, namely, they will be his treasured people, they will keep all his commandments, he will set them on high, and they will be a holy people. In verses 18-19 it is Yahweh who accepts Israel’s statement of agreement.

A very different dynamic is thus created which seems to be much more consistent with the overall covenantal framework of Deuteronomy 1-30. The picture that emerges is that of the suzerain entering into a treaty with the vassal. He takes the initiative to step forward and offer the terms (“I will be your king”) and conditions (exclusive loyalty demonstrated through obedience to his stipulations) of the treaty. In that sense the vassal “has obtained the agreement.” And in the reciprocal exchange of the ceremony, the vassals collectively assent to the kingship of the suzerain by identifying themselves as his people and by vowing to adhere to all his stipulations.

The translation of the NRSV is a bit awkward and necessitates the alternation of the identity of the subjects of the Hebrew infinitival phrases. The advantage it has over the LXX, the targums, and the Vulgate is that—albeit in a very periphrastic manner—one can conceivably connect “obtain the agreement” with the Hiphil of אמר (“cause to say”). Thus, the special characteristics of the Hiphil verbal stem are retained to a degree.

Other commentators have wrestled with this as well. Daniel Block suggests,

<sup>17</sup> Today you have accepted the LORD’S declaration: to be your God [and pledged] to walk in His ways, and to keep His decrees, laws, and commands, and to listen to His voice. <sup>18</sup> Today the LORD has accepted your declaration: to be His treasured people, just as He promised you, and to keep all his commands, <sup>19</sup> and [pledged] to set you on high above all the nations that He has made—for praise, renown, and honor—and for you to be a people holy to the LORD you God as He promised.<sup>130</sup>

Similarly Patrick Miller in a more expansive translation commends,

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<sup>130</sup>Daniel I. Block, “The Privilege of Calling: The Mosaic Paradigm for Missions (Deut 26:16-19),” *Bibliotheca Sacra* 162, no. 648 (2005): 391.

<sup>17</sup> Today you have accepted the Lord's declaration. He has declared to you: *He will be your God*, and you are to walk in his ways, keep his statutes, his commandments and his ordinances, and obey his voice, <sup>18</sup> and today, the Lord has accepted your declaration. You have declared to him: Because you wish to be his people, his personal possession, as he promised you, *you will keep all his commandments*, <sup>19</sup> that he may set you high above all nations that he has made, in praise, and fame, and honor, and you shall become a people holy to the Lord your God, as he has promised.<sup>131</sup>

Both translations are to be commended for their attempt to highlight the dynamic of the Hiphil of אָמַר in both verses 17 and 18. Both translations incorporate the transformational syntax<sup>132</sup> of הִאָמַר which creates a reversal in the identification of the speaker in these verses as compared to all the translations represented above.<sup>133</sup> To use Ben-Asher's terminology, Yahweh—as the subject of the embedded clause—makes the declaration of verse 17. Likewise, Israel—as the subject of the embedded clause—makes the declaration of verses 18 and 19.<sup>134</sup> In the translations of Block and Miller the subject of the surface structure<sup>135</sup> is preserved in the first phrases of verses 17 and 18.<sup>136</sup> Block's translation has two specific problems. First, he must insert “[pledged]” to separate the stipulations of Yahweh upon Israel from his obligation in verse 17. And then he must make a similar insertion in verse 19 to separate the stipulations of Israel upon Yahweh from their obligation. It seems as though the insertion “[pledged]” is being paralleled

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<sup>131</sup>Patrick D. Miller, *Deuteronomy*, Interpretation (Louisville: Westminster/John Knox, 1990), 185-86. Miller characterizes the italicized words in the translation as the basic declarations or obligations of the Lord and Israel.

<sup>132</sup>While neither explicitly appeal to Ben-Asher, both are informed by the arguments of Norbert Lohfink.

<sup>133</sup>With the possible exception of the NRSV.

<sup>134</sup>This same result is gained if one applies the principles of grammatical blending presented by Mandelblit.

<sup>135</sup>The inflected “you” in verse 17 and Yahweh in verse 18.

<sup>136</sup>Commenting on these verses, Thompson, *Deuteronomy*, 258-59, writes, “Israel is pictured as requiring Yahweh to say that He was their God, which is equivalent to their own acceptance of the fact.” Although this reasoning is somewhat difficult to comprehend, it probably explains the translations of both Block and Miller cited here.

Nelson, *Deuteronomy*, 304-05, also attempts to maintain the causative dynamic of the Hiphil of אָמַר. He understands the sense as “induced someone to say.” He also comments that even though Yahweh is grammatically the direct object of the verb, it is Yahweh who makes the pledge of v. 17.

with the main verb “accepted” in both verse 17 and verse 18. This construction is very awkward and makes it appear that Israel is accepting their own pledge (in v. 17) and that Yahweh is accepting his own pledge (in v. 19). Second, his translation does not maintain the “balance” of the speaker/partner obligations between verse 17 and verses 18-19.<sup>137</sup> With reference to Table 1 in chapter 1, Lohfink proposes that there is a 1 + 3 pattern (of obligation and stipulations) in verse 17 and also in verses 18-19. In each declaration the speaker obligates himself to one action expressed by a single Hebrew infinitival phrase. And in each declaration the speaker identifies three obligations of the partner in three Hebrew infinitival phrases.<sup>138</sup> However, with Block’s translation in verse 17 the speaker (Yahweh) obligates himself to be Israel’s God<sup>139</sup> and the partner (Israel) pledges (1) to walk in his ways, (2) to keep his decrees, his commandments, and his ordinances, and (3) to listen to his voice.<sup>140</sup> But in verses 18-19, the speaker (Israel) obligates herself (1) to be Yahweh’s people and (2) to obey all his commandments<sup>141</sup> and the partner (Yahweh) obligates himself (1) to set Israel on high and (2) to have Israel as his holy people.<sup>142</sup> So the translation displays a 1 + 3 (in v. 17) and a 2 + 2 (in vv. 18-19) pattern. It does not explain how the nearly identical phrases כְּאִשֶׁר דִּבֶּר לְךָ (v. 18) and כְּאִשֶׁר דִּבֶּר (v. 19) can be components both of Israel’s obligation in the first half of the response and also

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<sup>137</sup>Likewise Nelson, *Deuteronomy*, 305, identifies Yahweh as the speaker in v. 17 and Israel as the speaker in vv. 18-19, and he assigns the first two infinitival phrases of v. 18 to Israel as its obligation. His explanation is a bit confusing in that he clearly states, “In each declaration the subject of the first infinitive is the speaker, but the subjects of the succeeding infinitives *shift around*” (emphasis added). He appeals to the change of subject with infinitives that also occurs in Exod 5:21 and Deut 6:1 and 24. He proposes, “Perhaps this grammatically recursive usage is intended to reflect the role of Moses as mediator between the parties.”

<sup>138</sup>See also the discussion in Richard Clifford, *Deuteronomy with an Excursus on Covenant and Law* (Wilmington, DE: Michael Glazier, 1982), 140. He agrees that the speaker in v. 17 is Yahweh and the speaker in vv. 18-19 is Israel. He, too, agrees that in both v. 17 and vv. 18-19 the speaker acknowledges one self-obligation and identifies three obligations of the partner.

<sup>139</sup>The first Hebrew infinitival phrase.

<sup>140</sup>The second, third, and fourth Hebrew infinitival phrases.

<sup>141</sup>The first and second Hebrew infinitival phrases.

<sup>142</sup>The third and fourth Hebrew infinitival phrases.

of Yahweh's obligation in the second half of the response in this covenantal transaction.<sup>143</sup>

As for Miller's proposed translation, he subordinates the first Hebrew infinitival phrase to the second by making it a motive clause, effectively removing this phrase from the elements of the declaration. So then his rendering also creates an "unbalanced" pattern of 1 + 3 (in v. 17) and 1 + 2 (in vv. 18-19). Additionally, this does not preserve the careful structural parallelism that seems to underlie the text in the original Hebrew construction.

So then, in general, the several inconsistencies in the translations have been noted when compared to the grammatical and syntactical principles proposed in the early sections of this chapter. First, none of the translations clearly denote the impact of the morphological causative **הִאָמַר**. Most translations treat **הִאָמַר** lexically and assign it a specific meaning ("to choose" or "to declare") while seemingly dismissing any causative effect that is normally associated with verbs conjugated in the Hiphil stem. Second, with the exception of the NRSV, all of the translations gloss over the distinction between the *affected* object and the first of the *effected* objects in the ditransitive construction of verses 17 and 18-19. That is, they treat these as a "special hybrid" and then put this hybrid in parallel with the remaining ל + infinitival phrases creating an unbalanced effect between the four object clauses. This asymmetry is represented in Table 5 below. The formation of this hybrid is not only contrary to the grammatical expectations but it also contradicts distinctions made in the syntax (identified in Figure 7). In some translations the second component of the effected object in verse 18 (**וְלִשְׂמֹר כָּל-מִצְוֹתָיו**) is treated as a relative clause which is subordinated to the "hybrid" created in the first phrase. Third, on a similar note, these translations ignore the "blending configuration" marked by

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<sup>143</sup>As discussed in chap. 1, Lohfink, "Dt 26,17-19 und die 'Bundesformel,'" 532, appeals to this *Rückverweisformel* as expressed in the first and fourth infinitival phrases to support his assertion that both are components of the partner's (Yahweh's) obligations in vv. 18-19.

the Hebrew binyan Hiphil or fail to recognize the ditransitive construction with the Hiphil verb and its double accusative. In doing so, these translations cannot convey to the reader that the affected object participates with the grammatical subject in the action of the verb to bring into being<sup>144</sup> the effected object.

Table 5: The asymmetric effect of the hybrid on the “parallel” object clauses

26:17	26:18-19
את־יהוה . . . להיות לך לאלהים	ך־ להיות לו לעם סגלה
וללכת בדרכיו	ולשמר כל־מצותיו
ולשמר חקיו ומצותיו ומשפטיו	ולתתך עליון על כל־הגוים אשר עשה
ולשמע בקלו	ולהיתך עם־קדש ליהוה אלהיך

### Theological Concerns Posed and Addressed

As has been demonstrated above, there are a number of difficulties associated with translating this text, not only into English but also into other languages. The first of these difficulties may be primarily due to theological considerations combined with a possible misunderstanding of the nature of the event. One might ask, from a theological perspective, “How can, or, how does Israel *cause* Yahweh to obligate himself to these terms of the covenant?” Can any party ever force Yahweh’s hand or determine his course of action?<sup>145</sup> Surely, as noted earlier, nothing in the text of Deuteronomy<sup>146</sup> suggests that Israel’s behavior and/or demeanor compelled Yahweh’s action.<sup>147</sup> This

<sup>144</sup>Recall that Joüon makes the distinction between the affected object (which exists prior to the action) and the effected object (which is produced by the action itself).

<sup>145</sup>This is a moot question if indeed Duane Christensen, *Deuteronomy 21:10-34:12*, WBC, vol. 6B (Nashville: Thomas Nelson, 2002), 646, is correct in his assertion that the Hiphil must be rendered as an intensification of אָמַר. Tigay, *Deuteronomy*, 245, agrees that in this instance the Hiphil “simply expresses a more intensive sense of the root.” However, this study does not accept this premise.

<sup>146</sup>Or its precursors in Exodus-Numbers.

<sup>147</sup>S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, 3rd ed., ICC, vol. 5 (Edinburgh: T & T Clark, 1978), 293, *does* suggest the possibility that Israel did act in such a manner as to prompt Yahweh’s response. Ironically, if one does translate the Hiphil of אָמַר as is done in virtually all of the cases noted previously, this passage could be interpreted in such a way as to suggest that Yahweh was indeed prompted or prodded into a response commensurate with Israel’s commitment to choose or declare Yahweh as its God. From the perspective of most translations, one *could* suggest that Israel met certain obligations and/or commitments by choosing Yahweh and by promising to walk in his ways, to keep his

theological concern may be muted if one considers the underlying purpose of this transaction and acknowledges that it may be patterned after the contemporary model of the suzerain-vassal exchange. As suggested earlier, this expression **הֵאָמַר** could conceivably be a juridical term that does not carry with it the connotations of coercing any party to a particular action.<sup>148</sup> However, this possibility has not been substantiated by any evidence from the historical records wherein the suzerain-vassal exchange is documented using a semantic equivalent to **הֵאָמַר** in the ratification of any treaty (or renewal thereof).

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statutes and his commandments and his ordinances, and to listen to his voice. This is the perspective of Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. Israel Abrahams, Publications of the Perry Foundation in the Hebrew University of Jerusalem (Jerusalem: Magnes Press, The Hebrew University, 1979), 1:524-40. As he recounts the teachings of various rabbis as they address the issue of Israel's election, in appealing to the text of Deut 26:17-18, he explicitly summarizes the conclusion, "The Lord was chosen by Israel before Israel was chosen by God" (529).

However, these verses paint an entirely different picture. First, Yahweh offers himself to Israel as its God and then prescribes for Israel to walk in his ways, to keep his statutes and his commandments and his ordinances, and to listen to his voice. In Israel's response, a promise is made to keep all the commandments. When Israel mentions Yahweh's "obligations," two out of three phrases include the "reminder" that Yahweh had already made promises to such an end. Moreover, if one considers the promises earlier in Deuteronomy (e.g., 4:6-8; 7:14; 10:15; and 14:2) even the third constituent of Yahweh's "obligation" (to set Israel on high above all the nations which he has made) has already been promised to Israel. So then, verses 18 and 19 do not portray Israel as an equal partner in that it brings certain demands to the "negotiating table" but rather as a vassal entreating the sure mercies of its suzerain king. William L. Moran, "Deuteronomy," in *A New Catholic Commentary on the Holy Scripture*, ed. Reginald C. Fuller, rev. ed. (Camden, N.J.: Nelson, 1969), 273, contends that this text has "overtones of a parity relationship." This misconception should be corrected if one takes into account that 26:17-19 is preceded by the words **יְהוָה אֱלֹהֵינוּ מִצִּוְיָהּ** in 26:16. Considering the syntactical diagram offered in Figure 7, it becomes clear that Yahweh is the preeminent partner in this covenant.

<sup>148</sup>That is, the "causative" force may have been due to the nature of the ceremony. As suggested earlier, v. 16 states in summary form that all of the stipulations of the covenant have been presented. Now it is time to enter into the "contract." The next step is to exchange the words of the solemn oath stating the obligations assumed and the stipulation required. See the discussion in chaps. 2 and 4 for the issues of sequence in the covenant formulary.

Kemmer and Verhagen, "The Grammar of Causatives and the Conceptual Structure of Events," 149 n. 5, address the relationship between causative expressions and events: "In some analyses of causatives, it is assumed or argued that events, rather than participants, cause events (cf. Wojcik 1976:170, Talmy 1976:56). While this may be reasonable phenomenologically, it is also clear that human languages tend, wherever possible, to impute causes to participants, especially when a human being is perceived as the direct initiator of the causing event."

Another possible manner by which the "causative nature" of a verbal form used juridically might be explained is through employing speech-act theory. See Eve Sweetser, *From Etymology to Pragmatics: Metaphorical and Cultural Aspects of Semantic Structure*, Cambridge Studies in Linguistics 54 (Cambridge: Cambridge University Press, 1990), 20-31, 50-57, 64-75. She discusses "force-dynamics" and "sociophysical" forces and ranges of volitionality that are brought to bear in the idea of causation. Specifically she notes, "Unlike the imposition of an obligation or some other modality by use of a modal verb, there is a complex legal and social structure surrounding marriage, and a certain specific institutional authority which enables a speaker to create a valid marriage by uttering certain words" (65). So also in this context of a complex legal and social structure, the Hiphil of **אָמַר** may simply provide the "verbal code" to create the covenantal relationship.

As for the theological concern that the Hiphil of אָמַר may betray a notion of Israel's authority over Yahweh in this covenantal transaction, the Hebrew text “displays a certain level of reticence in suggesting that Israel has any claim on God by which the Lord is bound. . . . The divine initiative and sovereignty are carefully protected.”<sup>149</sup> Evidence for this is fourfold. First, as noted in the grammatical considerations, the very nature of the “causative action” reflected in the Hiphil conjugations on the one hand may minimize the role of the agent (subject of the surface structure) in the action of the verb while on the other hand it rather highlights the role of the affected object in the action of the verb, thereby reducing the perception that Israel exercised authority over Yahweh in “causing him to state” the obligations and stipulations of the covenant. Second, one must notice in these two sentences that יהוה is fronted in each sentence.<sup>150</sup> While not extraordinary, it is unusual for the direct object to precede the verb as it does in verse 17. Moreover, if the author was so careful to maintain the structural parallelism between verse 17 and verses 18 and 19, it seems significant that he did not craft the first phrases of both sentences in an identical manner.<sup>151</sup> Third, if indeed the Hiphil of אָמַר is functioning in the pattern recommended by Ben-Asher, that is, if Yahweh is the subject of the embedded clause and is making the declaration that he will be Israel's God, then it is *Yahweh who is taking the initiative* in verse 17 in this transaction/exchange and Israel is responding by accepting Yahweh's terms in verses 18 and 19.<sup>152</sup> Fourth, one need only

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<sup>149</sup>Ronald E. Clements, “The Book of Deuteronomy,” *The New Interpreter's Bible Commentary*, ed. Leander Keck (Nashville: Abingdon, 1998), 2:482-83.

<sup>150</sup>See the discussion in van der Merwe, Naudé, and Kroeze, *A Biblical Hebrew Reference Grammar*, 346. He states, “The fronting signals that an entity, an aspect of an entity or an event is the *focus of an utterance*” (emphasis original). One can see clearly in the syntactical diagram in Figure 7, the main clauses of vv. 16, 17, and 18-19 all front יהוה in this construction.

<sup>151</sup>At least in the subject-verb-object order.

<sup>152</sup>Israel's formal acceptance is noted in the second infinitival phrase of vv. 18-19 וְלִשְׁמֹר וְלִלְכֹת בְּדַרְכָּיו וְלִשְׁמֹר הַקִּיּוֹ וּמִצְוֹתָיו וּמִשְׁפָּטָיו וְלִשְׁמֹעַ בְּקוֹל לְהֵיחֹד לְעַם סִגְלָהּ (לֹא) further affirms their acceptance.

consider the speaker and partner obligations in these verses to see that Israel is neither negotiating from a position of authority (that is, causing Yahweh to act) nor is she dictating the terms and conditions of the relationship.

A second difficulty highlighted in the translations above is the relationship of the Hebrew infinitival phrases of verse 17 and verses 18-19 to the main verb in the first phrase of each sentence. Should the 1 + 3 pattern suggested by Lohfink of speaker obligation and associated partner stipulations be maintained in each sentence?<sup>153</sup> If so, then how rigidly should the correspondence between the respective infinitival phrases be maintained?<sup>154</sup> On a related note, how is the identification of the speaker ascertained in each sentence? The subject (at least on the surface structure) is clearly identified (embedded clauses notwithstanding). Should this determine the actual subject of **הָאָנֹכִי** in both sentences as seems to be the case with virtually all<sup>155</sup> the sampled translations?<sup>156</sup> Moreover, how does one identify the subject of the infinitival phrases with confidence?

If the conclusions regarding the Hiphil of **אָנֹכִי** above—based on the model of Ben-Asher—are correct, then the covenantal declarations<sup>157</sup> (1) of Yahweh’s statement of obligation and the attending stipulations placed upon Israel and (2) of Israel’s statement

<sup>153</sup>How does one assign the four **לְ** + infinitival phrases (representing the effected object) of the respective commitments?

<sup>154</sup>Should the first phrases of each sentence be understood as the speaker obligation and the following three phrases be taken as the partner obligations? How does one determine which phrase(s) is (are) the speaker’s obligation(s) or the partner’s obligation(s)?

<sup>155</sup>A possible exception to this is the NRSV.

<sup>156</sup>A notable exception to this is the New World Translation of the Holy Scriptures which translates 26:17-19, “Jehovah you have induced to say today that he will become your God while you walk in his ways and observe his regulations and his commandments and his judicial decisions and listen to his voice. As for Jehovah, he has induced you to say today that you will become his people, a special property, just as he promised you, and that you will observe all his commandments, and that he will put you high above all the other nations that he has made resulting in praise and reputation and beauty, while you prove yourself to be a people holy to Jehovah your God, just as he promised.” This translation, however, introduces the element of conditionality, that is, Jehovah will be their God and Israel would be his people *while* they prove themselves to be a holy people by walking in his ways, by keeping his regulations and his commandments and his judicial decisions, and by listening to his voice.

<sup>157</sup>This covenant declaration is the effected object (the four **לְ** + infinitival phrases) of v. 17 and of vv. 18-19.

of obligation and the attending stipulations placed upon Yahweh, might look something like this:<sup>158</sup>

- A *I shall be your God*  
 B You shall walk in my ways  
 You shall keep my statutes and my commandments and my ordinances  
 You shall listen to my voice  
 B' *We shall keep all your commandments*  
 A' You shall make us your people of special possession  
 You shall set us high above all the nations you have made  
 You shall make us a holy people

In this diagram the first four phrases (A and B lines) are spoken by Yahweh and the final four phrases (B' and A' lines) are spoken by Israel. This diagram also suggests the rhetorical corollaries in the exchange (that is A and A' then B and B'). Specifically, the rhetorical corollary in A (Yahweh being Israel's God) is related in A' (Israel would be his people of special possession, he would set them on high, and they would be a holy people to him). The rhetorical corollary in B and B' is that Israel affirms (in B') that it accepts Yahweh's stipulations (in B). Whether one appeals to deep structure or to the principle of grammatical blending<sup>159</sup> for determining the outcome of the translation of this text, the assertion of McConville that the text depicts a rhetorical parallelism that is not bound by the syntactical structure is more readily affirmed.<sup>160</sup>

In this case, while the poetics of the text seem to necessitate or to control the symmetry between the verbal clause and the first infinitival phrase in both verse 17 and verse 18, the reciprocity in the text is not one of meaning, that is, one must make a distinction between the syntactical parallelism and the rhetorical parallelism in Deuteronomy 26:17-19. The parallel phrases of לְהִיּוֹת לְךָ יְיָ אֱלֹהִים and לְהִיּוֹת לוֹ

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<sup>158</sup>The speaker obligations are italicized and the effect of the third party mediator or court recorder is changed to an interpersonal exchange.

<sup>159</sup>See Mandelblit, "Grammatical Blending," 73.

<sup>160</sup>See discussion in McConville, *Deuteronomy*, 382-83.

לְעַם סְגֻלָּה are *not* intended to be understood as reciprocal gestures offered by the covenant partners.<sup>161</sup> The insertion of the phrase כְּאִשֶּׁר דִּבֶּר-לְךָ<sup>162</sup> may be another indication that these phrases are not intended to be understood reciprocally, intruding as it does upon the constructively repetitive parallelism. That is, it is Yahweh who has determined that Israel will be his people of special possession.<sup>163</sup> Here Israel acknowledges that fact covenantally and appropriately accepts this status as its own, thereby submitting to Yahweh’s gracious offer. This interlocking is illustrated in Figure 8 below. This figure clearly identifies the reciprocal commitments of the speaker obligations and highlights the corresponding partner obligations. In verse 17 the partner obligations are labeled as “the terms” (or “stipulations”) of the covenant. This figure also highlights the fact that Israel readily accepts these terms in its commitment to the covenant in verse 18. The remainder of verses 18 and 19 then appeal to the partner

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<sup>161</sup>Gordon P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi*, Biblical Studies Library (Grand Rapids: Baker Books, 1998), 230-39, has a lengthy discussion of Old Testament texts that possibly represent the “*verba solemnia*” that formalize the marital union. He seems to suggest that the relationship formula of Deut 26:17-19 is borrowed from the context of marriage formation.

Seock-Tae Sohn, “‘I Will Be Your God and You Will Be My People’: The Origin and Background of the Covenant Formula,” in *Ki Baruch Hu: Ancient Near Eastern, Biblical, and Judaic Studies in Honor of Baruch A. Levine*, ed. by Robert Chazan, William W. Hallo and Lawrence H. Schiffman (Winona Lake, IN: Eisenbrauns, 1999), 364, is much more forthright in his conclusion, “Therefore, I do not find any syntactical difference between the marriage formula and the covenant formula. This means that ‘You are my people’ and ‘Thou art my God’ are basically covenant-ratifying formulas like ‘I will be your God and You will be my people,’ and these covenant formulas between YHWH and Israel originated in the marriage formulas. In particular, Deut 26:17-19 (. . .) seems to be the most convincing evidence that the covenant formula is a reflection of the mutual declaration in marriage.” Although the conclusion of this study does not agree with Sohn’s understanding that the phrases לְהִיֹּת לְאֱלֹהִים לְךָ and לְעַם סְגֻלָּה represent the “mutual declarations” made by the covenant partners, Sohn makes a comment on the normal sequence of events in the ancient Near Eastern marriage ceremony in that the husband speaks first to the bride. If indeed the ancient Near Eastern model is preserved, then we have further evidence that Yahweh is the speaker in v. 17 and Israel responds in vv. 18-19.

<sup>162</sup>As mentioned previously, Lohfink, “Dt 26,17-19 und die ‘Bundesformel,’” 532, points to the use of this phrase to reinforce his argument that vv. 18-19 are not Yahweh’s declaration. He matter of factly states, “There wouldn’t be much reason for Yahweh, in his declaration, to point to his own previously fulfilled promise.” But rather, he suggests that Israel’s employment of this phrase “emphasizes explicitly that they (Israel) are not placing new demands on Yahweh of their own accord.”

<sup>163</sup>This is demonstrated clearly in chap. 5 of this study. Scott J. Hafemann, “The Covenant Relationship,” in *Central Themes in Biblical Theology: Mapping Unity in Diversity*, ed. Scott J. Hafemann and Paul R. House (Grand Rapids: Baker Academic, 2007), 48, notes, “The Sinai covenant itself is not the means of creating a relationship, but the ratification of a relationship already established.”

obligations—identified here as “the benefits.”<sup>164</sup>

Yahweh Speaks		Israel Speaks
Commitment	להיות לך לאלהים	Commitment
	ולשמר כל מצותיו	
The Terms	וללכת בדרךיו	The Benefits
	ולשמר חקיו ומצותיו ומשפטי ולשמע בקלו	
	להיות לו לעם סגולה כאשר דבר-לך ולתקד עליו על כל-הגוים אשר עשה לתהלה ולשם ולתפארת ולתקד עם-קדש ליהוה אלהיך כאשר דבר	

Figure 8: The interlocking speaker and partner obligations of Deuteronomy 26:17-19

A third difficulty may have been introduced through the circumstances by which this text came into existence. Moses, as the author of Deuteronomy, serves in a similar capacity as that of a court secretary recording the events of the treaty ratification<sup>165</sup> and also as the covenant mediator between Yahweh and Israel.<sup>166</sup> The text seems to betray a dual function. On the one hand its purpose was to capture the full force of the covenantal transaction between Yahweh and Israel. On the other hand it had to preserve for posterity the paradigm for future covenant renewal ceremonies.<sup>167</sup> As with

<sup>164</sup>Peter C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), comments, “This did not mean that obedience merited divine blessing, but rather that obedience maintained the proper covenant relationship with God; and his people could experience the blessing of God only when the covenant relationship, which involved reciprocal responsibilities, was properly maintained.” (180, emphasis added). He comments later, “The exaltation of Israel would be a result not of her own merit, but of God’s blessing. Thus Israel’s glorious estate would be a proclamation of God’s name (see also 26:19) and a testimony to God’s power and grace within the world” (337).

<sup>165</sup>As court recorder, Moses’ task was that of capturing the transaction and creating a conceptual model in the mind of the reader that could communicate the intricacies of the event. This model is the “outcome of a cognitive integration operation of and complex sequence of events into a single integrated structure (syntactic and semantic).” By employing **האמר**, Moses “provides cues to the hearer in reconstructing (or ‘de-integrating’)” the sentence and recreating the conceptual model in his mind. See the description of this process in Mandelblit, “Grammatical Blending,” 73.

<sup>166</sup>See Thompson, *Deuteronomy*, 258, who suggests the covenant mediator role for Moses.

<sup>167</sup>This is suggested in n. 134 in chap. 1 and expanded upon in chap. 4.

many liturgical instructions, there is often an economy of words<sup>168</sup> so that the liturgy itself is not too complicated and is easily remembered.<sup>169</sup>

Although Hafemann's comments concerning the covenant are applied specifically to the context of the relationship between God and Adam and Eve in Genesis 1-3, they may be applied to the covenant renewal here in Deuteronomy. He asserts, "The point to be made is that humanity did not initiate this relationship."<sup>170</sup> So then, any translation—ancient or modern—that suggests Israel's initiative in choosing Yahweh as her God or declaring that Yahweh is her God and then construes that as the necessary condition for Yahweh's response is violating the biblical pattern.<sup>171</sup>

Furthermore, if this understanding of the exchange taking place in the covenant ratification or renewal modeled in Deuteronomy 26:17-19 is correct (namely, Yahweh's role in the ceremony is to offer himself to Israel as her God and to commit to make Israel his people,<sup>172</sup> to set her on high, and to make her a holy people, *and* Israel's role is to keep all the commandments), then Wells' assertions concerning the covenant relationship formulae in Deuteronomy make more sense as they are applied to this text. She writes,

The descriptions [of the covenant relationship formula] in Deuteronomy are also unconditional; in fact, they are a statement of fact, a reminder of Israel's status in relation to God. As in Exodus 19, each is accompanied by the demand of faithfulness to the covenant law.<sup>173</sup>

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<sup>168</sup>Although his comments are specifically concerned with references to Deut 4:20 and 29:12-13, Hafemann, "The Covenant Relationship," 52, acknowledges that the "covenant formula unpacks in *summary form* the covenant relationship" (emphasis added).

<sup>169</sup>A parallel to this might be the relationship between the speaking of the vows and the entire marriage ceremony in a traditional Christian wedding. While the ceremony itself may be long, the actual "liturgy" of most traditional weddings can be distilled into a very few and simple lines of the vows spoken by the bride and groom.

<sup>170</sup>Hafemann, "The Covenant Relationship," 41.

<sup>171</sup>This assertion is supported emphatically in chap. 5 of this study.

<sup>172</sup>See discussion below that addresses the question of Israel's response in offering herself to be Yahweh's people. This notion is approached from a slightly different perspective in chap. 4 of this study as well.

<sup>173</sup>Jo Bailey Wells, *God's Holy People: A Theme in Biblical Theology*, Journal for the Study of Old Testament Supplemental Series 305 (Sheffield: Sheffield Academic, 2000), 65-66.

Even in this context where the two component versions—Formula A<sup>174</sup> and Formula B<sup>175</sup>—are employed in two separate statements juxtaposed to each other, the author attaches to both formulae a “demand of faithfulness to the covenant law.”

### **The Proposed Storyline and Translation**

The observations gleaned by the careful consideration of the grammar, the syntax, the placement of the masoretic accents, and the theological concerns posed have provided the necessary elements to propose a tentative narrative that may provide a cognitive model for the event that is recounted in Deuteronomy 26:16-19 that treats **הָאָמַר** as a morphological causative. As demonstrated in chapter 2 of this study, the presentation of the covenant on the plains of Moab by Moses (mediating for Yahweh) has reached a crescendo following the covenant formulary established in the ancient Near East. Moses has expounded the Historical Prologue (1:6-4:44), the General Stipulation (4:45-11:32), and the Specific Stipulations (12:1-26:15).<sup>176</sup> Now he summarizes: “This day Yahweh your God is commanding you to do these statutes and ordinances, carefully observing them with all your heart and with all your being.”

Now, it is time for the parties to come together and exchange the oath of commitment that is rightly articulated in relational terms. It is here and now that the bilateral statements of mutual<sup>177</sup> obligation and stipulations are declared and ratified by both partners.

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<sup>174</sup>To be God for you **לְהִיֹּת לְךָ לֵאלֹהִים**. See discussion of Rendtorff in chap. 1.

<sup>175</sup>To be a people for him **לְהִיֹּת לוֹ לְעַם**.

<sup>176</sup>See the discussion in chap. 4 of this study that suggests that 26:16-19 performs a dual role in the structure of the covenantal framework of Deuteronomy 1-30. This text, on the micro level, is the last unit within the Specific Stipulations providing a paradigm for the septennial renewal of the covenant. On the macro level, it serves as the focal point of the covenant, doing the work of a keystone in supporting the structure of the covenant and providing a transition to the final three elements of the covenant: the Document Clause (27:1-8), the Appeal to Witness (27:11-26), and the Blessings and Curses (28:1-69).

<sup>177</sup>This mutuality should not be understood in the sense of parity.

It is at this moment that the suzerain Yahweh steps forward, and—as anticipated by and as required by this solemn and sacred ceremony—makes his gracious and awesome offer: “I will be your God.” But his declaration does not stop there. He continues by asserting fully the stipulations commensurate with the obligation which he has assumed: “You will walk in my ways, you will keep my statutes, my commandments, and my ordinances, and you will listen to (obey) my voice.”<sup>178</sup>

In response—recognizing the incredible privilege of having Yahweh as their God—vassal Israel acknowledges its unique relationship that is the result of Yahweh’s ancient oath to the patriarchs and states, “We are your people of special possession, *just as you promised us*; we will keep all your commandments. You will set us on high above all the nations you have made—for your praise and fame and honor; and we will be a people holy to Yahweh our God, *just as you promised*.”<sup>179</sup>

Thus this text reveals that Yahweh initiates the covenant by committing himself to be Israel’s God and by reiterating the attending stipulations of that covenant. Believing Yahweh’s promise (כַּאֲשֶׁר יְדַבֵּר-לָךְ) to make them his people of special possession, Israel verbally commits herself to keep all Yahweh’s commandments. This response affirms Hafemann’s observation: “The inextricable link between the provisions, stipulations and promises of the covenant reveals that to live in relationship to God is to respond with Spirit-determined obedience to God as the expression of one’s ongoing trust in God.”<sup>180</sup> Israel then follows this commitment by acknowledging the forward-looking

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<sup>178</sup>The entirety of this statement as presented here seems to confirm the suspicion that הַאֲמִיר is a juridical term that does not connote a strong sense of causativity on the part of the grammatical subject. That Israel should cause Yahweh to state his obligation and the attending thoroughgoing stipulations seems illogical. That is, why would Israel lay upon herself such a “rigorous requirement” spoken by Yahweh himself?

<sup>179</sup>This perspective is consistent with that of John D. Currid, *A Study Commentary on Deuteronomy*, 420: “This section highlights the truth of a theology of election. Israel, as vassal, is in covenant with Yahweh, the suzerain, because the latter chose the former and set her apart. It is Yahweh who acts. He chose Israel as his ‘treasured people’ and he set them ‘high above all the nations’ of the earth. And he called them to be a ‘holy’ people, that is, a nation set apart and distinct in the whole earth.”

<sup>180</sup>Hafemann, “The Covenant Relationship,” 39. If one were to identify Deut 26:17-19 with Hafemann’s statement, the clearly the “provision” would be linked to לְאֱלֹהִים לָךְ לְהִיּוֹת, the stipulations

aspects of Yahweh's obligation—setting them on high and making them to be a holy people—and closes its verbal declarations with an appeal to Yahweh's sure promises. Levenson seems to agree that the “relationship of reciprocity” lies not in the parallel phrases of *לְהִיּוֹת לֹאֵם סְגֻלָּה* and *לְהִיּוֹת לָךְ לְאֱלֹהִים* but rather in the *mutuality of covenant love*. This mutuality is expressed through the fulfillment of obligation. He comments:

On God's side lies an obligation to fulfill the oath he swore to the Patriarchs, to grant their descendants the promised land, to be their God. Israel, for her part, is to realize her love in the form of observance of her master's stipulations, the *mitsvot*, for they are the words of the language of love, the fit medium in which to respond to the passionate advances of the divine suzerain. It is not a question of law *or* love, but law conceived in love, love expressed in law. The two are a unity. To speak of one apart from the other is to produce a parody of the religion of Israel.<sup>181</sup>

However, as Block rightly notes, “Moses' goal here was to emphasize that Israel's obedience to the Lord was not to be driven merely by a sense of duty on the part of the vassal toward the suzerain, but by keen awareness of the special nature of the relationship.”<sup>182</sup> So then, the priority given to the relationship (as expressed in the first phrases of v. 17 and v. 18) may possibly explain the lack of sequential correspondence

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would be linked to *וּלְלַכֵּת בְּדַרְכֵיךָ וּלְשׁוֹמֵר חֻקֶיךָ וּמִצְוֹתֶיךָ וּמִשְׁפָּטֶיךָ וּלְשׁוֹמֵעַ בְּקוֹלִי*, and the promises would be linked to (1) *לְהִיּוֹת לֹאֵם סְגֻלָּה*, (2) *לְהִיּוֹת לֹאֵם עֲשֵׂה*, and (3) *וּלְחַתֵּךְ עֲלֵיךָ עַל כָּל-הַגּוֹיִם אֲשֶׁר עֲשֵׂה*. The response “with Spirit-determined obedience” is clearly identified with *וּלְשׁוֹמֵר כָּל-מִצְוֹתַי*.

This is also the conclusion of Marty Stevens, “The Obedience of Trust: Recovering the Law as Gift,” in *The Ten Commandments: The Reciprocity of Faithfulness*, ed. William P. Brown (Louisville: Westminster John Knox Press, 2004), 133-45. The thrust of his article, as he deals primarily with the text of Exod 19-23, is to demonstrate what he labels “The Pattern of Indicative-Imperative.” He maintains that the imperative of the commandments in Exod 20-23 is grounded in the indicative of relationship and Yahweh's gracious acts towards Israel expressed in Exod 19:4-6 and Exod 20:2. He compares this pattern with the relationship between the German words *Gabe* (gift) and *Ausgabe* (out of/out from gift-responsibility) (138-42). Specifically, he summarizes, “Out of the gift, from the gracious action by another, we employ the gift with responsibility (*Ausgabe*) in accordance with the instructions of the giver” (138). He concludes, “Obedience, thus, is the means of accepting the gift, of actualizing the power of the gift in Israel's life. . . . Israel's stance toward the law and the lawgiver is the obedience of trust” (144). So, also, as applied to Deut 26:17-19, the gift in v. 17 of Yahweh himself to Israel then entails the associated responsibility of obedience. In v. 18 Israel acknowledges its acceptance of Yahweh's gift through the phrase *וּלְשׁוֹמֵר כָּל-מִצְוֹתַי* and demonstrates its obedience of trust. This trust is further verbalized as Israel acknowledges—twice—that it believes in and will act upon Yahweh's promise *כִּי־אֲשֶׁר יִבְרַךְ*.

<sup>181</sup>Jon D. Levenson, *Sinai & Zion: An Entry into the Jewish Bible* (San Francisco: Harper and Row, 1985), 77.

<sup>182</sup>Block, “The Privilege of Calling,” 390.

between the speaker and partner obligations in verse 17 and verses 18 and 19.<sup>183</sup>

Further evidence for these conclusions may be gleaned from theological observations. First, that Israel could offer herself (or constitute herself) as a people of special possession as part of her obligation to Yahweh in the covenantal exchange is bazaar. As Bush states, “It is God’s sovereignty, not human initiative, that brings the people of God into existence.”<sup>184</sup> Moreover, Rendtorff observes in his study of the covenant relationship formula that there is never an instance in which Israel offers herself to Yahweh by declaration, rather it is always acknowledged as such in Yahweh’s declaration.<sup>185</sup>

A second theological consideration is highlighted by Dumbrell as it relates to the use of the term סְגֻלָּה used in Exodus 19:5 which is also referred to in this text. He states, “The term [סְגֻלָּה] refers to the exclusive nature of private property, with emphasis upon the *personal* nature of the ownership.”<sup>186</sup> He maintains that in Exodus 19:5 it is operating as an elective term suggesting that the phrase “among all the peoples”

<sup>183</sup>Namely, in v. 17 the speaker (Yahweh)/partner (Israel) obligations are found in the first/second, third, and fourth infinitival phrases respectively. But in vv. 18 and 19 the speaker (Israel)/partner (Yahweh) obligations are found in the second/first, third, and fourth infinitival phrases respectively.

<sup>184</sup>Frederic W. Bush, “Images of Israel: The People of God in the Torah,” in *Studies in Old Testament Theology*, ed. Robert L. Hubbard, Robert K. Johnston, and Robert P. Meye (Dallas: Word, 1992), 100. The comment of John Goldingay, *Theological Diversity and the Authority of the Old Testament* (Grand Rapids: Eerdmans, 1987), 62, highlights the absurdity of the notion that being a people of special possession is part of Israel’s covenantal obligations when he writes, “It is not even that God makes an already existent people his own; he brings a people into being. They only exist as a people because of an act of God.” Paul A. Barker, “The Theology of Deuteronomy 27,” *TynBul* 49 (1998), 300, agrees, “Israel became God’s people by an act of God.” Likewise, Lohfink, “Dt 26,17-19 und die ‘Bundesformel,’” 531, asks if it isn’t Yahweh who is working out the “being-Yahweh’s-people” for the people.

<sup>185</sup>See Rendtorff, *The Covenant Formula*, 11, 50, 73, and idem, *The Canonical Hebrew Bible: A Theology of the Old Testament*, trans. David Orton (Leiden: Deo Publishing, 2005), 438, 443.

<sup>186</sup>William J. Dumbrell, *The End of the Beginning: Revelation 21-22 and the Old Testament* (Grand Rapids: Baker Book House, 1985), 123, emphasis added. Dumbrell’s comment indirectly suggests another fact that militates against the notion that Israel offers herself to be Yahweh’s סְגֻלָּה. If indeed he is correct that the term emphasizes the “personal nature of the ownership,” then the focus is not so much on the *existence* of the treasure but rather on the *owner* of that treasure. Likewise, no סְגֻלָּה ever offered itself to an individual, but rather the סְגֻלָּה was always set apart from an individual’s existing wealth. See discussion Lipinski, “סְגֻלָּה segullā,” in *Theological Dictionary of the Old Testament*, ed. G. J. Botterweck and Helmer Ringgren, trans. Douglas W. Scott (Grand Rapids: Eerdmans, 1977).

emphasizes the separation. This separation, he notes, is not a matter of Israel's work or effort but is accomplished by Yahweh. The current context of Deuteronomy 26:18-19 fits this same pattern. It is Yahweh's promise to make Israel his סְגֻלָּה that is appealed to in 26:18. Israel is not so much offering herself to be Yahweh's סְגֻלָּה but rather is acknowledging its status as such. Likewise, the phrase עַל כָּל-הַגּוֹיִם in 26:19 is functioning much like the phrase מִכָּל-הָעַמִּים in Exodus 19:5 to emphasize the separation of Israel out of and over all the other nations.

A third theological consideration is drawn from the expression וְלִתְהַלָּל עָלֶיךָ עַל כָּל-הַגּוֹיִם אֲשֶׁר עָשָׂה לְתִהְיֶה וְלִשְׁמֹת וְלִתְפָאֵרַת and its parallels in Jeremiah 13:11 and 33:9. In Deuteronomy 26:19 it is not clear if the expression should be perceived to be a reward for Israel's covenantal commitment or if this status is conferred upon Israel for Yahweh's sake. In 28:1 this idea is repeated<sup>187</sup> in the context of the blessings enjoyed by Israel when she listens carefully to Yahweh's voice and carefully observes all his commandments. However, when one considers the prior promises in which Israel is honored before all the nations (e.g., 4:6-8) this honor actually represents the nations' acknowledgement of Yahweh's uniqueness and the special relationship between Yahweh and Israel. So also in Jeremiah 13:11 and 33:9 the threefold use of תִּהְיֶה . . . שֵׁם . . . תְּפָאֵרַת is meant to point to Yahweh.<sup>188</sup> In Jeremiah 13:11, Yahweh laments the fact that Israel did not listen to his voice. This lack of obedience resulted in a missed opportunity for his people to fulfill their purpose, that is, וְלִשְׁמֹת וְלִתְהַלָּל וְלִתְפָאֵרַת. In Jeremiah 33:9 Yahweh speaks of future blessing for Jerusalem which will be evident to all the nations וְלִתְהַלָּל וְלִתְפָאֵרַת.

Now the task is to posit an English translation of this very intricate text that

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<sup>187</sup>וַיִּתְנַקֵּד יְהוָה אֱלֹהֶיךָ עָלֶיךָ עַל כָּל-גּוֹיֵי הָאָרֶץ.

<sup>188</sup>Berlin and Brettler, *The Jewish Study Bible*, 425, also suggest, "the honors will go to God because of His action on Israel's behalf."

captures the action of the proposed narrative. Clearly the event is the ratification of the covenantal obligations and stipulations as stated by the partners to the same. One must take into account the grammatical blending signaled by the Hiphil of אָנַח, attempting to preserve the effect of the causative nature of the binyan Hiphil. A strictly literal translation could read:

Today, you have caused the LORD to say that he would be your God, that you will walk in his ways, and that you will keep his statutes, his commandments, and his ordinances, and that you will listen to his voice. Today, the LORD has caused you to say that you would be to him a people of special possession, just as he promised you, and that you will keep all his commandments, and that he will set you high above all the nations which he has made for praise and for fame and for honor, and that you will be a holy people to the LORD your God, just as he promised.

The difficulty arises, as noted above, that the English language does not have a functional equivalent to “X caused Y to say” that can capture the juridical nature of the exchange.<sup>189</sup>

It may be that the best one can offer is a periphrastic translation that maintains the integrity of the identities of the corresponding partners and their statements of the obligations accepted upon themselves and the corollary stipulations expected from the other. The relational component of the covenant must be fronted in both expressions to highlight the priority given to the relationship by Yahweh.

Today, you have ratified the declaration of the LORD: that he would be your God, that you will walk in his ways, and that you will keep his statutes, his commandments, and his ordinances, and that you will listen to his voice. Today, the LORD has ratified your declaration: that you would be to him a people of special possession, just as he promised you, and that you will keep all his commandments, and that he will set you high above all the nations which he has made for praise and for fame and for honor, and that you will be a holy people to the LORD your God, just as he promised.

### **Conclusion**

This study provides a careful reading of the various translations of

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<sup>189</sup>Waltke and O’Connor, *IBHS*, 164, note that there are times when “a Hebrew transitive verb does not correspond to an English transitive that can appropriately be used in glossing or translating it.” They continue, “This fact should be borne in mind in evaluating the frequently made claims that it is somehow ‘better’ to translate a Hebrew transitive with an English, and so on; such claims are hogwash and are frequently used to distort the work of translation.”

Deuteronomy 26:17-19—ancient and modern—in light of the grammatical possibility that the Hiphil of אָנַר should be understood as a morphological causative. This analysis is accomplished keeping in mind the syntactical rules required by the canonical framework. The “inconsistencies” observed in the application of the masoretic accents suggested the possibility that the constituents of the four ל + infinitival phrases in verses 18-19 may betray a “re-ordering” of the response of obligation followed by stipulations that was required because of the priority of relationship<sup>190</sup> that was necessary. This study has affirmed the observations of many that this text is complex and dense in its construction. This analysis reveals various inconsistencies in the received translations as they attempt to convey the meaning of the Hiphil of אָנַר in both sentences. Moreover, as one reads many of the translations in light of the theological and canonical concerns raised herein, one should note certain deficiencies and/or discrepancies in the rendering of 26:17-19 and the broader theological and canonical context.

Furthermore, in light of the dynamics of the transformational syntax often associated with Hiphil verbs which have double objects, one can more clearly identify that indeed Yahweh is the subject of the embedded clause in verse 17 who states (אָנַר) the terms of the covenant and Israel is the subject of the embedded clause in verse 18 who responds (אָנַר) to Yahweh’s terms and acknowledges its obligations and anticipates the benefits of entering into that covenant.

This study recommends that the syntactical parallelism of לְהִיּוֹת לָךְ

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<sup>190</sup>The “priority of relationship” could be understood in two ways. First, it may speak of the relationship established between Yahweh and Israel that is the primary focus of—the driving force behind—the entering into covenant. In this way the obligation or duty of obedience does not overshadow the relationship itself and does not serve as the basis for the relationship. Second, it may speak of the chronological priority of the relationship to the actual covenantal exchange represented by this text and this time. This is clear from a reading of the canonical text. Repeatedly in Genesis Yahweh promised to be God to Abraham and his descendants after him. In Exod 6:7 Yahweh announces to the captives in Egypt that he will take them to be his people. In Exod 19:5 this promise is reaffirmed. As the people are about to break camp at Sinai and complete the journey to the Promised Land, Yahweh restates his promise in Lev 26:12 that he will be their God and they will be his people. This chronological priority may be a *secondary* reason for fronting the phrase לְהִיּוֹת לָךְ לְעַם סְגָלָה in this covenant liturgy.

וְלֵאמֹר and לוֹ לְהִיֹּת לוֹ לְעַם יְיָ may not reflect the rhetorical parallelism of the covenantal commitments. Rather the parallelism established by the 1 + 3 pattern of the speaker and partner obligations and stipulations provides the rhetorical parallel. The heart of the parallelism is seen most clearly in the stipulations וְלָלַכְתָּ בְּדַרְכָּיו וְלִשְׁמֹר and the corresponding commitment וְלִשְׁמֹר וְלִקְוֹת וּמִצְוֹתָיו וּמִשְׁפָּטָיו וְלִשְׁמֹעַ בְּקוֹלֹ כָּל-מִצְוֹתָיו. The outer frame of that parallelism is detected in Yahweh's commitment וְלִתְתֶנְךָ... לְהִיֹּת לוֹ לְעַם סְגֻלָּה and the corollary benefits וְלִהְיֶיךָ עִם-קָדֹשׁ לִיהוָה אֱלֹהֶיךָ... עַל כָּל-הַגּוֹיִם עֲלִיּוֹן.

One final thought regarding the question as to why a less complicated and potentially more understandable verb and/or verbal stem than the Hiphil of אָמַר was not employed in this setting. In an essay entitled, “The Promises to the Fathers,”<sup>191</sup> after the lesson on the Hiphil stem as it functions with strong verbs, Carol Kaminski records these observations. She notes that “central to the book of Genesis” is the truth that “God himself will bring about what he has promised.” She highlights the several seemingly insurmountable obstacles to the fulfillment of his promise to Abraham that arose in the narrative. She affirms that the *narrative* testifies to God’s faithfulness, but she also draws attention to fact that the *grammar* bears witness to this truth. She does so by commenting on the fact that consistently in Genesis, God’s promises are framed using a Hiphil verbal form. She states, “The Hiphil stem is important in this context because it expressed ‘causative’ action.” She appeals to examples from Genesis 17 (which, coincidentally on her part, is the first biblical account of the use of the covenant relationship formula), and to the affirmation of that promise to Isaac and Jacob. Then she cites Moses’ testimony in Deuteronomy 1:10 that God had indeed kept his promises to the patriarchs. Could it be that Moses chose to use this verbal form, not only for its morphological functionality, not

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<sup>191</sup>Carol M. Kaminski, “The Promises to the Fathers,” in *Basics of Biblical Hebrew Grammar*, ed. Gary D. Pratico and Miles Van Pelt (Grand Rapids: Zondervan, 2001), 353-54.

only because it signals a specific type of grammatical blending, not only because of its unique construal function that is engaged to verbally map the intricate dynamics involved in the ratification of the terms and conditions of a covenant between the partners to that covenant, but simply because of its association with the firm promises of God? So then, the entire patriarchal narrative that stretched from Abraham to the formation of a nation on the brink of “re-settling” the Promised Land would be enveloped by and would be a testimony to the sure word of God. And this בְּרִית עִלָּם (Gen 17:7) is now reaffirmed לְהִיּוֹת לוֹ לְעַם סְגֻלָּה . . . לְהִיּוֹת לְךָ יְיָ אֱלֹהִים אָמֵר.

## CHAPTER 4

### THE CANONICAL CONTEXT OF DEUTERONOMY 26

The purpose of this chapter is to highlight the canonical function of Deuteronomy 26:16-19. This will be accomplished through a literary-structural analysis<sup>1</sup> of the text in its context. First, consideration is given to the relationship of 26:16-19 to 26:1-19. This relationship appears to operate on both the micro and macro levels. On the one hand, as the final of three “ceremonies of confession”<sup>2</sup> prescribed in this chapter, the literary *similarities* will show that 26:16-19 is the last stipulation of the Specific

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<sup>1</sup>The use of this nomenclature is not meant to suggest that this study follows the practice of the source critics who isolate the various components of a text into strata and identify them with particular authors and/or redactors and/or time periods. Rather, this investigation will approach the received text in its canonical form “focusing on the text as an artistic composition” so that the “text may convey meaning only half perceived in its component parts.” See Robert L. Cohn, “The Literary Logic of 1 Kings 17-19,” *JBL* 101, no. 3 (1982): 333.

Moreover, it is not the purpose of this study to review or even comment on the “pre-history” or development of this text as so many have done since von Rad’s assertion that 26:5-10 may be Israel’s credo. This assertion is made in his programmatic essay “The Form-critical Problem of the Hexateuch.” Robert Martin-Achard, “An Exegete Confronting Genesis 32:23-33,” in *Structural Analysis and Biblical Exegesis: Interpretational Essays*, trans. Alfred M Johnson, Jr., Pittsburgh Theological Monograph Series, 3 (Pittsburgh: The Pickwick Press, 1974), 35, warns against such practice and affirms the value of “structuralism” as it “reminds us of the importance of the *text* for classical exegesis” (emphasis original).

Ralph E. Hendrix, “A Literary Structural Analysis of the Golden-Calf Episode in Exodus 32:1-33:6,” *Andrews University Seminary Studies* 28, no. 3 (1990): 211-17, provides a rebuttal of many of the source-critical views of the text simply by demonstrating that these views cannot be sustained when taking the literary structure into account. His conclusion is, “The foregoing analysis of the literary structure of the Golden-Calf episode exemplifies the importance of studying the text in its canonical form” (216).

<sup>2</sup>While Richard Clifford, *Deuteronomy with an Excursus on Covenant and Law* (Wilmington, DE: Michael Glazier, 1982) does not identify 26:16-19 as a “liturgical confession” as he does 26:1-11 and 26:12-15, he recognizes the close affiliation between these units. See his discussion, 137-41.

Walter Brueggemann, *Deuteronomy*, Abingdon Old Testament Commentary (Nashville: Abingdon, 2001), 246, does not use this terminology but clearly agrees with its premise when he describes the three rhetorical units of chap. 26 as “the presentation of offerings with an appropriate *verbal affirmation* (vv. 1-11), an *oath* of innocence (vv. 12-15), and a *declaration* of covenant commitments (vv. 16-19)” (emphasis added). So also comments J. G. McConville, *Deuteronomy*, AOTC (Downers Grove, IL: InterVarsity Press, 2002), 377, “This is a chapter of declarations, the verb *’amar*, ‘say, declare’, being a leading motif (3, 5, 13, 15, 18).” Moreover, Jeffrey H. Tigay, *Deuteronomy*, Jewish Publication Society Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 244, notes that the use of *he’emir* in 26:17-18 is the “main verbal link between” the three rhetorical units of Deut 26 (citing the use of the root *’amr* in vv. 5 and 13).

Stipulations of the covenant. Yet, on the other hand, literary *anomalies* in this third of the three ceremonies will suggest that it is distinguishable and can be set apart from the rest of the text. Moreover, a careful reading of the dynamics in these three ceremonies will affirm the proposal of chapter 3 that verse 17 should be understood as representing the declaration of Yahweh as he offers himself to Israel as her God and that verses 18-19 should be understood as the response of Israel to Yahweh's gracious offer. Second, analysis of the relationship of 26:16-19 to Deuteronomy 27 will reveal a clear connection between the two texts and a logical progression of thought that suggests an authorial intent consistent with the proposal for the covenantal framework of Deuteronomy offered in chapter 2 of this study. Third, the analysis of the literary-structural clues over the span of Deuteronomy 1-30 will confirm that 26:16-19 is the central focus of the covenantal framework serving as the keystone between the ascent<sup>3</sup> and the descent<sup>4</sup> of the covenantal framework of Deuteronomy 1-30.

### **The Three Ceremonies of Deuteronomy 26**

While the majority of scholars recognize that Deuteronomy 26 includes instruction concerning the liturgies connected with the tithes of the first fruits (vv. 1-11) and the triennial tithe (vv. 12-15),<sup>5</sup> not all have noted the parallels between these and the instructions in the final section of chapter 26 (vv. 16-19).<sup>6</sup> Following Clifford's lead, this

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<sup>3</sup>That is, the antecedent components of the treaty—the Preamble, Historical Prologue and Stipulations (both General and Specific).

<sup>4</sup>That is, the succeeding components of the treaty—the Document Clause, the Appeal to Witness, and the Blessings and Curses.

<sup>5</sup>This study will make no effort to reconcile the differences or to harmonize the similarities between the instructions concerning these tithes in Deut 26 and those given in Deut 14:22-29, Lev 27:30-32, or in Num 18:21-32.

<sup>6</sup>The majority of commentators, in fact, do not see the close associations between the instructions of vv. 1-11, 12-15, and 16-19. For example Patrick D. Miller, *Deuteronomy*, Interpretation (Louisville: Westminster/John Knox, 1990), 177-89, separates his commentary between "Concluding with Liturgy (26:1-15)" and "The Covenant Concluded (26:16-19)." John A. Thompson, *Deuteronomy: An Introduction and Commentary*, Tyndale Old Testament Commentaries (London: InterVarsity Press, 1974), 253, distinguishes his commentary between "Two rituals and concluding exhortation." Also Duane

analysis will consider and compare all three sets of instructions together.<sup>7</sup>

As one carefully considers the literary-structural features of this chapter, he will notice that although the ceremony of 26:16-19, on first reading, may seem quite different from the first two ceremonies,<sup>8</sup> they do share many common elements.<sup>9</sup> However, this same careful consideration of the literary structure will also reveal a deeper level of operation in the text. As one evaluates the differences in the milieu of the similarities, this canonical artistry will reveal a greater function for 26:16-19 in the wider expanse of the covenantal framework of Deuteronomy 1-30.<sup>10</sup>

Table 6 below outlines the basic correspondences between the features of the three ceremonies. This outline provides the basis for the following discussion.

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Christensen, *Deuteronomy 21:10-34:12*, vol. 6B, WBC (Nashville: Thomas Nelson, 2002), 629-47, treats “Two Liturgies for Worship in the Promised Land (26:1-15)” and “Mutual Commitments between God and Israel in Covenant Renewal (26:16-19)” as individual and unrelated units. However, Richard D. Nelson, *Deuteronomy: A Commentary*, OTL, vol. 5 (Louisville: Westminster/John Knox, 2002), 303-15, and McConville, *Deuteronomy*, 374-85, discuss the three ceremonies together under the same heading. Yet both highlight the fact that the language of vv. 16-19 “brings the perspective back from the anticipated future ceremonies in the land to Moab” (McConville, *Deuteronomy*, 382). Nelson, in a footnote (Nelson, 306 n. 1), does add a caveat to this position in that he states, “If one incorporates the seventh year of 31:9-13 into this pattern as the ‘today’ of 26:16-19, the parallel chronological structure would also extend to the seventh year of 15:1-11.”

<sup>7</sup>Clifford is not alone in his assertion that Deut 26 describes three ceremonies. For example Brueggemann, *Deuteronomy*, 245-51, divides the chapter into “three rhetorical units: the presentation of offerings with appropriate *verbal affirmation* (vv. 1-11), an *oath* of innocence (vv. 12-15), and a *declaration* of covenant commitments (vv. 16-19)” (246, emphasis added). He concludes, “Chapter 26 brings together several liturgical acts that were originally independent of each other. The three sections of this text together yield a *liturgical, and subsequently textual, pivot point* in the formation of covenantal Israel and in its periodic reformation” (249, emphasis added). Norbert Lohfink, *Great Themes from the Old Testament*, trans. Ronald Walls (Edinburgh: T & T Clark, 1982), 20-27, also acknowledges the liturgical settings of these three ceremonies.

<sup>8</sup>These differences could certainly explain why the commentaries treat the textual unit of 26:16-19 separately from the liturgies of 26:1-11 and 26:12-15.

<sup>9</sup>Nelson, *Deuteronomy*, 306, acknowledges the differences in form in his statement, “the real connection between the two ceremonies is not so much ritual similarity, but their use of liturgical oration to promote Deuteronomic theology.” The contention of this chapter agrees with the basic premise of Nelson’s assertion but applies it to all three “liturgical orations” of Deut 26—even though it may not agree on the specifics of what “Deuteronomic theology” may entail.

<sup>10</sup>Ironically, Miller, *Deuteronomy*, 178, in his commentary on 26:1-15 makes this statement, “The two acts of offering in verses 1-11 and 12-15 are readily discernable to the reader. They are discrete and separate. *But their combination* in this context invites a listening to the resonances between the two sections that are clearly there” (emphasis added). The argument in this section is that one should listen to the resonances between the *three* sections of Deut 26.

Table 6: Comparison of the structure of the ceremonies of confession

	26:1-11		26:12-15		26:16-19	
Time marker	1	“When you come into the land”	12	“When you have finished paying all the tithe”	16	“This very day”
Instruction (produce)	2	“take some of the first fruits . . . harvest from your land . . . put it in a basket”	12	“all the tithe of your produce”	16	“commands you to do all these statutes and judgments and to carefully observe them”
Meeting with YHWH	3-4	“go to the place . . . go to the priest . . . before the altar”	13	“before the LORD your God”		[assumed in the setting of Deuteronomy– on the plains of Moab]
Offering	4	“set [the produce] down before the altar of the LORD”	13	“sacred portion . . . given it to the Levite, the sojourner, the fatherless, and the widow”	17-18	“. . . to be your God” “. . . to be his people of special possession”
Confession	3b, 5-10	וַאֲמַרְתָּ וְעַנִּיתָ וַאֲמַרְתָּ “wandering Aramean . . . down to Egypt . . . cried to the LORD . . . brought us out of Egypt . . . gave us this land”	13-14	וַאֲמַרְתָּ “according to all the commandment . . . not transgressed . . . nor have I forgotten them”	17-18	הַאֲמַר “caused to say . . .”
Grace	7-11	“the LORD heard our voice . . . a land flowing with milk and honey.”	15	“bless your people Israel . . . ground you have given . . . land flowing with milk and honey.”	18-19	“to be to him a people of special possession . . . to set you high . . . to be a holy people.”

### Time Marker

The first structural similarity is the time marker that initiates the three units.

26:1 וְהָיָה כִּי־תָבוֹא

26:12 כִּי תִכְלֶה

26:16 הַיּוֹם הַזֶּה

The phrases in verses 1 and 12 both begin with identical grammatical constructions,<sup>11</sup> that is, a *kî* clause followed by a *waw* plus Qal perfect 2ms verb.<sup>12</sup> This grammatical construction clearly signifies a future-oriented activity.<sup>13</sup> While verse 16 does not follow the same grammatical or syntactical model of verses 1 and 12, it too begins with an expression marking time.<sup>14</sup> One can understand why commentators would segregate this unit from the previous two units of chapter 26 based on the abrupt nature by which it is introduced. McConville contends that the use of “this day” shifts the focus from instructions for future ceremonies back to the “Mosaic present.”<sup>15</sup>

<sup>11</sup>The similarities emerge when the reader recognizes that the initial וְהָיָה in v. 1 serves to mark the beginning of this textual unit and demarcates it from the previous instruction of Deut 25.

<sup>12</sup>Nelson, *Deuteronomy*, 306, highlights this construction (specifically, “an introductory temporal clause followed by instruction using the *waw* perfect”) and indicates that this form denotes “ritual instruction.” One should not be confused by the fact that the subordinate temporal clause which precedes the main clause contains verbal forms that are not *waw* plus Qal perfect 2ms verbs. In Nelson’s model, one must recognize that the *waw* plus Qal perfect 2ms verb is the main verb of the sentence. In this situation, the main verb occurs in 26:2 (וְלִקְחֹתָ) and 26:13 (וְאָמַרְתָּ).

<sup>13</sup>See Paul Joüon, *A Grammar of Biblical Hebrew*, trans. and rev. T. Muraoka. Subsidia Biblica 14, 2 (Rome: Pontifical Biblical Institute, 2000), §166 o, or Bruce Waltke and M. O’Connor, *IBHS* (Winona Lake, IN: Eisenbrauns, 1990), §38.7, for the discussion of *kî* used in temporal clauses.

<sup>14</sup>But the expression הַיּוֹם הַזֶּה, here and elsewhere in Deuteronomy, is much more than a simple expression marking time. Simon J. DeVries, *Yesterday, Today and Tomorrow: Time and History in the Old Testament* (Grand Rapids: Eerdmans, 1975), 182, insists, “Stress is clearly on the time element (time when) rather than immediately on the content or quality of the day.” He also mentions that the placing of הַיּוֹם הַזֶּה in the clause initial position, as is found in 2:25 and 5:24, indicates that “time-identification was of central concern.” J. G. Millar, “Living at the Place of Decision: Time and Place in the Framework of Deuteronomy,” in *Time and Place in Deuteronomy*, ed. J. G. Millar and J. G. McConville (Sheffield: Sheffield Academic Press, 1994), 43, highlights the use of הַיּוֹם הַזֶּה in Deuteronomy and maintains, “it is used to focus on the decision facing Israel at Moab, and heighten the urgency of making the right response.” Brueggemann, *Deuteronomy*, 249, concurs that the repeated use of “today” in 26:16-19, “[suggests] a cultic, liturgical exchange of vows undertaken with great intensity.”

<sup>15</sup>McConville, *Deuteronomy*, 382. In doing so he appeals to Norbert Lohfink, “Moab oder Sichem—Wo Wurde Dtn 28 nach der Fabel des Deuteronomiums Proklamiert?” in *Studies in Deuteronomy: In Honour of C. J. Labuschagne on the Occasion of his 65th Birthday*, F. Garcia Martinez, A. Hilhorst, J. T. A. G. M. van Ruiten, and A. S. van der Woude, eds. (Leiden: Brill, 1994), 149.

Yet, Christensen, *Deuteronomy*, comments on the use of the words הַיּוֹם הַזֶּה in 26:16 and suggests that “we are dealing with a ritual activity that is repeated” (644). Further, he asserts, “The brief exhortation in 26:16-19 functions as the conclusion to the exposition of the law in Deut 5-26, which was used in a covenant renewal ceremony in ancient Israel” (647). Therefore, one could argue that the

Yet, if one considers the canonical shape of Deuteronomy, one can see the correlation between the three units of chapter 26 and the instructions given in Deuteronomy 14:22-15:11. Although one may argue that the instructions of verses 1-11 refer to a one-time offering given only after the first harvest after the settlement of Canaan,<sup>16</sup> the parallels between these instructions and those given in 14:22-27 are clear. The instructions in verses 12-15 concerning the triennial tithe, while not identical to, are similar to those in 14:28-29. The instructions of 15:1-11 pertain to the requirements for the Sabbath year and the release of the Hebrew debtor. Further instructions concerning the Sabbatical year are given in 31:9-13 wherein Moses commands that a sacred assembly be convened at the Feast of Tabernacles at which time the Book of the Torah was read. It was at this time the covenant was to be renewed. These successive canonical connections between Deuteronomy 14:22-15:11 and 26:1-19 would suggest, then, that verses 16-19 serve a similar function as verses 1-11 and verses 12-15, that is, to provide a model for the transactions that occur at these ceremonies.<sup>17</sup>

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expression here operates on two levels: (1) as a model for the future **הַיּוֹם הַזֶּה** of a covenant renewal ceremony and (2) as a signal to the congregation of Moses standing on the plains of Moab that the reading of the Stipulations section was now complete and that a response of commitment would soon be expected.

<sup>16</sup>Peter C. Craigie, *The Book of Deuteronomy*, New International Commentary of the Old Testament (Grand Rapids: Eerdmans, 1976), 319-20, holds this position. He takes that position based on the fact that the instructions for the fruit fruits had already been given in Deut 14. Nelson, *Deuteronomy*, 306-07, characterizes the nature of this text as an “initial, foundational requirement” that would have been observed one time only at the time of the first harvest after settlement. However, he asserts that “the most natural reading of the text must assume the institution of an annual observance” (307).

<sup>17</sup>Namely, every year, every third year, and every seventh year. Daniel I. Block, “The Privilege of Calling: The Mosaic Paradigm for Missions (Deut 26:16-19),” *Bibliotheca Sacra* 162, no. 648 (2005): 390, also notes the possibility that these verses allude to the covenant confirmation and its attending ceremony. In an aside, he puts forward the idea that this covenant ceremony in Deuteronomy actually may have transpired in the moments between 11:32 and 12:1. His conclusion is based on the narrative sequence of the Sinai covenant. That is, just as the Israelites assented to Yahweh’s general conditions in Exod 19:8 (**כָּל אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה**), and then received the instructions of the Decalogue (Exod 20) and the Book of the Covenant (Exod 21-23) before affirming their intention to obey the entirety of Yahweh’s stipulations in Exod 24:3 (**כָּל-הַדְּבָרִים אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה**) at the covenant ceremony recorded in Exod 24, so too the Israelites on the plains of Moab assent to Yahweh’s General Stipulation (Deut 5-11) in the moments between 11:32 and 12:1 and then receive the Specific Stipulations (Deut 12-26). He remarks that Deut 26:16-19 “recalls the covenant blood ritual at Sinai” (391, referring to Exod 24:5-8). While there may be merit to this proposal, it seems unlikely that this second sermon of Moses (4:45-28:69 [Eng 29:1]) was interrupted at this point for a congregational response. Rather, as advocated in this chapter, it seems likely that the declarations (of the covenant relationship formula) were made either immediately before (prior to the transition to 27:1) or immediately after (at 27:9-10, this is the position of Thompson, *Deuteronomy*,

At the same time, when one considers the overall flow of the text of Deuteronomy, one can see in its provenance<sup>18</sup> that this unit may serve a dual function. That is to say, the words here are the actual words of the sworn oath that are spoken before the Document Clause (Deuteronomy 27:1-10) and the covenantal Blessings and Curses are introduced (Deuteronomy 28),<sup>19</sup> as Lohfink has correctly asserted.<sup>20</sup>

### Instruction

The instruction in each of these units comes immediately on the heels of the phrase containing the temporal marker. In the first pericope the instructions are manifold. These include take (וְלָקַחְתָּ), put (וְשָׂמָה), go (וְהָלַכְתָּ), come (וּבֹאָה), and say (וְאָמַרְתָּ).<sup>21</sup> In the second pericope the instruction is singular: say (וְאָמַרְתָּ). The third pericope, again, displays some departure from the pattern established in the first two. In this instance, the instructions are communicated to the hearer via the intermediary Moses: “commands you to do (מִצְוֹתַי לַעֲשׂוֹת).” Then there are two additional instructions that follow the established pattern: “you shall keep (וְשָׁמַרְתָּ)” and “you shall do (וְעָשִׂיתָ).”

The instructions in verses 1-11 and verses 12-15 both deal with produce and with the corollary declaration(s) made at its presentation. In the first instance the

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261) the Document Clause in the normal sequence of a covenant renewal ceremony. However, the natural reading of the book of Deuteronomy implies that the ceremony, in this instance on the plains of Moab under the direction of Moses, was held at the conclusion of the appeal to make such a commitment between chaps. 30 and 31.

<sup>18</sup>That is, Moses’ farewell address in which he is rehearsing the covenant in the expectation that he will lead Israel in a formal covenant renewal ceremony on the plains of Moab (Deut 29-30).

<sup>19</sup>See the discussion in chap. 2 of this study.

<sup>20</sup>Norbert Lohfink, “Dt 26,17-19 und die ‘Bundesformel,’” *Zeitschrift für Theologie und Kirche* 91 (1969): 532-33, based on the slight modification in the *Rückverweisformel* in 28:9, argues that the exchange in Deut 26:17-19 represents the moment in which Yahweh and Israel committed themselves by oath to the terms of the covenant.

<sup>21</sup>This pattern extends to v. 5 in the instructions: testify (וְעָנִיתָ) and say (וְאָמַרְתָּ), but this comes after the narrative concerning the priest setting the offering before the altar of Yahwéh. Likewise, after the declaration further instructions are given: set it down (וְהִנְחִיתָ), worship (וְהִשְׁתַּחֲוִיתָ), and rejoice (וְשִׂמְחָה).

worshiper is to take some of the fruit of the land and put it in a basket and go to the priest. On his arrival he is to make his declaration (וְאָמַרְתָּ). The priest then was to set (וְהִנִּיחוֹ) the basket before Yahweh's altar. Once this was finished, the worshiper was to make another extended declaration (וְעָנִיתָ וְאָמַרְתָּ) recounting Yahweh's faithfulness to the forefathers which results in his blessing in the present. After this second declaration is complete, he was to set (וְהִנִּחְתָּ) the basket before Yahweh.<sup>22</sup>

In the second instance there is no direct instruction regarding the produce.<sup>23</sup> Rather, these directions are implied within the temporal clause of verse 12 and confirmed in the declaration of verses 13-14. The tithe was to be gathered in the third year (הַמִּנְעֵשֶׁר) and was to be distributed to the Levites, the strangers (וְהַגֵּר), the orphans, and the widows who would eat their fill in their cities. The only instruction<sup>24</sup> here is regarding the declaration made in verses 13-15 (וְאָמַרְתָּ).

As for verses 16-19 there is no mention of agricultural produce in the instructions. Yet, these verses make very clear the fact that the spiritual "fruit of obedience" is to be a "by-product" of the instructions. The Israelites have been commanded to do "all these statutes and ordinances" and they are to keep them and do them with all their heart and all their beings.<sup>25</sup> Moreover, the declaration of verse 17

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<sup>22</sup>Dale Patrick, *Old Testament Law* (Atlanta: John Knox Press, 1985), 140, is among those who suggest that this second "setting" of the offering before Yahweh is evidence of redactional layering since in v. 4 the offering was "set" before the altar of Yahweh prior to the second declaration. This conjecture is unnecessary.

<sup>23</sup>That is to say, the instruction regarding the produce is not incorporated into the pattern of "ritual instruction" as in vv. 1-11.

<sup>24</sup>That is, following the pattern of ritual instruction.

<sup>25</sup>בְּכָל-לִבְבְּךָ וּבְכָל-נַפְשֶׁךָ. As an aside, this expression occurs seven times in the book of Deuteronomy and this one in 26:16 is the middle of the seven. In 4:29 it describes the attitude necessary for finding Yahweh after the nation has been sent into exile. In 6:5 it is combined with וּבְכָל-מְאֹדֶךָ to define the intensity with which one was to love Yahweh. In 10:12 the phrase portrays the fervor with which one was to serve Yahweh. In 26:16 the expression depicts the care with which one was to keep and to do the commandments. The final three occurrences of the expression are in 30:2, 6, and 10. In v. 2 it speaks of the exclusivity of the exiles' return to Yahweh and their obedience to his commands. In v. 6 it expresses the love of one whose heart has been circumcised. In v. 10 it conveys the extent of turning back to Yahweh that is necessary for restoration.

makes it abundantly obvious that the Israelites were to walk in his ways, were to keep his statutes, his commandments and his ordinances, and were to listen to (or obey) his voice. The Israelites confirm their acceptance of these terms with their response in verse 18: “to keep all his commandments.”<sup>26</sup>

### Meeting with Yahweh

In verses 1-11 there are multiplied references to the location in which this ceremony is held. The first occurs in the initial set of instructions and mimics the wording of the first instruction given in the Specific Stipulations of the covenantal framework of Deuteronomy in 12:5. The Israelite was to take his gift in the basket and “go to the place which Yahweh your God has chosen to cause his name to dwell there.” Specifically, the worshiper was to “come to the priest who was in office at that time.” His declaration was to be made “before Yahweh,” and his offering was to be set before the altar of Yahweh. The instructions after the declaration include further references to setting the offering before Yahweh and worshipping before Yahweh.

There is some disagreement regarding the location in which the instructions of verses 12-15 were to be fulfilled. The specificity of verse 2 is absent and the temporal clause of verse 12 makes reference to the recipients of the tithe eating it “in your gates” (בְּשַׁעְרֵי־ךָ). This location could suggest a setting ranging from one’s home town, to any of the Levitical cities (since the Levites participate in the eating), to the specific place of the central sanctuary.<sup>27</sup> However, it is clear that the declaration in these verses is done in the presence of Yahweh (לְפָנַי יְהוָה אֱלֹהֶיךָ).

The location for the ceremony of confession in verses 16-19 is not specified at

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<sup>26</sup>This, by the way, follows the pattern of response established in Exod 19:8 and 24:3, that is, כָּל אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשָׂה.

<sup>27</sup>Compare 14:28-29.

all in this context. However, the setting of Deuteronomy makes it clear that in the first instance the location was across the Jordan in the land of Moab (1:5). This ceremony was enacted presently on these plains under Moses' direction (Deuteronomy 29-30), it was to be held again on the day of their crossing of the Jordan and entering the land (27:2) at Shechem between Mts Ebal and Gerizim (27:4), and then at the central sanctuary at the pilgrimage of the Feast of Tabernacles (31:9-13).<sup>28</sup>

### Offering

The next shared element in each of these ceremonies is that of the offering that accompanies the declaration. This offering serves as a token between the votary and the recipient demonstrating the votary's grateful response<sup>29</sup> and pledging his continued faithfulness. Moreover, this offering "provides opportunity for a public attestation of singular, uncompromised devotion."<sup>30</sup>

In the first ceremony the offering consists of **מִרְאֲשֵׁית כָּל-פְּרֵי הָאָדָמָה**. Once these first fruits were collected they were to be placed in a basket and taken to the central sanctuary and offered to the priest in office at the time. In turn, the priest would

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<sup>28</sup>The reading of **הַחֲרֻת הַזֶּה** and the renewal of the covenant was to take place during the Feast of Tabernacles in the Sabbath year. The ancient Near Eastern treaties also called for periodic reading of the text of the treaty. See, for example, the treaty between Suppiluliuma of Hatti (ca. 1350BC) and Shattiwaza of Mitanni wherein it requires that the text be "read repeatedly, for ever and ever." See Gary Beckman, *Hittite Diplomatic Texts*, 2<sup>nd</sup> ed., Harry A. Hoffner, Jr., ed., SBLWAW, vol. 7 (Atlanta: Scholars Press, 1999), 46, see also 51. The treaties between Mursili II of Hatti (ca. 1350BC) and Kupanta-Kurunta of Mira-Kuwaliya and between Muwattalli II of Hatti (ca. 1300BC) and Alaksandu of Wilusa specify that the text be read "three times yearly." See Beckman, *Hittite Diplomatic Texts*, 81 and 91. Interestingly, in many instances reference in the treaty is made to the deposition of the tablet which records the treaty, followed by instructions for the periodic reading of the treaty, which is then immediately followed by the invocation of the witnesses. This is the model of Deut 26-27.

<sup>29</sup>Or, in the case of v. 17 it serves as a token of Yahweh's gracious intentions.

<sup>30</sup>Brueggemann, *Deuteronomy*, 247. He uses this expression to speak of the individual worshiper's devotion to Yahweh in the context of his commentary on vv. 12-15. However, this idea can be applied to each of the three liturgies and the offerings represented. If this assertion is correct, then one must marvel at the implications for v. 17, that is, as it pertains to Yahweh's "uncompromised devotion" to Israel in his offering himself to be Israel's God. Brueggemann, *Deuteronomy*, 250, comments, "It is this God who has 'set his heart' (*ḥāšaq*) on Israel (7:7; 10:15), who wants Israel for a treasured people, and who *wills steadfastly* to be Israel's God" (emphasis added).

take this basket of produce and set it before Yahweh’s altar. Then, after the second and longer declaration was recited, the venerator, in a gesture mimicking the last phrase of this testimonial, would set it down before Yahweh, worship before Yahweh, and rejoice in all the good that Yahweh had given.<sup>31</sup> This celebration was to be observed in the presence of the household, the Levite, and the sojourner who was in their midst.

In verses 12-15 the offering is identified as both “the tithe of your produce (כָּל־מִעֵשֶׂר תְּבוּאָתְךָ)” and “the consecrated portion (הַקִּדְשׁ).”<sup>32</sup> The removal (בָּעַר)<sup>33</sup> of the הַקִּדְשׁ and distribution to the less-fortunate serves as a visible demonstration of the worshiper’s care with which he has followed Yahweh’s commands (כָּכָל־מִצְוֹתֶיךָ). The next seven phrases each express assertions of the worshiper’s holy behavior.<sup>34</sup>

The “offering” in verses 16-19 is in character much different from the offerings in verses 1-11 and verses 12-15. In the first two ceremonies only a portion<sup>35</sup> from the produce of the land was given by the worshiper as a token to Yahweh. In this third ceremony there is a dual offering expressed in the parallel phrases

26:17 לְהִיּוֹת לְךָ לְאֱלֹהִים

26:18 לְהִיּוֹת לוֹ לְעַם

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<sup>31</sup>W. Gunther Plaut, ed., *The Torah: A Modern Commentary* (New York: Union of American Hebrew Congregations, 1981), 1531, quotes Martin Buber (source not cited): “God’s ‘bringing’ Israel into the land and ‘bringing’ the first fruits are set into a mutual relationship that is stressed in the prayer itself (26:9-10): ‘He *brought* us to this place. . . . Wherefore *I now bring* the first fruits of the soil.’ Thus is expressed the reciprocity between God and the individual members of the people” (emphasis original).

<sup>32</sup>There should be no question as to the identity of these two expressions. The instruction embedded in the temporal clause of v. 12 is to give this to the Levite, the sojourner, the orphans, and the widows. The consecrated portion of the declaration of v. 13 is likewise given to the Levite, the sojourner, the orphan, and the widow.

<sup>33</sup>The verb בָּעַר is used sixteen times in Deuteronomy. In the first three instances (Qal participles) it is used to describe the burning with fire of Sinai at the theophany associated with the giving of the Decalogue. In the remaining instances prior to Deut 26 it is used to describe the “purging” of sin from Israel (Piel stem). In vv. 13-14 it is used in the Piel stem. This “removal,” therefore, is not a casual or haphazard action.

<sup>34</sup>The first five expressions pertain to the worshiper’s non-violation of the commands and the last two expressions are affirmations of his compliance with the *entirety* of Yahweh’s commands.

<sup>35</sup>That is, the first fruit of all the produce (partitive *min*) and a tithe/holy portion.

However, the scene here follows the underlying dynamic inherent in all three ceremonies. This dynamic is not explicitly stated in the literary structure of Deuteronomy 26, yet it is *abundantly obvious* when one recognizes that the first two ceremonies make repeated use of the verb נתן<sup>36</sup> and the thematic assertions of the gracious acts of Yahweh. Not only that, but even the offering of the first fruits and the tithes was a recognition of Yahweh's initiative and his provision.<sup>37</sup> So the pattern displayed in verses 1-11 and 12-15 is that first Yahweh gives a gift to Israel,<sup>38</sup> and Israel responds with its token to Yahweh.<sup>39</sup> Thus one can see that the tokens offered by the worshiper are a tangible demonstration of his grateful response to all that Yahweh has provided and all that he has done.<sup>40</sup>

Now in verses 17-18 the “subtext” of the previous ceremonies becomes the context of the third ceremony.<sup>41</sup> This dual offering is in reality an offering followed by a

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<sup>36</sup>In the nineteen verses of Deut 26, the verb is used twelve times (vv. 1, 2, 3, 6, 9, 10, 11, 12, 13, 14, 15, 19). Of these twelve instances, the subject of the verb is Yahweh *eight times* (giving land—vv. 1, 2, 3, 9; giving first fruit—v. 10; giving good—v. 11; giving ground [which is referred to as “land” later in the verse]—v. 15; setting Israel on high—v. 19); the subject once is Egypt (giving hard labor—v. 6, set in stark contrast to Yahweh's graciousness); and the subject is the individual worshiper *three times* (giving the tithe to the Levite—vv. 12, 13; and not giving any of the tithe to the dead—v. 14).

<sup>37</sup>Clifford, *Deuteronomy*, 138, comments, “the act of offering is to be the *spontaneous response* to the Lord's gift of the land” (emphasis added).

<sup>38</sup>In vv. 1-11 this gift is the land and in vv. 12-15 this gift is the harvest.

<sup>39</sup>In vv. 1-11 this token is the first fruit and in vv. 12-15 this token is the tithe. One might argue that in vv. 12-15 the token is literally “given” to the Levites, the sojourner, the orphan, and the widow. Yet, the context makes it clear that the tithe is given in response to Yahweh's command (vv. 13-14) and was given while the worshiper was in a state of ritual purity, suggesting that this token is given to Yahweh, even though the recipients were human beings.

<sup>40</sup>This pattern prefigures the covenant renewal dynamic in vv. 16-19. Reflecting on the dynamics of the greater scheme of the ancient Near Eastern treaty formulary, a similar pattern emerges. That is, the basic content of the Historical Prologue often was a rehearsal of the gracious provisions of the suzerain toward the vassal. The purpose of the Historical Prologue was to establish a sense of obligation on the part of the vassal to perpetual gratitude and loyalty. Jon D. Levenson, *Sinai & Zion: An Entry into the Jewish Bible* (San Francisco: Harper and Row, 1985), 37, affirms, “. . . the function of the prologue is to ground the obligations of Israel to YHWH in the history of his gracious acts on her behalf.” The question, while not posed specifically, is, “In light of all that the suzerain has done for you, why would you not enter into relationship with him?” This is affirmed by Block, “The Privilege of Calling,” 390, “Moses' goal here was to emphasize that Israel's obedience to the Lord was not to be driven merely by the sense of duty on the part of a vassal toward the suzerain, but by the keen awareness of the special nature of their relationship.” McConville, *Deuteronomy*, 647, concurs. However, Patrick, *Old Testament Law*, 238-39, suggests that this dynamic is lost to, or at least subordinate to, the requirements for obedience in vv. 17-18.

<sup>41</sup>McConville, *Deuteronomy*, 377, commenting on the “particular cultic actions” of 26:1-15 suggests, “Together, however, they [that is, the offerings of first fruits and tithes] appear to be

response. Yahweh—instead of giving gifts of land, produce, or even deliverance from slavery, as in the first two ceremonies—offers *himself* to Israel to be their God.<sup>42</sup> And in a strikingly parallel manner,<sup>43</sup> Israel *responds* to Yahweh’s gracious gift by offering themselves back to Yahweh to be his people of special possession and a people holy<sup>44</sup> to Yahweh. In this instance, the “token” of Israel’s grateful response and pledge of continual faithfulness is neither a first fruit nor a tithe but rather a commitment to covenant loyalty as expressed in the wholehearted keeping of all his commandments (וְלִשְׁמֹר כָּל-מִצְוֹתָיו).<sup>45</sup>

### Confession

The literary structure of these rhetorical units reveals that the focus of the ceremonies is on the associated confessions.<sup>46</sup> The accuracy of this statement is clear if only one takes into consideration the sheer “volume” of the words used. In verses 1-11 the confessions are found in verse 3b and verses 5-10a, in verses 12-15 the confession is found in verses 13b-15, and in verses 16-19 the confession is found in verses 17-19.<sup>47</sup>

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representative of the worshiper’s action of bringing offerings.” The argument presently is that this dynamic extends—in the canonical context—to all three ceremonies of Deut 26.

<sup>42</sup>Further support for the idea that Yahweh takes the initiative of offering himself first to Israel to be their God is found in the covenant ceremony of Exod 24:3-8. Of the two basins of blood collected from the sacrifices, the first is thrown against the altar of Yahweh and the blood of the second basin is then sprinkled on the people.

<sup>43</sup>These phrases from vv. 17 and 18 are strikingly parallel in terms of their construction. See the discussion in chap. 3 of this study.

<sup>44</sup>This offering of themselves to be a people holy (עַם-קֹדֶשׁ) to Yahweh is paralleled in the offering of the first fruit in vv. 1-11 and the offering of the שֶׁמֶן הַקֹּדֶשׁ in v. 13.

<sup>45</sup>Thus this third ceremony incorporates the dynamics of the first two ceremonies. Yahweh is Israel’s God by virtue of what he has done for her (vv. 1-11), the worshiper has obeyed the commands (vv. 13-15), which is followed by mutual declarations by Yahweh and Israel that they are willing partners to the covenant. See McConville, *Deuteronomy*, 377.

<sup>46</sup>Clifford, *Deuteronomy*, 137, agrees, “The emphasis is on the confession of faith made by the Israelites in the central shrine.”

<sup>47</sup>In vv. 1-11, 94 of the 173 total words are used in the confession. In vv. 12-15, 62 of the 85 total words are used in the confession. In vv. 16-19, 46 of the 64 total words are used in the confession.

In the first ceremony the confession acknowledges that God has been faithful in keeping his oath to the forefathers by bringing the confessor into and giving him the land. The confession further rehearses the history of the forefathers and establishes the worshiper's identity as a participant in that historical narrative. It speaks of Yahweh's mighty works and abundant provision. It concludes with a verbal acknowledgement of the worshiper's response.<sup>48</sup>

In the second ceremony the confession speaks of the worshiper's adherence to all the righteous requirements of Yahweh's commands. It reveals a fastidious compliance not only in a negative way<sup>49</sup> but also in a positive manner.<sup>50</sup> This confession concludes with an appeal to Yahweh for a gracious response.<sup>51</sup>

The third ceremony, because of its unique function,<sup>52</sup> will of necessity be different. The declarations here build and intensify to a crescendo, melding together the dynamics of the first two ceremonies. In verses 1-11 the focus is on what Yahweh has done and the worshiper's response. In verses 12-15 the focus is on what Israel has done and concludes with an appeal to Yahweh for continued graciousness. In verses 16-19 the focus in the first scene (v. 17) highlights what Yahweh has done (לְהַיִּיֹת לְךָ יְיָ לְאֱלֹהִים) and Israel's expected response (וְלִשְׁמוֹעַ . . . וְלִשְׁמוֹר . . . וְלִלְכֹת). In the second scene of verses 18-19 the corresponding<sup>53</sup> infinitival phrases do not reflect the actual action and response. The action and response of verses 18-19 should be understood in light of

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<sup>48</sup>“I have brought the first fruit of the land that Yahweh has given to me . . . .”

<sup>49</sup>“I have not transgressed . . . not forgotten . . . not eaten . . . nor removed . . . nor offered . . . .”

<sup>50</sup>“I have obeyed . . . I have done . . . .”

<sup>51</sup>“Look down from heaven . . . and bless your people . . . .”

<sup>52</sup>That is, as suggested above, this was to serve as a paradigm for the covenant renewal ceremonies to be performed on the crossing of the Jordan (27:2), on the plains of Moab (chaps. 29-30), and at the Sabbath year Feast of Tabernacles (31:9-13).

<sup>53</sup>That is corresponding in terms of their place in the order of sequence.

verses 12-15. Here the worshiper highlights his keeping of all the commandments<sup>54</sup> and solicits Yahweh's gracious response. Likewise, in verses 18-19 the worshiper highlights his keeping of all the commandments<sup>55</sup> and solicits Yahweh's gracious response.<sup>56</sup> This, then, clarifies the dynamics of verses 17-19. Yahweh offers himself to be Israel's God and notes in a threefold manner their requisite response (v. 17). Israel responds with a commitment to obey all his commandments and asks that the benefits of having Yahweh as their God be realized through Yahweh's threefold graces (vs. 18-19).<sup>57</sup>

### Grace

The final shared element of the ceremonies of confession is that of the grace acknowledged or requested. In verses 1-11 most of the graces are recounted in the confession wherein the devotee acknowledges all that Yahweh has done for him or given to him.<sup>58</sup> Included in these graces were (1) his coming into the land that Yahweh swore to give to the fathers, (2) his testimony of Yahweh's deliverance from Egypt, and (3) his recognition that this land was flowing with milk and honey. A final grace noted in verses 1-11 is embedded in the final instruction of this section, that is, they were to rejoice in all the good that Yahweh had given (נתן).

In verses 12-15 the graces are requested in the prayer of the supplicant: "bless your people Israel and the ground that you have given us." This land is described as "a land flowing with milk and honey," just as it is in verse 3.

As noted in the previous discussion, the grace of verses 16-19 is shown in

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<sup>54</sup>As seen in the phrases עָשִׂיתִי כְּכֹל אֲשֶׁר צִוִּיתָנִי . . . כְּכֹל־מִצְוֹתֶיךָ אֲשֶׁר צִוִּיתָנִי

<sup>55</sup>As seen in the phrase וְלִשְׁמֹר כָּל־מִצְוֹתָיו

<sup>56</sup>That is, to make them his people of special possession, to set them high above the nations, and to make them his holy people.

<sup>57</sup>Figure 8 in chap. 3 provides a graphic of this interaction.

<sup>58</sup>See n. 36 above in the discussion of the offering (נתן).

Yahweh’s gracious response to Israel’s promise in the covenantal exchange, namely, “to keep all his commandments.” This response<sup>59</sup> includes (1) making Israel his people of special possession, (2) setting Israel on high, and (3) making Israel a holy people.

Another element that ties the graces of these three ceremonies together is that of Yahweh’s promise. First, the worshiper acknowledges the grace of Yahweh in the provision of the land which Yahweh had sworn (נִשְׁבַּעַ) to the fathers to give to the present generation (vs. 1-11). Then the supplicant asks for Yahweh’s graces by appealing to Yahweh’s promise to the fathers (כִּי־אָמַרְתָּ לְאֲבוֹתֵינוּ) (vs. 12-15). In verses 16-19 two of the three graces are acknowledged to be the result of Yahweh’s promises (כִּי־אָמַרְתָּ דְבַר . . . כִּי־אָמַרְתָּ דְבַר־לְךָ).<sup>60</sup>

### **The Relationship of Deuteronomy 26:16-19 to Deuteronomy 27**

Clements inaccurately offers this assessment: “The section that begins in 27:1 and extends to 30:20 has the appearance of being a rather randomly shaped miscellany, providing an epilogue to the giving of the law through Moses.”<sup>61</sup> However, careful consideration reveals that the text of Deuteronomy 26 and 27 displays a remarkable coherence.<sup>62</sup> As one takes into account its canonical context in the overall schema

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<sup>59</sup>These responses are identified as Yahweh’s “obligations” in Table 1 of chap. 1.

<sup>60</sup>This observation—that the graces acknowledged (or requested) in each of the three ceremonies are the result of Yahweh’s promise—affirms the assertions of this study that even though the first two phrases of vv. 17 and 18 may be syntactically parallel, they are not intended to be the reciprocal components of the covenantal transaction.

<sup>61</sup>Ronald E. Clements, “The Book of Deuteronomy,” *The New Interpreter’s Bible Commentary*, ed. Leander Keck (Nashville: Abingdon, 1998), 2:485. That Clements would make such an assertion in light of the fact that many scholars have recognized the natural connection between chap. 28 and the ancient Near Eastern treaty formulary of Blessing and Curses following the conclusion of the stipulations of the treaty is curious. Although many have suggested that Deut 27 “interrupts the flow” from 26:18-19 to 28:1, they would affirm that 28:1-69 is not part of a miscellaneous epilogue.

<sup>62</sup>Among those who maintain that there is a disjunct between Deut 26-27-28 is Nelson, *Deuteronomy*, 315, who contends, “It is widely agreed that this chapter intrudes between chapters 26 and 28.” So also Tigay, *Deuteronomy*, 486, and Driver, *Deuteronomy*, 294-98.

proposed in chapter 2 of this dissertation, one should see that the text flows naturally and follows the sequence expected by the covenantal framework of Deuteronomy 1-30.<sup>63</sup> While there are those who acknowledge a minimal canonical connection between Deuteronomy 26 and 28 via the citation of the covenant relationship formula in 27:9-10,<sup>64</sup> a careful consideration of thematic and verbal similarities between chapters 26 and 27 will suggest that verses 16-19 “prepare directly for the conclusions of the covenant ceremony, the solemn blessings and curses of chapters 27 and 28.”<sup>65</sup>

### **Thematic Unity**

If indeed 26:16-19 serves as the paradigm for the covenant renewal ceremony which is to be held every seven years, then one should not be surprised by the fact that Moses transitioned directly into the instructions for a covenant renewal ceremony to be held immediately upon entering the Promised Land.<sup>66</sup>

Structurally one can see the connection between the instructions for the ceremonies of Deuteronomy 26 and the instruction for the future ceremony at Shechem in Deuteronomy 27. Once the introductory comment is made in 27:1, verse 2 begins in a similar fashion to Deuteronomy 26, namely,  $\text{וַיְהִי}$  followed by an introductory temporal clause followed by instruction using a *waw* perfect.<sup>67</sup>

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<sup>63</sup>This is the position of S. Dean McBride, “Polity of the Covenant People: The Book of Deuteronomy,” *Interpretation* 41 (1987): 234.

<sup>64</sup>This connection, it is conjectured, is due to the work of a clever and careful redactor. See Nelson, *Deuteronomy*, 315. He suggests that these verses were “probably the first supplementary material added to the end of chapter 26” (315). Moreover, he comments, “These verses form a rhetorical bridge between 26:16-19 and 28:1” (318). So also Mayes, *Deuteronomy*, 343.

<sup>65</sup>Clifford, *Deuteronomy*, 137. As noted in chap. 2 of this dissertation, Deut 27 should not be included under the rubric of the Blessings and Curses as Clifford seems to do here. Yet, one can affirm that 26:16-19 leads into the instructions for a future covenant ceremony (Deut 27) and anticipates the Blessings and Curses associated with the treaty formulary (Deut 28).

<sup>66</sup>Thompson, *Deuteronomy*, 261, relates that possibly a later editor inserted Deut 27 here precisely because of the connection with the ceremonies of Deut 26!

<sup>67</sup>As noted above, Nelson *Deuteronomy*, 306, calls this construction “ritual instruction.”

26:1-2 וְהָיָה כִּי־תָבוֹא ... וְלָקַחְתָּ

27:2 וְהָיָה בַּיּוֹם ... וְהִקְמַתָּ

In that both chapters 26 and 27 are divided into three sections concerning three ceremonies,<sup>68</sup> one can see additional structural similarities. However, the three sections of chapter 27 do not parallel those of chapter 26 by referring to three separate liturgical ceremonies in which offerings are presented and declarations are made but rather they suggest three components of the covenant ratification process which follows the ancient Near Eastern treaty formulary.<sup>69</sup> These three sections are (1) the Document Clause (vv. 1-8); (2) the Oath (vv. 9-10);<sup>70</sup> and (3) the Appeal to Witness (vv. 11-26).

In terms of the thematic unity specifically between 26:16-19 and Deuteronomy 27, one can see the following parallels: (1) the association with the Document Clause in both 26:16 and 27:1-8,<sup>71</sup> (2) the covenant relationship formula of 26:17-18 and 27:9-10, and (3) the obligation to obedience in 26:17-18 and the appeal to the divine verification

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<sup>68</sup>Tigay, *Deuteronomy*, 488, asserts, “What unites the three sections of [chapter 27] with each other, and with the surrounding chapters, is that they are all about covenant ceremonies.” He entitles chap. 27 “Ceremonies to Mark Israel’s Arrival in the Land” and subdivides the text: 1-8, 9-10, and 11-26.

<sup>69</sup>See the discussion in chap. 2 of this study.

<sup>70</sup>Although the Solemn Oath Ceremony is missing from the ancient Near Eastern treaty formulary, George E. Mendenhall, “Covenant Forms in Israelite Tradition,” *BA* 17, no. 3 (1954): 60-61, asserts that this by necessity must be included because of the nature of the treaty transaction. See discussion in chap. 2 of this study.

This study does not identify a specific oath *ceremony* in 27:9-10 nor does it emphasize a sharp and clear distinction between 27:9-10 and 27:1-8. While it is true that “narrative markers begin each of these sections” [namely, 1-8, 9-10, 11-26] (so Kenneth Jon Turner, “The Death of Deaths in the Death of Israel: Deuteronomy’s Theology of Exile” [Ph.D. diss., The Southern Baptist Theological Seminary, 2005], 152 n. 357), Turner concedes (noting Christensen, *Deuteronomy*, 652 and 655), “One could argue that vv. 1-10 constitute a unit by recognizing an envelope around the passage.” Rather, the argument is made in chap. 5 of this study that the covenant relationship formula of 27:9-10 “joins together” the covenant formulary constituents of the Document Clause and Appeal to Witness.

This reference to the oath here in 27:9-10 follows the pattern established in 12:1-26:15 as it relates to 26:16-19, that is “the commands have been written down (in 12:1-26:15 [and in 27:1-8, author’s interjection]); *now* is when they intended to be in force” (DeVries, *Yesterday, Today and Tomorrow*, 182). DeVries makes these comments as they relate to Moses’ use of הָיָה הַיּוֹם הַזֶּה in 26:16. However, one should also see the connection in 27:9-10 wherein הָיָה הַיּוֹם הַזֶּה is used in a clause-initial position and is immediately followed by a reference to the covenant relationship formula.

<sup>71</sup>As previously noted, both could be understood to represent the reading of הַתּוֹרָה which in turn is associated with the Document Clause in the treaty formulary.

or enforcement in 27:11-26. If indeed 26:16-19 serves as a model for a future covenant renewal ceremony, verse 16 could be understood as the instruction to have the law read to the entire congregation assembled for such an event.<sup>72</sup> Certainly in its present context, verse 16 serves as a summary statement for the General (Deuteronomy 5-11) and Specific (Deuteronomy 12-26:15) Stipulations just elaborated by Moses. Likewise, in 27:1-8 the instruction is given to “keep the whole commandment which I am commanding you today.”<sup>73</sup> Further, all the words of the law were to be recorded “very clearly” in plaster on large stones so that all Israel could understand them.<sup>74</sup>

If Wenham’s<sup>75</sup> assertion that the document of the treaty was required in order to bring it into effect, then one can understand why the pronouncement of 27:9-10 is made immediately after the reference to the Document Clause in 27:1-8. Moreover, the verbal affinity between the second component of the solemn oath in 26:18-19 and the statement in 27:9 is clear.

26:18-19 הַיּוֹם לְהִיּוֹת לוֹ לְעַם . . . וְלִהְיֶתָּה עִם-קָדֹשׁ לַיהוָה אֱלֹהֶיךָ  
27:9 הַיּוֹם הַזֶּה נְהַיֶּינָה לְעַם לַיהוָה אֱלֹהֶיךָ

The relationship between 26:16-19 and 27:11-26 may not be as evident. Yet, as noted above, the theme of Israel’s obligation is clear in 26:17-19, that is, they had an obligation to obey. While the verbal affinities specifically between 26:16-19 and 27:11-

<sup>72</sup>Compare 31:9-13. G. Ernest Wright, “The Book of Deuteronomy,” 311-537, *The Interpreter’s Bible*, ed. G. A. Buttrick (Nashville: Abingdon, 1953), 2:487, draws this conclusion, too.

<sup>73</sup>Note that in 26:16 and 27:1 the Piel participle of נָצַח is employed and both refer to הַיּוֹם.

<sup>74</sup>The term באר in 27:8 is used to describe the writing’s clarity. This same word is used in 1:5 to describe Moses’ effort to “explain” הִתְוַדָּה.

<sup>75</sup>Gordon J. Wenham, “The Structure and Date of Deuteronomy: A Consideration of Aspects of the History of Deuteronomy Criticism and a Re-examination of the Question of Structure and Date in the Light of that History and of the Near Eastern Treaties” (Ph.D. diss., University of London, 1969), 207, contends that “the production of a treaty document was *integral* to the making of a covenant” (emphasis added). Appealing to Korošec, Wenham unyieldingly asserts, “The treaty only exists with the production of the document” (165). Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, trans. David E. Green (Oxford: Blackwell, 1971), 16-17 and 26-27, affirms the significance of having a written document in the treaty process.

26 may be few, there is a natural thematic connection. Namely, Israel has committed itself to the course of obedience in 26:17-18 and 27:11-26 is an appeal to the divine witness—to the one who would monitor this party to the covenant to ensure it was abiding by its commitments. As such, 27:12 alludes to the possibility for blessing and 27:13 alludes to the potential for curse.<sup>76</sup>

### Verbal Similarities

Table 7 below identifies many of the verbal similarities between Deuteronomy 26 and 27 by first identifying a word or phrase in 27 and showing its “pair” from 26. Some of these associations have been highlighted in the previous section on the thematic unity between these two chapters.

This table shows clearly the connections between Deuteronomy 27 and 26. In 27:2 we see the exact phrase used in 26:1 to describe the conditions in which the

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<sup>76</sup>In his article Paul A. Barker, “The Theology of Deuteronomy 27,” *TynBul* 49 (1998): 277-303, seeks to demonstrate the unity of Deut 27 by revealing the underlying theology of the chapter. He notes that although only curses are recited in the ceremony described in this chapter, the references to the altar, to the sacrifices, and to the allusions to the Abrahamic covenant intimate an undercurrent of blessing that can only be attributed to Yahweh’s grace. In this article he also highlights the thematic unity of Deut 26-30 when he states, “[Moses] demands that the ‘day of decision’ of Moab becomes the ‘day of response’ of Canaan.”

One of the putative evidences offered by those who suggest that Deut 27 is the result of later redaction is the change of “speakers” identified in vv. 1, 9, and 11. These verses indicate that Moses and the elders addressed the congregation in vv. 1-8, that Moses and the Levitical priests addressed the congregation in vv. 9-10, and that Moses alone addressed the congregation in vv. 11-26. However, if one takes into consideration the parallels drawn by Block, “The Privilege of Calling,” 390-91, between Deut 26:16-19 and the narrative of Exod 19-24 (specifically the covenant ceremony of Exod 24), then one can see the possible reasoning for the change in speakers in Deut 27. First, one can understand why—from the setting of Deuteronomy as Moses is preparing Israel for the post-Mosaic era—Moses would include the elders in this instruction. That is, he will not be able to direct this ceremony since he will not be crossing the Jordan with Israel. Second, if one compares the text of Exod 24:1-12 with the instructions in 27:1-8, one will notice several points of similarity: (1) there is a recounting of all the words of the law, (2) these words are recorded on stones, (3) there are pillars erected, (4) burnt offerings and peace offerings are presented, and (5) a meal is enjoyed in Yahweh’s presence. In Exod 24, the focus—in terms of those participating—is on the elders. This precedent might explain the incorporation of the elders in the instruction given in Deut 27:1-8. As for the reference to the Levitical priests in 27:9-10, this might be explained by the fact that it would be this group who would be responsible for leading the covenant renewal ceremony (referred to again in 31:9-13) and who would reaffirm at such a ceremony the covenantal relationship between Yahweh and Israel. As for the lone reference to Moses’ instruction in 27:11-16, this has been the pattern throughout Deuteronomy. If indeed 27:11-16 is moving to the next component of the treaty formulary, viz., the Appeal to Divine Witness, then one would expect that the instruction would come from Moses alone.

Table 7: Verbal affinities between Deuteronomy 26 and 27

27:2	אֶל־הָאָרֶץ אֲשֶׁר־יְהוָה אֱלֹהֶיךָ נָתַן לָךְ	26:1	אֶל־הָאָרֶץ אֲשֶׁר־יְהוָה אֱלֹהֶיךָ נָתַן לָךְ
27:3	אֶרֶץ זָבַת חֶלֶב וּדְבָשׁ	26:15	אֶרֶץ זָבַת חֶלֶב וּדְבָשׁ
27:3	כַּאֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֵי־אֲבֹתֶיךָ לָךְ	26:3	נִשְׁבַּע יְהוָה לְאֲבֹתֵינוּ לְתַת לָנוּ
		26:15	כַּאֲשֶׁר נִשְׁבַּעַת לְאֲבֹתֵינוּ
		26:18	כַּאֲשֶׁר דִּבֶּר־לָךְ
		26:19	כַּאֲשֶׁר דִּבֶּר
27:7	וְשִׂמַּחְתָּ לִפְנֵי יְהוָה אֱלֹהֶיךָ	26:11	וְשִׂמַּחְתָּ . . . יְהוָה אֱלֹהֶיךָ
27:9	הַיּוֹם הַזֶּה	26:16	הַיּוֹם הַזֶּה
27:9	נִהְיִיתָ לְעַם לַיהוָה אֱלֹהֶיךָ	26:18	לְהִיּוֹת לָו לְעַם
		26:19	וּלְהִיָּךְ עִם־קֹדֶשׁ לַיהוָה אֱלֹהֶיךָ
27:10	וְשָׁמַעַתָּ בְּקוֹל יְהוָה אֱלֹהֶיךָ	26:17	וּלְשִׁמַּע בְּקֹלוֹ
27:10	וַעֲשִׂיתָ אֶת־מִצְוֹתָיו וְאֶת־חֻקָּיו	26:17	וּלְשָׁמֵר חֻקָּיו וּמִצְוֹתָיו
27:12	לְבָרֶךְ אֶת־הָעָם	26:15	וּבָרַךְ אֶת־עַמּוֹךָ
27:14	וַעֲנוּ . . . וְאָמְרוּ	26:5	וַעֲנִיתָ וְאָמַרְתָּ

following instructions were to be fulfilled. In 26:1 the phrase is prefaced by a generic temporal clause “When you enter. . . .” In 27:2 this temporal clause is very specific, “On the day when you cross the Jordan. . . .” The phrase used to describe the land to which Israel would cross in 27:3 is identical to the description of Israel’s future homeland in 26:15. As noted, 27:3 not only shares a thematic unity with the concepts in Deuteronomy 26, but the same words are used to communicate these promises. Similar language is used in 27:7 and 26:11 to instruct<sup>77</sup> the worshipers in the matter of rejoicing before Yahweh. The expression “this day” is located in the emphatic clause-initial position in 27:9 and 26:16. The verb *היה* plus *עם* is used in 27:9 and 26:18 and 19 to express the idea of becoming a people “to Yahweh your God.” Both 27:10 and 26:17 employ a form of the verb *שמע* and *בקול* to illustrate the notion of listening to or obeying God. These verses also address the doing or keeping of Yahweh’s statutes and commandments. Both 27:12 and 26:15 utilize forms of *ברך* to convey the act of blessing the people (*עם*).<sup>78</sup>

<sup>77</sup>Both sentences use the format of “ritual instruction,” as noted above.

<sup>78</sup>One must note that in both of these verses human beings are soliciting the blessing of Yahweh upon his people.

And finally, one can see that 27:14 and 26:5 make use of עֲנֶה and אָמַר to describe the act of declaration made in both settings.

### **The Canonical Position of Deuteronomy 26:16-19 in the Covenantal Framework of Deuteronomy**

In the previous two sections great pains were taken to show that 26:16-19 is integrally connected to 26:1-15<sup>79</sup> and that 26:16-19 flows naturally into the instructions of Deuteronomy 27. However, literary anomalies were discovered between the ceremonies of 26:1-15 and 26:16-19 which may hint at the fact that this text might also operate on a macro level in addition to the micro level. Studying this issue will reveal a super-structural canonical function for this text.

Many scholars<sup>80</sup> have noted that the expression וְהִמְשַׁפְּטִים יְהוָה in 26:16 serves as a transitional marker. In Deuteronomy, in addition to 26:16, we find this at 5:1,<sup>81</sup> and at 11:32 and 12:1.<sup>82</sup> Furthermore, McConville notes, “The substance of ch. 26 forms an *inclusio* with ch. 12, by virtue of the instruction to the people to go to the place of worship after they have come into the land, bringing offerings (12:5-7; 26:1-2).”<sup>83</sup> And he suggests that Deuteronomy 26 not only looks back but also “forms a transition to the next important section of the book.”<sup>84</sup>

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<sup>79</sup>And hence to the stipulations of the covenant in 12:1-26:15.

<sup>80</sup>See, for example, Turner, “The Death of Deaths,” 150, Christensen, *Deuteronomy*, 646, McConville, *Deuteronomy*, 382, and Tigay, *Deuteronomy*, 244.

Additionally, Millar, “Living at the Place of Decision,” 35-49, discusses the significance of this expression for Deuteronomy. He also notes that this expression “appears to frame *both* the parenthesis of chs. 5-11 *and* the lawcode of chs. 12-26” (36).

<sup>81</sup>This expression is near the beginning of Moses’ second speech between the Historical Prologue and the General Stipulation.

<sup>82</sup>These verses transition from the General Stipulation to the Specific Stipulations.

<sup>83</sup>McConville, *Deuteronomy*, 376.

<sup>84</sup>*Ibid.*, 377. However, he suggests that this next important section is the “blessings and curses section located in Deuteronomy 28.” The assertion here is that this transition marks the keystone of the covenantal framework of Deuteronomy and indicates the completion of the stipulations and the beginning of the matters related to the covenant’s conclusion.

Likewise, Miller, asserts, “Verse 16 serves as a concluding bracket around chapters 5-26.”<sup>85</sup> He deduces, “So a signal is given that Moses has finished teaching the rules and regulations for life.”<sup>86</sup> Once again, however, there is a nuanced difference between these expressions in the keeping of **הַחֲקִים וְהַמִּשְׁפָּטִים**.

5:1 וּשְׁמַרְתֶּם לַעֲשׂוֹתָם

12:1 תִּשְׁמְרוּן לַעֲשׂוֹת

26:16 וּשְׁמַרְתָּ וְעָשִׂיתָ אוֹתָם

In 5:1 the instruction to “keep” the statutes and ordinances takes the form of a *waw* plus Qal perfect 2mp of **שָׁמַר** and **ל** plus infinitive of **עָשָׂה**, and in 12:1 it takes the form Qal imperfect 2mp of **שָׁמַר** and **ל** plus infinitive of **עָשָׂה**. In 26:16 the verb forms of **שָׁמַר** and **עָשָׂה** are both *waw* plus Qal perfect 2ms.

From a structural perspective, Christensen<sup>87</sup> demonstrates the pivotal role of 26:16-19 in the macro structure of the covenantal framework of Deuteronomy 1-30 in the following chiasm:

- A Blessing and curse in a covenant renewal under Moses (11:26-28)
- B Blessing and curse in a covenant renewal at Shechem (11:29-32)
- X Mutual commitments made between YHWH and Israel (26:16-19)
- B' Blessing and curse in a covenant renewal at Shechem (27:1-16)
- A' Blessing and curse in a covenant renewal under Moses (28:1-69)

Christensen comments,

The center in the above structure becomes the final paragraph in Deut 26, which functions as the conclusion to the exposition of the statutes and ordinances in Deut 12-26, and the connecting link between Deut 11 and Deut 27. At the same time, it is also a connecting link within another concentric structure that links the central core (Deut 12-26) and the section on the covenant ceremony in Deut 27-30.<sup>88</sup>

<sup>85</sup>Miller, *Deuteronomy*, 184.

<sup>86</sup>Ibid., 185.

<sup>87</sup>Christensen, *Deuteronomy*, 644. McConville, *Deuteronomy*, 387, and Craigie, *Deuteronomy*, 212, both offer similar structural proposals.

<sup>88</sup>Christensen, *Deuteronomy*, 644.

However, this macro structure could and should be expanded to include reference to all of Deuteronomy 5-11 in the first level of the chiasm above if indeed, as Christensen advocates, this final paragraph “functions as the conclusion of the exposition of the statutes and ordinances.”<sup>89</sup> Furthermore, if Deuteronomy 4:1-40 serves as the hortatory conclusion of the Historical Prologue<sup>90</sup> calling Israel to undivided loyalty to its suzerain and Deuteronomy 29-30 serves as the hortatory conclusion of the covenant proper calling Israel to accept the terms of the covenant by engaging in a Solemn Oath Ceremony, then one can see clearly the pivotal function of 26:16-19 in the covenantal framework of Deuteronomy 1-30.

### **Conclusion**

This consideration of the literary-structural features of Deuteronomy 26:16-19 in its context reveal that it functions canonically on both the micro and macro levels of the text. On the micro level it functions as the third component of the three “ceremonies of confession” in 26:1-19. The literary-structural *similarities* between the instructions for the ceremonies of confession associated with the first fruit offering (26:1-11), associated with the triennial tithe offering (26:12-15), and associated with the septennial ceremony of covenantal declarations demonstrate that 26:16-19 provides the final piece of instruction in the Specific Stipulations (Deut 12-26). The shared features incorporated in each of these ceremonies include: (1) a time marker, (2) instructions regarding “produce,” (3) meeting with Yahweh, (4) the offering presented, (5) the confession made, and (6) the grace given to Israel, grace solicited from Yahweh, and grace promised to Israel. The literary-structural dynamics established in the first two ceremonies (vv. 1-11 and vv. 12-15) anticipated the profound nature of the third ceremony. Specifically, in the first two

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<sup>89</sup>The expression יהוה אלהינו יהוה אחד used in 5:1; 12:1 and 26:16 makes this clear.

<sup>90</sup>Namely 1:6-4:43. See the discussion in chap. 2 of this study.

ceremonies, Israel *responded* to Yahweh's *initiative* and blessing by bringing an offering and making a confession. In the third ceremony, Yahweh's initiative is maintained, but instead of making provision for Israel through the earth's bounty, Yahweh offers himself to Israel as their God. Israel, appropriately, responds to that initiative and "confesses" that it will be a people of special possession and a holy people to Yahweh their God. The movement between the literary-structural pattern of the first two ceremonies is reflected in the bilateral exchange in the third ceremony, namely verse 17 focuses on what Yahweh has done and Israel's expected response, and verses 18-19 name Israel's obligation and anticipated graces asked for from Yahweh.

On the macro level, the literary-structural features of Deuteronomy 26:16-19 point to a seamless transition to Deuteronomy 27. The literary features suggest a thematic unity between 26:16-19 and 27, that is, the ceremony modeled in 26:16-19 is described in 27:1-8. The covenant relationship formula of 26:17-18 is echoed in 27:9-10. Many of the structural markers identified in the three ceremonies of confession in chapter 26 are employed in chapter 27. This study provides additional evidence that the proposal in chapter 3 for the alternative rendering of the Hiphil of אָמַר in 26:17-19 is more plausible than the traditional renderings offered in the translations (ancient and modern).

Finally, the anomalies within the literary-structural pattern of 26:16-19 (when compared to the literary-structural pattern of 26:1-11 and 12-15) suggest a macro-structural function for 26:16-19 that is employed at the level of the treaty formulary used to provide the covenantal framework of Deuteronomy 1-30, serving as the central focus of that covenantal framework.

## CHAPTER 5

### THE COVENANT RELATIONSHIP FORMULA IN DEUTERONOMY

The task of this chapter is to examine each of the expressions of the covenant relationship formula as they occur in the covenantal framework of Deuteronomy 1-30. The purpose is to determine how the covenant relationship formula functions in each of the textual units wherein it is employed. This study will not attempt to provide a full-fledged exegesis of each expression. Rather it will provide an abridged literary analysis<sup>1</sup> of the textual unit in which each is cited and suggest an associated function of the covenant relationship formula in that unit and the greater covenantal constituent in which it is found. The verses which cite the covenant relationship formula are these:

Deuteronomy 4:20

וְאַתְּכֶם לָקַח יְהוָה וַיּוֹצֵא אֶתְכֶם מִכּוּר הַבְּרָזִל מִמִּצְרַיִם לְהִיּוֹת לוֹ  
לְעַם נַחֲלָה כַּיּוֹם הַזֶּה

Deuteronomy 7:6

כִּי עַם קְדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ בְּךָ בָחַר יְהוָה אֱלֹהֶיךָ לְהִיּוֹת לוֹ  
לְעַם סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָרֶץ

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<sup>1</sup>Timothy A. Lenchak, "Choose Life!" *A Rhetorical-Critical Investigation of Deuteronomy 28,69-30,20*, *Analecta Biblica* 129 (Rome: Pontifical Biblical Institute, 1993), 173, comments on the value of defining the literary structure of a text for understanding the rhetorical impact of the text: "The literary structure of a text is *not identical* with the arrangement of its arguments. The literary structure is 'the network of relations among the parts of an object or a unit' (citing S. Bar-Efrat, "Some Observations on the Analysis of Structure in Biblical Narrative," *VT* 30 [1980]: 155), a network which can be discovered by an examination of the patterns of a text. Such patterns may include the techniques of alternation, chiasm, inclusion, keywords, motifs, and symmetry. An investigation of the literary structure of a text is not without value for rhetoric, however. For the structure of a discourse has rhetorical value, since it is one of the factors which affects an audience and which can affect meaning (citing S. Bar-Efrat, "Some Observations," 172). Moreover, the arguments of a discourse are woven into its literary structure" (emphasis added). Lenchak provides a very thorough analysis of the literary structure of Deut 28:69-30:20 (171-207). While this study could benefit from following the example of Lenchak's thorough investigation and analysis, the scope of this study will not permit a full discussion of each of the contexts in which the covenant relationship formula occurs in Deuteronomy.

Deuteronomy 14:2

כִּי עַם קָדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ וּבָחַר יְהוָה לְהִיּוֹת לוֹ לְעַם  
סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָרֶץ

Deuteronomy 26:17

אֶת-יְהוָה הָאֱמִרְתָּ הַיּוֹם לְהִיּוֹת לְךָ לְאֱלֹהִים

Deuteronomy 26:18

וַיְהוָה הָאֱמִירְךָ הַיּוֹם לְהִיּוֹת לוֹ לְעַם סִגְלָה כַּאֲשֶׁר דִּבֶּר-לְךָ

Deuteronomy 27:9

הַיּוֹם הַזֶּה נְהִייתָ לְעַם לַיהוָה אֱלֹהֶיךָ

Deuteronomy 28:9

יִקְיַמְךָ יְהוָה לוֹ לְעַם קָדוֹשׁ כַּאֲשֶׁר נִשְׁבַּע-לְךָ

Deuteronomy 29:12

לְמַעַן הָקִים אֶתְךָ הַיּוֹם לוֹ לְעַם וְהוּא יְהִי־לְךָ לְאֱלֹהִים כַּאֲשֶׁר  
דִּבֶּר-לְךָ

As noted in chapter 1 of this study, Rendtorff has provided a thorough exegetical analysis of the covenant relationship formula as it is used throughout the Old Testament.<sup>2</sup> He has taken exception to Smend's analysis<sup>3</sup> that the covenant relationship formula is properly only identified with the bilateral exchange ... לְהִיּוֹת לְךָ לְאֱלֹהִים and לְהִיּוֹת לוֹ לְעַם and that the expressions לְהִיּוֹת לְךָ לְאֱלֹהִים and לְהִיּוֹת לוֹ לְעַם when utilized separately are actually defective. Rather, Rendtorff argues effectively that each phrase ought to be identified as legitimate covenant relationship formulae and labels them as follows: Formula A–לְהִיּוֹת לְךָ לְאֱלֹהִים; Formula B–לְהִיּוֹת לוֹ לְעַם; and Formula C–לְהִיּוֹת לְךָ לְאֱלֹהִים ... לְהִיּוֹת לוֹ לְעַם.<sup>4</sup>

In chapter 2 of this study a proposal for the correlation of the parallels between the constituents of the Hittite treaty formulary as they occur in Deuteronomy 1-30 was offered. The results are listed in Table 3. When one overlays the occurrences of the

<sup>2</sup>Rolf Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, trans. Margaret Kohl, Old Testament Studies (Edinburgh: T & T Clark, 1998).

<sup>3</sup>Rudolf Smend, *Die Bundesformel*, Theologische Studien 68 (Zürich: EVZ-Verlag, 1963).

<sup>4</sup>See the full discussion in chap. 1 of this study.

covenant relationship formulae in Deuteronomy with the proposed parallels between the covenantal structure of Deuteronomy—as is done in Table 8 below—one discovers that the covenant relationship formula is used one time only within each of the covenantal constituents and that the focal text of this study is situated between the first three occurrences and the final three occurrences of the covenant relationship formulae. This fact supports Rendtorff’s conclusion that the “covenant formula is an element of theological language which is introduced in a *highly conscious manner*.”<sup>5</sup>

To determine how the covenant relationship formula functions in each of these covenantal constituents, this chapter will apply the following methodology to each expression. First, a review of the role of the particular treaty constituent as it occurs in the Hittite treaty formulary is offered. This review assists in providing the general setting for the specific employment of the covenant relationship formula in its specific covenantal constituent. Then the textual unit in which the covenant relationship formula is located is identified. Then a suggestion for the literary structure of this textual unit is offered shedding light on the function of the covenant relationship formula in its textual unit. The result will then be extrapolated to the greater covenantal constituent in which the covenant relationship formula is located.

This will reveal that the covenant relationship formulae leading up to 26:16-19 (in 4:20; 7:6; and 14:2) are more closely associated with the notion of exclusive loyalty to Yahweh and those following 26:16-19 (in 27:9; 28:9; and 29:12) are more closely associated with the expectation of obedience to Yahweh. Understandably, there is an inherent danger in separating the notion of undivided loyalty from commandment obedience. These are *not* mutually exclusive realities. Rather, for Deuteronomy, exclusive loyalty ought to be demonstrated by commandment obedience, and commandment obedience will result in exclusive loyalty. Nevertheless, the observations

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<sup>5</sup>Rendtorff, *The Covenant Formula*, 92 (emphasis added).

in this study reveal that the covenant relationship formulae do exhibit these associated tendencies.

Table 8: The covenant relationship formula as it occurs in the treaty constituents of Deuteronomy

Hittite Treaty Formulary	Represented in Deuteronomy	CRF used (reference)
1) Preamble <sup>6</sup>	1:1-5	None
2) Historical Prologue	1:6-4:44	Formula B (4:20)
3a) General Stipulation	4:45-11:32	Formula B (7:6)
3b) Specific Stipulations	12:1-26:15	Formula B (14:2)
	26:16-19 <sup>7</sup>	Formula C (26:17-19)
4) Document Clause	27:1-8	None
	27:9-10	Formula B (27:9)
5) Appeal to Witness <sup>8</sup>	27:11-26	None
6) Blessings and Curses	28:1-69 [Eng 29:1]	Formula B (28:9)
7) Solemn Oath Ceremony <sup>9</sup>	29:1 [Eng 29:2]-30:20	Formula C <sup>10</sup> (29:12)

<sup>6</sup>Technically, this occurs outside the borders established by the speeches of Moses and is not, for the purposes of this study, to be considered as part of the covenantal framework of Deuteronomy.

<sup>7</sup>In chap. 4 the argument is made that 26:16-19 serves a dual function. First, as part of the Specific Stipulations, it describes one of the future ceremonies which are prescribed for observance in the land. As such, it is considered to be a part of the greater textual unit of chaps. 12-26. However, it can also be distinguished from the preceding and following textual units and was shown—in chap. 4 of this study—to function on the macro-structural level in Deuteronomy serving as the keystone between the first three constituents and the remaining three constituents of the covenantal framework of Deuteronomy and binds all of the constituents into a unified whole.

<sup>8</sup>This is often referred to, quite naturally, as the God List or the Divine Witnesses in the treaty formularies. That is due to the fact that this constituent in the ancient Near Eastern treaties usually appeals to the gods of the vassal (and routinely to the gods of the suzerain as well) to witness the treaty transaction and to ensure loyalty between the partners.

<sup>9</sup>As noted in chap. 2 of this study, the Solemn Oath Ceremony is not included in the Hittite treaty formulary. Yet as Mendenhall and Wenham (and others) have insisted, that there would have been such a ceremony goes without question. Since 29:1-30:20 is included in Moses' three sermons, it is considered within the "extended" treaty formulary.

<sup>10</sup>One must note that in the two instances that Formula C is employed in Deuteronomy, the order of the constituents of this formula are reversed (that is, in 26:17-19 "to be your God" precedes "to be his people" and in 29:12 "to be his people" precedes "to be your God"), and in 26:17-19 each constituent of

## Deuteronomy 4:20–Historical Prologue (1:6–4:44)

### The Function of the Constituent in the Treaty Formulary

As noted in chapter 2 of this study, the Historical Prologue in the ancient Near Eastern treaty formulary recounts the relationship between the suzerain and vassal often highlighting the graciousness and kind deeds of the suzerain towards the vassal. Currid asserts, “The purpose of the historical review is to establish historical justification for a continuing covenantal arrangement between two parties. Especially in a suzerain/vassal treaty, the benefits of the covenant to the vassal are often highlighted in order to evoke a sense of gratitude from him.”<sup>11</sup> The Historical Prologue sets the stage for an appeal to the exclusivity of the relationship which is demonstrated through obedience to the suzerain’s stipulations.

Nelson states, “Chapter 4 forms a bridge between the historical review of chapters 1-3 and the start of Moses’ promulgation of law in 5:1.”<sup>12</sup> Yet, it is more than a simple bridge. Deuteronomy 4:1-40 transitions into the General Stipulation (Deut 5-11) which codifies the nature of the loyalty required.<sup>13</sup>

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the formula is spoken directly by the parties to the covenant and in 29:12 both constituents are spoken by the covenant mediator Moses indicating action taken by Yahweh. As suggested in chap. 3 of this study, both constituents (“to be your God” and “to be his people”) are obligations undertaken by Yahweh. Yet, as discussed in chap. 4 of this study, that Israel could respond to Yahweh’s offer to be their God by acknowledging their position as his people is a recognition of Yahweh’s grace.

<sup>11</sup>John D. Currid, *Study Commentary on Deuteronomy*, Evangelical Press Study Commentary (Webster, NY: Evangelical Press USA, 2006), 38.

<sup>12</sup>Richard D. Nelson, *Deuteronomy: A Commentary*, OTL, vol. 5 (Louisville: Westminster/John Knox, 2002), 61.

<sup>13</sup>If, indeed, as discussed in chap. 1 of this dissertation, Deut 5:6-10 is to be considered as the first commandment, then the content of Deut 6:1-11—essentially assertions concerning the uniqueness of Yahweh and prohibitions against representations for Yahweh—can be conceived of as an expansion of this commandment which represents the General Stipulation of the treaty formulary. This agrees with the assessment of Jeffrey H. Tigay, *Deuteronomy*, Jewish Publication Society Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 40, that “chapter 4 is a précis of chapters 5-11.” He avers that these chapters “stress especially the duty of worshipping only the Lord (YHVH), which is the *foundation of all the other laws*” (emphasis added).

### Parameters/Boundary of the Textual Unit

The Historical Prologue of Deuteronomy 1:6-4:44 can be divided into these basic units: the summary of Yahweh's provision from Sinai to Moab (1:6-3:29); the sermonic appeal for exclusive obedience to Yahweh (4:1-40); and the setting aside of cities of refuge (4:41-43); and the summary statement of the Prologue (4:44). The covenant relationship formula of 4:20 is located in the second section of 4:1-40.

Polzin provides an insightful review of the first address of Moses in 1:6-4:40.<sup>14</sup> He focuses his study on three instances of reported speech, specifically the texts of 1:37, 3:26, and 4:21-22 “to illustrate compositional relationships inherent in the book.”<sup>15</sup> Noting that chapters 1-3 employ direct discourse and chapter 4 employs indirect discourse, he concludes that Deuteronomy 4:1-40 serves as a summary analysis of this speech. He describes 4:1-40 as “an analytical, evaluative response to that past by means of indicating its full significance for *his* audience's subsequent history in the land and (eventually) in exile.”<sup>16</sup>

The BHS and the MT agree on a bipartite division of two open *parashiyot*<sup>17</sup>

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<sup>14</sup>Robert Polzin, *Moses and the Deuteronomist: A Literary Study of the Deuteronomistic History* (New York: The Seabury Press, 1980), 36-43.

<sup>15</sup>*Ibid.*, 36.

<sup>16</sup>*Ibid.*, 41 (emphasis original). Peter C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 128, likewise identifies the textual unit in which the covenant relationship formula is located as 4:1-40. He entitles the section, “A Call for Obedience to God's Law (4:1-40),” but a more appropriate title might be, “A Call to Covenantal Loyalty,” given the basis for this call in Deut 1-3 and the General Stipulation which follows in Deut 5-11.

<sup>17</sup>Marjo C. A. Korpel, “Introduction to the Series Pericope,” in *Delimitation Criticism: A New Tool in Biblical Scholarship*, ed. Marjo C. A. Korpel and Josef M. Oesch, Pericope 1 (Assen: Van Gorcum, 2000), 1-50, introduces the reader to the discipline of “delimitation criticism” by discussing the *parashiyot* (which she identifies as “sense units”) in the Hebrew manuscripts (which were usually adopted in later translations from Hebrew). The two major indicators of the boundaries of the *parashiyot* are the סתירה (“closed” section marked with ס in the BHS) and the פתירה (“open” section marked with פ in the BHS). This discussion reviews the work of earlier scholars and concludes that these boundary markers are *very reliable* in their division of the text into larger and smaller sense units (2-13, emphasis added).

Later in this introduction, Korpel concludes, “In general the masoretic colometry is very reliable, as recent research has shown and may well serve as the point of departure for *any discussion about the meaning of the text*” (31, emphasis added).

Emanuel Tov, “The Background of the Sense Divisions in the Biblical Texts,” in *Delimitation Criticism: A New Tool in Biblical Scholarship*, ed. Marjo C. A. Korpel and Josef M. Oesch, Pericope 1 (Assen: Van Gorcum, 2000), 312-50, provides the reader with a brief background to the topic of sense divisions and indicates that this was practiced not only in the Hebrew Bible but also “in many texts in

for 4:1-40, namely, 1-24 and 25-40. However, several commentators have suggested that 4:1-40 consists of either three units (1-8, 9-31, 32-40)<sup>18</sup> or five units (1-8, 9-14, 15-24, 25-31, 32-40).<sup>19</sup> In either case, the covenant relationship formula of 4:20 occurs in the middle of the three or the five text units.

The *parashiyyot* imply that one ought not to treat verses 9-31 as a single literary text unit. Rather the repeated themes of diligent watchfulness,<sup>20</sup> forgetting,<sup>21</sup> fire,<sup>22</sup> seeing or making no form,<sup>23</sup> covenant,<sup>24</sup> and land possession<sup>25</sup> suggest that verses 9-24 belong together.<sup>26</sup> These verses, however, as suggested by the various

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antiquity, sacred and non-sacred, in several languages: Hebrew, Aramaic, and Greek” (312). He, too, describes the technique used to indicate these divisions in the ancient texts, but focuses his discussion on the biblical texts and evidences from Qumran. He posits that the sense divisions originated in proto-Masoretic texts (324) and suggests that the evidence demonstrates “a relative stability in the transmission of the sense division, *perhaps reflecting the very first manuscript of the composition*” (330, emphasis added). He further asserts, “It stands to reason that the division into sense units was included in the *original compositions* (including the Hebrew Bible) at the time of their *initial writing*” (334, emphasis added).

<sup>18</sup>See, e.g., Walter Brueggemann, *Deuteronomy*, Abingdon Old Testament Commentary (Nashville: Abingdon, 2001), 51-59; Meredith G. Kline, *Treaty of the Great King: The Covenant Structure of Deuteronomy* (Grand Rapids: Eerdmans, 1963), 58-61; Tigay, *Deuteronomy*, 41; or Christopher J. H. Wright, *Deuteronomy*, New International Biblical Commentary on the Old Testament, vol. 4 (Peabody, MA: Hendrickson Publishers, 1996), 45-58.

<sup>19</sup>See, e.g., C. F. Keil and F. Delitzsch, *The Pentateuch*, vol. 3, Biblical Commentary on the Old Testament, trans. James Martin (Edinburgh: T & T Clark, 1871), 308-16; J. G. McConville, *Deuteronomy*, AOTC (Downers Grove, IL: InterVarsity Press, 2002), 101-02; or Eugene H. Merrill, *Deuteronomy*, NAC (Nashville: Broadman & Holman, 1994), 113-24.

<sup>20</sup>See v. 9 וְשָׁמַר נַפְשְׁךָ מֵאֵד לְךָ; v. 15 לְנַפְשֵׁיכֶם מֵאֵד; and v. 23 הִשְׁמַרוּ לָכֶם.

<sup>21</sup>See v. 9 פֶּן־תִּשְׁכַּח; and v. 23 פֶּן־תִּשְׁכַּחוּ.

<sup>22</sup>See v. 11 בַּעַר בָּאֵשׁ; v. 12 מִתּוֹךְ הָאֵשׁ; v. 15 מִתּוֹךְ הָאֵשׁ; and v. 24 אֵשׁ.

<sup>23</sup>See v. 12 וְתִמְוֹנָה אֵינְכֶם רְאִים; v. 15 פֶּל־תִּמְוֹנָה; v. 16 לֹא רְאִיתֶם; v. 16 פֶּסֶל לָכֶם; and v. 23 תִּמְוֹנַת וְעִשְׂוֹתֵיכֶם לָכֶם פֶּסֶל תִּמְוֹנַת.

<sup>24</sup>See v. 13 אֶת־בְּרִיתוֹ; and v. 23 אֶת־בְּרִית יְהוָה אֱלֹהֵיכֶם. While the word בְּרִית is not mentioned in v. 20, clearly the theme of covenant is included by means of the covenant relationship formula.

<sup>25</sup>See v. 14 בְּאֶרֶץ אֲשֶׁר אַתֶּם עֹבְרִים שָׁמָּה לְרִשְׁתָּהּ; and v. 22 וְאַתֶּם עֹבְרִים וִירִשְׁתֶּם אֶת־הָאָרֶץ.

<sup>26</sup>Craigie, *Deuteronomy*, 132, comments on the text of 4:9-24, “The passage begins with a warning, repeated again in v. 15 and v. 23: *only guard yourself carefully and guard very carefully your desire*” (emphasis original). Currid, *Deuteronomy*, 107, notes that a warning to guard against idolatry serves as inclusion to the passage (4:9 and 4:23-24).



serve these celestial bodies and verse 20a makes a distinct contrast (וְאֵתְכֶם)<sup>34</sup> between Israel and all the peoples under the heavens, one could understand the verb חָלַק to mean that Yahweh had ordained that the peoples actually worship these non-deities, but that Israel should worship Yahweh alone.<sup>35</sup> However, this position must be rejected. Rather, verse 19b simply states that these heavenly bodies were given or apportioned to all the peoples under the heavens, including Israel, for their benefit.<sup>36</sup>

Mayes rightly assesses the aim of this in stating, “The intention behind the verse is not to express either tolerance or ridicule of the nations and their practices, but rather to prepare the way for the contrasting picture of Israel’s favoured status, in the next verse.”<sup>37</sup> This is particularly clear when one reads verse 20b לְהִיּוֹת לוֹ לְעַם נַחֲלָה in the light of Exodus 19:5b וְהָיִיתָ לִי סִגְלָה מִכָּל-הָעַמִּים כִּי-לִי כָּל-הָאָרֶץ. In both contexts, Israel is distinguished, is chosen (4:20 נַחֲלָה; Exod 19:5 סִגְלָה) from among all the peoples.

Even though Mayes recognizes the connection between verses 20 and 21 through the use of נַחֲלָה, he makes the assertion that “the subject of vv. 21f. has little relevance to the context.”<sup>38</sup> He correctly underscores the fact that נַחֲלָה is more often identified with the land in Deuteronomy.<sup>39</sup> However, it is used in 4:20; 9:26, 29; and 32:9 to describe Israel as Yahweh’s possession. He rightly notes the correspondence

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<sup>34</sup>So McConville, *Deuteronomy*, 108.

<sup>35</sup>This is the position taken by Tigay. See his comments, Tigay, *Deuteronomy*, 50, and in excursus 7, “The Biblical View of the Origin of Polytheism,” 435-36. Keil, *The Pentateuch*, 312, appealing to Romans 1 nuances Tigay’s views and states, “even the idolatry of the heathen existed by divine permission and arrangement.”

<sup>36</sup>See the discussion in Wright, *Deuteronomy*, 51-52.

<sup>37</sup>A. D. H. Mayes, *Deuteronomy*, New Century Bible Commentary (London: Oliphants, 1979), 154.

<sup>38</sup>Ibid.

<sup>39</sup>As in 4:21, 38; 10:9; 12:9, 12; 14:27, 29; 15:4; 18:1, 2; 19:10, 14; 20:16; 21:23; 24:4; 25:19; 26:1; and 29:7.

between נַחֲלָה in 4:20 and סְגָלָה in 7:6 and 14:2. Yet, if one understands the phrase לְעַם נַחֲלָה in 4:20 as an explicit reference to the covenant, one would see that verses 21-22 are enveloped by references to the covenant.<sup>40</sup> Since verses 15-24 are concerned with the possibility that Israel might act corruptly by forgetting the covenant with Yahweh, then one must understand how verses 21-22 function within this section. Moreover, these verses lead into the subsequent text which warns of the consequences of acting corruptly and so provoking Yahweh to anger (v. 25). Ultimately, this corruption will result in exclusion from the land.<sup>41</sup> The themes of anger<sup>42</sup> and possession<sup>43</sup> connect these two pericopae (vv. 15-24 and vv. 25-31). In verse 21, Yahweh was angry with Moses and prohibited him from crossing (עָבַר) the Jordan and entering into the land. The warning to Israel, then, is that if they act corruptly, they, too, will provoke Yahweh and will be expelled from the land they were soon going over (עָבַר) to possess.<sup>44</sup>

The literary structure of 4:15-24 may be represented by the following chiasm:

- A Watch yourselves (v. 15)  
 B Don't act corruptly (vv. 16-19)  
 X Covenant relationship formula (v. 20)  
 B' I acted corruptly (vv. 21-22)<sup>45</sup>

<sup>40</sup>See v. 23 פְּנֵי־תִשְׁכַּחוּ אֶת־בְּרִית יְהוָה אֱלֹהֵיכֶם אֲשֶׁר כָּרַת עִמָּכֶם.

<sup>41</sup>See v. 26 כִּי־אָבַד תֵּאבְדוּן מִהָר מַעַל הָאָרֶץ.

<sup>42</sup>See v. 21 לְהַכְעִיסוּ; v. 25 הִתְאַנְּף־בִּי.

<sup>43</sup>See v. 21 נַחֲלָה; v. 26: לְרִשְׁתָּהּ.

<sup>44</sup>Although Tigay, *Deuteronomy*, 50-51, characterizes vv. 21-22 as a “digression,” he postulates that these verses are inserted possibly to strengthen the threat of exile in vv. 27-28. Currid, *Deuteronomy*, 106, asserts, “The purpose of the contrast is cautionary. The Israelites need to be careful and alert because they are at *risk of losing their inheritance* if they do not obey God’s Word” (emphasis original).

<sup>45</sup>Thomas W. Mann, “Theological Reflections on the Denial of Moses,” *JBL* 98 (1979): 481-94, comments on the “deuteronomistic explanation of Moses’ denial of entrance into the land” (481). He considers the texts of 1:34-39; 3:23-29; and 4:21-22 in light of the accounts found in Num 13-14; 20:1-13, 24; and 27:12-14. Early in his article he comments, “These verses are quite awkward in their present position. The aniconic homily which begins in v 15 and reaches an awesome conclusion in v 24 *has no apparent use for yet another reference to Moses’ punishment*” (482 n 5, emphasis added). However, Mann’s article proceeds to demonstrate just the opposite, showing—as noted in the chiasm above—that this reference serves as a warning to Israel through negative example. Israel, in 4:16-19, is admonished not to act corruptly. In 4:21-22 Moses recounts that his acting corruptly resulted in the denial of his request to enter the land.

A' Watch yourselves (vv. 23-24)

This chiasm demonstrates the central role of the covenant relationship formula in Deuteronomy 4:15-24. In the context of the Historical Prologue, the covenant relationship formula appeals to the narrative of Yahweh's dealings with Israel—their deliverance from Egypt, Yahweh's provision in the wilderness, and in the initial stages of conquest—to bring them to the place where they are called to enter into covenant relationship with Yahweh. The blessing of Yahweh which serves as the basis for this relationship has its attending obligations. The appeal of Deuteronomy 4:1-40 likewise emphasizes the severe consequences of violating that covenant. This is clearly demonstrated by the positioning of the covenant relationship formula within the warnings of 4:15-24.

### **The Function of the Covenant Relationship Formula within the Covenantal Constituent in Deuteronomy**

The context of the covenant relationship formula of 4:20 has much in common with the expression of the covenant relationship formula in Exodus 6:7:

Deuteronomy 4:20

וְאַתֶּם לָקַח יְהוָה וַיּוֹצֵא אֶתְכֶם מִכּוּר הַבְּרָזִל מִמִּצְרַיִם לְהִיּוֹת לוֹ  
לְעַם נַחֲלָה כִּיּוֹם הַזֶּה

Exodus 6:7

וְלָקַחְתִּי אֶתְכֶם לִי לְעַם וְהָיִיתִי לָכֶם לֵאלֹהִים וַיִּדְעֶתֶם כִּי אֲנִי  
יְהוָה אֱלֹהֵיכֶם הַמּוֹצֵיא אֶתְכֶם מִמִּצְרַיִם מִבְּלוֹת מִצְרַיִם

Both verses make clear that Yahweh took (לָקַח) Israel and brought them out (וַיּוֹצֵא)

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Mann highlights the link between the rebellion of Israel in Num 13-14 and Moses in Num 20:1-13, 24; 27:12-14; and Deut 32:48-52 by pointing out that both events occurred at Kadesh. Moreover, in both narratives the verbs מָרָה (rebel) and מָעַל (act unfaithfully) are used to describe the sin of the Israelites and Moses. Mann surmises, “Moses’ denial is a *punishment* for lack of faithfulness” (483, emphasis original). Later he reiterates that these passages make “explicit connection between *Moses’* denial and the *people’s* rebellion” (491, emphasis original). He concludes, “Then the passionate exhortation which follows in chaps. 5-11 takes on an even more powerful admonitory force: the question of life or death, blessing or curse for the people will now be determined by their *own* response to covenant obedience” (492, emphasis original).

from Egypt (בְּמִצְרַיִם) to be a people for himself. In Deuteronomy 4:20 Israel is taken out from the iron-smelting furnace, and in Exodus 6:7 they are taken out from under the burdens. לקח is used also in 4:34 in the rhetorical question as to whether Israel's experience of being taken from the midst (בְּקִרְבּוֹ) of Egypt ever had an historical parallel in another god's actions to establish a nation for himself (לְקַחְתָּ לְאֹ). The idea expressed by לקח particularly in Deuteronomy 4, speaks of an exclusivity in belonging. Hugenberger maintains that the verb לקח is used often to convey the notion of "taking in marriage."<sup>46</sup> Sohn, commenting on the descriptive marriage formula, argues persuasively, "לקח carries the concept of possession by either agreement or capture."<sup>47</sup> He applies this to the covenant relationship formula of Exodus 6:7 and Deuteronomy 4:20 asserting, "As the marriage was a proclamation of the groom's ownership of his bride, YHWH also proclaims the ownership of Israel as a special possession."<sup>48</sup> He avers, "The oral proclamation *effected* the bond and *defined* the nature of the relationship."<sup>49</sup> He identifies the similarities between these declarations and those found in the book of Hosea. Clearly the message of Hosea pertains to the expected exclusivity of the relationship between Hosea and Gomer as an analogy for the relationship between Yahweh and Israel. But, just as Gomer was unfaithful to Hosea, so, too, Israel had been unfaithful to Yahweh. Israel was attempting to serve both Yahweh and Baal. At times, the message of Hosea gives the reader the impression that the Israelites may have even

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<sup>46</sup>See the discussion in Gordon P. Hugenberger, *Marriage as a Covenant: Biblical Law and Ethics as Developed from Malachi*, Biblical Studies Library (Grand Rapids: Baker Books, 1998), 263-64.

<sup>47</sup>Seock-Tae Sohn, "I Will Be Your God and You Will Be My People': The Origin and Background of the Covenant Formula," in *Ki Baruch Hu: Ancient Near Eastern, Biblical, and Judaic Studies in Honor of Baruch A. Levine*, ed. by Robert Chazan, William W. Hallo and Lawrence H. Schiffman (Winona Lake: Eisenbrauns, 1999), 366. He also identifies the expressions לְאֹ לְהִיְוֹת לְךָ לְאֱלֹהִים with the marriage proclamation formula and announces, "Therefore, I do not see any syntactical difference between the marriage formula and the covenant formula" (364). He appeals to G. S. Ogden, "Time and the verb הָיָה in O.T. Prose," *VT* 21, no. 4 (1971): 451-69.

<sup>48</sup>Seock-Tae Sohn, "I Will Be Your God and You Will Be My People'," 366. He continues his discussion remarking that נָחַלָה denotes possession and also points out that נָחַלָה and סָגְלָה are, for all intents and purposes, synonyms.

<sup>49</sup>*Ibid.*, 363 (emphasis added).

perceived that they were worshipping Yahweh in and through their worship of Baal.<sup>50</sup>

This possibly sheds light on the prohibitions of Deuteronomy 4:16-19a and gives context to the use of the covenant relationship formula in 4:20. The Israelites, since they saw no form (כִּי לֹא רָאִיתֶם כָּל־תְּמוּנָה), were not to identify Yahweh with any created object which would lead to their bowing down and serving these objects. This action (וְהִשְׁתַּחֲוִיתָ לָהֶם וְעִבַדְתֶּם) would be a violation of the exclusive relationship between Yahweh and Israel established through the covenant appealed to in 4:20.

Violating the exclusivity of the relationship should be unthinkable, given the historical context in 4:20. Yahweh had taken (לָקַח) them and brought them up out of the iron-smelting furnace, out from Egypt. This preface to the covenant relationship formula (לְהִיּוֹת לוֹ לְעַם) in 4:20 makes clear how the phrase functions in the context of the Historical Prologue of 1:6-4:44. As related above, the purpose of the Historical Prologue in the ancient Near Eastern treaties was to establish for the vassal his obligation of perpetual gratitude<sup>51</sup> to the suzerain and to make clear his duty to remain loyal to the suzerain and only to the suzerain. Certainly a reminder of the rescue from the iron-smelting furnace should be a cause for gratitude, not to mention the multiple provisions for Israel's sustenance from Horeb to Moab over 40 years and the clearing of land east of the Jordan for Israel's tribes recounted in 1:6-3:29. By juxtaposing נִחַלְתֶּם with the covenant relationship formula in 4:20 in the milieu of the prohibitions against identifying any object as worthy of worship, the second purpose of the ancient Near Eastern treaty—namely the exclusive relationship to the suzerain—is established for Israel.<sup>52</sup> This agrees with Rendtorff's analysis of the covenant relationship formula in 4:20, that it is

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<sup>50</sup>See especially Hosea 2:18-19.

<sup>51</sup>See George E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17, no. 3 (1954): 58.

<sup>52</sup>Currid, *Deuteronomy*, 105, comments, "In addition, this point underscores the purpose of the Exodus out of Egypt, which is the election by God of a people who will belong to him."

“emphatically instilling the importance of the worship of God without images, which is stressed as the specific differentiation between Israel and all other peoples (v. 19b).”<sup>53</sup> He continues, “For Israel, to be God’s people in particular means keeping his commandments, the first (and second) commandment above all.”<sup>54</sup> Deuteronomy 4:1-40 provides the perfect segue into the presentation of the General Stipulation portion of the covenant.

### **Deuteronomy 7:6–General Stipulation (4:45-11:32)**

#### **The Function of the Constituent in the Treaty Formulary**

The General Stipulation section of the ancient Near Eastern treaties consisted primarily of imperatives that focused on the vassal’s basic requirement of exclusive loyalty to his suzerain.<sup>55</sup> A common feature of this constituent is the prohibition against relationships with those outside the Hittite Empire.<sup>56</sup> Mendenhall observes another characteristic of this constituent, namely, “The vassal must hold lasting and unlimited trust in the King.”<sup>57</sup>

#### **Parameters/Boundary of the Textual Unit**

As noted in chapter 2 of this study, the General Stipulation of the covenant is

<sup>53</sup>Rendtorff, *The Covenant Formula*, 22.

<sup>54</sup>Ibid. The “first (and second)” commandment(s) Rendtorff mentions here are considered together in this study as the first commandment. See the discussion in both chap. 1 and 2 of this study.

<sup>55</sup>See the discussion of Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, trans. David E. Green (Oxford: Blackwell, 1971), 12-13.

<sup>56</sup>Mendenhall, “Covenant Forms,” 59.

<sup>57</sup>Ibid. Marty Stevens, “The Obedience of Trust: Recovering the Law as Gift,” in *The Ten Commandments: The Reciprocity of Faithfulness*, ed. William P. Brown (Louisville: Westminster John Knox Press, 2004), 133-45, seeks to “recover the law as gift.” His article speaks of the corollary responsibility to obedience that is surmised from the law as gift. He concludes, “Israel’s attitude toward the law is more than gratitude or covenant obligation. Israel’s stance toward the law and the lawgiver is the *obedience of trust*. . . . Throughout their relationship as ‘my people’ and ‘your God,’ Israel can live in the obedience of trust” (144, emphasis added).

the theme of the text in Deuteronomy 4:45-11:32. This covenantal constituent builds from the basic principle of covenant relationship embodied in the Ten Words (5:1-6:3) to the climax of 11:1-32<sup>58</sup> wherein the choices required by covenant relationship are set before the assembly. This may be outlined as follows:

- A Basic principle of covenant relationship (5:1-6:3)
- B Measures for maintaining covenant relationship (6:4-25)
- C Implications of covenant relationship (7:1-26)
- D Warnings against forgetting covenant relationship (8:1-20)
- E Failures in covenant relationship (9:1-10:11)
- F Restoration to covenant relationship (10:12-22)
- G Choices required by covenant relationship (11:1-32)

This outline identifies the narrower boundary within which the covenant relationship formula of the General Stipulation is located. The *parashiyyot* further divide this chapter into the following units: 1-6; 7-11; 12-16; and 17-26.<sup>59</sup> Verses 1-6 and 7-11 are separated by the symbol  $\square$  indicating a closed section. Verses 12-16 and 17-26 are separated in a similar fashion. However, verses 1-11 and 12-26 are separated by the symbol  $\square$  indicating an open section. Thus the covenant relationship formula of 7:6 is contained within the literary unit of 7:1-11.

### Literary Structure of the Textual Unit

As McConville rightly observes, “Vv. 1-2a are subordinate clauses”<sup>60</sup> leading up to the first injunction of the chapter, namely **הַחֲרֹם תַּחֲרִים אֹתָם**. This complete destruction<sup>61</sup> of all Canaanite occupiers of the land is followed by an explanation of the

<sup>58</sup>S. Dean McBride, Jr., “Polity of the Covenant People: The Book of Deuteronomy,” *Interpretation* 41 (1987): 234, states that “declogue of 5:6-21, whose fundamental demand that Israel give undivided allegiance to Yahweh is illustrated, elaborated, and eloquently motivated throughout the Mosaic speech of the following five chapters (6-11).”

<sup>59</sup>McConville, *Deuteronomy*, 151, follows the BHS divisions and provides this outline: Destroy false worship (1-6); Israel as holy people (7-11); Blessing (12-16); and Destroy false worship (17-26).

<sup>60</sup>Ibid.

<sup>61</sup>Wright, *Deuteronomy*, 109, takes exception to the translation of **הַחֲרֹם תַּחֲרִים אֹתָם** as “destroy them totally.” Rather, he prefers the understanding of an “absolute and irrevocable *renouncing* of things or persons” (emphasis original). He justifies this by suggesting that the explanation of **חֲרֹם** in vv. 2-4 would be meaningless if the destruction was complete. However, the reality of the conquest would be

specific requirements of חָרַם in verses 2c-4. The first of these is the prohibition against making any covenant with them.<sup>62</sup> Not only were the Israelites to refrain from making any covenant with them, they were to show the inhabitants neither favor nor grace. They and their children were not to intermarry with them because (כִּי) this would lead to a turning away from Yahweh and the serving (עָבְדוּ) of other gods (אֱלֹהִים אֲחֵרִים). This would result in the kindling (חָרָה) of Yahweh's anger which would lead to their sudden destruction (וְהִשְׁמִידָהּ בְּיָמֶיהָ). The injunction of חָרַם in verse 2b is continued in verse 5. After the inhabitants of Canaan were totally destroyed, the Israelites were to complete the process of purging the land by pulling or breaking down (תִּתְּצוּ) their altars, by shattering (תִּשְׁבְּרוּ) their pillars, by chopping down (תִּגְדְּעוּ) their Asherim, and burning with fire (תִּשְׂרֹפוּן בְּאֵשׁ) their carved images. The basis for these actions is given in the purpose clause of verse 6, that is, Israel is a holy people to Yahweh their God, Yahweh their God had chosen them לְעַם סְגֻלָּה לְךָ לְהַיּוֹת לְךָ from all the peoples which were on the face of the earth.<sup>63</sup>

Verses 7-9 make it clear that Israel's election was not based on any merit or significance inherent to the community<sup>64</sup> but rather it had its origin in Yahweh's love<sup>65</sup>

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such that the destruction would not be instantaneous. In the intervening period between the initial conflict and the final victory, the Israelites were to make *no provision* for any allowance that might lead to the sparing of any inhabitant of Canaan. Thus, the instruction is given not to intermarry with the inhabitants of Canaan, neither were they to show favor nor even make a treaty with them. Rather, they were to be destroyed. Deut 7:22 indicates that the process of purging the land of occupiers would be gradual. In the interim between the first day of the conquest and the final annihilation of the nations of Canaan, the Israelites were prohibited from mingling in any way that might compromise their exclusive relationship with Yahweh.

<sup>62</sup>Wright, *Deuteronomy*, 110, comments, "The covenant between Yahweh as 'great king' and Israel as his 'vassal' required, as did all such vassal-type treaties, the total exclusion of any other alliance or treaty made unilaterally by the vassal. For Israel to enter into treaties with Canaanite nations would therefore prima facie be an act of disloyalty to their own covenant commitment to Yahweh."

<sup>63</sup>Currid, *Deuteronomy*, 182, describes v. 6 as "the grand statement of the theology of election taught in the book of Deuteronomy." He highlights the significance of the adjective קָדוֹשׁ (to be set apart, unique and distinct) and indicates that this holiness "derives from Israel's status as chosen by God." Moreover, he underscores the covenantal connotation in scripture and the ancient Near East of the word סְגֻלָּה.

<sup>64</sup>Craigie, *Deuteronomy*, 179, comments, "Their holy character does not indicate inherent merit, but rather divine choice; God had chosen Israel to be a people prized more highly than all the

and his faithfulness in keeping the oath he made to their forefathers. Verse 9 further elaborates on the nature of Yahweh. The audience is called upon to recognize that Yahweh their God was God, more than that, he was the *faithful* God who keeps covenant and covenantal mercies to those who love him and keep his commandments. The converse of this attribute is that to those who hate<sup>66</sup> him, Yahweh is also faithful, but that faithfulness will be expressed in sure destruction (לְהִאַבְדֵּירוֹ).

The conclusion is then stated in verse 11: the Israelites were to keep the commandment,<sup>67</sup> the statutes, and the ordinances which Moses was commanding “today”

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peoples who are on the face of the earth. . . . Thus Israel’s character as a holy people gave them no grounds for pride, but imposed on them the responsibility of their calling.”

Jacob Milgrom, “The Changing Concept of Holiness in the Pentateuchal Codes with Emphasis on Leviticus 19,” in *Reading Leviticus*, ed. John F. A. Sawyer, JSOTSup 227 (Sheffield: Sheffield Academic Press, 1996), begins his article by commenting on the concept of “holy” expressed by the root *qds*. He maintains, “These listed derivatives of *qds* are, almost without exception, found in a religious-cultic context containing a qualified subject of places and persons, which have been ‘purified’ and thereby ‘consecrated’, that is, brought in *close relationship to the deity*” (65, emphasis added). He continues, “‘Holy’ is thus aptly defined, in any context, as ‘that which is unapproachable except through divinely imposed restrictions’ or ‘that which is withdrawn from common use’” (65). Further, he contends, “The source of holiness is assigned to God alone. Holiness is an extension of his nature; it is the agency of his will” (65). He concludes, “If certain things are termed holy . . . they are so by virtue of *divine dispensation*” (65-66, emphasis added). He summarizes, “The root שָׁדָה in all its forms . . . bears the basic meaning ‘set apart for God’” (67, emphasis added). This certainly comports with the context of Deut 7:6 and makes clear that Israel’s election was not based on merit or inherent significance.

<sup>65</sup>See the discussion in William L. Moran, “The Ancient Near Eastern Background of the Love of God in Deuteronomy,” *CBQ* 25 (1963): 77-87, for a thorough treatment of the covenantal significance of the word אָהַב. See also Dennis J. McCarthy, “Notes on the Love of God in Deuteronomy and the Father-Son Relationship between Israel and Yahweh,” *CBQ* 27 (1965): 144-47.

<sup>66</sup>שָׂנֵא as the opposite of אָהַב also has covenantal connotations. See discussion in A. H. Konkel, שָׂנֵא in *NIDOTTE*, vol. 3, ed. Willem A. VanGemeren (Grand Rapids: Zondervan Publishing House, 1997). Hugenberger, *Marriage*, 48-83, discusses the possibility that שָׂנֵא is used for divorce, the reversing of the covenantal relationship of marriage.

<sup>67</sup>There is neither time nor space for nor does the nature of this dissertation demand a full investigation into the possible distinction intended by the author of Deuteronomy between the use of the singular מִצְוָה and the plural מִצְוֹת. The singular is employed 13 times (in 5:31; 6:1, 25; 7:11; 8:1; 11:8, 22; 15:5; 17:20; 19:9; 27:1; 30:11; and 31:5) in Deuteronomy with 7 of these occurring within the General Stipulation. The plural is used 29 times (in 4:2, 40; 5:10, 29; 6:2, 17; 7:9; 8:2, 6, 11; 10:13; 11:1, 27, 28; 13:5, 19; 26:13, 17, 18; 27:10; 28:1, 9, 13, 15, 45; and 30:8, 10, 11, 16) in Deuteronomy with 12 of these occurring in the General Stipulation. Of the 13 times the singular is used, it is joined by *maqṣeph* to כֵּן 10 times (5:31; 6:25; 8:1; 11:8, 22; 15:5; 19:9; 27:1; 30:11; and 31:5). Of those 10 instances it is further linked with the demonstrative adjective הַזֶּה 5 times (6:25; 11:22; 15:5; 19:9; and 30:11). Certainly in the context of the General Stipulation (5:1-11:32) the utilization of the singular could reasonably be associated with the obligation to exclusive allegiance to Yahweh. Further, upon a cursory reading of the other references the use of the singular “commandment” could also have this connotation. The possible exceptions may be in 15:5 and 27:1. However, the instruction in 27:1-8 pertains to the initial covenant renewal ceremony in which Israel was to reaffirm its allegiance to Yahweh. Yet, the referent to כֵּן-הַמִּצְוָה could be that of the specific instructions regarding the ceremony. J. G. Millar, *Time and Place in Deuteronomy*, ed. J. Gordon McConville and J. G. Millar, JSOTSup 179 (Sheffield: Sheffield Academic

by doing them. This commitment to their exclusive allegiance to Yahweh, demonstrated through obedience to the commandment and its ancillary statutes and ordinances, would stand them in good stead and would result in the blessing of Yahweh detailed in verses 12-16.

Verse 12 continues, “And as a consequence (עֲקֵב) of obeying these ordinances and carefully doing them, Yahweh your God will keep the covenant and the covenantal mercies which he swore to your forefathers.” Verses 13-16a then detail many of the blessings and the covenantal mercies.<sup>68</sup> Verse 16b concludes the paragraph with a warning that follows the pattern of 7:2-5. Both passages indicate אֱלֹהֵיךָ יְהוָה will give (נָתַן) the nations/peoples (כָּל-הָעַמִּים / גוֹיִם) over to Israel for destruction.<sup>69</sup> Likewise, in both passages, further direction is given to clarify what is included in this total destruction and to warn against incomplete obedience.

Verses 17-26 deal with the very real possibility that Israel will second guess and call into question their ability to carry out Yahweh’s instructions to dispossess the inhabitants of Canaan and to destroy them.<sup>70</sup> Yahweh answers Israel’s fear (לֹא תִירָא) (מִהֶם) by reminding them of his great and terrible deeds that provided for their deliverance from Egypt, by promising to send hornets ahead of them, by assuring them of his presence, and by reiterating that it is he who will remove the occupants from the land so that they will be destroyed.<sup>71</sup> And again, just as in verses 2-5 and 16, this passage concludes with an exhortation to make sure that the destruction is complete. Not only

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Press, 1994), 71, comments on the use of the singular כָּל-הַמִּצְוָה in Deut 27. He suggests that this expression is “one of the hallmarks of the book, and implies a large degree of continuity with the concerns of both 1-11 and the lawcode to present Deuteronomy as a unified whole.”

<sup>68</sup>This summary contains many of the same themes and many identical phrases from the list of blessings (or their reversal in the curses) listed in the Blessings and Curses section of the covenant found in Deut 28.

<sup>69</sup>See v. 2 וְהִכִּיתֶם הַחֲרָם תַּחֲרִים; and v. 16 וְאָכַלְתָּ.

<sup>70</sup>Historically, as was noted earlier, this was the case (Num 13-14).

<sup>71</sup>See v. 20 עַד-אֲבָד; v. 23 עַד הַשְׁמֹדִים; v.24 עַד הַשְׁמֹדִי אֲתָם.

were the inhabitants devoted to destruction,<sup>72</sup> but the carved images of their gods and all their abominable things are likewise devoted to destruction.<sup>73</sup>

The literary structure of 7:1-11 could be organized into the following outline:

- A Complete destruction of Canaanite and Canaanite Cult (7:1-5)
- B Covenant relationship formula (7:6)
- C Yahweh's covenantal actions (7:7-10)
- D Israel's covenantal response (7:11)

This reveals the central role for 7:6 in the text that the covenant relationship formula serves both as the warrant for the **הָרַם** (in vv. 1-5) and also as a testimony to Yahweh's covenantal faithfulness and mercies (in vv. 7-10) and the basis for the expectation of Israel's undivided devotion (in v. 11).

The theme of covenant relationship is continued in 7:12-26. As this undivided devotion is demonstrated through obedience, the blessings of Yahweh will be enjoyed (7:12-16). The chapter concludes with assurances that *Yahweh* will make *every provision necessary* to facilitate Israel's complete and unreserved compliance (7:17-26).

As with the covenant relationship formula of 4:20, the covenant relationship formula of 7:6 is prefaced with two theologically significant clauses. The first describes the warrant upon which the demands of verses 1-5 rest **כִּי עַם קָדוֹשׁ אַתָּה לַיהוָה** **אֱלֹהֶיךָ**. Tigay comments, "*Kadosh*, usually translated 'holy,' here has the sense of its cognate in Talmudic Hebrew, *mekudeshet*, 'betrothed,' which expresses the idea that when a man betroths a woman she becomes 'forbidden' to others like something consecrated."<sup>74</sup> This is reminiscent of the verb **לָקַח** used in Deuteronomy 4:20.

Brueggemann agrees and elaborates on this expression as it is used in tandem with the second clause: **בְּךָ בָּחַר יְהוָה אֱלֹהֶיךָ**. He avows,

<sup>72</sup>See v. 2 **וְאָכַלְתָּ אֶת-כָּל-הָעֵמִים**; v. 16 **וְהָחַרְתָּם תַּחֲרִים אֹתָם**.

<sup>73</sup>See v. 26 **כִּי-חָרָם הוּא**

<sup>74</sup>Tigay, *Deuteronomy*, 86.

The term ‘holy,’ moreover, is a *relational* term; Israel has no intrinsic religious specialness, but is holy to (reserved for) YHWH and must be singularly devoted to YHWH. This affirmation is reinforced by the second phrase, ‘chosen . . . to be his people, his treasured possession.’ . . . Israel enjoys a *special status* with YHWH, the ruler of all the earth, and must take care to maintain that *relationship*.<sup>75</sup>

As Yahweh has declared his exclusive choice (בְּחָר) of Israel,<sup>76</sup> they are expected to acknowledge their obligation of undivided loyalty to Yahweh and to Yahweh alone.<sup>77</sup>

As the covenant relationship formula (לְהִיּוֹת לוֹ לְעַם) is modified by the addition of נִחְלָה in 4:20, here also in 7:6 it is modified by the addition of the term סִגְלָה. Weinfeld explains the significance of this term:

Most instructive for the understanding of *segullah* is a letter from the Hittite emperor to the last king of Ugarit, Ammurapi, (end of the thirteenth century B.C.E.), wherein we hear the sovereign reminding his faithful vassal that he is his servant and *solt* (KTU 2.39:7, 12). The *solt* and *segullah* belong then to covenantal terminology, and they are employed to distinguish a relationship of the sovereign with one of his especially privileged vassals.<sup>78</sup>

### **The Function of the Covenant Relationship Formula within the Covenantal Constituent in Deuteronomy**

Deuteronomy 7, then, reflects both the negative and positive aspects highlighted by Mendenhall that define the vassal’s basic requirement of exclusive loyalty to the suzerain. The negative injunction against relationships with potential rivals is specifically addressed in 7:2c: לֹא-תִכְרַת לָהֶם בְּרִית וְלֹא תִחַנְּנִם.<sup>79</sup> This injunction is extended against anything that might turn the children from following Yahweh, that might entice them to serve other gods,<sup>80</sup> or that might ensnare them.<sup>81</sup> Thus, all devotees,

<sup>75</sup>Brueggemann, *Deuteronomy*, 96 (emphasis added).

<sup>76</sup>See v. 6 מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָדָמָה.

<sup>77</sup>See also McConville, *Deuteronomy*, 155.

<sup>78</sup>Moshe Weinfeld, *Deuteronomy I-11: A New Translation with Introduction and Commentary*, AB, vol. 5 (New York: Doubleday, 1991), 368. McConville, *Deuteronomy*, 155, highlights the connotation of the “special affection of Yahweh for the people.”

<sup>79</sup>Craigie, *Deuteronomy*, 178, remarks, “To make a treaty with other nations would indicate a lack of faithfulness on the part of the Israelites to their suzerain God.” In n 6 he states, “The Near Eastern treaties may also stipulate the nature of a vassal’s relationships with other nations: see *ANET*, p. 204b.”

<sup>80</sup>See v. 4 כִּי-יִסִּיר אֶת-בְּנֵךְ מֵאַחֲרַי וְעָבְדוּ אֱלֹהִים אֲחֵרִים.

cultic sites, and objects associated with the worship of potential rival gods must be eliminated.<sup>82</sup>

From the positive perspective, Deuteronomy 7 also addresses the need for the vassal to hold lasting and unlimited trust in its suzerain. The basis for this trust would be substantiated when Yahweh brought them into the land and cleared away the enemies<sup>83</sup> just as he had done to the Egyptians.<sup>84</sup> They must trust in him even when doubts fill their hearts.<sup>85</sup> Their trust in Yahweh had historical precedent. Yahweh's promise to them was rooted in the promise to the fathers<sup>86</sup> and had been reaffirmed in their spectacular deliverance from Egypt.<sup>87</sup> Moreover, Yahweh reminds them in verse 9 that he alone is God.<sup>88</sup> He appeals to his character to reinforce their trust.<sup>89</sup> Furthermore, when they have exercised their obedience of trust,<sup>90</sup> they will enjoy the incumbent blessing of Yahweh which should strengthen their resolve to obey and to believe. If they falter in

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<sup>81</sup>See v. 16 לָךְ הוּא לֵךְ; and v. 26 בּוֹ הוּא לֵךְ.

<sup>82</sup>Philip D. Stern, *The Biblical HEREM: A Window on Israel's Religious Experience*, ed. Ernest S. Frerichs, Wendell S. Dietrich, Calvin Gold Scheider, David Hirsch, and Alan Zuckerman, *Brown Judaic Studies* 211 (Atlanta: Scholars Press, 1991), 221-22, in the summary of his treatment of the subject of *herem* concludes, "Returning to the question of the *herem* and idolatry, touched on above, it must be reemphasized that the connection between these two is not secondary or fortuitous. . . . [*herem*] appears in intimate relation to that most distinctive and most celebrated aspect of ancient Israel's religion, the acknowledgement of YHWH alone."

<sup>83</sup>See v. 1 וְנִשְׁלַח גּוֹיִם רַבִּים מִפְּנֵיךָ; v. 2 וְנִשְׁלַח יְהוָה אֱלֹהֶיךָ לְפָנֶיךָ; v. 16 נָתַן לָךְ; v. 20 בָּם וְנָתַנְם יְהוָה אֱלֹהֶיךָ לְפָנֶיךָ וְהָמָם; v. 23 וְנִשְׁלַח יְהוָה אֱלֹהֶיךָ; v. 22 אֶת־הַצָּרְעָה יִשְׁלַח יְהוָה אֱלֹהֶיךָ; and v. 24 וְנָתַן מַלְאֲכָיִם בְּיָדְךָ; מְהוֹמָה גְּדֹלָה עַד הַשָּׁמַיִם.

<sup>84</sup>See v. 8 הוֹצִיא יְהוָה אֶתְכֶם בְּיַד חֲזָקָה וּבְיַד עֲבָדִים מִבֵּית עַבְדִּים מִיַּד פְּרַעֲה מֶלֶךְ־מִצְרַיִם; v. 18 בְּיַד־יְעֶשֶׂה יְהוָה אֱלֹהֶיךָ; and v. 19 זָכַר תִּזְכֹּר אֶת אֲשֶׁר־עָשָׂה יְהוָה אֱלֹהֶיךָ לְפָרַעֲה.

<sup>85</sup>See v. 17 כִּי תֹאמַר בְּלִבְבְּךָ.

<sup>86</sup>See v. 8 וּמִשְׁמֵרוֹ אֶת־הַשְּׁבִעָה אֲשֶׁר נִשְׁבַּע לְאַבְרָהָם. McConville, *Deuteronomy*, 160, asserts, "The underlying point is, once again, that Yāhweh alone is the true God."

<sup>87</sup>See v. 8.

<sup>88</sup>וְיָדַעְתָּ כִּי־יְהוָה אֱלֹהֶיךָ הוּא הָאֱלֹהִים. In other words, those other so-called gods are no-gods and offer no threat to Israel.

<sup>89</sup>See v. 9 הָאֵל הַנִּצָּמֵן שְׁמֵר הַבְּרִית וְהַחֲסֵד לְאַהֲבָיו וּלְשִׁמְרֵי מִצְוֹתוֹ לְאֵלֶיךָ דּוֹר.

<sup>90</sup>See Stevens, "The Obedience of Trust."

faith,<sup>91</sup> then they are to recall the historical reality of Yahweh's mighty deeds in Egypt. Moreover, they could trust their suzerain because of his covenantal commitment to them. Verse 8 employs two words with exceptionally strong covenantal overtones, namely **אָהַב** and **בָּחַר**. Additionally, their confidence should be invigorated by the fact that this covenantal commitment on Yahweh's part was taken on *his initiative* apart from any merit, or significance, or even prior action on the part of the community.<sup>92</sup>

In the greater context of the General Stipulation as promulgated in Deuteronomy 4:45-11:32, the covenant relationship formula of 7:6 binds together the various instructions and warnings associated with the dual requirement of exclusive loyalty to and unlimited trust in the suzerain. Moreover, it gives definition to the nature of the relationship. And, as suggested in the outline for Deuteronomy 5-11 above and in the following discussion, the covenant relationship formula unifies the message of this individual constituent of the General Stipulation and connects it to the other components of the treaty formulary within the greater covenantal framework of Deuteronomy 1-30.

The Ten Words of 5:6-21 are premised upon the fact **אֲנֹכִי יְהוָה אֱלֹהֶיךָ** **אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם מִבֵּית עַבְדִּים**.<sup>93</sup> This recalls the covenant relationship formula of 4:20 that explains the purpose for which Yahweh had brought them out of the iron-smelting furnace, out of Egypt. Likewise, the covenant relationship formula of 7:6 is closely associated with the fact that Yahweh had brought them out and redeemed them from the house of slavery.<sup>94</sup> Moreover, the first commandment which

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<sup>91</sup>Contrary to the instructions in v. 18 **לֹא תִירָא מֵהֶם** and in v. 21 **לֹא תִעַרְץ מִפְנֵיהֶם**.

<sup>92</sup>Brueggemann, *Deuteronomy*, 100, concurs, "This chapter contains one of the most magnificent affirmations of YHWH's intense and intimate covenantal love for Israel, rooting that relationship in nothing other than YHWH's readiness to commit to Israel (vv. 6-15)."

<sup>93</sup>Milgrom, "The Changing Concept of Holiness," 67, appealing to the work of Zimmerli (Walther Zimmerli, "'Heiligkeit' nach dem sogenannten Heiligkeitsgesetz," *VT* 80 [1980]: 493-512) asserts, "God's holiness is implied by his self declaration **אֲנִי יְהוָה אֱלֹהֵיכֶם** 'I [am] the Lord [your god]', especially when it is followed by his salvific action **אֲשֶׁר הוֹצֵאתִי אֶתְכֶם מֵאֶרֶץ מִצְרַיִם** 'who has freed you from the land of Egypt'."

<sup>94</sup>See 7:8 **הוֹצֵאתִי אֶתְכֶם בְּיַד חֲזָקָה וּבְיַד פִּיפְדָּה מִבֵּית עַבְדִּים מִיַּד פְּרַעַה מִלְּאֶרֶץ מִצְרַיִם**.

prohibits the worship of other gods or the crafting of any object for the purpose of worship is closely related to the instruction of Deuteronomy 7.<sup>95</sup> This text speaks directly to the elimination of any and every thing that might challenge or lead to the challenge of Israel's exclusive relationship to Yahweh.<sup>96</sup> Thus, the covenant relationship formula of 7:6 is clearly connected to the basic principle of covenant relationship in 5:1-6:3.<sup>97</sup>

The measures for maintaining covenant relationship are detailed in 6:4-25. These begin with recognition of the uniqueness of Yahweh and the responsibility to love him exclusively (vv. 4-6) and to take whatever action necessary to communicate that principle to future generations (vv. 7-12). The Israelites are to demonstrate their loyal devotion to Yahweh because he is a jealous God (vv. 13-15)<sup>98</sup> whose anger would be

<sup>95</sup>John Walton, "Deuteronomy: An Exposition of the Spirit of the Law," *Grace Theological Journal* 8 (1987): 213-25, maintains that Deut 6:4-26:15 serves as an exposition of the law recounted in Deut 5:6-21. Recognizing Stephen Kaufman's seminal work ("The Structure of the Deuteronomic Law," *Maarav* 1 [1979]: 105-58), he offers a slightly different approach to the correlation between the Ten Words and the laws in Deuteronomy. He organizes his observations around four "main issues": authority, dignity, commitment, and rights and privileges. He demonstrates how these main issues are addressed with respect to God (Commandments 1-4) and with respect to man (Commandments 5-10).

His first disagreement with Kaufman is two-fold: (1) Kaufman treats Commandments 1-2 together, and (2) Kaufman provides the connection between Commandments 1-2 and Deut 12. Walton, on the other hand, separates Commandments 1 and 2 and associates Commandment 1 with Deut 6-11 and Commandment 2 he associates with Deut 12.

The purpose of this study is not specifically to critique either Kaufman's or Walton's work, nor does it lie within the purposes of this study to offer a detailed and complete counter proposal for the correlation between the Ten Words of Deut 5:6-21 and the exposition in the remaining chapters of Deuteronomy. However, this study agrees with Kaufman's perspective that Commandments 1-2 really constitute the first commandment, but it largely agrees with Walton that the exposition of that commandment is clearly undertaken in Deut 6:4-11:32. This position is qualified in the discussion below.

<sup>96</sup>This is a counterpart to the instruction associated with the covenant relationship formula in Deut 4. In the immediate context of 4:20 Moses warns against the corruption of Israel through the *making* of images (וַעֲשִׂיתֶם לָכֶם פֶּסֶל) or the raising of the eyes to the hosts of heaven and assigning to them sacred value thereby being drawn away (וַיִּנְדָּחַת וְהִשְׁתַּחֲוִיתֶם לָהֶם וַעֲבַדְתֶּם) from their covenantal commitment to Yahweh. The reference to the covenant relationship formula is immediately followed by a warning of the consequences when one acts corruptly in 4:21-22. In Deut 7, the instructions are given so that Israel will avoid corruption brought about by their turning away and serving other gods (וְיִסְרוּ אֶתְכֶם וְעִבְדוּ אֱלֹהִים אֲחֵרִים) which would lead to their destruction by Yahweh.

<sup>97</sup>When one takes into consideration that this basic principle of covenant relationship is prefaced in 5:6 with an explicit reference to Yahweh's holiness (cf. Milgrom's assertions in an earlier footnote) and the statement of Israel's holiness (set apart for God) in 7:6 is likewise made in the context of Israel's redemption from Egypt, then one can more clearly appreciate the mandate of Lev 11:45 (וְהִייתֶם כִּי אֲנִי יְהוָה הַמַּעֲלֶה אֶתְכֶם מֵאֶרֶץ מִצְרַיִם) (כִּי אֲנִי יְהוָה הַמַּעֲלֶה אֶתְכֶם מֵאֶרֶץ מִצְרַיִם) is very similar to Deut 4:20 (וְיִסְרוּ אֶתְכֶם לְקַח יְהוָה וַיִּצְאָ אֶתְכֶם מִפּוֹר הַבְּרִזָּל מִמִּצְרַיִם), and to the context of 7:6, the purpose clause in Lev 11:45 (לְהִיֵּת לָכֶם לְאֱלֹהִים) and the purpose clauses of 4:20 and 7:6 (לְהִיֵּת לוֹ לְעַם) are the complementary phrases of the covenant relationship formula designated "Formula C" by Rendtorff.

<sup>98</sup>So also in Exodus 20:5; 34:14; Deut 4:24; 5:9; 32:16, 21.

kindled (חררה) against them and would lead to their destruction (שמור) if they violate that relationship.<sup>99</sup> Their allegiance is expressed by their thrusting out the enemies from the land of Canaan—making no provision for any rival (vv. 16-19). Finally, the covenant relationship will be maintained in perpetuity as they explain to their children the meaning of the testimonies, statutes, and ordinances that Yahweh had given to them (vv. 20-25).

Deuteronomy 8 is linked closely with the instruction of 7:12-16.<sup>100</sup> The blessings enumerated in 7:12-15 are given as a consequence (עקב) of Israel's readiness to listen to (or obey) these ordinances and to diligently do them. Diligent obedience to all the commandments will result (למען) in the possession of the land (8:1). This land is an exceedingly good land (vv. 7-9). But these blessings of land and its attending prosperity might be the occasion for the forgetting of Yahweh and carelessness towards the commandments. This scenario is similar to the scenario depicted in 6:10-14. In both passages the Israelites are admonished הַשְׁמֹר לְךָ פֶּן־תִּשְׁכַּח אֶת־יְהוָה. Both 6:12 and 8:14 warn of forgetting Yahweh who brought them up and out of Egypt out of the house of slavery. In both passages the forgetting occurs in the context of the enjoyment of Yahweh's blessings and results in their following after other gods.<sup>101</sup> These passages

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<sup>99</sup>There is a plethora of literary and lexical connections between Deut 6:4-25 and Deut 7 other than these (חררה in 6:15 and 7:4; שמור in 6:15 and 7:4, 23, 24). Both chapters speak of Yahweh bringing them into the land (6:10, 18, 23 and 7:1), of Yahweh bringing them out of Egypt/out of the house of slavery (6:12, 21 and 7:8, 19), of prohibitions against going after other gods (6:14 and 7:4, 10), of taking possession of the land (6:18 and 7:1, 17), of signs and wonders (6:22 and 7:19), of the oath sworn to the fathers (6:10, 18, 23 and 7:8, 12, 13), of carefully observing *the* commandment (6:25 and 7:11). Moreover, both chapters employ the verb ירא; in 6:13 and 24 the Israelites are to fear Yahweh, but in 7:18 the Israelites are instructed not to fear the inhabitants of the land.

<sup>100</sup>The literary and lexical connections between Deut 8 and Deut 7 are frequent. Both refer to a diligent observance of *the* (singular) commandment (8:1 and 7:11), possession of the land (8:1 and 7:1), the oath sworn to the fathers (8:1 and 7:8), and Yahweh your God bringing you into the land (8:7 and 7:1). Both employ the verb ירא (8:6 encourages the Israelites to fear Yahweh, but 7:18 challenges the Israelites not to fear the inhabitants of Canaan). Both caution against heart speech (8:17 ואמרת בלבבך and 7:17 תאמר בלבבך). Both exhort the Israelites to remember (זכר) Yahweh (8:18 and 7:18). Both appeal to Yahweh's awesome deeds (8:15-16 and 7:18-21). And both warn against destruction coming at the hands of Yahweh (8:20 תאבדון כי אבד מזהר and 7:4 והשמידך מזהר).

<sup>101</sup>More accurately, in 6:14 there is a prohibition from following after other gods (לא תלכון אחרים) and in 8:19 it describes the outward action consequent to forgetting Yahweh (והלכת אחר אלהים אחרים).

have much in common with 4:23<sup>102</sup> which begins with the admonition **הַשְׁמְרוּ לָכֶם** **אֶת־בְּרִית יְהוָה**. However, that which should not be forgotten in 4:23 is **פְּנֵי־תַשְׁכְּהוּ אֱלֹהֵיכֶם**. Yet the result is the same, that is, the making of carved images (8:19 as in 4:23) which become identified with rival gods and become objects of devotion.<sup>103</sup>

Deuteronomy 9:1-10:11 provides a warning to the Israelites by recounting their failures in covenant relationship. This reminder gives concrete evidence that the warnings in Deuteronomy 7 are not idle threats. The concern in Deuteronomy 7 is with incomplete obedience (which is no different from disobedience). There the instruction was to devote the inhabitants of Canaan, their cultic sites, and their cultic images to complete destruction so that they would not turn away (**סוּר**) and serve (**עָבַד**) other gods.<sup>104</sup> These actions represent a breach in the terms of the covenant (4:23), specifically in the General Stipulation to form no other alliances. As the covenant relationship formula of 7:6 served as the warrant for this complete destruction and the basis for unqualified obedience—which if violated would result in the destruction of the Israelites (7:4, 25-26)—so, too, Moses recalls in 9:1-10:11 failures in Israel’s obedience (their violation of the covenant) which resulted in destruction.<sup>105</sup> This failure to honor the

<sup>102</sup>A passage devoted to the exhortation to exclusive allegiance to Yahweh.

<sup>103</sup>See 4:19 **וְעַבְדֶתְם וְהַשְׁתַּחֲוִיתֶם לָהֶם**; 7:4 **אֲחֵרִים אֱלֹהִים**; 8:19 **וְהַשְׁתַּחֲוִיתֶם וְעַבְדֶתְם** **לָהֶם**.

<sup>104</sup>Again, the literary and lexical connections between 9:1-10:11 and Deut 7 are many. Some include: nations mightier and greater than yourselves (9:1 and 7:1), the consuming of the enemies (9:3—Yahweh as a consuming fire and 7:16 Israel is to consume their enemies), **שָׂמַד** (9:3, 8, 14, 19, 20, 25 and 7:4, 23, 24), **יָרַשׁ** (9:3, 5 and 7:17), **עָבַד** (9:3 and 7:10, 20, 24), **תָּאמַר בְּלִבְבְּךָ** (9:4 and 7:17), **הִדַּף** (9:4 and 7:7), swore to your fathers (9:5; 10:11 and 7:8, 12, 13), **לָרַשְׁתָּהּ** (9:6; 10:11 and 7:1), **סוּר** (9:12, 16 and 7:4), **תִּשְׂרַפּוּן בָּאֵשׁ** (9:21 and 7:5, 25), **פָּדָה** (9:26 and 7:8), **שָׁנָא** (9:28 and 7:10), and reference to Israel as his people (9:29 and 7:6). In 9:14 reference is made to “blotting out their name” while in 7:24 the idea is framed using the expression “make their name perish.” Both chapters speak of matters of trust. 9:23 mentions that Israel **לֹא הֵאֱמַנְתֶּם לִי**. In 7:17ff the Israelites were exhorted not to doubt Yahweh’s intention to drive out the enemies from Canaan.

<sup>105</sup>The narrative in Deut 9:1-10:11 does not actually recount the loss of life that occurred in the various rebellions (Horeb—3000 slaughtered by Levites in Exod 32:25-29; Taberah—no death count listed in Num 11:1-3; Massah—no account of any deaths; Kibroth-hattaavah—no death count but a great number implied; Kadesh-barnea—10 spies died instantly, many died in the attempted incursion into Canaan, and eventually approximately 600,000 men died in the following 38 years of wilderness wandering).

covenant violated both the negative injunction<sup>106</sup> and the positive requirement<sup>107</sup> of the General Stipulation. Clearly the crafting of the golden calf, bowing down to it, and serving it was a contravention of the first commandment. But the disbelief on display not only at Horeb but also Taberah, Massah, Kibroth-hattaavah, Kadesh-barnea, et al, was an infringement of the trust Yahweh had established with Israel.<sup>108</sup> The warning of 9:1-10:11 is that either kind of covenant violation can result in destruction.

As for the brief exhortation of 10:12-22, the Israelites are called upon to remove any barrier (וּמִלְתֶּם אֶת עָרְלָה לְבַבְכֶם) that might inhibit their ability or readiness to commit themselves wholly and fully to their suzerain. This call for commitment is not unreasonable but rather the making of the commitment can result only in good (10:13). There are no other gods who could rival Yahweh's place<sup>109</sup> or compare in his love and power.<sup>110</sup>

In Deuteronomy 11 the choices required by covenant relationship are presented. This chapter reads much like an abstract of the entire covenant. 11:1 is a summary statement of the General Stipulation around which the whole of the covenant is constructed. Verses 2-7 recount the mighty deeds of deliverance and discipline (v. 2 מוֹסֵר) much like the Historical Prologue of the treaty related the mighty deeds of the suzerain. These deeds are the grounds for the relationship upon which the covenant was

<sup>106</sup>Namely, the prohibition against acknowledging other gods.

<sup>107</sup>Namely, holding lasting and unlimited trust in the suzerain.

<sup>108</sup>A similar lack of trust may also explain Moses' punishment referred to in 4:21-22. Num 20:12 indicates his failure at Kadesh-barnea was tied to unbelief (יַעַן לֹא־הֵאֱמַנְתֶּם בִּי) and was an infringement of the trust Yahweh required.

<sup>109</sup>See v. 14 כִּי יְהוָה אֱלֹהֶיךָ הַשָּׁמַיִם וְהָאָרֶץ וְכָל־אֲשֶׁר־בָּהּ; v. 17 כִּי יְהוָה הוּא אֱלֹהֵיכֶם הוּא אֱלֹהֵי הָאֱלֹהִים וְאֲדָנִי הָאֲדָנִים.

<sup>110</sup>Here again one must notice the literary and lexical connections to Deut 7. Both passages speak of Yahweh's love for his people (10:15 and 7:7-8), both use the verb בָּחַר to describe Israel's election by Yahweh (10:15 and 7:6), both draw a distinction between Israel and all other peoples (10:15 and 7:6), both use the adjectives נִרְוֶה (10:17 and 7:21) and נִרְדָּה (10:17 and 7:21), and both speak of the great and terrifying acts of Yahweh in Egypt (10:21 and 7:18-19).

made and sanctioned the obligation of the vassal to perpetual gratitude and served as the basis for the vassal's absolute trust in the suzerain.

Verse 8 enjoins the listener **וּשְׁמַרְתֶּם אֶת־כָּל־הַמִּצְוָה**. One cannot help but notice the employment of the singular **הַמִּצְוָה** in this context. An appeal to exclusive allegiance and unwavering trust in the suzerain who calls the vassal into relationship must be acknowledged and consented to without qualification or hesitancy. In this context, the Specific Stipulations section finds no parallel,<sup>111</sup> but rather the text flows into the enumeration of blessing that accompanies faithfulness to the terms of the covenant.

Verse 13 begins with a conditional clause **וְהָיָה אִם־שָׁמַעַתֶּם אֶל־** **מִצְוֹתַי**.<sup>112</sup> If the Israelites are deemed to be in compliance with this requirement, then they will enjoy the blessings of the covenant.<sup>113</sup> But, if they do not take care (**הַשְׁמָרָה**) (**לְכַפֵּר**), their hearts will be deceived (**יִפְתָּהוּ**) and they will turn aside and serve (**וְסִרְתֶּם**) (**וְעַבְדֶּתֶם**) other gods and worship them. This will cause Yahweh's anger to kindle against them. This will result in their perishing (**וְאֶבְדֶּתֶם**) from the good land.<sup>114</sup>

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<sup>111</sup>This is not a matter of great concern when one recalls that the Specific Stipulations flow from and are an elaboration or explication of the General Stipulation.

<sup>112</sup>Here the plural **מִצְוֹתַי** is used. This could possibly be an allusion to the Specific Stipulations. However, these commandments are described by **וְלַעֲבֹדוּ אֱלֹהֵיכֶם וְלַעֲבֹדוּ** **לְאַהֲבָה אֶת־יְהוָה אֱלֹהֵיכֶם וּבְכָל־נַפְשְׁכֶם** **בְּכָל־לִבְבְּכֶם**. This sounds more like a summary to the General Stipulation rather than a reference to the Specific Stipulations.

<sup>113</sup>These blessings mirror the blessings of Deut 28.

<sup>114</sup>This is the ultimate curse threatened in the Blessing and Curses section of the covenant. See e.g., 28:20, 36-37, 63-64.

Once again the literary and lexical connections between Deut 11 and Deut 7 are manifold. In their essential message both chapters are laying before the Israelites a choice. The appeal is to choose Yahweh (who has previously chosen them—7:6) which will result in the experience of covenantal blessing (11:8b-12, 14-15, 21 and 7:12-15). Likewise, their commitment to all this commandment (singular, 11:22) would beckon Yahweh to action. The actions detailed in 11:23-25 are very similar to the future action of Yahweh promised in 7:17-24. Moreover, both chapters appeal to the historical precedent of Yahweh's mighty deliverance from Egypt as the basis for confidence in his promise to deliver the inhabitants of Canaan over to them for destruction. Specific connections include: his mighty hand and outstretched arm (11:2 and 7:8, 19), signs (11:3 and 7:19), Pharaoh king of Egypt (11:3 and 7:8, 18), go in and take possession of the land (11:8, 10, 29, 31 and 7:1), Yahweh swore to your fathers to give to them (11:9, 21 and 7:13), turn aside, serve other gods, and worship (11:16, 28 and 7:4, 16), anger of Yahweh kindled against you (11:17 and 7:4), dispossession (11:23 and 7:17), and nations greater and mightier than you (11:23 and 7:1).

Verses 18-21 repeat many of the instructions found in 6:6-9.<sup>115</sup> If the Israelites were fastidious in their obedience, the land would be their perpetual dwelling.

The protasis of v. 22 employs the singular of commandment (אֶת־כָּל־הַמִּצְוֹת) and specifies the actions of fulfilling the commandment, namely, loving Yahweh your God, walking in all his ways and holding fast to him.<sup>116</sup> As they meet those conditions, Yahweh would then act on their behalf and bring them safely into the land of promise.

The chapter concludes (vv. 26-32) with a call for decision and describes a future ceremony<sup>117</sup> in that land at which this decision is proclaimed.<sup>118</sup> The central component of that ceremony would be the recitation of the covenant relationship formula following the paradigm of Deut 26:17-19.

So the covenant relationship formula in 7:6 is—from beginning to end—tied closely to the covenant requirement of exclusive loyalty in the General Stipulation section (4:45-11:32) of the covenantal framework of Deuteronomy 1-30. It also provides a thematic unity for the various components of the General Stipulation. Moreover, it reflects back on the Historical Prologue and grounds the General Stipulation firmly in the Historical Prologue by employing shared literary themes.

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<sup>115</sup>For instance, v. 18 “words to be in your heart and in your soul,” cf. 6:6; v. 18 “bind them as a sign on your hands and as a frontlet between your eyes,” cf. 6:8; v. 19 “teach them to your children at all times and in all circumstances,” cf. 6:7; v. 20 “they are to be written on the doorposts and gates,” cf. 6:9.

<sup>116</sup>Again, these three infinitives seem to be directed more towards the idea of exclusive covenant loyalty rather than specific obedience to various stipulations.

<sup>117</sup>This is given greater detail in 27:1-8.

<sup>118</sup>This mention of the Solemn Oath Ceremony in 11:29-30 mirrors, in an abbreviated format, the Solemn Oath Ceremony of the covenantal framework of Deut 1-30 as it is held in Deut 29-30.

## Deuteronomy 14:2–Specific Stipulations (12:1-26:15)

### The Function of the Constituent in the Treaty Formulary

The Specific Stipulations section of the ancient Near Eastern treaties is the least defined structurally of all the treaty constituents; that is, it does not follow a prescribed pattern for the order of individual components nor does it have a prescribed list of items that are included in every treaty. Rather it can address an assortment of issues that are of mutual concern to both partners in the treaty.<sup>119</sup> Even though the majority of treaties followed a formulary for their *framework*, the individual *components* of the formulary constituents exhibit a great deal of variety. This should be expected since the occasions for entering into a treaty and the partners of each treaty were different.

In spite of the diverse occasions, circumstances, and treaty partners, one can still characterize the correspondence between the General Stipulation and the Specific Stipulations of these treaties as does Baltzer: “These stipulations are the legal consequence of the treaty relationship: if a party remains loyal to the treaty, he will comport himself in such and such a way.”<sup>120</sup>

This seems to be especially true of the covenantal text of Deuteronomy. Unlike typical ancient Near Eastern treaty texts, the book of Deuteronomy embeds an abbreviated list of Specific Stipulations in the General Stipulation section, namely, the Ten Words of Deuteronomy 5:6-21. This concretely and specifically anchors the commandments, statutes, and ordinances of Deuteronomy 12:1-26:19 in the General Stipulation of 5-11<sup>121</sup> and provides substantial support to Baltzer’s claim noted above.<sup>122</sup>

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<sup>119</sup>Obviously, in a suzerain-vassal treaty the particulars of the Specific Stipulations would reflect more of the suzerain’s concerns primarily. The discussion in chap. 2 of this study identifies themes that recur frequently in the extant treaty texts.

<sup>120</sup>Baltzer, *The Covenant Formulary*, 12-13.

<sup>121</sup>This is true whether or not one is convinced of any of the proposals for the correlation between the Ten Words of Deut 5:6-21 and the instructions of either Deut 6-26 or Deut 12-26.

Further evidence that the Specific Stipulations are premised upon and are derived from the General Stipulation in the covenantal framework of Deuteronomy is the fact that the covenant relationship formula in the Specific Stipulations is stated in *virtually identical* terms to the covenant relationship formula in the General Stipulation.

Deuteronomy 7:6

כִּי עִם קְדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ בְּךָ בָחַר יְהוָה אֱלֹהֶיךָ לְהִיּוֹת לוֹ  
לְעַם סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָרֶץ

Deuteronomy 14:2

כִּי עִם קְדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ וּבְךָ בָחַר יְהוָה לְהִיּוֹת לוֹ  
לְעַם סִגְלָה מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָרֶץ

Both expressions of the covenant relationship formula are prefaced with the causal clause *אתה קדוש אתה*.<sup>123</sup> The Specific Stipulations of 12-26 legislate holy behavior (14:2) which is rooted in holy allegiance (7:6) required by the General Stipulation of 5-11. While the text of Deuteronomy 12-26 contains many particulars, the tenor of the Specific Stipulations clearly suggests that the overriding concern is not so much with literalistic obedience but rather with describing behavior that should be characteristic of a

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Patrick D. Miller, "Divine Command and Beyond: The Ethics of the Commandments," in *The Ten Commandments: The Reciprocity of Faithfulness*, ed. William P. Brown (Louisville: Westminster John Knox Press, 2004), 17, discusses the importance of the covenantal context for the Decalogue. He suggests, "The Decalogue's obligatory character arises out of the covenantal relationship and assumes the first table [referring to the commands that pertain to honoring and worshiping the Lord] as a required starting point." He comments on the futility of trying to impose the obligations of second table [that is, those commands pertaining to an individual's responsibility to and within the community] without a prior commitment to the obligations to God. Likewise, one could reasonably argue that the Ten Words establish the pattern for that which follows in Deut 6:4-26:15. Thus, as Miller rightly highlights, the logical precedence and foundational quality of the "first table" for the obligations of the "second table," one could extrapolate to the whole of Deut 6:4-26:15 and conclude that the "second table" (the Specific Stipulations) of Deut 12-26 is grounded in the "first table" of Deut 5-11. Thus, the proposal of Walton may merit further consideration in that he suggests not only that the text of Deut 6-26 follows (in general terms) the outline provided by the Ten Words but also that the commandments 5 through 10 (as he numbers them and which Miller identifies as the "second table") are directly connected to commandments 1 through 4 (as he numbers them and which Miller identifies as the "first table"). See discussion below under "Literary structure of the textual unit."

<sup>122</sup>George E. Mendenhall, "Covenant," in *Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 1:1184, rightly states, "All of the stipulations represent those characteristics of human behavior that constitute the definition of the will of God" (emphasis original).

<sup>123</sup>Daniel I. Block, "The Privilege of Calling: The Mosaic Paradigm for Missions (Deut 26:16-19)," *Bibliotheca Sacra* 162, no. 648 (2005): 400, states, "In both 7:6 and 14:2 her status as a holy people is associated with the Lord's election of her to be his treasured possession."

loyal vassal.<sup>124</sup> Moreover, as Mouw highlights, behavior is not the ultimate concern. He asserts, “A divine command perspective ought not treat discrete acts of surrender to divine fiats as intrinsically valuable.”<sup>125</sup> Rather, he insists that the focus ought to be on “cultivating a pious disposition to *trust* God by *obeying* his commandments.”<sup>126</sup>

All of this develops from the narrative of the Historical Prologue (1:6-4:44). Mouw insightfully highlights the necessity of narrative for understanding the derived significance of biblical morality. He asserts, “To understand the meaning of the divine commands is to grasp something of God’s character, of the divine intentions in providing moral guidance to human creatures. And this in turn requires that we know the story of God’s dealing with creation.”<sup>127</sup> In the case of the Specific Stipulations of Deuteronomy 12-26, the text provides two “layers” of narrative. First is that of the Historical Prologue which provides the rationale for the appeal to the General Stipulation. The second “layer” of narrative is that of the General Stipulation itself. Although the text of Deuteronomy 5-11 is filled with legal language and requirements, it is presented primarily in a narrative style.<sup>128</sup> So then, just as Yahweh’s mighty and gracious deeds in the Historical Prologue served to elicit exclusive loyalty and unlimited trust

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<sup>124</sup>Miller, “Divine Command,” 22, states it thus, “The commandments define the character of the fitting response to God’s redemptive work, which creates a people to live as God’s people.”

<sup>125</sup>Richard Mouw, *The God Who Commands* (Notre Dame: University of Notre Dame Press, 1990), 129.

<sup>126</sup>Ibid. (emphasis added).

<sup>127</sup>Ibid., 129. He supports his claim further, “God himself seems to insist on a narrative context for the Decalogue, prefacing the list of imperatives with a reminder of the drama within which they appear: ‘I am the Lord your God, who brought you out of the land of Egypt, out of the house of bondage’ (Exodus 20:2).”

This is similar to the emphasis of Gordon J. Wenham, *Story as Torah: Reading the Old Testament Ethically* (Edinburgh: T & T Clark, 2000). In his introduction he summarizes the intent of his book: “This will lead us to conclude that Old Testament narrative books do have a didactic purpose, that is, they are trying to instil [*sic*] both theological truths and ethical ideals into their readers. . . . I shall argue that the Bible storytellers are not advocating a minimalist conformity to the demands of the law in their storytelling, rather they have an ideal of godly behaviour that they hoped their heroes and heroines would typify” (3).

<sup>128</sup>This is especially the case in 4:45-5:5; 5:22-33; 9:13-10:11; and 11:2-7.

commensurate with the General Stipulation, so too the Specific Stipulations were given to illustrate for the vassal behavior which was consistent with exclusive loyalty and unlimited trust. Again, Mouw underscores the fact that the Specific Stipulations flow out from the General Stipulation and that both find as their source the narrative of Yahweh's dealings with his people. He concludes, "Here it is not obedience as such that is treasured, but an obedience that is grounded in—that is a manifestation of—a patterned godliness."<sup>129</sup>

### Parameters/Boundary of the Textual Unit

The covenant relationship formula of 14:2 occurs in the textual unit of 14:1-21 and is linked closely with the causal clause **כִּי עַם קָדוֹשׁ אַתָּה** which occurs both in the first clause of 14:2 and in the penultimate clause of 14:21.<sup>130</sup>

The text contains "three programmatic statements that are characteristic of Deuteronomy."<sup>131</sup> The first stands like a banner over the rest of the text: **בְּנִים אַתֶּם לַיהוָה אֱלֹהֵיכֶם**.<sup>132</sup> The other "two statements" are actually the same statement

<sup>129</sup>Mouw, *The God Who Commands*, 129-30.

<sup>130</sup>The *parashiyyot* in this case suggest a much larger sense unit beginning with 13:2 and continuing on to 14:21 (in one open **פ** section). 13:19, however, does conclude with the marking **פ** indicating the end of a subordinate sense unit. Clearly the instruction content changes at 14:1 away from discussing hypothetical future enticements to idolatry that might occur (13:2-19). 14:1-21 is divided into four *parashiyyot*, the first three marked with **פ** (after v. 2, 8, 10) and the final marked with **פ**. (The editors of BHS, however, have suggested additional closed sections after vv. 20 and 21a.)

Tov, "Sense Divisions," 341, takes exception to this interpretation of the sense divisions. He identifies the concerns in 14:1-2 as a "completely different issue" and insists that this ought to be marked with **פ**. Again, he avows that 14:3 represents "the commencement of a completely different area of legislation" which should be preceded by **פ**. He hedges somewhat because 14:2 and 14:21 seem to point to identical reasoning for compliance to the instructions contained in the respective *parashiyyot*. He concedes, "If it were conceived as relating to the same material, the present closed section would be in order."

William S. Morrow, *Scribing the Center: Organization and Redaction in Deuteronomy 14:1-17:13*, ed. Terence E. Fretheim and Carl R. Holladay, SBLMS 49 (Atlanta: Scholars Press, 1995), 19-26, sees an integral connection between the *parashiyyot* in this context. He argues, "The connection between 14:1-2 and 14:3-21 lies in the notion of being a holy people" (19). Furthermore he recommends that Deut 14:1-21 "acts as a transitional section between Deuteronomy 13 and 14:22-27" (26).

<sup>131</sup>Brueggemann, *Deuteronomy*, 156.

<sup>132</sup>See Frank Charles Fensham, "Father and Son as Terminology for Treaty and Covenant," in *Near Eastern Studies in Honor of William Foxwell Albright*, ed. Hans Goedicke (Baltimore: The Johns Hopkins Press, 1971), 121-35 (esp. 133-34), for a discussion of the significance of father-son terminology in the context of the ancient Near Eastern treaties. He notes, "The Mari letters show that this kind of

repeated twice, namely: **כִּי עִם קָדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ** in 14:2 and 21 that essentially frame the instructions concerning which types of animals may or may not be eaten. These three statements are interspersed with four main prohibitives.<sup>133</sup>

Diagrammatically the text would look like this:

You are sons of Yahweh  
 Do not cut yourselves  
 Do not shave between your eyes  
     Because you are a holy people to Yahweh your God  
     and Yahweh chose you to be his people of special possession  
 Do not eat anything abhorrent  
     Land animals  
     Sea animals  
     Sky animals  
     Dead animals  
     Because you are a holy people to Yahweh your God  
 Do not boil a kid in its mother's milk

The actions regulated by the first, second, and fourth prohibitives may have been associated with pagan practices. The third prohibitive is more difficult to explain in terms of pagan practice.<sup>134</sup> However, these prohibitions are clearly rooted in the “programmatic statement” **כִּי עִם קָדוֹשׁ אַתָּה לַיהוָה אֱלֹהֶיךָ**. The text, in other words, is communicating that these activities are somehow inconsistent with their status as a holy people to Yahweh.

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relationship was popular when *special friendship* was cultivated between overlord and vassal, but apparently these designations refer to *vassalage* and not a *parity treaty*” (125, emphasis added. This reaffirms the assertions made in chap. 1 of this study that Deuteronomy represents a suzerain-vassal treaty, not a parity treaty). See also McCarthy, “Notes on the Love of God in Deuteronomy,” 144-47. J. M. Munn-Rankin, “Diplomacy in Western Asia in the Early Second Millennium,” *Iraq* 18 (1956): 68-110 (esp. 76-84), discusses the prevalence of father-son terminology in the correspondence between a vassal and his suzerain. And Paul Kalluveetil, *Declaration and Covenant: A Comprehensive Review of the Covenant Formulae of the Old Testament and the Ancient Near East*, *Analecta Biblica Investigationes Scientifical in Res Biblicas* 88 (Rome: Biblical Institute Press, 1982), 98-99, also comments on the use of the terms father and son in the declaration formula used in the context of suzerain-vassal relationships.

<sup>133</sup>Brueggemann, *Deuteronomy*, 157, identifies five prohibitives in the text: You must not lacerate yourselves (v. 1); You must not shave your forelocks for the dead (v. 1); You must not eat any abhorrent thing (abomination) (v. 3); You must not eat anything that dies of itself (v. 21); and You must not boil a kid in its mother's milk (v. 21). However, the instruction regarding the eating of animals that died of natural causes should be subsumed under the directive not to eat anything abhorrent. Otherwise, one should consider all of the second person plural prohibitives (**לֹא תַאֲכִלוּ**) of vv. 7, 8, 10, 12, and 21 individually.

<sup>134</sup>See discussion below for a more complete explanation of the principles underlying these prohibitions.

As noted in the discussion of Deuteronomy 7:6, the association of the covenant relationship formula with the notion of being a holy people is not by happenstance. Here the covenant relationship formula is linked with the initiative taken by Yahweh (וַיִּבְרַךְ יְהוָה) <sup>135</sup> and this relationship distinguished Israel מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָדָמָה <sup>136</sup>

One other curious feature of this text is the further instruction given after the prohibitive: כָּל-תוֹעֵבָה לֹא תֹאכַל in verse 3. Rather than follow the generic proscription with specific negative examples or disqualifying characteristics of the animals (land, sea, and sky) that may not be eaten, the instruction begins with that which is permissible for consumption. In her discussion of the “Abominations of Leviticus,”<sup>137</sup> Douglas surmises, “Since each of the injunctions is prefaced by the command to be holy, so they must be explained by that command. There must be a contrariness between holiness and abomination which must make over-all sense of all the particular restrictions.”<sup>138</sup> She notes that the term “holy” has both negative (to be separate) and positive (to be whole or complete) connotations. Her solution, from an anthropological perspective, is that these animals (specific and in kind) which were permissible “conformed to the class to which they belong.”<sup>139</sup> This delimitation in Israel’s diet was not only patterned after the holiness of their God but also was a daily reminder of their redemption.<sup>140</sup> Moreover, it served to demonstrate that they, as a holy people, were

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<sup>135</sup>Yahweh’s initiative in making Israel his people is seen in the context of the covenant relationship formula in 4:20 (וַיִּזְנֶה יְהוָה לְקַדְּשׁ אֶתְכֶם) as well.

<sup>136</sup>This follows the pattern of the covenant relationship formula in 4:20, too. In that context Israel is designated as “people of his own inheritance” and is called to be different from all the peoples under the whole heaven (4:19). In 4:34 the rhetorical question is asked in order to substantiate that the inception of Israel’s nationhood is unlike that of any other nation.

<sup>137</sup>Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (New York: Ark Paperbacks, 1984), 41-57.

<sup>138</sup>Ibid., 49.

<sup>139</sup>Ibid., 53. See her complete discussion, 54-57.

distinct from the Gentile nations.<sup>141</sup>

### Literary Structure of the Textual Unit

As McConville rightly notes, the language of 14:1-2 definitely demonstrates “that the chapter is to be seen as a continuation of Deuteronomy’s election theology.”<sup>142</sup> As such, the regulations which follow should be read from the perspective that they are intended to portray behavior fitting of that covenantal relationship into which they are now being called. As sons of Yahweh, the Israelites were to imitate his holiness.<sup>143</sup> This would be accomplished by both positive and negative means. As in the context of 7:6 where Israel was to totally destroy any vestige of Canaanite religion, the taboos of 14:1-21 instruct the Israelites to refrain from any activity that may be associated with pagan practices.<sup>144</sup> This included eating anything which Yahweh determined to be abhorrent.<sup>145</sup>

There have been a number of different proposals offered to explain the

<sup>140</sup>Thus Gordon J. Wenham, “The Theology of Unclean Food,” *The Evangelical Quarterly* 53 (1981): 11, infers after reviewing the proposal of Douglas.

<sup>141</sup>This is clear from the caveat given in 14:21. That is, even though animals which died naturally were *תועבה* for Israel, they could be consumed by the *נכרי* or *גר*.

<sup>142</sup>McConville, *Deuteronomy*, 248. He notes that the statement of Israel’s sonship in the context of their having been chosen and designated *קדוש עם* leaves no doubt that all Israel (second person plural pronouns are used in 14:1) here stands in covenantal relationship with Yahweh.

<sup>143</sup>J. G. McConville, *Law and Theology in Deuteronomy*, JSOTSup 33 (Sheffield: JSOT, 1984), 18-19, states, “The statement of Israel’s holiness not only carries implications for their behaviour but is also related to the sonship of Yahweh, suggesting that the holiness of Israel is actually a reflection of his own character. Holiness, therefore, is yet another expression of the need for Israel to reciprocate in relation to the activity and character of God.”

<sup>144</sup>This includes the prohibitions against self-laceration (actually practiced in Israel in 1 Kings 18:28 and Hos 7:14 as a means of provoking foreign gods to action) and shaving *בין עיניכם* in mourning for the dead.

<sup>145</sup>*תועבה* here links the passage once again to Deut 7 where it was used in vv. 25-26 to describe the precious metals which covered the cultic images that were to be destroyed upon entering Canaan. Furthermore, *תועבה* is used to characterize the pagan cultic practices in 12:31 and 20:18, the apostasy in Israel in 13:15 and 17:4, the offering made to Yahweh that is defective in 17:1, the child sacrifice, divination, and magic in 18:9-14, the cross-dressers in 22:5, the wages of prostitutes in 23:19, the remarriage to a wife after she married another in 24:4, and the one who deals dishonestly in 25:16. In 27:15 it is used not for the precious metal which covers the *פסיל* (as in 7:25-26) but rather for the *פסל* *ומוסכה*. Finally, in 32:16 it serves as a generalization to describe all that Israel did to provoke Yahweh to anger.

rationale behind the classification into groups of animals which may or may not be eaten.<sup>146</sup> However, the anthropological approach of Mary Douglas seems to be the most consistent and comprehensive, while at the same time addressing McConville's observation concerning the connection between Israel's sonship and its holy behavior. Israel's sonship necessarily entailed an expectation that their behavior would be a reflection of Yahweh's character.<sup>147</sup> Douglas notes both the negative and positive aspects of holiness; that is, holiness requires not only separation from evil but also entails a wholeness and integrity in both the realms of the physical and the moral.

Noting that the instructions given for both the permissible and taboo animals are addressed in groups reminiscent of the reverse of the creation order,<sup>148</sup> Douglas's comments factor in the mythical dimensions of the Creation account.<sup>149</sup> She perceives the underlying motif of creation order versus chaos as that which determines the cleanness or uncleanness of any given creature. The conclusion of her inquiry is this: "Holiness requires that individuals shall conform to the class to which they belong."<sup>150</sup> Building on Douglas's conclusion, Wenham offers his analysis of the "system underlying the uncleanness regulations."

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<sup>146</sup>See the various commentaries. Because 14:3-21 has much in common with the instructions given in Lev 11, commentary on one or the other text may be applicable to or may appeal to the other for explanation or comparison. See, e.g., Jacob Milgrom, *Leviticus 1-16*, Anchor Bible (New York: Doubleday, 1991), 643-742; Currid, *Deuteronomy*, 557-70; Gordon J. Wenham, "The Theology of Unclean Food," 6-15; K. Chan, "You Shall Not Eat Abominable Things: An Examination of Different Interpretations on Deuteronomy 14:3-20," *East Asia Journal of Theology* 3, no. 1 (1985): 88-106; and William L. Moran, "The Literary Connection between LV 11,13-19 and DT 14,12-18," *CBQ* 28 (1966): 271-77.

<sup>147</sup>McConville, *Law and Theology*, 18-19. That the regulations concerning clean and unclean foods are directly connected to Yahweh's holiness is particularly clear in the parallel passage of Lev 11:44-45.

<sup>148</sup>That is, animals whose domain is the land (created on Day 6—Gen 1:24-25) are treated first in Deut 14:3-8, animals whose domain is the water (created on Day 5—Gen 1:20a and 1:21a) are treated second in 14:9-10, and animals whose domain is the sky (created on Day 5—Gen 1:20b and 1:21b) are treated third in 14:11-20.

<sup>149</sup>That is not to suggest that the present author reads Genesis 1 in the same manner as he would pagan creation epics, but rather that Douglas, from an anthropological perspective, makes this connection.

<sup>150</sup>Douglas, *Purity and Danger*, 53.

They expressed an understanding of holiness, and of Israel's special status as the holy people of God. The division into clean (edible) foods and unclean (inedible) foods corresponded to the division between holy Israel and the Gentile world. Among those animals that were clean there were a few types that could be offered in sacrifice. Similarly there was a group of men within Israel who could offer sacrifice, the priests. Through this system of symbolic laws Israelites were reminded at every meal of their redemption to be God's people. Their diet was limited to certain meats in imitation of their God, who had restricted his choice among the nations to Israel. It served, too, to bring to mind Israel's responsibilities to be a holy nation. As they distinguished between clean and unclean foods, they were reminded that holiness was more than a matter of meat and drink but a way of life characterized by purity and integrity.<sup>151</sup>

It is for this reason that the covenant relationship formula is strategically employed in 14:1-21. The *לְהִיֹּת לֹא לְעַם סְגֻלָּה* who were chosen *עַם קָדוֹשׁ . . . לְיְהוָה* were to recognize that all of life was to be characterized by purity and integrity.

The Specific Stipulations of Deuteronomy 12-26 were intended to provide guidelines and standards for maintaining that purity and integrity both in the relationship to Yahweh and also in their communal relationships. Here is where Walton's proposal for the arrangement of the stipulations may be instructive, as it is adapted for and modified by the findings of this dissertation. Table 9 below represents the summary of Walton's article showing the categories into which the commandments are organized (in the first column), those commandments that pertain to Israel's relationship to Yahweh (in the second column), and those commandments that pertain to Israel's relationships in community (in the third column). Further, identification of the text of Deuteronomy with which Walton associates each of the commandments is also included.

As noted in this study some exceptions are taken with Walton's proposal. First, the commandments that Walton labels as 1 and 2 are considered to be commandment 1 in this study. And the commandment labeled 10 by Walton is considered as commandments 9 and 10 herein. Second, Walton associates the Ten Words of Deuteronomy 5 with all the remaining chapters of the Stipulations—both General and Specific (Deut 6-26). This study portrays the Ten Words as embedded

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<sup>151</sup>Wenham, "The Theology of Unclean Food," 11.

Table 9: Walton's schema for categorizing and identifying the commandments of Deuteronomy as they follow the pattern of the Ten Commandments of Deuteronomy 5<sup>152</sup>

MAIN ISSUES	RE: GOD	RE: MAN
Authority	Commandment 1 No other Gods (Deut 6-11)	Commandment 5 Honor Parents (Deut 16:18-18:22)
Dignity	Commandment 2 No Graven Images (Deut 12)	Commandments 6, 7, 8 Murder, Adultery, Stealing (19:1-21:23; 22:1-23:14; 23:15-24:7)
Commitment	Commandment 3 Name in Vain (Deut 13:1-14:21)	Commandment 9 False Witness (Deut 24:8-16)
Rights & Privileges	Commandment 4 Keep the Sabbath (Deut 14:22-16:17)	Commandment 10 Coveting (Deut 24:17-26:15)

within the General Stipulation (Deut 5-11) and that the General Stipulation is essentially an *expansion* of the first commandment. The *application* of the Ten Words are then associated with the Specific Stipulations (Deut 12-26). Third, one will notice slight modifications in the association of the texts of Deuteronomy with the specific commandments.<sup>153</sup> Table 10 below represents the changes necessary to accommodate these minor disagreements and/or corrections. As in the second column of Table 9 the second column of Table 10 represents the “Godward” commandments. Likewise, the third column of Table 10 represents the “community” commandments. The rows, then,

<sup>152</sup>Adapted from Walton, “Deuteronomy: An Exposition,” 214.

<sup>153</sup>One must recognize that every stipulation contained in the text of Deut 12:1-26:15 may not fit neatly into the “compartments” of the categorical commandment associated with that particular instruction. This is inconsequential to the overall thesis of this chapter and to that of the entire dissertation. Georg Braulik, “The Sequence of the Laws in Deuteronomy 12-26 and in the Decalogue,” in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy*, ed. Duane L. Christensen, trans. Linda M. Maloney, Sources for Biblical and Theological Study 3 (Winona Lake: Eisenbrauns, 1993), 321, acknowledges that there is an imprecise correspondence between the Ten Words of 5:6-21 and chapters 12-26 of Deuteronomy. However, he concedes that there is “a kind of large-scale or general framework for its composition and arrangement.” Yet, when one considers the basic tenor of the general text units in 12:1-26:15 associated with the numbered commandments in the grid above, one must recognize the thematic integrity of the units and their associated commandments. It is not the purpose nor is it within the scope of this dissertation to justify the assignments of the textual units of 12:1-26:15 in the grid with the numbered commandments.

show the thematic relationships between the “Godward” and the “community” commandments. Table 10 represents the proposed literary structure of the Specific Stipulations of Deuteronomy 12-26. With reference to the “Godward” commandments in 12:1-16:17 (shown in the second column of Table 10), 14:1-21 is the central component.

Table 10: The categorization and identification of the Specific Stipulations as they follow the pattern of the Ten Commandments of Deuteronomy 5

Authority	Commandment 1 No other Gods/Images (Deut 12-13)	Commandment 4 Honor Parents (Deut 16:18-18:22)
Relational Holiness	Commandment 2 Name in Vain (Deut 14:1-21)	Commandments 5, 6, 7, 8 Murder, Adultery, Stealing, False Witness (19:1-21:23; 22:1-23:18; 23:19-20; 23:21-25)
Rights & Privileges	Commandment 3 Keep the Sabbath (Deut 14:22-16:17)	Commandments 9, 10 Coveting Wife, Coveting Belongings (Deut 24:1-9; 24:10-26:15)

As the covenant relationship formula of 14:2 established the warrant for the prohibitives of 14:1-21, it, too, is clearly associated with the instructions of 12:1-28 and 12:29-13:18. 12:2-4 echoes the directives of Deuteronomy 7:1-26.<sup>154</sup> Once the land is cleared of the inhabitants of Canaan, their cultic sites, and their cultic images, then the directions for where and how the Israelites were to worship are denoted. The text of 12:29-31 again echoes 7:1-26 as it leads into the future hypothetical situations in which a fellow Israelite may entice the community to go after other gods and serve them. Both of these elements are clearly predicated upon the first commandment and its insistence on worship of Yahweh alone apart from any images. This demonstrates that the text of Deuteronomy 12 shares with the covenant relationship formula an expectation of

<sup>154</sup>The directives of 7:1-26 are predicated upon the covenant relationship formula of 7:6. Likewise, as noted above, the covenant relationship formula of 14:2—as it mimics that of 7:6—demands a certain response to Yahweh’s directives and anticipates certain behavior that is in keeping with Israel’s status as *בְּנֵי־יְהוָה* and *עַם קְדוֹשׁ*. The directives of 12:2-4 minimize the possibility that a rival to Yahweh will have a place in the land.

relational holiness characterized by purity and integrity in Israel's cultic worship.

The relational holiness embodied in the covenant relationship formula of 14:2 is also applied to Israel's "sabbatical" obligations as enumerated in 14:22-16:17.<sup>155</sup> The covenant relationship formula, as demonstrated previously in 4:20 and 7:6, is closely linked with Yahweh's redemption of Israel and the fact that they are to be holy to Yahweh. In 7:6 and 14:2 the notion of being *מִכֹּל עַם סְגֻלָּה* distinguishes Israel *מִכֹּל עַם סְגֻלָּה*.<sup>156</sup> This phrase may likewise inform the underlying principle of the instructions of 14:22-16:17. As Israel is chosen from the context of the whole world,<sup>157</sup> so Israel is to set aside for God's purposes a portion from/out of all that Yahweh has graciously given to them. If Israel were to follow the instructions of 14:22-16:17, their behavior would then emulate the actions of Yahweh their God. And although these instructions are included under the rubric of "Godward" commandments, the obedience of trust<sup>158</sup> would result in practical benefits within the greater community.<sup>159</sup> Furthermore, as Israel set aside time for its required festivals (16:1-17)—joining together in their *אֶל־הָיָה לְיְהוָה אֱלֹהֵיךָ* (16:8) and their *אֶל־הָיָה לְיְהוָה אֱלֹהֵיךָ*—they would celebrate together as *בְּנִי־יְהוָה* (14:1).

<sup>155</sup>Walton, "Deuteronomy: An Exposition," 223-24, makes the connection between the commandment to keep the Sabbath and God's rights as Israel's Redeemer to reserve for himself a day of worship. He extrapolates this to the instructions in 14:22-16:17 which indicate how Israel is expected to respond in gratitude "by dedicating some of one's goods to him and by becoming a source of goods and freedom to others in his name."

<sup>156</sup>This dynamic is also expressed in Deut 4:20 and 34 in connection with Israel's designation as *עַם נְחֻלָּה*.

<sup>157</sup>The concessive clause attached to the covenant relationship formula of Exod 19:5 makes this exceptionally clear when Israel is designated *מִכֹּל עַם סְגֻלָּה* from/out of all the peoples *כָּל־הָאָרֶץ*.

<sup>158</sup>Certainly the instructions to give a tithe, to care for the poor, to forego one's "rights" of debt repayment, etc., required a deep-seated trust that Yahweh would provide anything that one may anticipate he might lack as a result of obeying these directives. The final directive of 16:6b-17 summarizes the theme of 14:22-16:17: the Israelites were not to appear before Yahweh *רִיקָם*. (Interestingly, even the Hebrew debt-slave was not to be sent away *רִיקָם* [15:13]. Even though he came with nothing but a debt obligation, he was to leave that service with goods sufficient for his continued well-being.) Each person was to bring a gift (*כְּמִתְנַת*) proportional to the blessing that Yahweh had given to him.

<sup>159</sup>In the provisions for the Levites, care for the less-fortunates, release for those in debt slavery, etc.

The Specific Stipulations of 12-26 continue with 16:18-18:22 which basically consists of legal provisions for the authority structure of the present and future community. As Walton correctly observes, “The deuteronomic treatment of the commandment, however, does not focus on how we are to respond to human authority as much as it addresses how human authority is to *conform to divine authority*. It speaks of the exercise of divine authority in the human realm.”<sup>160</sup> This subtext ties in directly to the reality associated with the covenant relationship formula of 14:2, that is, conforming to the stipulations of 16:18-18:22 would reflect the character of Yahweh and demonstrate Israel’s sonship in visible and practical ways. The judges (16:18-20 and 17:8-13),<sup>161</sup> the kings (17:14-20), the Levites (18:1-8), and the prophet (18:15-22) all derived their authority from Yahweh, and they were expected to execute that authority in a manner consistent with Yahweh’s demonstrated justice, his benevolent rule, and his truthful and sure word. Interspersed in these pericopae are “sidebars” concerning cultic purity (16:21-17:7) and prohibitions against pagan practices (18:9-14). However, these issues are *not* “sidebars” to the overall context if one notices that in both discussions the term תועבה is employed (17:1 and 18:9) recalling 14:3. The instruction of 14:3-21, immediately following the statement of the covenant relationship formula in 14:2, established guidelines for those animals which were edible or inedible for Israel under the comprehensive prohibitive כָּל-תוֹעֵבָה לֹא תֹאכַל. But these restrictions did not apply to the נֶגֶר or the נִכְרִי. Likewise, the “sidebars” restrict Israel from participating in pagan practices. Their cultic sites were not to be patterned after pagan cultic sites (16:21-22), nor were they to offer to Yahweh any “food” that was abominable. And they were not to go and serve other gods and worship them<sup>162</sup> or “the sun, or the moon, or any of the hosts

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<sup>160</sup>Walton, “Deuteronomy: An Exposition,” 215 (emphasis added).

<sup>161</sup>Walton includes 16:21-17:7 in the discussion of the judges, presumably because the community exercised judgment in cases of apostasy. See Walton, “Deuteronomy: An Exposition,” 216.

<sup>162</sup>This recalls the instructions in 4:19; 5:9; 8:19; 11:16; 28:14; and 30:17, for example.

of heaven which I have forbidden” (17:3).<sup>163</sup> While the pagans worshiped these objects, Israel was neither to worship them nor associate Yahweh with any of them. Again, in 18:9-14 the actions of the nations which were an affront to Yahweh and incompatible with their identity as his children are labeled as **כְּתוּעַבַת הַגּוֹיִם הָהֵם**.

The placement of these “sidebars” is strategic, not accidental. The first, dealing with cultic **תוּעַבָה** which must be “purged from your midst,” is situated between the instructions to the judges who were to exercise justice with impartiality and the instructions to the priests and Levites who were to provide legal decisions<sup>164</sup> and were charged with maintaining cultic purity. The pagan practices named in 18:10-14 were exercised by pagans primarily for the purposes of determining the will of the gods. This directive is situated between the instructions to the priests and Levites who were to provide divine instruction from the precepts of Yahweh recorded in **הַתּוֹרָה** and instructions to the prophet who would reveal the divine will in matters that may not be specifically prescribed in **הַתּוֹרָה**.<sup>165</sup> While the instructions in 16:18-18:22 are focused primarily on the persons who exercise authority within the community, the reference to **תוּעַבָה** links this section to 14:1-21 and provides for the relational holiness of the community as it reflects its covenantal fidelity to Yahweh.

The Specific Stipulations associated with commandments 5-8 (murder, adultery, stealing, and false witness) in 19:1-23:25 likewise conform in general terms to the assigned rubric “relational holiness” as it is expressed in community.<sup>166</sup> The

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<sup>163</sup>This phrase is nearly identical to the list given (only omitting the stars) in 4:19.

<sup>164</sup>In the cases when the circumstances of the crime offered only insubstantial evidence for the judge.

<sup>165</sup>Morrow, *Scribing the Center*, 29, elaborates further on this matter. He observes, “In any event, the prophet is characterized by a unique capacity to perceive *dbr yhw* which is not given to ordinary cultic functionaries. Hence, organization of Deuteronomy 18 moves from the common (vv. 1-13) to the uncommon type of cultic intermediary (vv. 14-22) and from the legitimate (vv. 1-8, 14-19) to the illegitimate (vv. 9-13, 20-22).”

<sup>166</sup>McBride, “Polity of the Covenant People,” 242-43, with reference to 19:1-25:19, discusses the thematic unity of the stipulations. He claims that this section “shows us in sensitive detail just what it means for the covenant community to claim identity as ‘a people holy to Yahweh your God’ (7:6; 14:2, 21;”

individual requirements and the prohibitions outlined in this text are saturated with covenantal language.<sup>167</sup> The implicit message of the entire section (19:1-23:25) is that behaviors promulgated or actions prohibited by the mandates herein are commensurate with or contrary to the fact that each Israelite is a fellow member of the **בְּנֵי־לַיְהוָה** . . . **לַיְהוָה** (14:1)<sup>168</sup> or **עַם קָדוֹשׁ . . . לַיְהוָה אֱלֹהֶיךָ** (14:2). Once again the instructions of 19:1-23:25 are primarily focused on the relational holiness of the members of the community to one another. Yet, we also see the word **תוֹעֵבָה** used to describe specific violations of those relationships in community (in 20:18 and in 22:5) which links these commandments specifically with the instructions given in 14:1-21 as they reflect the individual's relational holiness to Yahweh. Covenantal fidelity to Yahweh will have its effect within this community of **בְּנֵי־יְהוָה**.

The Specific Stipulations associated with commandments 9 and 10 (coveting the neighbor's wife and coveting the neighbor's properties) in 24:1-9 and 24:10-26:15 are related to commandment 3 and their exposition in 14:22-16:17 in an antithetical way. In 14:22-16:17 the thematic instruction pertained to the setting aside for God's purposes a portion from/out of all that Yahweh has graciously given. The impact of this results in an overflow to others who are in need and also strengthens the communal integrity of the **בְּנֵי־יְהוָה**. Coveting, on the other hand, as Currid writes, "is properly defined as the

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26:19); for if holiness involves corporate apotheosis, setting Israel apart from all other nations, it does so by making sanctification of life at once the prime objective of the whole social order and the political prerogative of everyone who resides in Israel's midst."

<sup>167</sup>For example, the phrase **יְהוָה אֱלֹהֶיךָ** is employed in 19:1 (2×), 2, 3, 8, 9, 10, 14; 20:1, 13, 14, 16, 17; 21:1, 5, 10, 23; 22:5; 23:6 (3×), 15, 19 (2×), 21, and 22. The phrase associated with the covenantal promise of land (**אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לָךְ**) is used in 19:1, 2, 10, 14; 20:16; 21:1 and 23. Moreover, the word **תוֹעֵבָה** (used in 14:3 in the context of the covenant relationship formula) is used in 20:18 (associated with commandment 5); 22:5 (associated with commandment 6); and 23:19 (associated with commandment 7). The entire section associated with the commandment prohibiting murder is framed by the expression **אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לָךְ**.

<sup>168</sup>Fensham, "Father and Son," 134, notes, "We want to draw attention to the fact that 'son' is used in the Old Testament for both king and people. In the light of our discussion of the same phenomenon in certain Hittite treaties, we may surmise that the receivers of the covenant are both the king and the people."

heart's desire to have something that belongs to someone else. . . . It is a violation of the rights of others *to possess what God has given them.*"<sup>169</sup>

Again, these mandates and proscriptions are replete with covenantal language.<sup>170</sup> The message of 24:1-26:15 is that since Yahweh has blessed the individual Israelite in accordance with his covenantal promises and mercies,<sup>171</sup> that individual should freely give the required portion to Yahweh (26:1-15).<sup>172</sup> The corollary of this truth is that as Yahweh has freely given to others in this shared community designated בְּנֵי־יְהוָה, the "violation of the rights of others to possess what God has given them" is ultimately an act of ingratitude,<sup>173</sup> an indication of a divided loyalty,<sup>174</sup> and a flamboyant demonstration that one does not "hold lasting and unlimited trust" in Yahweh his God. This strikes at the heart of the covenant and these actions are antithetical to the premise of the covenant relationship formula. In this last category of commandments as they address the rights and privileges of members within the community, the word תּוֹעֵבָה is employed once again.<sup>175</sup> This links these commandments that are directed more towards the "personal property" issues (the rights and privileges of the members within the community) with the issue of relational holiness as it is expressed in covenantal fidelity to Yahweh.

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<sup>169</sup>Currid, *Deuteronomy*, 399 (emphasis added).

<sup>170</sup>The phrase אֱלֹהֵיךָ יְהוָה is employed in 24:4, 9, 13, 18, 19; 25:15, 16, 19 (2×); 26:1, 2 (2×), 4, 5, 10, 11, 13. The phrase אֱלֹהֵיךָ נָתַן לְךָ אֲשֶׁר יְהוָה אֱלֹהֵיךָ is used in 24:4; 25:15, 19; and 26:1-2. Likewise, the word תּוֹעֵבָה is used in 24:4 (associated with commandment 9); and 25:16 (associated with commandment 10).

<sup>171</sup>The language of the "confession," particularly in 26:8, is reminiscent of the language used in the context of the covenant relationship formula in 4:20, 34 and 7:8, 19.

<sup>172</sup>This action, in turn, would bring consequent benefits to the extended community.

<sup>173</sup>This is contrary to the purposes of the Historical Prologue.

<sup>174</sup>This inordinate desire to possess that which Yahweh has given to others reveals that the covetous individual loves the gifts more than the Giver—a direct violation of the central command וְאַהֲבַת הָאָדָם וְאָהֲבַת הַבָּיִת וְאָהֲבַת הָאֶרֶץ וְאָהֲבַת הַבָּרִיאָה וְאָהֲבַת הַחַיִּים וְאָהֲבַת הַמֵּלֶכֶת וְאָהֲבַת הַמִּשְׁפָּחָה וְאָהֲבַת הַמִּשְׁכָּן וְאָהֲבַת הַמִּשְׁכָּן וְאָהֲבַת הַמִּשְׁכָּן וְאָהֲבַת הַמִּשְׁכָּן (6:5).

<sup>175</sup>This occurs in 24:4 in the prohibitions that are associated with commandment 9 (24:1-9) and in 25:16 in the prohibitions associated with commandment 10 (24:10-26:15).

**The Function of the Covenant Relationship  
Formula within the Covenantal  
Constituent in Deuteronomy**

Clearly the directives of Deuteronomy 14:1-21 correspond closely to those found in Leviticus 11:1-47. As underscored previously, both passages appeal to the concept of קָדוֹשׁ. In her article, Douglas also incorporates the text of Leviticus 19 into her analysis of the taboos of Leviticus because both Leviticus 11:45 and 19:2 contain the imperative to be holy which is grounded in Yahweh's holiness. Although the assortment of regulations in Leviticus 19 do not follow the patterned sequence of the Ten Words (as is generally the case with the Specific Stipulations of Deuteronomy 12-26), they are very similar in general content and scope to that of the Specific Stipulations in Deuteronomy. Douglas concludes that the "list of actions" in Leviticus 19 are "contrary to holiness."<sup>176</sup> She summarizes, "Developing the idea of holiness as order, not confusion, this list [in Lev 19] upholds rectitude and straight-dealing as holy, and contradiction and double-dealing as against holiness."<sup>177</sup> Obviously, with the juxtaposition of קָדוֹשׁ אֱלֹהֵינוּ and the covenant relationship formula in Deuteronomy 14:2, Douglas's conclusion could also be applied to the Specific Stipulations of Deuteronomy 12-26. Likewise, the conclusion of Milgrom's analysis of Leviticus 19 could be applied to the text of Deuteronomy 12-26. He asserts, "Holiness is not just a matter of adhering to a regimen of prohibitive commandments, taboos; it embraces positive, performative commandments that are ethical in nature."<sup>178</sup> He continues, "Holiness is no longer just a matter of 'divinely imposed restrictions' but also embraces positive ethical standards that are *illustrative of God's nature*. As God relates to his creation so should Israel relate to each other. Thus, all the commandments enumerated in ch. 19 [of Leviticus] fall under the rubric of

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<sup>176</sup>Douglas, *Purity and Danger*, 53.

<sup>177</sup>Ibid.

<sup>178</sup>Milgrom, "The Changing Concept of Holiness," 67.

holiness.”<sup>179</sup> This statement could be adapted, “All the Specific Stipulations enumerated in Deuteronomy 12-26 fall under the rubric of holiness which is closely identified with the covenant relationship formula.”<sup>180</sup>

So then, the covenant relationship formula cited in 14:2 serves to anchor the Specific Stipulations of 12-26 in the General Stipulation (7:6) of exclusive loyalty and unwavering trust in Yahweh. As the instructions regarding behaviors befitting the **בְּנֵי־יְהוָה** and the **עַם קְדוֹשׁ** in 14:1-21 are predicated upon the assertion of the covenant relationship formula of 14:2, so too all of the Specific Stipulations—as they pertain to Yahweh (in 12:1-16:17) or as they relate to others in the community (in 16:18-26:15)—are predicated upon the covenant relationship formula and the associated covenantal dynamics. Moreover, the covenant relationship formula of 14:2 recalls the Historical Prologue and anchors the mandates and injunctions of 12-26 in the narrative of Yahweh’s spectacular redemption and gracious benefits exercised freely on behalf of his **עַם סְגֻלָּה**.

So then, contrary to what one might expect in the review of the Specific Stipulations of Deuteronomy 12-26, one should not perceive that the overriding concern of this material is with a meticulous keeping of isolated dictates (that is, with prescribing certain behavior) but rather with “cultivating a pious disposition to *trust* God by *obeying* his commandments.”<sup>181</sup> That is, the tenor of the Specific Stipulations, as they are premised upon the covenant relationship formula of 14:2, direct one’s attention to the necessity of exclusive allegiance to Yahweh. These clearly are the expression or could be perceived to be the exposition of what it means to be **עַם סְגֻלָּה** or **עַם קְדוֹשׁ** or **עַם נְחֻלָּה** (14:2; 7:6; 4:20).

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<sup>179</sup>Ibid., 68 (emphasis added).

<sup>180</sup>Furthermore in his introductory comments, Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics*, A Continental Commentary (Minneapolis: Fortress Press, 2004), xii, states, “I have discovered that the rituals in Leviticus contain fundamental values that in aggregate prescribe a holy and ethical life.” So, too, the “ritualistic” text of Deut 14:1-21 which is predicated upon the covenant relationship formula sets the tone for all of the Specific Stipulations which “in aggregate prescribe a holy and ethical life.”

<sup>181</sup>Mouw, *The God Who Commands*, 129 (emphasis added).

**Deuteronomy 27:9–  
Document Clause↔Appeal to Witness (27:1-26)**

The covenant relationship formula of 27:9 is situated between the Document Clause of 27:1-8 and the Appeal to Witness of 27:11-26.<sup>182</sup> For this reason, the methodology outlined in the introductory remarks of this chapter will be applied to both covenantal constituents together in the following discussion.

**The Function of the Constituent  
in the Treaty Formulary**

The Document Clause in the ancient Near Eastern treaties contained provisions for periodic reading of the treaty and dictated that this reading be performed in public convocations.<sup>183</sup> Moreover, it directed that a copy be placed in the temple of the vassal's deity(ies). Often a copy was prepared and placed in the temple of the suzerain's deity(ies). This deposit in the temple(s) not only served to safeguard the treaty document but also served to provide access to the terms of the treaty to the deity(ies). This was necessitated by the fact that the deities were the ultimate treaty enforcers, dispensing punishment for unfaithfulness or reward for faithfulness to the terms of the treaty.

The Appeal to Witness constituent in the Hittite treaty formulary contained solicitations to the gods (and oftentimes elements of the natural world) to participate in the ratification of the treaty. These two facts would also explain why the Appeal to Witness follows the Document Clause in the treaty formulary. But the basic concern of

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<sup>182</sup>In chap. 2 of this study this text was included under the rubric of the Document Clause (27:1-10). This was, in part, due to the understanding that there is a close and inherent connection between the publication of the document and the establishment of the treaty. Munn-Rankin, "Diplomacy," 84, states, "In international as in private Babylonian law, a contract to be valid had to be set down in writing and sworn to by the parties concerned in the presence of divine witnesses." Later he also makes the assertion, "The *central act* in ratification was the sworn oath before the gods as witnesses, which gave divine sanction to the treaty" (88, emphasis added). The covenant relationship formula incorporated into 26:16-19 represents the model for that oath, and if the "ceremony" of 27:9-10 reflects that ceremony (see discussion below), then the placement of the covenant relationship formula between the Document Clause and the Appeal to Witness can be anything but accidental.

<sup>183</sup>See chap. 2 for more details.

this component was an invocation of the gods to serve as enforcers. They were to discipline either party when the terms of the treaty were breached.

### Parameters/Boundary of the Textual Unit

The text of Deuteronomy 27 which contains the Document Clause, the covenant relationship formula, and the Appeal to Witness is literarily divided into three sections by three similar narrative markers in 27:1, 9, and 11.<sup>184</sup> They each begin with a 3ms verb in the Piel stem with Moses as the subject of the verb. In verses 1 and 9 the elders of Israel and the Levitical priests, respectively, join Moses<sup>185</sup> in addressing the congregation.<sup>186</sup> In verse 11 Moses seemingly stands alone. Each of the verses end with the marker of direct discourse **לְאמֹר**.

### Literary Structure of the Textual Unit

The textual unit containing the covenant relationship formula is 27:9-10. It simply begins with the narrative introduction in verse 9a. This narrative includes a reference to the Levitical priests which suggests a liturgical context for the double imperatives of verse 9b.

Several commentators suggest that the flow of the text of Deuteronomy 27 (from 1-8 to 9-10 to 11-26) is rather difficult to determine from the perspective of a

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<sup>184</sup>Curiously, the Masoretes (or pre-Masoretic scribes) combined all of chapters 26 and 27 into a single open section (with **ו** at 25:19 and 27:26). This sense division is further parceled into the following closed sections: 26:1-11; 26:12-15; 26:16-19; 27:1-8; 27:9-10; 27:11-14; and each curse in 27:15-26 is set apart by **ו**. Presumably the Masoretes (or earlier scribes) did not perceive as clearly as modern scholars the “significant” change of topic from chapter 26 to chapter 27 but rather understood them to represent instruction on a series of ceremonies that constituted one *parashiyot*.

<sup>185</sup>However, they are not included, per se, as subjects of the verb. That is, the verbs in vv. 1 and 9 are not inflected with the 3mp form. Nelson, *Deuteronomy*, 318, suggests that the levitical priests join Moses (in the address of v. 9) to provide “an element of continuity” since Moses, as Deuteronomy makes clear, will not accompany Israel across the Jordan. He also parenthetically compares this to 27:1 wherein the elders join Moses in the address. Since the elders will receive instruction in 31:9-13 concerning this septennial covenant renewal ceremony, the inclusion of the elders in 27:1 provides this same “element of continuity.”

<sup>186</sup>In vv. 1 and 11 the congregation is designated as **קָהָל יִשְׂרָאֵל**. But in v. 9 the congregation is identified as **כָּל-יִשְׂרָאֵל**.

“narrative timeline.”<sup>187</sup> This is further complicated by the lack of a transitional element from chapter 26 to chapter 27.<sup>188</sup> Up to this point in the text, Moses has been re-transmitting and expanding הַתּוֹרָה as a faithful herald, making clear (בְּאֵר in 1:5) the edict (אֱלֹהֵי הַדְּבָרִים in 1:1)<sup>189</sup> of the Great King, Yahweh. As he concludes this exposition in 26:1-19 with instructions for the three ceremonies of confession,<sup>190</sup> he is looking ahead to future ceremonies that will take place in the land אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לָךְ (27:2; cf. 26:1).<sup>191</sup> The last of these ceremonies is the septennial renewal of the covenant.<sup>192</sup>

Now the Specific Stipulations have been presented in full and, following the pattern anticipated by the treaty formulary, the text transitions into the Document Clause in 27:1-8. These verses represent an artistic weaving of the related dynamics and themes—including the requirement of the writing of the treaty (וְכָתַבְתָּ . . . אֶת-כָּל-דְּבָרֵי)–in the setting of a future<sup>193</sup> covenant renewal ceremony.<sup>194</sup> The elders stand with Moses at this point in recognition of the fact that this future will be one

<sup>187</sup>See the discussion in “Excursus” in chap. 2 of this study.

<sup>188</sup>However, this study agrees with the perspective of Millar, *Time and Place in Deuteronomy*, 70-75, who holds that the text does follow a natural sequence. He maintains that upon completion of the presentation of the lawcode in 26, it should be expected that a call to commit to the same would follow. This perspective may have informed the decision to mark the *parashiyot* with ט instead of פ.

McBride, “Polity of the Covenant People,” 234, understands 26:16-19 as “the report of a mutual swearing of oaths . . . formally inaugurating, or reinaugurating, the covenantal bond between Yahweh and Israel.” He posits that Deut 27 is “Moses’ charge to the tribes regarding the ceremonial reaffirmation of the polity once they have entered their homeland.”

<sup>189</sup>This expression is used to introduce the Historical Prologue in many ancient Near Eastern treaties. See discussion in chap. 2.

<sup>190</sup>See the discussion in chap. 4 of this study.

<sup>191</sup>See chap. 4 of this study, especially the discussion concerning the references to time in each of the three ceremonies.

<sup>192</sup>This is mandated in 31:10-13. It is here that the directive is given for all Israel to meet in holy convocation for the reading of הַתּוֹרָה הַזֹּאת.

<sup>193</sup>The time marker in 27:2 is not unlike the time marker in 26:1. Both employ the expression אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לָךְ.

<sup>194</sup>The paradigm for this ceremony is recorded in 26:16-19 immediately preceding the text of 27:1-8.

in which Moses is no longer leading Israel. This “reading” of the law in 27:8 seems to be patterned after the giving of the law recorded in Exodus 20-24.<sup>195</sup> The projecting of this to Ebal serves to link the (future) renewal(s) in the land to the renewal in Moab (Deut 29-30) and back to Horeb<sup>196</sup> making provisions for the continuance of the covenant relationship for generations to come.

With all of the terms of the covenant prescribed in full,<sup>197</sup> the text moves naturally to the proclamation of the reality of the covenant. The levitical priests<sup>198</sup> then stand with Moses and issue the imperatives **הִסְכַּת וּשְׁמַע יִשְׂרָאֵל**.<sup>199</sup> The imperative introduces the pronouncement **הַיּוֹם הַזֶּה נִהְיִיתָ לְעָם לַיהוָה אֱלֹהֶיךָ**. Immediately following this pronouncement is an exhortation that draws very heavily upon the model for covenant renewal in 26:16-19.<sup>200</sup>

There are two unique features of the covenant relationship formula in this verse. First, the covenant relationship formula is not expressed by means of a Qal infinitival phrase (as in 4:20; 7:6; 14:2; and 26:18) but rather in a Niphal perfect verbal clause. The Niphal stem connotes a middle or passive voice. If Wenham’s assertion regarding the relationship between the production of the document and the establishment of the treaty is correct,<sup>201</sup> then the dynamic possibly expressed here is that of Israel

<sup>195</sup>See the discussion in chap. 2 of this study.

<sup>196</sup>So also Millar, *Time and Place in Deuteronomy*, 72-73.

<sup>197</sup>26:16, and in 27:8 seen from a “future perfect” perspective.

<sup>198</sup>These priests would be charged with the keeping of the covenant document and with the reading of the covenant at the septennial public convocation at the Feasts of Booths just anticipated by the model offered in 26:16-19.

<sup>199</sup>The expression **שָׁמַע יִשְׂרָאֵל** with the verb in the imperative masc. sing. form is used only five times in Deuteronomy (4:1; 5:1; 6:4; 9:1; and 20:3). In 4:1 the sequence is reversed. In 20:3 the command is embedded in the instructions given for battle preparations. In that text the command is spoken by **הַכֹּהֵן** as he addresses the troops prior to battle. So then, every other time the phrase is used in the context of a call to covenant loyalty and Israel’s requirement to exclusive allegiance that is due Yahweh.

<sup>200</sup>**וַעֲשִׂיתָ אֶת־מִצְוֹתָו וְאֶת־חֻקָּיו** (cf. 26:17); **וּשְׁמַעְתָּ בְּקוֹל יְהוָה אֱלֹהֶיךָ** (cf. 26:16); **מִצְוֹךְ** (cf. 26:16).

<sup>201</sup>See Gordon J. Wenham, “The Structure and Date of Deuteronomy: A Consideration of Aspects of the History of Deuteronomy Criticism and a Re-examination of the Question of Structure and

becoming the people of Yahweh as a result of the recording of the document.<sup>202</sup> Second, this is the first time that the word לַעֲמֹ in the formula does not have an adjectival modifier (סְגֻלָּה or נִחְלָה or קְרוֹשׁ) associated with it.<sup>203</sup>

The “narrative timeline” in verses 11-26 reverts back to the future and continues the instruction Moses began in 27:1-2.<sup>204</sup> These verses describe the second part “of the ceremonial confirmation of the covenant and its stipulations.”<sup>205</sup> This section depicts an antiphonal levitical statement of the curse with the communal response acknowledging individual accountability for the private compliance (with its corporate implications) to the stipulations of the covenant.<sup>206</sup> Not surprisingly the list of curses begins with an imprecation against anyone who would secretly violate the first commandment thereby ignoring the General Stipulation of the covenant. The next ten curses are applied to a variety of specific prohibitions that may go undetected (and thus unpunished) by the community at large. And the final curse is applied to the one who does not follow the various positive mandates contained within the Specific Stipulations.

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Date in the Light of that History and of the Near Eastern Treaties” (Ph.D. diss., University of London, 1969), 207. Compare comments by Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, trans. David E. Green (Oxford: Blackwell, 1971), 16-17 and 26-27. Compare these with the observations in Meredith G. Kline, “The Two Tables of the Covenant,” *Westminster Theological Journal* 22 (1959/60): 138-41.

<sup>202</sup>DeVries, *Yesterday, Today and Tomorrow*, 181-84, comments on the use of הַיּוֹם הַזֶּה in the emphatic position in 26:16 describing the setting as “a very specific situation of confrontation, in which Yahweh calls on Israel to make a decisive commitment to obey his laws.” He continues, “The intent is to mark the present day as the day to which Yahweh’s command pertains. The commands have been *written down* (in 12:1-26:15); *now* is when they are intended to be in force” (emphasis added). Noting the similarity between 26:16 and 27:9, he concludes, “Being preceded as it is by a summons to hear and an unparalleled command to be silent, this solemn declaration marks a striking new beginning, in which both the unique time and the unique event are stressed.” Millar, *Time and Place in Deuteronomy*, 73, sees additional significance for the command “to hear” in the liturgical setting of 27:9-10 in the context of “this day.” He argues that the “rituals enacted on Mt Ebal—serves to bind the past, present and future together in terms of the national experience at Horeb, Moab and Shechem.”

<sup>203</sup>This happens again only in the covenant relationship formula of 29:12.

<sup>204</sup>This is accomplished through the future time reference אֶת־הִירָדֶן בְּעֵבְרֵיכֶם in v. 12 which connects this instruction with that begun in v. 2 אֶת־הִירָדֶן בְּיּוֹם אֲשֶׁר תַּעֲבְרוּ.

<sup>205</sup>Patrick D. Miller, *Deuteronomy, Interpretation* (Louisville: Westminster/John Knox, 1990), 191.

<sup>206</sup>This ceremony is elaborated upon in chap. 2 of this study.

This ceremony is a public “attestation” of the terms of the covenant and public appeal by the community for Yahweh’s protection from exposure to the liabilities of the breach of covenant that may be incurred by the community due to the failure of an individual member.

### **The Function of the Covenant Relationship Formula within the Covenantal Constituent in Deuteronomy**

Thus the covenant relationship formula in 27:9-10 serves to bind together the two parts of the “ceremonial confirmation of the covenant”—the Document Clause and the Appeal to Witness.<sup>207</sup> As noted, the Document Clause is “embedded” in the instructions for a not-too-distant future covenant renewal ceremony that would take place in the land.<sup>208</sup> This Document Clause called for the engraving of **כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת** **בְּאֵר** on stones. These are the instructions which Moses had just completed in 26:16-19.

The canonical context in which the covenant relationship formula of 27:9 is located is permeated with various expressions of the call for commandment obedience. In the immediate context is the imperative **שָׁמַע**. As noted earlier, this command is issued most often in the context of the General Stipulation<sup>209</sup> wherein a call to covenant loyalty is emphasized. However, this command is first used in 4:1. Deuteronomy 4 is a clarion call to enter into the covenant which is being offered and stresses the expectation of undivided loyalty to Yahweh. Yet, at the same time, the command **שָׁמַע** is immediately followed by the expression **אֶל־הַחֲקִים וְאֶל־הַמְּשַׁפְּטִים** which is used

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<sup>207</sup>This binding is primarily accomplished literarily by the narrative markers in 27:1, 9, and 11 of which the covenant relationship formula is the central constituent.

<sup>208</sup>Moreover, this Document Clause is prefaced with the phrase **שָׁמַר אֶת־כָּל־הַמִּצְוָה**. If, as suggested previously, this “all the commandment (singular)” is a reference to the General Stipulation, then the warrant for the future ceremony of covenant renewal (wherein the Document Clause is located) is rooted in the expectation of exclusive loyalty.

<sup>209</sup>See 5:1; 6:4; and 9:1.

characteristically to describe the nature of the Specific Stipulations.<sup>210</sup> Again, in 5:1, just prior to the specifics of the Ten Words (which both preface, and are embedded in, the General Stipulation), the command **שָׁמַע** is used with the direct object **אֶת־הַחֻקִּים** **וְאֶת־הַמִּשְׁפָּטִים**. In Deuteronomy the verb **שָׁמַע** (in all its forms) is associated with the notion of listening with a view to obedience. This is the case in 27:10. The phrase **וְשָׁמַעַתָּ בְּקוֹל יְהוָה אֱלֹהֶיךָ** mirrors the expression **וְלִשְׁמֹעַ בְּקוֹלוֹ** used as part of the threefold explication articulating the partner obligation of complete obedience in the ratification/renewal exchange of 26:17. The final phrase of 27:10 removes all doubt that obedience is called for in the context of the covenant relationship formula of 27:9.<sup>211</sup>

Additionally, the canonical context of 27:9—the Document Clause of 27:1-8 and the Appeal to Witness in 27:11-26—refers to the necessity of obedience. The verb **צָוָה** or its derived noun is utilized three times in 27:1 with the instruction **שָׁמֹר**. In 27:3 and 8 the order is given to write **אֶת־כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת**. In 27:11 the verb **צָוָה** is used to preface the directions for the ceremony by which Israel would Appeal to Yahweh as the covenant enforcer. Then the series of levitical pronouncements begins with a curse against the one who violates the General Stipulation of absolute loyalty to Yahweh by crafting an abominable image and setting it up in secret. The second through eleventh pronouncements identify various prohibitions covered in the earlier legislation.<sup>212</sup> And finally, the Appeal to Witness contains an expansive curse directed towards anyone who would not uphold or maintain (**לֹא־יִקְיִם**) the words of **הַתּוֹרָה־הַזֹּאת**.

Thus, one can see that although the covenant relationship formula of 27:9 is

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<sup>210</sup>See specifically 11:32; 12:1; and 26:16, 17.

<sup>211</sup>Rendtorff, *The Covenant Formula*, 24. However, Paul A. Barker, “The Theology of Deuteronomy 27,” *TynBul* 49 (1998): 300-01, astutely observes, “In vv. 9-10, the order of the clauses is important. The declaration of the relationship *precedes* the command to obey in v. 10, which makes clear that obedience is to be a consequence of the relationship, not its cause” (emphasis added).

<sup>212</sup>Granted, not every action which would bring the curse is addressed specifically in Deuteronomy, but they have all been prohibited in either Deuteronomy or Leviticus. See Brueggemann, *Deuteronomy*, 252-54.

firmly based upon the requirement of exclusive allegiance to Yahweh, its use in this instance clearly highlights the requisite commandment obedience.<sup>213</sup>

### Deuteronomy 28:9–Blessing and Curses (28:1-69)

#### The Function of the Constituent in the Treaty Formulary

The Blessing and Curses constituent of the ancient Near Eastern treaty functioned in such a way as to promote compliance with the terms of the treaty from both a positive and negative perspective. Positively, the gods were called upon to reward the vassal's compliance through the provision of general protection and benevolence. Negatively, destruction of the vassal was threatened if the stipulations of the treaty were disregarded or violated.

#### Parameters/Boundary of the Textual Unit

The parallel to the Blessing and Curses constituent occurs in Deuteronomy 28:1-69. The chapter can be divided into two distinct<sup>214</sup> (albeit not equal in size) parts.<sup>215</sup> Verses 1-14 enumerate the blessings that are the result of faithful obedience to the voice of Yahweh (וְהָיָה אִם-לֹא שָׁמוּעַ תִּשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ) and the careful keeping of all the commandments (לְשׁוֹר לַעֲשׂוֹת אֶת-כָּל-מִצְוֹתָיו אֲשֶׁר אָנֹכִי מְצַוֶּה). Verses 15-68, on the other hand, identify the curses that will come upon and overtake Israel if they do not listen to the voice of Yahweh (וְהָיָה אִם-לֹא תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ) and if they do not carefully keep all the commandments and statutes (לְשׁוֹר לַעֲשׂוֹת אֶת-כָּל-מִצְוֹתָיו וְחֻקֹּתָיו). Thus the covenant relationship

<sup>213</sup>Again, as stated in the introduction of this chapter, it is impossible pragmatically to separate the aspect of obedience from the notion of covenant loyalty.

<sup>214</sup>This distinction is clear in that there is no mention of curse in the blessing section (vv. 1-14), and there is no mention of blessing in the curses section (vv. 15-68).

<sup>215</sup>The *parashiyyot* suggest a threefold division: blessing (vv. 1-14—punctuated by ם), curses (vv. 15-68—punctuated by ם), and summary (v. 69—punctuated by ם).

formula of 28:9 is located in the portion of the constituent pertaining to the blessing associated with the covenant obedience.

### Literary Structure of the Textual Unit

As suggested in the preceding paragraph, the Blessing and Curses of the treaties and of the covenant are contingent on compliance to the terms contained therein.<sup>216</sup> As indicated in chapter 2, the specific blessings and specific curses in this constituent often mimic one another in an antithetical pattern.<sup>217</sup> Both of these characteristics are true of this section of Deuteronomy as it follows the treaty formulary.

The text of 28:1-68 can be organized into the following structure:<sup>218</sup>

- Conditional and summary statement of blessings (vv. 1-2)
- Formulaic blessing pronouncements (בְּרִיךְ) (vv. 3-6)
- Discursive statements of blessing (vv. 7-14)<sup>219</sup>
- Conditional and summary statement of curses (v. 15)
- Formulaic curse pronouncements (אָרִיר) (vv. 16-19)
- Discursive statement of curses (vv. 20-68)<sup>220</sup>
  - Futility (vv. 20-44)<sup>221</sup>
  - Militaristic invasion (vv. 45-57)<sup>222</sup>
  - Reversal of Israel's history (vv. 58-68)<sup>223</sup>

<sup>216</sup>The initial clauses of *both* sections begin with conditional expressions (v. 1 וְהָיָה אִם־שָׁמוּעַ בְּקוֹל וְהָיָה אִם־לֹא תִשְׁמַע בְּקוֹל and v. 15 וְהָיָה אִם־לֹא תִשְׁמַע בְּקוֹל).

<sup>217</sup>This is graphically represented in the corresponding introductions to the Blessings and Curses in vv. 2 and 15 (v. 2 וְבָאוּ עִלְיָהּ כָּל־הַבְּרָכוֹת הָאֵלֶּה וְהַשִּׁיגָדָה and v. 15 וְבָאוּ עִלְיָהּ כָּל־הַקְּלָלוֹת וְהַשִּׁיגָדָה (הָאֵלֶּה וְהַשִּׁיגָדָה)). This is also represented in the formulaic blessing and curse pronouncements in vv. 3-6 and vv. 16-19.

<sup>218</sup>Adapted from McConville, *Deuteronomy*, 403, and Tigay, *Deuteronomy*, 255.

<sup>219</sup>Craigie, *Deuteronomy*, 335-36, suggests that vv. 7-14 and vv. 20-68 are a part of the Mosaic sermon but “not a part of the basic ceremony of pronouncing the blessings and the curses.” The ceremonial Blessing and Curse are found for Craigie in vv. 3-6 and vv. 16-19 respectively. However, he does not provide any rationale for this assertion. There is no reason to assume that the full text could not or would not have been read in the public ceremony.

<sup>220</sup>The structure of the final section, discursive statements of curses, follows the suggestion of Tigay, *Deuteronomy*. See his characterization of vv. 20-44, vv. 45-57, and vv. 58-68, on pages 261, 267, and 271 respectively. See also his discussion, “The Structure and Style of Deuteronomy 28” (489-93) and “The Literary Background of Deuteronomy 28” (494-97).

<sup>221</sup>These are characterized by בְּמִצְרָה, בְּמִצְרָה, and בְּמִצְרָה with Yahweh as the primary agent.

<sup>222</sup>These are summarized by the phrase בְּמִצְרָה וּבְמִצְרָה אֲשֶׁר יֵצֵק לָהּ אֵיבָהּ (57b). Although the enemy is the circumstantial agent (48, 51, 52, 55, and 57), Yahweh is the ultimate agent (48 and 49).

This outline reveals that the covenant relationship formula of 28:9 is in the section of the discursive statements of blessing (vv. 7-14) following the section containing the more formulaic blessing pronouncements (vv. 3-6). The blessings of verses 3-6 are expressed passively<sup>224</sup> and are enjoyed primarily by the individual in a domestic setting. These blessings are generic yet they encompass the totality of one's existence. The blessings of verses 7-14 are the result of Yahweh's agency<sup>225</sup> and are applied to corporate Israel on a national scope. These blessings are specific and are characterized by superfluity.

Analysis of the active verbs in verses 7-14 with which Yahweh is associated as subject reveals a chiasmic structure for this unit:

- A    Blessing against enemies (v. 7)  
       יִתֵּן יְהוָה
- B<sup>T</sup>    Blessing in the land (בְּאַרְצֵי) (v. 8)  
       יֵצֵא יְהוָה
- X<sup>T</sup>    Blessing in relationship (vv. 9-10)  
       יְקַיְמֶה יְהוָה
- B'    Blessing on the land (עַל-הָאָרֶץ) (vv. 11-12)  
       וְהִתְרַבֵּי יְהוָה יִפְתַּח יְהוָה<sup>226</sup>
- A'    Blessing over all (לְכָל-עֲלֵיהֶם) (vv. 13-14)  
       וְנִתְנָה יְהוָה

This suggests that the primary focus of Yahweh's active blessing is directed toward the maintaining of relationship (יְקַיְמֶה יְהוָה לוֹ לְעַם קְרוֹשׁ).<sup>227</sup> This observation is further supported by the phrase כָּאֲשֶׁר נִשְׁבַּע-לָךְ. The promised blessing of Yahweh to

<sup>223</sup>This section begins וְהִפְלִא יְהוָה. This verb is used in Exod 3:20 and 15:11 to describe Yahweh's wondrous deeds by which he brought Israel up out of Egypt. Brueggemann, *Deuteronomy*, 257-58, also comments on the use of פִּלֵּא and the effect of the curse in undoing the effects of the Exodus.

<sup>224</sup>This is noted also by Brueggemann, *Deuteronomy*, 255.

<sup>225</sup>Brueggemann, *Deuteronomy*, 256, comments on the importance of this change: "Beginning in verse 7, the blessing recital shifts to a different form, in which YHWH is the active agent of blessing as the subject of a series of active verbs (vv. 7-13). These six statements portray YHWH as an actively engaged agent who *personally and intentionally takes an initiative* to establish Israel's preeminence among the nations, a preeminence visible in abundance" (emphasis added).

<sup>226</sup>These verses, although they contain two different active verbs, are considered together since they both include references to the good טוֹב Yahweh intended for his people.

<sup>227</sup>Abraham Ibn Ezra, *The Commentary of Abraham ibn Ezra on the Pentateuch*, vol. 5, *Deuteronomy*, trans. Jay F. Shachter (Hoboken, NJ: Ktav Publishing House, 2003), 130, prefers the translation of "maintain" as opposed to "establish" for the rendering of the Hiphil of קָם.

set Israel apart in relationship to himself is the fulfillment of an oath made previously.<sup>228</sup>

Deut 28:9-10 includes many of the same elements as the context of the covenant relationship formula in 26:17-19. These are shown in Table 11 below. Moreover, the result of all the peoples seeing that the name (יְהוָה) Yahweh is pronounced over them (28:10) recalls the promise that Yahweh would set Israel high above all the nations for praise, and for fame (וְלִשְׁמָהּ), and for honor (26:19).<sup>229</sup>

Table 11: Lexical connections between the covenant relationship formulae in 28:9-10 and 26:17-19

28:9-10	26:17-19
לוֹ לְעַם קְדוֹשׁ	עַם-קְדוֹשׁ לַיהוָה
כַּאֲשֶׁר נִשְׁבַּע-לָךְ	כַּאֲשֶׁר דִּבַּר / כַּאֲשֶׁר דִּבַּר-לָךְ
תִּשְׁמַר אֶת-מִצְוֹת יְהוָה אֱלֹהֶיךָ	וְלִשְׁמֹר . . . וּמִצְוֹתָיו
וְהִלַּכְתָּ בְּדַרְכָיו	וְלִלְכַת בְּדַרְכָיו
כָּל-עַמֵּי הָאָרֶץ	כָּל-הַגּוֹיִם

As noted in chapter 3 of this study, both constituents of the exchange between the covenant partners highlight the obligation of obedience on the part of the vassal. In 26:17 the comprehensive delineation of the specific requirements of obedience are spelled out: Israel was to walk in Yahweh's ways, keep his statutes, his commandments, and his ordinances, and listen to (obey) his voice. In 26:18 the instruction is summarized:

<sup>228</sup>See Exod 19:5-6; Exod 6:7; and Gen 17:7-8. Gen 17:7 also employs the verb קוּם. Again, the observation of Carol M. Kaminski, "The Promises to the Fathers," in *Basics of Biblical Hebrew Grammar*, ed. Gary D. Pratico and Miles Van Pelt (Grand Rapids: Zondervan, 2001), 353, bears repeating: "The theological truth that *God himself* will accomplish what he has promised is *clearly reflected* in the common use of the Hiphil verbal stem in the context of God's promises" (emphasis added).

<sup>229</sup>This component from the covenant ratification/renewal ceremony is repeated in the opening of the Blessing and Curses section in 28:1:

26:19 וּלְתַתֵּךְ עֲלֵיוֹן עַל כָּל-הַגּוֹיִם, אֲשֶׁר עָשָׂה  
28:1 וּנְתַנְךָ יְהוָה אֱלֹהֶיךָ עֲלֵיוֹן עַל כָּל-גּוֹיֵי הָאָרֶץ

Keep all his commandments. However, this obligation for obedience is eclipsed by the priority of the reciprocal exchange in the second phrases (that is, the first of the infinitival phrases) of each verse: לְהִיּוֹת לְךָ לְאֱלֹהִים (v. 17) and לְהִיּוֹת לוֹ לְעַם (v. 18). As Table 11 above demonstrates, the covenant relationship formula of 28:9 is closely affiliated with these same themes and connects the blessing of the relationship closely with the obligation of obedience. And, just as in 26:17-18, where the fact of the relationship transcends the obligation of obedience in the priority it is given in the sentence, so too in this context the relationship is given priority. That is to say the conditional if (כִּי)<sup>230</sup> of 28:9 follows the statement of Yahweh's blessing of relationship.<sup>231</sup> Moreover, just as in 26:18 the reality of relationship (לְהִיּוֹת לוֹ לְעַם) is followed immediately by a reference to Yahweh's promise (כַּאֲשֶׁר דִּבֶּר-לְךָ) prior to the stating the obligation (כָּל-מִצְוֹתָיו), so too in 28:9 the relationship (יְקִימָךָ יְהוָה לוֹ לְעַם קְרוֹשׁ) is followed by the assurance of the previous oath (כִּי תִשְׁמֹר) before the obligation of obedience is mentioned (אֶת-מִצְוֹת יְהוָה אֱלֹהֶיךָ וְהִלַּכְתָּ בְּדַרְכָּיו).

### **The Function of the Covenant Relationship Formula within the Covenantal Constituent in Deuteronomy**

The Blessing and Curses of Deuteronomy 28 serve to encourage the vassal Israel to comply with the terms of the covenant by promising reward and by threatening punishment. Following after the Appeal to Witness wherein the community was to publicly affirm its intention to abide by the terms of the covenant and to publicly invoke

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<sup>230</sup>The particle כִּי could be understood, here and in v. 13, as “when.” This would not necessarily remove the conditional nature of these verses since they are part of the section which begins with a clear statement of conditionality in v. 1. Yet, one must remember that principle of commandment obedience and blessing are present in Deut 7 where in v. 12, the blessing is seen as a consequence (עֲקֹב) of obedience to the commandments.

<sup>231</sup>This same order is noted by Barker, “The Theology of Deuteronomy 27,” 300-01, in a preceding footnote with respect to 27:9-10.

Yahweh to serve as the covenant enforcer<sup>232</sup> through the liturgical blessings and curse (27:12-13), the Blessing and Curses constituent of Deuteronomy 28 portrays in very vivid detail Yahweh's role as enforcer.<sup>233</sup> Although both sections (the statement of blessing and the statement of curses) begin with formulaic pronouncements with passive verbs, the major portions of both sections clearly portray Yahweh's agency in the dispensing of blessing or in the carrying out of the curses.<sup>234</sup>

In 28:7-14, although the blessings are contingent upon obedience,<sup>235</sup> the blessings also serve as an incentive to obey. This creates an interesting dynamic—given the fact that Yahweh is both suzerain *and* covenant enforcer—bringing the formulary of the covenant full circle. In the Historical Prologue, Yahweh as suzerain provided the “historical justification for a continuing covenantal arrangement”<sup>236</sup> between himself and Israel by highlighting his gracious and kind deeds; here Yahweh as enforcer is promising continued benevolence as an invitation for the continuance of their relationship. As mentioned in the previous section, the focal point of the chiasmic structure of verses 7-14 is the covenant relationship formula of 28:9.

Here again the adjectival modifier קָרוֹשׁ is used to describe עַם (as in 7:6 and 14:2). However, in 7:6 and in 14:2 it is used in a בְּ clause as the grounds for following

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<sup>232</sup>See the discussion in chap. 2 of this study.

<sup>233</sup>Although it was possible in the Hittite treaties that the suzerain would act as “enforcer” of the terms through threat of military force against the vassal, the enforcement of the treaty was primarily depicted as the responsibility of the gods. The nature of the covenant in Deuteronomy requires that Yahweh serve in both roles: as suzerain and as “the gods” (enforcer). This creates an interesting dynamic/tension. As suzerain, Yahweh sets the terms and conditions of the covenant. As “Witness” he would be responsible to enforce compliance of those terms and conditions. In the context of 28:9 (statement of blessing) Yahweh is “inviting/encouraging” cooperation. Yet, the expression יְהוָה יְקִימֶהּ suggests that Yahweh was taking it upon himself to ensure the continuance of the covenant.

<sup>234</sup>This is not to deny Yahweh's agency in vv. 3-6 and 16-19. Agency is not explicitly stated in these verses. However, it should go without saying that in the context of the ancient Near Eastern treaty formulary, Yahweh would be understood to be the divine agent.

<sup>235</sup>See 28:1, 2, 8, 13, and 14.

<sup>236</sup>Currid, *Deuteronomy*, 38.

specific instructions.<sup>237</sup> The כִּי clauses were then followed by clauses that contained the covenant relationship formula (לְהִיּוֹת לוֹ לְעַם סִגְלָה). In 28:9 the covenant relationship formula is not couched in an infinitival phrase but rather is part of an active verbal phrase and the adjectival modifier is changed from סִגְלָה to קָדוֹשׁ. In 7:6 and 14:2 that Israel is עַם קָדוֹשׁ אֲתָה לִיהְוֶה אֱלֹהֶיךָ was established. It was established by his prior action: בָּךְ בָּחַר . . . מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָרֶץ. The idea in 28:9 is that Yahweh will maintain them (Hiphil imperfect) as his holy people. And, whereas in 7:6 and 14:2 Israel was chosen מִכָּל הָעַמִּים אֲשֶׁר עַל-פְּנֵי הָאָרֶץ, now כָּל-עַמֵּי הָאָרֶץ will see that the Name of Yahweh is pronounced over them (28:10).

**Deuteronomy 29:12 [Eng. 13]–  
Solemn Oath Ceremony (29:1-30:20)**

As discussed in chapter 2 of this study, the details of the Solemn Oath Ceremony—including the actions of the partners or the words associated with the actual oath—are, as Mendenhall asserts, “completely lacking and unknown.”<sup>238</sup> However, evidence from the covenant ratification in Exodus 24, the instructions given for the covenant renewal in the land in Deuteronomy 27, and a possible parallel from the treaty between Suppiluliuma and Mattiwaza,<sup>239</sup> seem to support Wenham’s conclusion that Deuteronomy 29-30 represent a Solemn Oath Ceremony by which the treaty was concluded.<sup>240</sup>

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<sup>237</sup>In 7:6 the fact that they were עַם קָדוֹשׁ was sufficient reason to carry out חָרַם against the inhabitants of Canaan and against every vestige of pagan cult. In 14:2 this fact is appealed to as the basis for maintaining relational holiness.

<sup>238</sup>George E. Mendenhall, “Covenant,” in *IDB*, ed. George A. Buttrick (Nashville: Abingdon, 1962), 1:715.

<sup>239</sup>This treaty can be found in Gary Beckman, *Hittite Diplomatic Texts*, 2nd ed., ed. Harry A. Hoffner, Jr., SBLWAW, vol. 7 (Atlanta: Scholars Press, 1999), 53 and 54.

<sup>240</sup>See Wenham, “The Structure and Date of Deuteronomy,” 165-66 and 207-10.

### **The Function of the Constituent in the Treaty Formulary**

Since this ceremony was not prescribed within the treaty formulary and was not recorded in the texts of the extant treaties from the ancient Near East, it is impossible to analyze this ceremony and determine the function of this constituent within the treaty formulary. However, it is not unreasonable to infer that such ceremonies took place. The purpose of such a ritual would be to provide a venue for the parties to the treaty to declare publicly their intent to abide by the terms and conditions prescribed by that treaty. It is not unlikely that this public declaration was made with an oath that may have been accompanied by the recognition of the sanctions associated with such an oath.

The components of such a ceremony (as inferred from Exod 24 and Deut 27) would include the writing down (or recitation) of all the words (Exod 24:4, 7 and Deut 27:3, 8), the construction of an altar (Exod 24:4 and Deut 27:5-6), the sacrificing of burnt offerings and peace offerings (Exod 24:5 and Deut 27:6-7),<sup>241</sup> rejoicing in Yahweh's presence (Exod 24:9, 11 and Deut 27:7), and a verbal assent on Israel's part to keep all of Yahweh's words (Exod 24:3, 7 and Deut 27:15-26).

### **Parameters/Boundary of the Textual Unit**

As suggested in chapter 2 of this study, this text represents the third sermonic address of Moses.<sup>242</sup> This sermonic address begins in an identical manner to the second address:

5:1 וַיִּקְרָא מֹשֶׁה אֶל-כָּל-יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם  
29:1 וַיִּקְרָא מֹשֶׁה אֶל-כָּל-יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם

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<sup>241</sup>Could the sprinkling of blood (Exod 24:7) and the slaughter of the sacrificial animals (Deut 27:7) represent the symbolic action that portrays the curse for failing to comply with the terms of the covenant?

<sup>242</sup>See Lenchak, "Choose Life!", 32-37, for his defense of the identification of 29:1-30:20 as a single rhetorical unit and his assertion as to the parenetic nature of this address.

The text of 29:1-30:20 is divided into three open *parashiyot* (29:1-8; 29:9-30:10; and 30:11-20). These are further divided as follows: 29:1-8 א; 29:9-28 ב;<sup>243</sup> 30:1-10 ג; 30:11-14 ד; and 30:15-20 ה.

### Literary Structure of the Textual Unit

The text of 29:1-30:20 represents the third exhortation in the book of Deuteronomy to the congregation (and its individual members) to make the choice necessary to enter into the covenant with Yahweh.<sup>244</sup> As is the case in Deuteronomy 4 (A Call to Covenant Loyalty) and Deuteronomy 11 (A Call to Covenant Choice), Deuteronomy 29-30 (A Call to Covenant Commitment) incorporates the features of the covenant formulary into its structure.

Verses 1-7 serve as the Historical Prologue, summarizing the gracious deeds of the suzerain Yahweh. Verse 8 is a terse abridgment of the Stipulations (both General and Specific).<sup>245</sup> Verses 9, 10, 13, 14 identify the audience to whom this appeal is addressed. Verses 15-28 call for vigilance in the community lest the temptation to idolatry expose it to the curses associated with covenant violation.<sup>246</sup> 30:1-10 speaks of both Blessing and

<sup>243</sup>The editors of BHS suggest additional closed sense divisions after 29:14, 20, 23, 25.

<sup>244</sup>Calls for decision are also issued in 4:1-40 and 11:1-32. Scholars have recognized the parallels between 4:1-40 and 29:1-30:20 and their adherence to the treaty formulary. See, e.g., Norbert Lohfink, "Der Bundesschluß im Land Moab: Redaktionsgeschichtliches zu Dtn 28,69–32,47," *BZ* 6 (1962): 43; Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, trans. David E. Green (Oxford: Blackwell, 1971), 34-36; Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the OT*, *Analecta Biblica Investigationes Scientifical in Res Biblicas*, vol. 21A, 2nd ed. (Rome: Pontifical Biblical Institute, 1978), 202; Alexander Rofé, "The Covenant in the Land of Moab: Historico-Literary, Comparative, and Form Critical Considerations," in *Das Deuteronomium, Entstehung Gestalt und Botschaft*, ed. Norbert Lohfink, *Bibliotheca Ephemeridum Theologicarum Lovaniensium* 68 (Leuven: University Press, 1985), 317. The parallels between the treaty formulary and Deuteronomy 11 have been identified in the previous discussion.

<sup>245</sup>Note the general parallels between 29:8 and 4:1; 5:1; and 12:1.

<sup>246</sup>Verses 19-20 clearly describe the effect of Yahweh as covenant enforcer singling out the individual apostate for punishment (. . . אַרְיֵר הָאִישׁ אֲשֶׁר . . .). The expression הַנְּסִתְרֵת לַיהוָה אֱלֹהֵינוּ very likely refers back to the secret sins of the individual that could expose the entire community to Yahweh's judgment. (The phrase בְּסִתְרֵךְ is used specifically in 27:15 and 24 but could very well be applied to each and every violation noted in 27:15-25).

Curse with an emphasis on the blessing,<sup>247</sup> and 30:11-20 serves as the final appeal to make the necessary choice/commitment so that they might “enter into the covenant with Yahweh your God with its oath which Yahweh your God is making with you today, in order that he might establish you this day to be his people, and he himself will be your God, just as he promised you, just as he swore to your fathers, to Abraham, to Isaac, and to Jacob” (29:11-12).

This highlights the central role for 29:12 in the rhetoric of the Solemn Oath Ceremony. Currid also comments on the treaty formulary pattern of Deuteronomy 29-30 and notes that the structure highlights this key text:

The assembly of Israel is now called together to swear a solemn oath to enter into the covenant between themselves and Yahweh. Yahweh has shown himself to be true to the Israelites in the past and, therefore, he is deserving of their fidelity. The people are then warned that the greatest threat to the covenant relationship is idolatry. It is the essence of infidelity, and Yahweh has no compassion on anyone who breaks trust in this manner.<sup>248</sup>

Christensen’s analysis of Deuteronomy 29 reveals a consistent focus on the covenant relationship formula of 29:12. His chiasms are included here:<sup>249</sup>

A	Introduction: These are the words of the covenant	28:69
B	The exodus from the land of Egypt recalled	29:1-2
C	Moses reminds them of God’s provision in times past	29:3-8
X	The covenant is binding on future generations too	29:9-14
C'	Moses warns those with reservations about the covenant	29:15-20
B'	The exile from the land of Israel foretold	29:21-27
A'	Conclusion: Observe the words of the Torah	29:28
A	You [present generation] stand today before YHWH your God	29:9-10
B	to enter the covenant ... with its sanctions	29:11
X	that YHWH may establish you as his people and be your God	29:12

<sup>247</sup>30:1 וְהָיָה כִּי-יָבֹאוּ עֲלֵיךָ כָּל-הַדְּבָרִים הָאֵלֶּה הַבְּרָכָה וְהַקְּלָלָה וְהָיָה כִּי-יָבֹאוּ עֲלֵיךָ כָּל-הַקְּלָלוֹת הָאֵלֶּה וְיָבֹאוּ עֲלֵיךָ כָּל-הַבְּרָכוֹת הָאֵלֶּה וְיָבֹאוּ עֲלֵיךָ כָּל-הַבְּרָכוֹת הָאֵלֶּה וְיָבֹאוּ עֲלֵיךָ כָּל-הַבְּרָכוֹת הָאֵלֶּה וְיָבֹאוּ עֲלֵיךָ כָּל-הַבְּרָכוֹת הָאֵלֶּה and recalls the curse of 28:15 וְיָבֹאוּ עֲלֵיךָ כָּל-הַקְּלָלוֹת הָאֵלֶּה וְיָבֹאוּ עֲלֵיךָ כָּל-הַקְּלָלוֹת הָאֵלֶּה.

<sup>248</sup>Currid, *Deuteronomy*, 454.

<sup>249</sup>Duane Christensen, *Deuteronomy 21:10-34:12*, WBC, vol. 6B (Nashville: Thomas Nelson, 2002), 716. The second and third chiasms appeal to Tigay, *Deuteronomy*, 277. That one must be careful in placing too much weight on chiasmic structures for their interpretive value is clear from a cursory review of Christensen’s commentary. In the total of 875 pages of his two volume work, he uncovers nearly 400 different chiasms (and chiasms within chiasms) in virtually every one of the approximately 110 textual units into which he divides the entirety of Deuteronomy.

B'	I am concluding this covenant ... with its sanctions	29:13
A'	those standing here today and [future generations]	29:14
A	Present: you are all standing here today before YHWH	29:9-10
B	Stipulations: “the covenant of YHWH ... and his oath”	29:11a
C	Present: YHWH is making this covenant with you today	29:11b
X	Formula: to establish you as his people and he as your God	29:12a
C'	Past: the covenant was promised to Abraham, Isaac and Jacob	29:12b
B'	Stipulation: “this covenant and this oath”	29:13
A'	Future: this covenant is also with those not here today	29:14

The covenant relationship formula is embedded in the text of 29:9-14, in the closed *parashiyot* of 29:9-28, and in the open *parashiyot* of 29:9-30:10.<sup>250</sup>

### **The Function of the Covenant Relationship Formula within the Covenantal Constituent in Deuteronomy**

As noted above, the primary function for the Solemn Oath Ceremony would have been to provide an opportunity for the vassal (or vassal and suzerain) to give his (their) verbal assent to the treaty under sanction in the presence of divine witness(es).

This clearly is the case in 29:1-30:20.

Several clues point to the fact that this text records the convocation of a sacred assembly. First is the use of **וַיִּקְרָא** (to call, to summon) in verse 1. The rehearsal of the **הַמִּסּוֹת הַגְּדֹלֹת אֲשֶׁר רָאוּ עֵינֵיךָ הָאֵתָת וְהַמִּפְתִּים הַגְּדֹלִים הָהֵם**<sup>251</sup> sets the stage for the use of **נִצְבִים**<sup>252</sup> in verse 9. While the lexicon suggests the meaning of “to stand or station oneself,” Martens offers the following reflection:

Texts in the Pentateuch employ *nšb*, stand, in conjunction with God’s miracle-working power, most impressive of which was Israel’s march through the Reed Sea, where the “surging waters stood firm (ni. *nšb*, “statuesque”) like a wall” (Exod 15:8,

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<sup>250</sup>Paul A. Barker, *The Triumph of Grace in Deuteronomy: Faithless Israel, Faithful Yahweh in Deuteronomy*, Paternoster Biblical Monographs (Carlisle: Paternoster Press, 2004), 131, also notes that this paragraph is “centered on ‘*die Bundesformel*’ in v. 12.” He comments, “The centrality of the covenant formula to this section, and this chapter, underlines the importance of the patriarchal promise for its theology” (emphasis added).

<sup>251</sup>These are employed in 4:34 and in 7:19 to describe the works of Yahweh by which Israel was delivered out of the midst of Egypt.

<sup>252</sup>Barker, *Triumph of Grace*, 132, posits that the word may reflect a ceremonial parade formation.

but hi. in Ps 78:13). . . . In theophanies, which are miracle-like events, God or his angel takes his stand (Gen 28:13; Num 22:23, 31).<sup>253</sup>

This casts a different light on the event described in verses 11-12. The context intimates that standing in the presence of and entering into a covenant with אֱלֹהֵיכֶם יְהוָה was as marvelous and as awe-inducing as his great and terrible deliverance out of the midst of Egypt. This is indeed an awesome and solemn moment.

הַיּוֹם is used five times in verses 9-14.<sup>254</sup> *Today*, all Israel (כָּל־יִשְׂרָאֵל) has been summoned. McConville, comments that verses 9-10 contain “the most inclusive ‘participant list’ in the OT, enumerating both officials and men, women and children.”<sup>255</sup> This liturgical הַיּוֹם extends well into the future in verses 13-14.

The purpose of this convocation is stated לְעִבְרָךְ בְּבְרִית יְהוָה אֱלֹהֶיךָ. Comment must be made on וּבְאֲלָתוֹ אֲשֶׁר יְהוָה אֱלֹהֶיךָ כָּרַת עִמָּךְ הַיּוֹם לְעִבְרָךְ. First, the ל should be understood as an indication of purpose. The purpose of the Solemn Oath Ceremony is that all Israel (that is, every individual member of the assembly) is to enter into or “crossover” into the covenant of יְהוָה אֱלֹהֶיךָ. This is a unique construction.<sup>257</sup> Israel is crossing over into a covenant which Yahweh has “cut” כָּרַת with them. The result (לְמַעַן) of this is Yahweh’s maintaining (הִקִּים) them as his

<sup>253</sup>Elmer Martens, “נִצַּב” in *NIDOTTE*, ed. Willem A. VanGemeren (Grand Rapids: Zondervan Publishing House, 1997), 3:134-35.

<sup>254</sup>See DeVries, *Yesterday, Today and Tomorrow*, 177-78, for the theological significance of הַיּוֹם.

<sup>255</sup>McConville, *Deuteronomy*, 416.

<sup>256</sup>Barker, *Triumph of Grace*, 132, argues that בְּבְרִית and וּבְאֲלָתוֹ are to be understood as a hendiadys and should be translated “sworn oath.” While this is possible, the context of the Solemn Oath Ceremony would suggest that the two lexical items be identified separately, that is, “to enter into covenant . . . and its oath” signifying the verbal commitment made publically at this event. This would follow the pattern of verbal response as recorded in the covenant ratification of Exod 24:7: “All that Yahweh has spoken we will do, and we will obey.” This would also follow the template proposed in chap. 3 of this study as it posits a verbal response from Israel in 26:18-19 after the statement of Yahweh’s covenantal commitment and Israel’s corollary obligations in 26:17. Furthermore, the word אֱלֹהֶיךָ is used five times in the entire book of Deuteronomy and each of those five occurrences are in Deut 29 (vv. 11, 13, 18, 19, 20). It is used in vv. 11 and 13 in similar fashions, that is, to describe the covenant and its attending oath. In v. 18 it stands alone and should be understood to represent the sanction associated with the oath. In this instance it highlights the irony of blessing oneself when the individual has just heard the אֱלֹהֶיךָ. In v. 19 כָּל־הָאֲלָהִים are written in the book and in v. 20 these sanctions are identified with the covenant.

<sup>257</sup>So also McConville, *Deuteronomy*, 415.

people and his being their God.

If one carefully considers the verbs in verses 9-14, he will see that the primary “actor” in this process is Yahweh. The two “active” verbs with which Israel is associated are נִצְבִים (v. 9, standing; Niphal participle) and עֹמֵד (v. 14, standing; Qal participle).<sup>258</sup> In verse 11 Israel is לְעִבְרָה (entering into; Qal infinitive construct) a covenant which Yahweh כָּרַת (cut, made; Qal participle) with them. In verse 12 the verbs יִהְיֶה, הִקִּים, דִּבֶּר, and נִשְׁבַּע all have Yahweh as the subject. Ironically, in verse 12, even the first half of the full expression of the covenant relationship formula is altered from its “normal” form (לְהִיּוֹת לוֹ לְעַם) to create the picture of Yahweh’s active role in maintaining/establishing (הִקִּים-אֶתְךָ הַיּוֹם לוֹ לְעַם) Israel as a people for himself while leaving the second half of the full expression of the covenant relationship formula in the “normal” form (לְהִיּוֹת לְךָ לְאֱלֹהִים) essentially unperturbed (יִהְיֶה-לְךָ לְאֱלֹהִים). The verb in verse 13 is again כָּרַת.<sup>259</sup>

Another anomaly in this context is the use of the full expression of covenant relationship formula—Formula C. In 4:20, 7:6, 14:2, 27:9, and 28:9 only Formula B is employed. The only other place Formula C occurs is in 26:17-18. Yet in that context the formula constituents are reversed in order from 29:12 and each constituent is part of the respective declaration of the two parties to the covenant—Yahweh and Israel. In 29:12 Yahweh will maintain Israel as his people *and* he will be their God as a result of Israel’s entering into the covenant that Yahweh is making with them. An additional difference between the expression of Formula C in 26:17-19 and 29:12 is the position of the *Rückverweisformel*<sup>260</sup>—כַּאֲשֶׁר דִּבַּר-לְךָ. This does not occur in 26:17 (לְהִיּוֹת לְךָ)

<sup>258</sup>The participles in v. 10—הֹטֵב and שֹׂאֵב—are functioning nominatively.

<sup>259</sup>Granted, the expression is כָּרַת אֲנֹכִי which, in the mouth of the covenant-mediator Moses, may be construed to show his agency in the covenant-making process, but undoubtedly v. 13 should be understood to represent Yahweh’s action in covenant-making.

<sup>260</sup>This word is coined by Lohfink and can be roughly translated “back-reference formula.” See Norbert Lohfink, “Dt 26,17-19 und die ‘Bundesformel,’” *Zeitschrift für Theologie und Kirche* 91 (1969): 532.

but it does occur in 26:18 in association with לְהִיּוֹת לוֹ לְעַם (to the people) and in verse 19 in association with וְלִהְיוֹתָ עִם-קְדוֹשׁ לַיהוָה אֱלֹהֶיךָ. Yet in 29:12 the *Rückverweisformel* is in the same athnach segment with *both* constituents of the covenant relationship formula but follows immediately after וְהוּא יְהוָה-לָךְ לֵאלֹהִים.<sup>261</sup> Confirmation of this promise is provided through the reminder that it is rooted in an oath which Yahweh swore to the patriarchs: וְכַאֲשֶׁר נִשְׁבַּע לְאַבְתָּיךָ לְאַבְרָהָם לְיִצְחָק וּלְיַעֲקֹב.

Hafemann makes another important observation about the covenant relationship formula: “The covenant formula appears only twice as an explicit and direct explication of the term ‘covenant’, once at its first occurrence in Genesis 17:7 and then again at its last use in Deuteronomy 29:13.”<sup>262</sup> Significantly, in both Genesis 17:7 and in Deuteronomy 29:12 the verb קָם is used in the Hiphil stem. In Genesis 17:7 Yahweh says, וְהִקְמַתִּי אֶת-בְּרִיתִי . . . לְהִיּוֹת לָךְ לֵאלֹהִים. At the end of that pericope, Yahweh reaffirms his intention: וְאֶת-בְּרִיתִי אֶקַּם אֶת-יִצְחָק.

In light of this connection with Genesis 17:7, one might question if the change in the ordering of the covenant relationship formula in 29:12 (as compared to 26:17-18) might not be intentional. That is, in Genesis 17:7 the promise was made to Abraham

<sup>261</sup>One other slight difference, as noted in the discussion of the covenant relationship formula in 27:9, is that there is no adjectival modifier to עַם (קְדוֹשׁ or נִחְלָה or סְגֻלָּה) in the covenant relationship formula of 29:12.

<sup>262</sup>Scott J. Hafemann, “The Covenant Relationship,” in *Central Themes in Biblical Theology: Mapping Unity in Diversity*, ed. Scott J. Hafemann and Paul R. House (Grand Rapids: Baker Academic, 2007), 45-46. Obviously, his comments refer to the use of the covenant relationship formula in the Pentateuch, and he is using the versification in the English Bibles.

John Briggs Curtis, “The Relationship Formula of Deuteronomy 26:17-18 and the Covenant,” in *Proceedings, Eastern Great Lakes and Midwest Biblical Societies*, vol. 15 (Buffalo, NY: Canisius College, 1995), 169-83, calls into question the practice of identifying לֵאלֹהִים לָךְ לְהִיּוֹת and לוֹ לְהִיּוֹת with the moniker “covenant relationship formula” (especially in the context of Deut 26:17-18) since the term בְּרִית is not employed in that setting. However, there can be no question, as Hafemann indicates, that the formula is a “direct explication of the term ‘covenant.’” Furthermore, as posited in chap. 4 of this study, it is not unlikely that the text of 26:16-19 serves as a model for this “ceremony of confession” that occurs at the septennial covenant renewal. Also, as discussed in this chapter, the covenant formula is used in 27:9 in the context of the renewal of the covenant immediately after crossing the Jordan and entering into the land.

כַּאֲשֶׁר דְּבַר-לָךְ לְאֱלֹהִים וּלְזַרְעֶךָ אַחֲרָיִךְ. So then in 29:12 the phrase לְהִיּוֹת לָךְ לְאֱלֹהִים is more immediately associated with the covenantal phrase לְהִיּוֹת לָךְ לְאֱלֹהִים.<sup>263</sup>

Verses 15-28 are a somber warning as to the serious consequences of treating the solemn oath (אָלָה) trivially. The primary concern is with the propensity of the individual whose stubborn heart (בְּשִׁרְרוֹת לְבַי, v. 18) turns away (פָּנָה, v. 17) from יהוה to serve other gods. That is, the exhortation is directed toward the violation of the General Stipulation of the covenant represented by the first commandment.<sup>264</sup> As a matter of fact, there are no obvious references to any of the Specific Stipulations in the warning verses of 15-28.<sup>265</sup>

While there are references to the corporate implications of these warnings,<sup>266</sup> the content of the warning section is addressed to the אִישׁ אֶל-אִשָּׁה (v. 17) who conspires to forsake Yahweh and abandon the covenant. In v. 18 it is an individual who hears the words of the אָלָה and blesses himself in his heart. Yahweh will refuse to forgive *him* (לוֹ) and his anger and his jealousy will smoke בָּאִישׁ הַהוּא and כָּל-הָאָלָה and

<sup>263</sup>This might help to explain the order of the covenant relationship formula constituents in 26:17-18, too. That is, לְהִיּוֹת לָךְ לְאֱלֹהִים, was the initial component of the covenant relationship formula before there was a people that would לוֹ לְהִיּוֹת. As one follows the development of the covenant relationship formula in the Pentateuchal narrative, with the patriarchs the expression always followed the Formula A pattern. Even when there was a people in Exod 6:7, Yahweh states that he would take (לָקַח) them (וְהָיִיתִי לָכֶם לְאֱלֹהִים) and he would be their God (וְהָיָה + לִי). Then in Exod 19:5 the more characteristic pattern of לִי + הָיָה is used, but the word עַם is not used. The next instance of the covenant relationship formula is in Lev 26:12 where the more characteristic formula is used (וְהָיִיתִי לָכֶם לְאֱלֹהִים) (וְאַתֶּם תִּהְיוּ לִי לְעַם). This pattern, then, lends credibility to the proposition in chap. 3 of this study that the “action” behind the ceremony modeled in 26:17-19 is that Yahweh takes the initiative to present himself to Israel as their God and then awaits the response of Israel which recognizes the fact that they are his people.

<sup>264</sup>Interestingly, the components of the first commandment in 5:7-10—that is, a) לֹא יִהְיֶה-לָּךְ אֱלֹהִים אֲחֵרִים, and b) לֹא-תַעֲשֶׂה-לָּךְ פֶּסֶל—are reversed in 29:15-28. The warning begins with reference to אֱלֹהִים אֲחֵרִים (v. 15) and then mentions אֱלֹהִים אֲחֵרִים (v. 17).

<sup>265</sup>The only possible inference might be covered in v. 28, that is, if הַנְּסִתָּרֶת of v. 28 is connected closely with the list of curses associated with violations of a specific nature as enumerated in 27:15-26, then the threat of punishment in 29:15-28 could be carried out for violation of the Specific Stipulations. This seems very unlikely. It is possible that הַנְּסִתָּרֶת (v. 28) could also be a general reference to the Specific Stipulations. This also is unlikely since Deuteronomy prefers the terms חֻקִּים, מִשְׁפָּטִים, or מִצְוֹת for the Specific Stipulations.

<sup>266</sup>Vv. 15 and 16 use 2mp pronouns, and v. 17 refers to the clan or tribe that turns away. Vv. 21-27 speak of the effects of divine retribution against the rebellion extending to all the land and use 3mp pronouns to identify those who participated in the rebellion that incurred this destruction.

which are written in this book will settle upon him, and Yahweh will blot out שָׁמוֹ from under the heavens. Finally, Yahweh will הַבְּדִילוּ out from all the tribes of Israel for calamity, כָּכֹל אֱלוֹת הַבְּרִית הַכְּתוּבָה בְּסֵפֶר הַתּוֹרָה הַזֶּה,<sup>267</sup>

In 29:8 the charge is given: וַשְׁמַרְתֶּם אֶת־דְּבָרֵי הַבְּרִית הַזֹּאת וַעֲשִׂיתֶם: וְשָׁמַרְתֶּם אֶת־כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת אֶתְּם. This section ends with an appeal לַעֲשׂוֹת אֶת־כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת אֶתְּם. The call for obedience stands like bookends for this section containing the covenant relationship formula of 29:12.

The *parashiyyot* of 30:1-10 has multiple references to obedience and to compliance with the General Stipulation of the covenant:

30:2 וְשָׁמַעְתָּ בְּקוֹלִי כָּכֹל אֲשֶׁר־אֲנֹכִי מְצַוְּךָ הַיּוֹם  
 30:6 לְאַהֲבָה אֶת־יְהוָה אֱלֹהֶיךָ בְּכָל־לִבְבְּךָ וּבְכָל־נַפְשְׁךָ  
 30:8 וְאַתָּה תָּשׁוּב וְשָׁמַעְתָּ בְּקוֹל יְהוָה וַעֲשִׂיתָ אֶת־כָּל־מִצְוֹתַי אֲשֶׁר אֲנֹכִי מְצַוְּךָ הַיּוֹם  
 30:10 כִּי תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ לְשָׁמֵר מִצְוֹתַי וְחֻקֹּתַי הַכְּתוּבָה בְּסֵפֶר הַתּוֹרָה הַזֶּה כִּי תָשׁוּב אֶל־יְהוָה אֱלֹהֶיךָ בְּכָל־לִבְבְּךָ וּבְכָל־נַפְשְׁךָ

And finally, the *parashiyyot* of 30:11-20 has multiple references to obedience and to compliance with the General Stipulation of the covenant:

30:12 and 13 וַיִּשְׁמַעְנִי אַתָּה וַנַּעֲשֶׂנָה  
 30:16 וְחֻקֹּתַי וּמִשְׁפָּטַי לְאַהֲבָה אֶת־יְהוָה אֱלֹהֶיךָ לְלַכֵּת בְּדַרְכָּיו וּלְשָׁמֵר מִצְוֹתַי  
 30:17 וְאִם־יִפְנָה לְבָבְךָ וְלֹא תִשְׁמַע  
 30:20 לְאַהֲבָה אֶת־יְהוָה אֱלֹהֶיךָ לְשָׁמֵעַ בְּקוֹלִי וּלְדַבְּקָה־בּוֹ

Moreover, in this paragraph the reasonableness of the requirements and the capacity for

<sup>267</sup>See the section in chap. 2 of this study “Appeal to Witness” where the word אָרַר is discussed. Here it was noted that in 27:15-26 the curse formula was used as an expression of expulsion, exclusion, or separation from the community. See also Josef Scharbert, “אָרַר,” in *Theological Dictionary of the Old Testament*, ed. G. J. Botterweck and Helmer Ringgren, vol. 1, trans. John T. Willis (Grand Rapids: Eerdmans Publishing Company, 1977).

obedience is assured. It is up to the congregation to agree and give their verbal assent to the stipulations.

### **Conclusion**

This analysis of the canonical context of the covenant relationship formula as it is employed in 4:20, 7:6, 14:2, 27:9; 28:9, and 29:12 in the covenantal framework of Deuteronomy 1-30 demonstrates an unambiguous pattern. First, the formula is utilized in a consistently intentional manner. This is obvious as one studies the individual textual unit in which the formula is used. Literary analysis reveals that in each unit, the covenant relationship formula serves as the focal point of the unit. Moreover, as the greater context is studied, the textual unit in which the covenant relationship formula is used functions in key ways to unify and connect the greater literary unit in Deuteronomy as that unit mirrors the successive constituents of the ancient Near Eastern treaty formulary. Moreover, it was shown that the covenant relationship formula is used only once in each of the treaty constituents.

Further analysis revealed specific associations of the covenant relationship formula in the various covenantal constituents. In 4:20 (within the Historical Prologue), in 7:6 (within the General Stipulation) and in 14:2 (within the Specific Stipulations) the formula was aligned very closely with the notion of exclusive loyalty to Yahweh. In 27:9 (between the Document Clause and Appeal to Witness), in 28:9 (within the Blessing and Curses), and in 29:12 (within the Solemn Oath Ceremony) the formula was linked very clearly to the expectation of obedience to Yahweh. As noted in the introduction to the chapter, these ideas are not mutually exclusive, but rather these emphases are clearly highlighted in their respective areas.

This study also reveals that Yahweh as suzerain will make every provision necessary to ensure Israel's success in meeting the obligations of the covenant. This is most readily seen in 7:17-26 wherein Yahweh declares that he will be the one to

guarantee Israel's victory over the inhabitants of Canaan. In 28:1-14 Yahweh promises lavish blessings to convince Israel of the benefits of obedience. And in 30:11-20 Yahweh assures Israel of the reasonableness of the requirements of the covenant and gives them confidence that this commandment<sup>268</sup> is not out of their reach.

The literary analysis of the Specific Stipulations section of Deuteronomy (12:1-26:15) brought to light some very interesting features. First, the Specific Stipulations are obviously rooted in the General Stipulation and have their foundation therein.<sup>269</sup> Second, the Specific Stipulations follow (in general terms and scope) the sequence of the Ten Words in Deuteronomy 5:6-21. Third, the Specific Stipulations can be organized into a grid of God-focused (12:1-16:17; commandments 1-3) and community-focused (16:18-26:15; commandments 4-10) commandments that follow the broad categories of authority (commandments 1 and 4), relational holiness (commandments 2, 5, 6, 7, and 8), and rights and privileges (commandments 3, 9, and 10). Fourth, each of the categories into which all of the commandments were organized were further connected together and linked to the idea of relational holiness through the use of the word תּוֹעֵבָה. This brought into focus the centrality of the covenant relationship formula in 14:2 for the Specific Stipulations section of the covenant.

Finally, this study has confirmed the premise offered in chapter 3 of this dissertation, that is, that it is Yahweh who is the “primary agent” of the covenant. Yahweh is the initiator, the one who takes the first step, who offers himself to Israel. It is not Israel who chooses Yahweh to be their God or declares that Yahweh is their God in 26:17. Rather, they simply become Yahweh's people and assent to that relationship in 26:18. This is evident when one considers the “agent” and “patient” (to use literary

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<sup>268</sup>The singular הַמִּצְוָה הַזֹּאת is used in 30:11

<sup>269</sup>This is most evident in that the expression of the covenant relationship formula in 7:6 (General Stipulation) and in 14:2 (Specific Stipulations) are essentially identical.

terminology) in each of the sentences in which the covenant relationship formula is employed. In 4:20 (וַאֲתֶכֶם יְהוָה לְקַח), Yahweh is the subject of the verb, Israel is the direct object. In 7:6 (בְּךָ בָחַר יְהוָה אֱלֹהֶיךָ) and 14:2 (וּבְךָ בָחַר יְהוָה), Yahweh is the subject of the verb, Israel is the object of choice. In 27:9 (נְהַיֶּינָה) Israel is the subject of a passive verb.<sup>270</sup> In 28:9 (יְקַיְמֶךָ יְהוָה), Yahweh is the subject of the verb and Israel is the 2ms object of the verbal action. Likewise, in 29:12 (הִקִּים־אֶתְּךָ), Yahweh is the subject of the verb and Israel is the 2ms direct object of the verb.

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<sup>270</sup>Waltke and O'Connor, *IBHS*, 356, "In the Niphal construction the subject is not the performer of the action but only a participator in it."

## CHAPTER 6

### DEUTERONOMY 26:16-19 AS THE KEYSTONE OF THE COVENANTAL FRAMEWORK OF DEUTERONOMY

This dissertation examined the function of the covenant relationship formula in Deuteronomy and posited that its articulation in 26:16-19 (לְהִיּוֹת לְךָ לֵאלֹהִים) . . . (לְהִיּוֹת לוֹ לְעַם) serves as the focal point of the covenantal framework of Deuteronomy. The foundation from which this work rises was laid by those who identified (1) the parallels between Deuteronomy and the ancient Near Eastern treaty formulary, (2) the association of the formulaic expression (לְהִיּוֹת לְךָ לֵאלֹהִים) . . . (לְהִיּוֹת לוֹ לְעַם) with the establishment or existence of the covenant between Yahweh and his people, and (3) the enigma related to the translation of the hapax legomenon of the Hiphil of אָמַר.

A closer look into the proposals of von Rad, Kline, Kitchen, and Wenham<sup>1</sup> revealed detailed parallels between Deuteronomy and the Hittite (and earlier) treaty formulary. However, this study also exposed various weaknesses in their schema.<sup>2</sup> These proposals, in large measure, did not identify a significant parallel between the ancient Near Eastern treaty constituent Appeal to Witness<sup>3</sup> and Deuteronomy. This

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<sup>1</sup>Each of whom asserted to a greater degree the parallels between Deuteronomy in toto and the ancient Near Eastern treaties, contrary to the proposals of Mendenhall, Baltzer, and McCarthy who saw parallels between *parts* of Deuteronomy (or other Scriptures) and the ancient Near Eastern formulary.

<sup>2</sup>Namely, dependence upon later Assyrian treaty formularies or components for parallels to the features of Deuteronomy, or an inconsistency between the treaty formulary sequence (identified by Korošec) and the order in which the parallels in Deuteronomy were communicated, or a misidentification of a feature of Deuteronomy with a purported parallel in the ancient Near Eastern treaty formulary.

<sup>3</sup>Apparently, these authors (with the exception of Wenham who explained the omission by advocating that the structure of Deuteronomy was an amalgam of treaty and lawcode formulary) shared Mendenhall's sentiment that this constituent could not be included in the pattern of Deuteronomy given the nature of the exclusive relationship between Israel and Yahweh.

dissertation offered a corrective to that omission. The classification of Deuteronomy 27:11-26 as such, occurring in the specific sequence as anticipated by the ancient Near Eastern treaty formulary, gave occasion for the reassertion that Deuteronomy 27 is not a late addition to Deuteronomy but rather fits within the covenantal framework of Deuteronomy, buttressing the view that it was part of the original composition of Deuteronomy.

Once the alternative schema for the covenantal framework of Deuteronomy was established, the observation that the covenant relationship formula was employed a single time in each of the components of the covenantal framework<sup>4</sup> reinforced the notion that there was a literary, if not theological, significance to the formula. The utilization of that formula in its two individual constituents in 26:17 and 26:18-19 occurs as the covenant formulary in Deuteronomy crescendos from the Historical Prologue (1:6-4:44),<sup>5</sup> the General Stipulation (4:45-11:32),<sup>6</sup> the Specific Stipulation (12:1-26:15),<sup>7</sup> to the climatic point whereat the ratifying oath between the covenantal partners would take place as the transaction is brought to its completion with the recording of the Document Clause (27:1-10) and Appeal to Witness (27:11-26),<sup>8</sup> the recitation of the Blessings and Curses (28:1-69),<sup>9</sup> concluding in a Solemn Oath Ceremony (29:1-30:20).<sup>10</sup>

The statement of speaker obligation and corresponding stipulations expected from the partner contained in the oath of ratification are framed within the context of the

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<sup>4</sup>As it follows the ancient Near Eastern treaty formulary.

<sup>5</sup>Wherein the covenant relationship formula is cited in 4:20.

<sup>6</sup>Wherein the covenant relationship formula is cited in 7:6.

<sup>7</sup>Or through 26:19 (see earlier discussion), wherein the covenant relationship formula is cited in 14:2).

<sup>8</sup>Wherein the covenant relationship formula is cited in 27:9 between these two constituents.

<sup>9</sup>Wherein the covenant relationship formula is cited in 28:9.

<sup>10</sup>Wherein the covenant relationship formula is cited in 29:12.

relationship between the suzerain and the vassal. This exchange is conveyed through the complex sentence structure using the Hiphil of אָנַח in both the suzerain's statement and the vassal's response. A closer look at the grammar of the Hiphil binyan of a transitive verb taking a double accusative object reveals a deep structure that suggests an underlying narrative for the ceremony recounted by the covenant mediator in Deuteronomy 26:17-19. This storyline proposed for the said event calls for a reconsideration of the traditional translation and understanding of this text, specifically with regards to the identity of the speakers in 26:17 and 26:18-19, respectively. Furthermore, an appeal to the masoretic accents may also help determine the speaker obligation and the corresponding partner stipulations contained in the four infinitival phrases in each statement, both of which begin with alternate components of the covenant relationship formula. Working within the syntactical constraints of the respective declarations, recommendation is made that the syntactical parallels and the rhetorical parallels may not correspond to each other in the sequence of the speaker obligation and partner stipulations in 26:17 and 26:18-19. Rather, the exchange prioritizes the covenantal relationship over the obligation for obedience from the vassal. The narrative advocates, as Hasel and Hasel write:

In the divine-human situation, covenant is a divinely initiated and *sovereign-ordained relationship* between God and man in which God as superior Lord graciously discloses, confirms, and fulfills the covenant promise [פְּאִשֶׁר] [וְיִבְרַחֲךָ]. Man, as beneficiary of the divine covenant gifts, *freely accepts* the enduring relationship and renders obedience to the divine obligations (commandments, statutes, laws, or ordinances) by the assisting and enabling grace provided by God.<sup>11</sup>

This recommended narrative, specifically recognizing Yahweh's initiative and Israel's response, is validated by the literary structure of the three ceremonies of confession prescribed in 26:1-11, 12-15, and 16-19. The structural similarities in each set

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<sup>11</sup>Gerhard F. Hasel and Michael G. Hasel, *The Promise: God's Everlasting Covenant*, (Nampa, ID: Pacific Press Publishing Association, 2002), 18 (emphasis and interjection added).

of instructions affirm that Israel responds to Yahweh's gracious provision. Yet the minor structural anomalies between the instructions for the first two ceremonies (vv. 1-11 and 12-15) and the third ceremony (vv. 16-19) intimate that 26:16-19 may have a macro-structural role in the overall covenantal structure of Deuteronomy. Furthermore, the investigation of the thematic unity and verbal similarities between 26:16-19 and Deuteronomy 27 reinforces the assertion that Deuteronomy 27 belongs to the original composition of Deuteronomy.

The examination of the covenant relationship formula as it occurs in the successive covenantal constituents of Deuteronomy in light of the function of the parallel constituent in the ancient Near Eastern treaty formulary provided additional evidence for the literary intentionality with which the covenant relationship formula is employed. Analysis of the literary structure of the textual unit in which the covenant relationship formula is found reveals that the formula plays a strategic role within the textual unit and provides a key for understanding the greater covenantal constituent. This study also demonstrated the close affiliation between the covenant relationship formula and the notion of exclusive loyalty to Yahweh in the first three occurrences (in 4:20; 7:6; and 14:2). The final three occurrences (in 27:9; 28:9; and 29:12) are closely linked to the expectation of obedience. The central expression of the covenant relationship formula is then found in 26:17 and 26:18-19.

Yet, considering the respective "emphases" of these two covenantal statements, expectation of obedience is clearly highlighted in the stipulations of verse 17 (וְלָלַכְתָּ בְּדַרְכָּיו וְלִשְׁמֹר חֻקָּיו וּמִצְוֹתָיו וּמִשְׁפָּטָיו וְלִשְׁמֹעַ בְּקוֹלוֹ). Conversely, the stipulations of verses 18-19 (לְהִיּוֹת לוֹ לְעַם סִגְלָה . . . וְלִתְתֹּךְ עָלָיוֹן עַל כָּל-הַגּוֹיִם) regarding exclusive loyalty overshadow the obligation to obedience. In this way the covenant relationship formula in 26:17 anticipates the associated emphasis of the expressions in 27:9; 28:9; and 29:12 (namely, obedience) while the covenant relationship formula in 26:18-19 reflects back on the associated

emphasis of the expressions in 4:20; 7:6; and 14:2 (namely, exclusive loyalty). This cross-link thus binds together all of the expressions of the covenant relationship formula, bearing the weight of the covenantal framework of Deuteronomy.

Furthermore, as one considers the obligation which Yahweh assumes in the relationship by offering himself לְאֱלֹהִים לְךָ לְהִיּוֹת לְךָ to Israel (in v. 17) and the stipulations לְהִיּוֹת לוֹ לְעַם סְגֻלָּה . . . וּלְחַתֵּךְ עֲלִיּוֹן עַל כָּל־הַגּוֹיִם . . . וּלְהִיְתֶךָ כַּאֲשֶׁר) voiced by Israel (in vv 18-19) appealing to Yahweh's previous promise (דְּבַר־לְךָ), one has to acknowledge Yahweh's gracious provision and understand his acceptance of the responsibility for the maintenance of the covenant and its corollary relationship (see also 29:12).<sup>12</sup>

Thus, this study has demonstrated that the covenant relationship formula (לְהִיּוֹת לְךָ לְאֱלֹהִים . . . לְהִיּוֹת לוֹ לְעַם) as expressed in 26:16-19 with its concomitant covenantal obligations, like the keystone in the old stone bridge, serves as the focal point which defines, unifies, and bears the weight of the covenantal framework of Deuteronomy. In turn, this affirms Rendtorff's observation that the "covenant formula is an element of theological language which is introduced in a *highly conscious manner*."<sup>13</sup>

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<sup>12</sup>Scott J. Hafemann, "The Covenant Relationship," in *Central Themes in Biblical Theology: Mapping Unity in Diversity*, ed. Scott J. Hafemann and Paul R. House (Grand Rapids: Baker Academic, 2007), 31, states, "Thus the covenant relationship between God and his people is determined by divine election on the one hand . . . and by the commitments and stipulations of the relationship on the other. This relationship is then guaranteed by a covenant ratification ceremony, which is centred on the taking of an oath of allegiance to the promises and obligations of this relationship." See also Carol M. Kaminski, "The Promises to the Fathers," in *Basics of Biblical Hebrew Grammar*, ed. Gary D. Pratico and Miles Van Pelt (Grand Rapids: Zondervan, 2001), 353, where she asserts, "The theological truth that *God himself* will accomplish what he has promised is *clearly reflected* in the common use of the Hiphil verbal stem in the context of God's promises" (emphasis added).

<sup>13</sup>Rolf Rendtorff, *The Covenant Formula: An Exegetical and Theological Investigation*, trans. Margaret Kohl, Old Testament Studies (Edinburgh: T & T Clark, 1998), 92.

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## ABSTRACT

### DEUTERONOMY 26:16-19 AS THE CENTRAL FOCUS OF THE COVENANTAL FRAMEWORK OF DEUTERONOMY

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This dissertation maintains that the covenant relationship formula (CRF) as expressed in Deuteronomy 26:16-19 (לְהִיּוֹת לְךָ לְאֱלֹהִים . . . לְהִיּוֹת לוֹ לְעַם) serves as a focal point which defines, unifies and bears the weight of the covenantal framework of the book of Deuteronomy. Chapter 1 reviews previous assertions that Deuteronomy is patterned after ancient Near Eastern treaties, highlights the conclusions of Rendtorff regarding the CRF, and identifies the translation difficulties in 26:16-19.

Chapter 2 critiques the proposals of von Rad, Kline, Kitchen, and Wenham who suggest that Deuteronomy follows the pattern of the ancient Near Eastern treaties. An alternate schema for the covenantal framework of Deuteronomy 1-30 is proffered. Finally, an excursus addressing the Mosaic authorship of Deuteronomy 27 is included.

Chapter 3 proposes that the Hiphil of אָמַר in verses 17 and 18 is functioning causatively and utilizes dual direct objects in the sentence construction. Grammatical and syntactical features of the text of 26:16-19 are observed. Theological concerns on the translational renderings of 26:17-19 are posed. A proposed conceptual model of the sequence of events that may underlie the text of Deuteronomy 26:17-19 is offered.

Chapter 4 considers the canonical context of Deuteronomy 26. A chart demonstrates the literary-structural unity of the three ceremonies of confession (26:1-11;

26:12-15; and 26:16-19). Further analysis, however, reveals that 26:16-19, while integrally connected to the other ceremonies, functions also on the macro level within the greater covenantal framework of Deuteronomy.

Chapter 5 examines each of the expressions of the CRF (4:20; 7:6; 14:2; 27:9; 28:9; and 29:12) as they occur in the covenantal framework of Deuteronomy. An analysis of the function of the CRF reveals that prior to its expression in the focal text (26:16-19) it is associated with the notion of exclusive loyalty to Yahweh and after the focal text it is associated with the expectation of obedience to Yahweh.

Chapter 6 summarizes the work of chapters 1 and 2 then applies the findings of chapters 3 through 5 to demonstrate that the CRF (לְהִיּוֹת לַיְהוָה... לְהִיּוֹת לוֹ) as expressed in 26:16-19 with its concomitant covenantal obligations can bear the weight of and does indeed serve as the keystone of the covenantal framework of Deuteronomy. The covenantal exchange in 26:17-19 connects the emphasis on obedience in 26:17 to that of the covenant relationship formula in 27:9; 28:9; and 29:12 and connects the emphasis on exclusive loyalty in 26:18-19 to that of the covenant relationship formula in 4:20; 7:6; and 14:2.

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