

**SINAI COVENANT and MOAB COVENANT**

**An Exegetical Study of the Covenants in  
Exodus 19:1-24:11 and Deuteronomy 4:45-28:69**

by

**TSE GUN SONG**

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## Abstract

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by T. G. Song

This thesis is basically an exegetical study of two texts in Ex 19:1-24:11 and Dt 4:45-28:69.

In Chapter 1 methodological issues about this thesis are considered. Hermeneutical problems of narrative texts in the OT are handled shortly in order to prepare the exegesis of these two texts.

In Chapter 2 the Sinai covenant pericope (Ex 19:1-24:11) is dealt with. The present context of Ex demands that the covenant making is initiated in Ex 19. The first section (Ex 19:3-8) concerns the preliminary proposal and acceptance of the covenant relationship between YHWH and Israel. There is a transitional bridge (Ex 19:8b-10a) between this first section and the second one (Ex 19:9-25). The second section should be defined, not as the theophany, but as the meeting of the two covenant parties. After God's direct law-giving (the decalogue Ex 20:1-17), which is the first covenant stipulation, the people demand Moses' mediatorship through which the subsequent laws (Ex 20:22-23:33), the second covenant stipulation, are given indirectly. These sections are connected through the *prediction* (Ex 19:9a) - *fulfilment* (Ex 19:20-25, 20:18-21) scheme. Further these sections are connected with the final section in Ex 24 with the *macroscopic* (Ex 19:24) - *semi-microscopic* (Ex 24:1) - *microscopic* point of view (Ex 24:9-11). Ex 24:3-8 is about the covenant ratification ceremony performed through the mediation of Moses by the participation of the junior Israelites ('the youngmen of Israel' Ex 24:5a), and Ex 24:9-11 is the audience of the senior Israelites ('the nobles of Israel' Ex 24:11) with YHWH ('God of Israel') after that ratification of the covenant.

In Chapter 3 the Moab covenant pericope (Dt 4:45-28:69), marked by *the heading* (Dt 4:45) and *the colophon* (Dt 28:69), is studied. After the geographical, historical information (Dt 4:45-49) the law itself is directly introduced (Dt 5ff.). In this section the authority of Moses demanded by the people is justified in order to prepare for *the Hauptgebot pericope* (Dt 6-11). Dt 26:17-19 is about the mutual declaration of the covenant relationship and this section gives the framework for the following section (Dt 27-28) which is about the *variable* or *cultic* element of covenant, the ratification ceremony. Dt 27:1-8 reports some aspects of that ceremony (offering, covenant document, meal). And here and in Dt 27:9-10 the elders and the levitical priests, who speak jointly with Moses, receive the authority to perform the future covenant ceremony in Shechem. Dt 27:11-13 is the future pronouncement of the blessing and curse whose text is in Dt 28:3-6,16-19. And Dt 27:14-26 contains the oath formula which will be pronounced by the levitical priests and responded by the people.

In Chapter 4 a comparative study of both texts is undertaken. In general it is asked whether the covenant is the common theme of both texts. In detail it is investigated whether there is a similarity between the two texts in their themes, theological frameworks, and structure, and also how far the detailed descriptions of each section are different. Finally the historical relationship between the two pericopes is investigated.



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## Preface

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## ABBREVIATIONS

AnBib	Analecta Biblica
AncBib	The Anchor Bible
ANET	<i>Ancient Near Eastern Texts</i>
AnOr	Analecta Orientalia
ASTI	<i>Annual of the Swedish Theological Institute</i>
ATD	Das Alte Testament Deutsch, Göttingen
ATANT	Abhandlungen zur Theologie des Alten und Neuen Testaments
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
BAT	Die Botschaft des Alten Testaments, Stuttgart
BBB	Bonner Biblische Beiträge
BDB	<i>The New Brown - Driver - Briggs - Gesenius Hebrew and English Lexicon</i> , F. Brown, S.R. Driver, C.A. Briggs
BET	Beiträge zur Evangelische Theologie
BETL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
BFCT	Beiträge zur Förderung Christlicher Theologie
BHS	<i>Biblia Hebraica Stuttgartensia</i>
Bibl	<i>Biblica</i>
BibleBh	<i>Bible Bhashyam</i>
BJS	Brown Judaic Studies
BKAT	Biblische Kommentar Altes Testament, Neukirchen-Vluyn
BL	<i>Historische Grammatik der hebräischen Sprache des Alten Testaments</i> , H. Bauer & P. Leander
BLS	Bible and Literature Series
BMB	Baghdader Mitteilungen Beiheft
BN	<i>Biblische Notizen</i>
BO	<i>Bibliotheca Orientalis</i>
BOT	De Boeken van het Oude Testament, Roermond en Maaseik
BSC	Bible Student's Commentary, Grand Rapids
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZ	<i>Biblische Zeitschrift</i>
BZAW	Beihefte zur ZAW
CBC	Cambridge Bible Commentary
CBQ	<i>Catholic Biblical Quarterly</i>
COT	Commentaar op het Oude Testament, Kampen
CRB	Cahiers de la Revue Biblique
EF	Erträge der Forschung
ET	English Translation
EvT	<i>Evangelische Theologie</i>
ETL	<i>Ephemerides Theologicae Lovanienses</i>
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
FS	Festschrift
GB	<i>Wilhelm Gesenius' hebräisches und aramäisches Handwörterbuch über das alte Testament</i> , F. Buhl, 17. Auflage, Leipzig
GHAT	Göttinger Handkommentar zum Alten Testament, Göttingen
GK	<i>Gesenius' Hebrew Grammar</i>
GMD	<i>Hebräisches und Aramäisches Handwörterbuch über das Alte Testament</i> , Wilhelm Gesenius, unter verantwortlicher Mitarbeit von U. Rüterswörden, bearbeitet und herausgegeben von D.R. Meyer und H. Donner, 18. Auflage, 1. Lieferung 8 - 1, Berlin, et.
GTAB	Göttinger Theologische Arbeiten Band
HAL	<i>Hebräisches und Aramäisches Lexikon zum Alten Testament</i> , 3. Auflage,

	Leiden
HAT	Handbuch zum Alten Testament, Tübingen
HSAT	Die Heilige Schrift des Alten Testaments, übersetzt von E. Kautzsch, Tübingen
HSAT	Die Heilige Schrift des Alten Testaments, Bonn
HSM	Harvard Semitic Monographs
<i>HTR</i>	<i>Harvard Theological Review</i>
<i>HUCA</i>	<i>Hebrew Union College Annual</i>
ICC	The International Critical Commentary, Edinburgh
IB	The Interpreter's Bible, A Commentary in Twelve Volumes, New York, et.
<i>IDB</i>	<i>The Interpreter's Dictionary of the Bible</i>
<i>IDBS</i>	<i>The Interpreter's Dictionary of the Bible Supplement</i>
<i>Int</i>	<i>Interpretation</i>
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
JBLMS	Journal of Biblical Literature Monograph Series
<i>JCS</i>	<i>Journal of Cuneiform Studies</i>
<i>JCSB</i>	<i>Journal of the Chicago School of Biblical Research</i>
<i>JEOL</i>	<i>Jaarbericht Ex Oriente Lux</i>
<i>JETS</i>	<i>Journal of the Evangelical Theological Society</i>
<i>JNSL</i>	<i>Journal of Northwest Semitic Languages</i>
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTSS	Journal for the Study of the Old Testament Supplement Series
<i>JTS</i>	<i>Journal of Theological Studies</i>
KAT	Kommentar zum Alten Testament, Leipzig
KEHAT	Kurzgefaßtes exegetisches Handbuch zum Alten Testament, Leipzig, 1. Auflage, 1861; 2. Auflage, 1886
KHCAT	Kurzer Hand-Commentar zum Alten Testament, Freiburg, et.
KJV	King James Version (Bible)
KKHS	Kursgefaßter Kommentar zu den Heiligen Schriften Alten und Neuen Testaments sowie zu den Apokryphen, München: C.H. Beck'sche Verlagsbuchhandlung
<i>KS</i>	<i>Kleine Schriften</i> (A. Alt), München
<i>KS</i>	<i>Kleine Schriften</i> (O. Eissfeldt), Tübingen
KV	Korte Verklaring der Heilige Schrift, Kampen
<i>LLS</i>	<i>Los Libros Sagrados</i>
LRS	Leipziger rechtswissenschaftliche Studien
Luther	Die Bibel nach der Übersetzung Martin Luthers
LXX	Septuagint
MT	Massoretic Text
MTS	Marburger Theologische Studien
<i>NAJT</i>	<i>The Northeast Asia Journal of Theology</i>
NASB	New American Standard Bible (Bible)
<i>NBC</i>	<i>New Bible Commentary</i> , 3. ed., Downers Grove, et.
NCB	The New Century Bible Commentary, Grand Rapids, et.
NEB	New English Bible
NEchB	Die Neue Echter Bibel, Würzburg
NICOT	The New International Commentary on the Old Testament, Grand Rapids
NIV	New International Version (Bible)
<i>NLH</i>	<i>New Literary History</i>
NV	Nieuwe Vertaling (Bible)
OBO	Orbis Biblicus et Orientalis
OTL	Old Testament Library, London
OTM	Old Testament Message
<i>OTS</i>	<i>Oudtestamentische Studiën</i> , Leiden
OTWSA	<i>Ou Testament Werkgemeenskap in Suid-Afrika</i>



PA	Palestina Antiqua
POT	De Prediking van het Oude Testament, Nijkerk
RB	<i>Revue Biblique</i>
REB	The Revised English Bible
RGG	<i>Religion und Geschichte und Gegenwart</i> , 3. Auflage, Tübingen
RSV	Revised Standard Version (Bible)
RUO	<i>Revue de l'Universite d'Ottawa</i>
SamP	Samaritan Pentateuch
SANT	Studien zum Alten and Neuen Testament
SB	Subsidia Biblica
SBLDS	The Society of Biblical Literature Dissertation Series
SJLA	Studies in Judaism in Late Antiquity
SV	Staten Vertaling (Bible)
SZ	<i>Stimme der Zeit</i>
TB	<i>Tyndale Bulletin</i>
TBC	Torch Bible Commentary
TD	Theologische Dissertation
THAT	<i>Theologisches Handwörterbuch zum Alten Testament</i> , München, et.
ThB	Theologische Bücherei
ThBl	<i>Theologische Blätter</i>
ThSt	<i>Theologische Studien</i>
ThT	<i>Theologische Tijdschrift</i>
TOTC	Tyndale Old Testament Commentaries, Downers Grove
TR	<i>Theologische Rundschau</i>
TWAT	<i>Theologisches Wörterbuch zum Alten Testament</i> , Stuttgart, et.
TW	Theologische Wissenschaft
TZ	<i>Theologische Zeitschrift</i>
UBL	Ugarit-Biblische Literatur
UF	<i>Ugarit-Forschungen</i>
VB	Verklaring van een Bijbelgedeelte, Kampen
VT	<i>Vetus Testamentum</i>
VTE	Vassal Treaty Esarhaddon
VTS	<i>Vetus Testamentum Supplement</i>
VuF	<i>Verkündigung und Forschung</i>
WBC	Word Biblical Commentary, Milton Keynes
WBT	Wiener Beiträge zur Theologie
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WO	<i>An Introduction to Biblical Hebrew Syntax</i> , B.K. Waltke, & M. O'Connor
WS	Wuppertaler Studienbibel
WTJ	<i>Westminster Theological Journal</i>
WV	Willibrord-Vertaling (Bible)
ZA	<i>Zeitschrift für Assyriologie</i>
ZAW	<i>Zeitschrift für die Alttestamentliche Wissenschaft</i>
ZDMG	<i>Zeitschrift der Deutschen Morgenländischen Gesellschaft</i>
ZKTh	<i>Zeitschrift für katholische Theologie</i>
ZThK	<i>Zeitschrift für Theologie und Kirche</i>

## INTRODUCTION

### The purpose of this study

The texts we deal with in this thesis are the narrative sections of the Sinai (covenant) pericope (Ex 19:1-24:11) and of the Moab (covenant) pericope (Dt 4:45-28:69). It is widely accepted that these two texts are crucial not only in themselves but for the understanding of other parts of the Bible, because the main theme of both pericopes is the covenant between YHWH and Israel.<sup>(1)</sup> Since the covenant concept is one of the most important themes of the Bible, attention was already paid to these pericopes in the last century.<sup>(2)</sup> In the early twentieth century when the source-critical approach was still dominant, attention was concentrated on the historical questions of the text and consequently the importance of the present form of our texts was neglected. Although the advent of form criticism led to more concern with the present text<sup>(3)</sup>, basically the study was oriented by historical concerns (e.g. oral / written tradition or history of the religion of Israel). Therefore, there was no major exegetical work on the present texts except in some commentaries. Although the monumental work of Old Testament theology by W. Eichrodt<sup>(4)</sup>, which proposes covenant as the fundamental theme of the OT, was widely influential in the twentieth century, its impact on the exegetical study of the covenantal texts such as our two pericopes was slight. Only as a result of comparison with the ANE texts especially the Hittite vassal treaty texts<sup>(5)</sup> has some major exegetical study on the covenantal texts of the OT been done. In other words the analogy between (ANE) treaty and (OT) covenant became an important issue of debate and this analogy has been applied to the exegesis of our pericopes.<sup>(6)</sup> In the last decade the enthusiasm for the analogy between treaty and covenant has diminished, but redaction criticism has led to increased concern for the present form of the text.<sup>(7)</sup> Although two very recent studies on the Sinai pericope represent a further development of redaction criticism<sup>(8)</sup>, they pay only limited attention to the present text as the starting point of their study. Meanwhile the Moab pericope as a whole has not attracted academic attention, presumably because Dt 27 has long been considered as a literary orphan in the present context. Despite flourishing in the last two decades, redaction criticism has not touched this area. Commentators do not find a way

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1. The covenant making in Ex 19–24 is especially important in that Israel as a people, Israel, has made the first covenant with her deity, YHWH (B. Couroyer, 1968, 92 : Ex 19–24 is 'le noyau du Pentateuque'). And therefore, it has a continuing influence on the subsequent covenants between YHWH and Israel including the Moab covenant in Dt.
  2. For instance R. Kraetzschmar (1896) who was influenced by J. Wellhausen.
  3. Astonishing insight of G. von Rad on the structure of both texts (1938, 24–25 = 1966, 27) is a good example.
  4. (1961, 1967).
  5. For instance V. Korošec (1931), G.E. Mendenhall (1954), and K. Baltzer (1960).
  6. J. L'Hour (1962), M.G. Kline (1963 : only on Dt), N. Lohfink (1963 : only Dt), D.J. McCarthy (1963, 1978), L. Perliitt (1969), G.J. Wenham (1970 : only on Dt), E. Kutsch (1973 : He deals with fragmented verses).
  7. F.-L. Hossfeld (1982).
  8. T.B. Dozeman (1989a), B. Renaud (1991). The second book arrived on the last day of this thesis, and therefore I have not had enough time to study it thoroughly.



to explain one of cruxes of Dt, why the author keeps Dt 27 between Dt 26 and Dt 28.

The major issue of the Sinai pericope (Ex 19:1-24:11) is whether the covenant concept is intrinsic to the whole Sinai pericope or inserted later by editor(s) or redactor(s) who gathered various sources which are originally unrelated to the covenant concept. Throughout the sections within the Sinai pericope we read various covenant expressions (e.g. בְּרִיתִי, סִגְלָה Ex 19:5, סֵפֶר הַבְּרִית Ex 24:7, רַם־הַבְּרִית Ex 24:8) and the activities related to the covenantal theme (e.g. the ceremony in Ex 24:3-8). If the covenant concept is inherent in the Sinai pericope, or simply speaking if the covenant is the major theme of the Sinai pericope, how can we explain the function of other sections (e.g. the so-called theophany in Ex 19:9-25), which have not been explained until now in terms of covenant, within the pericope? And further how can we interpret the relationship between these sections and the sections which are considered as covenantal (e.g. Ex 19:3-8)? Finally how can we suggest the coherent scheme of the whole Sinai pericope with the theme of covenant? Meanwhile, if the covenant concept is not intrinsic to the whole Sinai pericope, how can we explain the numerous covenantal phenomena within it which are in many cases essential to each section? Are they all merely redactional insertions? An interesting question in this regard concerns the movement of Moses which is usually regarded as mysterious: why has he to move so busily between the top and the bottom of the mount?

The Moab pericope (Dt 4:45-28:69) also raises major issues. Academic concern with this pericope has been concentrated on the legal corpora (i.e. the decalogue (Dt 5), the Hauptgebot pericope (Dt 6-11), the deuteronomic laws (Dt 12-26)). Therefore, attention has not been paid to the whole Moab pericope, which is like the vessel containing the legal corpora. In this pericope we read of the various phenomena related to the covenant making (e.g. the ceremony in Dt 27, the blessing and curse in Dt 27-28) and the covenant terminologies (e.g. בְּרִית Dt 5:2, 28:69, עִם סִגְלָה Dt 26:18, 7:6, 14:2). Do they merely express the shadowy character of the Moab covenant<sup>9</sup> or are they the actualization of the past event through cult or preaching?<sup>10</sup> Or do they represent the characteristics which constitute the real covenant renewal in Moab / Shechem? How can we explain the mixture of places (Horeb, Moab, Ebal/Gerizim (Shechem?)) of the covenant making? And what is the reason for the mass of legal corpora (Dt 5-26) within the whole pericope?

Apart from these *macro* problems of both texts, there are several *micro*-exegetical issues in each text which are worth studying for the purpose of this thesis.

In the Sinai pericope the function of the first section, 19:3-8, within the whole pericope should be redefined, because hitherto it has been dealt with as an independent unit or as a mixture of various additions or redactions. The second section, 19:9-25, is traditionally

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9. R. Kraetzschmar (1896,136 : 'das schemenhafte Wesen des Moabbundes'). Cf. HD. Preuß (1982,159 : "Moabberith" jedenfalls ist ein dtr Theologumenon).

10. E.g. L. Perlitt (1969,81 : 'Vergegenwärtigung'), W. Zimmerli (1972,45 = 1978,50 : 'Aktualisierung des Horebbundes').



categorized as the section of theophany. However, by this is in many cases meant 'bare theophany', as B.S. Childs<sup>(11)</sup> points out well. But with this definition there is no way to explain why the author puts this section in its present context. For instance, the relationship with the previous section (19:3-8) and especially with the following legal sections (20:1-17 the decalogue, 20:22-23:33 the Book of the Covenant) cannot be explained by this vague definition. Should 'bare theophany' be replaced by 'theophany *for something*' ? Further, an enigmatic verse within this second section, 19:24, is usually considered as an orphan in the present context just as Dt 27 is in Dt. If the permission of Aaron to come to God is mentioned once again in 24:1,9, is there any possibility that the author tries to hint at a literary connection across the long legal section (Ex 20-23, the decalogue and the Book of the Covenant) ? Likewise at the juncture of the first section (19:3-8) and the second section (19:9-25), there is repeated mention of Moses' report of the people's answer to God, 19:8b, 19:9b. It is too paradoxical to accept that in 19:3b-8 we read an elegant poetic composition but in 19:8b-9b we read a childish repetition differing only by one word.<sup>(12)</sup> This needs to be reconsidered. And at this juncture (19:9a) once again another topic is introduced, God's dialogue with Moses and the people's trust in Moses. Should it be related to God's dialogue with Moses (19:19bff.) and the people's request for Moses' mediatorship (20:18-21) ? If the connection between 24:1 and 24:9 is valid, then the connection between 24:2 and 24:12ff. is also valid. Then if both are valid, could these be regarded as a fixed technique of the author ? Two final sections, 24:3-8 and 24:9-11, have been dealt with independently simply because both sections do not leave any explicit trace of each other. How should we define 24:3-8 which has abundant words and phrases showing that 24:3-8 has the covenantal characteristics ? What is the purpose of the meeting of the people's representatives ('the nobles of Israel' 24:1) with YHWH ('the God of Israel' 24:10) ? The joyful encounter with YHWH and the bright theophany experience (24:9-11) contrast strongly with the awesome encounter and terrible theophany (Ex 19). Does this contrast in adjacent texts seem too purposeful to be considered as the mixture of the two different traditions ?

In the Moab pericope there are also many thorny exegetical questions which remain unsolved or at least without any consensus. As we have already mentioned, the position of Dt 27 within the whole Dt is one of the big questions. How is Dt 27 connected with Dt 26 and Dt 28 ? Does עָלֶיךָ, which refers not to God but to Israel and is used only in 26:19 and 28:1 within the OT, function (as a keyword) to frame the structure of this later part of Dt ? The sudden introduction of the ceremonial command in 27:1-8 after the long legal pericope (Dt 5-26:15) and the mutual declaration of the covenant relationship (26:16-19) is awkward to interpret. Why are there two joint speeches of the elders (27:1) and of the levitical priests (27:9) with Moses, unique features in Dt, in the same chapter ? How

11. (Ex366).

12. Namely 19:8b : וַיִּשָׁב מֹשֶׁה אֶת־דִּבְרֵי הָעָם אֶל־יְהוָה : 19:9b , וַיִּשָׁב מֹשֶׁה אֶת־דִּבְרֵי הָעָם אֶל־יְהוָה :



should we understand the repeated command about writing laws on the stones in 27:1-8 ? Do the offerings and joyful celebration and meal (27:5-7) constitute the covenant festival ? The relationship between 27:11-13 and 27:14-26 is not an easy issue, because both texts have a similar topic, the blessing and curse. Even more complex is the relationship between these texts and the parallel poetic formulae of the blessing and curse in 28:3-6, 16-19. How do these formulae fit in with the poetic curse formulae, the so-called dodecalogue in 27:15-26 ? Furthermore, is 28:69 *the heading* (or superscription) of the following pericope or *the colophon* (or subscription) of the previous pericope ? If it is *the colophon*, where is *the heading* then ? How can we interpret the two clauses in 4:44,45 ? In general, is the Moab covenant the actualization (by cultic activity or preaching) of the Horeb covenant or its renewal (4:45ff., 5:2-3, 26:17-19) ? How should we understand the expression 'today' (הַיּוֹם / הַיּוֹם הַזֶּה) which often occurs in our text ? If the Moab covenant is the covenant renewal, what is then its relationship to the Horeb covenant ? In the legal passages Dt has three sections (the decalogue in Dt 5:6-21, the so-called *Hauptgebot pericope* in Dt 6-11, and the deuteronomic laws in Dt 12-26) compared with two sections of Ex (the decalogue in Ex 20:1-17 and the Book of the Covenant in 20:22-23:33). How should we interpret this addition of *the Hauptgebot pericope* in the context of Dt ?

If each of both pericopes as a whole is relatively neglected as a meaningful unit in its own right, even less comparative study of both pericopes is undertaken by commentators, partly because of the analytical study attitude of source and form criticism. When attention is paid to the history of a text or the historicity of the events behind the text, the importance of the present text is naturally neglected. Therefore, the comparison of such texts seems not to be considered worthwhile. A decade ago F.-L. Hossfeld dealt with both texts together, but his concern was limited to the issues raised by the decalogue.<sup>(13)</sup> This phenomenon is quite surprising in the light of the NT study where the synoptic study of the three Gospels has always been one of the major study areas. But synoptic study is a promising exegetical area, and in both texts which this thesis deals with we read reports nearly comparable to those in the synoptic Gospels in many ways.<sup>(14)</sup> In this thesis, however, we will concentrate on the exegesis of each text on its own and deal with each independently, and therefore we limit the objective of synoptic or comparative study to clarifying the similarity and the differences of the theme and structure between both covenants (the Sinai covenant and the Moab covenant).

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13. He (1982) omits the sections like Dt 11:29ff., 26:16-19, Dt 27, Dt 28.

14. Certainly there is a clear difference between the synoptic Gospels and our two texts. The major difference is that in the text of Dt we do not read simply another report of the same event (the Sinai / Horeb covenant) but the report of another event (the Moab covenant). However, the peculiar characteristic of the Moab covenant as *the covenant renewal*, the report about *the invariable element* or *the legal aspect* of covenant is the reuse of the same element or aspect of the Sinai covenant in Ex 19-24. And this similarity together with the difference in *the variable element* or *the cultic aspect* of covenant to the Sinai covenant can be in general considered as the topic of synoptic study. See 3.11.2 about these terms written in italics.



## **Terms and scope of the texts**

The terms 'the Sinai covenant' and 'the Moab covenant' are not found in the OT. Nevertheless, we consider these two terms are convenient and suit our purpose. The Sinai covenant means the covenant found in the Sinai pericope (Ex 19:1-24:11) and the Moab covenant the covenant in the central part of Dt (Dt 4:45-28:69). We define the event in the Sinai pericope as 'covenant' comprehending various aspects in the pericope : e.g. the definition of the new relationship between God and Israel (Ex 19:3-8), the encounter of both parties of the relationship (Ex 19:9-25), the laws (Ex 20:1-17, 20:22-23:33), the ratification ceremony and the celebration (Ex 24:1-11)). Meanwhile, in Dt we find three place names which claim to be the site of the major event : Horeb (Dt 5:2, 28:69), Moab (Dt 28:69 and passim), and Shechem (i.e. Ebal and Gerizim, Dt 11:29f., 27:4,12-13). Horeb is only mentioned to recall a past event and it is still controversial whether Ebal and Gerizim are the mounts in Shechem. Our preference for 'Moab' in our thesis title comes from the phrase in Dt 28:69, and from the fact that the major event of Dt occurs in the plain of Moab. We interpret the event in the central pericope in Dt also as 'covenant'. For these reasons we choose the title 'Sinai covenant and Moab covenant'.

This thesis is basically an exegetical study of the central part of each book (Ex and Dt). In our exegesis we do not include the laws as such but the larger framework in which the laws are contained : Ex 19:1-25, 20:18-22, 24:1-11 and Dt 4:45-6:3, 11:26-32, 26:16-28:69.

## **The structure of this study**

In Ch. 1 we shall look at some general and specific methodological issues related to these texts.

In Ch. 2 we shall investigate the Sinai pericope (Ex 19:1-24:11). The scope of the pericope is the first issue. And then each section (Ex 19:1-2,3-8,9-25, 20:18-22, 24:1-2,3-8,9-11) is exegetically dealt with in detail: firstly important textual, exegetical issues in each verse, secondly the unity of each section, thirdly the definition of each section, fourthly its relationship with the preceding or following sections, and finally, if relevant, its function within the whole pericope. We concentrate on the detailed exegetical issues of the chosen texts, so that the central concern of this thesis is the exegesis of the continuous passages. In other words, we do not pick some relevant texts from here and there, but attempt to exegete the continuous series of texts which belong to the same context.

In Ch. 3 we shall study the Moab pericope (Dt 4:45-28:69). Firstly we deal with the scope of our study and then follow the same pattern of Ch. 2 in the exegesis of each section (Dt 4:45-49, 5:1-5,22-6:3, 11:26-32, 26:16-19, 27:1-8, 9-10, 11-26, 28:1-2, 3-6, 16-19).

In Ch. 4 we shall undertake a synoptic or comparative study of both texts. In this chapter, building upon the conclusions of Chs. 2 and 3, we shall examine how far both are similar, or different in exegetical, structural and thematic issues. Finally we shall see whether there is development between them or whether they are independent of each other, and if there is development, we want to discuss which has influenced which.



## **CH.I. Methodological Considerations**

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# CH. 1 METHODOLOGICAL CONSIDERATIONS

## 1.1. Introduction

In this chapter we look at the methodological issues related to the two texts of this thesis, Ex 19:1-24:11 and Dt 4:45-28:69. It is not our intention to deal thoroughly with all the methodological issues raised recently. It seems unwise to open the Pandora's box of the recent OT hermeneutical debate<sup>(1)</sup> where sometimes it is said that a *paradigm shift* is necessary in OT hermeneutics.<sup>(2)</sup> However, all exegetical studies including this thesis cannot start without certain hermeneutical criteria. This seems to be a dilemma for all exegetical studies in recent days.

Before the expected paradigm shift occurs or before we find a grand theory applicable to every exegetical study of the OT, it is necessary to do some groundwork : (i) to criticize past studies more rigorously, and (ii) to find positive ground upon which to start our exegetical study.

(i) We should re-examine what past commentators considered as solid. Two major methodologies of the OT which are still used are source criticism and form criticism. It is necessary to examine their philosophical presuppositions and how far they are still valid. Further, it is also necessary to cast a similar critical eye on the recent trend in OT exegesis, modern literary criticism which is influenced by formalism or structuralism. And we should examine how far its various applications of philosophical thought are legitimate in OT exegesis. If we call source criticism *the old literary criticism*, we may call the recent trend as *the new literary criticism*.<sup>(3)</sup> To follow the new literary criticism instead of the old may simply be a change from one literary stance or point of view to another. Therefore we should also be wary of the philosophical assumptions of the new literary criticism. Meanwhile the new literary criticism as well as the old literary criticism may discover several literary techniques to support their own theories. However, it is possible that such techniques are not intrinsically related to a particular literary theory. These techniques may simply be there but they have been noticed through those theories. Finally, we should be wary of hastily constructed syncretism in the biblical studies which mixes the old and the new literary theories together.<sup>(4)</sup> The naive expectation of the interplay of the diachronic and the synchronic approaches leads to such syncretism. In particular, such efforts tend to fall short in understanding the ancient oriental text because they do not appreciate its literary quality and outlook.

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1. See J. Licht's argument (1983,107-120) of biblical historicism (cf. also J. Barr,1961,passim,e.g.231) and J. Barr's warning against the excessive literary criticism (1992,138).  
2. M. Saebø (1992,136).  
3. T.R. Wright (1988,40ff.).  
4. See 1.2.2. for the example of T.B. Dozeman (1989ab).



(ii) The next step we should take, therefore, is to determine to understand the literary and cultural value and the life view of the ancient oriental text's own terms before judging its value and life view. When we look at the ANET we tend to use the analogies drawn from our own literature or outlook. However, to understand other texts it is necessary to relativize those analogies. Understanding of the literary value and life view of the ancient text should precede value judgements. In other words, we should cross the time and cultural gap between the modern text and the ANET in order to understand its *otherness*. If we read the ANET with the intention of understanding the otherness, we appreciate its own literary beauty and outlook.<sup>(5)</sup> Then in the ANET and the OT we find various literary genres and outlook of their own. And then we should try to elucidate small-scale literary techniques or theological themes in the text : this is more important than building at once a broad hermeneutics or universal grammar of literature which is easily alienated from the practical textual situation. Further, instead of analogies based on our own literatures and value systems, we have to use the analogy of the ANE literature and value system. This is especially relevant in the twentieth century when abundant materials of the ANET is excavated compared with the preceding centuries.<sup>(6)</sup> Given that thorough examination of ANET has to be done before undertaking comparative study, the uniqueness of the OT in its literature, theme and theology should not be relativized. Nevertheless, these materials of the ANET do offer better analogies than modern texts for the comparative study of the OT. This is because the gap between their culture and time and the OT is far less than that between the modern text and the OT.

## 1.2. Criticism of literary criticism

### 1.2.1. The old literary criticism and form criticism

We have seen the necessity of distinguishing the old literary criticism and the new literary criticism. The old literary criticism has been practised a long time since the Renaissance. And a new movement in the twentieth century, form criticism, shortly speaking, is in fact a historical explanation based on the old literary criticism. This literary

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5. The *otherness* of the ANE culture is vividly illustrated by some archaeological evidences. For instance the great winged bull at Khorsabad in the palace of King Sargon of Assyria has five legs in total (A.R. Millard, 1985, 19). This illustrates *the ANE realism* that the bull should have four legs when we look at from the side. A. Berlin (1983, 14, and further 88–113), followed by R.N. Whybray (1987, 80–84), explains aptly this phenomenon : 'But the legs of the lion should remind us that *representations of reality do not always correspond in every detail to reality*. This is less troublesome in art than in literature for we are conscious that art is representation, but we forgot that literature is, too.' A striking example of this *otherness* is the parallelism in the ANET and the OT. After the discussion of this feature by R. Lowth (*Lectures on the Sacred Poetry of the Hebrews* in 1741) its epistemological lesson has not been considered seriously until recently (e.g. J.L. Kugel, 1981). Parallelism in the ANET or the OT is a kind of repetition of one thought. But repetition is valueless or even absurd in the point of view of western poetry, because in a poem language should be used in a condensed form or economically. However, we cannot explain the poetry of the ANET and the OT without parallelism.

6. It is undeniable that major study of the old literary criticism was done without enough knowledge of the ANE literature which shares the same literary milieu as the OT.



criticism, inspired by an ideology of western literature, *the Renaissance*<sup>(7)</sup>, judges the literature of other cultures and different times according to its own frames of reference. For example source division is prompted by the effort to find a literarily meaningful small unit within these frames of reference. The further development of this criticism aims to trace the history of the mixing of hypothetical sources to create the present text. This has developed into form criticism and redaction criticism.<sup>(8)</sup> However, the sources themselves and the criteria for source division have been seriously questioned recently.<sup>(9)</sup> This questioning is at least justified in the sense that it relativizes the commentator's frame of reference about literature and culture. The criteria which were invented to divide sources are essentially arbitrary to justify this western literary point of view.

It is possible to judge this trend of study of the OT by the movement of western literature in general. It is well-known that modernism has had a profound effect on western literature after the Renaissance. Traditionally western literature was oriented

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7. For instance J. Frank (1968,7f.) aptly explains this point : 'The conception of aesthetic form inherited by the eighteenth century from the Renaissance was purely external. Greek and Roman literature – or what was known of it – was presumed to have reached perfection, and later writers could do little better than imitate its example. A horde of commentators and critics had deduced certain rules from the classical masterpieces (rules like the Aristotelian unities, of which Aristotle had never heard), and modern writers were warned to obey these rules if they wished to appeal to a cultivated public. Gradually, these rules became an immutable mold into which the material of a literary work had to be poured: the form of a work was nothing but the technical arrangement dictated by the rules.'
  8. R. Polzin (1980,13f.) aptly points out the main weakness of form criticism, for example of G.von Rad : 'The plausibility of such a separation rests (separation of the Sinai tradition and the settlement tradition) almost completely on his ability to order diachronically the various reflexes of the historical creeds he claimed to have found in Deuteronomy 6 and 26, Joshua 24, and elsewhere in the Bible – But to prove his point von Rad appeals to that ubiquitous guideline "the shorter a genre representative is, the older it probably is" – "weak and inadequate diachronic guideline".' R.W.L. Moberly (1983,33f.) points out similar weakness in G.von Rad's form-critical treatment of Ex 32–34. Recently D. Patrick and A. Scult (1990,11) criticize also different aspects of form criticism. A. Berlin (1983,124f.) with J. Licht suggests another example of the cycle of stories about Abraham. Further, according to redaction criticism the present text is the outcome of redactional negotiations and compromises of various theological stances during several periods. In this case the present text as a whole is considered as a theological mosaic where complex small sections made by different previous authors exhibit their own distinguished styles and colours. Here there is no space to consider the hand of one author.
  9. For instance D.J. McCarthy (1978,264) mentions this point with an example of Ex 24:1–11 : 'Neither do style or content within the pericope indicate any special affinity to J or E. It seems to me that the assigning of passages like these to documentary sources is largely due to a feeling that every pericope must have a documentary home, and if the pericope is old enough the home must be J or E, if later, D.' R.W.L. Moberly (1983, 33f) also explains this point with Ex 32–34 : 'A further difficult issue concerns the way in which theological coherence in the final text bears upon the possible discernment of sources. Since theological disunity has frequently been cited as evidence for literary disunity, the converse can hardly be objected to. But how will this work in practice ? – The fact that one writer may make two seemingly incompatible statements in attempting to express a paradoxical theological truth raises two problems. The first is that one may simply fail to recognize that a paradox is being elaborated – In the exegesis it is argued that we have here (Ex 33:11 / 33:20) a typical theological paradox straining to express the possibilities and limitations in man's approach to God. The one complements the other. To argue, therefore, that these reflect conflicting conceptions of man's approach to God and so belong to different sources would be a misunderstanding, or at least a gross oversimplification.' And further (1983,23) he mentions : 'Such reconstruction of sources is therefore entirely dependent upon unevennesses and difficulties in the present text – doublets, contradictions, anachronisms, variant linguistic usages, divergent theological emphases, etc. The problem obviously is to determine what constitutes a genuine unevenness.' Therefore, another method used often by this literary criticism, that one theological term or phrase reveals one theological concern, cannot stand. Terminology cannot be an absolute criterion for discerning source. And the meaning of one word could not always be the same. The context should judge the content of that word. J.B. Segal (1963,72f.,201ff.esp.92) rightly puts about this point : 'Technical terms are not the special stock-in-trade of individual sources; they are employed as the context requires.'



strongly by the concept of time. In other words facts and events should be explained according to the flow of time, chronologically. However, in modernistic literature<sup>(10)</sup> the flow of time is slowed down or multiple facets of one complex event happen in a short time span.<sup>(11)</sup> It departs from pure temporality and from pure causal/temporal sequence.<sup>(12)</sup> Furthermore, there are repetitions of the same event. The units of the narrative must be seen as juxtaposed in space, not unrolling in time.<sup>(13)</sup> What is more, time can be eliminated from narrative (or at least severely attenuated) by the use of a very brief time span for a whole narrative. This technique is called *the spatial form theory*. Multiple narrative lines exist at about the same time span so that the novel is built as segments of an *orange* are united into the core.<sup>(14)</sup> The painting of an impressionist gives another illustration. The impressionist painters juxtapose pure tones on the canvas, instead of mixing them on the palette, in order to leave the blending of colours to the eye of the spectator.<sup>(15)</sup> Just like the painting of impressionist the novel of modernist consists of various seemingly unrelated facets of one event. If the claim of the modernists is right that this kind of literature is not just the outcome of modern western literary history but can be found in the entire history of literature<sup>(16)</sup>, modernist literature, together with recent literary criticism initiated by structuralism and Russian formalism<sup>(17)</sup>, offers a revolutionary critique of OT scholarship which has long been dominated by the western concept of literature after the Renaissance. Even if recent literary critics judge that modernism is merely a kind of experimental revolution and now it is not significant any more, the lesson of modernism to the literature in general is significant for OT study, because it shows that the literary point of view inherited from the Renaissance is not absolute and has at least to be relativized, especially when we look at other literature.

Since the old literary criticism concentrates on finding the minimal coherent literary unit, it naturally becomes *analytical*. The result is, therefore, that it lacks the *synthetic* aspect. And since this criticism tries to grasp the previous stage(s) of a literary work, the present text usually looks meaningless or like a mixture of incompatible theological interest(s). Although redaction criticism as a further application of the old

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10. For instance the works of James Joyce (*Ulysses* see the study about this work of A. Daghistany and J.J. Johnson, 1981, 48–60 and cf. W.Y. Tindall, 1968), Marcel Proust (*A la recherche du temps perdu* see the detailed study about this work of G. Genette, 1980).

11. D. Mickelsen (1981, 76f.).

12. J.R. Smitten (1981, 20).

13. J.R. Smitten (1981, 19). It is a common difficulty of all literary work to describe multiple facets of an event properly, because literature like music expresses the idea linearly compared with painting which expresses all aspects at once. In a sense modernism can be considered as an effort to overcome this limit of literature.

14. D. Mickelsen (1981, 65) translates R. Grimm (1962, 468): 'The novel is ... built like an orange. An orange consists of numerous segments, the individual pieces of fruit, the slices, all alike, all next to one another [nebeneinander – Lessing's term], of equal value ... but they all tend not outward, into space, they tend toward the middle, toward the white, tough stem. ... This tough stem is the Phenotype, the existential – nothing but it, only it; there is no other relationship between parts.'

15. J. Frank (1968, 25).

16. J.R. Smitten (1981, 34). For instance D. Mickelsen (1981, 63–78, esp. 74ff.) analyses the novel of the second century writer Apuleius, *The Golden Ass* according to the spatial form theory.

17. J.R. Smitten (1981, 33).



literary criticism tries to salvage the meaning of the final text which has been obscured by positing several sources, the result is usually disappointing. Conflicting theological interest(s) are not adequately explained in the end. How the present text in its totality can be meaningful is not properly explained by this criticism. Although we cannot deny the possibility of the existence of earlier stages behind the present text, the starting point of exegesis is not in the hypothetical source analysis but in the understanding of the present text. And then we can go to find the previous stage of a text, if necessary and if possible. In general the old literary criticism and its application go in the wrong direction, from the investigation of the origin to that of the present text. However, before knowing the present text as a whole thoroughly we cannot go into an analysis of the historical aspect of the text. It is impossible to know the historical aspect of the text, the development of the text, before we study the present text as a whole. The direct result of this analytical attitude is the neglect of the present (literary) work as a whole. This is because there is no way of explaining the historical relationship between passages within a literary work unless the author leaves a hint about it.

This point leads us to consider another related aspect of this : the old literary criticism is strongly oriented by *historical concern*.<sup>(18)</sup> History as it really happened is the goal of knowledge. Therefore, history writing should be absolutely objective and this absolutist understanding of history cannot regard *story-like history* as valuable historiography. And this *story-like history* seems not to reach the objective standard of historical description after the Enlightenment. Firstly, the demand that biblical prose should write history by western standards is pointless. Although we acknowledge that biblical prose could be a kind of history, still its manner of describing history and the definition of history in the Bible may be quite different from western concept of history.<sup>(19)</sup> Secondly, it is true that nobody is totally free to describe history objectively. In order to reconstruct an objective history with the biblical narrative materials various so-called objective sources have been invented by source criticism, although the existence of those sources cannot be proved objectively. Because of these kinds of presupposition the real value of the OT prose text as it stands was usually underestimated. And therefore the literary aspect of the biblical narrative was of no concern. Even though people are accustomed to label source criticism as *the old(-fashioned) literary criticism*, its *literary* concern is mainly in the minor aspects (e.g. stylistic analysis) and the real research into the literary quality of the Hebrew narrative was not attempted seriously. Moreover, the literary concern of this

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18. For example B.S. Childs in his Exodus commentary (Ex,195f) points out the narrowness of the research oriented by historical concern and its neglect of the present text : 'The point has been frequently made throughout this commentary regarding the need to deal seriously with the final form of the text. The emphasis on the prior history of the biblical text by means of source and form criticism has often resulted in *unwillingness and even inability to read the text in its present form*.'

19. See C. Westermann (1985,207-219), J. Licht (1983,107-120 : the importance of biblical historicism), and R.M. Schwartz (1991,36 : 'Biblical scholarship is preoccupied with history - not the same history that the Bible constructs, but a history that the Bible is expected to offer clues to - the political and religious history of the ancient Near East').



*old(-fashioned) literary criticism* was not self-justifying, but a method whose main object was to find the history (sources) of a text. Therefore, the depth of literary quality of the Hebrew prose, especially the literary meaning of a whole work was naturally neglected. Another reason for such neglect of literary quality is the dogmatic understanding of literature from the Renaissance to the 18th century.<sup>(20)</sup> OT scholarship, especially the historical critical method<sup>(21)</sup> which was influenced by this kind of dogmatic understanding of literature at that time, maintained the superiority of Greco-Roman literature, and did not allow room for understanding the quality of the Hebrew literature not only in the micro aspects of literature (for example repetition, reversing the chronological order of events, etc.) but also in the macro aspects (the literary character of a whole work).<sup>(22)</sup>

## 1.2.2. The new literary criticism and its application

One of the astonishing phenomena in recent OT scholarship is the positive assessment of a text as it stands. This is caused by the emphasis on a text itself by literary structuralism which insists that the deeper level of a text is independent from the author. Regardless of whether we accept the argument that there are two levels of text structure (e.g. *langue* and *parole*) or not, its impact on the OT scholarship is important for calling attention to a text as it stands. And because of this attention various literary techniques and stylistic features of the OT are revealed. However, in many cases its application to the OT study is superficial and the philosophical background of this criticism is not properly considered. Therefore, the application of the new literary criticism to the OT study seems to be still in its infancy.<sup>(23)</sup> For instance, the results of analysis using this criticism is usually weak because of its *subjectivity* and there seem to be other possibilities to explain the same text. And sometimes subjectivity increases because the *psychological* aspect of the event is important: the psychological movement in author's or actor's mind in a story, and its psychological effect on the reader / listener. It is very difficult to verify this kind of psychological dimension in literature. Further, if we follow the guidelines of literary structuralism, it emphasizes only the text but three other aspects of a literary work (*history, author, reader*) may easily be neglected.<sup>(24)</sup> However, the

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20. J. Frank (1968,7f.) points to the correctness of Lessing's revolution of the relative understanding of aesthetic form. A similar domination of the Greco-Roman tendency to narrative specification is pointed out by R. Alter (1981,129). Recently R.N. Whybray (1987,37) also suggests similar objection to the old-literary criticism applied to the pentateuchal studies: '...that the criteria of the Documentary Hypothesis were invalid because they were based on a mistaken application to ancient literature of modern western canons of consistency and order: and finally that the documentary critics, in splitting up narratives into small scraps to be assigned to the various documents, had insensitively destroyed their character as works of art.'

21. D. Patrick & A. Scult (1990,17): 'The critical scholar has been so thoroughly trained to look for seams and discrepancies that it is often difficult to make sense of a passage until it has been "deconstructed".'

22. For example works of authors like Joyce, Dostoevsky and Tolstoy (I. Vidan,1981,132) which have a very complicated structure would doubtlessly be considered meaningless by *the old(-fashioned) literary criticism*.

23. D. Robertson (1977,87).

24. See J. Barton (1984a,198-207; 1984b,19-35).



important contribution of this criticism, calling attention to the text, should be recognized. And the finding of various literary techniques in text can be utilized, because these techniques themselves are not inherent in this criticism but the outcome of its application, as we have mentioned.

Recently there is a tendency to harmonize the old literary criticism and the new literary criticism. It is argued that the combination of both is desirable because the old literary criticism is considered to be diachronic and the new literary criticism synchronic. However, we have to consider the following point seriously that the old literary criticism is not the only diachronic approach. Although we acknowledge it has a strong concern with the historical aspect of a text, it is based on a principle usually alien to the OT and the ANET, as we have seen in 1.2.1. Furthermore, the diachronic approach itself is not yet stabilized at the present stage of development of the OT study. Therefore it seems to be a fruitless expectation that the naive mixture of the two criticisms will give a satisfactory synthesis.

Here we introduce a very recent example of this synthesis which is related to ch. 2 of this thesis : T.B. Dozeman.<sup>(25)</sup> Firstly in the three chapters (chs. 2-4) of his book (1989a) T.B. Dozeman applies the traditional method of analysis to the Sinai pericope (Ex 19-24). Following source-critical analysis he divides the text (Ex 19-24) into three layers : the mountain of God tradition, the deuteronomistic tradition, and the priestly tradition. And then he reconstructs the history of three redactions. In the following two chapters (chs. 5-6) he tries to explain these multiple redactions by synthesizing three modern literary theories, the spatial form theory of modernistic literature, J.H. Miller's differentiation<sup>(26)</sup> of 'mimesis' and 'ungrounded doubling', and finally the canon criticism of I.L. Seeligmann<sup>(27)</sup>, B.S. Childs, and G.T. Sheppard<sup>(28)</sup>. Although in this thesis we cannot go through these approaches in detail, we want to point out several important methodological problems inherent in the endeavour of T.B. Dozeman.

Firstly we point out a general methodological problem of his thesis : he starts from the conventional diachronic conclusion of each section of the Sinai pericope (chs. 2-4), then tries to explain the present form of the text, the synchronic feature of the text. However, even though we accept that there is diachronic aspect in the text, we should start from the investigation of the present form of the text and then move to the diachronic study.

Secondly he does not re-examine whether the presuppositions, the methodologies, and the conclusions of the conventional diachronic approach are still valid. In particular *the otherness* of the OT is not considered seriously, and therefore he does not pay the necessary attention to the importance of the ANE materials.

Thirdly T.B. Dozeman misunderstands *the spatial form theory* of modernistic literature

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25. (1989a, 1989b).

26. (1982).

27. (1953,150-181).

28. (1982,21-33).



(for instance J. Joyce, V. Wolf, M. Proust, etc.). I cannot avoid the impression that he does not properly study modernistic literature itself and its position in the history of western literature. The revolutionary movement of modernism within the history of western literature<sup>(29)</sup> and more broadly within western culture<sup>(30)</sup> is not considered. He seems only to try to use one important technique of modernism, *the spatial form theory* to explain multiple redactions in biblical text. He finds some examples within the Sinai pericope (Ex 19-24) which can be analyzed by this theory : juxtaposition of multiple facets of an event. However, this phenomenon does not prove his argument that this is the result of multiple redactions. According to modernism, juxtaposition of multiple facets of an event does not show multiple redactions in a literary work<sup>(31)</sup>, rather it emphasizes the unity of a text composed by *an author*. According to modernism multiple facets of an event are described by discarding the time span and the chronological order of the facets, which is a revolution in the general concept of western literature after the Renaissance.

Fourthly repetition does not automatically prove that there are different layers or redactions. As far as J.H. Miller's theory is concerned, although it is an open question how far Miller's theory is applicable to the modern English literature, it is certain that we cannot apply the same modern theory of English literature to the ANE texts. Moreover, as in *the spatial form theory* it is not sure whether several repetitions, even if we followed Miller's theory, prove multiple redactions,<sup>(32)</sup> which is our concern for the OT study.

Therefore, we have great doubts about the validity of T.B. Dozeman's methodology of synthesis of various literary theories. These theories, if we accept the positive side of them, rather seem to illustrate the artistic value or success of *a text as it stands*, not directly to prove multiple redactions of a text.

### 1.3. Positive approach to the text.

The consequence of the previous studies (1.1. & 1.2.) is that it is necessary to approach a text as it stands positively. By positively we mean two things. Firstly we have to approach a text as it stands before we investigate its historical development. Diachronic investigation either of the old style (old literary criticism) or of the possible new style

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29. For example J.R. Smitten & A. Daghistany (1981).

30. For example W. Worringer (1963).

31. For example T.B. Dozeman (1989a,160) : 'Spatial form devices, as a means of linking the deuteronomic and priestly legislations, give rise to a whole series of ungrounded doublings in the canonical Sinai Complex...' If we follow Dozeman we should have found many redaction layers by different authors from a modernistic novel having inexplicable repetition and complexity (e.g. *Ulysses* by J. Joyce).

32. For example T.B. Dozeman (1989a,150f) identifies redaction as *mimesis* the terms of Miller.



should follow the study of a text as it stands.<sup>(33)</sup> Similarly R.W.L. Moberly<sup>(34)</sup> and V.P. Long<sup>(35)</sup> put this point accurately :

'A rigorous examination of the final text, treated in its own right as a literary and theological composition should methodologically precede any attempt to uncover the text's pre-history.'

Secondly, it is necessary to approach a text with the positive expectation that a text makes sense.<sup>(36)</sup> A particular biblical passage makes sense if it repeats compositional patterns already encountered in what precedes and it foreshadows perspectives that lie ahead.

These points are directly related to the importance of the present (or final) text. Sometimes commentators who are devoted to the historical study of a text feel it necessary to investigate the literary aspect of a text<sup>(37)</sup>, although it is not pointed out that source criticism upon which they depend for their historical study has its own literary presuppositions.<sup>(38)</sup>

The concern for the present text is directly related to a literary work in its totality.<sup>(39)</sup> For instance, as we shall see (2.1.2. & 2.11.2.), the Sinai pericope (Ex 19-24) itself does not stand independently but within a larger context. The event of the Sinai pericope is hinted at before Ex 19, and the content of the Sinai pericope demands that the Sinai pericope should be in the present position within a larger context. Although the main theme of Ex 19-24 is the covenant making between YHWH and Israel, there is a sub-topic in the Sinai pericope (Ex 19:9a,19b-24, 20:18ff.), the authority of Moses, which cannot be explained without consideration of a larger context (cf. Ex 4, 5:20ff., 14:31, Ex 34).

If we appreciate the present text as a whole, we become careful of the detailed literary

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33. R. Polzin (1980,16), depending on I. Soters (1970,96), insists as follows : 'It starts afresh with a preliminary literary analysis and attempts to work its way through the text without tackling the usual historical questions that have been the primary focus of previous analyses.'

34. (1983,24).

35. (1989,19).

36. R. Polzin (1980,17) : '... we are still responsible for making sense of the present text by assuming that the present text, in more cases than previously realized, does make sense.' This might be called *realistic narrative reading* of biblical stories which went into eclipse throughout two recent centuries (H.W. Frei, 1974,324). See also R.F. Thiemann (1987,30).

37. V.P. Long (1989,7) aptly cites the necessity which is felt by an important scholar of form criticism G.von Rad (1971,659) in his last years : 'Viele der monumentalen Monographien und Kommentare dieser Forschergeneration beschäftigen sich viel weniger mit dem Text, der Erzählung, wie sie dastand, als mit ihrer Entstehung, ihren literarischen, sagengeschichtliche oder mythologischen Vorstufen. ... es beunruhigte mich schon früh, daß bei dieser Art von Lesen und Lehren etwas nicht stimmte, solange die Bemühung fehlte, den Text nun auch ebenso präzise in seiner Letztgestalt und im Rahmen seines Kontextes zu verstehen.' See further G.von Rad (1938,1 = 1958,9 = 1966,1) and E.W. Nicholson (1977,423f.).

38. Further among old commentators A.C. Welsh (1932,24) points out correctly the failure of C. Steuernagel and others to realize the present structure of Dt. See also S. Crites (1987,99f.) and B.S. Childs (Ex,195f.).

39. G.von Rad (1971,659f.) : 'den Weg ... wieder zum Text in seiner Ganzheit zurückzufinden und vor allem das Sinngedäude der großen literarischen Komposition zu verstehen, in die der jeweilige Text ein Baustein ja auch nicht zufällig geraten war'. See T.E. Finch (1980,19) who points out that one of the weak points of form criticism is its failure to consider a literary work as a whole. Further he calls attention to the idea of E.H. Hirsch's 'intrinsic genre' which draws ultimately our attention to a literary work on the whole. E.H. Hirsch (1967,86) defines 'intrinsic genre' as 'that sense of the whole by means of which an interpreter can correctly understand any part in the determinacy.' See also R.E. Friedman (1987,211).



techniques or stylistic features.<sup>(40)</sup> For instance the repeated report of the itinerary of Israel in Ex 19:1-2 (2.3.2.) is related to the importance of the event in Ex 19. The connection between Ex 19:3b-8 and Ex 19:9ff. is achieved through *transitional technique* (2.4.6.). And the connection between Ex 19:9a and Ex 19:19b-25 is made through *the prophecy - fulfilment scheme*. An enigmatic verse Ex 19:24 is in fact related to Ex 24:1 and Ex 24:9-11, and this phenomenon can be explained as *macroscopic - semi-microscopic - microscopic perspective* (2.7.1.2. & 2.11.2.). The *keywords* יִשְׂרָאֵל in שְׂבָעִים מִזְבְּחֵי יִשְׂרָאֵל (Ex 24:1,9) and אֶל־הָיִי יִשְׂרָאֵל (Ex 24:10), אֶצִּילִי בְּנֵי יִשְׂרָאֵל (Ex 24:11) indicate that the celebration for the established covenant relationship is the real concern of Ex 24:9-11 (2.13.2.2.(1)). These examples illustrate that it is necessary to pay attention to literary techniques and stylistic features within a text.

Furthermore, these literary techniques or stylistic features serve to convey the theological intention of the author. V.P. Long<sup>(41)</sup> correctly summarized this fact :

‘In short, an increased appreciation of the literary mechanisms of a text - *how* a story is told - often becomes the avenue of greater insight into the theological, religious and even historical significance of the text - *what* the story means.’

To neglect the art of the OT narrative may lead us to interpret the theme of a text totally differently. For instance Ex 19:16-19a is usually considered as theophany. However, our study reveals (2.6.2.) that it has a concentric (chiastic) structure where the meeting of the two parties of the covenant is the main theme. In this case the stylistic device serves very well to express the theological theme of the author.

#### 1.4. About the comparative study of two similar texts

It is well-known that both texts of this thesis, Ex 19:1-24:11 and Dt 4:45-28:69, are controversial : their textual unity, structure, and theme are hotly disputed. The contention of this thesis is that the subject matter of both texts is the same, the covenant making between God, YHWH, and his people, Israel. The first is the Sinai covenant and the second the Moab/Shechem covenant. The first is the initial covenant making at Sinai and the second is its renewal at Moab/Shechem.<sup>(42)</sup> All sections within each pericope are closely related to the main theme, the covenant making. Each section functions as a part of the

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40. D. Patrick & A. Scult (1990,16 : ‘... he (J. Muilenburg, TGS) revived style criticism under the conviction that close attention to the artistic devices of composition would lead the interpreter to the content of what the author had to say’).

41. He (1989,37-42) depends on R. Alter (1981,19 : ‘the fullest perception of the latter (theological, moral, or historiographical vision TGS) dependent on the fullest grasp of the former (literary art TGS)’). Further see R. Alter (1983,116-117 : ‘In its abundant narrative and poetic portions the OT uses manifestly literary means to serve chiefly religious – it might be more accurate to call them, covenantal – ends’).

42. See 3.6.5.5. about the reason that two places (Moab/Shechem) are necessary to renew the covenant.



covenant making (or renewal) process.

Each pericope will be dealt with independently without depending upon the argument of the other, the Sinai pericope in ch. 2 and the Moab pericope in ch. 3. Each chapter proves independently that the theme of each pericope is the covenant (making or renewal) between YHWH and Israel. If this thesis is correct, this tends to confirm that the conclusions about the theme and unity of each chapter are correct.

In ch. 4 we compare both pericopes in detail developing the conclusions of chs. 2 and 3. The main purpose of this investigation is to know the similarity and the difference between the two covenants so that we shall realize the degree of the continuity of the theme and the further development of the same theme. We shall compare the components within one text with other similar components in the other text. If the number of similar components increases, the degree of the connection between the two pericopes increases. In both pericopes the following rough comparative table can be suggested :

	Sinai covenant	Moab/Shechem covenant
1. the proposal	Ex 19:3-8	Dt 26:16-19
2. meeting of both parties	Ex 19:9-25	Dt 5:4-5
3. law-giving and its double procedure of direct speech and indirect speech		
3.1. decalogue (direct speech)	Ex 20:1-17	Dt 5:6-21
3.2. people's request	Ex 20:18-22	Dt 5:22-33
3.3. indirect speech	Ex 20:23-23:33	Dt 6:4-26:15
	(the Book of the Covenant)	(dt laws)
4. covenant ratification ritual	Ex 24:3-11	Dt 27:1-26
	(concealing, oath, writing, sacrifice, and meal)	

In this table we realize both pericopes are connected by six items. This means that the degree of connection of both pericopes is extremely high. It is difficult to find such an example elsewhere in the OT. This means the conclusion of one chapter (2 or 3) supports the validity of the conclusion of the other chapter (2 or 3).

Finally we want to look at the historical relationship between the two pericopes. Although this kind of investigation is tricky, we can start to find out the elements that are common in both texts as well as the new elements in every parallel texts. Therefore, the first task is to find out the differences and similarities, to describe them in detail, then to try to explain the reasons for them. Then we can decide whether the complex version is original and the simple version is the simplified version, or the complex version is a later elaboration of the simple version. We have to do this work section by section and in many cases this may be a matter of probability and the degree of probability varies in each section. Eventually all these comparisons may illustrate the probable historical relationship between the two texts.



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## CH 2 THE SINAI COVENANT

After studying the methodological issues in ch. 1 we now want to deal with the first of the two main texts, Ex 19:1-24:11. The term *the Sinai Covenant* does not appear in the OT. However, we use it as a convenient term to define the event reported in Ex 19:1-24:11, since this covenant took place at mount Sinai.<sup>(1)</sup>

### 2.1. The Scope of the Sinai pericope, and the Sinai pericope within the larger context

#### 2.1.1. The scope of the Sinai pericope

It is natural to call the text which describes the events which happened during Israel's stay in the mount or region of Sinai (Ex 19 - Num 10) *the Sinai pericope*.<sup>(2)</sup> However, the character of the event described in Ex 19:1-24:11 is quite different from that of other events in Ex 19 - Num 10 which are related to the establishment of the cult (e.g. building of the tabernacle, priestly system, offerings, etc.). And from Ex 19:1 there is a quite different style and content from the preceding pericope.<sup>(3)</sup> Therefore, we shall start our study from Ex 19:1. And then we close our study in 24:11, because, although the shift from 24:11 to 24:12 is not so clear as that between 18:27 and 19:1, in 24:11 the main covenant ratification ceremony is over<sup>(4)</sup> and from 24:12 we read a different story about the regulations of cultic institutions.<sup>(5)</sup> In other words, 19:1-24:11 forms a small unity within the larger context. This narrow pericope (Ex 19:1-24:11) stands in close parallel with the central pericope of Dt (Dt 4:45-28:69), with which we shall deal in ch. 3 of this thesis.

#### 2.1.2. The Sinai pericope (Ex 19:1-24:11) within the larger context.

The meaning of a section or pericope is found not only within the section or pericope

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1. But in Dt 28:69 we read a deuteronomic term indicating the same event of Ex 19:1-24:11, הַבְּרִית אֲשֶׁר-כָּרַת אִתְּם בְּחֹרֵב, which might be called as 'the Horeb covenant'. Since Dt prefers to use 'Horeb', it is quite natural to call the event in Ex 19:1-24:11 'the Sinai covenant', if that text describes not simply a theophany or God's law-giving but the covenant between YHWH and his people, Israel. Just as 'the Moab covenant', the shortened expression of the original one (הַבְּרִית אֲשֶׁר-צִוָּה יְהוָה אֶת-מֹשֶׁה (לְכַרֵּת אֶת-בְּנֵי יִשְׂרָאֵל בְּאֶרֶץ מוֹאָב)), is a convenient expression of the event in Dt 4:45-28:69, 'the Sinai covenant' is for that in Ex 19:1-24:11.
  2. B. Baentsch (Ex,169), W.H. Schmidt (1983,75).
  3. For instance the sudden introduction of well-organized repetition in 19:1-2, and God's unprecedented proposal of the covenant relationship to Israel in 19:3-8, etc. Most old and new commenatators agree that from 19:1 begins a new section (e.g. A. Knobel (Ex,181), G. Beer (Ex,96), and recently J. Schabert (Ex,79)).
  4. The fact that the official ratification is over and the Israelites should bear the responsibility of their action after this moment is clearly alluded to by the difference no-punishment for the sin before Ex 19 and punishment after Ex 24 (in Ex 32f). See 2121.
  5. There is a strong connection between 24:3-11 with 24:12ff., because as we shall see in 21111, 24:2 is *macroscopic* announcement or *prediction* for the next event which will occur from 24:12ff. However, it is beyond the scope of this thesis how the Sinai pericope (Ex 19:1-24:11) is related to Ex 24:12ff.



but also in its context especially when we read a literary work within a complex structure like the pentateuch. Therefore, it is worth studying the relationship between the Sinai pericope and the surrounding texts. It is not our concern to study detailed exegetical issues of these surrounding texts, but we want to find some distinctive features in the context of the Sinai pericope. There are four<sup>(6)</sup> :

(i) there is no divine punishment for the people's sin before Ex 19, but there is punishment after Ex 24 (e.g. Ex 32ff., Num 10ff.),

(ii) there are law-givings before Sinai,

(iii) the legal system is prepared before Ex 19,

(iv) culmination of all events in the Sinai event.

### 2.1.2.1. No punishment from God for the people's sin before Ex 19.

There are several texts before Ex 19 which describe Israel's sinful behaviour towards God (14:11f., 15:22-27, 16, 17:1-7, cf. 5:21, 6:9<sup>(7)</sup>). The astonishing features of these texts are (1) that sins accumulate steadily, (2) but there is no report of God's punishment.

(1) In all these texts we realize how the sins of the people are real. For this purpose the author highlights several issues :

(i) various typical words (לון ni. (15:22-27, 16:2,7, 17:3), לון hi. (16:2,7,7,8,8,9,9, 17:3)<sup>(8)</sup>, ריב qal. (17:2,2,7)<sup>(9)</sup>, נסה pi. (17:2,7)<sup>(10)</sup>) and an expression (וְלֹא שָׁמְעוּ אֶל-מֹשֶׁה (6:9), which describe that Israel's behaviour is sinful,

(ii) the people's fear of death (e.g. לָמוּת בְּמִקְרָא<sup>(11)</sup>) in spite of God's promise of life and salvation (14:11f., 16:3, 17:3, cf. 5:21<sup>(12)</sup>),

(iii) the people's total misunderstanding of the meaning of the exodus (14:11f., 16:3, 17:3, cf. 5:21)<sup>(13)</sup>,

6. In 13. we have seen the importance of the consideration of the context of a certain text. R.W.L. Moberly (1983,320).

7. F.C. Fensham (Ex,67), *pace* G.W. Coats (1968,255f.), rightly points out that from 5:21, 6:9 the murmuring motif is already visible.

8. The multiple accumulation of this *keyword* (verb or noun form) in Ex 16 (v.7,7,8,8,8,9,12) is impressive. In 16:8 the object of this 'murmuring' is not 'we' Moses and Aaron but God (כִּי עַל-יְהוָה).

9. This word means the legal dispute and in this case the dispute is against Moses. J. Begrich (1938,31 : 'die technische Bezeichnung der Verhandlung des Streites vor Gericht') and H.J. Boecker (1970,54,n.2 : 'die Prozeßführung als ganze'). See G.W. Coats (1968,57) and R.C. Culley (1976,84ff.) for the further study.

10. B.S. Childs (Ex,267) holds that 'to test God' does not necessarily mean the deuteronomic influence.

11. F.C. Fensham (Ex,67) calls it 'sarcasme'.

12. This is the *keyword* in Ex 5, cf. v. 3bb. Through the ironical use in two different situations (i.e. Moses's word to the Pharaoh in 5:3bb, people's word to Moses in 5:21) the sinful characteristic of the utterance becomes vivid.

13. R. Knierim (THAT,1,871) rightly comments on לון : 'Die Rebellion gründet in einer totalen Fehlinterpretation der Befreiungsgeschichte als Verderbensgeschichte und zielt auf ihre Rückgängigmachen ab.' Also K.-D. Schunck (TWAT,IV,530) : 'Daraus ergibt sich, daß Mose und Aaron sowie JHWH selbst nicht als Retter des Volkes, sondern als Bringer von Not und Verderben angesehen werden, wobei JHWH als der Gott der Gemeinde der Israeliten als der eigentliche Verursacher dieser Situation gilt und deshalb auch als der letzte Zielpunkt der Rebellion erscheint.'



(iv) failure to keep God's command (16:20,27f.).<sup>(14)</sup>

Further if all these texts are read consecutively, the sinful nature of the people appears to accumulate steadily, the more the exodus history goes on. In this respect 17:1-7, the last section reporting the people's sin before the Sinai event, especially reveals this fact clearly.<sup>(15)</sup>

(2) None of these texts mentions God punishing Israel for these sins. However, this does not mean that these actions are not sinful.<sup>(16)</sup> Furthermore, in none of these texts is there an expression of God's anger on account of these sins. For these sins God's anger is usually mentioned before proclaiming God's punishment.<sup>(17)</sup> For example in Ex 16 we read two aspects of keeping God's (or Moses') command: (i) not to keep manna left until the next morning (16:19), (ii) to rest and not to go out to pick up manna on the Sabbath (16:5,23-26), but Israel fails in both.<sup>(18)</sup> These phenomena in the texts before Ex 19 form a clear contrast with the opposite phenomena for Israel's sinful actions after Ex 24, after the covenant and law-giving at Sinai. For example in Ex 32, just after making the covenant and the law-giving, God punishes the people for breaking the second commandment. And similar results are found in Numbers. In Num 11:1-3 (Taberah), Num 11:4-35 (Kibroth Hattaavah), Num 13-14 and Num 20 we read of the punishments of God. And interestingly these texts explain sins somewhat similar to those in Ex 14:22-26; 16; 17.<sup>(19)</sup> This is a striking difference.<sup>(20)</sup> G.W. Coats<sup>(21)</sup>, seeing this phenomenon, attributes 'the incongruous picture of Jahweh alternating between aid and punishment' to the fact that these different responses represent two separate themes in the wilderness tradition. However, how two separate and even contradictory themes, could co-exist in the same

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14. Interestingly, this theme becomes incorporated with the theme of God's testing (נסה). In other words, when God tests the people, they fail. Further, the testing motif is significant throughout 15:22-17:7 (BS. Childs, Ex, 286).

15. Firstly the three major verbs (לון, ריב, נסה) describing the sin of the people are used in this section. Secondly the change from God's testing of the people (16:4) to the people's testing of God (17:1-7) is so dramatic that the reader / listener cannot fail to grasp the depth of the sinful nature of the people's behaviour. And thirdly the clause 'they are almost ready to stone me (Moses, TGS)' (17:4) shows also the seriousness of the challenge to the leadership chosen by God.

16. Various other books of the OT as well as our texts define these actions in the Israel's wilderness journey on the whole as sinful (e.g. Ps 78:17-25).

17. Num 11:1ff. is a typical example: (i) the sin of Israel (ויהי העם כמתאננים רע באוני יהוה), (ii) the anger of God (וישםע יהוה ויחר אפו), and (iii) the punishment of God (ותבער-כם אש יהוה). M. Vervenne (1987, 265-269, esp. 268) points out the element of God's judgement in 14:11-12. Interestingly, however, this judgement is towards Pharaoh but not towards Israel.

18. Therefore, U. Cassuto (1967, 186ff.) holds that Ex 16 chronologically comes after the law-giving at Sinai and even after the erection of the tabernacle, and that Ex 16 is in its present position because of the thematic similarity with 15:22-26, 17:1-7 (לון, נסה). However, there is no specific reason to put Ex 16 after the Sinai law-giving, because there are other sections which have similar characteristics (e.g. law-giving, people's sin, etc.) before Ex 19.

19. Many commentators point out this fact, e.g. J. Wellhausen (in W.H. Schmidt, 1983, 75), BS. Childs (Ex, 254: 'The presence of striking doublets (cf. Meribah, Ex 17//Num. 20; manna, Ex. 16//Num. 11) indicates that the present arrangement of the tradition reflects a complex history of traditional and literary development').

20. M. Noth (1948, 136, n351), R.C. Culley (1976, 86). Cf. BS. Childs' (Ex, 258ff.) pattern theory, which is not proper explanation for this case.

21. (1968, 16, 38, 93, 107-115). Also W. Brueggemann (1977, 28, 35) and R. Adamiak (1982, 9).



context of the wilderness journey is not explained. Should it be seen as a matter of God's character, i.e. sometimes God punishes sin but sometimes not. Borrowing R. Adamiak's expression<sup>(22)</sup>, do the erratic and unpredictable divine responses to the acts of disobedience, sometimes punishment but sometimes no punishment, rather constitute a system of divine terror? R. Adamiak, together with V. Fritz<sup>(23)</sup>, alludes to the importance of the Sinai covenant for this question: before the establishment of the Sinai covenant there is no punishment but after it full punishment. More interestingly, although a case law (i.e. the Sabbath law) was given before the Sinai law-giving and Israel failed to keep God's law, God did not punish Israel (16:27f.). In short, we read an important phenomenon, *although there is a law, there is no punishment*. In the present context at least, law-giving by itself does not automatically authorize punishment, which is quite different from ordinary case.

Therefore, we have to ponder the content of the text, standing between these texts which report these differences of God's reaction towards Israel's sin, the Sinai pericope (Ex 19:1-24:11).<sup>(24)</sup> The event in the Sinai pericope makes these differences and we have to interpret that this event is related to creating a certain official relationship between YHWH and Israel, which authorizes God's punishment for Israel's sin. In other words, through forming this official relationship the legal institution can function and again through this legal institution God can punish Israel legally. This relationship-making process in the present context is *the covenant at Sinai*. Without a (covenant) relationship, law although already existing, does not function, because the binding force of law ultimately derives from the establishment of relationship, and the conviction of sin in turn derives from the notion of law. Therefore, if there is no covenant, i.e. no relationship, no law can function, and consequently there is no sin and punishment proper. We suggest the following catch phrase altered slightly from the famous one of the Reformation:

No Covenant No Sin<sup>(25)</sup>

This means that the author is clear about the order of events: firstly comes the covenant-making and the law-giving at Sinai, and secondly punishment. In other words, only after the covenant is legitimately initiated, negotiated (19:3-6), accepted (19:7-8, 24:3,7), categorically conditioned by laws (20:1-17, 20:22-23:33), proclaimed, and finally ratified and celebrated (24:3-11)<sup>(26)</sup>, and then God may at last apply his laws to his people. The

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22. (1982,9).

23. (1970,67-70).

24. Very recently T. Dennis (1991,61-87, esp. 80ff.) also indicates this issue and the importance of the text (Ex 19-Num 11) standing between these texts. Although he realizes that the issue of this text (Ex 19-Num 11) is something to do with 'relationship making' between YHWH and Israel or 'torah', he does not suggest the specific feature of that relationship and the detailed exegesis.

25. Cf. *no law no sin* of the Romans (Οὐ δὲ οὐκ ἔστιν νόμος οὐδὲ παράβασις 4:15b) and the Reformation.

26. D. Patrick (1986,232: 'In announcing his law, Yahweh exercises the authority of lawgiver granted him by the covenant and binds his subjects to an actual order of justice and right. This proposition can be inferred from the order of passages in Exodus 19-24 :-').



examples above strongly support this interpretation of the undeniable relationship between law (also sin and punishment) and covenant.

### 2.1.2.2. law-giving before the Sinai event (ratification / case law)

There are three texts reporting God giving laws before giving the law at Sinai in Ex 19 (12:1-13:16<sup>(27)</sup>, 15:22-27 (25, חֵק וּמִשְׁפָּט)<sup>(28)</sup>, Ex 16). If we follow the conclusion of 2.1.2.1, the giving of these laws gives rise to some questions. Why are these laws given then? Should they have waited until the Sinai event? Since it is hard to explain the law-giving before there was a relationship between the law-giver God and the recipient of law, the people, what is their real function in the present context? We suggest the following points for these questions.

(i) The law in 15:22-27 seems to be a law for a specific case, although it is impossible to define the content of this law. Also two other laws in 12:1-13:16 and Ex 16 have the same character. In other words, they are individual legal decisions dealing with a particular problem (cf. 1 Sam 30:25, חֵק וּמִשְׁפָּט for a specific regulation). Between the exodus and the event at mount Sinai, two major events, related to the main issues of law, occur: the first Passover (Ex 12-13) and manna for the Sabbath day (Ex 16). The mixture of law-giving and narration of event in these two cases, together with Ex 15:22-27, is most probably not a deliberate invention but a result of natural need: a suitable law is given when a specific event demands. In a sense the giving of these laws may be considered as *ad-hoc* legal measure<sup>(29)</sup> before the coming of the major and legitimate law-giving in the ratification of the Sinai covenant. Therefore, these laws are always very specific and not as comprehensive as the laws given at Sinai. The ultimate authority of these laws is derived from the covenant relationship made between YHWH and Israel. In other words, these laws presuppose the covenant relationship which will be made in the near future. Theoretically these laws can be legitimized only by the ratification of the Sinai covenant.

(ii) The laws before Ex 19 are not pure law, but they are assimilated into the narrative context. In Ex 16 the regulation of gathering a portion of manna for one day is intermingled with the law of the Sabbath day. These two regulations are totally absorbed

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27. החֵקָה, תּוֹרַת יְהוָה, תּוֹרָה אֶחָת, חֻקֵּי הַפָּסֵחַ, חֻקֵּי הַדֶּבֶר הַזֶּה, חֻקֵּי עוֹלָם) 12:14,17; חֻקֵּי הַזֶּה 13:10; two phrases about the phylacteries 13:9,16.) These laws are given not directly by God but indirectly through the mediator Moses, and therefore this is similar to the indirect law-giving after the people's request in 20:19ff. However, it does not mean that 12:1-13:16 is misplaced from the place after Ex 20f., because before Ex 19 not only the law-giving but also all other correspondence between God and Israel are done through the mediator Moses. Therefore, the indirect law-giving in 12:1-13:16 has its own character compared with the law-giving in 20:22ff.

28. G. Liedke (1971,184) holds that this rare expression of law made by the singular words is given neither by God nor by Moses, but by man. However, this concept of law-giving is very strange in the OT. Rather these singular words seem to be related to the fact that the law is specifically for the event of Marah. Most probably the law in this event does not mean the comprehensive law, but the law applied to the concrete situation. See M. Fishbane (1985,91: 'many ancient codes regulate only matters as to which the law is dubious or in need of reform or both').

29. M. Fishbane (1985,98ff.), also in Lev 24:10-23, Num 9:6-14, 15:32-36, 27:1-11. And חֵק וּמִשְׁפָּט in 1 Sam 30:25 like in Ex 15:25 is used for a single legal measure.



into the narrative context. In Ex 12-13 we also read how the various detailed regulations of the Passover feast are systematically constructed in order to show the two perspectives in the present narrative context. This narrative context has given rise to this form of regulation.

### 2.1.2.3. Preparation of the legal system (18:13-27).

The present position of 18:13-27 in Ex clearly prepares for the official giving of the law by establishing the legal system.<sup>(30)</sup> Although in Num 11 we read a similar story, we cannot find there a legal dispute which causes a problem. The institution of the leaders (שֹׁטְרֵי) (Num 11:16) is already in place. They are not specifically concerned with legal issues and their task is not clear. On the contrary, Ex 18:13-27 clearly shows that the task (שֹׁטְרֵי) of leaders (שָׂרִי) is very obviously a legal one. It looks as though these two stories are positioned in parallel just before and after the Sinai event.<sup>(31)</sup> In Ex 18 Israel emerges as a community with a proper legal structure before she reaches the appointed place (הָרִי הָאֵלֹהִים).<sup>(32)</sup>

Without law there is no purpose in a legal system. The text itself also shows the reader / listener that the law which Moses should teach the people (18:20) must now exist. This logical demand, however, is not fulfilled by direct giving of law but first of all by making the official covenant relationship from which the Sinai laws draw the authority of execution. This legal system now waits to be set up through the ratification of the covenant between YHWH and Israel.

### 2.1.2.4. Culmination of all events in the Sinai event.

The culmination of all events in the Sinai event (covenant and law) is sometimes pointed out by commentators.<sup>(33)</sup> Very recently E. Blum<sup>(34)</sup> also hints at this issue :

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30. Commentators are aware of the problem about the position Ex 18 within Ex. Ibn Ezra and J. Lightfoot (in B.S. Childs (Ex,321)) suggest that Ex 18 is originally after the Sinai pericope because the laws (18:16, חֻקֵי הָאֵלֹהִים (תּוֹרַת־יְהוָה, חֻקֵי הָאֵלֹהִים) are not given yet to Moses. B. Baentsch (Ex,163) insists that this event was just before Israel's departure from Sinai. For M. Noth (1948,150) Ex 18 is an isolated chapter. See also E. Blum (1990,154 : 'Von 19,3ff. her gesehen hat ein Geschehen wie 18,13ff. davor eigentlich keinen Platz. Ähnlich widerständig bleibt das Kapitel gegenüber dem Vor-Kontext'). This kind of negative judgement for the present text, however, is usually the outcome of no consideration about the position of Ex 18 within the total structure of Ex. The connection between Ex 18 and Ex 3 is clear (E. Blum,1990,155f.). And Ex 3 is in many respects the starting point of the narrative of Ex, because of some keywords related to the future event between God and the people, הָרִי הָאֵלֹהִים חֲרִיבָה (3:1) and עֲבַר (3:12), זָכַח (3:18). Until the time of fulfilment of the objective in Ex 19 (i.e. the covenant between YHWH and Israel) all necessary aspects are arranged before Ex 19. And Ex 18, where we read the preparation of the legal system, is an important example.

31. J.I. Durham (Ex,240f.), T.L. Thompson (1989,150).

32. Study about the dating of this legal system (e.g. Chr. Brekelmans (1954,215-224), R. Knierim (1961,146-171), H. Reviv (1982,566-575)).

33. For instance J.I. Durham (Ex,228 : 'The narratives of Israel in the wilderness are thus a part of an accumulating preparation of the quite unbelievable story of Israel at Sinai').

34. (1990,145,n.184).







relationship between YHWH and Israel through offering.<sup>(39)</sup>

Together with the issues raised in 2.1.2.1, 2.1.2.2., 2.1.2.3. this point are the thorough preparation for the important event in Israel's history, the covenant at Sinai. Therefore, we draw the following conclusion : the further from the exodus, and the closer Israel approaches to Sinai, the more the necessity of the Sinai event is emphasized.

## 2.2. Introductory remark on the Sinai pericope (Ex 19-24).

In 2.1. we have dealt with the scope of the Sinai pericope and its place within the larger context in Ex. We have looked at the preparatory sections before Ex 19 for the Sinai event. We have come to the important conclusion that the connection between these preparatory pericopes and the Sinai pericope is not arbitrary, but a product of careful literary skill and of profound theological reflection. Therefore, without the Sinai event these preparatory pericopes would lose their meaning, because at Sinai the most important event happens for the new people of God, the forming of the covenant relationship between YHWH and Israel. Without this covenant relationship the law-giving before the Sinai event (e.g. Ex 12f., 16) is meaningless, and without this covenant we cannot explain the reason why there is no punishment at all for the sins of Israel before Sinai pericope and why, on the contrary, there is always punishment after the Sinai pericope.

However, this conclusion, articulated with a catch phrase *no covenant no sin*, is not the result of an internal investigation of the Sinai pericope (Ex 19:1-24:11) itself. This conclusion is logically demanded by the context. Therefore, our natural task now is to ask whether the Sinai pericope internally shows that the most important theme of this pericope is the establishment of the covenant relationship between YHWH and Israel.

Our investigation of the main body of the Sinai pericope focuses on the narrative structure, and the definition and the function of several sections or units within the Sinai pericope (i.e. the definition of the covenant relationship in 19:3-8, the so-called theophany in 19:9ff., two kinds of law-givings (the decalogue and the Book of the Covenant), and the covenant ceremony in 24:3-8,9-11 (see 2.14.)).

Our main objective in this chapter is to find out how diverse sections within the Sinai pericope function to constitute a single unified theme. Why does the author arrange all

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39. 3:12 and 5:1 is particularly interesting. In 3:12 we read God's promise to Moses. A special event, which is alluded to by the words *וּזְבַח* and *וּמִנְחָה*, will happen 'on this mountain' (*עַל הַהָר הַזֶּה*), *וַיֹּאמֶר יְהוָה אֵלֶיךָ מִן הַהָר הַזֶּה* (3:1). Therefore, we expect a certain kind of worship to be performed in Ex 19ff. And in 5:1 we read the clear definition of God as 'YHWH, the God of Israel' (*יְהוָה אֱלֹהֵי יִשְׂרָאֵל*) and Israel as 'God's people' (*עַמִּי*) and this reciprocal statement of the relationship strongly indicates that the event in Ex 19ff. (esp. 19:5-6) is for building of an official relationship. Further the feast in 5:1 and the 'offering' in other texts point to the festive event in the mountain and narrowly the covenant ceremony in 24:3-11.



these various texts or components together in successive sections and in his own specific manner within the present Sinai pericope ? How can we interpret the position of the initial section, 19:3-8, within the whole Sinai pericope ? And what is the function of the section, 19:9-25, which is usually defined as theophany, in the covenant context ? How do the proposal of covenant relationship (19:3-8), the theophany (19:9-25), the laws (20:1-17, 20:22-23:33), and the ceremony (24:1-11) function together in one pericope ? Summing up, the objective of this study is to discuss how far the author succeeds in uniting these various factors for a single theme within a single literary unit.

### 2.3. 19:1-2 (The introduction to the Sinai pericope : *the itinerary report*)

20:1 בַּחֹדֶשׁ הַשְּׁלִישִׁי לְיֵצֵאת בְּנֵי־יִשְׂרָאֵל מֵאֶרֶץ מִצְרָיִם בַּיּוֹם הַזֶּה בָּא מִדְּבָר סִינִי:  
 2 וַיִּסַּע מִדְּבָרִים וַיָּבֵא מִדְּבָר סִינִי וַיָּחַג בְּמִדְבָּר וַיִּחַדְּשֵׁם יִשְׂרָאֵל נֶגֶד הָהָר:

In this introductory section of the Sinai pericope there are two issues to be dealt with. One issue is how this small section connects the previous pericopes with the Sinai pericope, 19:3-24:11. And the other is what the inner unity of this short section is.

#### 2.3.1. The function of 19:1-2 as a connection between the previous pericopes and the following Sinai pericope.

We have seen in our study of the pericopes before Ex 19 (2.1.2.4.) that the author arranges the events to build towards the most important moment in Israel's history, the covenant between YHWH and Israel. We must now look at whether the two main pericopes in Exodus, the pericopes before and after Ex 19, are theologically connected with this initial passage of the Sinai pericope.

Although commentators usually assume that 19:1 is a continuation of the previous passage in the present text<sup>40</sup>, the continuation is recognized only at the level of the framework of itinerary report. However, there seems to be continuity at the deeper level. An important connecting point between the Sinai pericope and the previous ones is 'the mountain' (19:2 הָהָר). If 'the' mountain were totally new, we could ask why the author does not use a proper noun in place of a common noun with the definite article. Here the

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40. For instance W. Rudolph (1938,41), followed by G.te Stroete (Ex,141), insists that 19:1 (P) is the continuation of 17:1a. E. Zenger (1971,46,55), although he follows the idea about the priestly 'Rahmung' of Ex 19:1 with Num 10:11, assumes the connection of this section with Ex 18. However, B.D. Eerdmans (Ex,60f.), following the idea of J.J.P. Valeton (1907,76) that in the Sinai pericope there was no source but Thora, rejects the idea that 19:1-2 belongs to P.



definite article of הַהָר appears to have demonstrative force.<sup>(41)</sup> And the sudden introduction of 'the' mountain can only be explained by the author's assumption that his reader / listener understands fully what is the real meaning of this phrase, and that it indicates the mountain mentioned in the preceding pericopes.<sup>(42)</sup> Interestingly, from 3:1 (the first mention of הַר הָאֱלֹהִים חֲרֵבָה) to 19:1 there is no use of the short form (הָרָה). Just after 3:1 there are two notes about the mountain, 3:12 (הָרָה הַזֶּה) and 4:27 (הַר הָאֱלֹהִים). Before the Sinai pericope there is a similar description in 17:6 (חֲרֵב) and 18:5 (הַר הָאֱלֹהִים). These parallels increase the possibility that הָרָה in 19:2 refers to the previous word / phrase in 17:6 and 18:5.<sup>(43)</sup>

19:1-2 is also connected with the main body of the Sinai pericope, 19:3-8.

(i) Both are connected stylistically. As we shall see in 2.3.2, 19:1-2 is highly poetic.<sup>(44)</sup> And the fact that this poetic feature of 19:1-2 corresponds very well with the skilful parallelism in 19:3-8 supports indirectly the connection between 19:1-2 and 19:3-8.

(ii) Another support for the connection with 19:3ff. comes the repetition of itinerary report (by level [A] and level [B]) in 19:1-2 which we shall see in 2.3.2. This kind of repetition in the itinerary report cannot be found in Ex hitherto.

All these points show that the author wants to connect 19:1-2 and 19:3-8.

### 2.3.2. The structure of 19:1-2

In Ex four verbs are used to describe the itinerary from one place to another place from Ex 12 to Ex 19 (12:37, 13:20, 15:22f., 27, 16:1, 17:1, 19:1f.):

1.	נָסַע (+ מָן)	(folding up tent)
2.	יָצָא	(departure)
3.	בָּוא	(arrival)
4.	קָם (+ חֲנֹה)	(erecting tent). <sup>(45)</sup>

41. GK § 126-a,b.

42. A. Reichert (1972,112) wrongly holds that הָרָה indicates forwards הַר סִינַי in 19:12,18,20,23. Although both phrases mean the same mountain, the demonstrative meaning of הָרָה must be found in the previous passages.

43. Another point related to this is, as U. Cassuto (1967,62) rightly points out, that the reference to 'the desert' and 'the mountain' (19:1-2) forms a parallel with the opening verse (3:1) of the main part of Ex (Ex 3-40). Apparently there is no geographical gap for the author when he mentions 'the desert' and 'the mountain of God' together in 3:1. Likewise in 4:27 'the desert' and 'the mountain' are mentioned in parallel. See further about the meaning of אַחֲרָי (3:1) in BDB ('behind, after'), GMD (אַחֲרֵי הַמִּדְבָּר, 'über die Steppe hinaus'), A. Dillmann (Ex,24 : 'd.h. über die Wüste hinaus in die Gegend jenseits von ihr und kam endlich zum Horeb'), and J.I. Durham (Ex,28ff. : 'behind' Moses' customary routes). Then the geographical continuation from 17:6 (בְּחֲרֵבָה) through 18:5 (הַר הָאֱלֹהִים) to 19:1-2 (2 מִדְּבַר סִינַי) times, נָגַד הָרָה, בְּמִדְבָּר, is more plausible. The appearance of 'Horeb' in 17:6 and 'the mountain of God' in 18:5 are not arbitrary insertion. Further, J.-P. Sonnet (1989,326) holds that the phrase בְּנִי-יִשְׂרָאֵל in 19:1 is significant to signify the beginning of a new pericope as in 1:1. This feature corresponds with the parallelism 'the desert' and 'the mountain' in 19:2b, which incidentally always appear in this order. See further R.J. Clifford's argument (1972,109) about the name Sinai.

44. Although 19:3b-6 is usually regarded as poetic (e.g. Ehrlich (1,336), H. Greßmann (1913,180f.,n.3) and further see 2.4. about our study of 19:3-8), it is strange that the perfectly harmonized parallelism in 19:1-2 (by level A and level B) is not often pointed out.

45. We make the following observations about the use of these verbs :

(1) Each verb has a specific meaning. Although נָסַע (no.1) and יָצָא (no.2) are similar to each other for



In 19:1-2 we find all four verbs expressed in the two levels of journey report<sup>(46)</sup> :

level [A] (19:1)	level [B] (19:2)
1. יצא (inf.) + מ + Egypt (new moon)	1. נסע (י-ipf.) + מ + Rephidim
2. בוא (pf.) + Sinai desert (day)	2. בוא (י-ipf.) + Sinai desert
	3. חנה (י-ipf.) + ב + 'the desert'
	4. חנה (י-ipf. sg.) + נג + 'the mountain'

Syntactically, and according to the content there seems to be a clear dividing line between the level [A] and the level [B]. In other words, the verbal form of the level [A] is inf. + pf.<sup>(47)</sup>, but that of the level [B] is only י-ipf. Although there is still much dispute about the precise meaning of this syntactical difference between the level [A] and the level [B], this difference must support that there are the two levels of itinerary report.

We find another point which supports our division into the two levels : in the level [A] there is a phrase of time in each line, but in the level [B] there is no indication of time. Apparently in the level [B] the exact indication of the place is the issue, especially the eventual arrival at 'the mountain' mentioned in the last line as the objective of the description of 19:1-2. The level [A] has a wide range of concern with reporting the journey from Egypt to the Sinai desert. But the level [B] has a narrow perspective of reporting the journey from Rephidim (17:1) to the Sinai desert.

In terms of verbal form the two lines of 19:1 do not form a perfect parallel with each other (namely inf. in 19:1a + pf. in 19:1b). However, the content is balanced : the departure from Egypt and the arrival at the Sinai desert. A more detailed analysis, moreover, of the sentence structure of the level [A] (19:1) reveals its parallel feature obviously :

19:1a time (ב-phrase) + verb (inf. יצא) + place (מ-phrase)

19:1b time (ב-phrase) + verb (pf. בוא) + place (adv. acc.)

The level [A] (19:1) reports the total journey from Egypt, the beginning of the exodus, to the Sinai desert.<sup>(48)</sup> The virtual repetition of similar content by using two levels of report

expressing departure, they are not identical. נסע (no.1), which is accompanied with מ, has still the nuance of the original meaning, folding up a tent. But יצא (no.2) refers to the action of the people's movement from a place (or towards a certain direction).

(2) בוא (no.3) and חנה (no.4), referring to arrival, have a similar relationship to each other like נסע (no.1) and יצא (no.2). In other words, בוא (no.3) means the arrival as movement, but חנה (no.4), which is accompanied with ב means to erect tent and settle (temporarily).

(3) The order of these four verbs is never changed in all journey reports at least between Ex 12 to Ex 19. For instance we read the combination of נסע (no.1) + חנה (no.4) in 13:20, 17:1, 19:2, the combination of יצא (no.2) + בוא (no.3) in 15:22f., 19:1, and the combination of נסע (no.1) + בוא (no.3) in 16:1. And there is a case of the combination of בוא (no.3) + חנה (no.4) in 15:27.

(4) יצא is used for the departure from Egypt (12:41, 13:3,4, 16:1, 19:1) and for departure towards somewhere (15:22).

(5) The temporary settlement for resting in one place is expressed חנה (13:20, 15:27, 17:1, 19:2).

46. T.B. Dozeman (1989b,90f), without a clear reason, eliminates 19:2bb (our fourth line of level [B]) from this short section of itinerary report (19:1-2) and categorizes it as belonging to the next section (19:3-8). However, through this odd division not only the neat parallel structure of 19:1-2 is destroyed, but also the parallel structure in the next section (19:3) is disrupted : Moses going to God (19:3a) and God's calling from the mountain (19:3b). Cf. also Ch. Levin (1985a,184) who tries to make a diachronic differentiation.

47. This pf. form is used probably because of starting a new begin (J. Hofbauer,1932,480).

48. In 16:1,35 we find a similar interim report from the beginning of the exodus to the final goal of the journey, Canaan : 16:1 (time (ב-phrase) + verb (ipf. יצא) + place (מ-phrase, Egypt) / 16:35 (time (ב-phrase) + verb (inf. בוא) + place (ל-phrase, Canaan). Although these two verses in Ex 16 are not



(the level [A] in 19:1 and the level [B] in 19:2) seems to be intentional but not the result of careless juxtaposition of traditions.<sup>(49)</sup> An itinerary report usually consists of two clauses reporting departure from one place and the arrival at the next place. In 19:1-2, however, the report is three times longer than the normal itinerary report in Ex. This is an extraordinary amount, and it seems that the author wants to emphasize the importance of the event. This literary device of expanding the normal sentence threefold can be called *the spatial form technique*.<sup>(50)</sup> The main purpose of this technique is to create a realm where various complicated events happen because time is passing slowly. This device can be used not only in a small block of text but also in a larger section. As T.B. Dozeman indicates, many descriptions of the Sinai event in Ex 19-34 use this device.

We are now ready to study the first main section of the Sinai pericope, 19:3-8.

## 2.4. 19:3-8 (The preliminary negotiation of the covenant)

The main issues of this first main section of the Sinai pericope are as follows : (1) the connection of this section with the previous one (19:1-2), (2) the structure, the main content, the definition of this section, and the function of this section within the whole Sinai pericope, (3) the connection of this section with the following one (19:9ff).

### 2.4.1. The connection of 19:3-8 with 19:1-2.

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consecutive, the reports belong to the same context and they give a consistent report of the middle stage of the long journey. As we have pointed out, the fact that the phrases for time and place are found in the level [A], compared with the level [B], shows the balanced interest of the level [A] as journey report about time and place. On the other hand, the level [B] reports a short journey, that from Rephidim to the Sinai desert (עַם + בְּן + Rephidim) which follows the journey in 17:1 (חַנָּה + בְּן + Rephidim).

49. For example M. Noth (*ATD, Ex, 126 = OTL, Ex, 157*) about 19:2b : 'ein Bruchstück aus den einleitenden Sätzen einer der alten Quellen.' Commentators' source division of 19:1-2 is systematically analysed by A. Reichert (1972, 110f.). We find the following system of the itinerary report in 19:1-2 :

Firstly the line 1 (עַם (1-1pf.) + בְּן + Rephidim) in the level [B] clearly reminds the reader / listener the journey mentioned in 17:1. This is just like בַּחֲרִיב in 17:6, which is related to הָרַם הָאֱלֹהִים in 18:5 and הָרַם in 19:2. We have already pointed out in 2.1.2.4. that these words recall the full term which is in the very beginning of the exodus history in 3:1 (הָרַם הָאֱלֹהִים חַרְבָּה).

Secondly the line 2 of the level [B] (בֹּאִי (1-1pf.) + Sinai desert) precisely corresponds with the line 2 of the level [A] (בֹּאִי (pf.) + Sinai desert (day)) by two common factors : (i) בֹּאִי, (ii) Sinai desert without preposition).

Thirdly the line 3 of the level [B] (חַנָּה (1-1pf.) + בְּן + 'the desert') reports a more advanced step in the journey than the line 2, namely from the report of arrival (בֹּאִי) in the second line to erecting tent (חַנָּה) in the line 3. And 'the desert' reiterates the previous Sinai desert in the line 2.

Fourthly in the line 4 the action חַנָּה is repeated once again and expresses that the final goal of the journey towards 'the mountain' is achieved. According to the content the line 4 virtually repeats the line 3 because of two important common factors : verb (חַנָּה) + place (in the desert (line 3), עַם (line 4)). Important change ('the sons of Israel' to 'Israel') occurs in the line 4 and נָגַד is added to 'the mountain'.

50. T.B. Dozeman (1989a, passim; esp. 1989b, 89f.) seems to mistake the real meaning of this technique for the analysis of the Sinai pericope, when he insists that there are at least three layers of tradition in 19:1-8 : 19:1-2a (the priestly itinerary), 19:2b-3a (a pre-exilic tradition concerning of the mountain of God), and 19:3b-8 (a deuteronomic proposal of covenant). If we acknowledge in a (literary) work the existence of *the spatial form technique*, it means that the work is more plausibly the result of *one author* as we see in the writings of the modernists and on the other hand the possibility to have many layers of tradition diminishes. Or at least we may say that the the power of authorship rather than that of redactorship is



The first part of Ex 19 is usually divided between 19:3a and 19:3b.<sup>(51)</sup> And the connection between 19:1-2 and 19:3ff. is considered to be made by the priestly author. However, reasons for the combination of the two sections is not usually or poorly offered. Since we have shown the unity of 19:1-2, it is right to deal with 19:3a here which stands between 19:1-2 and 19:3b-8.

2.4.1.1. 19:3a. (וּמִשָּׁה עָלָה אֶל־הָאֱלֹהִים וַיִּקְרָא אֵלָיו יְהוָה מִן־הַר לֵאמֹר)

The sentence 19:3a, especially 19:3aa (וּמִשָּׁה עָלָה אֶל־הָאֱלֹהִים), can be explained in two ways : *grammatically* and *theologically*.

(1) *Grammatically* there are three interesting features.

Firstly the use of verbal form indicates the connection between 19:1-2 and 19:3b-8; the continued WAYYIQTOLs in 19:2 :

- 19:3a WAW-x-QATAL (וּמִשָּׁה עָלָה)
- 19:3b WAYYIQTOL (וַיִּקְרָא)

This WAW-x-QATAL (19:3a) makes 19:3a as a circumstantial clause according to F.I. Andersen.<sup>(52)</sup> He defines this clause as *an episode- (or paragraph-) level circumstantial clause* compared with the ordinary sentence-level circumstantial clause. Through this kind of circumstantial clause a new *dramatis persona*, Moses, is introduced.<sup>(53)</sup> In 19:1-2 the subject is Israel. but from 19:3a Moses appears as the subject. This is natural in the situation as Moses is the covenant mediator and is crucial for making the first covenant between God and Israel. The function of this kind of circumstantial clause is to serve as a formal marker of an episode boundary.

Secondly, however, if we consider Moses' action, his bold approach to the mountain of God without God's command or permission, we realize there is another grammatical aspect to be considered. J.J.P. Valeton<sup>(54)</sup> insists that this pf. (עָלָה) is the pluperfect, because the reader / listener is supposed to know the story already. In other words, for the reader / listener this action of Moses is not strange but has already been alluded to in the previous text. In favour of J.J.P. Valeton's view that עָלָה is pluperfect, Moses' bold climb to 'the mountain of God' is without any clear command of God (19:3aa) and God's moving to the next event (וַיִּקְרָא אֵלָיו יְהוָה מִן־הַר לֵאמֹר, 19:3ab) is without any criticism of Moses' bold action. Moses' action, as we shall see soon, is in fact not the outcome of his own initiative but the action already mentioned before Ex 19 (e.g. 3:1ff.). This view is

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stronger. See further 122.

51. B.S. Childs (*Ex*,360 : 19:3b-8 has 'a compositional integrity') and especially among commentators who postulate the deuteronomistic composition of 19:3b-8, e.g. J.P. Hyatt (*Ex*,200). See A. Reichert (1972,110-111) for categorization of commentator's source division.

52. (1974,79f.)

53. Compare Gen 3:1 (וַיִּגְחַשׁ הַיָּהוּ) where the *dramatis persona* is the snake.

54. (1907,78).



grammatically elaborated by A. Niccacci<sup>(55)</sup>, who understands WAW-x-QATAL as a *retrospective* pf. (pluperfect) among the three divisions of his linguistic perspective.<sup>(56)</sup> This retrospective WAW-x-QATAL (וּמַשָּׂה עָלָה 19:3aa) corresponds with WAYYIQTOL (וַיִּקְרָא 19:3ab) which is simple past or imperfect or which brings *degree zero information* (A. Niccacci's term).

Thirdly the normal clause we should expect in 19:3a is 'Moses went up *to the mountain*', but interestingly we read here 'Moses went up *to God*'. We have already seen in 2.1.2.4.(a) that הָרַר in 19:2 is supposed to be הָרַר הָאֱלֹהִים appeared in the previous text (18:5). Since this הָרַר is already mentioned in 19:2, and the present choice of word in 19:3aa (וּמַשָּׂה) (עָלָה אֶל-הָאֱלֹהִים) is not strange. Through this composition it becomes apparent that the purpose of Moses' going up is not just to climb the mountain but to meet God. Furthermore, this arrangement corresponds with the reuse of הָרַר (מִן-הָרַר) in 19:3ab after הָרַר in 19:2b. Through this structuring there is no redundant word from 19:2b, through 19:3aa and 19:3ab in regard to the mountain of God<sup>(57)</sup> :

19:2b	וַיַּחַדְשֵׁם יִשְׂרָאֵל נֶגֶד הָרַר	(הָרַר)
19:3aa	וּמַשָּׂה עָלָה אֶל-הָאֱלֹהִים	(אֶל-הָאֱלֹהִים)
19:3ab	וַיִּקְרָא אֵלָיו יְהוָה מִן-הָרַר	(הָרַר)

(2) There is a *theological* explanation for 19:3a. Hitherto Moses does not act independently without God's command or permission, but we read the exception in 19:3aa. 'Going up to God' in this verse is connected not only grammatically with the previous sentence in 19:2b as we have seen above, but also theologically with the previous statements from 3:1,12 onwards.<sup>(58)</sup> Moses' seemingly independent action in 19:3aa is not the result of his free initiative, but it is well prepared from the beginning of the history of the exodus.<sup>(59)</sup> The objective of the action is expressed with various phrases :

עָבַד + God	: 4:23, 7:16,26, 8:16, 9:1,13, 10:3,7-8,11,24-26;
לָבַח + ל + God	: 3:18, 5:3,8,17, 8:4,21-25;
לִי + חָגַג	: 5:1.

All these phrases are connected with the time of Israel's coming to 'the mountain'. Therefore, when Israel arrives at the intended place, Moses goes up into the mountain

55. (1990,20,passim).

56. Namely, (i) recovered information (pluperfect, WAW-x-QATAL) – (ii) degree zero (simple past, imperfect, WAYYIQTOL) – (iii) anticipated information (conditional, YIQTOL). However, it does not mean that we endorse the total theory of A. Niccacci as the principal grammatical rule without exception. We simply find in this verse one example of his system of explanation. This recent insight needs to be debated much rigorously in the future.

57. Pace R. Kraetzschmar (1896,73) and E. Zenger (1971,57). This fact corresponds with the poetic style of the whole passage of 19:1-8 (esp. about 3b-6 see J. Muilenberg, 1959,351-357). M. Buber (1958,101 : 'This message is a rhythmic utterance, in which once again almost every word stands in the place fixed for it by sound and sense').

58. In 2.1.2.4. we have seen how the previous texts are deeply connected with the Sinai event (3:1,13,18, 4:23, 5:1,3,8,17, 7:16,26, 8:4,16,21-25, 9:1,13, 10:3,7-8,11,24-26).

59. U. Cassuto (1967,225f).



without hesitation or without God's command.<sup>(60)</sup> The fact that 'the call of God' (19:3ab) is not mentioned before Moses' going up to the mountain (19:3aa) but after that action confirms this interpretation, because usually God's call precedes the action of his servant Moses.<sup>(61)</sup> Here **וַיִּקְרָא אֵלָיו יְהוָה מִן־הָרֶדֶד** in 19:3ab is a *summarizing* introduction of God's word to Moses in 19:3b-6. As we have seen, through the variation of **הָרֶדֶד** (19:2bb) -- **הָאֱלֹהִים** (19:3aa) -- **הָרֶדֶד** (19:3ab) the author succeeds in forming a literary continuity between 19:2 and 19:3.<sup>(62)</sup> Despite this continuity between 19:2b and 19:3aa there is also a certain degree of further development which is described by the reversed word order of the verbal clause in 19:3aa : the subject + the verb (pf.). Namely, from 19:3aa a new factor is introduced together with its continuity with 19:2b.<sup>(63)</sup> At the same time the reciprocal and continuous action between Moses and God is expressed by the neat sentence structure :

19:3aa	subject (Moses) + verb (pf.) + <b>אֵל</b>	+ <b>הָאֱלֹהִים</b>
19:3ab	verb (ipf.) + <b>אֵלָיו</b> (Moses) + subject ( <b>יְהוָה</b> ) <sup>(64)</sup>	

## 2.4.2. The structure of 19:3-8.

The literary (poetic) perfection of this section is well recognized.<sup>(65)</sup> Its literary beauty

60. M. Buber (1958,101) illustrates this fact vividly : 'And now, as Moses, unsummoned, like a messenger who comes [sic] to report to his lord the execution of a mission (to lead the people to the promised mountain TGS), ascends the mountain "to the God".' And see M. Goldberg (1985,120 : 'no chance encounter, but a prearranged rendezvous, where both the narrative and God's plan will meet their culmination').
61. Pace J. Wellhausen (1899,83), E. Auerbach (1953,163), and W. Beyerlin (1961,10 = 1965,6). Without considering the context carefully, commentators usually change the sentence order of 19:3a. See U. Cassuto (1967,226), R.R. Ellis (1988,22f.,n2).
62. N.B. the parallelism in the reciprocal action between Moses and God between 19:3aa ('Moses went up to God') and 19:3ab ('God called him from the mountain').
63. Brokelmann,43 : 'Die geringste Unterbrechung durch Änderung der Wortstellung führt zum Wiedereintritt des konstatierenden Perfekts...' The reversed sentence order happens not merely because of the change of the subjects (from the people in 19:2b to Moses in 19:3aa) but because of the new event which is now introduced.
64. If this formation of clauses is a deliberate one by the author, it is more probable that the changing of divine name here (**הָאֱלֹהִים** to **יְהוָה**) is a kind of stylistic device rather than a mixture of the different sources (cf. B. Baentsch, *Ex*,71-76; S.R. Driver, *Ex*,168; G. Beer, *Ex*,96-98; J.P. Hyatt, *Ex*,196f.). And also emendation of **יְהוָה** to **הָאֱלֹהִים** (two LXX versions, Peshitta, and MTs) is not necessary. This prompts us to look at a theological issue, the so-called God's dwelling on the mountain. C. Barth (1968,524,n12), following traditional source division of God's dwelling on the mountain (E) and God's coming to the mountain (J), points out that 19:3 together with 19:17 are the texts which show God living on the mountain. W. Rudolph (1938,42), appealing to LXX manuscript (textus Graecus originalis and codices minusculis scripti) and Peshitta, emends **יְהוָה** to **הָאֱלֹהִים**, because **יְהוָה** living on the mountain (**מִן־הָרֶדֶד**) does not suit the documentary hypothesis. Only a LXX manuscript (Codex Vaticanus) translates **מִן־הָרֶדֶד** into **ἐκ τοῦ ὄρους**. As in Ex 3, however, the text of 19:3a does not necessarily mean that God dwells on the mountain. God is there because he promised to meet his people on this mountain. Rather we have the following impression. Just as the ascent of Moses to the mountain can be best explained as the active participation of Moses, the call of God from the mountain is also the active participation of God for his promise and plan. These active participations illustrate that the author presupposes the knowledge of the reader / listener about the previous command repeated several times. Therefore, there is no theological difference between God's coming to (J) and dwelling on (E) the mountain in this text. This interpretation corresponds with the interesting phrase following in 19:4, **וַאֲנִי אָבִיאתְכֶם אֵלַי**. As we shall see in the exegesis of 19:4, the real meaning of this phrase ('brought to me') is God's leading Israel to the mountain of God, Horeb, which is hinted at several times in the previous passages (31, 4:27, 17:6, 18:5).
65. For instance J. Muilenburg (1959,351 : 'The composition of Exod. xix 3-6 is so closely woven and the structure so apparent that the excision of any line of verse actually mars its unity and destroys its literary character'), U. Cassuto (1967,223-230), F.M. Cross (1983,21f.), B.S. Childs (*Ex*,360 : 'indeed, the unit



cannot be found only at one or two points in some verses but throughout the whole section esp. in the total structure. Using J. Muilenburg's and H. Wildberger's<sup>66</sup> rather short analysis of this section we want to investigate it fully. The reason for the division and connection between words and phrases will be dealt with in 2.4.3.

Since there is a combination of direct speech and narration, we cannot find the parallelism in the purest form in every part of the section. However, we find here various levels of parallelism.<sup>67</sup> We propose the following analysis of the structure :

*The meeting of messenger with God : [A]*

[A] 3a Moses goes up to 'the' mountain and God's call

God's word to the people : [B] + ([C] + [D] + [E]) + [B']

\* *The introductory section* : [B]

[B] 3b the beginning formula of God's direct speech (וְכֹה אָמַר יְהוָה +)

[b1] תֹּאמַר לְבֵית יִשְׂרָאֵל

[b2] וְתֹנֵד לְבְנֵי יִשְׂרָאֵל

\* *The main content* : [C] + [D] + [E]

[C] 4 salvation process three stages : 'You (אַתֶּם) have seen'

[c1] 'what I have done to Egypt' (1st stage)

[c2] 'eagle's wing' (desert journey, 2nd stage)

[c3] 'I have brought you to me' (Sinai, 3rd stage)

[D] 5a the condition of covenant ('Now if' (וְעַתָּה אִם-))

[d1] שְׂמוֹעַ תִּשְׁמָע בְּקוֹלִי

[d2] וְשָׁמַרְתֶּם אֶת-בְּרִיתִי

[E] 5b-6a the promises of God (אַתֶּם, two structures of וְיָיִתְּ + לִי +)

5b [e1] מִכָּל-הָעַמִּים כִּי-לִי כָל-הָאָרֶץ + סָגְלָה

6a [e2] מִמְּלֶכֶת בְּהָגִים וְגוֹי קָדוֹשׁ

\* *The concluding section* : [B']

[B'] 6b the ending formula of God's direct speech

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is a remarkable example of poetic symmetry and artistic beauty'), and recently R.R. Ellis (1988,35 : 'an intricately formed poetic unit - a carefully designed structure and style'), J.C. de Moor (1990,164ff.).

66. J. Muilenburg (1959,352f.), H. Wildberger (1960,14-16). J. Muilenburg's analysis : 1. oracular opening (19:3b), 2. proclamation of the mighty acts (19:4), 3. the covenant condition (19:5-6). H. Wildberger's analysis is more accurate than that of J. Muilenburg : I. Die Einleitungsformel (19:3b), II. Die Vergegenwärtigung des Heilsgeschehens (19:4), III. Die Bedingung für die Gültigkeit der folgenden Zusage (19:5a), IV. Die Erwählungszusage (19:5b-6a), V. Die Verpflichtung des Volkes (19:8a). Further, L. Peritt (1969,167ff.) characterizes this section as 'Zuspruch und Anspruch', which is a rough definition of the two main contents of this section (God's word and people's answer).

67. Many commentators at least agree about the unity of the short section (19:3b-6b) reporting God's word. For instance A. Reichert (1972,137f.) insists that 19:3b and 19:6b form the 'Rahm' of God's word and there are in total four small sections : I. Auftrag, II. Rückblick, III. Bedingung, IV. Erwählungszusage. Meanwhile, the analyses of J.R. Farley (1960,24) and R.R. Ellis (1988,37) suggest the symmetrical cycle of this section : I (19:3b Introduction).[A], II (19:4 Heilsgeschichte).[B], III (19:5a covenant condition).[C], IV (19:5b-6a God's promise).[B'], V (19:6b Conclusion).[A']. However, the connection between [B] - [C] - [B'] seems to be unnatural, because the covenant condition in 19:5a [B] is closely related to God's promise as its result in 19:5b-6a [C].



אֵלֶּה הַדְּבָרִים אֲשֶׁר תְּדַבֵּר אֶל-בְּנֵי-יִשְׂרָאֵל

*The messenger meets the people and reports God's word : [A']*

[A'] 7 Moses' report of God's word to the elders

*People's word to God : [F]*

[F] 8a people's acceptance of the covenantal terms with their whole heart

*The messenger meets God and reports the people's word : [A"]*

[A"] 8b Moses' report of people's word to God.

The introductory formula ([B], 19:3b) is called as an 'oracular opening' by J. Muilenburg and this style is similar to the phraseology of the Mari royal texts, the Hittite treaties<sup>(68)</sup> and the prophetic literature.<sup>(69)</sup> It seems to be the typical speech of royal discourse which is spoken by the authority to the messenger.<sup>(70)</sup>

Through its structure the main content of this section ([C],[D],[E]) is emphasized naturally by its position in the centre.<sup>(71)</sup> The main content of God's word consists of the three components : 'proclamation of the mighty acts' [C], 'the covenant condition' [D] (these two are the terms of J. Muilenburg), and 'the covenant promise' [E]. All these components are easily found in the ANE treaties. These three components are vital to the correct definition of this section which we shall deal with in 2.4.4.2. Within the main part 19:5a-6a ([D] + [E]) shows the highly poetic style deployed with great skill. This is well recognized by nearly every commentator.<sup>(72)</sup> And the connection between the first section [A] and the last section [A"] by using the same word (לְאָמַר in 19:3b and וַיֹּאמֶר in 19:8) is visible<sup>(73)</sup>

## 2.4.3. The content of 19:3b-8

### 2.4.3.1. 19:4<sup>(74)</sup>

68. J. Muilenburg (1959,354,nos1-2) for the literature.

69. E. König (1902,63ff.), cited by J. Muilenburg (1959,351), characterized this section as 'die durchherrschende Dominante aller alttestamentlichen Weissagungen'. Similar opinions by S. Mowinkel (1927,128) and A. Reichert (1972,138).

70. J.R. Rolland (1960,24), D. Patrick (1977,147), and R.R. Ellis (1988,36) hold that this section serves as a solemn introduction to the pericope.

71. R.R. Ellis (1988,37).

72. For example J. Muilenburg (1959,351ff.), A. Reichert (1972,125 : 'Durch Inversion und Chiasmus der Verbformen ist eine sehr kunstvolle zunächst rein formal Steigerung erreicht. Ihr entspricht eine inhaltliche Steigerung der Aussagen und tragenden Begriffe').

73. D.J. McCarthy (1978,272 : '...trying the whole passage together with a formal marker reinforcing the logical unity of the sequence').

74. The perfect parallelism of 19:3b is undeniable (19:3ba (כִּי תֹאמַר לְבֵית יַעֲקֹב) / 19:3bb (וַתֵּיָד לְבָנֵי יִשְׂרָאֵל)) and this corresponds with the two reports of Moses to God in 19:8b and 19:9b :

19:3ba אָמַר / 19:3bb נָגַד hi. (JHWH's word to the people through Moses)

19:8b שָׁב / 19:9b נָגַד hi. (Moses to JHWH)

Interestingly enough, the fact that both 19:8b and 19:9b according to their content are in parallel with each other emphasizes the correspondence between 19:3ba / 3bb and 19:8b / 9b. :

19:8b וַיֵּשֶׁב מֹשֶׁה אֶת-דְּבַר הָעַם אֶל-יְהוָה

19:9b וַיֹּגֵד מֹשֶׁה אֶת-דְּבַר הָעַם אֶל-יְהוָה

In other words, 19:8b and 19:9b function not only to connect two sections of their own characteristics within the whole program of the Sinai pericope, but also both together as Moses' word to God correspond to the parallelism at the beginning of God's word to the people (19:3b).



The structure of this verse can be analysed as follows :

*the main clause :*

19:4aa אַתֶּם רְאִיתֶם ('you have seen with your own eyes')

*the sub-clauses expressed with אֲשֶׁר :*

19:4ab עָשִׂיתִי לְמִצְרַיִם ('what I have done in Egypt')

19:4ba וְאֵשָׂא אֶתְכֶם עַל־כַּנְּפֵי נְשָׁרִים ('how I carried you on eagle's wings')

19:4bb וְאָבִא אֶתְכֶם אֵלַי ('and I brought you to myself')

In the main clause, אַתֶּם רְאִיתֶם (cf. Dt 1:19,31, 4:9, 10:21, Josh 23:3), the subject (אַתֶּם) is emphasized.<sup>(75)</sup> In this manner Israel's direct experience of God's power, exercised to the Egyptians, and God's love, expressed toward Israelites, is visualized in God's word.

After the main clause in 19:4aa the three sub-clauses (19:4ab, ba, bb) are introduced with אֲשֶׁר. The first two of these sub-clauses explain what God has done to two different objects, Egypt and Israel. The best understanding seems to be that these two sub-clauses explain God's successive action, firstly destruction of Egypt and secondly salvation for Israel.<sup>(76)</sup> In conjunction with this interpretation, the third clause (19:4bb) is best understood as God's next action, to bring Israel to the mountain of God, which is long expected.<sup>(77)</sup> 'To me' (אֵלַי) in 'I have brought you up to me' (וְאָבִא אֶתְכֶם אֵלַי) corresponds with Israel's coming to the mountain of God in 19:1-3a. This seems to be significant for understanding the theological intention of this section. The strong connection between God and mount Sinai is obviously revealed. This phrase corresponds with the preceding

75. Therefore, this clause may be translated into 'you yourselves have seen' or 'you have seen with your own eyes'. We find the same emphatic pronoun (אַתֶּם) at the end of God's proposal in 19:6a, through which the beginning and the end of God's proposal are marked clearly (see. J.K. Kuntz, 1967,77).

76. In other words, the first sub-clause (19:4ab) refers to God's punishment of Egypt and the second sub-clause (19:4ba) is about God's subsequent saving action for Israel through the Red Sea and on the desert journey.

77. These three stages in 19:4 are often pointed by many commentators. For example A. Knobel (*Ex*,192 : the order is 'Ägypt - Wüste - seine Wohnsitz'), followed by A. Dillmann (*Ex*,195). Or at least two stages (Egypt for the first sub-clause, Sinai for the third sub-clause) are acknowledged (eg. G. Beer, *Ex*,97; B.S. Childs, *Ex*,367). A. Reichert (1972,138) makes somewhat mechanical bicola division through 19:3b to 6a : I (3ba / 3bb), II (אַתֶּם רְאִיתֶם אֲשֶׁר עָשִׂיתִי לְמִצְרַיִם / וְאֵשָׂא אֶתְכֶם עַל־כַּנְּפֵי נְשָׁרִים וְאָבִא אֶתְכֶם אֵלַי), III (5aa / 5ab), IV (5b / 6a). In the section II (19:4), however, we should firstly consider its content which tells the three stages of the salvation history. This kind of tricola is not strange in prose as well as in poetry. If so, the meaning of an unusual phrase of 19:4bb (וְאָבִא אֶתְכֶם אֵלַי) becomes clear : 'Now I, YHWH, have led you, Israel, to the place where you will be my possession'. In Dt בוא hi. is constantly used to mean 'to bring to the promised land' (Dt 4:38, 6:10,23, 7:1, 8:7,9,4,28, 11:29, 26:9, 30:5, 31:20f). A. Reichert (1972,125) holds that this is a more important word than 'eagle', a word of the pre-deuteronomistic tradition. However, בוא hi. in 19:4 cannot mean 'to bring to the promised place' but 'to bring to mount Sinai'. Then it is more plausible that Dt uses the phraseology of 19:4 rather than the opposite. A. Dillmann (*Ex*,195), following A. Knobel and H. Ewald, comments 'וְאָבִא אֶתְכֶם אֵלַי : - sicher zu meinem Wohnsitz, meinem Heiligtum'. However, 'Wohnsitz' and 'Heiligtum' seem to be a little superfluous in the present context and give a false impression to support documentary hypothesis of E. As we have seen in 19:3, the text emendation (יְדוּהָ to אֱלֹהִים) is not necessary in order to prove this section belongs to E. And further G. Beer (*Ex*,97 : '... daß er das Volk aus Ägypten rettete und, wie ein Adler seine Jungen auf den Flügeln tragend, es sicher bis zum Sinai gebracht hat'), W.H. Gispen (*KV,Ex*,11,53), M. Noth (*ATD,Ex*,126 = *OTL,Ex*,157), and B.S. Childs (*Ex*,367 : the picture is of God's bringing his people to Sinai).



mention of the mountain in Ex, as we have already seen (הַר הָאֱלֹהִים חֲרֵבָה) (3:1), 4:27 (הַר הָאֱלֹהִים), 17:6 (חֲרֵב), 18:5 (הַר הָאֱלֹהִים), 19:2 (הַרְדֵּר)). And the text gives us the impression that God is now waiting for this moment and this event.

The whole of 19:4 presents an imagery of an owner who recovers his possession from the robber and brings it to a safe place for a special purpose.<sup>(78)</sup> The short but concentrated clause of 19:4bb illustrates vividly the event soon to follow.<sup>(79)</sup> The *possession* concept in אֶלַי of 19:4 is more clearly explained in the first of the three promises in 19:5b, כְּגִלָּה. Therefore the third sub-clause 19:4bb ('brought to me') may be considered as the summary of Israel's arrival at 'the mountain of God'.<sup>(80)</sup>

There is a significant corollary of this interpretation for the understanding of the whole structure of Ex. If 19:4 is an integral part of 19:3b-8, the author views the (salvation) history as clearly progressing from the farthest history (plague in Egypt) to the present situation.<sup>(81)</sup> The same concern with past history is found in the pericopes before the Sinai pericope although they look forwards the future. Not only in Ex 15-18 but also in Ex 3-14 there is an expectation of the greatest event in the history of Israel, the Sinai covenant, and this expectation is summarized by the catch phrase 'no covenant, no sin and punishment'.<sup>(82)</sup> In other words, the pericopes before Sinai event eagerly look forward to the future covenant at Sinai, and at Sinai (19:3b-8) the author recalls the past events.

#### 2.4.3.2. 19:5a<sup>(83)</sup> (וְעַתָּה אִם־שָׁמוֹעַ תִּשְׁמָעוּ בְּקוֹלִי וְשָׁמַרְתֶּם אֶת־בְּרִיתִי)

וְעַתָּה marks the conclusion of the former historical introductory passage, 19:3b-4 (cf. Jos 24:14, 1 Sam 12:13).<sup>(84)</sup> The next word, בְּרִית, is a *keyword* in the Sinai pericope (19:5, 23:32, 24:7,8). L. Perlitt<sup>(85)</sup> holds this word in 19:5 'nicht als Beschreibung des Gottesverhältnisses (die erfolgt in v. 5b. 6 !), sondern als eine auferlegte Verpflichtung, die eben die Bedingung

78. M. Buber (1958,102) gives a vivid illustration about the imagery of כְּגִלָּה וְנִשְׁרָיִם. Concludingly, he finds here 'election, deliverance, and education; all in one.'

79. Cf. E. Blum (1990,47,n.10 : 'Bildet der Vorgang nach 19,4 nicht geradezu den Gedanken der 'Erwählung aus den Völkern' in concreto ab ?).

80. This understanding coheres with our interpretation of הַרְדֵּר in 19:2b,3a. הַרְדֵּר (with the article הַ) recalls the previous promise of God that in this mountain Israel will perform something special for the relationship with God.

81. J.M. Myers (1975,15) suggests this salvation history is similar to the Hittite king's (Suppiluliumas) saving act of the Niqmadu of Ugarit. They made eventually the vassal treaty.

82. This kind of macro point of view is long time neglected in the OT scholarship which was dominated by the analytical tendency and the micro perspective in dealing with the biblical literature. For instance for L. Perlitt (1969,167-181) 19:3b-8 is never properly considered in its relationship with the previous pericopes and with the following ones. In case of D.J. McCarthy (1978,270), however, it is different. He states 'the idea fulfills the sign given in Ex 3:12 and parallels the meaning of the early poetic phrase in Ex 15:17a', although he does not elaborate further. See R.E. Friedman (1987,207-222).

83. H. Wildberger (1960,35f.,116) holds that this part only is a later addition. However, see R.R. Ellis (1988,70), B.S. Childs and R.de Vaux.

84. D.J. McCarthy (1978,272). A.K. Fenz (1964,52,74) holds that after mentioning history (19:4) this word introduces 'die Grundsatzklärung' (K. Baltzer,1960,22f.) similar to Jos 24:14 and in the Codex Hammurabi (V,1-24). Similarly P. Kalluveetil (1982,115) lists the cases where this word introduces a demand (Dt 10:12, Jos 24:14, 1 Sam 12:7,13,16, 1 Chr 28:8, Ezr 9:12) or request (Gen 21:23, 31:44, Dt 4:1, Jos 2:12, 2 Sam 7:25,29, 1 Kings 8:25,26, Ez 10:3, Neh 9:32) in the covenant context, although it is dubious whether all these cases are in the covenant context.

85. (1969,171).



dieses Verhältnisses umschreibt.' Assuming the priority of Dt before Ex 19, he adds a cynical remark about the author's motive in this passage :

'Im Sinaibericht bekommt also das Gesetz das Wort, bevor es erlassen wird, und genau das ist die Lesebrille, die jene Erben des Dt dem Leser der Sinai-Erzählung auf die Nase setzen wollten. Sie trugen die Erfahrung hinzu, die in 1 K 11:11 mit denselben Worten als Urteil festgehalten ist. Und mehr gibt es in Ex 19 nicht zu lesen über den Sinai-"Bund".'

However, L. Perlitt misunderstands the character of the covenant of Dt. In Dt the covenantal promises are formulated as follows : 'You are (or have become) the people of God' (עַם סְגֻלָּה or עַם קָדוֹשׁ, Dt 7:6, 14:1,2,21, 26:18f.). Making covenant (i.e. pronouncing the other as the partner of covenant relationship) and keeping the covenantal terms is not a mutually exclusive concept, because making a covenant is fundamentally the concept of *relationship* and the validity of this relationship depends on the behaviour of each party at every moment.<sup>(86)</sup> Dt has this consistent understanding of covenant and it does not recognize the perpetual covenant relationship regardless of Israel's behaviour. In 19:3b-8, on the other hand, God's covenantal terms are suggested in a very practical way : to keep his voice and his covenant is the basis of Israel's position as the covenant partner of God. Although we do not find here a bilateral declaration of both parties like Dt 26:17-19, the key point is actually the same : 'if you keep the commandment of God continuously, you will be always in the position of God's covenant partner' (גֹּי קָדוֹשׁ, מְסֻלָּת בְּהַגִּים, סְגֻלָּה).<sup>(87)</sup> Furthermore, L. Perlitt does not consider that these promises of God are the relationship concept and they have the existential character.<sup>(88)</sup> And Perlitt's assumption that 19:3-8 basically depends on Dt's formulation is not convincing. The phrases in 19:3-8 similar to the deuteronomic phrase do not prove the influence of Dt on Ex. The opposite possibility is in fact much stronger.<sup>(89)</sup> The straightforward expression in Ex 19-24 in general contrasts with the more theologically reflected expressions in Dt. If there is a direct relationship between Ex 19:5-6 and Dt 26:17-19, it is very difficult to accept the dependence of Ex 19:3-8 on Dt 26:17-19, because in Ex 19:5-6 we read a more simple and natural (irregular) expressions but in Dt 26:17-19 we read more elaborated and balanced expressions. The conditional style of Ex 19:5-6 does not prove that it is influenced by the legalistic attitude in Dt as L. Perlitt supposes. Rather this style is another example of the straightforward expressions in Ex 19-24 compared with the reflective, elaborated, and

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86. We shall see this point more fully in our discussion on Dt 26:16-28:69 in 3.6.5.5.

87. In 1 Kings 11:11, the text used by L. Perlitt for his argument (1969,171), there is no word like סְגֻלָּה, גֹּי קָדוֹשׁ, מְסֻלָּת בְּהַגִּים which define the covenant relationship substantially. Therefore, this text does not match with 19:3b-8.

88. This profound misunderstanding about the character of covenant by L. Perlitt (1969,171f.) is traced further in his interpretation of the relationship between Dt 7:5f,14:1,2,23 and Dt 26:17ff. : 'Der Ausdruck ist von hier noch in verfremdeter Weise in die Rechtsformel Dtn 26:18 eingeflossen, hat aber sonst kaum Nachhall gefunden, was bei einer alten zentralen Verheißungstradition nur verwundern könnte.'

89. D.J. McCarthy (1972b,116 = 1985,48) makes this point clear. There are some expressions which do not appear in Dt, e.g. בַּיַּת יְעֻקֵּב (19:3, E. Kutsch,1973,79).



stereotyped expressions in Dt in general.<sup>(90)</sup> Furthermore, in the ANE treaties we find many cases where the mutual relationship between two parties is not mentioned bilaterally as in Dt 26:17-19 but expressed very practically from the standpoint of suzerain. In many of these texts the (vassal-suzerain) relationship is presupposed, and therefore not mentioned in the treaty texts, we read the straight forward expression with the conditional sentence style through which the stipulations of the treaty become clear.<sup>(91)</sup> Therefore, בְּרִיתִי is used here as *the stipulations which are originated from the making of ברית*. A. Reichert<sup>(92)</sup> renders a clear argument about this fact :

‘Die Zuordnung von קוּלִי und בְּרִיתִי in Ex 19:5 würde jedenfalls auf eine Relation des Bundesbegriffs zum "Gesetz", d.h. zum Gebot (und Bundesbuch) hinweisen, die doch nicht einfach - wegen der konditionalen Formulierung - als Vorbedingung, als auferlegte Verpflichtung und Vorleistung zu definieren wäre.<sup>(93)</sup>

This issue, the relationship between covenant and law, is vital for the correct understanding of this text, although A. Reichert does not so clearly elaborate this point further.<sup>(94)</sup>

To make the issue clearer, firstly, we should define the meaning of בְּרִיתִי in this verse. A. Reichert<sup>(95)</sup> rightly argues against E. Kutsch and L. Perlitt who understand this word in 19:5 rigidly as regulation or obligation in the pure form (‘Verpflichtung’). We surmise that this ברית is different from the simple obligation or regulation in its pure form like several Hebrew terms of law. Rather this word expresses *the stipulations as an important component of the new relationship* between YHWH and Israel. Although the primary meaning of this word is in the concept of relationship, the semantic field developed further is broader than its etymological meaning. In 19:5 we find one example of this development so that this term, primarily referring to making relationship between two partners, has an extended meaning of the obligation resulting from the relationship.<sup>(96)</sup>

Secondly, building upon this understanding of בְּרִיתִי we may go one step further. There are two aspects of this word of 19:5 : the relationship itself and the terms of that relationship. The first one is the basis of the second and the second is the application of the first one. Expressing it more generally, this term itself shows there is ‘a relationship

90. M. Weinfeld (1972,passim), D.J. McCarthy (1972b,116 = 1985,48).

91. Similar criticism can be applied to E. Kutsch (1973,78) who holds this simply as ‘Verpflichtung’, because here we read the conditional sentence.

92. (1972,128).

93. This interpretation is against E. Kutsch (1967,139; 1973,78), W. Zimmerli (1970,176,183,188f), and L. Perlitt (1969,171).

94. B.S. Childs (Ex,360f.) holds that שְׂמוֹעַ תִּשְׁמַע בְּקוּלִי in 19:5 illustrates as in Dt that the people hear the decalogue directly, and וְשִׁמְרֵתֶם אֶת-בְּרִיתִי as God’s other stipulations.

95. See also S. Herrmann (1971,210-220).

96. L. Perlitt (1969,171,n.5) rejects the idea that we may use the comparative study of M. Greenberg (1951,172-174) and J.A. Thompson (1964,1-19) about סִגְלָה (Akk. sikiltu) in 19:5b for the interpretation of בְּרִיתִי, because the context should decide the meaning but not etymology. However, a crucial issue, which L. Perlitt simply neglects, is that בְּרִיתִי and סִגְלָה are used in the same context together and two terms are closely related to each other. One is the condition and the second is the benefit which Israel will enjoy if she keeps that condition. A. Reichert (1972,237,n.54).



between covenant and law' to which A. Reichert alludes.

Thirdly, 'my covenant' seems to contrast with Israel's covenant making with Canaanites (23:32, 34:12,15). In particular, this idea is strongly expressed in Dt 7:1-11.<sup>(97)</sup> This theological understanding undermines the idea of E. Kutsch and L. Perlitt in this verse at least.

Fourthly, in conjunction with this understanding of בְּרִיתִי A. Reichert<sup>(98)</sup> gives a correct observation קוּלִי, a word standing in parallel with בְּרִיתִי :

'Eine Verengung der קוּלִי auf "Gebotsmitteilung" und auf das "verpflichtende Wort" scheint gerade nicht im Duktus der allgemein und offengehaltenen Sprachform von 19:5 zu liegen, wie besonders der Vergleich mit Dt 4:12f zeigt.'

### 2.4.3.3. 19:5b (וְהִיתָם לִי סִגְלָה מִכָּל־הָעַמִּים בְּיָדִי כָּל־הָאָרֶץ)

After the condition of the covenant relationship with God is mentioned in 19:5a, the promise is announced by God in 19:5b-6a. This consists of three items : סִגְלָה (19:5b), מִמְּלֶכֶת בְּהַגִּים (19:6a). We want to look at (1) the meaning of סִגְלָה, (2) the clause connected to this word (מִכָּל־הָעַמִּים בְּיָדִי כָּל־הָאָרֶץ) in 19:5b.

#### (1) סִגְלָה (the first promise of God)

Possible translations of this word are 'peculiar treasure' (KJV), 'treasured possession' (NIV), 'special treasure' (NKJV), 'special possession' (ASV, RSV, NASB).<sup>(99)</sup> All these translations denote two elementary concepts : (i) something *valuable* and (ii) something *privately owned*. However, the value of סִגְלָה in this text depends not on the value of the object, Israel, herself, but rather on her special relationship with YHWH.<sup>(100)</sup> Although this word denotes in some cases the objective value contained in the object itself (e.g. gold and silver), in this text and in many ANE treaty texts the value of the object depends not primarily on the objective value of the inferior, Israel or vassal, rather on the will and the decision of the superior, YHWH or suzerain, to take the inferior as the superior's סִגְלָה. In other words, Israel or the vassal's value as סִגְלָה comes not from its own intrinsic worth but from its relationship with YHWH or suzerain. In this case סִגְלָה denotes *the relationship concept*. In our study of 19:5a (2.4.3.3.) we have argued that בְּרִיתִי is also a

97. Dt 7:1-5 is about making treaty with other nations, and Dt 7:6 is the application of the famous statement of covenant relationship in Dt 26:17-19 (see the future comparative study of Ex 19:3-8 and Dt 26:17-19 in 3.6.5.5).

98. (1972,128).

99. The most reasonable translation with amplification : G. Bush (1852,238 : 'possession or treasure of which the owner is peculiarly choice [sic] one on which his heart is set, and which he neither shares with others nor resigns to the care of others. - It has obvious relation to the Latin word sigillum, 'seal, and is especially applied to such choice possessions as were secured with a 'seal', as gold, silver, jewels.' (cited in R.R. Ellis (1988,80-81)).

100. R.R. Ellis (1988,86).



relationship concept, and this corresponds precisely to the use of the word סְגִלָּה in 19:5b. And again this characteristic of both words corresponds with that of the other promises in 19:6a, מִמְּלֶכֶת בְּהַגִּים and גֹּי קְרוֹשׁ, which also express primarily the relationship concept. In particular, when we think about the exegetical relationship between the three promises (סְגִלָּה, מִמְּלֶכֶת בְּהַגִּים, קְרוֹשׁ) in 19:5b-6a carefully (see 2.4.3.5.), this becomes more apparent.<sup>(101)</sup>

M. Greenberg's well known study of this word in Akk 'sikiltu' is still useful.<sup>(102)</sup> R.R. Ellis adds to this another fact that an Ugaritic cognate, 'sglth' has evidently the same meaning and use in the ANE treaties as Akk 'sikiltu'<sup>(103)</sup> :

'The Ugaritic word appears in a letter in which it was apparently employed by a Hittite suzerain to describe the king of Ugarit as his 'private property'. In total 8 times used in the OT and 2 (1 Chr 29:3, Eccl 2:8) in a literal sense, referring material property. ... The word is employed *metaphorically* in Exod 19:5b with the meaning that Israel will be *like* a treasured possession to God, *just as* a king's private holdings of gold or silver are his treasured possession' (italics, TGS).

One strong point of this interpretation is that this understanding corresponds with the *metaphorical* understanding of the second promise מִמְּלֶכֶת בְּהַגִּים (see 2.4.3.4.(1)). Recently J.C. de Moor<sup>(104)</sup> affirms again the antiquity of this term and its relationship with the Ugarit word, 'sglh' :

'The circumstance that this technical term is now attested in a covenantal context in Ugarit shifts the burden of proof to those who regarded 'sglh' as a deuteronomistic term on the tenuous evidence of the prosaic elaborations in Deut. 7:6, 14:2, 26:17. ... The fact that people are considered possessions ('sglh') without doubt presupposes a vassal treaty.'

Further, M. Weinfeld cites the Alalah tablets<sup>(105)</sup> whose seal impression denotes the king as the 'sikiltum' of a goddess. M. Weinfeld concludes the root 'sakālu' has its basic meaning 'to set aside a thing or certain property' either with good intention (as Israel is set aside from all the other nations) or with an evil purpose (as in the Codex Hammurabi § 141 and

101. We conclude in 2.4.3.5. that in the present text the second and the third promises (מִמְּלֶכֶת בְּהַגִּים וּגֹי קְרוֹשׁ), expressed successively, are arranged to supplement and to detail the first one (סְגִלָּה). And the third promise (גֹּי קְרוֹשׁ) is clearly the relationship concept (2.4.3.4.(2)). Furthermore, the fact that all three promises are expressed by the pattern הִיָּה + לִי which reveals also the relationship concept of these promises (19:5b, 6a). See our study on Dt 26:16-19 (3.6.1) for the characteristic of this הִיָּה + לִי phrase.

102. (1951,172-174). Further B. Landsberger (1954,47-73), M. Held (1961,11-12). Cf. also M. Buber (1956,206,n.69). In Alalah an epigraphic of this word of the royal seal of King Abban was found and this cannot be later than the fifteenth century B.C. (N.M. Sarna,1986,131). Further 'sikiltu' the Akkadian equivalent of סְגִלָּה is used in the titles of the monarch in parallel with 'servant' and 'beloved' of a god (W.von Soden,1972,1041,cf.1053; G.R. Driver and J.C. Miles,1935,221-222).

103. (1988,78, and n.4, 82). In a tablet sent by a Hittite suzerain to his vassal Ammurapi, the last known king of Ugarit, we read that the Hittite overlord characterizes the latter as 'his servant' and 'his special possession' ('sglth') (in C.H. Gordon,1965,283,17:1,n.2060, and see further N.M. Sarna (1986,131,235) and H.B. Huffmon and S.B. Parker (1966,36-38)).

104. (1990,165,n.294).

105. (1972,226,n.2). See also D.J. Wiseman (1953,pliii).



in other Babylonian sources). Interestingly, this basic meaning of 'sakālu', 'to set aside something' or 'to separate' is also the basic meaning of קָרוֹשׁ used together with סִגְלָה in the same context (19:5b-6a).

(2) מְבַלְהֵעַמִּים בְּיָדֵי כָּל־הָאָרֶץ

This combination of two phrases (מְבַלְהֵעַמִּים and כָּל־הָאָרֶץ) is not attached to the second (מְמַלְכֵת בְּהַגִּים) and the third (גַּי קָרוֹשׁ) promises, but to the first promise (סִגְלָה).<sup>(106)</sup> Just as we read in Dt 7:6, 14:2, it is natural that this clause (מְבַלְהֵעַמִּים בְּיָדֵי כָּל־הָאָרֶץ) is originally related to סִגְלָה (or עַם סִגְלָה). By this attachment the meaning of סִגְלָה or עַם סִגְלָה becomes clearer : Israel is chosen as God's special possession among all the peoples in the world.

The combination of this clause with עַם סִגְלָה or סִגְלָה in 19:5b leads us to consider the concept of *election*.<sup>(107)</sup> In 19:3-8 there is seemingly a rare combination of covenant and election concepts.<sup>(108)</sup> Although there is no word like בָּרַר here, 19:5b undeniably implies election. However, it is not true to say that here two concepts (covenant, election) are combined deliberately by the author, as L. Perlitt assumes.

Firstly, although בָּרַר is not used in the Tetrateuch, it is hard to insist that the concept of election itself is not early. A term does not always create a concept, rather a term sometimes functions to express a concept already used. It is difficult to say whether the concept of election in Dt is a new theological creation or invention, or it is a restatement of long-established doctrine.<sup>(109)</sup>

Secondly, the concept of election is *inherent* in the concept of covenant.<sup>(110)</sup> In 19:5b

106. H. Kruse (1980,129-130) insists that בְּיָדֵי clause in 19:5b suits better the second promise (מְמַלְכֵת בְּהַגִּים) in 19:6a, and then he translates 19:5bb-6aa as follows : 'while the whole world is mine, you will be to me a kingdom of priests...' We make two objections against this interpretation, according to the content and also to the style. In its content, as R.R. Ellis (1988,83,n.2) rightly indicates, the idea of God owning of all the earth (כָּל־הָאָרֶץ בְּיָדֵי 19:5bb) becomes more sensible as a contrast to God's unique ownership of Israel (סִגְלָה) than as a contrast to Israel as a kingdom of priests. Stylistically the connection of this phrase with the second promise (מְמַלְכֵת בְּהַגִּים) in 19:6a destroys the well balanced poetic structure of the whole section of 19:3b - 19:6(8). See 2.4.2. The use of these phrases in Dt illuminates this more clearly. In Dt 7:6, 14:2, although both עַם קָרוֹשׁ and עַם סִגְלָה are used, a clause (מְבַלְהֵעַמִּים אֲשֶׁר) similar to the clause in 19:5b (מְבַלְהֵעַמִּים בְּיָדֵי כָּל־הָאָרֶץ) is attached not to עַם קָרוֹשׁ but to עַם סִגְלָה. If we compare these texts with Dt 14:21 this fact becomes clearer, because there עַם קָרוֹשׁ is used but neither with כָּל־הָאָרֶץ בְּיָדֵי מְבַלְהֵעַמִּים (like Ex 19:5) nor with מְבַלְהֵעַמִּים אֲשֶׁר עַל־פְּנֵי הָאָרֶץ (like Dt 7:6).

107. M. Buber (1958,105).

108. L. Perlitt (1969,172).

109. H. Wildberger (1960,10ff.), E.W. Nicholson (1967,56), G.E. Mendenhall (IDB,II,76), W. Zimmerli (1970,175f.), J. Bright (1982,148 : 'the notion of election was fixed in Israelite belief from the beginning'), R.R. Ellis (1988,89,n.2). In Ex we find several passages denoting the concept of election (e.g. 4:22 'my son, my first born'; 6:6-7 'And I will take you for my people, and I will be your God').

110. J.C. Rylaarsdam (IB,I,971). R.R. Ellis (1988,86ff.) assumes that the first promise (סִגְלָה) implies God's election of Israel : 'The status of being God's treasured possession did not come through Israel's achievement but through divine choice. God's claim at the end of verse 5 that he owns all the earth emphasizes his election of Israel.' As far as this text is concerned, there are two possibilities of interpretation about the relationship between election and covenant. Either there is only one substance having two aspects (i.e. election and covenant), or there are two substances (i.e. election and covenant) which share common factors.



סְגָלָה is used for the new official relationship between God and Israel. And as we have seen above, סְגָלָה expresses a *relationship*. סְגָלָה itself, without the additional clause in 19:5b (מִכָּל-הָעַמִּים בְּיָדִי כָל-הָאָרֶץ), brings clearly the notion of election, because its meaning 'special possession' expresses that Israel is chosen by God for a special relationship with God. סְגָלָה contains in fact not only the concept of covenant but also that of election. Therefore the clause (מִכָּל-הָעַמִּים בְּיָדִי כָל-הָאָרֶץ) does not add a new theological idea to סְגָלָה, but it emphasizes or clarifies once again Israel's special position as a chosen people among the nations as in Dt 7:6, 14:2.

#### 2.4.3.4. 19:6a<sup>(111)</sup> (וְאַתֶּם תִּהְיוּ לִי מִמְלֶכֶת כֹּהֲנִים וְגוֹי קָדוֹשׁ)

##### (1) מִמְלֶכֶת כֹּהֲנִים (the second promise of God)

There are two aspects of this phrase, which is unique in the OT, to be considered ; (i) its content, and (ii) the literary use of each word. These two aspects are closely related to each other. And the understanding of content controls the understanding of the literary analysis.

##### (i) the aspect of content

Although G. Fohrer and R.B.Y. Scott<sup>(112)</sup> summarize in detail several possible interpretations of this phrase, we want to make a simplified categorization of the opinions

111. For the study history of this verse see W. Caspari (1929,105-110), R.B.Y. Scott (1950,213-215), J. Bauer (1958,283-286), H. Wildberger (1960,passim,esp.80f.), W.L. Moran (1962,7-20), G. Fohrer (1963,359-362), J.H. Elliot (1966,50-78), H.J. Kraus (1966,50-61), N. Lohfink (1971,275-305), H. Cazelles (1976,541-545), J. Coppens (1977,185-186), R. Mosis (1978,1-25), F.G. López (1982,438-463), R.R. Ellis (1988,passim).

112. G. Fohrer (1963,359), R.B.Y. Scott (1950,213-219). For instance R.B.Y. Scott explains two possibilities of grammatical analysis of the two nouns in this phrase (and like in the example suggested by R.R. Ellis (1988,126-128, esp.127,n.1), although the third view is logically possible (i.e. two nouns are in absolute state to be translated as 'kings and priests' (Talgum), but מִמְלֶכֶת is not used as in the absolute state in the OT) :

(a) the *nomen regens* (מִמְלֶכֶת) may express an attribute of the *nomen rectum* (כֹּהֲנִים) as in the phrase כֶּסֶל אָדָם 'a fool of a man', 'a foolish man' (e.g. LXX βασιλείου ιεροσύμμο) 'royal priesthood'.

(b) vice versa as in the phrase הַר קְדֹשִׁי 'my holy hill' (e.g. Vulgate ('regnum sacerdotale') 'priestly kingdom'.

R.B.Y. Scott, comparing another phrase like גוֹי קָדוֹשׁ, concludes מִמְלֶכֶת expresses the substantive idea and כֹּהֲנִים its attribute, and the right translation of this phrase is either 'kingdom of priests' (in modern versions and in the natural rendering of the MT) or 'regnum sacerdotale' (Vulgate). And further he enumerates five possible meanings of this grammatical analysis : (1) a kingdom composed of priests, (2) a kingdom possessing a legitimate priesthood, (3) a kingdom with a collective priestly responsibility on behalf of all peoples, (4) a kingdom ruled by priests, (5) a kingdom set apart and possessing collectively, alone among all peoples, the right to approach the altar of Yahweh. Among these he chooses the fifth. R.B.Y. Scott's grammatical interpretation about the attributive role of כֹּהֲנִים towards the substantive מִמְלֶכֶת (i.e. following the example of Vulgate) is more plausible than the vice versa (i.e. following the example of LXX). Three major dictionaries support this view : GB, BDB, and HAL interpret מִמְלֶכֶת as the construct form of מַמְלָכָה, and מִמְלֶכֶת is preferably *nomen regens* and כֹּהֲנִים whose construct form is כֹּהֲנֵי functions as *nomen rectum* as in many normal cases. But the opposite possibility is slight. And the fifth alternative (R.B.Y. Scott) is, grammatically speaking, the most possible one because in 19:5b, which belong to the same context and has the same spirit of promise, we read that Israel's privilege is in the fact that God has chosen Israel among all the people. However, he does not weigh whether the real matter in this second promise of God is in its *function as priests* or in its *privilege*. What the author wants to express is not the *function as priest* but Israel's *privileged* or *exalted* status as God's chosen one among all the people, as we shall see soon.



of commentators : (a) functional understanding of this phrase, (b) Israel's function and her privilege as its result, and (c) Israel's privileged status as God's people.

### (a) functional understanding

J.P. Hyatt<sup>(113)</sup> advocates this interpretation :

'As a 'kingdom of priests' the Israelites were all to have access to Yahweh, and the nation was to serve as priest for the rest of the nations of the world.'

However, the commentators following this interpretation do not consider properly the context of this second promise of God in Ex 19-24 (at least 19:3-8) or in the book of Exodus as a whole. Rather their concern is the connection of this unique phrase with other similar phrases in other books of the OT. And then in some cases commentators tend to insist the influence of other texts on this phrase in 19:6a.<sup>(114)</sup>

### (b) Israel's function and the privilege as its result.

R. Martin-Achard is a typical commentator who adopts this interpretation<sup>(115)</sup>, considering Ex 19:3b-8 as the product of the deuteronomic editor influenced by Is 61:6 and Jer 2:3 :

'The two expressions ('a kingdom of priests' and 'a holy nation' TGS) are almost synonymous; together they emphasize Israel's privilege, and define its situation in the world and also the part it must play. ... This is a privilege which involves responsibility: priesthood cannot be anything else than a vocation.'<sup>(116)</sup>

This understanding, however, is in fact a combination of the interpretation (a) and (c). Because of the same failure to look at the context as in (a) this interpretation cannot stand.

### (c) Israel's privileged status as God's people.<sup>(117)</sup>

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113. (Ex,200). Similarly F.C. Fensham (Ex,120) : 'De priestelijke kwaliteiten moet dit volk aan andere volken ten goede komen door zijn missionaire taak te aanvaarden.' Further also A. Knobel (Ex,192), H.L. Strack (Ex,223f.), G. Beer (Ex,97), M. Noth (ATD,Ex,126 = OTL,Ex,157), and H. Cazelles (1977,78). Recently T.E. Fretham (1991,361) wrongly defines the Sinai covenant as 'vocational covenant' without thorough exegesis.

114. H.-J. Kraus (1966,59). Many commentators also make connection between Ex 19:5f. and Is 61:6 to support their functional understanding of this phrase. However, it is doubtful whether the mention of heathen in Is 61:5f. (בְּנֵי יִגְר, וְרִים) refers to Israel's mission to them. Rather this text seems to picture the heathen serving Israel. And in the whole Pentateuch the functional understanding of Israel's role among nations is very rare except some unsure passages (e.g. Gen 12:1-3). In Ex it is very difficult to find this function of Israel among nations especially in the Sinai pericope. Although before Ex 19 there are many allusions to Israel's coming to mount Sinai for covenant making, there is no hint about Israel's function as priests.

115. (1962,37-40). M. Buber (1952,125), supposing that the concept of the covenant between JHWH (the King) and the people is in this Sinai covenant, holds that the priest serves the King personally as a servant (2 Sam 8:18, 1 Chr 18:17, 1 Kings 4:5, 2 Sam 20:26). H.-J. Kraus (1966,59).

116. Because of this interpretation he (1962,39,n.9) understands the plural (בְּרִימִים) as intensive.

117. É. Dhorme (1956,203ff.) translates 19:5b 'You will be privileged for me among all the peoples'.



R.B.Y. Scott<sup>(118)</sup> makes a clear-cut statement :

'But there is no support whatever for it (functional understanding, TGS) in the immediate context of Exod. XIX 6, where what is emphasized is rather the separation of Israel from all other peoples'

He<sup>(119)</sup> further points out, Is 61:6 where a similar phrase (פְּתִי יְהוָה) in the first line of 61:6 appears seems to emphasize the privileged status of Israel by adding the parallel third and fourth lines of 61:6 : 'You will feed on the wealth of nations, and in their riches you will boast.'<sup>(120)</sup> If the connection between Ex 19:5b-6a and Is 61:6 is certain, Is 61:6 seems to support this second understanding of מְסַלְכַת בְּהַגִּים (i.e. as privilege). Therefore, it is better to acknowledge this phrase could have functioned as a *seed* or *precursor* for the concept of Israel's priestly function in the prophetic books, if there is a textual connection of Ex 19:5b-6 with the prophetic texts.<sup>(121)</sup> J.H. Elliot<sup>(122)</sup> makes some interesting and correct observations about this verse :

(1) in this ancient text there is no trace of a polemic against the levitical priesthood,

(2) the concern of this text is an emphasis not upon *the priestly function* but rather upon *the priestly relationship* to JHWH,

(3) מְסַלְכַת בְּהַגִּים is a unique expression having only Is 61:6 as the close text. Is 61:6 shows in its terminology and content the affinity with Dt 18:1-5 and *the analogy of levitical privilege*,

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118. (1950,217). See the arguments against the functional understanding e.g. J.H. Elliot (1966,passim), and especially Th.C. Vriezen (1953,61) who effectively rejects the idea of 'Missionsgedanken' in this text compared with the time of the Reformation : 'Aber dafür war damals, als es galt Israel aus dem geistigen Verfall, aus der Gefahr des Synkretismus zu retten, die Zeit noch nicht reif. Wir werden den Reformatoren des 16. Jahrhunderts doch nicht im Ernst den Vorwurf machen, daß sie die Mission nicht in den Vordergrund gerückt haben.' Also H. Cazelles (1987,291) and B. Renaud (1991,49f.). R.R. Ellis (1988,146ff.), on the one hand, agrees that there is no contextual support for the functional understanding of this phrase in Ex. But, on the other hand, he holds that one should not overlook the possibility that this second promise of God served as a *precursor* for the mission concept. However, before making any connection with other texts in the OT we should be rigorous about the meaning of a phrase in its context. And in this regard what R.R. Ellis should have studied primarily is not the connection of this phrase with the similar concepts in Is 61:6 (וְאַתֶּם פְּתִי יְהוָה תִּקְרְאוּ מִשְׁרָתִי אֱלֹהֵי יֵאֱמַר לָכֵן) related indirectly to this phrase, but with עֲלִיּוֹן in Dt 26:19, 28:1 which has the direct relationship to מְסַלְכַת בְּהַגִּים in various aspects.

119. (1950,213).

120. There is also a parallelism in the first and second lines of Is 61:6 : פְּתִי יְהוָה is parallel with מִשְׁרָתִי אֱלֹהֵינוּ. In this parallelism the phrase בְּחִנֵּי יְהוָה does not demand the literally functional understanding of this phrase because of מִשְׁרָתִי אֱלֹהֵינוּ. Apparently the author of Isaiah intends to mention not the *office* as priest which Israel takes among all nations but Israel's *privileged status* among them.

121. In the consideration of Is 61:6 we should also consider Is 61:8b-9 which apparently belongs to the same context of Is 61. In Is 61:8b-9 there are two factors to be discerned for our purpose : (1) Naturally the key issue of Is 61:8b-9 is וְזָכַרְתָּ עוֹלָם אֶמְרוֹת לָהֶם in Is 61:8b, and therefore at least the theme of Is 61:8b-9 is covenant. (2) The result of this issue is mentioned in Is 61:9 with four lines. All these four lines speak about the elaborated status of Israel among nations not directly denoting Israel's priestly function. These two factors correspond very well with the content of Ex 19:5b-6 and Dt 26:18-19 (see 3.6.5.5). An important support for this interpretation comes from 19:22. The fact that הַכֹּהֲנִים may approach God (אֱלֹהֵי יְהוָה) (הַכֹּהֲנִים) belongs to the privilege of the priests in cult (H. Cazelles (1987,291) and B. Renaud (1991,50)).

122. He (1966,62) holds that 19:3b-6 is based on the ancient cultic observance and 19:6 presents the central emphasis of this pericope. Recently H. Cazelles (1987,289-294) offers a similar interpretation.



(4) 'the text possibly implies that Israel's priesthood is to comprise further a mediatorial and missionary function among **גוֹי** - a new aspect of Israel's priestliness consistent with the universalistic view of the prophet. But this can only be inferred. The text itself speaks only to the question of priestly privilege.<sup>(123)</sup>

This interpretation suits the context of Ex where Israel is at the stage of *formation* as a nation after the exodus but not yet at the stage to do mission work for the world.

## (ii) the literary aspect

Commentators are usually confused in the interpretation of **מְמַלְכֶת כְּהֹנִים** because there are two possible levels of literary usage : (1) descriptive level and (2) metaphorical level.

(1) The first word (**מְמַלְכֶת**) of this phrase is used *descriptively*. This word describes the existing situation and if we take only this word, the translation could be 'Israel shall become a kingdom' or 'Israel shall have a kingship'. However, here we do not need to think about the existence of kingdom or kingship in this context. Israel as a kind of *theo-political entity* is expressed with **מְמַלְכֶת** and this understanding corresponds with the use of **גוֹי** of the third promise. In general to constitute a nation three vital elements are required, political integrity, people, land. In other words, **מְמַלְכֶת** with **גוֹי** in parallelism expresses two elements which constitute the entity as a nation, the theo-political integrity and the people. In spite of these preparations to be a perfect nation, it is impressive that in this section there is no mention of the word, king. This phenomenon contradicts the somewhat rigid understanding of M. Buber<sup>(124)</sup> that the reality of this section is YHWH's kingship. In this text YHWH does not make a covenant with His people as a king, but YHWH as the God makes a covenant with his people.

(2) The second word (**כְּהֹנִים**) of the phrase (**מְמַלְכֶת כְּהֹנִים**) is used *metaphorically*.<sup>(125)</sup> As we have seen in the previous argument, the primary concern of this text is not with the function of Israel as priest but with Israel's privileged status. This corresponds with the primary concern of the two other promises of God (the first **סֻגְלָה** and the third **גוֹי קְדוֹשׁ**) in 19:5b-6a which is not with Israel's special function<sup>(126)</sup> but her privileged special status.<sup>(127)</sup> Therefore, in the present context of the Sinai pericope the functional understanding of all three promises is less plausible, and therefore **כְּהֹנִים** has a metaphoric sense. In other words, *just as* a priest enjoys his high social position, Israel does the same among other

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123. This fact is also pointed out by R.B.Y. Scott (1950,217).

124. (1970,111ff) cf. Ex 15:18, Dt 33:1-7.

125. Metaphorical sense derives from 'génitif de qualité' of this word (*Joüon* § 141, B. Renaud,1991,50).

126. W.L. Moran (1962,passim, esp.17) understands this phrase functionally, and translating this phrase merely descriptively ('a royalty of priests'), and therefore he cannot find the metaphorical sense of this phrase.

127. R.R. Ellis (1988,82). However, his understanding about the content of this phrase (p. 139ff) is a mixed one of various possible interpretations (e.g. 'Israel as people which worshiped Yahweh, rather than pagan deities', 'Israel's position was like that of a priest with regard to holiness', 'the priestly position of Israel suggests that the nation was able to draw near to God'). Only his fourth interpretation (p. 141) is most reasonable : 'the proposal that Israel was to be a kingdom of priests implies that the nation held a position of dignity and nobility.'



nations.

Therefore, the phrase **מִמְלַכֶּת כֹּהֲנִים**<sup>(128)</sup> should be interpreted metaphorically. The status of Israel among all other nations should be 'like' the priest in a society. W. Mosis<sup>(129)</sup> gives a clear-cut explanation about this phrase :

'Wie 'Krongut' und 'heiliges Volk' bezeichnet auch 'priesterliches Königsreich' nicht ein Amt und eine Aufgabe, sondern einen Stand und eine Würde die Israel durch Jahwes Wertung und Schätzung und für sie empfangen soll. 'Priesterliches Königreich' nennt nicht eine Funktion, die Israel gegenüber den Heiden oder gegenüber Jahwe auszuüben hätte, sondern den Adel, der dem Volk von Jahwe her und in seinen Augen zu eigen ist.'

## (2) **גֵּי קְרוֹשׁ** (the third promise of God)

L. Perlitt<sup>(130)</sup>, who presupposes the exilic background of Ex 19:3b-8 and does not define the second promise (**מִמְלַכֶּת כֹּהֲנִים**) clearly, tries to understand the third promise (**גֵּי קְרוֹשׁ**) functionally :

'In diesem Prozeß der Funktions-Heiligkeit wird Israel, **גֵּי** unter **גֵּיִם**, also in den Dienst der Gottverherrlichung hineingezogen; **קְרוֹשׁ** ist es nur dafür und nur insoweit.'

However, this promise and the second promise do not give any allusion to a functional understanding in the context (2.4.3.4.(1)). As we have pointed out, **קְרוֹשׁ** in this phrase does not denote the substantial quality of Israel, like inherent holiness<sup>(131)</sup>, rather it denotes Israel's *separated* position towards God among other people. Therefore, it has still the basic connotation of **קְרוֹשׁ**, 'separation from something'<sup>(132)</sup>, but this phrase does not positively suggest the holiness as an inherent quality of Israel. In this sense this word corresponds with the basic meaning of the first promise **בְּגִלָּה** (2.4.3.4.(1)).

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128. J. Bauer (1958,284) suggests that **מִמְלַכֶּת כֹּהֲנִים**, the phrase combined with two nouns, shows the literary technique of *hendiadys* so that we translate this 'the priestly kingship'. However, it is doubtful whether there is hendiadys here (see W.G.E. Watson, 1984,327f.). Even though we accept this literary technique, still the translation, 'the priestly kingship', is quite difficult to understand if we do not interpret this with *metaphorical* sense. J.C.de Moor (1990,166) holds that this phrase evokes the state of Thebes ruled by the high priests of Amun. The charismatic leadership of priests in Egypt as well as Israel is in the background of this phrase. Therefore, he (1990,218ff.) takes this phrase having the substantial meaning 'the kingdom controlled by the priests (Moses)' as the kingdom of Thebes, which is the direct outcome of the covenant making between the deity and the people. The connection between the Egyptian history and the OT is very interesting especially because we can explain not only Ex 19-24 as the covenant making between the deity (YHWH) and the people (Israel) but also the huge amount of priestly legislation of Ex 25-Num 10 as the result of this covenant. The contribution of J.C.de Moor in our text is that the covenant between the deity and the people and the kingship of that deity is not strange before the first mil. B.C. In any case, until we acquire the elaborated archeological result and the enhanced comparative study of the ANET, it is safe to point out that this argument clarifies this phrase means the privileged position of Israel.

129. (1978,25).

130. (1969,174). And further he (1969,175) interprets that the clause in 19:5b (**כִּי־לִי כְּלִדְאֶרְיָן**) reveals the spiritual character of the exile.

131. M. Buber (1970,113).

132. H. Holzinger (Ex,124 : 'im passiven Sinn - Gottes besonderes Eigentum, auserwählt, ihm geweiht').



Finally it is important to consider the relationship between the second promise (מְקַלְכֶת / פְּהַנִּים) and the third promise (גֹּי קָרוֹשׁ). Both phrases do not need to be in perfect synonymous parallelism. In 19:6a the first words of each phrase (מְקַלְכֶת / גֹּי) parallel each other perfectly. However, the second words of each phrase (פְּהַנִּים / קָרוֹשׁ) are different in their grammatical feature : namely פְּהַנִּים is noun but קָרוֹשׁ is adjective.<sup>(133)</sup> Therefore, we have to hold that the parallelism in these phrases is not at the level of each corresponding word (nl. the first word of the first phrase to the first word of the second phrase) but at the level of the meaning of the total two-word phrases.<sup>(134)</sup> We find cases where מְקַלְכֶת appears with גֹּי in the OT (e.g. Gen 17:6, 35:11, Ez 37:22, Hag 2:22 (pl), Ps 46:7). And more closely to Ex 19:5b-6a the phrase (הֵ-מְקַלְכֶת + ו + הֵ-)גֹי is used in several cases (1 Ks 18:10,10, Is 60:12, Jer 1:10, 18:7,9, 27:8, Zeph 3:8, 2 Chr 32:15). In these texts two general usages are found :

(1) the parallel use of מְקַלְכֶת and גֹּי is not strange,

(2) in some cases (e.g. Gen 17:6, 35:11, Ps 46:7, Is 60:2) two words as a kind of *merismus* seem to work in order to signify the totality.<sup>(135)</sup>

In particular, the successive use of these words in the same context in 1 Kings 18:10,10 (גֹּי / וּמְקַלְכֶת) and Jer 18:7,9 (עַל-גֹּי וְעַל-מְקַלְכֶת) and the use in the same promises of Gen 17:6, 35:11 show that the successive use of both words express the concept of totality.<sup>(136)</sup>

(3) the relationship between the three promises of God in 19:5b-6.

It is interesting to point out that the three promises of God (סְגֻלָּה, מְקַלְכֶת פְּהַנִּים, גֹּי קָרוֹשׁ)

133. Although both words (מְקַלְכֶת / קָרוֹשׁ) are related to each other, the meaning of קָרוֹשׁ does not depend on the second promise (פְּהַנִּים) but rather it depends on the first promise (סְגֻלָּה) so that the concept of 'chosenness' among all the people is stressed. קָרוֹשׁ within 19:3-8 at least means that Israel is 'separated', 'chosen', or 'selected' among all other nations by God. The context of 19:3-8 demands that קָרוֹשׁ does not have the concept of holiness inherent Israel but the concept of relation. G. Fohrer (1963,362, esp. n.18) with W. Staerk (1937,8f.) holds correctly that Ex 19:5 is deeply related to Lev 20:26 where the concept of holiness is connected with the election concept. This interpretation of holiness is at least valid in this context of Ex 19:5b-6a.

134. G. Fohrer (1963,360) alludes slightly to this degree of parallelism. L. Peritt (1969,175) understands this with the traditional term, synthetic parallelism. Meanwhile, B. Renaud (1991,50) holds that both phrases 'ne seraient pas parallèles mais complémentaires, désignant respectivement le gouvernant «royauté de prêtres», et le gouverné «nation sante».' However, the intentions of the text is not that the second promise means 'le gouvernant' and the third promise means 'le gouverné'.

135. See J. Krašovec (1977), G.E. Watson (1984,321-324), and L. Alenso Schökel (1988,83f.) about *merismus*.

136. W.L. Moran (1962,17). A. Cody (1964,3-4), followed by D.J. McCarthy (1978,271,n.55), assumes that גֹּי may be a fixed correlative to מְקַלְכֶת making a phrase to describe a complete *polity*. Before the formation of the two phrases (מְקַלְכֶת / פְּהַנִּים) and גֹּי in parallel have merismus effect. We have seen in 2.43.4.(1) that מְקַלְכֶת with גֹּי in the parallelism expresses two elements which constitute the entity as a nation, the theo-political integrity and the people. And these two together with the land consist the concept of a nation. In this wandering stage of Israel before coming to the promised land, these two concepts are the elements to constitute an independent nation which has special relationship to God. M. Buber (1958,106) uses an apt term for this Israel, 'a pre-state divine state.' The primary theme of these two phrases is that the identity of Israel lies in the special relationship with God rather than its common origin or common objective or self commonly possessed land. Since these two phrases, as we shall see soon, elucidate the first promise (סְגֻלָּה) in 19:5b, this first promise also strongly alludes to the fact that the primary target of forming the entity of Israel lies in the Israel's special relationship with God.



(קרוֹשׁ) are not tightly linked. They are not connected simply with WAW but instead מְּכֹל־הָעַמִּים כִּי־לִי כָּל־הָאָרֶץ is between the first and the second promises. We should infer the intention of the author not from some important word or phrase but from his arrangement of the materials. From the present arrangement we realize that these three promises do not have equal importance. In order to know the intention of the author we should look at the sentences from the literary point of view. The parallelism which is apparent in this short text (19:5b-6a) is particularly important for this purpose.<sup>(137)</sup> We make the following summary about the relationship between the three promises. Firstly, the second and the third promises (מְּכֹל־הָעַמִּים בְּהַגִּים) 19:6aa, גּוֹי קְרוֹשׁ 19:6ab) form a unity. Secondly, both together correspond with the first promise (סְגֻלָּה 19:5b). Thirdly, the second promise (מְּכֹל־הָעַמִּים) meaning Israel's privileged status (2.4.3.5.(1)) fits in with the first promise which expresses the same meaning. Fourthly, the concept of 'chosenness' (קְרוֹשׁ) in the third promise is directly connected with Israel's chosen position by God among all the people in the first promise.

Therefore, we conclude that the fundamental statement of God's promise of the covenant is in the first promise : Israel will be the treasured possession of God (סְגֻלָּה). And this concept is supplemented by the following phrases in 19:5b (כִּי־לִי מְּכֹל־הָעַמִּים and כָּל־הָאָרֶץ). In other words, the first promise is the principal pronouncement about the relationship between YHWH and Israel, and the second and the third promises are supplementing and detailing the first promise.<sup>(138)</sup> The three promises do not mean that there are three different promises. Rather they all express one promise with different words and phrases : Israel's special relationship with God, which is not shared with other people. W.L. Moran reasonably summarizes<sup>(139)</sup> the whole content of the three promises :

'It is the מְּכֹל־הָעַמִּים בְּהַגִּים (the second, TGS) plus the גּוֹי קְרוֹשׁ (the third, TGS) which form the totality, the personal possession of Yahweh (סְגֻלָּה, the first, TGS).'

N.M. Sarna<sup>(140)</sup>, although his functional understanding of these phrases is not correct, expresses this relationship between three terms more precisely :

137. We have seen in 2.4.2 & 2.4.3.5.(2) about two levels of parallelism in 19:5b-6a.

138. This understanding fits in with the textual arrangement of 19:6. At the beginning of 19:6 we read the emphatic pronoun אֲנִי which is also used at the beginning of God's proposal in 19:4 (J.K. Kuntz, 1967, 77). If we accept that the author uses this emphatic pronoun intentionally to mark the beginning and the end of the proposal, it is very likely that there is a short pause between 19:5b and 19:6a to explain the first promise more fully once again in 19:6a. This understanding is supported by the examples of the ANET. Namely סְגֻלָּה, the term of the first promise, is found in the ANE (treaty) texts (2.4.3.4.(1)), but the terms of the second and third promises are not reported to be found in the ANET. This means that the first is the original expression of the treaty (covenant) relationship which is widely used in the ANE treaties, but the second and the third promises are the invention or application of the OT to supplement the first original expression.

139. (1962, 17) and G. Fohrer (1963, passim) generally follows his idea. W. Caspari (1929, 105ff), followed by G. von Rad (1938, 36-37 = 1966, 40), already points out the connection between the second promise and the third promise, although by this he believes both items reveal the actual sacred institution following. Similarly M. Noth (1930, 121).

140. (1986, 31).



'The second description of Israel as "a kingdom of priests and a holy nation" alludes to the consequences that flow or should flow from that special (הַסְגָּלָה TGS) relationship with God.'

#### 2.4.3.5. 19:6b (אֱלֹהֵי הַדְּבָרִים אֲשֶׁר תְּדַבֵּר אֶל־בְּנֵי יִשְׂרָאֵל)

This is the ending clause of God's word<sup>(141)</sup> which corresponds with the beginning clause in 19:3b as we have seen in 2.4.2 :

[B] 19:3b ... the beginning formula of God's direct speech

[B'] 19:6b ... the ending formula of God's direct speech

And inside each sentence also we find a similar structure :

[b3]	[b2]	[b1]
19:3b לְבֵית יַעֲקֹב וְתִגִּיד לְבְנֵי יִשְׂרָאֵל	תֹּאמֶר	כֹּה
19:6b אֶל־בְּנֵי יִשְׂרָאֵל	תְּדַבֵּר	אֱלֹהֵי הַדְּבָרִים אֲשֶׁר

[b1] : the demonstrative indication for the message

[b2] : the imperative spoken to the messenger (Moses)

[b3] : the addressee (Israel)

#### 2.4.3.6. 19:7-8

19:7 וַיָּבֹא מֹשֶׁה וַיִּקְרָא לְזִקְנֵי הָעָם וַיֵּשֶׁם לִפְנֵיהֶם אֵת כָּל־הַדְּבָרִים הָאֵלֶּה אֲשֶׁר צִוָּה יְהוָה:  
8 וַיַּעַן כָּל־הָעָם יְהוָה וַיֹּאמְרוּ כֹל אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע אֶת־דְּבַר יְהוָה:

Interestingly enough, in 19:7 Moses does not go directly to the people but he summons the elders, although God tells him (19:3b) to speak to the people. Presumably it is assumed that the elders represent the people.<sup>(142)</sup> The elder's report of Moses' word (כָּל־הַדְּבָרִים) (הָאֵלֶּה)<sup>(143)</sup> to the people is also assumed although there is no mention of it. The representative function of the elders is mentioned explicitly not only in this section among the Sinai pericope but also in the last section of the Sinai pericope (24:2,9, especially v.11 אֶצִּילִי בְנֵי יִשְׂרָאֵל). If the covenant perspective is the major theme in the Sinai pericope, the appearance of elders in the beginning (19:7) and at the end (24:9-11) of the Sinai pericope is natural and meaningful.

Moses initially calls the elders (זִקְנֵי הָעָם 19:7). Then in 19:8 the subject of the response is 'all the people' (כָּל־הָעָם). In this case we can clearly understand why the scene is not

141. F.I. Andersen (1974,54) defines this clause as *colophon* of the God's proposal. For example in Gen 2:4a, 10:20,31,32, 22:23, 25:4b,16, 35:26b, 36:5b, Ex 6:15b,19,24b,25b, 38:21.

142. F.C. Fensham (Ex,120). See Ex 4:29, 12:21, and Dt 5:23 (F.-L. Hossfeld,1982,188).

143. H. Greßmann (1913,180f.,n.3) insists that this phrase points to the Book of the Covenant, and therefore it has to come after that. However, this phrase is better interpreted that Moses 'perfectly' brings all the words of JHWH to the people.



reported that the elders speak to the people.<sup>(144)</sup>

The repeated use of כָּל (19:8) emphasizes the hearty acceptance of the terms of covenant by the people. The question of B.S. Childs<sup>(145)</sup> about the meaning of this section in the whole Sinai pericope is appropriate :

'How can the people agree to accept as the grounds of the covenant "all that Yahweh has spoken", when God's will has not yet been revealed to them ?

This question makes clear that both parties understand very well that the covenant conditions are not given yet but will be given after this preliminary negotiation stage.

The people's acceptance of God's proposal is expressed not with an abstract expression (e.g. 'we will accept your terms') but with a very practical one (נְעִשָׂה). This characteristic of the people's answer corresponds with the practical demand of God in 19:5a for making a covenant with the people (שָׁמַעַתְּ תִשְׁמָעוּ בְּקוֹלִי וְשָׁמַרְתֶּם אֶת-בְּרִיתִי, see 2.4.3.3.).

Moses' bringing the people's word to God (19:8b, 9b) is the reply to God's message to them (19:3b, see 2.4.2.).

#### 2.4.4. Definition of the subject of 19:3b-8

Hitherto we have studied important exegetical issues in 19:3b-8. The ultimate purpose of that exegesis is to define the subject matter of this section and its function within the whole Sinai pericope.

##### 2.4.4.1. Attempts to define the subject of 19:3b-8

S. Mowinckel<sup>(146)</sup> defines this section as 'imitation des prophéties cultuelles' mainly because of the formula in 19:3b (כִּי תֹאמַר לְבַיִת יִעֲקֹב וְתִגִּיד לְבָנֵי יִשְׂרָאֵל). However, although this aspect is found in the style of prophetic message, his definition is too short to cover all components of this section.

Compared with this, however, the approach of G.von Rad<sup>(147)</sup> is more practical. He defines that 19:4-6 as 'ein paränetischer Vorspruch vor der Gesetzesverkündigung'. We acknowledge that there is an element of admonition before the law-giving especially from 19:5a. However, his definition does not cover all elements of 19:3-8. In particular, he does not make a proper exegesis of the connection between this section and the law-giving which he assumed.

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144. J.L. McKenzie (1959,523f), J.I. Durham (Ex,263f).

145. (Ex,367).

146. (1927,128).

147. (1938,35 = 1958,47 = 1966,40).



J. Muilenburg<sup>(148)</sup> offers an often cited definition :

'What we have in Exod xix 3-6 is a special covenantal Gattung, and it is scarcely too much to say that it is *in nuce* the *fons et origo* of the many covenantal pericopes which appear throughout the OT.'

Then he draws attentions to three features of these verses and this analysis is still useful : (i) 19:3b ... oracular opening<sup>(149)</sup>, (ii) 19:4 ... proclamation of the mighty acts<sup>(150)</sup>, (iii) 19:5-6 ... the covenantal condition. And then he tries to point out several elements which make this text to belong to a (covenantal) Gattung. This Gattung, J. Muilenburg surmises, is employed in the royal cult of the House of David at Jerusalem, which has several characteristics.<sup>(151)</sup> He holds that all these characteristics appear in the covenant and treaty texts. The importance of 19:3b-6 for other covenantal texts in the OT is rightly emphasized, although he does not prove it fully. The listing of several elements within 19:3b-6 is clear enough to suggest that this section has to do with covenant. However, it is an overstatement to claim that J. Muilenburg's narrow scope, 19:3b-6 rather than 19:3b-8, constitutes the covenant Gattung *per se*.<sup>(152)</sup> And the connection of this section with the rest of the Sinai pericope has to be considered. If the relationship between covenant and law is a vital question in this section as L. Perlitt and B.S. Childs<sup>(153)</sup> correctly note, its connection with other sections in the Sinai pericope has also to be considered. And to set the Sitz im Leben in the House of David at Jerusalem is very hard to verify. And further J. Muilenburg's concept of witness (19:4) is definitely wrong. The witness in the covenant text attests the covenant event itself not the previous history, which is the case here.

K. Baltzer<sup>(154)</sup> surmises quite correctly that there are at least two clear elements which indicate that this section is a covenant formula : (i) the 'Vorgeschichte' (19:4), (ii) the 'Grundsatzklärung' (19:5-6a). The order of these two components is quite normal in the Hittite treaty. The 'Grundsatzklärung', having the character of 'eine juristische Deklaration', usually follows the 'Vorgeschichte' as the 'Voraussetzung des Vertragsverhältnisses' and is followed by the 'Einzelbestimmungen'.<sup>(155)</sup> Although some

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148. (1959,352ff.).

149. Similar phrases are found in the Mari royal texts, the Hittite treaties and the OT prophecy. This is a typical speech to messenger. And also it may be considered as a prophetic usage (H. Wildberger (1960,14) : 2 Sam 7:8 (= 1 Chr 17:7), Jer 23:37, 45:4, Ez 33:27, and this formula is also used to point Moses as the messenger (Ex 3:14f., 20:22 ; without וַיְבָרֵךְ : Jer 21:8, 29:24, 32:9, Lev 17:8, 20:2, Num 11:18)).

150. Israel herself is witness to the mighty acts of Yahweh. The concept of witness exists in the ANET (e.g. treaties, marriage contracts) as well as in the OT (Gen 31:44,48, Dt 30:19, 31:28, Jos 22:27f., 24:22-27, 1 Sam 12:5).

151. Namely (a) the structure of the protasis-apodosis, the conditional sentence, and the inclusion of apodictic requirement (19:5-6a), (b) the presence of the covenant mediator (Moses), (c) the motif of the witness (19:4), (d) the pronounced I-Thou style, (e) the recital of the mighty acts (19:4), (f) the emphatic call to obedience (19:5a, inf. abs. + ipf.), (g) the transitional וְעַתָּה.

152. N. Lohfink's criticism (1961,419-425) to K. Baltzer's statement, as we shall see soon, applies here too.

153. L. Perlitt (1969,179) and B.S. Childs (Ex,367 : 'How can the people agree to accept as the grounds of the covenant "all that Yahweh has spoken", when God's will has not yet been revealed to them ?).

154. (1960,37f.).

155. K. Baltzer (1960,22f.). According to D.A. Patrick (1971,13) the 'Grundsatzklärung' is the new element found by K. Baltzer compared with the analysis of V. Korošec (1931). His comment (1960,22) on the



vital components for covenant formula are lacking, 'in nuce ist es aber bereits ein vollständiger Bundesschluß.'<sup>156)</sup> We acknowledge that in this section there are undeniable elements showing that the concern of 19:3b-8 is to make the covenant relationship between YHWH and Israel. But at the same time we can say that this section is not enough to satisfy the condition to be a full covenant formula. The missing elements in this section are found in the following sections within the larger block of the Sinai pericope. When 19:3b-8 stands together with other components within the Sinai pericope, they form a full covenant between God and Israel.

For H. Wildberger<sup>(157)</sup> 19:3b-8 is the 'Erwählungsproklamation'. However, although the election motif is surely an important factor in this section, this concept is too general to describe correctly the detailed aspects of this section. 19:3b-8 has to do with a more specific motif than election, namely the official formation of the relationship between YHWH and Israel.

N. Lohfink<sup>(158)</sup> renders a sensible definition of this section :

'Ex 19:3-8 wohl nicht als eigentlicher Bundesschluß, sondern als eine Art "Bundesvorverhandlung" gemeint ist.'<sup>159)</sup>

L. Perlitt<sup>(160)</sup> argues that to recognize this as covenant formula is superfluous.

'...bezeugen die beinahe paränetischen Elemente mancher Staatsverträge bestenfalls diplomatische Heuchelei, nicht aber die Freiheit der Vasallen : "In Wirklichkeit waren alle diese Verträge das Ergebnis von Gewalt und nicht von Überredung." Darum ist auch der Vergleich mit den verschiedensten königlichen Proklamationsformen des alten Orients ganz müßig.'

His criticism against the overstated arguments of K. Baltzer and J. Muilenburg is to some extent correct, when both scholars try to identify a full covenant formula in this section. However, L. Perlitt simply forgets that the content of 19:3b-8 is arranged practically but not in a formulaic way<sup>(161)</sup> (i.e. strict bilateral pronouncement of the covenant relationship by both parties) as nearly all official treaties of the ANE formulate the political, diplomatic

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connection between the 'Grundsatzklärung' and the 'Einzelbestimmungen' is particularly significant to understand the relationship between 19:3-8 and the following (law) sections : 'Die Einzelbestimmungen sind die rechtliche Konsequenz aus dem Vertragsverhältnis : Ist der Partner treu, dann wird auch dadurch deutlich, daß die Grundsatzklärung vor Einzelbestimmungen noch einmal aufgenommen werden kann. Die Grundsatzklärung selbst enthält vor allem allgemeine Imperative. Ihre Grundforderung ist die Loyalität des Vertragspartners.'

156. He is followed by P. Buis (1966,400), who considers this as covenant formula.

157. (1960,16).

158. (1961,299), (1961,419-425).

159. L. Perlitt considers this definition as 'genugsamer' than that of K. Baltzer. A.K. Fenz (1964,52), following N. Lohfink, considers this section as 'Bundesvorverhandlung' or 'Bundesangebot'. Further see W.L. Moran (1961/2,126 : 'Verbereitung des Bundesschlusses'), B. Couroyer (1968,92 : 'promesse de l'alliance').

160. (1969,177ff).

161. See the comment of D.J. McCarthy (1978,272-273) about the unique feature of this section and further criticism of D.J. McCarthy (1972,116 = 1985,48).



issues practically for the benefit of or from the standpoint of the suzerain. It is not necessary that all components in the biblical covenant formula has to be found in the ANE treaties. However, the difference between the OT covenant and the ANE treaty does not make void the undeniable similarity between both literary genres as a whole. Rather this difference reveals the unique theological feature of the biblical covenant when compared with the ANE treaties, God's gentle approach to his people. And L. Perlitt does not consider the ANE materials, especially the treaties properly. Therefore, he cannot compare rightly the OT covenant and the ANE treaties.<sup>(162)</sup> Further, although he rightly criticizes J. Muilenburg for lack of concern about 19:3b-8 as a whole, he himself does not pay enough attention to the position of 19:3b-8 within the whole Sinai pericope. His atomistic approach is found throughout his thesis.<sup>(163)</sup>

A. Reichert<sup>(164)</sup> makes a constructive comment on 19:3b-8 :

'Es scheint vor allem von der grundsätzlichen Annahme des Bundesverhältnisses als Vasallitätsverhältnis im Sinne der Verträge inspiriert zu sein.'

P. Kalluveetil<sup>(165)</sup> also gives a useful observation :

'The tone of two expressions (אִם-שָׁמוֹעַ הַשְׁמָעוּ בְּקוֹלִי וְשִׁמְרֵתֶם אֶת-בְּרִיתִי in 19:5a, TGS) is more characteristic of *the opening scene of a covenant negotiation* than the closing or sealing ceremony of an alliance (italics, TGS).<sup>(166)</sup>

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162. (1969,179 : 'In Ex 19:3-8 fehlt für einen sinnvollen Vergleich mit den altorientalischen Staatsverträgen überhaupt das Wesentliche : einen Explikation der Verhaltensnormen'). In the ANE treaties the stipulations are scattered in various parts within a treaty document and they are often repeated several times with a slight modification, because they are formulated practically to meet the need of the situation. For instance in the VTE we read several repetitions of the obligation to report the treason, or opposition (S. Parpola & K. Watanabe, 1988, 28-45). It is too much to say that the norm or obligation has to be contained only within the section 19:3b-8.
163. For instance about 19:5 (1969,171) : 'Segen oder Zusage durch Bedingung oder Ermahnung erworben oder erhalten.' However, 19:5-6 is not simply blessing or promise as we have seen in 2.4.3.4.(3). Although it is formulated by the conditional sentence style, the content of this passage does not allow us to interpret it purely conditionally, because the three promises (Ex 19:5b-6a) are in fact the relationship concepts having an existential characteristic (see 3.6.5.5). Further 19:5 has to be considered according to its function within the context of 19:3-8.
164. (1972,141). Further M. Weinfeld (1975,128) makes an interesting suggestion. The fact that סְנֵלָה is used closely with מְסֻלָּתָהּ is better understood in the light of the suzerain-vassal imagery of the Ugaritic text.
165. (1982,157). However, he (1982,157,ns.148,150) holds that 19:3-8 is originally independent covenant tradition from the Sinai pericope, apparently because of his lack of interest on the whole issue of the Sinai pericope. Therefore, he holds that the oral affirmation of the people in 19:7 becomes the covenant enacting rite : 'it is the word alone (no symbolic ritual follows it) that makes the covenant.' However, the components in 19:3-8 allude to some formal activity which should be performed in the near future for the enactment of the covenant relationship which is being negotiated. The negotiation is done only through the messenger and the confirmation of the negotiated covenant between the two parties should happen in the situation when both parties meet with each other. And the terms of the relationship are to be set out and the covenant ceremony also should be performed. All the more all aspects of the Sinai pericope can be lost their meaning without this section (R.R. Ellis, 1988, 42). Recently J.C. de Moor (1990, 218) reassures the characteristic of the covenant between the deity and the people by the analogy of Egyptian example. Further he (1990, 220) criticizes the inadequacy of the assertion that the idea of YHWH's kingship was a very late phenomenon which would have arisen only in or after the Babylonian Exile.
166. Similarly A. Phillips (1970, 4 and n.7 : 'the preliminary negotiations which resulted in the agreement to establish the covenant') and B.S. Childs (Ex, 367 : 'the invitation to enter into a covenant'). And he correctly criticizes E. Gerstenberger's failure (1965, 38-51) to see this aspect.



R.R. Ellis, emphasizing the indispensability of 19:3b-8 within the Sinai pericope, holds<sup>(167)</sup>:

'The pericope establishes the foundation of the covenant in a personal relationship rather than law. ... If the pericope of verses 3b-8 were absent from Exodus 19, the element of a mutually beneficial relationship would be missing from the covenant. Moreover, without these verses the Sinai narrative would have neither a statement of purpose nor a statement of God's obligations toward Israel. Therefore, verses 3b-8 serve the indispensable purpose of placing the covenantal call for Israel's obedience in the context of a personal relationship with God rather than the context of impersonal law.'

Although R.R. Ellis realizes that there is a certain relationship between this section and the whole Sinai pericope, he seems to have made no clear definition of this section or its function (or position) within the Sinai pericope or the relationship between this section and other sections in the Sinai pericope.<sup>(168)</sup>

#### 2.4.4.2. The definition of the subject of 19:3b-8

After dealing with the major opinions on the definition of the subject matter of 19:3b-8, we now want to suggest our own by summarizing the positive arguments of various commentators :

(i) The election motif (H. Wildberger) is too general to be the central theme of 19:3-8. A more concrete concept than election, the covenant relationship, is the real matter of this section.

(ii) The terms of the new relationship are not simply superimposed as in the ANE laws but negotiated through the messenger (R.R. Ellis).

(iii) In 19:3b-8 we cannot find all the elements to be the covenant formula *per se* (K. Baltzer, J. Muilenburg), but the *preliminary* negotiation ('Bundesvorverhandlung', 'Bundesangebot') between the two parties (N. Lohfink, A.K. Fenz, A. Phillips, B.S. Childs). This means the further steps have to be followed to constitute the full form of the official relationship (B.S. Childs).

(iv) However, in this section there are some vital components for making the official relationship : the 'Vorgeschichte' (19:4) and the representative words for the 'Grundsatzklärung' (19:5a קָלִי וְכִרְיָתִי). Most interestingly the existence of the 'Grundsatzklärung' in this section alludes to the fact that the 'Einzelbestimmungen' will be mentioned in the next sections (K. Baltzer, B.S. Childs).

(v) Moses' role as the messenger between the two parties is an important element in

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167. (1988,42).

168. Further, 'personal – impersonal' category does not seem to be the main point in this section. Rather it must be formulated as follows : God does not just impose his law directly from above as in many cases of ANE kings (e.g. Hammurabi) – this case seems to be impersonal according to Ellis' terminology –, but He makes a covenant relationship first of all upon which He founds His law.



this section.

(vi) The main features of this section show that there is a great similarity between this section and the ANE vassal treaty (A. Reichert, M. Weinfeld, D.J. McCarthy, N. Lohfink, P. Kalluveetil).

Consequently we want to suggest the following definition of 19:3-8 : *YHWH's preliminary proposal of the covenant relationship between YHWH and Israel, which is mediated by the messenger Moses and accepted by the people in a preliminary way.*<sup>(169)</sup> There are two aspects of this definition, (i) content, (ii) form.

(i) In the content of this definition there are three elements : (a) the preliminary event, (b) the proposal and the acceptance, (c) the covenant relationship between YHWH and Israel.

(a) Two important components of this section, the proposal of God and the response of the people, constitute the opening stage of making a relationship. It is only preliminary because from God's side the terms of this covenant relationship are not yet put forward, and from the people's side they will repeat later (24:3,7) the word of consent with a similar clause (בְּלֹא אֲשֶׁר-דִּבֶּר יְהוָה נִעָשָׂה) in 19:8a. From God's side, the context obviously supposes that the covenantal terms will be pronounced soon but not right now in this section (19:3b-8). The reason for this postponement seems to be that the whole Sinai pericope follows a certain formal procedure and in each section the author concentrates on one or two elements of the covenant making procedure. In other words, before the full terms (law) of the covenant are suggested, God's proposal (19:5-6) only introduces the legitimate covenant relationship in a preliminary way. From the people's side the first response (19:8) is also a preliminary one and the second and the third responses (24:3,7) are the reaffirmation of the first one after God's terms for the covenant relationship are completely revealed.<sup>(170)</sup>

(b) 19:3b-8 reports not the official declaration of the covenant relationship but the negotiation where the initiator of that relationship suggests making a relationship through the mediator and the people respond through that mediator.

(c) We have seen in 2.4.3.4. & 2.4.3.5. that the conditional sentence of 19:5-6a cannot

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169. A. Phillips (1970,4 and n.7 : 'the preliminary negotiations which resulted in the agreement to establish the covenant'), D. Patrick (1977,150 : 'initial negotiations'), P. Kalluveetil (1982,157 : 'Yahweh proposes to them a pact', 'the opening scene of a covenant negotiation'). J.N.M. Wijngaards (1963,56) roughly lists three examples of the covenantal proposal (Gen 15:7, Ex 19:3b-8, Jos 24:3-13) and five examples of the covenant acceptance (Num 14:2-4, 16:12-14, 20:3-5, Jos 24:17f., Dt 26:5-6). However, she (1963,44) interestingly points out that the treaty documents between Šuppiluliuma and Kurtiwaza of Mittani (i.e. two documents of one treaty) preserve this proposing and accepting process (E.F. Weidner, 1923,3-37,37-57). Further she (1963,43-55) lists the seven stages of the subsequent development of the treaty relationship. R.R. Ellis (1988,42-43) holds that 19:5-6 is an invitation of God and 19:8 is an answer to show the willingness of the people to accept the covenant conditions. Cf. the first two items of D.J. McCarthy's structure (1978,20) correspond with the present section : (1) negotiations based on the existing relationship, (2) clearer definition of the relationship.

170. Commentators usually puzzle about the reason of the repetition of the direct citation of the people's word (19:8, 24:3,7) in the context of the Sinai pericope.



be explained in the usual way. It is a compressed sentence where the covenantal relationship is expressed in a very practical way but not in a formulaic or idealistic way. If 19:5-6a expressed purely the conditions and blessing, there would be no essential difference between the laws of the Sinai pericope and the ANE laws. In the ANE, firstly, laws are superimposed, without negotiation between a sovereign and the people, from a king in the name of the deities, and therefore there is direct demand of a king to keep the laws. Secondly, the blessing or curse will be given according to whether the people keep the imposed law or not. However, in 19:3-8 we clearly find the negotiation between God and the people, which reveal that the Sinai pericope is not to do simply with law but with covenant. All aspects of this initial section of the Sinai pericope show that the covenant between God and the people is the topic. We have seen that ברית in 19:5a does not simply mean the stipulations but the stipulations based on a certain relationship between the two parties, in this case by the covenant between YHWH and Israel.

(ii) We want to look at the form of this definition. As a whole the author not only states in 19:3b-8 God's proposal and the people's response for making a special (covenant) relationship between the two parties, but also he sets the whole process of making relationship within a narrative structure. The author, who carefully prepares the previous pericopes before reaching the pericope of covenant making in the mountain of God (2.1.2.3.), also controls at the beginning of the Sinai pericope.

An actual process of making an official relationship between two parties (e.g. marriage, commercial contract, treaty)<sup>(171)</sup> may be suggested as follows :

- 1st stage : the negotiations are planned.
- 2nd stage : a messenger is sent with topic for negotiation.
- 3rd stage : the messenger meets and negotiates with the other party.
- 4th stage : the messenger reports the other party's answer to the initiator.
- 5th stage : both parties meet directly.
- 6th stage : both parties make an official document (of marriage, treaty,...).

In the ANET we usually find only the end product of making a relationship, the official document.<sup>(172)</sup> However, we occasionally read correspondence between two parties before both parties reach an agreement.<sup>(173)</sup> The negotiation between suzerain and vassal in the

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171. J. Muilenburg (1959,352) suggests the literary type of 19:3b-6 is the *message* or proclamation which belongs to the fixed forms of ANE utterance. Its provenance is probably in the royal message either in the manner of treaties (Korošec, Mendenhall) or in the epilogues to the great legal corpora of the ANE.

172. Two important studies are made recently on the messengers in the ANE : S.A. Meier (1988), John T. Greene (1989). J.T. Greene (1989,xviii f.) reconstructs the possible procedure of sending messengers which is similar to our text : (1) authorization, (2) stratification, (3) mnemonization, (4) sectionalization, (5) legitimation / authentication, (6) rejection, (7) identification, (8) specialization / diversification.

173. For instance the letter Šuppiluliuma (Hittite king) to Niqmadu (Ugarit king) before making a treaty. N. Lohfink (1990,357,n.35), reminding the class lesson of his teacher W.L. Moran, also illustrates this material (PRU IV,1 no. 17,132) for arguing against L. Perlitt's lack of concern (1969,192) on the differences of nuance of the use of similar phrases (Ex 19:7f., 24:3,7). And we rarely read the trace of several previous stages in the documents themselves, because they contain the section which tells about



ANE treaties is similar to the contact through the messenger Moses who brings the preliminary proposal of God to the people and the preliminary answer of the people to God.<sup>(174)</sup> In the OT we also find examples of this kind of negotiation in making covenant between two parties. D.J. McCarthy makes a survey of this point in the deuteronomistic history.<sup>(175)</sup> The cases where negotiation occurred are covenants :

(i) between Israel and the Gibeonites (Jos 9:1-10:1) : 'there is an extensive report of negotiations which work out bilateral obligations',

(ii) between Jabesh-Gilead and Nahash (1 Sam 11:1-3) : 'there are negotiations involving service and implying that this is a condition for a grant of life',

(iii) between David and Israel (2 Sam 3:21, 5:1-3) : 'it was prepared for by negotiations. Presumably each party conceded something, but in the text everything is in David's favor',

(iv) between Ahab and Ben-hadad (1 Kings 20:31-34) : 'the text describes, in technical vocabulary, the negotiations in which obligations were formulated',

(v) between Jehoiada and the officers (2 Kings 11, 2 Chron 23) : 'negotiations are indicated in 4b, (an interpretation confirmed by 2 Chron 23:1)',

(vi) between Abner and David (2 Sam 3:12-21) : 'there are negotiations, which all seem to work to David's benefit'.

There is another point to be considered seriously in 19:3b-8, namely 19:3b-8 hints at nearly all the stages of negotiation.<sup>(176)</sup> Moses moves up and down the mountain throughout the Sinai pericope to conduct the negotiations between the two parties. This movement is usually explained either source-critically or by literary harmonization.<sup>(177)</sup> If we accept the present text as it stands, or at least if we try to explain the *positive* reason for the present text, Moses' movement should be explained *positively*. The best way to

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the history of the relationship between two parties to emphasize the legitimacy of the relationship (e.g. treaty, marriage document in A.T. Clay, 1923, 50-52).

174. The arguments of A. Reichert (1972, 142) and M. Weinfeld (1975, 128) mentioned above (2.4.4.1) stress the structural similarity between Ex 19:3b-8 and the vassal treaty.

175. (1972a, 65-85 = 1985, 21-41). Further D.J. McCarthy (1979, 78 = 1985, 77) lists the cases of starting negotiation as the first stage for making a covenant (compact). S.A. Meier (1988, 188) analyses the account of 2 Sam 18:28-33 with the similar fashion : (1) greetings, (2) news given by messenger, (3) question from listener, (4) response by messenger, (5) reaction of listener. D.J. McCarthy (1972a, 81 = 1985, 37 and also 1974, 101 = 1985, 64) defines negotiation to have the characteristic of the 'elements of persuasion, proposal, and counterproposal'. And he (1974, 97 = 1985, 60; in detail in 1964, 179-189 = 1985, 3-13) suggests further three examples of Genesis (21:22-34, 26:23-33, 31:25-32:3) also have the negotiating characteristic. The only difference between all these examples and Ex 19:3-8 is that the latter text shows the existence of the mediator Moses. In all examples of the ANET and in the OT the role of mediator, at least in their present texts, is minimal or unimportant. In the Sinai pericope the existence of the mediator makes the whole covenant making process very distinct. In other words the awesome phenomenon of God's coming in Ex 19:9-25 should actually be interpreted not as theophany but as the encounter of both parties (see 2.6.2).

176. B.S. Childs (Ex, 348) insists that the main weakness of the commentators who make connection with vassal treaty is their misunderstanding of the fundamental role of the covenant mediator in the Sinai pericope. We acknowledge that the concern of B.S. Childs with the official treaty document is right and in the document there is no mention about the messenger. However, he does not take into account the practical situation of the actual treaty : it is needless to say there must be a mediator between two parties to form an official relationship. The difference between the treaty and the Sinai pericope is that the latter mentions about the movement of the messenger in detail with its own theological reason, but the former not.

177. See B.S. Childs (Ex, 344 : 'Moses is pictured as ascending and descending Mount Sinai at least three times without any apparent purpose').



explain it is that Moses functions as the real mediator between the two parties and hence must move back and fro, because each of the two parties stands in a different place.<sup>(178)</sup>

**(a) The first stage : 19:3a**

(Messenger meets the first party (the initiator) of the relationship)

The first stage in which YHWH, the initiator of the relationship, plans the relationship is briefly mentioned in 19:3a, but it is already alluded to many times in the previous pericopes before the Sinai pericope.<sup>(179)</sup> Moses goes up to God (וּמֹשֶׁה עָלָה אֶל־יְהוָה, 19:3a) not 'to the mountain' presupposes the reader's / listener's knowledge of what happens there. God has on a previous occasion told Moses what to do, so no command to ascend the mountain is given here. Moses is to receive the message from YHWH, the first party of the covenant, because from 19:3b God speaks directly the terms of the covenant.

**(b) The second stage : 19:3b-6**

(Messenger receives the proposal from the first party)

In this stage we find three elements :

(i) The commissioning formula to the messenger Moses (בְּהַתְּיָדָד, 19:3b and cf. 19:6b) and the name of the second party (בְּיַתְיָב וּבְנֵי יִשְׂרָאֵל, 19:3b and cf. 19:6b). The name of the first party (יְהוָה) is already mentioned in 19:3a.<sup>(180)</sup>

(ii) The presentation of the previous history (19:4) which tells what the first party has graciously done for the benefit of the second party. This history is spoken by YHWH himself. It is commonly known as 'die Vorgeschichte' (e.g. K. Baltzer<sup>(181)</sup>), it is spoken by the superior (or a suzerain) in the first person and is an important in the ANE treaties. In 19:4 as in the ANE treaties we find two elements : first, God's might shown in his destruction of Egypt (the suzerain's mighty power shown in the history), and second, God's love and grace towards Israel shown in his acts on the journey to the mountain of God (the gracious act of a suzerain towards a vassal).

(iii) the definition of the relationship expressed not formulaically or idealistically. D.J. McCarthy<sup>(182)</sup> aptly illuminates this fact with precise comment on 19:5,

'covenant formulation is not a frozen form',

and on Ex 19:3b-8

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178. M. Goldberg (1985,122 : 'some sort of negotiating process appears to be taking place between God and Israel, with Moses serving as a kind of "covenantal middleman").

179. E.g. 3:1,12,18, 4:23, 5:1,3,8,17, 7:16,26, 8:4,16,21-25, 9:1,13, 10:3,7-8,11,24-26, see further in 21:24. & 24:11.

180. Since 19:3b has a sentence whose style is common with other literary genres (like prophetic announcement), it could lead scholars to misidentify 19:3b-8 as other genre than the proposal of covenant relationship (e.g. S. Mowinckel).

181. (1960,20).

182. (1978,272-273).



'So Ex 19:3b-8 fails to conform to the abstract ideal because it compresses stipulations and blessing into one, not making the one succeed the other. But this is not to say that it is not covenantal or effective expression. To control a literary form is precisely to use it effectively and freely like this.'

**(c) The third stage : 19:7-8a**

(Messenger brings the first party's terms to the second party and they are considered by the second party)

19:7 reports the stage where the messenger negotiates with the second party over the proposals. Moses does not tell the people directly but the elders, the representatives of the people. 24:9-11, the last stage of the Sinai covenant, reports for the second time within the Sinai pericope about the elders as the representatives of the people. Except in these two cases (19:7-8a, 24:9-11) the people react directly (19:8, 20:19, 24:3b,7) and Moses also speaks to the people directly (19:15, 20:20, 24:3a). In 19:7-8a, although the elders receive the message from Moses (19:7), the people respond to the messenger (19:8a). The reason is that the elders represent the people. 19:7 reports that Moses tells God's word to the elders first of all in order that they can tell the message to the people of each clan. The response of the people (19:8a) is brought Moses through the elders.<sup>183</sup>

**(d) The fourth stage : 19:8b**

(Messenger brings the response of the second party to the first party)

Moses, the mediator chosen by God, reports the answer of the people to God. This closes the first scene of covenant making between God and the people.

**2.4.5. The position of 19:3b-8 within the Sinai pericope.**

After defining the subject matter of 19:3-8 we have now to look at the function of this section within the Sinai pericope, because, as B.S. Childs<sup>184</sup> correctly points out, 'the major exegetical problems of ch. 19 relate to the issue of understanding how the various parts of the chapters fit together in the narrative.' We have seen that there are many commentators who see this section as a preliminary stage making the covenant

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183. The whole process seems to be (i) God's word to the messenger Moses (19:3b-6), (ii) Moses' going back to the people (19:7aa), (iii) Moses' summon of the elders (19:7ab), (iv) Moses' word to the elders (19:7b), (v) the elders' report to the people, (vi) the people's response to the elders (or to Moses), and possibly (vii) the elders' report of the people's response to Moses (19:8a). The process (v) and (vi) are not mentioned here but we assume that they happened. In 24:9-11 the final scene of the covenant making (the covenantal meal) is performed by 'the nobles of Israel' including the elders, because they represent the people. The reports of 19:3-8 (the initial report) and of 24:9-11 (the final report) overarch all other stages of the covenant making. It is highly possible that many other communications between Moses and the people are actually done through the elders, the representatives of the people. R.R. Ellis (1988,42-43) comments on 19:8 and 24:3-8 adequately : 19:8 is 'a preliminary statement of their willingness to accept the covenant concept' and 24:3,8 is 'the ratification of the covenant by their acceptance of all the detailed obligations placed upon them'.

184. (Ex364).



relationship. Going beyond simply pointing out the general relationship between this section and the rest of the Sinai pericope, some commentators try to describe accurately the function of this section within the Sinai pericope :

'The pericope of Ex 19:3b-8 serves a significant function in Exodus 19. Standing at the beginning of the Sinai material, these verses provide an overview for the entire covenant.<sup>(185)</sup> And '...it (Ex 19:3b-8, TGS) could be liturgical poetry. ... 19:3b-8 makes an overture introducing major themes of what is to follow.'<sup>(186)</sup>

B.S. Childs tries to deal with this issue more fundamentally. He, first of all, has strong doubts about the application of traditional source criticism to this chapter.<sup>(187)</sup> However, he<sup>(188)</sup> poses a crucial question and answer on the relationship between 19:3-8 and the rest of the Sinai pericope when he interprets 19:7 :

'How can the people agree to accept as the grounds of the covenant "all that Yahweh has spoken", when God's will has not yet been revealed to them ? ... A covenant has been offered; the people respond with enthusiastic acceptance, but the whole section (19:3-8, TGS) only anticipates what is to follow. Israel will shortly learn what God's will is to which she has committed herself. In a real sense, the rest of chs. 19 and 20 unfold the full implications of the covenant and the nature of the covenant God, thereby casting the people's eager response in a new light. From the perspective of the whole passage Israel has not sealed the covenant, but rather only begun her period of preparation.'

This issue which is not raised by analytical critics, is appropriate to the present section. From this citation there are two basic observations about 19:3-8 which is adequate for the further study:

(a) 19:3-8 is the anticipation of what is to follow in the rest of the Sinai pericope,

(b) in 19:3-8 Israel does not seal the covenant, rather she signs the preliminary agreement for the future full covenant.<sup>(189)</sup>

Therefore, it is necessary to develop these insights of commentators, especially of B.S. Childs more fully.<sup>(190)</sup> All the arguments mentioned above and in 2.4.4.1. & 2.4.4.2. make clear that 19:3-8 is indispensable to other sections of the Sinai pericope and other sections also demand the existence of 19:3-8. There are four points which connect 19:3-8 with the

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185. R.R. Ellis (1988,72).

186. D.J. McCarthy (1978,275). However, he holds 'perhaps the latest of the various Sinai traditions, it (19:3b-8, TGS) turns the emphasis from ritual (theophany, sacrifice, sacred meal, etc.) to the word.'

187. (Ex,349).

188. (Ex,367) and already J.J.P. Valetton (1907,78).

189. In this regard, his definition (Ex,367) on 19:3-8 as 'the invitation to enter into a covenant' is a reasonable one, as we have seen in 2.4.4.2.

190. Analytical approaches (source criticism, form criticism) usually do not ask about the meaning of a section of text in the larger context. Like in 19:3-8 when the text itself alludes to the imminent successive future events, e.g. meeting of the two covenant parties, the covenantal terms, the covenant ratification ceremony which cannot be dealt with in this small section, it is natural for us to try to find the description of these events in the next sections.



rest of the Sinai pericope<sup>(191)</sup> : (a) the meeting of both parties, (b) the terms of the covenant, (c) the covenant ceremony, and (d) Moses' role as the mediator.

#### (a) The meeting of both parties : 19:9-25

In the ANE as well as in modern legal custom, with occasional exceptions, all official relationship making procedures (e.g. contract, marriage, and treaty, etc.) take place when both parties directly meet after positive preliminary negotiations. In their face-to-face meeting both parties spell out their own legal demands and listen to the terms proposed by the other party in order to form a legitimate relationship. And after agreeing to the other party's demands each party makes a (verbal) oath or a (written) sign. As we shall see, 19:9-25 does not describe simply God's coming to the mountain (generally called 'theophany'), as many commentators suppose, but the encounter of the two parties forming a special (covenant) relationship. Therefore, 19:9-25 makes a clear contrast with 19:3-8 where all negotiations are done through the mediator Moses. This difference in the type of meeting between the two parties does not indicate the literary independence of both sections, rather it clearly shows that both are complementary to each other for constituting the covenant proper.

#### (b) The terms of the covenant : the decalogue and 20:22-23:33

Just as 19:3-8 looks back to the previous pericopes by summing up the three stages of the salvation history through 19:4 (2.4.3.2.), it looks forward to the next stage of the Sinai covenant leaving the detailed proposal of God's קול and God's ברית in 19:5 to be carried out in the next sections.<sup>(192)</sup> As B.S. Childs suggests correctly, God's קול (19:5aa), which means the covenant terms, is not yet heard. And God's ברית (19:5ab), which means 'the terms of the covenant', is not yet suggested. God's קול (19:5aa) denotes God's will broadly : all words from God's mouth, towards the other party, Israel. But God's ברית (19:5ab) expresses the precise *covenantal* demand of God, the concrete legal aspect of God's will which is enshrined in the decalogue and the Book of the Covenant.<sup>(193)</sup>

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191. J.J.P. Valeton (1907,77 : 'eine theologische Skizzierung der Bedeutung der Ereignisse am Sinai'), followed by B.D. Eerdmans (Ex,64). Pace P. Kalluveetil (1982,157,n.148) if he accepts the argument of N. Lohfink (1961,422) and D.J. McCarthy (1978,275) that 19:3-8 has a preliminary character for making the legitimate covenant but nothing more. The preliminary character of this section is basically derived from the inherent factors, as we have already seen. Its connection with other sections in the Sinai pericope is not merely regulated by the author's literary technique but primarily by the immanent characteristics or contents of each section.

192. We have already cited K. Baltzer (1960,22f.) that the order of the 'Vorgeschichte' (19:4) and the 'Grundsatzklärung' (19:5) is quite usual in the Hittite treaties, and the 'Grundsatzklärung', containing the general imperative about the loyalty, stands *before* the 'Einzelbestimmungen'. In this sense the connection of 19:3-8, containing 'Grundsatzklärung', with the detailed covenantal terms, which may be called as the 'Einzelbestimmungen', is very normal.

193. H. Wildberger (1960,14) realizes that there is a theological problem in the connection between קול / ברית (19:5) and כֹּל אֲשֶׁר-יְדַבֵּר יְהוָה (19:8). ברית (19:5a), according to H. Wildberger, means the totality of God's command already known. Meanwhile, כֹּל אֲשֶׁר-יְדַבֵּר יְהוָה (19:8) means neither the laws to be proclaimed soon nor hindering element in the section 19:3-8 to be interpreted, but it is related to a special old tradition not mentioned here. However, firstly, it seems to be impossible for H. Wildberger to verify the existence of this old law known already to the people. And particularly in the present



**(c) The covenant ratification ceremony and the celebration for it : 24:1-11**

The peoples' wholehearted acceptance in 19:8 is repeated in 24:3,7 :

19:8 כָּל אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה + יְהוָה + וַיַּעַן כָּל-הָעָם  
24:3 כָּל-הַקְּבָרִים אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה + כֹּל אָחָד + וַיַּעַן כָּל-הָעָם  
24:7 כָּל אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע + (בְּאָזְנֵי הָעָם) וַיֹּאמְרוּ

In all these clauses the emphatic tone is unmistakable and also it is impressive that *יהוה* is unanimously used for his word (*דִּבֶּר יְהוָה*). YHWH's word in 19:8 points to the future event but that in 24:3,7 indicates the past event. Here we find there are three stages in the people's answer. Before YHWH's word, the covenant stipulations, are given, the people express once again that they unanimously accept that word (19:8). And then after Moses reads YHWH's word and before he writes it down, the people unanimously accept it (24:3). Finally before the final sealing of the covenant by the blood rite (24:8), the people express their wholehearted acceptance of God's word (24:7). Therefore, if 19:3-8 shows a unity as the preliminary proposal and acceptance of the covenant relationship, 19:7 is a demand that the people should accept it after the pronouncement of God's word.

**(d) Moses' role as the mediator**

Moses' role and movement as the mediator of the official relationship is not strange considering other cases of making official and legal relationships in the ANE, although in the ANE documents the role of the mediator is usually not the main concern.<sup>(194)</sup> Generally, if there is a relationship to be negotiated, it demands the work of mediator. The covenant mediatorship in the Sinai covenant by Moses has a special function in the OT. Moses' function as the covenant mediator in the Sinai pericope is coupled with a major theme of the whole pentateuch, the bestowal of divine authority on Moses.<sup>(195)</sup> In all sections the function of Moses as the mediator is never forgotten : in the preliminary negotiation (19:3-8), in the meeting of the two covenant parties (19:10-25), in answering the people's request (20:18-22) and subsequent receiving God's laws (20:23-23:33), and finally the covenant ceremony (24:3-8,9-11).

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text there is no suitable law corpus before Ex 19. Secondly, for the author the concept of time is very important, and a cause and its effect in the time span is clearly conscious in the mind of the author, as we have seen in 23.1. & 23.2. Therefore, mentioning any law code before this phrase (*כָּל אֲשֶׁר-דִּבֶּר יְהוָה*) is unthinkable. Thirdly, *כָּל-* in 19:8 should be considered to imply the multiple items of law. And *קָלִי* together with *בְּרִיתִי* in 19:5 are general and broad terms compared with other words of law, and this general character suits the present context in order to express the total corpus of God's law as the covenantal stipulations. All these points necessitate the forthcoming pronouncement of God's covenantal conditions.

194. Although thanks to the recent study of S.A. Meier (1988), J.T. Greene (1989) the function of messenger in the ANE is known much better, we do not have sufficient knowledge about the ANE messengers. Probably because they are not so important as the message itself or the parties themselves.

195. B.S. Childs (*Ex372*) vividly illustrates the overarching themes of the pentateuch of Moses' authority on the one hand and the suffering of God's servant on the other.



## 2.4.6. The connection between 19:3b-8 and 19:9ff.

The main reason why commentators have various interpretations about the connection between the first section (19:3-8) and the second section (19:9-25) is the apparent repetition of the same content in 19:8b and 19:9b :

19:8b וַיֵּשֶׁב מֹשֶׁה אֶת־דִּבְרֵי הָעָם אֶל־יְהוָה

19:9b וַיַּגֵּד מֹשֶׁה אֶת־דִּבְרֵי הָעָם אֶל־יְהוָה

Many commentators consider 19:9b as the repetition of 19:8b.<sup>(196)</sup> M. Noth<sup>(197)</sup> holds that 19:3b-9a forms a unity and 19:9b is a later addition in order to smooth the connection with God's word in 19:10.<sup>(198)</sup> Similarly J.P. Hyatt<sup>(199)</sup> holds that 19:9a is a misplaced variant of the last sentence of 19:7. H.L. Strack suggests a quite interesting interpretation. 'The word of God' in 19:10 is the continuation of 'God's word' spoken in 19:3bff. and 19:9.<sup>(200)</sup> Surprisingly E. Zenger<sup>(201)</sup>, who is strongly analytical in his treatment of the Sinai pericope, casts doubt on the *communis opinio* about this issue :

'...; die meist geübte Praxis, diesen Halbvers als Glosse zu charakterisieren, ist von daher zweifelhaft. Vielleicht liegt hier das im Alten Testament öfter begegnende Phänomen der Zusammenfassung am Schluß einer Einheit vor.'

In other words, he tries to understand this as a literary phenomenon when he finds an example in Gen 23:17,20<sup>(202)</sup> of a similar stylistic feature. Therefore, he asserts,

'Diese stilistische Beobachtung sollte davor abhalten, v. 9b vorschnell als Glosse abzutrennen.'

E. Zenger<sup>(203)</sup> finds a stylistic reason for this phenomenon. In other words, the function of 19:9b for 19:3b-9 as the organic conclusion at the end of a section is similar ('Analogie') to

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196. B. Baentsch (*Ex*,173), H. Holzinger (*Ex*,124), G. Beer (*Ex*,97), Th.C. Vriezen & A.S.v.d. Woude (1982,176). B.S. Childs (*Ex*,374) summarizes three suggestions : (a) critical assessment as 19:9b as a gloss (Baentsch, Holzinger, Driver, Beer, etc.), (b) conservative judgment as repetition for literary effect (Keil & Delitzsch), (c) (old and modern) midrashic interpretation (Mekilta, Rashi, Cassuto). And then he eventually considers 19:9 as a misplaced gloss from 19:8b.

197. (*ATD*,*Ex*,127 = *OTL*,*Ex*,158).

198. A. Reichert (1972,113) has also a similar understanding. Since the style of 19:9a is similar to that of 19:3b-8, the unity stretches from 19:3b to 19:9a. 19:9b is a kind of addition.

199. (*Ex*,201).

200. (*Ex*,224). He gives an example in Gen 16:9-11. 'Nach dem ersten Absatz der Rede Gottes (19:9a, TGS) ist gleich eingefügt, daß das Volk die von Gott v. 5 gestellte Bedingung erfüllen zu wollen erklärt hat.' It is impressive that in such a short passage (only three verses) the angel of God appears to speak three times (19:9,10,11, וַיֹּאמֶר לָהּ מַלְאֲכָה יְהוָה). In this case it is very difficult to say that there are different sources here. This argument of H.L. Strack is followed and refined brilliantly by J. Hofbauer (1932,482) among deep analytical (destructive to the present text) tendency of the German scholarship in those days : 'Eine treffende Bemerkung ! Ähnliche Eigentümlichkeiten des hebräischen Stils lassen sich in der Hl Schrift öfter beobachten und mögen manche von den Kritikern angemerkte Unstimmigkeit und manchen sogenannten Widerspruch lösen.'

201. (1971,59).

202. 19:20 repeats in the concluding verse the content of legal activity in 19:17. And he (1971,243,n.26) gives further examples (Gen 2:1, Jos 14:10, 1 Sam 17:50, 31:6, 2 Sam 24:8, Ruth 1:22).

203. (1971,109-110).



the function of Gen 23:20, which is similar to Gen 23:17, in the context. However, Gen 23:17,20, E. Zenger's example, is not exactly the same as the present case, because the event finishes perfectly in Gen 23:20 and from Gen 24:1 a totally new event is described, which has no direct connection with the previous section.<sup>(204)</sup> However, 19:9a has a strong connection with the next section in its form and in its content. In other words, 19:9b is not just a concluding clause, because the conclusion of a small event (19:3-8) is already reached in 19:8b. In 19:9a the author introduces new information which is deeply related to one sub-topic of the next section, Moses' divine authority (2.7.2).

We now want to evaluate these arguments and put forward our own understanding of this issue. If we look at the text of 19:8b-10a closely, we find that there are two parallel features :

- |         |        |  |
|---------|--------|--|
| [A] [a] | 19:8b  | וַיֵּשֶׁב מֹשֶׁה אֶת־דְּבַר הָעָם אֶל־יְהוָה |
| [a']    | 19:9b  | וַיַּגֵּד מֹשֶׁה אֶת־דְּבַר הָעָם אֶל־יְהוָה |
| [B] [b] | 19:9a  | וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה                  |
| [b']    | 19:10a | וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה                  |

Since there is no fresh word of God between 19:8b and 19:9b<sup>(205)</sup>, the formal similarity in [a] and [a'] is striking, differing only וַיֵּשֶׁב [a] / וַיַּגֵּד [a'], and the parallelism in form as well as in content is perfect.<sup>(206)</sup> And in [B], as we shall see in 2.5.1.1. & 2.7.2., 19:9a [b] is an introduction directly related to 19:19b-25 whose theme is Moses' dialogue with God. 19:10a [b'] is an introduction to 19:10b-19a whose theme is the meeting of the two covenant parties (the people and God) :

verse	theme	verse
(introduction)		(detailed report)
[b] 19:9a	Moses' dialogue with God	19:19b-25
[b'] 19:10a	the meeting of the two parties	19:10b-19a

In this manner 19:9a and 19:10a are related to each other. Therefore, if we synthesize these two parallel features [A], [B], we find the following structure :

	Moses' word to YHWH	YHWH's word to Moses
[a] 19:8b	וַיֵּשֶׁב מֹשֶׁה אֶת־דְּבַר הָעָם אֶל־יְהוָה	
[b] 19:9a		וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה
[a'] 19:9b	וַיַּגֵּד מֹשֶׁה אֶת־דְּבַר הָעָם אֶל־יְהוָה	
[b'] 19:10a		וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה

19:8b-10a, which does not have detailed substantial content, stands between two main

204. J. Halbe (1975,275,n25).

205. L. Perliitt (1969,168).

206. J.I. Durham (Ex,264) interprets 19:9b (i.e. the people's decision of obedience to God's word) as an addition designed, firstly, to offset further the negative effects of the 'murmuring' narratives before Ex 19 and, secondly, to prove the role of Moses as the needed intermediary between Yahweh and the people. However, he does not consider what is the reason for the repetition of similar clauses in very close proximity, 19:8b and 19:9b. Therefore, he wrongly considers that 19:9b fits in better with the end of 19:6 or, following G. Beer (Ex,97), it should be deleted.



sections of the Sinai pericope, 19:3-8a and 19:10b-25. Therefore, 19:8b-10a may be considered as a *literary bridge* positioned between the main literary blocks. H.v.D. Parunak calls this kind of literary bridge 'transitional technique'.<sup>(207)</sup> We want to clarify the exact form of this use in these verses :

(i) 19:8b is a vital part of 19:3-8, and therefore it does not belong to the next section.

(ii) 19:9a (God's dialogue with Moses in the midst of theophany), which is in fact the sub-topic in 19:9-25 (or broadly in the whole Sinai pericope), is totally new, and therefore it does not belong to 19:3-8 rather it is directly related to 19:19b-25 (2.5.1.1. & 2.7.1.1.) but it is also indirectly related to 19:10-19a (people's meeting with God in theophany), which is the main-topic of 19:9-25. Therefore, 19:9a does not belong to the immediately following section 19:10-19a.

(iii) 19:9b is a repetition of 19:8b and it does not belong to the next section.

(iv) Summarizing these three points, 19:9a and 19:9b are a kind of bridge between two main sections of the Sinai pericope, 19:3-8 and 19:19-25.

(v) By connecting all related factors we find H.v.D. Parunak's 'inverted hinge form ([A] / [b,a] / [B]) of transitional technique'.<sup>(208)</sup>

## 2.5. 19:9-15 (The preparation of the meeting of both parties)

19:9-15 belongs to the first part of the large section, 19:9-25, which stands between 19:3-8 (the preliminary proposal of and the acceptance of the covenant relationship) and Ex 20ff. (the legal part, the decalogue and the Book of the Covenant). 19:9-15 (the first part) is about the people's preparation to meet God, and 19:16-19a (the second part) is its fulfilment, and 19:19b-25 (the third part) is Moses' dialogue with God.

### 2.5.1. Exegesis of 19:9-15

#### 2.5.1.1. 19:9

19:9 וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה הִנֵּה אָנֹכִי בְּאֵלֶיךָ בְּעַבְדְּךָ הָעֶזְרָא יִשְׁמַע הָעָם בְּדַבְרֵי עַמָּךְ וְנִסְתַּבַּח יְהוָה לְעוֹלָם וַיַּגֵּד מֹשֶׁה אֶת־דְּבַר הָעָם אֶל־יְהוָה:

207. (1983,525-548) and see also his previous article (1981,153-168) and (1982,1-16). Although T.B. Dozeman (1989a,46f.) realizes that 19:9a is in the transitional setting, he does not deal with this issue thoroughly and he does not see the connection between 19:9a and 19:19b-25. He assumes that 19:9a belongs to the deuteronomistic redaction and 19:20-25 to the priestly redaction (1989a,103-106). He ultimately fails to explain where the dialogue between God and Moses and the people's credence of Moses' divine authority as its result, predicted in 19:9a, fulfil.

208. (1983,541). He supposes three sections of text : the first main section [A], the intermediary section [b,a], and the second main section [B]. The intermediary section [b,a] is short and functions as a kind of bridge for two main sections whose contents are different from each other. The pattern of the intermediary section is not ordinary [a,b] but [b,a], and therefore he calls this 'inverted hinge' form. Further he gives the examples (Gen 11:1-9, Is 53, Ez 16-17, Ps 19, Prov 3:13-18) and concludes this form is very popular and 'perhaps the writers used it so frequently because it was especially effective in helping the reader of a text follow the writer's shift of thought'.



19:9a may be considered as an introduction to a new section, 19:9-25, which mixes two motifs : (i) God's coming down upon the mountain and (ii) consolidating Moses' divine authority forever (לְעוֹלָם). In 19:9a we see the succinct expressions of these two motifs : (i) בָּעָבוֹר יִשְׁמַע הָעָם בְּרִבְרֵי עִפָּה וְגַם-בָּרַךְ יִאֲמִינוּ לְעוֹלָם (ii) הִנֵּה אֲנֹכִי בָּא אֵלֶיךָ בְּעָב הָעָנָן. Grammatically these two clauses are well integrated by the connection of בָּעָבוֹר.

J. Jeremias<sup>(209)</sup>, following his own source-critical analysis, eliminates 19:9a from the present text. However, as J. Halbe<sup>(210)</sup> notes, he does not consider properly the connection between 19:9b and 19:8b through 'the transitional technique' (2.4.6). And also as B.S. Childs<sup>(211)</sup> explains, the content of 19:9a seems to be unique within the present context of 19:9-25, because the subject matter concerns the meeting between God and the people not the relationship between God and Moses. However, this uniqueness of the content, *as a bridge* between the two main sections 19:3-8 and 19:10-25, fits in quite naturally with the present literary position within the whole Ex 19.<sup>(212)</sup>

There is another and more important aspect of 19:9a than noted so far among commentators : 19:9a is a passage anticipating the forthcoming event. 19:9a consists of two elements, (i) theophany and (ii) God's talking with Moses. And these two elements are in fact the *macroscopic* prediction of the future event described in 19:10-25. If this is not recognized, its connection with the present context is very questionable.<sup>(213)</sup> Because of the macroscopic point of view both elements are described succinctly.<sup>(214)</sup> The announcement of the imminent future event (*futurum instans*) by הִנֵּה + אֲנֹכִי + pt. act. (בָּא אֵלֶיךָ)<sup>(215)</sup> should be achieved in the following section. This expectation can only be

209. (1977,103).

210. (1975,275,n.25) and further he assesses the connection between 19:8b and 19:9b literarily possible. He interprets that 19:3b-8 is not originally there but a later insertion, and 19:9b is invented to make this insertion easy to the present context. Further he (1975,282) connects 19:9aa (prophecy) and 34:5 (fulfilment), which is, however, totally out of the objective of the present context, although there is a great similarity between them.

211. (Ex,368) : 'The message concerns Moses and is not a message to be simply transmitted further (to the people, TGS).' Further he correctly observes the deep connection of this text (וְגַם-בָּרַךְ יִאֲמִינוּ לְעוֹלָם) with 14:31 (וַיִּאֲמִינוּ בַיהוָה וּבַמִּשְׁפָּה עֲנִדוּ), through which the theme of Moses' authority among the people in the entire Ex is stressed. This theme is fully dealt with in 19:19b-25 and 20:18-22. However, B.S. Childs does not realize that 19:9a is really a kind of prophecy and that its fulfilment is achieved in 19:19b-25 and 20:19ff. (see 2.7.11).

212. See 2.4.6. about *the transitional technique*. This kind of repetition of similar topic or interruption of narrative flow is also found in other places within the Sinai pericope of Ex 19-24, e.g. 19:24 with 24:1f. and 24:1-2 with 24:9-11,12ff. (see 2.7.12. & 2.11.2).

213. B.S. Childs (Ex,368) alludes to this point slightly. 19:9a is a kind of prophacy which should be fulfilled in the near future among the event of theophany, meanwhile 14:31 is the explanation of the past event. J.L. Ska (1990,8) suggests that in the biblical narrative the concept of 'analepsis' and 'prolepsis' is used in order to relate the present section to the previous or following section (e.g. Ex 6:6-8, 7:1-5, 2 Sam 17:14b). Our text is the case of 'prolepsis' compared with 'analepsis' in 14:31.

214. Only three simple clauses are used to express these two factors, 'thick cloud' (בְּעָב הָעָנָן) and 'coming to you' (בָּא אֵלֶיךָ) for indicating theophany and 'talk with you' (בְּרִבְרֵי עִפָּה) for the dialogue between God and Moses.

215. Since all clauses in 19:9 is related to each other by the conjunctive particles וְגַם- and בָּעָבוֹר, they all have to be considered as the continuation of *futurum instans*. GK § 116-m,p : pt. can be used as predicate in a noun clause to announce future actions or events, especially often when the subject is introduced by הִנֵּה, if it is intended to announce the event as imminent, or at least near at hand (and sure to happen), when it is called *futurum instans* (e.g. Gen 6:17, 15:3, Ex 3:13, 8:25, 9:3, 34:10). BDB (244) : as *futurum instans* this phrase serves to introduce a solemn declaration in predictions or threats. WO § 37-6f lists the cases that *futurum instans* occurs in a main clause with some logical connection to other clauses (Ex 9:17-19, Gen 15:14, 20:3, 27:30) or in a temporal / conditional clause in connection with the



realized through the correspondence between the first element (19:9aa, God's coming) and 19:10-19a and between the second element (19:9ab, God's talk with Moses) and 19:19b-25. Looking at 19:9a carefully, we realize that the major concern of 19:9a itself is God's talk with Moses. This talk will take place when God comes to the mountain. In other words, the major theme of 19:9-25, the meeting between God and the people is already presupposed in the description of 19:9a.<sup>(216)</sup>

Despite the close literary connection between 19:3-8 and 19:9-25, thematically the connection between both sections looks rather loose, because the real concern of 19:9-25 is not God's word (*revelation of word*) but the theophany (*revelation of action*), although after 19:8 we naturally expect (בְּרִיתִי / קָלִי, 19:5) the pronouncement of God's word which is not yet occurred in the preliminary covenant agreement between God and Israel (19:3-8). After the preliminary stage of covenant making in 19:3-8, the author seems to have two more stages in mind : (i) the direct meeting of both parties, (ii) the giving of the terms of the covenant at that meeting. The second stage is already expected (בְּרִיתִי and קָלִי, 19:5). However, at this stage the covenantal terms should be given not through the mediator but directly to the other party, the people. The face-to-face encounter between two parties can only be achieved after thorough preparation by the weak party, the people, who should follow the regulation for that meeting set by the superior party, God. This is the logical basis of 19:9-25. If God's awesome and magnificent appearance and people's fear for that are the purpose of 19:9-25 (i.e. *bare theophany*, B.S. Childs' term<sup>(217)</sup>), it has no point of contact within the context of the Sinai pericope, and eventually it becomes difficult to find the religious and theological meaning of these events.

More generally here are two examples of the method used by the author to describe the whole Sinai pericope :

(i) The author concentrates on one topic in each section. The result of this method is that the connection between sections looks somewhat loose.

(ii) However, this weak point is covered by

(a) *the transitional technique*,

(b) *macroscopic - semi-microscopic - microscopic point of view*, and

(c) *prediction - fulfilment scheme*.

These three techniques are usually used in the connecting point of each section : about (a) *the transitional technique* : 19:8b-10a (see 2.4.6.), about (b) *macroscopic - semi-microscopic - microscopic point of view* : 19:24 – 24:1 – 24:9-11, and 24:2 – 24:12ff. (2.11.2.), and about (c)

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future event (Gen 49:29, 1 Kings 22, 2 Kings 7:2).

216. Interestingly enough, theophany is expressed in 19:9aa as God's coming 'to Moses' (בָּרַחַ אֱלֹהִים אֶל־מֹשֶׁה) not 'to the mountain'. This clause shows that the main concern in 19:9a at least is God's talk with Moses in the midst of theophany.

217. (Ex366).



*prediction - fulfilment scheme* : 19:5 - the legal sections<sup>(218)</sup> and 19:24 – 24:9-11 (2.7.1.2. & 2.11.1.1.). Through these methods and techniques the author succeeds in forming an unity throughout the Sinai pericope.

We now want to analyse 19:9a fully, dividing it into two parts, 19:9aa (God's coming to Moses) and 19:9ab (God's talk with Moses).

(1) 19:9aa : הִיָּה אֲנֹכִי בָּא אֵלֶיךָ בְּעָבֹה הָעָנָן

The important phrase is *בְּעָבֹה הָעָנָן*.<sup>(219)</sup> Could it be a summary description of the theophany ? *הִיָּה אֲנֹכִי בָּא אֵלֶיךָ*, the clause standing just in front of it, makes it hard to decide the meaning of the whole 19:9aa. And the real intention of this clause (*הִיָּה אֲנֹכִי בָּא אֵלֶיךָ*) seems to be that God will appear to Moses not in the way which God has communicated with Moses until now, but in a quite different way from previously.

(2) 19:9ab : בְּעִבְרַת יִשְׁמַע הָעָם בְּרִבְרֵי עֲמָרָה וְגַם-בְּרַח יִאֲמִינֵה לְעוֹלָם

A. Reichert<sup>(220)</sup> points out rightly that (i) the content of 19:9ab corresponds with that of 19:19, (ii) and therefore the final achievement of this prediction is found in 20:20 where the people demand that Moses should be the mediator of God's covenant conditions. H.H. Schmid<sup>(221)</sup> opens two possibilities of interpretation : (i) either 19:9ab points to the proclamation of the decalogue, or (ii) it points to the conversation between God and Moses in 19:19. However, the connection between 19:9ab and the decalogue is unconvincing, because there is a clear distinction between the decalogue (as the direct revelation) and the Book of the Covenant (as the indirect revelation) in the present context.

The clauses in 19:9aa,9ab have the primary objective which is clearly mentioned as well as the secondary objective which is not explicitly described here. The former is the people's acknowledgement of Moses' authority as God's messenger, and the latter, related directly to the former, is receiving God's law through Moses whose authority as God's messenger is recognized by the people. The former is achieved in 19:19 when the people hear God's talking with Moses so that they have trust and reverence towards Moses (*וְגַם-בְּרַח יִאֲמִינֵה לְעוֹלָם*). This objective was already achieved partly when the Red Sea was split (14:31, *וַיִּאֲמִינֵה בַּיהוָה וּבַמִּשְׁפָּה עֲבָדָה*). From 14:31 to 19:9 the author develops his objective,

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218. As we have seen, when we read *קִלִּי / בְּרִיתִי* (19:5) and *כָּל אֲשֶׁר-רָבַר יְהוָה נַעֲשֶׂה* (19:8) we expect to hear the announcement of God's word soon, because it is clear that the condition of the covenant by which these words and clause mean, is not yet pronounced.

219. BDB ('in the thickness of cloud'), GB ('Dichtigkeit von Wolkendunkel'), HAL ('Wolkendichte', cf. 2 Sam 22:12, Ps 18:12).

220. (1972,136).

221. (1976,107 and n.98).



to increase the authority of Moses.<sup>(222)</sup> Two issues can be pointed out for making a success of this development : (i) Although in 14:31 the people's trust rests not only upon God and Moses, actually God receives the limelight. In 19:9ab, however, Moses is the sole object. (ii) In 19:9ab a new aspect is added, לְעוֹלָם. This means the definitive step is taken by God to demonstrate the total trustworthiness of his messenger Moses.

### 2.5.1.2. 19:10-13

19:10 וַיֹּאמֶר יְהוָה אֱלֹהֵי מֹשֶׁה לֵּךְ אֶל־הָעָם וְקִבְּשָׁתָם הַיּוֹם וּמָחָר וּכְבָסוּ שְׂמֹלֹתָם:  
 11 וְהָיוּ נֹכְנְוִים לַיּוֹם הַשְּׁלִישִׁי כִּי בַיּוֹם הַשְּׁלִישִׁי יֵרַד יְהוָה לְעֵינֵי כָל־הָעָם עַל־הַר סִינַי:  
 12 וְהִגַּבְלָתָ אֶת־הָעָם סָבִיב לְאָמֹר הַשְּׂמָרְדוּ לָכֶם עֲלוֹת בְּהָר וּנְגַע בְּקַצְוֹתָ כָּל־הַנֶּגֶע בְּהָר מוֹת יוֹמָת:  
 13 לֹא־תִגַּע בּוֹ יָד בִּירֶסְקוֹל וְסָקַל אֹרֶרָה יִקָּה אִם־בְּרֹמָה אִם־אִישׁ לֹא יִחַהּ בְּמִשְׁחָ הַיֶּבֶל  
 הַמָּה יַעֲלוּ בְּהָר:

Concerning 19:10 W. Rudolph<sup>(223)</sup> rightly insists that we do not need to take away the introduction formula (וַיֹּאמֶר יְהוָה אֱלֹהֵי מֹשֶׁה) in 19:10a from the present context because the same formula is used in 19:9a. This is an example of an introductory formula used several times in the same discourse of one person. When we consider *the transitional technique* in 19:8b and 19:9b, the repeated use of a similar clause in 19:9a and 19:10a is natural.<sup>(224)</sup>

W. Beyerlin<sup>(225)</sup> holds that 19:11b is an obvious gloss, because it seems to hinder the flow from 19:10-11a to 19:12-13a. However, 19:10-11a is different from 19:12-13a in its content, although both texts are about the preparation for the meeting of God and the people. In other words, 19:10-11a is about the preparation of the people themselves, but 19:12-13a is about making a boundary around the mountain, the preparation 'for' the mountain. Between these two different aspects of preparation God's coming is explained in 19:11b. If we strictly follow the chronological order, as W. Beyerlin does, 19:11b has to be considered not as a gloss but be arranged after 19:13. However, it is not always necessary for the narrative to follow the chronological order, and sometimes if we follow, it harms the literary beauty of a section. In addition we note that after 19:13 in 19:14-25 the two preparations (i. the preparation of the people in 19:14-15, ii. that of the mountain in

222. See further U. Cassuto (1967,228) and especially B.S. Childs (Ex368 : 'Not only does the emphasis on the distinctiveness of Moses' role over against that of the people's run as a red thread throughout the entire narrative, but right at the outset it is given a special significance in the total purpose of God with Israel at Sinai. This verse verifies that the mediatorship of Moses did not arise as an accidental afterthought, but was intended from the start. How the writer combined this motif with that of 20:18ff...'). This objective is not forgotten but pursued by the author through 20:18-22, 24:12ff (Moses only can approach to God) to the climatic point in the event of Moses' radiant face (34:29-35).

223. (1938,43) *pace* H. Gressmann (1913,181).

224. Some argue that YHWH's speech in the third person in 19:11b does not fit in with the present context. For instance W. Beyerlin (1961,11 = 1965,7), E. Zenger (1971,60). However, W. Rudolph (1938,43) considers this as 'kein so außergewöhnlicher Vorgang', and we find several other examples in the same context (e.g. 19:11,21,22,22,24).

225. (1961,11 = 1965,7).



19:19b-25 more precisely 19:21-23) are divided by the description of the actual meeting of God and the people (19:16-19a). Then we may summarize the structural framework of 19:10-13 as follows<sup>(226)</sup> :

- [A] 19:10-11a the preparation of the people
- [B] 19:11b God's coming to the mountain
- [A'] 19:12-13a the preparation of the mountain
- [B'] 19:13b the people's coming to the mountain

And the general structure of 19:14-25 is as follows :

- [A] 19:14-15 the preparation of the people.
- [B] & [B'] 19:16-19a God and the people's coming to the mountain
- [A'] 19:19b-25 the preparation of the mountain.

The resemblance of the content and the structure of these two adjacent passages shows that 19:11b fits in naturally with the present context.

The permission for the people 'to come' (עלה, 19:13b) to the mountain looks a little strange compared with the prohibition in 19:24.<sup>(227)</sup> However, this permission parallels the permission in 19:16 that the people may come (יצב hitp.) to the foot of the mountain (בַּתְּהֵימֹת הַהָר). עלה is one of the most general verbs, which is used so often and does not necessarily always mean to go up to the summit of a mountain. It could simply mean 'to move towards (upwards)'.

הָמָּה of יַעֲלוּ בְּהָרַי (19:13b) looks problematic. W. Beyerlin<sup>(228)</sup> holds that these are not the whole people but might be those selected and mentioned in 24:1a, 9-11, because there is no further use of this word in the Sinai pericope. However, we do not need to be too nervous about this term which points naturally to כָּל־הָעָם in 19:11. The persons who may go up to the mountain are not only the elders (24:19) but the people as well (19:17, הָעָם).<sup>(229)</sup>

### 2.5.13. 19:14-15

19:14 וַיְהִי מִשָּׁה בֹקֶר אֶל־הָעָם וַיִּקְרָשׁ אֶת־הָעָם וַיִּכְבְּסוּ שְׂמֹלֵתָם:  
15 וַיֹּאמֶר אֶל־הָעָם הִיוּ נְבֹנִים לְשִׁלְשֶׁת יָמִים אֶל־הַתְּנַשׁ אֶל־אִשָּׁה:

J.C. Rylaarsdam<sup>(230)</sup> suggests that the washing of clothes (וַיִּכְבְּסוּ שְׂמֹלֵתָם, 19:14) means to cleanse the garments of those who will come to the divine presence. In Gen 35:2 we read of a similar attitude to clothes in case of meeting with deity, but this enjoins changing not washing the clothes. Except for this, Gen 35:2 contains several elements similar to the

226. The poetic unity fo 19:12-13 see R. Althann (1976,242-246).

227. F.C. Fensham (Ex,121) lists some examples of solution, but all of them are unsatisfactory.

228. He (1961,11 = 1965,7), and G. te Stroete (Ex,145).

229. A. Dillmann (Dt,197).

230. (IB,1975) and J.K. Kuntz (1967,82).



Sinai event, (i) to get rid of foreign gods (Gen 35:2), (ii) the cultic cleanness (אֵלֵינוּ hitp.<sup>(231)</sup>), (iii) to go up Bethel to build an altar (Gen 35:3). To meet the deity it is necessary for the human partner to prepare. In the Sinai pericope the people, the inferior, are going to form an official relationship with that deity, the superior.

A prohibition of sexual intercourse (אֶל-תִּגְשׁוּ אֶל-אִשָּׁה, 19:15) during a period of cultic purity is attested in other places in the OT (Lev 15:16-33, 1 Sam 21:5-7 (4-6)).<sup>(232)</sup> In Lev 15:16-18 (emission of semen) we read that a man has to wash any clothing or leather which has semen on it. It is natural to insert this regulation (19:15b) into the cultic regulation of washing clothes (19:10b,14b) which is already given.<sup>(233)</sup>

This is cited as Moses' word together with the command of God for preparation of the third day (19:15a). 19:15a (וַיֹּזַק נְבִיִּים לְשֵׁלֶשֶׁת יָמִים, Moses' word) is verifiable 'quoted direct speech'<sup>(234)</sup> of 19:11a (וַיֹּזַק נְבִיִּים לַיּוֹם הַשְּׁלִישִׁי, God's command). Interestingly enough, other performances (19:14 within 19:14-15) of God's command (19:10-11) are expressed in the ordinary report style (2.5.2.). However, 19:15b is a new element which is not mentioned in the original command of God (19:10-11). However, the author makes apparent this difference between the original command and the performance by preparing a new element (19:15b) in the quoted speech of Moses.<sup>(235)</sup> This new element shows the autonomous activity of Moses to some extent. And within 19:1-24:11 we read only one more example of Moses' quoted speech not mentioned in the command of God in the previous text, 20:20 (2.10.2.). All other quoted direct speeches in the Sinai pericope are God's. Since both cases (19:15b, 20:20) are about the autonomous speech activity of Moses, we assume both texts are directly related to the sub-topic of the Sinai pericope : the divine authority of Moses which is steadily built up throughout Ex (e.g. 14:31b). And in the Sinai pericope this theme begins explicitly to be mentioned from 19:9a and is developed further in 20:21ff.

## 2.5.2. 19:10-15 in its totality

So far we have dealt with exegetical issues in 19:9-15 in detail. We now want to look at 19:(9)10-15 as a whole, mainly its structure and theme.<sup>(236)</sup>

231. BDB 'to purify oneself ceremonially' Nu 8:7, 2 Chr 30:18.

232. J.I. Durham (*Ex*,265) : an additional Moses' instruction and the phrase itself is a euphemism for sexual intercourse. In his thesis he (1963,93-96) suggests the reason for this has to do with the holiness of what may be called a life-immanence connected with the presence of Yawheh. Rashi (*Ex*,99), following Jewish tradition, makes a comment that it is not for the preparation of men but of women. They might bathe on the third day and be in a state of purity to receive the Torah.

233. J.C. Rylaarsdam (*IB*,1976) points out that the example of 1 Sam 21:4-6 shows this cultic custom is ancient.

234. G.W. Savran (1988,7 : "The expression "quoted direct speech" describes a type of repetition that is a precisely defined and clearly identifiable subcategory of the more general term "quotation").

235. G.W. Savran (1988,110) lists several examples of this kind of speech form : Gen 18:12 vs. 18:13; Num 11:4-6 vs. 11:13; 1 Kings 21:2-3 vs. 21:6; 2 Kings 4:16, vs. 4:28. 'There is a finely graded scale moving from repetition to reinterpretation.' In 19:15 the original element (19:15a - cf. 19:11a) and the old element (19:15b) are seamlessly connected with each other by the asynthetic parataxis. There is no conjunction used between 19:15a and 19:15b.



The whole passage may be divided into two sections :

- (i) God's command to prepare for the meeting between God and the people,
- (ii) the performance of both preparation and the arranged meeting.

And we have following structure of this section :

[A] *God's command of the preparation* (19:10-13)

- [a] the preparation of the people themselves (19:10-11a)<sup>(237)</sup>
- [b] God's coming (19:11b)<sup>(238)</sup>
- [c] outward preparation, i.e. setting a boundary to the mountain (19:12-13)

[A'] *Israel's Performance* (19:14-25)

- [a'] performance of the preparation of the people themselves (19:14-15)<sup>(239)</sup>
  - [(c')] the command for making a limit is performed although not mentioned, because this topic is taken up for a different purpose, cf. 19:23)
- [b'] God's coming (19:16-19a)
- [c'] performance of the outward preparation, setting a boundary (19:19b-25) expressed with sub-topic (Moses' authority).

The purpose of this section is to state that the people's declaration of willingness (19:8) to enter the covenant matches their ceremonial readiness in preparation for the meeting of both parties. The encounter which is awaited between YHWH and Israel understandably presupposes a basic inherent and permanent distinction between God and man that is ceremonially honored through ritual undertakings.<sup>(240)</sup>

## 2.6. 19:16-19a (The meeting of the covenant parties)

### 2.6.1. Exegesis of 19:16-19a<sup>(241)</sup>

19:16 וַיְהִי בַיּוֹם הַשְּׁלִישִׁי בַּהֵיטֵל הַבְּקָר וַיְהִי קֵלֶת וּבְרָקִים וַעֲנַן כָּבֵד עַל-הָהָר  
וְקַל שֹׁפָר חֹזֵק מְאֹד וַיַּחֲדָד כָּל-הָעָם אֲשֶׁר בַּמַּחֲנֶה:  
17 וַיֵּצֵא מֹשֶׁה אֶת-הָעָם לִקְרַאת הָאֱלֹהִים מִן-הַמַּחֲנֶה וַיִּתְּצוּ בְּתַחֲתֵית הָהָר:  
18 וְהָרַסוּ סִינַי עֲשׂוֹן כִּלּוֹ מִפְּנֵי אֲשֶׁר יָרַד עָלָיו יְהוָה כִּי אִישׁ וַיַּעַל עֲשָׂנוּ כְּעֲשׂוֹן הַבְּבֹשֶׁן

236. G. Chirichigno (1987,467f.) tries to analyze the structure of 19:10-15 but his analysis has several problems.

237. (1) לֵךְ אֶל-הָעָם, (2) וְקִרְשְׁתֶּם הַיּוֹם וּמָחָר, (3) וְכִבְסוּ שְׂמֹלֹתֵיכֶם, (4) וַיְהִי בַיּוֹם הַשְּׁלִישִׁי.

238. (פִּי בַיּוֹם הַשְּׁלִישִׁי יָרַד יְהוָה לְעֵינַי כָּל-הָעָם עַל-הָהָר סִינַי)

239. (i) וַיֵּצֵא מֹשֶׁה אֶת-הָעָם לִקְרַאת הָאֱלֹהִים, (ii) וַיַּחֲדָד כָּל-הָעָם אֲשֶׁר בַּמַּחֲנֶה, (iii) וַיִּתְּצוּ בְּתַחֲתֵית הָהָר, (iv) וַיַּחֲדָד כָּל-הָעָם אֲשֶׁר בַּמַּחֲנֶה, (v) וַיַּחֲדָד כָּל-הָעָם אֲשֶׁר בַּמַּחֲנֶה. See 2.5.15. for the addition and meaning of this clause within the context.

240. J.K. Kuntz (1967,81f.).

241. It is attested that there are some connections between the language describing YHWH's coming recurrent in the OT and the Canaanite descriptions of the arrival of deity to the people (cf. R.J. Clifford (1972,107-120) cited in J.L. Durham (Ex,270)).



U. Cassuto<sup>(242)</sup> correctly suggests that the important phenomena in 19:16 are not the theophany *per se*, but only the signs announcing God's advent : they are (i) the awe-inspiring phenomena in 19:16ab, (ii) people's trembling in the camp. The awesome phenomena are the precursors of the theophany (cf. 1 Kings 19:11ff. : storm, earthquake and fire are the precursor for the coming of God).<sup>(243)</sup>

There are two unusual points in 19:17-18 :

- (i) Moses leads the people to stand at the base of the mountain,
- (ii) the people prepare to meet God (קרא).

To express the first point וַיִּתְּיָבּוּ is used. This term<sup>(244)</sup> is chosen to describe the (official)<sup>(245)</sup> encounter of two persons or two parties. To draw the attention to the personal encounter, לפני is sometimes used after the verb and before the person (e.g. 8:16 (ET 8:20), 9:13 (לפני פלעה)).<sup>(246)</sup> This basic denotation of encounter or confrontation is apparent when the gathering of the people 'stands before' or 'stands to meet' God (Num 11:16, Jud 20:2, 1 Sam 10:19). In front of God they do something important, or they hear the word of God, or simply they meet God. This last case is more specifically used in the three major covenant contexts of the OT (e.g. Ex 19:17, Ex 34:5, Jos 24:1). Person-to-person meeting is the clear objective of this expression. Interestingly enough, two other covenant texts use the same sentence structure כון + יצב hitp. (Ex 19:12,17; 34:2,5).<sup>(247)</sup> The corollary of this use for our understanding of 19:12,17 is crucial : the encounter of both parties is the foundation for constructing the legitimate relationship. And the connection of יצב hitp. with the phrase לקראת האלהים (II קרא) makes this interpretation very clear. As soon as they are ready to meet God (19:17b), God appears to them (19:18a).

The second point, the people's preparation to meet God, is described with the phrase, לקראת האלהים. This is the main objective of the coming of the people. And an interesting point in this regard is that this phrase is contained in a subordinate clause. The same phenomenon occurs in 19:18 : the coming of God on the mountain is expressed in a subordinate clause introduced by the conjunction אשר מפני אשר יהוה באש (מפני אשר ירד עליו יהוה באש). Therefore, we realize that this grammatical feature fits in well with the theological demand that the section 19:16-19 illustrates the meeting of the two covenant parties, the

242. (1967,232).

243. G. Beer (Ex,98).

244. J. Reindl (TWAT,V,560) : 'sich (hin)stellen' (cf. HAL : 'sich (fest) hinstellen').

245. S.R. Driver (Dt,322) holds this term (יצב hitp. / ניצב) is a more formal term than עמד (cf. 1 Sam 22:6,7, Is 3:13). Cf. J.K. Kuntz (1967,85, and n27).

246. An interesting case in this regard is 2 Sam 18:20, when the soldier tells of the brave action of Joab who protests against the command of the king : Joab 'stands against or confronts, יתְּיָבּוּ סֶנְנֶר, (the command of the king)'. In the case of encounter or confrontation in a military or war situation this verb is used and sometimes as a technical term of a military command to confront or encounter the enemy (1 Sam 17:16, Jer 46:4, Hab 2:1 and Ps 22, cf. Dt 7:24, 9:2, 11:25, Jos 1:5, 2 Ch 20:6).

247. יצב ni. in Ex 34:2 has actually the same meaning as יצב hitp. (J. Reindl, TWAT, V,560).



coming of the people and the coming of YHWH.

A difficult exegetical issue is **כָּל-הָעָם** in 19:18b. The alternative reading (**כָּל-הָעָם**) is suggested by Mss and LXX.<sup>(248)</sup> If we follow the emendation, the concentric chiasmic structure in 19:16-19a becomes clearer than in the present text, because 19:16b has the same subject (**כָּל-הָעָם**) and verb (**וַיִּתְחַד**). A. Baumann argues<sup>(249)</sup> that this word is not used for nature and this argument looks neat. And if we take **כָּל-הָעָם**, the concentric structure in 19:16-19a is clearer. However, the issue requires further discussion, because at least 19:16ab does not perfectly match 19:19a.

The central clause of 19:16-19a is **מִפְּנֵי אֲשֶׁר יָרַד עָלָיו יְהוָה בְּאֵשׁ** in 19:18ab<sup>(250)</sup>, the coming of God. An interesting point is that this central content is expressed in a subordinate clause with **מִפְּנֵי אֲשֶׁר**. We have already pointed out that another central issue of this section, the coming of the people to meet God in 19:17 is expressed also in a subordinate clause (**לְקִרְאת הָאֱלֹהִים**). The causal meaning of **מִפְּנֵי אֲשֶׁר** is also suitable for this text. Since the clause followed by this phrase is located in the later part among the whole sentence, we translate this '... because.'

**וַיִּחַזַּק** (19:19a) is the final clause of the section 19:16-19a. The sentence construction (inf. abs. of the adjectival verb **חִזַּק**<sup>(251)</sup> with the pt. of **הִלַּךְ** (cf. 2 Sam 3:1)) means 'to become stronger and stronger' (GB, HAL). Therefore, the pt. of **הִלַּךְ** brings the idea of successive or repetitive action.<sup>(252)</sup> This fact corresponds with the following verbal form **weQATAL** (**וַיִּחַזַּק**) which means the repeated action.<sup>(253)</sup>

## 2.6.2. 19:16-19a in its totality<sup>(254)</sup>

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248. Emendation is done by J. Jeremias (1977,103), S. Mittmann (1975,149,n.62), and F.-L. Hossfeld (1982,174,n.56). Cf. P. Weimar (1980,181,n.110).

249. (TWAT,III,180) and also Ehrlich (I,338), cf. Jer 2:12.

250. GB, BDB and HAL, conj. : 'weil', 'because that' in Ex 19:18, Jer 44:23 (Williams § 376 : for causal meaning of the preposition **מִפְּנֵי** (e.g. Gen 6:13, Ex 3:7) and its combination with **אֲשֶׁר** (e.g. Jer 44:23)). In Jer 44:23 its meaning ('weil') is clear. BDB : only **מִפְּנֵי** 'of the cause, whether nearer or more remote', Gen 6:13, 27:4, 41:31, 47:13, Ex 3:7 8:20. HAL : 'in kausalem Sinn (zur Angabe einer Ursache)'.

251. Ehrlich,(I,338).

252. (Williams § 221).

253. A. Niccacci (1990,55). A. Niccacci lists 2 Chron 24:11 as an example where **וַיִּהְיֶה** stands in the first position of the whole sentence and **weQATAL** follows like Ex 19:19a.

254. See G.E. Mendenhall (1973,62ff.) about the comparative materials of theophany in the ANET. This section is a standard target of source criticism. There are three stages of development of the text according to source criticism : (i) dividing materials according to God's name of J and E, (ii) systematic categorization of all materials under the rubric of J and E gathered in the first stage (e.g. any mention of thunder is E), (iii) theologizing the result of the second stage according to the sources of J and E (e.g. to J the coming of JHWH and to E God's dwelling on the mountain). And this analysis yields the following result (see the summary by H.H. Schmid (1976,98) and A. Reichert (1972,110-111), cf. E. Zenger (1971,120,170)) :

J (1) volcanic phenomenon with fire, cloud and earthquake,

(2) JHWH living in heaven comes down to the mountain.

E (1) theophany with thunder, lightning, cloud darkness and horn sound,

(2) God is dwelling on the mountain.

Against this we suggest the following arguments besides the standard argument that J as a personal name and E as a general noun could not be a suitable criterion for the division of sources (see H.H. Schmid's (1976,99) and J.I. Durham's criticism (Ex,272)) : (1) The criteria for distinguishing J and E are never fixed but fluid so that further construction on this basis means building upon a weak foundation (B.S. Childs (Ex,349)). (2) The division by natural phenomena looks very unconvincing. If God's dwelling on the mountain is a theme of E, E should be related more to the phenomenon of volcanic activity and



Three commentators try to suggest their own structure for this section, E. Zenger<sup>(255)</sup>, G. Chirichigno<sup>(256)</sup>, and T.B. Dozeman<sup>(257)</sup>

E. Zenger's structure<sup>(258)</sup> is

- |      |        |  |
|------|--------|--|
| [a]  | (16ac) | וְקוֹל שֹׁפָר חָזַק מְאֹד                                    |
| [b]  | (16b)  | וַיִּתְחַדּוּ כָּל-הָעָם                                     |
| [c]  | (16b)  | אִשׁ בַּמִּטְנֶה   |
| [d]  | (17a)  | וַיֵּצֵא מֹשֶׁה אֶת-הָעָם לִקְרַאת הָאֱלֹהִים מִרֹהַטְּמֶנֶה |
| [c'] | (17b)  | וַיִּתְנַצְּבוּ בְּתַהֲתִית הָהָר                            |
| [b'] | (18bb) | וַיִּתְחַדּוּ כָּל-הָהָר מְאֹד                               |
| [a'] | (19a)  | וַיְהִי קוֹל הַשּׁוֹפָר חָזַק מְאֹד                          |

We, however, find several problems in this structure :

(i) 19:16aa,ab, which according to the content is clearly the continuous report of God's coming to the mountain, has to be contained in this structure. If we do not expect to find strictly corresponding parallels in every word and phrase between [a] (16ac) and [a'] (19a) and between [b] (16b) and [b'] (18bb), we also do not need to eliminate the text reporting the similar content, 19:16aa,ab. We have rather to acknowledge that there are various different levels of parallelism in this prose text.

(ii) the pair [c] (16b) and [c'] (17b) match each other poorly.

(iii) [d] (17a), the report of Moses' activity, can hardly be the only central point of this section. Moses in the Sinai pericope is only the messenger, although Moses' authority is an important theme of the whole of Ex (cf. Ex 34). However, the most important subjects of this section are the two parties, YHWH and Israel but not Moses. The wide-ranging and intensive report is made for the description of the awesome phenomenon of theophany, which should be clearly one of the important themes of this section, but not Moses' activity.

(iv) To establish this structure E. Zenger should eliminate 19:18a,18ba also beside vv. 16aa,ab, which is about the God's coming to the mountain, and therefore it should be one

fire than to theophany with thunder and lightning. Thunder and lightning are naturally related to God's coming to the mountain from heaven but the phenomenon of volcanic activity is connected with God's dwelling on the mountain. In particular the fact that the cloud or the cloud darkness belongs to either side alludes to the unsuitability of source division. (3) There is no actual word or concept which indicates directly God's dwelling on the mountain, although God's coming on the mountain is successively mentioned. (4) If we assume the existence of J and E, we also have to assume another redactor or editor (e.g. Jahwist, Jehovist) who is believed to have mixed both materials together. The more we emphasize the independence of J and E, the more the function of the editor (or the redactor) becomes theologically irrelevant to the present text. The editor (or the redactor) becomes merely a person who gathers the materials without considering the consistency of the content of materials and he could not be an independent theologian.

255. (1971,150).

256. (1987,468).

257. (1989a,163f.). Some commentators point out that repetition of some phrases (e.g. J.I. Durham (Ex,270) : the repetition of horn's sound in 19:16,18) may indicate the unity of this section, but they are not thorough enough to find a systematic structure in 19:16-19a.

258. Cf. similar structure of E. Lipiński (1965,243).



of central theme.

Another person who tries to formulate a similar structure to E. Zenger's structure is G. Chirichigno<sup>(259)</sup> :

[A] (16b), [B] (16c), [C] (16d), [D] (16e)  
[X] (17)  
[A'](18a), [B'](18b), [D'](18c), [C'](19)

In this analysis we also find several problems :

(i) [A] (16b) and [A'] (18a) do not correspond well with each other, because in [A] (16b) we read קלת וברקים, but in [A'] (18a) ספני אשר ירד עליו דעה באש. This latter clause is not grammatically the main clause. In addition the main clause standing before this clause (והר סיני עשן פלו) is outside of G. Chirichigno's structure. And in 19:18 עשן is used three times. It seems that the common factor between [A] and [A'] is קלת וברקים in [A] (16b) and באש in [A'] (18a). However, 'thunder and lightning' (קלת וברקים), which are used together as an idiom like in many ancient and modern languages, and 'fire' (באש) cannot be easily identified with each other.

(ii) [B] (16c) and [B'] (18b) also do not correspond with each other, because the cloud (וענן) in 19:16c) and smoke (ויעל עשן) are different from each other.

(iii) The weakest point of G. Chirichigno's analysis is the different order of [C] (16d) - [D] (16e) and [D'] (18c) - [C'] (19).

(iv) In the centre [X] (17) one of the key issues of this section (i.e. the people's coming to the mountain to meet God) is well indicated. However, because of his failure to make a correct connection between several elements within the section, he also fails to find the key points in the centre of this concentric structure. Theologically the people's coming from the camp to meet God in [X] (17), which is pointed as the centre of this small section by Chirichigno, is unlikely to be the key issue in this section where enormous effort is made to describe the magnificent appearance of God on the mountain.

T.B. Dozeman<sup>(260)</sup> insists that there is a chiasmic framework in 19:16-19a :

[A] (16a) description of theophany as thunder (קלת), lightning  
[B] (16b) fear (חרד) of the people  
[C] (17) Moses leading Israel to the mountain  
[C'] (18a) priestly reinterpretation of theophany as a divine descent  
in fire on Mount Sinai  
[B'] (18b) priestly personification of the mountain as trembling (חרד)  
[A'] (19) deuteronomic reinterpretation of theophany as speech (קול)  
between Moses and God

Approaching this issue diachronically, he assumes that the priestly redaction, [C'] (18a) and [B'] (18b), disrupts the deuteronomistic reinterpretation of theophany. This arrangement is

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259. (1987,468).

260. (1989a,101,163f.).



reminiscent of the relationship between the deuteronomistic (19:8b-9a) and priestly (19:9b-15) accounts of the preparation for the theophany.

Firstly, however, the accurate account of all aspects lacks in his structure. For example 19:16a which functions as the introduction of the whole section, and the division of 19:19a and 19:19b are not seriously considered.

Secondly, it is very difficult to assert that [C'] 19:18a and [B'] 19:18b belong to the priestly redaction, which stands independently from the context, and that [A'] 19:19 is the deuteronomistic reinterpretation. In [A'], קול is used two times (19:19a, 19:19b), and T.B. Dozeman apparently assumes that this word in both cases refers to the same thing, God's talk with Moses. However, קול in 19:19a is related to הַעֲוֹפָר and it is increasing more and more (הוֹלֵךְ חֲזוֹק מְאֹד). Therefore, it is not God's voice to talk with Moses but the sound accompanied with God's coming just like קלַת in 19:16a. Therefore, 19:16a is chiastically related to 19:19a (see our analysis below).

Thirdly, the chiastic pattern of T.B. Dozeman is the result of superficial observation. And in the end he cannot explain why the final redactor makes such kind of composition. In other words, he does not consider the theological importance of the centre of this kind of concentric structure. If this centre is important, it means the emphasis of the meeting of covenantal parties, although [C'], God's coming down on the mountain is more stressed than [C] people's coming to the mountain to meet God. This emphasis is quite different from T.B. Dozeman's summary of this section as 'theophany as an experience of fire' and this content betrays the general tenor of Dozeman's priestly KABOD theology.<sup>(261)</sup>

We now want to suggest our own analysis of the structure of 19:16-19a. There is a *chiastic structure* in 19:16-19a :

- [a] (16ab) nature (וַיְהִי) : thunder, lightning, clouds, horn sound
- [b] (16b) people (כָּל-הָעָם) : trembling (וַיִּחַדְדוּ)
- [C] (17) people : Moses led the people to meet God
- [C'] (18a,ba) God : God descends upon the mountain to meet the people
- [b'] (18bb) mountain (כָּל-הָהָר) : trembling (וַיִּחַדְדוּ)
- [a'] (19a) nature (וַיְהִי) : louder horn sound

This section has a visible chiastic parallels in the outer circle : [a] (16ab) - [b] (16b) ; [b'] (18bb) - [a'] (19a). There is also a concentric kernel in the centre of the section and this kernel has not one but two components [C] (17) and [C'] (18a,ba), the people's coming to

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261. Regardless this structure the function of people's coming to the mountain to meet God within the present context should be explained.



the mountain to meet God and God's coming to the mountain to meet the people.<sup>(262)</sup>

From this structure there are three implications which are crucial to the understanding of this section within the whole Sinai pericope : (1) the importance of the kernel [C] - [C'], (2) the literary explanation method of the concentric structure, (3) the actual event in this kernel (i.e. the direct revelation of God's will).

(1) Just as in many cases where literary form reflects its content, the author achieves his purpose through this structure of 19:16-19a in order to stress the importance his theme : the central passage [C] (17) - [C'] (18a,ba) is positioned in the centre of the concentric structure.<sup>(263)</sup> The magnificent features of the coming of God is perfectly paralleled by the fact that the coming of the people. The vital issue of this section (19:9-25) is the meeting of the two parties who have in a preliminary way agreed to make a covenant relationship in the previous section (19:3b-8). G.von Rad<sup>(264)</sup> finds a great similarity between the Sinai narrative and the illustration of Ps 50. He explains that the meaning of Ps 50:1-4, which is quite similar to the illustration of our section, is the people's preparation for the coming of God : 'The assembly stands in anticipation of a theophany, the climax of which is an allocution by God himself.' Encircled by natural phenomena the centre of this concentric

262. The pair of [a] (16ab) and [a'] (19a) :

(1) קלת (BDB : plural absolute in Ex 9:23,28,29,33,34, 19:16, 20:18, 1 Sam 7:10, 12:17,18, Job 28:26, 38:25) in 19:16a seems to mean 'thunder', especially when it is linked with ברק (sg. form) as in 19:16a and both words seem to form a fixed idiom 'thunder and lightning' (9:23,28,29,34). In Ex 19:16 ברקים (mostly used as pl. form) and in 20:18 לפידים (pl. form of לפיד) follow קלת and these combinations of words mean also 'thunder and lightning'. (2) וענן פבר על-ההר in 19:16a is different from ענן in 19:18. ענן is already staying above the mountain (על-ההר) but ענן is going up when YHWH is coming down. Therefore, when we think about the structure of this section, we should not identify ענן and ענן together like G. Chirichigno's pair of [B] (16c) - [B'] (18b) and W. Beyerlin's analysis (1961,11 = 1965,7). (3) ויהי ביום השלישי בזהות הבקר in 19:16aa, standing at the initial stage of this section as the introduction of this section, reports the time of this event. (4) The fact that not all components of [a] (16ab) can be found in [a'] (19a) (קלת וברקים וענן פבר על-ההר) does not prevent us from seeing a fundamental parallel between the two sentences : ויהי + noun clause mentioning the similar natural phenomenon. It is especially obvious that the last component among natural phenomenon in 19:16ab is nearly the same as 19:19a (19:16ab : קל שפר חזק מאד / 19:19a : כול השופר הלה וחזק מאד). (5) In this pair the natural phenomenon of the theophany is expressed.

The pair of [b] (16b) - [b'] (18bb) :

(1) The same basic structure in the use of phrases between [b] (19:16b) and [b'] (19:18bb) is unmistakable : ויחרד כל-ההר. The double use of חרד and all the more in the same context (cf. ירא in 20:18,19) is striking. (2) We have already seen that the emendation of כל-ההר in 19:18bb to כל-העם is not necessary in order to make a perfect parallelism between [b] (16b) and [b'] (18bb). Rather, through this variation the author is enabled to express the widespread effect of the awesome feeling about the theophany : not only the people but also the mountain itself trembles. (3) Different from the pair [a] (16ab) - [a'] (19a), the pair [b] (16b) - [b'] (18bb) is about the reaction of the creatures (the people and the mountain) to the theophany.

The pair of [C] (17) - [C'] (18a,ba) :

(1) The above two pairs, reporting the natural phenomenon (pair [a] (16ab) - [a'] (19a)) and the reaction of the creatures (pair [b] (16b) - [b'] (18bb)), enclose this central pair. [C] (17) is about the action of one party of the covenant, the people of Israel, but [C'] (18a,ba) is about the action of another party, YHWH. (2) Although in [C] (17) the active subject is Moses, his role is ultimately only to lead the people to the base of the mountain in order to introduce them to God. The action of the people (ותיצבו בתהלת ה' הר) is the preparation for the special purpose of the meeting of both covenant parties. (3) The natural phenomenon in [C'] 19:18a,ba is far more awesome than that of the pair [a] (16b) and [a'] (19a), because the latter is a kind of preparation but the former is directly accompanied with the theophany. God's coming to the top of the mountain (עליו, 19:18a) is a good contrast with the comparable position of the people (בתהלת ה', 19:17b). God comes to the top of the mountain in order to meet the people.

263. R.W.L. Moberly (1983,39) correctly points out the importance of consideration of the content and the style : 'The exegesis will be theological in that the exegete will be open to theological meaning both in the content of the narrative and in its presentation.'

264. (1938,20 = 1958,30 = 1966,20).



structure illustrates the key feature of this event, the meeting of both parties.

(2) If we find examples of the chiasmic structure in the Hebrew prose<sup>(265)</sup>, we should consider how the author connects the section of the concentric structure with the following section. The concentric structure has the enormous advantage of expressing the importance of a certain central theme by placing it in the centre of the whole structure. On the other hand, however, it also has disadvantage for making a progress in the next stage of the event. In other words, the natural consequence of this concentric structure is that its connection with the next section is not smooth, because the real chronological order in the development to the next event could be in danger or of being lost.<sup>(266)</sup> In the pattern of

[A] - [B] - [C] - [C'] - [B'] - [A']

the last stage of the event seems to be most probably not [A'], which is at the end of the section. In this case the author faces a difficulty in connecting the present section with the next section in terms of the chronological order of event, because [A'] appears to be but is actually not the last stage of the event. Shortly we may consider the characteristics of concentric structure for the better understanding of the Sinai pericope : (i) Just after a concentric structure a distinctive sentence construction is necessary to signify the fresh start. We read in 19:19b one of the most unusual sentence constructions in the Sinai pericope so that two contrastive sentences (sub. + ipf.) are in 19:19b just after the last clause of this concentric structure.<sup>(267)</sup> The contrasted subjects in 19:19b are Moses and God, but in the chiasmic structure of 19:16-19a the contrasted parties are the people and God. Through this difference the new start from 19:19b is apparent. (ii) A corollary of the first point is that the next event described in the following section has to be best connected not with [a'] (19a) but with [C'] (18a,ba).<sup>(268)</sup> (iii) And therefore the following section 19:19b-25 is not the actual chronological continuation of the event of meeting between God and the people. Rather 19:19b-25 in the present text might be chronologically *before* the meeting, because the content of 19:19b-25 is a kind of repeated warning about the people's approach to the mountain. As we shall see in the exegesis about the next section (2.7.1.1), 19:19b-25 is the fulfilment of the proleptic announcement of 19:9a. Therefore, the actual chronological continuation of 19:16-19a is not 19:19b-25 but 20:1-17,18-22.<sup>(269)</sup> This conclusion is significant for understanding the complex structure of the whole Sinai pericope.

(3) There is no obvious word in 19:9-25 itself which indicates the connection between the theophany and the decalogue.<sup>(270)</sup> However, three features in the preceding and

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265. F.L. Andersen (1974,119-140, esp. 123-126) lists the examples of chiasmus of epic narrative.

266. Therefore, this structural pattern seems to be suitable for a single literary work, especially the (Hebrew) poetry or the whole structure of a long prose.

267. F.L. Andersen (1974,150ff) : 19:19ba מִשָּׁה יְדַבֵּר / 19:19bb וַיִּתְּנֵם בְּקוֹל

268. Pace J.I. Durham (Ex,272).

269. Without considering this concentric structure and from different standpoint many source-critical studies insist that 20:18ff. is the the continuation of 19:19.

270. Therefore, in general this connection is considered as secondary or loose (e.g. after J. Wellhausen (1905,342ff.) till S. Mittmann (1975,145ff.), F.-L. Hossfeld (1982,164), see E. Zenger (1971,12-45,206-231) for



following sections of 19:9-25 (19:3-8 and 20:18-21) attest this linkage.<sup>(271)</sup>

Firstly, in the previous section (19:3-8) there is a clear mention about the terms of the covenant (כְּרִיתִי / כְּלִי) but no specific terms of the covenant are given. If we interpret 19:3-8 as the preliminary proposal and acceptance of the covenant relationship (see 2.4.4.2.), it is safe to surmise that the author suspends articulating the real terms of the covenant till the forthcoming sections. Otherwise, the whole section of 19:3-8 becomes meaningless.

Secondly, if we accept the continuity of 19:3-8 and 19:9-25, and if we cannot find the *word aspect* of the covenant relationship (i.e. God's word of the terms of the covenant) in 19:9-25, it is quite natural that we expect to find in the next sections what has not yet been mentioned, Ex 20ff.

Thirdly, in 20:18-21 (2.10.), we find an important clue which supports the connection between the meeting of both parties and the decalogue, the direct law-giving (20:19,22).

Finally we summarize the theme of this section as follows. The structure and the content tell us the following two points :

(i) God's coming to the mountain is expressed vividly.

(ii) Despite the importance of the theme of God's coming, the other theme, the coming of the people is not faded from the scene at all.

Therefore, this section has to be interpreted not as a scene of the *bare theophany* but as a scene of *the meeting of the two covenant parties*, which is meaningful within the larger category of covenant making between YHWH and Israel.

## 2.7. 19:19b-25 (Moses authority and the special warning)

### 2.7.1. Exegesis of 19:19b-25

#### 2.7.1.1. 19:19b (מִשָּׁה יָדַבֵּר וְהָאֱלֹהִים יַעֲנֵנּוּ בְּקוֹל)

In 19:19b there is a sudden interruption with fresh content different from 19:16-19a. In other words, 19:16-19a is about the meeting of both parties of the covenant, but 19:19b is about the dialogue between Moses and God. This new content in 19:19b is constructed

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the literature).

271. S. Mowinckel (1964,75) : 'Wir sind somit immer noch bei den Vorbereitungen zu dem eigentlichen Zweck der ganzen Theophanie; noch hat Jahwe nicht angefangen, das mitzuteilen, was die Pointe des Ganzen ist: die Mitteilung der Bundesbedingungen und Gebote.' This mention about the law is delayed (cf. the terms 'ein retardierendes Motiv', 'ein retardierendes Moment'), because the author wants to mention the subsequent information in 19:21-25. E.W. Nicholson (1973,79; 1977,passim) argues the connection between theophany and direct law-giving, which can be revealed in the exegesis of 20:18-21. However, he cannot suggest fully how law-giving is connected with theophany in 19:9-25 and with the preliminary agreement of the covenant relationship in 19:3-8. B.S. Childs (Ex,364) emphasising the importance of the study on the present (final) text, also realizes the connection between theophany and law (p. 365f.) : 'Secondly, the extended preparations of ch. 19, especially in the light of vv. 20ff., focus on the giving of the law in 20:1ff. and are not to be handled as relating to a *bare theophany* (italics, TGS).'



with two contrastive sentences (subj + ipf. ; subj + ipf.)<sup>272</sup> compared with the dominant sentence style in 19:16-19, ipf. cons. Quite naturally, therefore, the most important question of 19:19b is how it is connected with the previous sections. According to the content, the dialogue between God and Moses, 19:19b can be naturally connected with 19:9a.<sup>273</sup>

E. Zenger<sup>274</sup>, however, insists that the asyndeton in 19:19ba does not absolutely mean the division between 19:19a and 19:19b. And he prefers to translate 19:19bb (וְהָאֱלֹהִים יַעֲנֵנּוּ בְקוֹל) into 'Elohim antwortete dem Moses im Donner'. He concludes that 19:19b should be divided from 19:9a as well as from 19:16-19a. However, E. Zenger does not explain why the asyndeton (19:19b) is suddenly used after the successive use of ipf. cons. (19:16-19a) and what is the meaning of 19:19b in the context. Further, he does not take the following point seriously : 19:19b is the fulfilment of the *proleptic* theme of 19:9a.

It is difficult to find any positive explanation of the direct connection between 19:16-19a and 19:19b not only for grammatical reasons<sup>275</sup> but also because of the difference of content.<sup>276</sup> Therefore, the connection between 19:9a and 19:19b seems more plausible.<sup>277</sup> Although both texts are formulated differently<sup>278</sup>, there are three points in common : (i) the same topic, the dialogue between God and Moses, (ii) the dialogue in the midst of theophany, (iii) the people can hear the dialogue.<sup>279</sup> This is an example of *prophecy* -

272. A. Niccacci (1990,181f.) suggests YIQTOL (the indicative form) sometimes does not express the simple future but a repeated or continued action in the past.

273. H. Gressmann (1913,181), W. Rudolph (1938,43f.). However, some commentators try to connect between 19:19a and 19:19b by emending the text, e.g. E. Lipiński (1965,234,n.4 : וַיְדַבֵּר הָאֱלֹהִים בְּעֵנָן וּבְקוֹל). However, this kind of ungrounded emendation is not acceptable. See E. Zenger (1971,244,n.35).

274. (1971,62). Similarly W. Rudolph (1938,43f.).

275. Namely (1) starting with asynthesis (מִשָּׁה דִּבֶּר), (2) inverted verbal sentence order (two S + V orders, מִשָּׁה דִּבֶּר and וְהָאֱלֹהִים יַעֲנֵנּוּ בְקוֹל), (3) rare YIQTOL forms (A. Niccacci (1990,54,202,n.37) lists this rare form in the OT for expressing a repeated action in the narrative).

276. Namely 19:16-19a is about the meeting of God and Israel but 19:19b is about the dialogue between God and Moses.

277. S. Mowinckel (1964,75).

278. In 19:9a the main objective (people's hearing of the dialogue וְשָׁמַע הָעָם) is in the main clause and God's talk with Moses is attached to this main clause with the prepositional phrase (בְּדַבְרֵי עִפְיָה). And the ultimate purpose of this action is explained in the last clause of 19:9a (וַיְגַמְלֵם בְּיָמֵינוּ לְעוֹלָם). However, in 19:19b the main concern is the dialogue itself, and therefore it is in the main clause (מִשָּׁה דִּבֶּר וְהָאֱלֹהִים יַעֲנֵנּוּ בְקוֹל).

279. The first and second points are evident. But the third point needs to be explained clearly. We interpret that the hearing of the people of this dialogue is expressed indirectly with בְּקוֹל, which most probably means that the voice is audible not only to Moses but also to the people. This report of the dialogue in 19:19b is unusual in the context of Ex. Before Ex 19 the author reports the content of the dialogue between God and Moses directly without this kind of report. The purpose of 19:19b is not only to report the dialogue but also to inform that the people have heard the dialogue. If the purpose of 19:19b were only to state that the dialogue happened between God and Moses, בְּקוֹל would not be necessary, because even without this prepositional phrase (בְּקוֹל) the sentence of 19:19b is perfect to report this simple fact. However, this is not likely to be the purpose of 19:19b. The author has a special intention by this prepositional phrase, 'a voice audible by a human being', otherwise redundant. U. Cassuto (1967,232) insists that it corresponds exactly to 'gm' (Ug), which is commonly found in epic poetry when the poet tells us that one of the gods was speaking in a loud voice. Again Ehrlich (1,338) vividly paraphrases : 'Moses sprach, wie Menschen sprechen, sodass man dabei Sprachorgane in Tätigkeit wahrnehmen konnte; die Antwort JHWHs aber gab sich nur in der Stimme kund, ohne dass irgend etwas sichtbar wäre, von dem die Stimme käme; vgl. Deut. 4,12.' This sound is not just thunder, but it indicates a voice and its meaning is clearly understandable. Therefore, the most plausible intention is in its connection with the initial prediction of God's dialogue with Moses in 19:9a. In other words, if the author had no concern whether or not the people have heard this dialogue, especially the discernible word of God, then this prepositional phrase (בְּקוֹל, 19:19b) would be meaningless. In this manner 19:19b becomes the fulfilment of the predicted word in 19:9a and for this interpretation the function of בְּקוֹל is vital. S. Bar-Efrat (1978,28 : 'In stylistic analysis attention is to be paid to every word and to



*fulfilment scheme (25.11).*

Meanwhile, this interpretation raises a problem. In other words, 19:19b-25 does not mention explicitly the expected psychological effect of God's talking with Moses on the people (people's trust in Moses, **וַיִּשְׂמַע יְהוָה וַיְהִי כִּי יָמַן לְעוֹלָם** 19:9a), if 19:9a<sup>(280)</sup> is connected with 19:19bf. :

19:9a : theophany, dialogue, effect on the people

19:19bf. : theophany, dialogue, x

However, 19:19b is not all account of the dialogue but a short summary of that event, and it has to be interpreted in connection with 19:20-25, as we shall see soon. The purpose of this section (19:19b-25) is the detailed report of the dialogue between God and Moses. But the effect on the people when they hear this dialogue is not mentioned here but in the following section, 20:18-22 (see 2.10.) when the people ask voluntarily for the mediatorship of Moses for the law which will be given further.<sup>(281)</sup>

Interestingly enough, in the dialogue of 19:19b Moses's word (**וַיֹּאמֶר**) is mentioned first and then YHWH's word (**וַיַּעֲנֵה**) follows. The sentence structure (i.e. subj + ipf. ; subj + ipf.) expresses not a once-off talk but a (continuous) dialogue or discussion.<sup>(282)</sup> If 19:19b means a dialogue, then the order of speech does not show it is totally different from the proleptic announcement in 19:9a. Rather, in the present context, the order (Moses' word and then YHWH's answer) in 19:19b skilfully appeals to the reader / listener that Moses' position is so high that he speaks with God without any problem. This is a kind of stepping stone for the full achievement of the original objective about Moses' divine authority in 20:18-22.<sup>(283)</sup>

In the whole Sinai pericope there is no other place which gives specific information about the dialogue between God and Moses by using the sentences like 19:19b except 19:9a and 19:20-24. Therefore, it is natural to assume that all three texts are related to a sub-theme of the Sinai pericope, the authority of Moses.<sup>(284)</sup> Then the connection between

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every linguistic construction, but particularly so to the exceptional ones).

280. Although in 19:9a we read only God's talk to Moses, it does not necessarily mean there is monologue of God. If there is monologue, it does not need to be mentioned, because 19:3-8 is already an example of the monologue of God and it does not need an introductory report about the monologue. Therefore, the specific mention of God's talk to Moses implies the dialogue between them.

281. A similar example that the author concentrates on one specific theme in a section is found in 19:3-8. Although the stipulations of the new relationship are vital if the theme of this section is the covenant relationship, the author does not mention the specific stipulations in this earliest stage. In the following sections we naturally expect to read the necessary items to constitute the legitimate covenant.

282. From this structure and the use of verbs (especially **וַיַּעֲנֵה** of God in the second sentence) we have a strong impression that both subjects, Moses and God talk with each other. Grammatically this change of normal verbal sentence order, V + S, can be explained with the texts which bring the idea of contrast (e.g. Gen 13:12) or synchronism (e.g. Judg 15:14), although contradicting contrast is not the idea of our text (see. *Williams* § 573). Further F.L. Andersen (1974,150-153 : 'It (contrastive sentence, TGS) is the total pattern of the two clauses together that determines the total effect in the resultant sentence as a single construction'), *Muraoka* (33 : S + V pattern for emphasis or contrast), and J.L. Ska (1990,15 : frequentative meaning). In this case it is not necessary to translate **וַיַּעֲנֵה** 'answer', but it together with **וַיֹּאמֶר** expresses the scene of dialogue between two persons.

283. 1st stage (19:9a, God's talk to Moses) – 2nd stage (19:19b, Moses' word and then God's answer) – 3rd stage (20:18ff., the people's trust in Moses as the divine mediator). To this scheme the content of 19:20 is helpful. Moses' sole approach to the (top of the) mountain makes a great contrast with the repeated prohibition of the people not to cross the boundary.



19:19b and also 19:20-24 is natural. 19:19b functions as a kind of preliminary introduction to the content of the dialogue between God and Moses.<sup>(285)</sup> Therefore, after *delaying* (cf. S. Mowinckel's term 'retardieren') to mention the real purpose of this section, to pronounce God's will for making a covenant, the author goes back in 19:25 to the original situation in 19:19.<sup>(286)</sup>

## 2.7.1.2. 19:20-25

19:20 וַיְהִי יְהוָה עֲלֵיהֶם סֵנִי אֱלֹד־אֵשׁ תִּהְיֶה וַיִּקְרָא יְהוָה לְמֹשֶׁה אֱלֹד־אֵשׁ תִּהְיֶה וַיַּעַל מֹשֶׁה:  
 21 וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה רַד הָעַד בְּעַם פְּרִי־יְהוּדָה אֱלֹד־יְהוָה לְרֵאוֹת וְנִפְל כַּמֶּנּוּ רַב:  
 22 וְגַם הַבְּתוּלִים הַנְּשֻׂמִים אֱלֹד־יְהוָה יִתְקַבְּשׁוּ פְּרִי־יִפְרִיץ בָּהֶם יְהוָה:  
 23 וַיֹּאמֶר מֹשֶׁה אֱלֹד־יְהוָה לֹא־יִזְכַּל הָעָם לַעֲלֹת אֱלֹד־יְהוָה סֵנִי כִּי־אָתָּה הַעֲדִיתָ כֵּן לֵאמֹר  
 הַגִּבַּל אֶת־תְּהִדָּה וְקִבְּשִׁתוּ:  
 24 וַיֹּאמֶר אֵלֶיךָ יְהוָה לְהִיָּד וְעָלִיתָ אִתָּהּ וְאָחִירָו עִמָּהּ וְהַבְּתוּלִים וְהָעָם אֱלֹד־יְהוּדָה  
 לַעֲלֹת אֱלֹד־יְהוָה פְּרִי־יִפְרִיץ בָּם:  
 25 וַיְהִי מֹשֶׁה אֶל־הָעָם וַיֹּאמֶר אֲלֵהֶם:

W. Rudolph<sup>(287)</sup> holds that the present order of 19:19b - 19:20 should be reversed because he sees the connection of both verses :

19:19b מֹשֶׁה יְדַבֵּר וְהָאֱלֹהִים יַעֲנֵנוּ בְּקוֹל  
 19:20 וַיְהִי יְהוָה עֲלֵיהֶם סֵנִי אֱלֹד־אֵשׁ תִּהְיֶה וַיִּקְרָא יְהוָה לְמֹשֶׁה אֱלֹד־אֵשׁ תִּהְיֶה וַיַּעַל מֹשֶׁה

And if we follow the ordinary sentence order his advice looks good. However, he does not consider seriously that 19:19b serves two purposes in its present context :

Firstly, when the author finishes his discourse of 19:16-19a, which has a concentric (chiastic) structure, he also finishes the description of the main theme, the meeting of the people with God.

Secondly, now in 19:20-24 the author deals with his sub-topic of the whole 19:9-25 which is mentioned proleptically in 19:9a, God's talk with Moses when the people meet with God. Chronologically, however, the whole content of 19:20-24 should come *before* the people's meeting with God, because 19:20-24 as a kind of *appendix* tells about the second aspect of the preparation of that meeting (19:12-13).<sup>(288)</sup>

Although this arrangement reverses the sections chronologically, it serves very well the

284. S. Mowinckel (1964,75).

285. J.J.P. Valeton (1907,86,n.2) seems to be quite sensible to define this clause as a kind of 'opschrift' or 'inhoudepgave'.

286. S. Mowinckel (1964,76).

287. (1938,44).

288. See 2.5.2. about the two aspects of the preparation. The present arrangement seems to show a deliberate purpose of the author (see the chart in 2.5.2). After mentioning the people's preparation (a') 19:14-15), the author goes directly to the key event of this section, the meeting of two parties (b') 19:16-19a), because he does not want to divert the interest or concentration of the reader / listener from the main topic (the people' meeting with God) to the sub-topic (God's talk with Moses). After mentioning the main topic in 19:16-19a with a concentric structure, he quickly goes to the sub-topic of 19:9-25, which is the primary object of 19:9a, the dialogue between God and Moses.



purpose of the author who wants to mention the main topic first, and then attach the sub-topic next.<sup>(289)</sup>

An important issue of this section is 19:24.<sup>(290)</sup> Two major problems of this text are : (1) the connection of 19:24 with 19:20-23, and (2) the position of 19:24 in the whole Sinai pericope.

(1) The lack of connection between 19:21-23 and 19:24 in their content is obvious.<sup>(291)</sup> 19:21-23 reports the warning to the people in general but 19:24 tells about God's permission of Moses and Aaron to come to God. However, there are common factors<sup>(292)</sup> : (i) the command to Moses to go down (יֵרַד), (ii) the concern about coming up is expressed negatively in 19:21-23 (the people are not allowed to come) and positively in 19:24 (Moses and Aaron may come). Because of these common factors 19:24 is not absolutely distinct from 19:21-23. Considering the highly skilful composition of the Sinai pericope, we realize that the author prepares this composition deliberately. In 19:19b-25 the author mainly deals with the sub-topic of Ex 19, the dialogue between God and Moses. At the end of this section, however, the author tries to connect this section with the following section. In this case we find once again that the persistent literary concern of the author is the intimate connection between several sections of the Sinai pericope. The actual objective of 19:24 is announced again in 24:1 and finally achieved in 24:9-11, because there is no other description about the coming of Moses and Aaron to the mountain. Therefore, the author's compositional technique is that after reporting all about the sub-topic of Ex 19 (God's dialogue with Moses) the author tries to tie up this part of the Sinai pericope and the other part by using the common factors between 19:20-23 and 19:24 (with 24:1,9-11) mentioned already.<sup>(293)</sup> Otherwise, the coexistence of 19:21-23 and 19:24 would become a very strange composition which is far below the normal standard of literature.

(2) As far as the position of 19:24 in the Sinai pericope is concerned, two literary techniques are used in 19:24 : (i) (*anticipatory*) *transitional technique*, (ii) *macroscopic point of view*.<sup>(294)</sup>

(i) 19:24 anticipates the event after Ex 20-23. It introduces to and naturally connects with the event which will happen in 24:1 and 24:9-11. Therefore, 19:24 does not function as

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289. S. Mowinckel (1964,75) correctly criticises W. Rudolph (1938,44) who holds that Moses' authority is the unique purpose of 19:9-25 by neglecting its main topic, the meeting of two covenant parties. From the literary point of view, therefore, its present position is a successful arrangement for the composition of the whole.

290. U. Cassuto (1967,24), misunderstanding the literary structure of 19:19b-25, considers this command in 19:24 as God's sharp rejection of Moses' word in 19:23. In 19:24, however, God is talking about a different topic.

291. As E. Zenger (1971,63) points out, 19:24 cannot be God's answer to Moses' word in 19:23.

292. E. Zenger (1971,64) also acknowledges the existence of common factors : 'Vom Vortbestand her hat v. 24 viele Gemeinsamkeiten mit v. 21-23.' Through the similar words or phrases the author wants to perform his own theme in this section.

293. See the *common compositional material* in Dt 27:1-8 (3.7.6).

294. Similar *macroscopic point of view* is in 24:2 which is related to 24:12f. J.L. Ska (1990,10) considers simply 19:24 - 24:1 as an example of repetition / resumption. See further 2.7.3. & 2.11.1.



an introduction to 24:9-11, which is done by 24:1 where we can see another transitional technique : 19:24 (the furthest anticipation) – 24:1 (anticipation) – 24:9-11 (fulfilment).

(ii) In 19:24 Moses and Aaron are the only actors, but in 24:1 other people are also allowed to come to the mountain. Aaron's coming-up to the mountain of theophany (19:24, 24:1) can only be meaningful when he approaches God as one of the representatives of the people in order to pay the homage to God (24:9-11). Therefore, we realize that these three texts are related to each other. The simple list of the persons in 19:24 who are allowed to come to the mountain (Moses and Aaron) compared with 24:1,9-11 (Moses, Aaron, etc.) is the outcome of the *macroscopic* perspective in the present text situation.<sup>(295)</sup> Therefore, 19:24 keeps the mind of reader in the main stream of narrative of the Sinai pericope.

The issue raised by **וַיַּרְדּוּ מֹשֶׁה וְאַהֲרֹן** (19:25a) is, as F.-L. Hossfeld<sup>(296)</sup> clearly points out, on which command is this action of Moses dependent ? E. Zenger<sup>(297)</sup> insists that it is related to 19:24, because 19:24 belongs to the Jehowist like 19:20b,21,23. F.-L. Hossfeld, against E. Zenger, correctly argues that 19:24 is different from 19:20b,21,23. 19:24 belongs to the same origin (late priestly redaction) like 19:22.

However, there are two factors which do not fit in with the source division of E. Zenger and F.-L. Hossfeld (19:20b,21,23 ... J ; 19:22,24 ... P) :

(i) **פְּרִי־יְהוָה אֱלֹהֶיךָ לַעֲלֹת אֶל־יְהוָה** (19:24) which should be connected with **אֱלֹהֶיךָ לַרְאוֹת** (19:21).

(ii) Another inconsistent factor in this division is in 19:24 where there are not only **וְהָעָם** but also **וְהַכֹּהֲנִים**. The former is related to **וְהָעָם** in 19:22 and the latter with **כָּעֵם** in 19:21. In other words, in 19:24b there are two components (**וְהַכֹּהֲנִים / פְּרִי־יְהוָה**) which are related to 19:22 and **אֱלֹהֶיךָ לַעֲלֹת אֶל־יְהוָה** is related to 19:21.

Therefore, we conclude that the author synthesizes 19:21, 19:22 in 19:24. This means the source division adds little to our understanding. Consequently Moses' going down in 19:25a is related to both 19:21 and 19:24. Interestingly enough, W. Beyerlin<sup>(298)</sup> recognizes the possibility that 19:25 is a continuation of 19:20-24, the achievement of the command (19:24a) that Moses should descend. In this case the content of Moses' talk to the people in 19:25b (**וַיֹּאמֶר אֲלֵיהֶם**) is (i) further warning against coming up the mountain affecting the priesthood also (19:21-23), and (ii) coming of Moses and Aaron only to the mountain (19:24).

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295. 19:24 is farthest from the actual event in 24:9-11. Among the persons listed in 24:1,9-11, two most prominent persons (Moses and Aaron) who appear first in the lists are mentioned in 19:24. Through 19:24 the author prepares the reader's mind for the forthcoming event after the long break of reporting the covenantal terms (the decalogue and the Book of the Covenant).

296. (1982,165).

297. (1971,64 and passim).

298. (1961,12 = 1965,8).



Two possible interpretations of וַיֹּאמֶר אֱלֹהִים (19:25b) are suggested by F.-L. Hossfeld<sup>(299)</sup> : (i) it is the closing clause of the previous sentences, (ii) it is the 'kataphorische Redeeinleitung zu einer direkten Rede' (the decalogue, TGS). Semantically אָמַר, different from רָבַר pi., suits the latter interpretation.<sup>(300)</sup> Then 19:25 and 20:1 are complete with each other. However, then we have a difficult problem that although the subject of 19:24b is Moses like in 19:25a, but the subject of 20:1 is אֱלֹהִים. The hypothesis (a) that after 19:25 text is lost<sup>(301)</sup>, or (b) that the author fails to return to the narrative part as in 19:20<sup>(302)</sup>, or the idea (c) that there are here two deuteronomic layers having the same function<sup>(303)</sup> does not help solve the problem clearly. Finally F.-L. Hossfeld holds that the only possible interpretation is that these are the work of one redactor :

'Ein Redaktor - weder der Jehowist noch ein Deuteronomist - hat die ihm in 19:25b vorgegebene Einleitung zu einer Moserede durch den Einsatz von 20:1 umfunktioniert zu einer Einleitung für eine Rede Elohims an das Volk.'

F.-L. Hossfeld's criticism<sup>(304)</sup> of the three theories in (a),(b),(c) seems to be correct. However, his 'genetic' (his own term) explanation is also unsatisfactory and rather awkward. We have to recognize the following three factors in 19:25b, 20:1 :

(i) in 19:25b the addressee (i.e. the people) is clear,

(ii) in וַיְדַבֵּר אֱלֹהִים אֶת כָּל-הַדְּבָרִים הָאֵלֶּה (20:1) we know who is the speaker and what is the title of the speech,

(iii) וַיֹּאמֶר (20:1) introduces the direct speech.

The fact that there are different subjects in both verses (19:25b, 20:1) cannot be changed. The speaker of 19:25b is most probably Moses, but in 20:1 God speaks. The content of speech of 19:25b is the dialogue between God and Moses in 19:19b-24, because the connection between 19:25a and 19:25b is very natural. But the content of the word in 20:1 is the decalogue. Therefore, there is a clear division between 19:25b and 20:1. Here we do not need to think about the redactor who makes a poor literary connection between 19:25b and 20:1, according to F.-L. Hossfeld's analysis. We have seen that the author reports from 19:19b a sub-topic (the dialogue between God and Moses) after dealing with the main topic in 19:16-19a. But after 19:25b the author goes back to the main topic of 19:9-25, the meeting between God and the people. If the awesome phenomenon described in 19:16-19a is not *bare theophany* (B.S. Childs), as we have seen, it is for the

299. (1982,165).

300. W. Rudolph (1938,44) : The content of direct speech is 'ihr habt nun erlebt, wie Jahwe aus dem Gewölk mit mir geredet hat, darum vertraut mir.' However, it is not necessary. E. Zenger (1971,64) : 'אָמַר ist nirgends "ein abgeschlossener Begriff(reden)".' However, 19:25 with Gen 4:8 does not have the object clause, although BDB interprets the object clause may be fallen. HAL attests another example (Judg 17:2, 2 Chr 32:24), L. Rost (1974,13), S. Mittmann (1975,150).

301. L. Rost (1974,13,n.12).

302. S. Mittmann (1975,150).

303. E. Zenger (1971,173,210).

304. (1982,165).



announcement of God's terms for the covenant. But since the sub-topic appears suddenly from 19:19b, the main stream of the narrative is postponed. Now after the section for the sub-topic in 19:19b-25, the author goes back from 20:1 to the main line of the Sinai pericope, the presentation of the covenant terms, which has already been alluded to in 19:3-8 and postponed in 19:16-19a. Therefore, we conclude that the author arranges the several events skilfully according to his grand literary scheme.

## 2.7.2. The position of 19:19b-25 within 19:9-25

The position of 19:19b-25 in the context looks controversial.<sup>(305)</sup> B.S. Childs makes an interesting comment on the content<sup>(306)</sup> :

'Right at the apparent climax of the theophany, the scene is interrupted and Moses is again called back up the mountain for further instruction. And what strange instructions !

He<sup>(307)</sup> further suggests that usually this section is seen as a dismal anticlimax which disturbs the progress of the chapter. After pointing out correctly the failure of source and form criticism to deal with this section in the OT context<sup>(308)</sup>, he suggests his own interpretation :

'But, as we have argued, the purpose of ch. 19 is to recount the preparation for the deliverance of the law. The inclusion of vv. 20-25 is clear evidence that the narrator (or redactor) understood ch. 19 as preparation for the main event. The preparations which were executed in the two previous days, and which preceded that moment on the third day, were still not considered adequate by God. The warning is given for the sake of the people, who have no experience as yet of the dimensions of divine holiness, and lest warned will destroy themselves.<sup>(309)</sup>

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305. There are some commentators who consider this section as a later addition to 19:10ff., for example B. Bäntsch (*Ex*,176), M. Noth (*ATD,Ex*,124,129 = *Ex*,155,160), E. Zenger (1971,170ff.) in HH. Schmid (1976,98). G. Beer (*Ex*,98) insists that the picture depicted in 19:21-25 hinders the stream of the theophany theme. A more elaborate but similar interpretation is that 19:19b-25 is a kind of Midrash to 19:12-13, and therefore the whole 19:20-24 is a later addition to connect 19:19 and 19:25. For example B. Eerdmans (*Ex*,65), W. Rudolph (1936,41; 1938,41), W. Beyerlin (1961,12 = 1965,8) and G. te Stroete (*Ex*,146). J. Halbe (1975,276) and recently J.I. Durham (*Ex*,269) hold that 19:20 is a kind of midrash to 19:12-13 which introduces 19:21-24. This section is inserted into the present position by the priestly circles who ask whether the prohibition to come near to Yahweh applied also to the priests. However, this interpretation weakens the theological stance of the priestly circles, if they were the final redactors, because here the priests are also prohibited. Further there are other elements in 19:21-24 which cannot be explained with the hypothesis of priestly redactor(s).

306. (*Ex*,361). He rejects the following suggestions : (i) the idea of moving 19:11b-13 after 19:24 (McNeile), (ii) considering 19:20-24 as a sort of 'midrashic' expansion for the original command in 19:12-13 (Rudolph, Haelvoet, Beyerlin). He holds, following A. Dillmann, that there is no report of execution of God's command. However, its execution can be simply assumed as in the parallel instances throughout the OT.

307. (*Ex*,369).

308. (*Ex*,370) : 'Yet the essential difficulty of this section arises out of a basic failure to understand the passage and its role within the chapter. For those commentators who separate ch. 20 sharply from ch. 19, and find the purpose of the latter chapter to be the revelation of *the bare theophany* (italics TGS), the interruption of these additional instruction is extremely disturbing.'

309. Similar assertion is suggested by Ch. Levin (1985a,185), though with naive exegesis, who depends on L. Perlitt (1969,233f.) and S. Mittmann (1975,156 : 'Eine Sinai-Theophanie ohne Gesetz käme auf den bloßen



However, the assertion of B.S. Childs that 19:19b-25 is a kind of dismal anticlimax ('a strange construction!', 'extremely disturbing') to the whole Ex 19 is the result of a failure to recognize the existence of the sub-topic in 19:9-25: the establishment of the divine authority of Moses through the dialogue between God and Moses. This sub-topic has already been introduced before Ex 19 (e.g. Ex 3, 14:31) and is also after Ex 24 (e.g. Ex 34). In the Sinai pericope this theme is not forgotten but intermingled with the main topic of Ex 19, the meeting of both covenant parties. Despite this weak point, B.S. Childs' investigation sheds light on our study of the whole Sinai pericope: namely we have to consider the role of Ex 19 within the Sinai pericope and in this respect Ex 19 is a preparation for the main event (i.e. law-giving). And therefore the connection of the meeting of both parties and the law-giving should be considered.<sup>(310)</sup>

For J.I. Durham<sup>(311)</sup>, overcoming B.S. Child's weak point, 19:16-25 deals with the third motif in Ex 19, the mediatory role of Moses, compared with the first motif (YHWH's Presence) and the second motif (Israel's experience of that Presence). This third motif, however, is suddenly inserted as an important issue within this section. Except for 20:18ff. there is no concern with Moses's function as mediator. Therefore, the emphasis of this section on Moses as intermediary is out of place. The reason for this placing of 19:19b-25 with the account of YHWH's advent to Israel is in the glorification of sacerdotal prerogative and in Moses' case, prophetic prerogative as well. Going one step further he adds:

'The compiler's reason for placing them here must primarily have been a desire to avoid any impression that Israel might approach Yahweh without a priestly / prophetic intermediary.'

The positive side of J.I. Durham's argument is that he sees very well that Moses' intermediary role between God and the people, and Moses' authority among the people are two different motives.<sup>(312)</sup> Moses' going up to the top of the mountain, to a place beyond whose boundaries the people are forbidden to go (19:20), establishes the uniqueness of Moses' role, a uniqueness immediately reinforced by the repetition of the warning that the people are not to cross the boundaries. Durham's argument gives us a good hint to find the theme of this section. However, the motif of Moses' authority does not appear suddenly here, but it was already mentioned from the beginning of Exodus, as we have

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Theaterdonner bei leerer Szene hinaus').

310. As we shall see soon, although B.S. Childs' estimation (Ex,370) of the purpose of Ex 19 as the preparation for the deliverance of law is the outcome of the failure to recognize the main topic of Ex 19, the meeting of both covenant parties, his concern about the relationship between Ex 19 and the laws has to be judged as constructive to know the value of Ex 19.

311. (Ex,269).

312. And he points clearly the importance of the first two motifs, the first (YHWH's presence) and the second (Israel's experience of that Presence), which in fact constitute two vital components of the theme of Ex 19-25, the direct encounter of the two covenant parties.



seen, and will be achieved fully in the event of Moses' radiant face (34:29-35, cf. 33:7-11,12-23). In particular, we have not to miss the point that 19:9a is clearly connected with the present section. Therefore, the effort to find the reason for this motif in the glorification of prophetic prerogative is too general and too vague to apply here. Rather we want to formulate it differently : Moses' role as the messenger between God and the people especially for making the covenant and for receiving the covenantal law is the main reason for this event like the many mentions of Moses' role throughout the whole Ex.<sup>(313)</sup> This role is approved by the people (20:18ff.) as well as by God. And J.L. Durham fails to point out the meaning of the rare construction of two subj. + ipf. sentences at the beginning of this section (19:19b), which is a signal for a new starting point. However, his interpretation of the function of the content of 19:20 is quite right : Moses' lone approach to the top of the mountain contrasts with the prohibition on the people against crossing the boundary of the mountain. This focuses the theme of this section. More precisely, just at the time when the real meeting of the two parties takes place, God calls Moses to come to give an additional warning to the people.<sup>(314)</sup>

Apart from this thematic aspect, we should consider the structural aspect of this section, the position of this section within 19:9-25. The content of [c'] 19:19b-25 corresponds with the second part of the section of God's initial warning for people's preparation of meeting God, set a limit or a boundary around the mountain ([c] 19:12-13, 2.5.2.). As between 19:20a and 19:18a, there are similarities and differences between 19:19b-25 and 19:12-13<sup>(315)</sup>, but the basic tenor is the same, the prohibition against the people crossing the boundary around the mountain. We have seen (the chart in 2.5.2.) that the first part of preparation (the preparation of the people themselves) in [a] 19:10-11a matches its performance in [a'] 19:14-15. And from this correspondence we realize that there is *the preparation - performance scheme*. We find the same scheme in both texts [c] 19:12-13 and [c'] 19:19b-25. 19:12-13 is the second part of preparation (the preparation in the mountain by setting boundary) and

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313. S. Mowinckel (1964,76) also points out that this sub-topic is not only for the emphasis on a theological truth (i.e. Moses has the divine authority) but also for the introduction of Moses as the recipient of God's law in the future. In this respect, as S. Mowinckel correctly mentions, this sub-topic is directly related to the content of 20:18-21. And with the word in 20:20 Moses indirectly expresses the position of the mediator between God and Israel. And the prerogative of the priesthood cannot be the point of this section as we have already seen.

314. J.J.P. Valeton (1907,87) aptly points out that there is difference of time concept between 19:18 (perfect) and 19:20a (past). This difference seems to reveal the difference of the level of the events. In 19:18 the meeting itself is concerned, but in 19:20a the author seems to report another event in the situation of that meeting. There are two reasons : (i) When the people see that Moses may cross the boundary of the mountain, which they themselves are not allowed to do, and when the people hear the dialogue between God and Moses, they will realize immediately the difference between Moses' position and theirs. (ii) *The bare theophany* (B.S. Childs) affords no sense but *the theophany for something* is only meaningful in the whole context of Ex 19 (see 2.6.2.), and before doing this *something*, God gives repeated warning to Moses (19:21-23) and a command for future action (19:24). This circumstance is described vividly in 19:20.

315. Similarities : (i) a verb making a boundary of the mountain (גבַל hi. 19:12, 23, see 2.5.13. for the emendation to הָדַר in 19:12), (ii) people's coming (עָלָה, 19:12, 23); and differences : (i) three times use of paronomasia (WO § 35-3-1-b, Lettinga § 73-c-2, J.J. Glück, 1970,51-78) for God's punishment (מוֹת 19:12; יוֹמָת 19:12; יִרְהָ יִרְהָ יִרְהָ 19:13) but two phrases about punishment (וְנָפַל מִמֶּנּוּ רָב 19:21; פָּן-יִפְרֹץ בְּרַם הָהָר 19:22), (ii) לָרֶשׁ in 19:10 (pi.) for the people but in 19:22 (hitp) for the priests and in 19:23 (pi) for the mountain, (iii) new information about the priests in 19:22.



19:19b-25 (esp. 19:23 !) alludes to its performance. Although the performance of the second part of the preparation has already been done when the performance of the first part has been achieved, the author does not report this in the same space, i.e. in 19:14-15. This is because the warning about the second part of preparation will be repeated in 19:21-22. And with this repeated warning the topic of this section (the sub-topic of 19:9-25, Moses' authority) will be intermingled. In this manner the author avoids the redundancy which could be caused, if he reported the performance of the second part of the preparation after 19:14-15. Therefore, in 19:9-25 there are two *command - performance schemes*, one is explicit ([a] 19:10-11a - [a'] 19:14-15) and the other is implicit ([c] 19:12-13 - cf. 19:23).

Therefore, we conclude that 19:19b-25 has a clear position within the whole 19:9-25 with the purpose of explaining the sub-topic of 19:9-25 (Moses' authority). Some methodological insights of S. Bar-Efrat and H.v.D. Parunak explain the present formation of 19:9-25 more clearly.

S. Bar-Efrat points quite clearly to the subjective aspect of time in narrative and he calls *the technique of retardation* when the time is delayed to explain one specific issue in detail<sup>(316)</sup> This *technique of retardation* is very similar to *spatial form theory* (1.2.2.). This technique is important to explain the literary phenomenon in 19:19b-25 and its function within Ex 19. Through this technique 19:9-20:1 can be explained as follows :

- 19:9 : proleptic announcement of the second scene  
in the midst of the first scene
- 19:10-19a : the meeting of God and the people (the first scene)
- 19:19b-25 : the talk of God and Moses and  
God's second warning (the second scene)
- 20:1 : the continuation of the first scene.

The event of primary importance (the first scene) is mentioned successively from the preparation to the achievement, and the event of the secondary importance (Moses' authority) is mentioned later with detailed information.<sup>(317)</sup>

H.v.d. Parunak<sup>(318)</sup> enumerates two sorts of dividing technique in Hebrew literature : (i) some divide segments of roughly the same importance in the overall flow of the argument, (ii) another technique serves, as does the modern footnote or appendix, to remove materials of peripheral concern from the main stream of the argument. And Parunak illustrates this with the example of Jud 2:11-16:31.<sup>(319)</sup> This interpretation can be applied into our text. Ex 19:19b-24 is not part of the main stream of the Sinai pericope,

316. (1978,25f. : *The technique of retardation* enables the author to slow down the tempo of time as grasped by the readers. By means of this technique suspense may be heightened).

317. For example Luk 3:1-20 ends the story about John the Baptist by the report of his imprisonment. However, Luk 3:21-22 reports the baptism of Jesus, which chronologically should have happened between Luk 3:1-20. Here the author primarily intends to finish the story about John the Baptist. And then, although chronologically reversed, he reports the baptism of Jesus, which is related to the story of John the Baptist.

318. 1981,156 and see also 1982,1-16, 1983,525-548.

319. See the table of his analysis in 1981,157 and L. Alenso-Schöckel (1973,138).



but its theme enjoys the persistent consideration of the author throughout Ex (see 4:27-31, 5:21, 6:9, 14:11-12; 14:31; 15:24, 16:2, 17:1-5; finally 34:29-35). The main purpose of 19:19b-25 is to consolidate the authority of God's servant Moses among the people. In 19:9a God has already announced this purpose. And after 19:19b-25, we see the positive development for this purpose, because the people voluntarily ask the mediatorship of Moses (20:18-21). Although this purpose does not belong to the main stream of the Sinai pericope, it is intermingled with the main theme of the Sinai pericope, the theme of covenant making. Moreover, it serves to construct the present shape of the Sinai pericope, because through this compositional preparation the people ask Moses to be their messenger with full confidence.

### 2.7.3. The function of 19:24

M. Noth<sup>(320)</sup> is a commentator who judges the function of this verse in the present section negatively. Therefore, it is for him unthinkable to connect it with 24:1. F.L. Hossfeld<sup>(321)</sup>, as far as I know, is the first person who realizes the connection between three texts, 19:24, 24:1 and 24:9-11, in the present context :

‘Der priesterliche Redaktor, der 24:9-11 an das Bundesbuch mit seinem Bundesschlußritus anheftete, hat die Gottesschau mit zwei Befehlen nach vorne in der Theophanie verankert.’

The connection between these texts is observed correctly, but the explanation of the connection is not adequate.

Firstly, we find other cases of the same technique in 19:9a – 19:19b-25 and 24:2 – 24:12f.<sup>(322)</sup> The connection between several sections within the Sinai pericope is well made through this technique.

Secondly, the connection of 24:1, 24:9-11 with 19:24 does not reveal the priestly concern, but the concern to integrate all aspects of the Sinai pericope into one grand scheme, the covenant making between YHWH and Israel.

Thirdly, the judgement that this connection between 19:24, 24:1, 24:9-11 is the work of the priestly redactor is unwarranted.

H.v.D. Parunak suggests two methods which the biblical authors use to establish the internal unity of two passages.<sup>(323)</sup> One is suitable for explaining the function of 19:24 within the Sinai pericope :

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320. (ATD, Ex, 129 : ‘Ganz isoliert und ohne Folge steht die Anweisung da, daß auch Aaron mit auf den Berg steigen solle (v. 24a)’. And A. Dillmann (Ex, 195).

321. (1982, 203), followed by J. Buchholz (1988, 33)

322. We have seen about 19:9a — 19:19b-25 in 2.7.1.1. and we shall see about 24:2 — 24:12f. in 2.11.2.

323. (1981, 162). And he has later (1983, 525-548) developed this fully.



'One panel of a structure contains a summary or outline of material that is developed more fully in another. This resembles the table of contents or the outline of a text.'

The content of 19:24 looks strange in connection with the preceding verses (19:19b-23). We should consider this either as thoughtless work of the redactor or as the result of careful preparation for something to come. Hitherto commentators judge the value of this verse negatively. However, a close look at the context reveals its literary value. The element of Aaron is totally new in Ex 19, but in 24:1,9, which belongs to the same Sinai pericope, Aaron is mentioned just after Moses as in 19:24. And the theme of both texts is the same, the people's representatives' coming to the mountain. The difference is that in 24:1,9ff. there is a full list of the persons who are allowed to come to God. In fact these three texts (19:24, 24:1, 24:9ff.) deal with the same event. In this case 19:24 functions as an introduction for the future event, 24:1,9ff., as 19:9a does for 19:19b-25. This treatment may be called *the transitional technique through macroscopic perspective*. 19:24 connects the event of Ex 19 and the event of 24:1,9ff. together. In the final section of Ex 19 the author wants to give the impression to the reader / listener that the event is not yet finished.

## 2.8. 19:9-25 in its totality

Hitherto we have studied three parts within this section (19:10-15, 19:16-19a, 19:19b-25). Now summarizing the result we want to find (i) the overall structure of 19:9-25, (ii) its definition and its function within the Sinai pericope.

### 2.8.1. The overall structure of 19:10-25

Firstly, throughout 19:9-25 there is a *prediction - fulfilment scheme* or *command - performance scheme* :

#### (1) *prediction - fulfilment scheme*

[a] 19:9a : prediction of the dialogue between God and Moses in order to enhance Moses' authority.

[b] 19:19b-25 : fulfilment of the dialogue



[c] 20:18ff. : fulfilment of the purpose<sup>(324)</sup>

(2) *command - performance scheme*

[A] Commands (19:10-13, preparation of the meeting)

[a1] command 1 (four items for the people themselves, 19:10-11a)<sup>(325)</sup>

[b1] God's coming (19:11b)<sup>(326)</sup>

[a2] command 2 (making a limit to the mountain, 19:12-13a)

[b2] the people's coming to the mountain (19:13b)

[A'] Performances (19:14-25)

[a1'] performance 1 (four items for the people themselves, 19:14-15) <sup>(327)</sup>

[b2'] the people's coming to the mountain

[b1'] God's coming to the mountain (19:16-19a)

[a2'] performance 2 (making a limit (19:19b-25) expressed with a sub-topic (Moses's authority)).

Secondly, in 19:16-19a there is a *chiastic structure* :

[a]	nature (וַיְהִי) : thunder, lightning, clouds, horn sound	19:16a
[b]	people (כָּל-הָעָם) : trembling (וַיִּחַדְדוּ)	19:16b
[C]	the people's coming to meet God	19:17
[C']	God's coming to meet the people	19:18a
[b']	mountain (כָּל-הָהָר) : trembling (וַיִּחַדְדוּ)	19:18b
[a']	nature (וַיְהִי) : louder horn sound	19:19a

Thirdly, there are three cases of *macroscopic - (semi-microscopic) - microscopic perspective* <sup>(328)</sup> :

(1) YHWH's dialogue with Moses :

[a] 19:9a (*macroscopic / prediction*) [a'] 19:19b-23 (*microscopic / fulfilment*)

(2) Coming up of the representatives of Israel :

[b] 19:24 (You, Aaron) (*macroscopic / command*)

[b'] 24:1 (You, Aaron, .. 70 elders) (*semi-microscopic / command*)

[b''] 24:9-11 (You, Aaron, .. 70 elders + action) (*microscopic / fulfilment*)

(3) Moses' coming up for receiving the additional (2.11.2.) :

[c] 24:2 (Moses only) (*macroscopic / command*)

[c'] 24:12ff. (Moses and Joshua) (*microscopic / fulfilment*)

324. We shall see about this in 2.10.2.2.

325. (i) לָהּ אֱלֹהֵי הָעָם, (ii) וַיִּקְרַשְׁתֶּם הַיּוֹם וּבְמָחָר, (iii) וַיִּכְבְּסוּ שְׂמֹלֵתָם, (iv) וַיִּקְרַשׁ הַיּוֹם הַשְּׁלִישִׁי.

326. כִּי בַיּוֹם הַשְּׁלִישִׁי יֵרֵד יְהוָה לְעֵינֵי כָל-הָעָם עַל-הָרַיִם סִינַי.

327. (i) הָיוּ גִבּוֹרִים, (ii) וַיִּקְרַשׁ אֶת-הָעָם, (iii) וַיִּכְבְּסוּ שְׂמֹלֵתָם, (iv) הָיוּ גִבּוֹרִים, (v) אֱלֹהֵי-הָעָם מִן-הָהָר, (vi) לְשֵׁלֶשֶׁת יָמִים. See further 2.5.1.4. [a2'] (performance of command for making a limit is performed though not mentioned, because this topic is used soon for the different purpose (cf. 19:23). See further 2.5.2.

328. In all three cases we find the mixture of perspective and scheme : (i) *perspective (macroscopic - (semi-microscopic) - microscopic point of view)* and (ii) *scheme (prediction (command) - fulfilment (performance) scheme)*.



## 2.8.2. Definition of 19:9-25 and its function within the Sinai pericope

### 2.8.2.1. Definition of 19:9-25

Concerning the definition of the theme of 19:9-25 commentators tend to concentrate on the action of the main actor (God's coming, the theophany), and this is at least justified partly. This tendency, however, has an important disadvantage that the action of other actors (the people and Moses) are not properly considered.<sup>(329)</sup> To define a section properly, we should consider all aspects within the section together.<sup>(330)</sup> B.S. Childs<sup>(331)</sup> offers a valuable observation about the need to investigate the relationship of several components in the whole Ex 19 :

'The major exegetical problems of ch. 19 relate to the issue of understanding how the various parts of the chapter fit together in the narrative. Such basic decisions determine to a large extent how one pictures the movement of the whole passage and properly locates the various themes.'

The usual description of this section is *theophany*<sup>(332)</sup>, *Bergtheophanie*<sup>(333)</sup>, or *the Advent of Yahweh*<sup>(334)</sup>. However, these descriptions are one-sided in overstressing the action of God only, and therefore they fall short of being a balanced definition in the present context. Chr. Barth<sup>(335)</sup> is more realistic about the present text. He summarizes three phenomena in covenant making : 'theophany', 'God's word', 'the people's positive response'. He rightly indicates that these phenomena essentially belong to covenant making.<sup>(336)</sup> About the meaning of theophany he pinpoints :

'In der Begegnung Jahwes mit den Israeliten hat aber das "Herniederfahren" oder "Erscheinen" Jahwes viel mehr als nur formale Bedeutung; es schafft erst die Möglichkeit und den Willen zu der Entscheidung, die sie zum Bundesvolk werden läßt.'

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329. For example J.L. Durham (Ex,270).

330. Another disadvantageous habit of commentators is that they usually consider only the content of this section but they have no concern with the function of this section within the larger context, the whole Sinai pericope. Although the unity of the Sinai pericope is not yet proved, we cannot deny there are some visible connections between several sections. For example 19:3-8 and the legal sections (24:5). Therefore, as we have already pointed out, the definition of one section should fit in with the definitions of neighbouring sections within the whole Sinai pericope. The definition of our section 19:9-25 should fit in with that of 19:3-8 and Ex 20ff.

331. (Ex,364).

332. For example J. Jeremias (1977,passim).

333. E. Zenger's (1971,55) definition on 19:1-20:21.

334. J.L. Durham (Ex,268ff).

335. (1968,523ff).

336. (1968,527f. : 'Ohne Theophanie, d.h. ohne die Kundgabe und Erfahrung der 'konkreten' Gegenwart Jahwe, wäre eine Verpflichtung Israels auf das Bundeswort schon darum undenkbar, - Ebenso undenkbar wäre im Sinn der Überlieferung ein Akt der Bundschließung ohne Bundeswort; - Aber auch ohne Verpflichtung des Volkes wäre der Akt der Bundschließung nicht denkbar'). A similar view is proposed by C. Westermann (1978,167), although he does not believe the present arrangement of the text order is secondary : 'In der üblichen Deutung von Ex 19 ist das Ziel der Theophanie entweder das Gesetz oder der Bund oder beides.'



However, he does not investigate further how these phenomena are connected with each other in one covenant making event, although he defines 'God's word' as 'Bundeswort'<sup>(337)</sup> and 'the people's positive response' as 'Bereitschaft und Verpflichtung'. Therefore, although Chr. Barth realizes that 'Begegnung mit Jahwe' is the main issue in this section, he explains wrongly the function of this meeting in the covenant making : he insists that the people decide now whether they are going to be God's people or not. However, in a preliminary way the people have already decided to be God's people and to abide by the terms of the covenant (19:3-8). Because of this oversight, Chr. Barth cannot explain what is the difference between the theophany in Ex 19 and that in 24:19-11 (2.13.2.2).<sup>(338)</sup>

D.J. McCarthy<sup>(339)</sup> offers a useful insight :

'... theophany is the basis of a relationship defined by the commands of the God who manifests Himself. The coming of a recognized Lord is enough to create awed submission; little or no further express response or acceptance by the people is necessary...'

He excellently sets out that (i) theophany is the basis of a relationship between God and Israel, (ii) the object of the theophany is to create in the mind of the people a feeling of awe so that they want to keep the stipulations of the covenant made by the same God.

We now want to define this section by considering its content with its connection with its surrounding sections (or pericopes), Ex 19:3-8, Ex 20ff., and after Ex 24.

Firstly, the theme of 19:9-25 is the meeting of both parties to form a covenant relationship.<sup>(340)</sup> This phenomenon is not only in covenant or treaty but also in all kinds of relationship making, simply because on official occasions of relationship making in whatever form, the direct encounter of both parties is necessary.

Secondly, the definition of this section relates to the definition of the previous section, 19:3b-8. We have defined 19:3-8 as 'the preliminary proposal and the preliminary

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337. Chr. Barth (1968,525) recognizes the various aspects of this God's word (e.g. 'Selbstvorstellung Jahwes' (20:2, 34:6), 'die Vorgeschichte des Bundes' (20:2, 19:4), 'die Bekanntgabe der Bundesordnungen und -gesetze' (21:1, 34:11)) and covenant character in the Sinai pericope ('wesentlich ist daß nach allen Schichten der Überlieferung eben damit von Jahwes Seite her der Bund geschlossen wird'), but he denies the existence of the so-called 'covenant formula' in the Sinai pericope.

338. However, Chr. Barth (1968,529), depending on appeals to P. Buis, believes that Ex 34 is a report of covenant renewal, and he correctly states that in this covenant renewal there is also a theophany. In this theophany an important difference from the former ones (19:9-25, 24:9-11) is that Moses alone stands before God.

339. (1978,274).

340. See the concentric structure in 19:16-19a (2.6.2). J.K. Kuntz (1967,81ff.) terms 19:9-25 in general as 'theophanic engagement' or 'theophanic meeting' in the covenantal context. T.E. Finch (1980,246) : 'Theophany played an important role in the covenant Yahweh concluded with his people. Yahweh, the Great King, appeared in all of his power and glory at the institution of his first covenant with Israel. ... In the theophany, the Great King, Yahweh, came in person to impose his covenant upon Israel' He further points out that the theophany is not accompanied always in every renewal of the covenant (e.g. Jos 24). As the reason of this phenomenon he rightly surmises that in the Sinai theophany we find the *one-time-only* type of divine revelation. More precisely, the Sinai covenant is the initial covenant made between God and the people Israel, but other subsequent covenants are not the new covenant but the covenant renewals. The request of the people for the mediator is crucial for the mode of the subsequent covenant renewal ceremony.



acceptance of the covenant relationship between God and the people' (2.4.4.2.). This is solely arranged by the mediator Moses. In this preliminary stage (19:3-8) both parties do not yet meet with each other face-to-face. To form an official relationship the face-to-face encounter of both parties is essential. If we define 19:9-25 simply as a theophany, we lose a point of contact between 19:3-8 and 19:9-25. However, we have seen (2.6.2.) that 19:16-19a (the central part of 19:9-25) reports that meeting of the well-prepared people<sup>(341)</sup> and the awesome God in the appointed time and place. It is safe to assume that the preliminary agreement for making relationship arranged by the mediator (19:3-8) and the direct encounter of both parties without the mediator (19:9-25) have the common ground in the covenant making.

Thirdly, in 19:9-25 through the physical meeting between the two parties the conditions of the relationship are settled, the stipulations of the covenant. Although the meeting of both parties is essential for making a relationship, the meeting by itself does not have an independent purpose. Although in the meeting with God the people grasp the awesome reality of the other party, YHWH, the main purpose seems to be at a different level. B.S. Childs' correct objection to it as a *bare theophany* leads us to consider *theophany for something*, the connection between this meeting and law-giving in Ex 20ff.<sup>(342)</sup> In the meeting of both parties they arrange the terms for the covenant which have been set out in a preliminary way. The main connecting line throughout 19:3-8, 19:9-25 and 20ff. seems to be 'the spoken word of God'.<sup>(343)</sup>

#### 2.8.2.2. The function of this section within the Sinai pericope : the connection between 19:9-25 with the following sections of the Sinai pericope

The function of this section within the Sinai pericope can be looked at from three angles : (1) the meeting between God and the people of Israel (19:9-25) and the decalogue (20:1-17), (2) the effect of the meeting (19:16-19a, 19b-25) on the people's request (20:18ff.), (3) 'Moses' coming with Aaron' (19:24) and the coming of the representative of the people

341. H.B. Huffmon (1965,107) : 'Sinai was not —, but rather the complex of event involved in the conclusion of the covenant at Sinai, where the people presented themselves before the Great Suzerain (thus a theophany).' This is clearly an aspect of the purpose of this section, but it should be pointed out that this aspect corresponds with the awesome appearance of the suzerain.

342. B.S. Childs (Ex,370 : 'the purpose of ch. 19 is to recount the preparation for the deliverance of the law'). Also S. Mowinckel (1964,75) : '— jedenfalls ganz klar, daß es sich in Kp. 19 um eine Vorbereitung für die Theophanie und die Mitteilung der Bundesgebote handelt. —und das Volk am Platze ist, und daß es nun bereit ist, die Befehle Gottes zu hören.' However, they lack the right evaluation of this meeting as the official encounter of both parties.

343. Namely in the first section of the Sinai pericope (19:3b-8) there are comparatively many terms for the word of God (אמר / נגר v. 3, קלי v. 5, הרברים / רבר v. 6, כל-הברברים / צוה v. 7, and כל הוה v. 8). And they point to God's spoken word which will be given in the future. Although the content of God's word is not yet clear in 19:3-8, one cannot deny that this is the condition regulating the relationship between two covenant parties. In 20:18ff. there is a mixture of God's spoken word and the people's experience of theophany (ואל-ירבר עמנו אלהים פן-נמות 20:19, cf. דבר-אתה 20:22). These expressions in 20:18ff. strongly support our interpretation that *the spoken word of God* is the common factor throughout the four consecutive sections 19:3-8, 19:9-25, 20:1-17, and 20:18-22.



(1) The meeting between God and the people of Israel (19:9-25) and the decalogue (20:1-17)

Most commentators are sceptical or negative about the connection between these two sections.<sup>(344)</sup> For them the connection of 20:1 to 19:19b is impossible, because the latter concerns the dialogue between God and Moses, and its content is different from the great law-giving of the decalogue. There is no hint inside the decalogue about its connection with the previous section. Commentators usually hold that its original place had been in Ex 34 but it was moved into the present place. The decalogue should have been proclaimed in the atmosphere of festival, the redactor later moved it into the present text.<sup>(345)</sup>

However, the assumption that a section should always contain explicit information about its relationship with other sections is unwarranted. It is specially so in Ex, because the author concentrates on a specific topic in one section and he does not care very much to include phrases or words which allude to the connection between sections<sup>(346)</sup> except sometimes using *the transitional technique*. As we have seen in 2.8.2.1, however, the element of *the spoken word of God* in 19:9-25 is essential, despite its concentration on the description of the meeting between the people and God, because this element is the common to four consecutive sections, 19:3-8, 19:9-25, 20:1-17 and 20:18-22. Therefore, we conclude that at the centre of the event when God meets with the people God pronounces the decalogue directly to the people. This understanding is further supported by 19:3-8, 20:19,22 also by other texts in Dt like 4:36, 5:23-25, 18:13.<sup>(347)</sup> All these texts report the people's audio-visual experience of God's coming and speech (they hear the word and see the fire). In other words, the message of all these texts is that Israel hears God's voice directly in the midst of the fire.<sup>(348)</sup>

(2) The effect of the meeting between God and the people (19:16-19a,19b-25) and the

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344. For instance M. Noth (*ATD,Ex,129 = OTL,Ex,160*) holds that both are loosely connected with each other by 20:1. W. Rudolph (1936,42) refuses to make any connection between them.

345. Conservative F.C. Fensham (*Ex,129*) judges that the connection is not clear: 'Daarom is het ook niet onmogelijk, dat de schrijver bewust het historische verhaal onderbroken heeft om op deze plaats de decaloog in te voegen.'

346. An interesting point is that the present connection between 19:9-25 and 20:1-17 looks as loose as that between 19:19b and 19:16-19a. Just as we cannot insist that there is no connection between 19:16-19a and 19:19b-25, it is also true in this case.

347. 4:36 (אֵשׁ + קוֹל + שִׁמְעוּ) / וּפְתַרְוּ שְׁמַעְתָּ סִתְוָה הָאֵשׁ / מִן-הַשָּׁמַיִם הַשְּׁמִיעָה אֶת-קוֹל (19:19b), and 18:13 (אֵשׁ + קוֹל + שִׁמְעוּ).

348. N.K. Gottwald (1979,724,n.75): 'Kuntz (J.K. Kuntz,1967, TGS) sets theophany in the theological context of revelation, stresses that divine words as well as descriptions of God's coming are integral to theophany.' Further he offers an interesting suggestion though without detailed exegesis: 'Theophany alone can never be the foundation of community, the basis for a social system. It is characteristic of the theophany in early Israel that it leads to compacting ties between deity and the people, although, once the compacting ties are made, theophany can appear in other contexts to energize the people to utmost efforts, as in the conduct of war.'



## people's request (20:18)

The sudden request of the people for a mediator in 20:18-22 deserves proper attention. The people make this request because of the awesome experience of God's coming which is accompanied by the fire and his word.<sup>(349)</sup> Because of their fear of further hearing God's spoken word they request Moses to speak instead of God. This reveals the trust which the people have in Moses, which is a sub-topic of the Sinai pericope. The straightforward expression in 20:19<sup>(350)</sup> reveals vividly the degree of trust which the people have in Moses. Moreover, the cohortative of וְנִשְׁמָעָה ('we will surely obey' what you are going to tell) emphasizes this fact. The reason for the people's high evaluation of Moses can only be found in the previous section where the people have heard Moses' talk with God (19:19b-25). As we have seen (2.7.1), 19:19b-25 is a fulfilment of the prediction in 19:9a whose theme is the authority of Moses among the people. In 19:19b-25, although it is an achievement of 19:9a, we cannot see its full achievement, because there is no mention of the exact effect of this dialogue between Moses and God on the people. That effect is now seen in the people's request (20:18ff.). In this manner three texts (19:9a, 19:19b-25, 20:18ff.) correspond with each other. Here we see the function of 19:19b-25 as a kind of bridge between 19:9a and 20:18-22.

### (3) 'Moses' coming with Aaron' (19:24) and the coming of the representatives of the people (24:1,9-11)<sup>(351)</sup>

We have already seen (2.7.1.2. & 2.8.1.) the function of 19:24 and its connection with 24:1,9-11 (*macroscopic - semi-microscopic - microscopic perspective and prediction - fulfilment scheme*). In 19:24 the author mentions an event macroscopically so that he needs only to mention the key persons in the event, Moses and Aaron.<sup>(352)</sup> However, in 24:1 there is an exhaustive list of persons who are allowed to come to God, which can be considered as a *semi-microscopic* explanation of the event, because it lacks anything about the action of this representative. Finally in 24:9-11 there is not only the full list of the people's representatives but also their action in detail.

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349. As we shall see, the most important failure of most commentators is that they insist that in 20:19 the people have not yet heard the word of God. How could the people ask Moses that God would not speak to them, if they have not heard God's direct word? The clause in 20:22 (כִּי מִן־הַשָּׁמַיִם דִּבְרָתִי) (עֲפֹכִים) which has the same content in the same context illustrates the failure of these commentators. In this regard G.W. Coats (1968,130) is a kind of exception when he suggests that it is suitable to connect 20:18-20 with 19:25.

350. וְנִשְׁמָעָה וְאֵל־דְּבַר עֲמֵנו אֱלֹהִים. 'Speak thou to us', not 'speak to us when you have received the word of God'.

351. An old commentator A. Knobel (Ex,195) holds that this command in 19:24 is related to 24:1 where the full list of persons is found, although he does not develop this idea further. J.P. Hyatt (Ex,202) without solving the problem totally, offers an interesting point that 'this instruction (19:24, TGS) is not literally carried out, unless 24:9 is to be considered as fulfilling it'. Very interestingly, E. Zenger (1982,140) points out a relationship between three texts: 24:1-2 is related to 19:24 and 24:9-11 is the accomplishment of 24:1. However, he does not give a systematical analysis of the structure of the Sinai pericope in relationship with these texts.

352. We do not need to think in this mention of persons as categorically, if it has a connection with other sections. If only Moses were mentioned as the key person in 19:24, it could become more difficult to realize the connection between 19:24 and 24:1,9-11.



All these three aspects support our interpretation that there is the thematic and structural connection of 19:9-25 with the Sinai pericope.

## 2.9. 20:1-17 (God's first terms of the covenant)

### 2.9.1. Exegesis of 20:1 (וַיְדַבֵּר אֱלֹהִים אֶת כָּל-הַדְּבָרִים הָאֵלֶּה לְאֹמֶר)

Several commentators<sup>(353)</sup> point out that אֱלֹהִים (without article) is used only in 20:1 and 20:19 within the narrative section of the Sinai pericope. This is striking in view of two facts :

(i) יהוה and אֱלֹהִים are used in the Sinai pericope many times, and

(ii) although this word is used in the law section, all of them mean either gods, idols (20:3, 23:13) or judges (22:8, ? 22:27).<sup>(354)</sup>

Another interesting point related to this fact is that both 20:1 and 20:19 describe the same thing, God's word (דְּבַר). In both cases דְּבַר is not the word transmitted through Moses but God's direct speech to the people.<sup>(355)</sup> This rare combination אֱלֹהִים (without the article ה) + דְּבַר (20:1,19), which cannot be properly understood with the help of source-critical analysis, is most probably to be interpreted stylistically as a *structural marker* signalling the decalogue as the direct speech of God at the beginning and at the end of it.<sup>(356)</sup> As we shall see in our study on 24:3, there is another case of a *structural marker* for the second law block within the Sinai pericope (the Book of the Covenant) because of the unique use of הַמִּשְׁפָּטִים within the whole of Ex only at the beginning (21:1) and at the end (24:3) of that block :

[A] the decalogue (the main law : God's direct law-giving)

20:1 *start marker* (אֱלֹהִים (without article) + דְּבַר)

20:2-17 the decalogue

20:19 *end marker* (אֱלֹהִים (without article) + דְּבַר)

[B] the Book of the Covenant (God's indirect law-giving through Moses)

21:1 *start marker* (וְהָאֵלֶּה הַמִּשְׁפָּטִים)

21:2-23:33 the Book of the Covenant

24:3 *end marker* (כָּל-הַמִּשְׁפָּטִים)

This compositional technique serves to show the unity of the two major law blocks within

353. For example E. Zenger (1971,67), S. Mittmann (1975,151), and F.-L. Hossfeld (1982,172ff).

354. Cf. 21:6. U. Cassuto (1967,267), S.M. Paul (1970,50), B.S. Childs (Ex,447f.). Regardless אֱלֹהִים or אֱלֹהִים (21:6) in these verses means either judges or idols in front of the court door, it does not denote God himself.

355. It looks problematic whether the clause וְאֵל-יְרֵבֶר עָמְנוּ אֱלֹהִים (20:19) means the people have experienced (i.e. heard) the word of God, or they say this because they are afraid of God's future word directly spoken towards them. However, as we shall see in 2.10.1, the first one is most likely. Regardless of this conclusion, however, the clause אֱלֹהִים + דְּבַר means the direct speech of God.

356. S. Mittemann (1975,151) slightly alludes to this fact but without elaboration. See N. Lohfink (1963a,passim, especially 57 about the signal function of הַמִּשְׁפָּטִים וְהַחֲקִים) about the necessity of stylistic understanding in Dt and our study in 3.1.2.1.



## 2.9.2. 20:1-17 in its totality

A detailed exegesis of the decalogue (20:2-17) is not our aim but we want to know the function of the decalogue within the Sinai pericope. This raises one important issue, its connection with the preceding section.

In the present text the connection of the decalogue with 19:25b does not seem smooth. In both 19:25b (וַיֹּאמֶר אֱלֹהִים) and 20:1 (וַיְדַבֵּר אֱלֹהִים אֶת כָּל-הַדְּבָרִים הָאֵלֶּה) *the narrative introduction*<sup>(358)</sup> to the decalogue) we read reports about spoken words. The content of the report in 19:25b seems to be found in 19:21-24 the dialogue between God and Moses, but 20:1 clearly introduces the whole decalogue.

Our question in this respect is : where does this *narrative introduction* (20:1) come from ? The clue to the interpretation of this *narrative introduction* is the position and the theological function of the decalogue in the Sinai pericope. The major issue raised by the decalogue is the relationship between the two law blocks (20:1-17, 20:23-23:33) and the three narrative sections in the Sinai pericope (19:1-25, 20:18-22, 24:1-11). We shall deal with this issue more fully in 2.10.2. and we are content to point out two main interpretations<sup>(359)</sup> of this big issue of the Sinai pericope and its application to the issue of 20:1.

One interpretation<sup>(360)</sup> is that the original order was

- (1) Ex 19<sup>(361)</sup> - (2) 20:18-21 - (3) 20:22ff.

And later the decalogue (20:1-17) was inserted into the present position between Ex 19 and 20:18-21. The implication of this theory is that through this process the author suggests the decalogue is the direct speech of God compared with the indirect law giving of the Book of the Covenant. And the *narrative introduction* 20:1 serves this aim.

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357. This interpretation corresponds with another grammatically interesting fact : the reaction and the word of the people after their meeting with God (20:18-19). 20:18 begins not with pf. or ipf. but with pt. (וַיֹּאמֶר) preceded by the subject כָּל-הָעָם (see further 2.10.1). The pt. (וַיֹּאמֶר) points to the fact that this action does not follow the giving of the decalogue (20:1-18) but it is simultaneous with the previous event in 19:9-25 (NB. 19:11 וַיִּדְבֹר יְהוָה לְעֵינַי כָּל-הָעָם עַל-הַר סִינַי) and the giving of the decalogue. This fact supports our view of אֱלֹהִים + דָּבַר (20:1,19) as a *structural marker* for the decalogue.

358. This term for 20:1 is appropriate to show its difference from 20:2 which is in turn the real heading or introduction of the decalogue.

359. However, the consensus is that the connection between 19:19 and 20:18 seems to be natural, e.g. G. Hölscher (1952,312), cf. an exceptional interpretation of W. Rudolph (1936,42f.). In each section of the Sinai pericope the author concentrates on illustrating fully the major event of the section without consideration of the proper connection with the former or next sections. Individual sections are connected with each other in the formal way, by the so-called *transitional technique*. And W. Beyerlin (1961,16f. = 1965,12) suggests another solution that the decalogue had been inserted first and then the Book of the Covenant was added to the Sinai pericope. In this manner there was no original connection between the narrative sections and the law sections, which is unadmittable (cf. a confusing view is proposed by G.te Stroete (Ex)).

360. For instance M. Noth (ATD,Ex,124f.,135 = OTL,Ex,155f.,168) suggests a simple form of the first theory, i.e. the decalogue was inserted into the present position secondarily. W. Zimmerli (1970,180) insists that 20:18a-21 (E) continues the scene of 19:19 (E) and 'Dekalog ist hier "zwischenhineingekommen"'. A. Reichert (1972,150ff., literature in p. 243,n.119), following W. Zimmerli's line, says that 20:18-21 together with 24:3-8 was inserted when the decalogue was arranged into the present position.

361. Both in this first and in the second theory 19:21-25 as a secondary insertion is usually deleted from the consideration (e.g. M. Noth (ATD,Ex,129 = OTL,Ex,160f)).



The other interpretation<sup>(362)</sup> is that the original order was

(1) Ex 19 - (2) 20:18-21 - (3) 20:1-17 - (4) 24:1ff.

When the Book of the Covenant was interpolated into the Sinai pericope before 24:1ff., the order ((2) - (3)) was reversed into the present text order ((3) 20:1-17 - (2) 20:18-21) in order to accommodate the new section, the Book of the Covenant, by making 20:18-21 function as an introduction to the Book of the Covenant. 20:1 originally followed 20:21 and this means that the decalogue was given indirectly through Moses.

The crucial weakness in both theories is their misinterpretation of 20:19,22, if they admit the unity and genuineness of both verses. Both verses<sup>(363)</sup> clearly reports that the direct speech of God is given to the people<sup>(364)</sup>, not that the people worry about God's future direct law-giving without experiencing it yet.<sup>(365)</sup> The first theory, although it has the merit of keeping the order of the present Sinai pericope in a certain degree apart from the insertion of the decalogue, it does not answer the following question. Namely if 20:19,22 expresses that there was direct speech of God and if the decalogue was not originally there, where can we find direct speech of God?<sup>(366)</sup> The direct speech of God (20:19,22) is in fact the decalogue which was originally before 20:19,22. And the theological reason why the decalogue was inserted into the present position is usually not explained.<sup>(367)</sup> By putting 20:1-17 after 20:18-21 the second theory also has made the same mistake. The difficulty of the second interpretation is that 20:19,22 together with other texts especially in Dt (e.g. 9:10, 10:4, 18:16, 2.10.1.)<sup>(368)</sup> says clearly that God has spoken directly to the people. Therefore, the so-called original order (20:18-21 and then 20:1-17) by

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362. For instance A. Kuenen (1881,177,189ff.) is the first person who puts forward the second interpretation. R. Smend (in W. Rudolph,1936,42f.) believes that God's word was not yet spoken, and therefore 20:18-21 stands before 20:1-17. After these initiators of the second theory O. Eissfeldt (1966,213)) renders a classical source-critical interpretation on this issue followed by many commentators (e.g. G.te Stroete (Ex,147), H. Gese (1967,137-154,esp.144), B.S. Childs (Ex,350f,353f,364f), E.W. Nicholson (1977,423,428), D.J. McCarthy (1978,246), and others. Because of interpolation of the Book of the Covenant, the original introduction of the decalogue 20:18-21 was placed just before the Book of the Covenant. Upon this basis, W. Beyerlin (1961,8f.,16 = 1965,4f.,12) holds that 20:1 was prefixed later to the decalogue which shows an independent literary unity.

363. See 2.10.2. and our exegesis of 20:19 (2.10.1).

364. אַתֶּם רְאִיתֶם כִּי in 20:19 and אַתֶּם רְאִיתֶם וְנִשְׁמַעְתֶּם וְאֵל-יְדַבֵּר עִמָּנוּ אֱלֹהִים פְּנֵי-נִמּוֹת in 20:22

365. W. Beyerlin (1961,8 = 1965,5) misunderstands this point.

366. Except W. Rudolph (1936,42f.) nobody seriously try to give an answer for this question, although his solution that the decalogue came from Ex 34 is very difficult to verify.

367. In case of W. Zimmerli who believes that the decalogue is God's direct speech to the people, it is questionable where we can find the context in which the directly proclaimed law of God and what is the function of the insertion of this direct speech of God in the pericope. Further, W. Zimmerli (1970,180,n.43) draws attention to a 'schönen Ausdruck' יוֹם הַקִּבְּלָה (Dt 9:10, 10:4, 18:16) which he believes gives support to his understanding of the decalogue as the direct speech of God. Here the connection of the decalogue with the context is presupposed by W. Zimmerli. Interestingly, these texts report not only God's direct proclamation of commandments to the people but also the experience of theophany (e.g. 'out of the fire' מִתּוֹךְ הָאֵשׁ Dt 9:10, 10:4, 'this great fire' הַזֹּאת הַגְּדֹלָה הַזֹּאת Dt 18:16). Going one step further, if these texts outside Exodus assume that the decalogue is the direct speech of God, why should we not consider the verses inside our section, like Ex 20:19,22 which obviously tells not only the same character (God's direct speech) of the decalogue but also the awesome experience of God's coming to the people?

368. F.-L. Hossfeld (1982,172f.) stresses the importance of the proof of Dt 5, because Dt 5:24 tells clearly 'we have heard his voice from the fire'.



the second theory contradicts the content of 20:18-22<sup>(369)</sup>

Another misunderstanding of both theories is their failure to recognize *the signal function* (2.4.1.) of the clause אלהים (without the article ה) + רבר in 20:1 (וַיְדַבֵּר אֱלֹהִים) and 20:19 (וְאֶל-יְרֵבֹב עָמְנוּ אֱלֹהִים). This function stresses the unity of 20:1-21 contrary to both theories.

Both theories suppose the present order of sections within the Sinai pericope does not make sense.<sup>(370)</sup> Therefore, the connection between 20:1 and 19:25, or between 20:1 or 19:20 in the present context is never properly explained. Because of their literary-critical point of view the commentators of both theories do not see the connection between 19:25 and 20:1, and therefore for them the connection between 19:20 and 20:1 does not seem to be smooth.

Meanwhile, those commentators, who consider the decalogue fits in harmoniously within the present context, directly connect 20:1, the *narrative introduction*, with the previous section. B.S. Childs<sup>(371)</sup> insists that the connection between the decalogue and 19:3ff. is obvious. There is a similarity of structure in both texts : (i) historical introductions (19:4 vs. 20:1) and (ii) stipulations (19:5 vs. 20:2-17). Further, 'the decalogue supplies the detailed content for the covenant obedience required in v. 5 (i.e. Ex 19:5, TGS). It makes known the will of God which the people have agreed to accept.' Although we can acknowledge the connection between 19:3-8 and 20:1-17, B.S. Childs does not suggest any logical link between 19:9-25 and 20:1-17. J.L. Durham<sup>(372)</sup> holds that 20:1 directly follows 19:19a. This direct connection is possible only when he divides 19:19b-25 from the preceding section. However, as we have seen already in 2.7.1, the reason for his division of 19:19b-25 from 19:19a<sup>(373)</sup> is untenable.

We now want to suggest (1) thematic, (2) literary, and (3) theological links between these units.

(1) To understand the *thematic* links the preceding two sections (19:16-19a, 19:19b-25, see 2.6.2. & 2.7.1.) should be considered here. The theme of the former section (19:16-19a) is the meeting of the two covenant parties, the major theme of 19:9-25. And the latter section (19:19b-25), reporting the dialogue between God and Moses which was predicted in 19:9a, serves as the sub-topic of 19:9-25, the authority of Moses among the people. Because

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369. See further F.-L. Hossfeld (1982,172f. and see ns.45,47 for the literature). He is against the idea that the decalogue is nothing to do with 20:18f. He also criticises that A. Kuenen's idea (i.e. 20:18-21 was originally followed by the decalogue but in order to accommodate the Book of the Covenant into the present position, the order of 20:18-21 and the decalogue was changed) is too complex to be accepted as reasonable : 'Theophanie und Dekalogverkündigung gehören untrennbar zusammen.' L. Perlitt (1969,92,n.5) also acknowledges the connection of 20:18-21 with the decalogue if we accept the logic of Dt 5 : 'Zu 20:2-17 besagt 20:18-21 nur etwas, wenn man von Dtn 5 her kommt.'

370. A little moderate view is suggested by J.L. Hour (1962,352f.). He insists that the decalogue belonged originally to the Sinai narrative of E but was later connected with the theophany. However, still there is no substantial connection between 20:1 and the previous sections.

371. (Ex,370f.).

372. (Ex,283).

373. (Ex,270).



of the explanation of 19:20 we realize that this latter event happened just before the real encounter of the people and God in 19:17-18.<sup>(374)</sup> Most probably since the author wants to keep the concentric (chiastic) structure of 19:16-19a and to finish the major theme of this section, he mentions this sub-topic not between 19:16 and 19:19a, which seems to be the actual chronological position, but after 19:19a. Therefore, from 19:19b there is a shift from the main topic (the meeting of the covenant parties) to the sub-topic (the authority of Moses). And this shift looks abrupt. A similar phenomenon is in another shift in 19:3-8,9a,10-19a from the main topic (19:3-8) to the sub-topic (19:9a) then quickly back to the main topic (19:10-19a). This phenomenon can only be understood in the author's scheme of thematic concentration of each section. Just like these, there is another thematic shift from the sub-topic to the main topic between 19:25 (the end of the section dealing with the sub-topic) and 20:1 (the beginning of the section dealing with the main topic). Now, if the author wants to continue his story, he must return to the unfinished main topic of the preceding section : full report of what happens in the meeting of both parties. From Ex 19 to 23:33 we see the successive thematic shift accompanied with the progress<sup>(375)</sup> :

MT      19:3-8      (preliminary covenant relationship)

st      19:9a      (a short prediction of the sub-topic)

MT      19:10-19a      (the meeting of both parties)

st      19:19b-25      (fulfilment (I) of the sub-topic)

MT      20:1-17      (the first terms of the covenant)

st      20:18-21      (fulfilment (II) of the sub-topic)

MT      20:22-23:33      (the second terms of the covenant)

(MT : the main topic, the covenant between God and the people)

(st : the sub-topic, the authority of Moses).

(2) Congruent with this thematic explanation, we suggest a *literary* explanation. The decalogue in the present position looks like an *appendix*<sup>(376)</sup> or quotation attached to the main stream of the narrative. The introductory word in 20:1 is not spoken by Moses to the Israelites in mount Sinai but written by *the author* for his reader / listener. This fact corresponds also with our investigation about the thematic shift where we find that the present position of the decalogue among the whole Sinai pericope is neat. In this respect the fact that the information of this *appendix* or quotation is given by the author is quite appropriate. The law sections, the decalogue and the Book of the Covenant belong to this

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374. NB. the similar phrases of 19:18 and 19:20 (272).

375. And also the whole list of the decalogue cannot be placed before 19:19b because chronologically the section 19:19b-25 should come first.

376. H.v.D. Parunak (1981,156ff). Although *appendix* is not the exact term in this case, it shows in any case the decalogue list is different from the normal narrative. And *appendix* does not mean that this section is later addition or less important. It is just as a quoted letter in the midst of narration, e.g. 1 Kings 5:3-6,8-9. This quoted section slows down the main stream of narration, and therefore it is introduced in a suitable (pausal) position. But it does not stress that this quotation is less important than the narrative material or it was inserted later. It is situated in the present position because of its special intrinsic nature as quotation.



category.

(3) Together with the thematic and the literary explanations, we suggest a *theological* explanation of the connection between several sections around 20:1-17. Since we cannot regard 19:9-25 as a *bare theophany* (2.7.2.) in its relationship with the first section of the Sinai pericope (19:3-8, vv.4,7,8), there is a contextual demand to describe God's word now. Not only in its relationship with the preceding sections but also in the connection with the following section, the content of God's spoken word to the people should be introduced.<sup>377)</sup> 20:19,22 clearly reports that the people's demand for Moses as *the spokesman* (דַּבֵּר-אַתָּה עִמָּנוּ) of God is based upon their unforgettable experience of the awesome theophany as well as God's direct speech towards them (2.10.1).

From these thematic, literary, and theological explanations of the preceding and forthcoming sections of 20:1-17, we conclude that

(i) God's direct speech to the people should occur between the direct encounter of both parties (19:16-19a) and the people's request for Moses to be the spokesman of God (20:18-22),

(ii) God's direct speech occurs during the meeting of both parties especially in the awesome phenomenon of God's coming (19:17-18)<sup>378)</sup>, and

(iii) God's direct speech is related to the terms of the covenant which have been alluded to in the first section of the Sinai pericope (19:3-8, esp. vv.4,7,8).

Therefore, the present position of the decalogue between 19:25 and 20:18-21 is justified thematically, literarily, and theologically.

## 2.10. 20:18-22 (The people's request for the covenant mediator)

### 2.10.1. Exegesis of 20:18-22

20:18 וְכָל-הָעָם רֹאִים אֶת-הַקּוֹלֹת וְאֶת-הַלְפָּידִים וְאֵת קוֹל הַטֹּפֵר וְאֶת-הַדָּד עֲשׂוּ וַיֵּרָא הָעָם  
וַיִּנְעוּ וַיַּעֲמֵדוּ מֵרָחֹק;  
19 וַיֹּאמְרוּ אֶל-מֹשֶׁה דַּבֵּר-אַתָּה עִמָּנוּ וְנִשְׁמָעָה וְאַל-יְדַבֵּר עִמָּנוּ אֱלֹהִים פֶּן-נָמוּת:  
20 וַיֹּאמֶר מֹשֶׁה אֶל-הָעָם אַל-תִּירְאוּ כִּי לִבְעֹבֵד נִסּוּת אֶתְכֶם כִּי אֱלֹהִים וּבְעֹבֵד תִּהְיֶה  
דִּבְאַתּוֹ עַל-פְּנֵיכֶם לְבַלְתִּי תִהְיֶאוּ:  
21 וַיַּעֲמֵד הָעָם מֵרָחֹק וּמֹשֶׁה נָגַשׁ אֶל-הָעֶדְוָה אֲשֶׁר-שָׁם הָאֱלֹהִים:

377. Our finding of the *signal function* of the clause אֱלֹהִים (without article) + דַּבֵּר in 20:1 (וַיְדַבֵּר) *start marker*) and 20:19 (וְאַל-יְדַבֵּר עִמָּנוּ אֱלֹהִים) *end marker*) also cements the connection and the order of 20:1-17 and 20:18-21.

378. Because of the concentric (chiastic) structure in 19:16-19a which is suitable for the service of the author, the pronouncement of the decalogue itself cannot be mentioned in the central part [C] (19:17) - [C'] (19:18a,ba). Further there are some texts in the OT which support the decalogue is God's direct speech to the people (e.g. Dt 4:10-14, 32-40; 5:4, 22-27, 9:10 (E.W. Nicholson (1977,424-426,430) insists that one of them (Exodus and Dt texts) is dependent upon the other), Neh 9:13, Ps 50, 81. Two common features of these texts are that (i) they never report that God has spoken the decalogue indirectly through messenger, and (ii) the order (God's meeting with the people - God's direct speech) is never changed. These two features support our understanding of the decalogue as God's direct speech to the people.



The expression כָּל-הָעָם (20:18a) is found in four other places within the Sinai pericope :

- 19:8            *all the people* responded,  
 19:11,16      God's coming down in the sight of *all the people*,  
 24:3b           *all the people* responded.

The content of verses 19:8 and 24:3b is very similar. In both the emphasis is laid through this phrase on the fact that not some but all the people have answered positively. Meanwhile 19:11,16 and 20:18 report the same event, God's coming in the sight of all the people. In all five cases the addition of כָּל in front of הָעָם seems to be emphatic.<sup>(379)</sup> An interesting fact in this regard is that all the events described in these verses are related to the *responsible* or *official* action of the covenant parties. 19:8 and 24:3b report that the people as a whole unanimously accept the covenant proposal (19:8) and its laws (24:3) given by God. In 19:11,16 and 20:18 God's coming does not occur just for the leaders of Israel (cf. 24:11) but in front of all the people without exception. In other words, this phrase emphasizes the total involvement of the people, and this fact corresponds with our understanding that the Sinai pericope is about the covenant between YHWH and Israel.<sup>(380)</sup>

After a relatively long section of the direct speech of God, the decalogue, it is unusual that a sentence introducing a narrative section has a pt. clause (וְכָל-הָעָם רְאִים אֶת-). This pt. indicates that 20:18a is not an independent clause but a circumstantial clause<sup>(381)</sup>, which related to the previous paragraph. This means not only that it repeats what in the previous paragraph (i.e. 19:16-19a) is mentioned but also that it introduces the detailed report of that event. Therefore, a suitable translation is, 'when the people saw ...'.<sup>(382)</sup>

The interpretation of וַיִּירָאוּ<sup>(383)</sup> (20:18b) is connected with the understanding of

379. הָעָם is used in the Sinai pericope more often (19:7,8,9,9,10,12,14,15,17,23,25, 20:18,21, 24:7,8) than this phrase. Through this proportionately low use of כָּל-הָעָם within the Sinai pericope seems to justify our interpretation of the emphatic use of this phrase.

380. Further רְאִים (20:18), expressing the visual experience, is naturally related to the second (הִלַּפְיְדוּם) and fourth (הִרְרָ עֵינָיו) items of the theophany phenomenon mentioned in 20:18. The pt. of this verb with the subject (כָּל-הָעָם) reminds us clearly that 20:18 is the fulfilment of God's word in 19:11 (יֵרַד יְהוָה) in two aspects : (i) the same form of the subject כָּל-הָעָם (2.9.1), (ii) visual encounter (רְאִים / עֵינָיו). However, this verb represents the people's perception of all aspects of the theophany. H. Seebass (1962,101) argues that 20:18a gathers all elements of the theophany in Ex 19 and functions as an introduction to 20:19. Further he rightly points out that 20:18ba (people's retreating from the place) has a connection with 19:16b (people's approaching to the place).

381. G. Chirichigno (1987,468) supported by F.L. Andersen (1980,128, to 'report some coetaneous event or state'), A. Berlin (1983,128), GK § 156-d. F.L. Andersen categorizes this circumstantial clause not to a ordinary sentence-level circumstantial clause but an *episode- (or paragraph-) level circumstantial clause*, which is quite appropriate for this case. Cf. J.L. Durham (Ex301f.) is wrong (i) by considering the verb in 20:18b (וַיִּירָאוּ) as רָאָה like רְאִים in 20:18a, (ii) by interpreting the pt. (וְרְאִים) clause as a ordinary independent clause (i.e. 'and all the people were experiencing ...').

382. F.-L. Hossfeld (1982,173,n.51 and literature there) gives also a similar interpretation and translation. According to U. Cassuto (1967,252) this phrase is related with *simultaneous* action. E. Zenger (1971,66) correctly points out that the four articulated object phrases (20:18) with four times use of the preposition אֶת (NB) summarize the previous event in Ex 19, especially in 19:16-19a.

383. MT ('and they saw'), cf. וַיִּירָאוּ ('and they were afraid' SamP, LXX, Syriaca, Targum J & P, Vulgata, followed by E. Zenger (1971,66) and S. Mittmann (1975,151,n.66)).



ראים (20:18a) and with the connection of this word with אֶל־תִּירָאוּ (20:20). The conclusion of our exegesis of ראים (20:18a) informs us that there is a *sub-clause* (20:18a) - *main clause* (20:18b) relationship. If the verb of the main clause (וַיִּירָא 20:18b) were the same as that of sub-clause (ראים 20:18a) the whole sentence of 20:18 would lose its sense. Therefore, if the verb in the main clause (וַיִּירָאוּ 20:18b, 'were afraid') is different from the verb of the sub-clause (ראים 20:18a, 'saw'), the connection between the sub-clause and the main clause is more natural. If we take וַיִּירָא / וַיִּירָאוּ (ירא) in place of וַיִּירָא (ראה) in 20:18b, the use of similar word וַיִּנָּעוּ (20:18b) is a kind of parallel or emphasizing expression for the fear of the people. This understanding seems to fit in with the use of the same verb ירא in 20:20a (אֶל־תִּירָאוּ) when Moses re-expresses the feeling of the people.<sup>384</sup> And in 20:18b the subject (הָעָם) is expressed once again.<sup>385</sup>

The use of the pronoun אַתָּה in 20:19 (וַיִּשְׁמָעוּ וַיִּנְשָׂאוּ אֶתְּךָ עִמָּנוּ וַיִּרְבְּרוּ) stresses the imperative (וַיִּרְבְּרוּ)<sup>386</sup>, but it also corresponds with the use of אֱלֹהִים in the same verse ('not God, but You !'). Then both words form an *explicit antithesis*.<sup>387</sup> If the first רבֵּר (20:19a, וַיִּרְבְּרוּ) means Moses' direct speech to the people, then it becomes clear that the second רבֵּר (20:19b, וַיִּרְבְּרוּ) also means God's direct word to the people. F.-L. Hossfeld insists that here we read not the 'Hörfähigkeit'<sup>388</sup> but 'Willigkeitserklärung' or 'Selbstverpflichtung des Volkes' because of the imperative (וַיִּרְבְּרוּ) and the cohortative (וַיִּשְׁמָעוּ).

R. Smend<sup>389</sup> holds the common view about the phrase וַאֲלֵי־יִרְבְּרוּ עִמָּנוּ אֱלֹהִים וַאֲלֵי־יִרְבְּרוּ עִמָּנוּ (20:19)<sup>390</sup> : YHWH has not yet spoken to the people. The people have only experienced an awesome theophany. And they fear that God is going to speak to them so that they request Moses to prevent it. However, if we follow this interpretation we should answer the simple question, how do the people know that God is going to speak them ? And if we follow this interpretation we cannot explain the position of the decalogue in the present context. Another difficulty for this interpretation is that 20:23 cannot be directly connected with 20:22, because 20:23 means that God has already told something to the people (וַיִּדְבַּרְתִּי עִמְכֶם).

The meaning of 20:19 (the people's request) is connected with that of 20:18 (the people's

384. Whether we should follow the ancient versions by choosing the pl form (וַיִּירָאוּ) or take the sg form (וַיִּירָא) has to be open. S. Mittmann (1975,151,n.66) prefers to the sg form. E. Zenger (1971,66) correctly gives an example (19:16b) of using the sg form of verb (וַיִּיחַד) with the subject (כָּל־הָעָם). Cf. 19:18bb. F.-L. Hossfeld (1982,173) finds another example in 20:20a (וַיִּירָאוּ אֶל־הָעָם אֶל־תִּירָאוּ, pl) and in 20:21 (וַיִּעַמְדוּ הָעָם, sg). In this regard the number change in 20:18a (ראים, pl) and 20:18b (either וַיִּירָאוּ or וַיִּירָא, sg) is also not strange.

385. F.-L. Hossfeld (1982,173) considers that this is quite natural after the articulated object phrases with the preposition אֶת used four times in 20:18a.

386. JI. Durham (Ex.301).

387. WO § 16-3-2-d, following Muraoka (54-56), gives such a name for the contrasting use of

וַיִּרְבְּרוּ (imp) + אַתָּה (sub, pronoun) + עִמָּנוּ ;  
וַיִּרְבְּרוּ (ipf.) + עִמָּנוּ + אֱלֹהִים (sub, noun).

See also 2 Sam 17:15, 24:17, Jer 17:18.

388. (1982,174f), pace S. Mittmann (1975,152).

389. In W. Rudolph (1936,42f), followed by e.g. W. Beyerlin (1961,8,n.4 = 1965,5,n.27) and G. Beer (Ex.105).

390. For the meaning of the temporal or causal sequence in the use of imp. (וַיִּרְבְּרוּ) + cohortative (וַיִּרְבְּרוּ) see FI Andersen (1980,112).



fear). 20:18 tells of the people's vivid experience of the awesome theophany and their retreat from the original place in the mountain (וַיִּתְּצוּ בְּתַחֲתֵית הָרֹדֶד 19:17) to far behind (וַיַּעֲמֵרוּ מִרְחֹק). The commentators who follow A. Kuenen on the composition of the present 20:18-21 suppose that 20:19 reports about the people's totally new experience, the people's fear that God is going to talk to them. As we have pointed out, the question for these commentators is how the people know that God is now going to talk to them. In other words, we should follow the only alternative way of interpretation that the content of 20:19 hints at that there has already been the direct revelation of God's will.<sup>391</sup> If we suppose the unity of 20:18 and 20:19, then the message of both verses is clear: the people have experienced not only the theophany but also the proclamation of God's will in the midst of that theophany. By retreating from the place where they met with God directly (20:18bb) the people can avoid further encounter with God's awesome presence. And by requesting the mediator (20:19) who will bring the terms of the covenant they want to avoid hearing the direct sound of God's proclamation.<sup>392</sup>

The experience of God has two objectives introduced by בְּעָבוֹר תִּהְיֶה יְרֵאתוֹ (בְּעָבוֹר תִּהְיֶה יְרֵאתוֹ) and by (עַל-פְּנֵיכֶם) and by (לְבַלְתִּי תִחַטְּאוּ) (לְבַלְתִּי תִחַטְּאוּ) in 20:20.<sup>393</sup> These two objectives represent the two aspects of the event described so far, (i) the awesome experience of God's coming, and (ii) his stipulations for the people not to commit sin. Therefore, if we admit the unity of 20:20, once again the inseparability of the experience of theophany and God's direct law giving becomes natural. The word of Moses in 20:20, although on surface it provides comfort for the people, can also be interpreted as Moses' acceptance of the mediatorship requested by the people.<sup>394</sup> Through this acceptance the goal set in 19:9a is finally achieved and developed further into the new dimension as the transmitter of the law from God to the people.

One is impressed by the fact that the word order (V + S / S + V) and the verbal forms (ipf. / pf.) differ in the two clauses in 20:21:

20:21a (וַיַּעֲמֵר הָעָם מִרְחֹק) : ipf. + subj.

20:21b (וּמִשָּׂה נָגַשׁ אֶל-הָעֲרֶפֶל) : subj. + pf.

391. W.H. Gispen (*KV,Ex,II,75*).

392. Important support for this interpretation is in the parallel texts (Dt 4:10-14, 32-40; 5:4, 22-27, 9:10, Neh 9:13, Ps 50, 81) especially Dt (29:2).

393. In order to interpret בְּעָבוֹר תִּהְיֶה יְרֵאתוֹ (20:20) M. Greenberg (*1960,273-276*) examines the basic (etymological ?) meaning of נִסָּה pi. (20:20): 'The basic sense of נִסָּה is "to have experience of", "to be used to" or "familiar with" (e.g. 1 Sam 17:39 (לֹא נִסִּיתִי) 'unused (to them)'), Dt 28:56, 2 Ch 32:31.) נִסָּה pi. has a factitive meaning: 'thus נִסָּה factitive is associated with verbs of seeing, knowing, and learning'. Its use is בְּנִסָּה אֶת, 'give X experience of -', e.g. Eccles 2:1 נִסָּה as a factitive ('to cause to have experience of') is parallel with רָאָה. Therefore, his translation of this verse (*1960,275f*), followed by G. te Stroete (*Ex,160*), is 'God has come in order to give you the experience (possibly an object - 'of him')' = 'to give Israel a direct, palpable experience of God' (cf. 1 Sam 17:39, Dt 28:56, 2 Chr 32:31). This is a very plausible explanation. However, the pi. has in this case more precisely the *resultative* meaning, because the qal of נִסָּה, which is theoretically possible, seems to be transitive rather than intransitive. Further, see *WO* § 24-1-f,24-3. This interpretation can also be applied to another difficult problem in Ex 15:25 (נִסָּה). Here this word has the same pi. *resultative*. Simple translation seems to be 'God has come in order to let you to be experienced (of God)'.

394. S. Mowinckel (*1964,76*).



F.I. Andersen<sup>(395)</sup> explains that this chiasmic structure stresses the *concomitant* actions of the people and Moses. Through this structure the difference of Moses and the people in their ability to approach God becomes evident. And this fact serves the purpose of the author of this section to emphasize the authority of the mediator Moses, but this time not by an action imposed by God but by the voluntary request of the people.

The meaning of **רְאִיתֶם** in **אַתֶּם רְאִיתֶם** (20:22) is the same as **רְאִים** in 20:18, 'to perceive'. The same clause is used in 19:4 (**אַתֶּם רְאִיתֶם**). In 19:4 the author uses this clause to summarize the past events into three stages, and after that he deals with the present issue, the preliminary covenant relationship between God and the people. And this clause stands between the past and the future. **אַתֶּם רְאִיתֶם** (20:22) seems to have the same function to summarize the past event and to prepare for the future. Another interesting point in this regard is that we have the same sentence structure in 19:3-4 and in 20:22.<sup>(396)</sup> However, this correspondence does not prove that 20:22 is 'the final seal upon Israel's election' as E.W. Nicholson<sup>(397)</sup> insists. Rather the author 'summarizes' the first stage of the awesome and magnificent history of covenant making<sup>(398)</sup> and reports the second stage where the role of the people diminishes rapidly but that of Moses becomes more important for receiving the additional law of God.<sup>(399)</sup>

In the previous section (19:9-25) there is no direct mention of God's talk to the people, **דִּבַּרְתִּי עִמְכֶם** (20:22). The clause in 20:19 (**וְאֶל-יִצְחָק עָפַע אֱלֹהִים**) which belongs to the same section as 20:22 only illustrates this fact. All the more, **דִּבַּרְתִּי עִמְכֶם** (20:22) makes clear that God has talked to the people, which can be compared with God's talk to Moses in 19:9 (**בְּרִבְרִי עִמָּךְ**). The only possible solution for the question what is the content of God's talk with the people is the decalogue.<sup>(400)</sup>

395. (1980,127f).

396. 19:4 : (1) introduction of God's word (**לֵאמֹר**), (2) the messenger phrase (**וַיִּקְרָא אֵלָיו יְהוָה מִצֹּהָר**), (3) the beginning phrase for the past event with the emphatic pronominal subject (**אַתֶּם רְאִיתֶם**), (4) three events (19:4, the salvation history), (5) the present new issue (19:5-6a) and 20:22 : (1) the introduction of God's word (**וַיִּאמֶר יְהוָה אֶל-מֹשֶׁה**), (2) the messenger phrase (**כֹּה תֹאמַר אֶל-בְּנֵי יִשְׂרָאֵל**), (3) the beginning phrase for the past event with the emphatic pronominal subject (**אַתֶּם רְאִיתֶם**), (4) the past event (20:22b, the theophany, the decalogue), (5) the present new issue (20:23ff.).

397. (1977,430).

398. The preliminary covenant proposal and acceptance, the official encounter of the two parties, and the decalogue as the covenantal law.

399. See U. Cassuto's similar but unelaborated idea (1967,255). F.-L. Hossfeld (1982,179) explains the meaning of **רָאָה** in two texts differently : 19:4 - '(visuelles) sehen'; in 20:22b - '(akustisches) wahrnehmen'. Therefore, he holds that Ex 20:22b is a little different from Dt 5:23-25 and Dt 18:16, which report the audio-visual experience (hear the word and see the fire). However, in 19:4 the key issue is not in the 'visual' experience but in the 'direct' experience, and in 20:22 this word denotes primarily the auditory experience but it has also the connotation of the theophanic experience in general. If we cannot find any solid argument against the unity of 20:18-22, the fact that the awesome experience of the theophany in 20:18 is related to God's direct word to the people explains that 20:22b also alludes to the audio-visual experience of God's word in the midst of the theophany. Therefore, 20:22b reports essentially the same thing as Dt texts (4:36, 5:23-25, 18:16).

400. E.W. Nicholson (1977,428) suggests a similar understanding (as correction of B.S. Childs' understanding). Sometimes this verse together with 20:23 is regarded as the work of a deuteronomic redactor (eg. E. Zenger (1971,68ff.), S. Mittmann (1975,157)), because God's speaking from heaven is quite striking and not only 20:22 but also 20:23 (prohibition for making idols) is related to Dt 4. This fact proves the natural continuity of 20:22 and 20:23ff. in any case. E.W. Nicholson states this matter clearly : 'In this way the direct address of God to Israel now constitutes the climax and goal of the theophany at Sinai; it



## 2.10.2. 20:18-22 in its totality

### 2.10.2.1. The unity of this section

F.-L. Hossfeld<sup>(401)</sup> insists, against general opinion<sup>(402)</sup>, that there is no original connection between 20:18-19 and 20:20f. because of two reasons : (i) אֱלֹהִים without article (20:19) is not only different from הָאֱלֹהִים in 20:20 but also except 20:1 unique in the whole Sinai pericope, (ii) 20:20 is not actually the answer to the people's request in 20:19. Firstly, however, the clause, אֱלֹהִים (without article) + דָּבַר (20:1, 20:19), is a *structural marker* signalling the direct speech of God at the beginning and at the end of the decalogue (2.9.1). Secondly, it is not necessary that the answer of Moses to the people (20:20) should be formulated with the exact words of the people. Although the author does not repeat the words of the people mechanically in Moses' answer, it is easy to imagine that Moses gives a positive answer. To expect mechanical repetition using the words from the people's question is in fact to expect the literary level of this work to be low. Rather, we judge that the author formulates his intention artfully and economically<sup>(403)</sup> giving the reader / listener a new and important piece of information about God's purpose of theophany and direct speech, נִסָּה.

### 2.10.2.2. The purpose of this section within the Sinai pericope.

If we accept the unity of this section, it is not difficult to find two purposes from the text : (i) the transition of the law-giving mode, from God's direct speech to the people into the indirect law-giving through Moses, (ii) the achievement of Moses' authority.

The first one is significant for the future law-giving. After this event God's laws will always be given only through Moses (not only in the Sinai pericope but also Ex 25 - Num 10). The purpose of this section is not simply to announce the change of law-giving pattern, from direct law-giving to indirect one. Through the process of this section Moses may work as *the covenant mediator*<sup>(404)</sup> recognized not merely through God but also by the people. Even after the Sinai covenant making in Ex 19-24 Moses still works as the mediator between God and the people.

The second purpose is important for the connection between (i) 19:9a, (ii) 19:19b-25, and (iii) 20:18-22. 19:9a is the prediction of the dialogue between God and Moses and its effect

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complements in a vital way the theophany described in Exodus xix. The awful manifestation of God portrayed in this chapter is followed by his speaking in xx 1-17; deed and word are thus brought together as Childs perceives. Likewise, again as Childs has commented, theophany and law are brought together.' Speaking from heaven testifies to the transcendence and to the incomparability of Yahweh with other gods like 'gods of silver' and 'gods of gold' (20:23).

401. He (1982,172) follows E. Zenger (1971,66f.).

402. For instance M. Noth (ATD,Ex,124,135 = OTL,Ex,154,168) and further see F.-L. Hossfeld (1982,172,n.43) for literature.

403. N.B. the compact sentence structure of 20:20. The four clauses within a כִּי clause are combined together with לְבַעֲבֹד, וּבְעַבְדָּךָ, and לְבַלְתִּי. And the main clause (בְּאֵן הָאֱלֹהִים) is in the second place.

404. B.S. Childs (Ex,371-472).



on the people, the people's trust in Moses as its result. And 19:19b-25 reports only the dialogue not the effect of the event on the mind of the people, which is finally achieved in 20:18-22 when the people ask for the mediatorship of Moses.<sup>(405)</sup>

## 2.11. 24:1-2 (*The transitional passage*)

20:23-23:33 is the section of the terms for covenant making after the request of the people (20:18-22). This long section is in fact the second part of the legal stipulations after the first one, the decalogue (20:1-17). The content is about the promise or the reward for the obedience of the stipulations, which is similar to the section of blessing and curse in Dt. Just like the stipulations themselves (i.e. the decalogue and the Book of the Covenant) we do not need to do exegesis of this section.

In 24:1-11 we read the final section of the covenant making, the ratification of the covenant. We want to deal with this section by dividing into three parts, 24:1-2 (2.11.), 24:3-8 (2.12.), 24:9-11 (2.13.). In the study on 24:1-2 we want to exegete each verse (2.11.1.) and the totality of this section (2.11.2.). The first part, 24:1-2, functions as the transitional passage between the legal sections (Ex 20-23) and the final ceremonial sections (Ex 24:3-11).

### 2.11.1. Exegesis of 24:1-2

#### 2.11.1.1. 24:1

24:1 וְאֶל־מֹשֶׁה אָמַר עֲלֶיךָ אֱלֹהֵי יִשְׂרָאֵל וְאָמַרְתָּ אֶת־הַדְּבָרִים הָאֵלֶּה לְיִשְׂרָאֵל וְהִשְׁמַעְתֶּם אֹתָם מִרְחֹק

וְאֶל־מֹשֶׁה אָמַר (24:1a) is difficult to interpret.<sup>(406)</sup> We want to examine this clause from two points of view, (1) the position of this clause within the stream of the whole Sinai pericope, and (2) the grammatical form (especially the verbal form) and the content of the command in 24:1.

(1) The striking feature of this clause is that no subject is mentioned either in this clause or in God's command in 24:1b after the long section (20:22-23:33). This probably means that there is no change of subject from 20:22 to 23:33, and the subject is supposed to be known to the reader / listener. In 24:1a the only fresh information is '(he) said to Moses'. This clause is actually the continuation of the main clause in 20:22 (וַיֹּאמֶר יְהוָה) וַיֹּאמֶר יְהוָה

405. See 2.7.11. S. Mowinckel (1964,76).

406. For instance M. Noth (*ATD,Ex,159 = OTL,Ex,196*) suggests this speech of God is originally directed towards another audience about whom we do not know. A. Reichert (1972,160), without finding any connecting point in the present context, suggests two possibilities: (i) the original connection is lost, (ii) 24:1 is formed as redactional bridge connecting the Book of the Covenant (23:19, or 33) and 24:1ff. See the careful judgement of B.S. Childs (*Ex,504*) about this: 'Certainly it seems far more reasonable to suppose that the reversal of the normal Hebrew syntax has been done by the author with an intent to indicate a shift in emphasis rather than to mark that a prior section has been omitted.'



(מִשֶׁה אֶל-מֹשֶׁה) which uses the same verb and sentence construction : (אָמַר) / אֶל- + object (מִשֶׁה) + direct speech by God. The only differences in 24:1a are that there is no subject and the sentence order is reversed (O + V). Grammatically this inversion (O + V) is caused in order to avoid ו-cons. clause which is the normal use in the Book of the Covenant. And this indicates that from now on the situation of 20:22b-23:33 is not continued but a new event is going to be introduced.<sup>(407)</sup> In other words, God's speech to Moses in 24:1 is a continuation of the previous one in 20:22, because we cannot find any other break between 20:22-23:33 like 24:1.<sup>(408)</sup> Meanwhile, the sentence construction, WAW + object + pf. (וַאֲלֵ-מֹשֶׁה אָמַר), corresponds with the A. Niccacci's formula<sup>(409)</sup>, 'the initial WAW-x-QATAL', which is usually used at the beginning of a narrative.<sup>(410)</sup> This also points to the new beginning or the change of situation from 24:1.<sup>(411)</sup>

(2) Now we turn to the grammatical form (especially the verbal form) and the content of the command in 24:1a. Although 24:1a looks as if it is related to 20:22 (similar sentence construction, אָמַר + אֶל-מִשֶׁה), the content of God's command in 24:1 refers back to 19:24.<sup>(412)</sup> B.D. Eerdmans<sup>(413)</sup>, who follows basically J.J.P. Valeton<sup>(414)</sup>, makes this point clear. He considers this pf. in 24:1 not as 'the historical pf.' but as 'the pluperfect', because 24:1 is a flashback which recalls the past word of God in 19:24. The author goes back to the original situation which was broken through the law section :

'Es ist einleuchtend, daß 24,1 nur auf 19,24 Bezug nehmen kann. Wir haben schon an mehreren Beispielen lernen können, daß die Methode, einen durch Einschub zerbrochenen Zusammenhang wieder herzustellen, darin besteht, daß man die dem Einschub vorangehenden Worte wiederholt. Die Übereinstimmung von 24,1 mit 19,24f. kann nicht nur Zufall sein.'

Then B.D. Eerdmans interprets 24:1,2 as a commentary on 19:20-25 and suggests that the insertion of the Book of the Covenant happened after the insertion of 19:20-25. The reason why the description of 19:24 (i.e. no mention of Nadab and Abihu, seventy elders)

407. *Muraoka* (40) suggests that the use of the order (O + V) is for the purpose of 'waw cons. avoided'. Similarly *U. Cassuto* (1967,10). *Ehrlich* (11,362) holds that through this sentence order the following command is directed not towards the people but towards Moses. Hitherto (20:23-23:33) the ultimate direction of God's word is towards the people, but from now on God talks to Moses. Cf. the negative judgement of *L. Perlitt* (1969,183) to the final redactor : 'Ein Ergnzer htte es besser gekonnt.'

408. Interestingly enough, this first strange clause after the Book of the Covenant (24:1aa) corresponds with the first unusual clause after the decalogue 20:18, sub. + pt. clause (וְכָל-הָעָם רֹאִים). Just as 20:18 goes back to 19:16-19a, 24:1 goes back to 20:22 and eventually 19:24.

409. (1990,36,48).

410. Cf. WAW-QATAL (narrative) within the discourse text is used for 'Spro-Erzhlung' (*W. Schneider*, 1982,200) or 'embedded story' (*E. Talstra*, 1978, esp. 172,173). According to *W. Schneider* these stories are usually short.

411. This initial WAW-x-QATAL ('recovered information') in 24:1 (וַאֲלֵ-מֹשֶׁה אָמַר) corresponds with the WAYYIQTOL ('degree zero') in 24:3 (וַיְבִא) which is the actual continuation of the narrative. See *A. Niccacci* (1990,36f) about the development from WAW-x-QATAL to WAYYIQTOL.

412. (i) The subject is דְּהוּה, (ii) the verb is אָמַר (וַיְאָמַר 19:24, אָמַר in 24:1), (iii) the verb of command is נִדְּב וַאֲבִיהוּא + אֶתְהָ וַאֲהִרָן 19:24, אֶתְהָ וַאֲהִרָן 24:1), (iv) and the object is מִזִּבְחֵי יִשְׂרָאֵל 24:1). See 2.7.12 & 2.7.3.

413. (*Ex*,67).

414. (1907, passim, esp. 81).



is not just the same as 24:1, is in the abrupt character of 19:20-25.<sup>(415)</sup> It is noteworthy that in an era when source criticism was still dominant these two Dutch scholars saw the possibility that the repetition (19:24 and 24:1) in a narrative has a literary value.<sup>(416)</sup> The significant point which B.D. Eerdmans and J.J.P. Valeton find that the unusual pf. in 24:1 is different from the ordinary ipf. cons. can be more clearly explained by the analysis of A. Niccacci.<sup>(417)</sup> He holds that the WAW-x-QATAL has the 'retrospective' function and it tells about 'the recovered information'.<sup>(418)</sup> And our text 24:1 has also the same structure WAW-x-QATAL which recalls *the macroscopic point of view* in 19:24.<sup>(419)</sup>

We summarize points (1) and (2) as follows. Within the stream of the Sinai pericope, 24:1 is the direct continuation of 20:22. The report continues from 20:22 after the long law section (20:23-23:33). At the same time the author records God's command, already announced tersely in 19:24, more fully.

עָלָה אֶל־יְהוָה (24:1b) has also an exegetical problem. If the speaker here is YHWH as in 20:22, the use of אֶל־יְהוָה in place of אֵלַי looks strange.<sup>(420)</sup> However, the same use has already been noted in the Sinai pericope (Ex 19:11b,21b,22a,22b, 24:2, and also 9:2<sup>(421)</sup>). Therefore, this expression should be considered as typical of the author's style.

After the first two clauses in 24:1a we read a list of Israel's representatives.<sup>(422)</sup> Compared with the parallel verse 19:24 (see 2.7.1.2.), 24:1 is different in suddenly introducing (1) 'Nadab and Abihu' and (2) 'the seventy elders of Israel'. This sudden introduction looks strange.

415. At two points J.J.P. Valeton and B.D. Eerdman's argument seems more convincing than those of other commentators : (i) the tense of אָמַר, the pf. with its inverted construction (O + V) is different from the ordinary pf., and it points to the past event, although we cannot totally agree with their opinion that the pf. of אָמַר is the pluperfect, and (ii) the connection between 19:24 and 24:1 becomes more apparent (B.D. Eerdmans (Ex,67 : 'Eine neues Gotteswort wird im Pentateuch immer durch Imperfectum mit waw consecutivum eingeleitet. 24,1 blickt auf ein früheres Wort Jahves zurück und erinnert daran. Die Mitteilung der Gesetze hat die Erzählung unterbrochen, und der Leser wird hier wieder in die Situation eingeführt')).

416. However, they have weak point. According to them the existence of the verse(s) immediately after 19:24 should be supposed, which has the same information like 24:1. However, its existence is very difficult to prove. Furthermore, B.D. Eerdmans does not consider the direct grammatical connection between the first clause of 24:1 (וְאֵל־מִשָּׁה אָמַר) and 20:22a (וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה). Since B.D. Eerdmans holds the direct connection between 19:24 and 24:1, he follows the interpretation of J.J.P. Valeton that the pf. in 24:1 (אָמַר) is the pluperfect.

417. (1990,36).

418. For instance (1) Gen 37:28 (וַיָּבִיאוּ אֶת־זֹסֶפֶת מִצְרַיִם ipf.cons.) – Gen 38 (Judah-Tamar story) – Gen 39:1 (WAW + sub. + QATAL מִצְרַיִם) and (2) 1 Sam 25:1 (the first information with the ipf.cons. form) – 1 Sam 28:3 (the repeated information with the QATAL form).

419. See 2.7.3. F.-L. Hossfeld (1982,202), following E. Zenger (1972,177) and S. Mittmann (1975,152), also suggests a similar interpretation.

420. Therefore, A. Reichert (1972,160,245,n.138 for literature) holds that אֶל־יְהוָה is either (i) originally אֵלַי, or (ii) a gloss. Th.C. Vriezen (1972,106) insists that אֶל־יְהוָה is not repeated in 24:9 and therefore the original reading could be אֵלַי like in 24:12,13b. However, E.W. Nicholson (1974,81; 1986,123) is more cautious. Although the emendation to עָלָה אֵלַי is unwarranted, this strange starting is probably an indication that we have here an originally independent literary unit which was united only secondarily with the surrounding material.

421. B. Baentsch (Ex,214).

422. Similar lists of the people like 24:1 is in Lev 9:1ff. (Moses, Aaron, his sons and the elders of Israel). Cf. Dt 27:1 (Moses and the elders), 31:9 (Moses and priests and elders), Ex 18:12 (Moses, Aaron, and the elders), Lev 4:15 (elders).



(1) Nadab and Abihu :

To explain the introduction of these names other texts which have these names can be compared (e.g. Ex 6:23, 28:1, Lev 10:1-3, Num 3:2,4, 26:60f.). The list in Lev 10:1-3 is especially interesting, because similar features in both texts are apparent.<sup>(423)</sup> And because of these similarities, it is plausible that both texts show the same trend.<sup>(424)</sup> Both men assist Aaron just as in Lev 9 and 10, and this fact fits in very well with our interpretation that Ex 19:24 is related to Ex 24:19-11 by the author's *macroscopic - semi-microscopic - microscopic point of view* (2.7.1.2). According to the *macroscopic* point of view the most important figures (in this case Moses and Aaron) are mentioned in the preliminary report (19:24) but other figures not. But in the report of the real event the full list is given.<sup>(425)</sup> Therefore, if we admit the four common similarities between Ex 24:19-11 and Lev 9,10 (above i-iv), we may assume that these two persons function in Ex 24:19-11 in a similar way to that in Lev 9,10, namely in assisting Aaron, regardless of whether these two persons are or are not the sons of Aaron. If so, then both persons depend upon Aaron in this context. Now the authoritative position of Aaron beside Moses is one of the persistent themes from the beginning of Ex. Just before the Sinai pericope Aaron takes part in the meal together with Moses and all the elders when Jethro visits (18:12). In this case although the exact role of Aaron in this ceremony is not clear, but the important fact is that all of the partakers from Israel's side are the nobles. Similarly Aaron's role in 24:1,9-11 is that he constitutes together with Moses, Nadab and Abihu, the seventy elders a *unified leadership of Israel* (אֲצִילֵי בְנֵי יִשְׂרָאֵל in 24:11) and they take part in a meal before 'God of Israel' (אֱלֹהֵי יִשְׂרָאֵל). As far as the assistant's role of Nadab and Abihu is concerned, this is similar to the role of Joshua in assisting Moses, which is reported suddenly in 24:12ff. According to the literary point of view it is striking that the author makes both cases be embroidered by the same method of the *macroscopic - (semi-microscopic) - microscopic* point of view :

(a) the case of Aaron / Nadab and Abihu :

- |  |                    |
|--|--------------------|
| 19:24 : Moses and Aaron only                                 | (macroscopic)      |
| 24:1 : Moses and Aaron, Nadab and Abihu, 70 elders of Israel | (semi-microscopic) |
| 24:9 : the same persons but with the detailed report         | (microscopic)      |

(b) the case of Moses / Joshua :

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423. Namely (i) both texts have a similar use of naming each two sons by combining them with 1 (i.e. נָדָב וַאֲבִיהוּא like מֹשֶׁה וְאַהֲרֹן in 24:19 and אֶלְעָזָר וְחִתָּן), (ii) both events happened in similar 'cultic' circumstances, (iii) both texts connect Aaron with Nadab and Abihu, and (iv) 'Aaron' (also Moses) comes always at first in the list and then 'Nadab and Abihu' follows.

424. However, in terms of the fate of both men the description of 24:19-11 (no death) is precisely opposite to that of Lev 10 (death). Therefore, it is unlikely that these texts have the same theological reason for inserting these names. Rather, it is fair to say that each report describes objectively what happens without omitting one of two reports in order not to cause the confusion of the reader / listener.

425. This is precisely the same as in 24:2 and 24:12ff. Although in 24:12ff. the name of Joshua, the assistant, is clearly mentioned, in 24:2 we cannot find his name.



24:2 : Moses only

(macroscopic)

24:13 : Moses and his assistant Joshua

(microscopic)

In other words, Nadab and Abihu, Joshua are not mentioned in the preliminary reports (19:24, 24:2), because they are not the chief actors in the preliminary stage when the author says something about the future (prediction, i.e. 19:24 towards 24:1,9, and 24:2 towards 24:12ff.). Only the chief actor(s) is (are) the main concern in these preliminary sections.<sup>(426)</sup> However, when the real events are reported, the author tries to give full details about the other actors by mentioning them as well.

(2) שְׁבַעִים מִזְקְנֵי יִשְׂרָאֵל (cf. Num 11:16,24,25)

Since they are called 'the elders of Israel' (2 Sam 5:3, Ex 3:16, 4:29, 12:5f., 18:12), they function here as the representatives of the people as a whole.<sup>(427)</sup> The number 70 seems to have the ordinary symbolic meaning, the fullness of the representation of the elders.<sup>(428)</sup> Therefore, 'die 70 von den Ältesten Israels hier offenbar nicht als Institution sind verstanden, sondern repräsentieren in "der Zahl universaler Vollendung und Weite" das ganze Israel.'<sup>(429)</sup>

If we accept the connection of 24:1 and 24:9-11, we find that in this case the representative character is not only possessed by the seventy elders of Israel but also by Moses, Aaron, Nadab and Abihu. This is because all these people in 24:9 are named as אֲצִילֵי בְנֵי יִשְׂרָאֵל (24:11), a proper term for pointing all the representatives.<sup>(430)</sup>

(3) וְהִשְׁתַּחֲוִיתֶם מִדָּחַק<sup>(431)</sup>

It is generally agreed that 24:1 is connected with 24:9-11 (e.g. 24:1 is an introduction to 24:9-11). If so, the question raised by the present arrangement of text is how the command

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426. The division of the primary and the secondary figure is also found in the other use of Heberw language. For instance when the primary figure and the secondary figure are the common subject the verb form is to be conjugated according to the primary figure. In particular when the primary figure is single, this becomes apparent. Dt 27:1 (וַיִּצְוּ מֹשֶׁה וְזִקְנֵי יִשְׂרָאֵל אֶת-הָעָם לֵאמֹר) the subject is Moses and the elders (מֹשֶׁה וְזִקְנֵי יִשְׂרָאֵל) but the verb is 3 p. sg. (וַיִּצְוּ), about which we only could interpret that there is a concept of the chief actor (i.e. Moses) and the secondary actor(s) (i.e. the elders of Israel) in the mind of the author.

427. Elders of Israel as the representatives of the people : 1 Sam 4:3, 8:4, 15:30, 2 Sam 5:3, 1 Kings 8:13 (inauguration of David as king). After these, however, elders appear much as the representatives of individual groups or cities (1 Kings 20:7f, 21:8,11, 2 Kings 10:1,5). They function as the representatives of the people in the premonarchical period and especially in this case they represent the people for making the covenant with God. W. Beyerlin (1961,34 = 1965,28), Th.C. Vriezen (1972,107), H. Reviv (1989,29). F.-L. Hossfeld (1982,201) suggests that here we see a 'representative cross-section'.

428. U. Cassuto (1967,310), A.S. Kapelrud (1968,494ff.) and further Th.C. Vriezen (1972,107,n.9,lit. 1) point out the ANE religious custom to invite 70 people for religious festival meal. 'The 70 elders in Israel' appears also in Num 11:16,24,25, Ez 8:10. About the phrase in Ez 8:10 W. Zimmerli (Ez,216) comments that the usage in Ez shows that the institution of the 70 elders has old tradition: 'Was Ez schaut, ist danach nicht ein zufällig vereinigter Kreis, sondern die Vertretung Israels, wie sie einst beim Bundesschluss vor Jahwe stand.' And J. Buchholz (1988,31) holds that Ez 8:10 has a paradigmatic character and it indicates the elders of Israel as a whole.

429. A. Reichert (1972,164,nos.152,153).

430. The assertion of A.H.J. Gunneweg (1965,86) that only the elders can represent the people seems to be ungrounded.

431. A. Niccacci (1990,85) concludes that weQATAL is the basic tense for giving an order or instruction; but it is not normally initial (cf. 1990,81ff.).



of this clause is related to the content of 24:9-11. And another related issue is how we should divide 24:1-2 which has two different sets of command : 24:1a and 24:1b-2, or 24:1 and 24:2.

Radical solutions to the problem about the connection between 24:1 and 24:9-11 are to emend the text.<sup>(432)</sup> But these emendations are usually not justified. M. Noth<sup>(433)</sup>, judging 24:1-2 to be a secondary insertion and not appropriately formulated, holds that there is a unity in 24:1b-2 which is connected to 24:9-11. F.-L. Hossfeld<sup>(434)</sup> also holds a similar view that 24:1b functions as 'Überleitung' to 24:2 so that 24:1b 'zielt auf die Begleitung, die sich (other leaders mentioned in 24:1, TGS) von ferne niederwerfen soll, während Mose allein Zugang erhält'. This means that 24:1b has to be interpreted together with 24:2 not with 24:1a.<sup>(435)</sup> He regards 24:1 and 19:24<sup>(436)</sup> as the work of the priestly redactor who connects 24:9-11 with the Book of the Covenant through these two verses in order to make 24:9-11 a covenant ritual.

However, all efforts to make a connection between 24:1b and 24:2 seem doomed to fail for two main reasons :

(i) The suffix of **הַשְׁתַּחֲוִיִּים** creates a problem for such an interpretation. To make a connection between 24:1b and 24:2, we should choose one of two possible options for this pronominal suffix (2p. pl, **הֶם**-), either (i) to retain the present form, or (ii) to emend to 3p. pl. following LXX (**προσκυνησους**). If we retain the present form (2p. pl.), it should mean either 'Aaron (excepting Moses), Nadab and Abihu, the seventy elders of Israel' or 'the people'. However, both possibilities make a poor grammatical connection between 24:1b and 24:2, because *I - you style* is used continuously from 24:1a to 24:1b, but from 24:2a the author uses *I - he / them style*. Meanwhile, if we emend the pronominal suffix 2p. pl. to 3p. pl. following the example of LXX, superficially it makes a good connection between 24:1b and 24:2. However, if in 24:1b the author wants to introduce another object (i.e. **הָעָם** 24:2b) than that of 24:1a, he should have mentioned this new object clearly in 24:1b not in 24:2b. This is all the more so from the fact that **הוּא** in 24:2a refers to the previous object (i.e. Aaron, Nadab and Abihu, the seventy elders of Israel) not the object mentioned later in 24:2b (**הָעָם**). This makes the emendation improbable.

(ii) Although we may acknowledge that 24:1a has a clear connection with 24:9-11, it is impossible for us to find the actual meaning of 24:1b-2 in the same context. In other words, we cannot find a proper explanation of how 24:1b-2 relates to 24:9-11. The possibility, which we have seen a little and shall propose soon in detail, that 24:1 is related

432. G. Beer (Ex,126) eliminates **וַיִּשְׁתַּחֲוֶה** and emended **וַיִּשְׁתַּחֲוֶה** into **וַיִּשְׁתַּחֲוֶה** in 24:1. A. Klostermann (1907,440) emends only **וַיִּשְׁתַּחֲוֶה** into **וַיִּשְׁתַּחֲוֶה**.

433. (ATD,Ex,159f. = OTL,Ex,197). L. Perlitt (1969,182), having the same idea and followed by Buchholz (1988,33f.), holds that there is a bulky connection between 24:1-2 with the surrounding verses.

434. (1982,202-203).

435. J. Buchholz (1988,33) holds the view that 24:1b is secondary to make a bridge between 24:1a and 24:2.

436. What an interesting connection !



to 24:9-11 and 24:2<sup>(437)</sup> related to 24:12ff. is not properly considered by commentators.

The pronominal suffix (2p. pl.) of הַשְׂתַּחֲוִייתָם in 24:1b most probably denotes not the people in general (24:2) but the representatives of the people, who are already mentioned in 24:1a (Moses and Aaron, Nadab and Abihu, the seventy elders of Israel). However, from 24:2 there is differentiation between (i) Moses (מֹשֶׁה לְבַדּוֹ), (ii) them (הֵם i.e. the representatives of Israel except Moses) and (iii) the people (הָעָם).<sup>(438)</sup> This means that there is a clear grammatical, thematic dividing line between 24:1 and 24:2 but not between 24:1a and 24:1b-2. Again this means that the subject of the special service (שָׁחָה) in 24:1b is the representatives of the people not the people themselves. We want to suggest two points related to שָׁחָה<sup>(439)</sup> :

Firstly, in 24:1 only שָׁחָה is used, and this means not just the spiritual worship happening in the heart but also the accompanying physical action (i.e. bowing down). In the OT there is detailed information about the additional phrasal use of שָׁחָה which sheds light on our text. Besides the classic use of the ל + object phrase, אֶפְתָּיִם<sup>(440)</sup> can be attached. This use illustrates more vividly that the normal worship action (or showing reverence) is done with the face to the ground towards the worshipping object. Is 60:14ab (וְהִשְׁתַּחֲוּוּ עַל-כַּפּוֹתַי רַגְלֵי) is particularly relevant to our text. This gives a clear picture which can happen. The physical bowing down is well prepared by the previous pair of the parallelism in Is 60:14aa by using the same שָׁחָה / חוּהַ (וְהִקְלִבוּ אֵלָיָה שְׁחוֹת בְּנֵי מִצְרָיִם) חוּהַ.<sup>(441)</sup> The action of worship (or showing reverence) is related to 'under somebody's feet', i.e. with the worshipper's face to the ground is naturally related to the feet of the receiver of the worship. Therefore, the connection of (i) שָׁחָה (Ex 24:1) and (ii) the phrase וַיֵּרְאוּ אֶת אֱלֹהֵי יִשְׂרָאֵל ('they saw') + וַתַּחַת רַגְלָיו ('under His feet') (Ex 24:10) seems to be quite natural. Otherwise, this 'under His feet' (וַתַּחַת רַגְלָיו, 24:10) becomes meaningless in the context.

Secondly, in several texts worship (שָׁחָה) is followed by a festival meal (e.g. Dt 26:10f. (שָׁחָה + rejoice the food), cf. 2 Chr 7:3ff. 29:29,36 (שָׁחָה + rejoice)). And there are several

437. Although F.-L. Hossfeld (1982,202-203) assumes that 24:2 has a certain connection with Ex 19f. (e.g. God is speaking about Himself as the 3rd person), he does not explain why 24:2 stands at the present position as a literary orphan.

438. Namely (i) Moses may approach (נִגַּשׁ, 24:2) God, (ii) the other representatives may come to (עָלָה, 24:1) a certain point of the mountain to meet God, but they are not allowed to approach (נִגַּשׁ, 24:2) God, (iii) the people may not come to (עָלָה 24:2) the mountain.

439. שָׁחָה hitp. (GB,BDB) / חוּהַ eštaf. (HAL,THAT,TWAT) means 'bow down', 'prostrate oneself before a monarch or superior or God in homage' (BDB & GB). This verb is often used with קָרַר Qal. Then קָרַר tends to describe more the physical activity of bowing down but שָׁחָה means more the spiritual activity accompanied by the actual physical bowing down gesture ('nose and forehead to the ground between two hands'). See the vivid pictures of nos. 408, 412 of O. Keel (1978) and the illustration of F. Heiler (1917,168-177). To show only the spiritual reverence without any physical action is unthinkable. H.D. Preuß (TWAT,II,786) makes an accurate observation: 'Die durch הִשְׁתַּחֲוּוּהָ bezeichnete Geste, in der sich aber auch eine innere Einstellung und Haltung ausdrückt, ist auch in der Umwelt Israels bekannt und auf bildlichen Darstellungen wie in Texten belegt, da ein 'Sich-Niederwerfen' eben zum Kult aller Gottheiten (2 Kön 5:18 !) gehörte.' HAL renders a correct interpretation: when both verbs are used together the former (קָרַר) serves as 'Vorbereitungshandlung', and when שָׁחָה is used alone it can be considered as a short form but it contains the whole (physical as well as spiritual) process of worship or of the revering action.

440. Dual 'Angesicht' (GB) with or without אֶפְתָּיִם (2 Sam 14:33, 1 Kings 1:23, Gen 42:6,48:12, 2 Sam 18:23).

441. Through this parallelism the whole process of worship becomes apparent: [a] coming - bowing down, [a'] : bowing down - to the feet.



texts where, during the worship (שֹׁדָה), the people show fear of the (cultic) presence of God by bowing down their face to the ground.<sup>(442)</sup> A clearer picture is found in the following two texts : Ps 99:5 (וְהִשְׁתַּחֲוּ לְהֵרִים רַגְלֵיז קְרוֹשׁ הוּא) and Ps 132:7 (נְבוֹאָה לְמִשְׁכְּנֹתַיז גִּשְׁתַּחֲוֶה) (לְהֵרִים רַגְלֵיז). Both texts have three aspects in common with Ex 24:9-11 : (i) שֹׁדָה hitp., (ii) at the footstool of God, (iii) in the (cultic) presence of God and his holiness.<sup>(443)</sup>

All these texts suggest strongly that (i) the action described in 24:9-10 has to be defined as *worship* (שֹׁדָה) by the representatives of the people mentioned in 24:1b (הִשְׁתַּחֲוִיתֶם),<sup>(444)</sup> (ii) the subsequent action in Ex 24:11b (וַיִּאֲכָלוּ וַיִּשְׂתּוּ) has also to be defined as the concluding act of worship, meaning the happy ending of the whole process of the Sinai pericope.

#### (4) מֵרָחֵק

This phrase means that there is a certain distance between the representatives of Israel and God.<sup>(445)</sup> W.H. Gispen<sup>(446)</sup> gives an interesting observation to the combination of this word with וְהִשְׁתַּחֲוִיתֶם : 'Het zich nederbuigen van verre is eerbetuiging.' In the regard the consensus that 24:1 functions as the introduction to 24:9-11, it is important that the idea of distance in מֵרָחֵק can also be found in 24:9-11. This is because although the seeing of God is an experience unique to Israel, in theophany the totality of God is never revealed (cf. 'feet' תַּחַת רַגְלֵיז like in Ex 33:23 (אֲחֹרַי 'my back' ?). Furthermore, the action 'bowing down' corresponds with seeing only the lowest part of somebody, the feet which are referred to in 24:9-11.<sup>(447)</sup>

#### 2.11.1.2. 24:2

24:2 וַנִּגַּשׁ מֹשֶׁה לְבַרְזֵי אֱלֹהִים וְהֵם לֹא יָגִישׁ וְהָעָם לֹא יַעֲלוּ עִמּוֹ:

We have already seen (2.11.1.1.) that between 24:2 and 24:12ff. there is a

442. For example Ex 33:10, Is 36:7 = 2 Kings 18:22 = 2 Chr 32:21, Ps 96:9f. = 1 Chr 16:29f., Ps 58, 99:5, 2 Chr 7:3, (cf. 2 Chr 29:29), Neh 8:6.

443. Namely Ps 99:5 : (i) שֹׁדָה hitp., (ii) at the footstool of God (לְהֵרִים רַגְלֵיז), (iii) God's holiness. And Ps 132:7 : (i) שֹׁדָה hitp., (ii) at the footstool of God (לְהֵרִים רַגְלֵיז), (iii) in the (cultic) presence of God (נְבוֹאָה לְמִשְׁכְּנֹתַיז).

444. H.D. Preuß (TWAT, 11,787) renders a strong support for this interpretation : 'Voraussetzung ist nämlich die Erfahrung des Abstands (vgl. Ps 95,6), das überwältigende Erleben des Heiligen (Keel 287), und die Geste ist als Ausdruck 'panischen' Schreckens bei der Begegnung gut beschrieben als eine Flucht in den Tod, wobei das Sich-Niederwerfen 'dem aus der Verhaltenfforschung bekannten Totstellreflex' (Keel 289 mit Hinweis auf Ex 24,11, 33,22, italics TGS) als Gestus absoluter Unterwerfung (H.J. Boecker, BHHW, 1,512) entspricht.'

445. Interestingly A. Reichert (1972,161f.) interprets that the event of 24:9-11 happens on the half way up to the mountain.

446. (Ex, 11,16).

447. In viewing 24:1 as a whole we find how the combination of positive (i.e. 'syntaktisch künstlich') and negative (i.e. 'thematisch zusammenhanglos') judgement of L. Perliitt (1969,182) does not seem to fit to the exegesis we have done : '24:1aα leitet also im Blick auf meist postulierte Zusammenhänge die folgende Szene so (syntaktisch) künstlich und (thematisch) zusammenhanglos sein, daß für einheitlich literarische Gestaltung und eine Fortsetzung des Sinai berichts zunächst nicht viel spricht -'



*macroscopic* (24:2) - *microscopic* (24:12ff.) perspective, or *prediction / command* (24:2) - *performance / fulfilment* (24:12ff.) scheme.<sup>(448)</sup> This interpretation shows that the appearance of Joshua in 24:13 does not contradict the initial command of God in 24:2, because his position as future leader justifies a mention of him as Moses' servant here. In the initial report of the command of 24:2 the author *macroscopically* describes only the chief actor, Moses.<sup>(449)</sup>

There are three unusual expressions of I-you style in 24:2 compared with 24:1 :

24:2	cf. 24:1
(1) וַיִּגַּשׁ (Nif. pf. 3sg.)	עָלָה (imp. 2sg.),
(2) מֵשָׁח לְבָרְךָ / עָמוֹ (3sg.)	אָתָּה (2sg.),
(3) הֵם (3.pl.)	וְהִשְׁתַּחֲוִיתֶם (2.pl.).

These stylistic differences make a clear distinction between 24:1 and 24:2, although both verses are connected with each other by the same interesting use of 'to YHWH' (אֶל-יְהוָה) in place of 'to me' (אֵלַי). This *distinction* and the *connection* between 24:1 and 24:2<sup>(450)</sup> can be explained by connecting 24:2 and 24:12ff. just as connecting 24:1 and 24:9-11. Therefore, the *distinction* and the *connection* between 24:1 and 24:2 correspond with the *distinction* and the *connection* between 24:9-11 and 24:12ff.

### 2.11.2. 24:1-2 in its totality

In 2.11.1. we have seen that 24:1-2 is actually the introductory command preparing for the future events (performances) in 24:9-11 and 24:12ff. There are negative views as well as positive views about the present unity of the text.

The negative judgement about the present unity of Ex 24 is proposed by many commentators, e.g. A. Reichert<sup>(451)</sup>, Th.C. Vriezen<sup>(452)</sup>, and E.W. Nicholson<sup>(453)</sup> including a

448. See 2.5.1.1., 2.7.1.1., 2.7.1.2.(2) about these terms and examples. See B. Baentsch (Ex,214) and B.S. Childs (Ex,502, 'V. 2 provides a point from which to make a smooth transition to the command in v. 12'), but cf. S. Mittmann (1975,152), W. Beyerlin (1961,18 = 1965,13) and J.L. Ska (1990,13f.). And also although there is one minor thematic connection between 24:2 and 19:13, as L. Perlitt (1969,184) and F.-L. Hossfeld (1982,202-203) point out because of imposing a certain limitation for coming to the mountain in both texts, there is no real connection between them according to the content.

449. We have seen the same technique in 19:24 - 24:1 - 24:9-11 (2.10.1.1.).

450. One aspect of continuation is in the continuous use of the weQATAL form in 24:1b (וְהִשְׁתַּחֲוִיתֶם) and 24:2a (וַיִּגַּשׁ). Coordinated weQATALs are expressing a series of orders / instructions (A. Niccacci, 1990,86). After these two verbs the order chain is interrupted by two (WAW-)-x-YIQTOL type sentences (וְהָיָה לְךָ לְאֵלֶיךָ and וְעָלְךָ עָמוֹ in 24:2) to emphasize a detail of this kind.

451. (1972,162) : 'Der Einschub v. 1b,2 steht in direktem Widerspruch zu v. 9-11 und wurde dem außerordentlichen und mißverstandenen Passus vorangestellt.'

452. He (1972,102f.) holds that 24:1 is connected with 24:9-11, and 24:2 with 20:18-21. We admit that 20:18-22 and 24:2, 24:12ff. have the common characteristic, because all three texts are about the indirect law-giving through Moses. However, 20:18-22 is a narrative introduction to the first indirect law-giving in 20:23ff., but 24:2 and 24:12ff. are the introduction to the second indirect law-giving in Ex 25ff. Therefore, we cannot accept Vriezen's overstatement, 'the seeming unity of Ch. xxiv disintegrates completely'.

453. He (1974,79f.; 1986,122f.) proposes that 24:1a is the introduction of 24:9-11. 24:1b-2 presupposes the same tradition as is embodied in Ex 19, 20:18-21 where also special emphasis is placed upon the figure of Moses. On the other hand 24:9-11 does not show a specific function of Moses. Therefore, 24:1b-2 are a secondary expansion of the original introduction in 24:1a. Although the connection of 24:2 with Ex 19, 20:18-21 is important, he does not consider the possibility of the connection between 24:2 and 24:12ff.



radical view proposed in a recent commentary of J. Scharbert.<sup>(454)</sup> The main argument of these commentators is that the connection between 24:1 and 24:2 cannot be explained adequately, and that we cannot explain properly the connection of 24:1-2 with other texts in Ex 24.

Meanwhile, there are some who judge positively the present unity of the text, e.g. G. Hölscher<sup>(455)</sup>, F.C. Fensham<sup>(456)</sup>, and D.J. McCarthy.<sup>(457)</sup> However, in many cases their explanation of the connection between 24:1-2 and 24:9ff. is inadequate. However, F.-L. Hossfeld<sup>(458)</sup> has a broad perspective on the whole Sinai pericope. He realizes that there is a connection between God's command for Moses to come up to the mountain in 24:2 and that in Ex 19f. especially 19:24. :

'Der v. 24 (i.e. Ex 19:24, TGS) gibt also nur einen Sinn, wenn man ihn im Blick auf 24,1,9-11 versteht. — Das Rätsel um die befremdlich Position von 19,24 und 24,1 löst sich auf. Der priesterliche Redaktor, der 24,9-11 an das Bundesbuch mit seinem Bundesschlußritus anheftete, hat die Gottesschau mit zwei Befehlen nach vorne in der Theophanie verankert. Als Anknüpfungspunkte boten sich nur das jeweilige Ende der beiden Redekontakte Jahwes mit Mose innerhalb der Theophanie an : erstens das Ende des Dialogs 19,20b-24 und zweitens das Ende der Mitteilung des Bundesbuches. Als später Redaktor zwingt er uns in die Sehweise eines Herausgebers, der die ihm vorliegende Textgemasse verarbeitet und strukturiert. Wir vermuten den Grund seiner Bemühungen in einem Interesse an analoger Dramaliturgie bzw. verwandte Abläufen der Theophanie oder schon besser der Theophanieliturgie.'

This is an astonishingly clear observation about the connection 19:24, 24:1,9-11 in the present text level. However, he fails to illustrate how these texts are connected with each other, as we have done (2.7.3. & 2.11.1.1.). Firstly, the content of 19:24 is not completely the same as that of 24:1 and 24:9-11, and therefore the reason for the connection between these two texts has to be explained. Secondly, all activities in the Sinai pericope are performed at the command of God except 19:3aa and 24:3-8 (e.g. 19:3-8, 19:9a with 19:10-19a and 19:19b-25 etc.). And therefore the connection of the command (19:24, 24:1) and the performance (24:9-11) is not a unique one. Thirdly, the theological interpretation of F.-L. Hossfeld about the work of the priestly redactor needs further substantial proof. The theological interpretation of this 'Herausgeber' who has the 'Interesse an analoger Dramaliturgie, Theophanieliturgie' seems to be a vague one which needs to be proved and explained more fully.

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454. He (Ex,99) insists that 24:1-2 has no function at all in the present context.

455. He (1952,315) insists that '24:1-2 also den Zweck hat, 24:9-11 vorzubereiten', although he has no concern with the difference of the style and the content of 24:1 compared with 24:2.

456. He (Ex,181) holds that 24:1-2 is the general introduction to 24:9-11, because the author values the content of 24:9-11 is exceptionally important.

457. He (1978,265) makes an interesting observation : 'this verse (24:2, TGS), in fact points to something like 24:13-14.' However, there is no further study on the methodological issue of this connection.

458. (1982,202-204).



Summarizing our study in 2.11.1.1. we suggest the compositional scheme in Ex 24 as follows :

	command	performance	content
content a	24:1	24:9-11	covenant meal
content c	24:3-8		covenant ceremony
content b	24:2	24:12ff.	further law-giving <sup>(459)</sup>

In a literary work if two events are successive, one way of describing two commands and their performances is to state the commands first and then the performances. We find the same phenomenon in Ex 24. In 24:1-2 there are two commands and after the description of the covenant ratification (24:3-8) there are two performances corresponding with the previous commands in 24:9-11, 24:12ff.

Firstly, we want to consider the connection between 24:1 (command) and 24:9-11 (performance). We have already seen (2.7.1.2. & 2.7.3.) that the content of both texts is alluded to in the previous part, 19:24. The steady progress in these three texts is visible :

(1) 19:24 has a two-element command with 24:1 : (a) coming up (וַעֲלִיתָ)<sup>(460)</sup>, (b) Moses and Aaron (אַתָּה וְאַהֲרֹן עִמָּךְ).

(2) 24:1 shares these two elements : (a) coming up (וַעֲלֶיךָ אֶל־יְהוָה) but with a more detailed list of the participants, and (b) Moses and Aaron but with other participants also (אַתָּה וְאַהֲרֹן נָדָב וְנָחִיָּה וְשָׂרָיִם וְשִׁבְעִים מִזְקְנֵי יִשְׂרָאֵל). But there is a totally new factor in 24:1, (c) worship (וְהִשְׁתַּחֲוִיתֶם מִדְּחַק).

(3) The command in 24:1 is fulfilled in 24:9-11 which has all three elements but with more detail in the element (c).<sup>(461)</sup> Moreover 24:9-11 contains a totally new element compared with Ex 19:24 and Ex 24:1, (d) covenant meal (וַיֵּאָכְלוּ וַיִּשְׂתֶּיּוּ).

We summarize the elements of each text as follows<sup>(462)</sup> :

command	19:24	(a basic)	(b simple)		
command	24:1	(a basic)	(b detailed)	(c new, simple)	
performance	24:9-11	(a basic)	(b detailed)	(c detailed)	(d : new)

(a).coming up, (b).participant, (c).worship, (d).meal

Therefore, there is a steady development from the *macroscopic* perspective (19:24) through the *semi-microscopic* one (24:1) finally to the *microscopic* one (24:9-11).

459. In this scheme vertically both sets of texts (24:1 and 24:2, 24:9-11 and 24:12ff.) have the same perspective : i.e. the first set (24:1 and 24:2) is command but the second (24:9-11 and 24:12ff.) is its performance. Horizontally each set of texts has the same content, 24:1 and 24:9-11 are about the covenant meal, and 24:2 and 24:12ff. are about the further law-giving. We have already seen (2.11.1.2) that there are some *similarities* as well as *differences* between 24:1 and 24:2, which suggest the connection and the difference between the two verses.

460. The sg. form is consistent throughout the three texts.

461. See exegesis about the connection between וְהִשְׁתַּחֲוִיתֶם in 24:1 (2.10.1.1(3)).

462. There are some examples of texts where command is simple but its fulfilment is more in detail. Eg. Gen 15:9 (God's command - simple) vs Gen 15:10 (its fulfilment by Abraham - in detail). G.J. Wenham (Gen, 1,331) suggests this has a stylistic reason : 'For stylistic variation, the command is briefer than the description of its fulfilment: it is common for the command to be more detailed than the record of its fulfilment.' Similarly G. Genette (1980,230-234) lists texts having 'proleptic function' as a case of 'metadiegetic narrative', 'narrative within a narrative' which does not look back at the past but prefigures the coming events through dream, prophecy.



Secondly, 24:2 and 24:12ff. can be similarly explained. The basic content is that only Moses has to come up to God in both texts. And both texts state who should come up, but the depth of the information is different. In 24:2 only Moses may come up, but in 24:12ff. Moses takes Joshua as servant. We cannot count this as a mistake of the redactor rather here we read the difference of perspective (*macroscopic - microscopic*) as in the texts 19:24, 24:1, 24:9-11. Further in 24:12ff. we read much new information about the event which are not mentioned in the preliminary report (24:2), e.g. the stone tablets for the laws :

command	24:2	(a basic )	(b simple)
command & performance	24:12ff.	(a basic)	(b detailed) (c new)
(a) .coming up, (b) . participant, (c) .stone tablets			

Therefore, in both text groups (24:1 and 24:9-11, 24:2 and 24:12ff.) we read the *command - performance* scheme and the *macroscopic - semi-microscopic - microscopic* perspective.

Going a step further, we surmise the effect of these techniques for building the structure of the whole Sinai pericope. These techniques stress that there is an intimate connection between sections. The meeting of the people with God is the main topic in 19:9-25. And the meeting of the representatives of the people with God, more precisely their worship of God is the theme of 24:9-11. The intention of the author who makes the present composition is that these two events are not independent of each other. The meeting between the two parties by itself is not the end of the covenant ceremony but it is followed by the crucial part of that ceremony. This structure means that 19:24 belongs to the middle stage of the Sinai pericope and *heralds* the final stage of Sinai covenant. Between these two texts (19:24, 24:9-11) the author reports once again the command of God about this matter in 24:1, which is combined with 24:2 *heralding* the following topic of 24:12ff. Through the connection of 24:2 and 24:12ff. the Sinai covenant making (Ex 19-24:11) is related to the further law-giving, Ex 25ff. Just as the Sinai pericope is well prepared before Ex 19 (2.1.2.), the subsequent law-giving is related to the Sinai pericope through these techniques.

In this way 24:1 and 24:2 function as *the transitional bridge* which stands (i) between the main law block (Ex 20-23) and the final covenant ceremony (24:3-8), and (ii) between the final covenant ceremony (24:3-11) and the subsequent giving of cultic laws (Ex 24:12ff.). We have seen that the two aspects of the covenant making<sup>463</sup> are related to each other. At the end of these two successive sections, 19:24, the author puts a command of *macroscopic* perspective which is directly connected with the first part of the *transitional bridge* (24:1) just after the main law block (Ex 20-23). This first part of the *transitional bridge* connects further to the end of the covenant making, the celebration of the ratified covenant. The function of the second part of the *transitional bridge* (24:2) is to connect

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463. Namely (i) the preliminary proposal and the preliminary acceptance of the covenant relationship (19:3-8), and (ii) the encounter of the two covenant parties (19:9-25), see 2.4.5 & 2.4.6.



the covenant ceremony with the successive law-giving (the cultic laws, e.g. about the tabernacle). Just as all events before Ex 19 are neatly connected to the theme of the covenant making, the event after Ex 24 is smoothly related to the same theme.

## 2.12. 24:3-8 (The covenant ratification ceremony)

We shall now deal with the crucial part of the Sinai pericope, 24:3-8. This section has deservedly been the subject of hot dispute throughout modern exegetical history, because it contains many complex exegetical and theological problems. We want to deal with the following fundamental questions related to all other issues in this section. What actually is the function of this ritual ceremony within the Sinai pericope? In other words, how can we define this ceremony? Who are these 'young men' (נְעָרֵי בְנֵי יִשְׂרָאֵל 24:5) and what is the function of their action compared with that of Moses? Why is the blood ritual divided into two actions (24:6 and 24:8)? Is this blood ritual the same as other blood rituals in the book of Leviticus? What is the meaning of סִפֵּר הַבְּרִית of הַבְּרִית (24:7) / נֶם-הַבְּרִית (24:8)? Can we think that the fellowship offering in 24:5 is continued in 24:11 (eating and drinking)? In other words, how is 24:9-11 related to 24:3-8? Furthermore, we should ask about the narrative characteristic of the Sinai pericope. What is the content of אֵת כָּל-דְּבָרֵי יְהוָה וְאֵת כָּל-הַמִּשְׁפָּטִים in 24:3, if this is relevant to the narrative of the Sinai pericope?

### 2.12.1. Exegesis of 24:3-8

#### 2.12.1.1. 24:3

24:3 וַיָּבֵא מֹשֶׁה וַיְסַפֵּר לָעָם אֵת כָּל-דְּבָרֵי יְהוָה וְאֵת כָּל-הַמִּשְׁפָּטִים  
וַיַּעַן כָּל-הָעָם קוֹל אֶחָד וַיֹּאמְרוּ כָּל-הַדְּבָרִים אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה

This verse starts with WAYYIQTOL (וַיָּבֵא)<sup>464</sup> and the same WAYIQTOLs (וַיַּעַן, וַיְסַפֵּר, וַיֹּאמְרוּ, 24:3, וַיִּכְתֹּב, וַיִּשְׁכַּם, וַיִּבְּן, 24:4, etc.) are dominant in this narrative section. These WAYYIQTOLs (*degree zero*, simple past) correspond with WAW-x-QATAL (וַיָּבֵא, recovered information) in 24:1 which is dominant until 24:2 (2.11.1.1).<sup>465</sup> This means that the author wants to report new information. After the *transitional bridge* (24:1-2) he returns to the original narrative situation. This narrative situation (Moses' coming down)

464. L. Perliut (1969,191), trying to examine the relation of this action to 19:25 ('Moses came down to the people'), judges that this action is unconnected to the previous section. However, this action is similar to the action in 20:21 (וּמֹשֶׁה נִגַּשׁ אֶל-הָעָרְפֶּל אֲשֶׁר-שָׂם יְהוָה בְּאֵלֵיהֶם) for the personal talk excluding the people.

465. A. Niccacci (1990,20,36).



is in fact connected with that in 20:21 (Moses' approaching to God).<sup>(466)</sup> Then he makes swift progress by reporting only necessary information. As we see after וַיְבֵא, only the subject מִשְׁחָה is mentioned and then another WAYYIQTOL (וַיְסַפֵּר) follows directly.

The verb of this second WAYYIQTOL (וַיְסַפֵּר) is used only four times in the OT with the meaning to proclaim God's will or law openly to the public (Ex 24:3, Ps 2:7, 50:16, 119:13).<sup>(467)</sup> G.te Stroete<sup>(468)</sup>, holds that Ps 50:16 is clearly related to the cultic proclamation of law. In any case סַפֵּר pi. denotes the solemn proclamation of God's law to the people through a messenger or an authoritative person. Moses' proclamation of the received word (20:22-23:33) is not strange in this case and the way that the report of the proclamation (24:3) follows the reception of the law (20:22-23:33) is quite natural.

And then comes what seems to be the title of God's word which Moses heard to pass on the people, אֵת כָּל-דִּבְרֵי יְהוָה וְאֵת כָּל-הַמִּשְׁפָּטִים (24:3). Before investigating the meaning of the two important phrases together in this verse (כָּל-הַמִּשְׁפָּטִים and כָּל-דִּבְרֵי יְהוָה) we shall look at the first phrase (כָּל-דִּבְרֵי יְהוָה) only. One is impressed by the fact that similar phrases like this are used throughout in the section (24:3-8) :

יְהוָה	כָּל- דִּבְרֵי	(v. 3a)
אֲשֶׁר-דִּבֶּר יְהוָה	כָּל-הַדְּבָרִים	(v. 3b)
יְהוָה	כָּל- דִּבְרֵי	(v. 4a)
אֲשֶׁר-דִּבֶּר יְהוָה	כָּל	(v. 7b)
הָאֱלֹהִים	כָּל-הַדְּבָרִים	(v. 8)

The intensive use of similar phrases within one section is exceptional in Ex (cf. כָּל-הַדְּבָרִים in 19:7, 20:1 and כָּל אֲשֶׁר-דִּבֶּר יְהוָה in 19:8). Whether all these phrases have the same meaning should be decided from their use in the context. There are four points to note about their use in this section.

(a) The key issue is how we understand the formal difference between the phrase of Moses' proclamation in 24:3a and that of the people's answer to that proclamation in 24:3b :

24:3a	וְאֵת כָּל-הַמִּשְׁפָּטִים	אֵת כָּל-דִּבְרֵי יְהוָה
24:3b		כָּל-הַדְּבָרִים אֲשֶׁר-דִּבֶּר יְהוָה

The consensus is no source division between 24:3a and 24:3b.<sup>(469)</sup> In other words, Moses' proclamation (וַיְסַפֵּר 24:3a) corresponds with the people's answer to Moses' proclamation (וַיַּעֲן 24:3b). It means the content of the proclamation is the same as that of the people's

466. Compare the construction : the end of the decalogue (20:17) + a new clause (WAW + S + V (pt) (וְכָל-הָעַם רֹאִים) and the construction : the Book of the Covenant + WAW-x-QATAL (24:1).

467. Cf. F.-L. Hossfeld (1982,191) and his argument of the relationship between Ex 24:3 and Ps 50:17.

468. He (Ex,185) follows G.von Rad's understanding of Ps 50 (1938,19-22, 1958,29-32, 1966(ET),22-24) and is followed by H. Haag (1980,232). Further G.von Rad (1958,205-213 = 1966,221-231), followed by H.-J. Kraus (Ps,150f.), finds a parallel in a Egyptian kingsritual and the similarity of חֶקֶן in Ps 2:7 with the protocol of that parallel. In Ps 50 we are forced to postulate here a cultic ritual of a similar, if not identical, kind of that presupposed by the Sinai narrative.

469. Except E. Zenger (1971,74). Although he insists a source division between 24:3a and 24:3b, he does not try to explain the reason of this division and the original sources. If we divide 24:3 into 24:3a and 24:3b, we cannot find the answer to the question to which Moses' proclamation should be connected and from which the answer of the people comes.



answer. Then **כָּל־הַדְּבָרִים אֲשֶׁר־דִּבֶּר יְהוָה** (24:3b) may be considered as a shortened form of **כָּל־הַמִּשְׁפָּטִים כָּל־הַדְּבָרִים יְהוָה וְאֵת כָּל־הַמִּשְׁפָּטִים** (24:3a).<sup>(470)</sup>

(b) We examine now the meaning of **כָּל־דְּבַר יְהוָה** (24:4a). Although this phrase is exactly the same as the phrase in 24:3a (**כָּל־הַדְּבָרִים יְהוָה וְאֵת כָּל־הַמִּשְׁפָּטִים**), this phrase cannot be considered to have the same meaning as **כָּל־דְּבַר יְהוָה** in 24:3a. In other words, **כָּל־דְּבַר יְהוָה** (24:4a) has the same meaning as **כָּל־הַדְּבָרִים אֲשֶׁר־דִּבֶּר יְהוָה** (24:3b) and consequently it has the same meaning of the long phrase **כָּל־דְּבַר יְהוָה וְאֵת כָּל־הַמִּשְׁפָּטִים** (24:3a).

(c) In the same way we conclude that the phrases **כָּל אֲשֶׁר־דִּבֶּר יְהוָה** (24:7b) and **כָּל־דְּבַר יְהוָה וְאֵת כָּל־הַמִּשְׁפָּטִים** (24:3a)<sup>(472)</sup> also refer to **כָּל־הַדְּבָרִים הָאֵלֶּה** (24:8)<sup>(471)</sup>

(d) In particular the meaning of **כָּל אֲשֶׁר־דִּבֶּר יְהוָה** (24:7) is helpful for this issue. In the present context we cannot find any other suitable explanation for 24:7 than the following : the people's answer concerns Moses' pronouncement of the Book of the Covenant (**וַיִּקְהַל סֵפֶר הַבְּרִית** 24:7b). This means that **כָּל אֲשֶׁר־דִּבֶּר יְהוָה** refers to **סֵפֶר הַבְּרִית**, the last feature of God's word made in the book form. This means the phrases containing the verb **דִּבֶּר** have a fluid meaning. The precise meaning is given by the context, although they all stay within the basic semantic field, the pronounced law of God (the decalogue) and the law given through Moses.

In conclusion all these shortened phrases in vv. 3b,4a,7b,8 refer to the original long phrase in 24:3a (**כָּל־הַדְּבָרִים יְהוָה וְאֵת כָּל־הַמִּשְׁפָּטִים**). Interestingly all these phrases and that of 24:3a are slightly different from each other. And this phenomenon is also found in the similar phrases in 19:6-8.<sup>(473)</sup> Therefore, we conclude that, at least in these terms of 19:6-8 and of 24:3-8 the author does not use a precisely fixed phrase but chooses the phrases according to the demands of each sentence situation (a) by using the key words (i.e. **דִּבֶּר**) in all phrases and (b) by adding various variations in wording, through which the author

470. *Pace* various commentators e.g. R. Kraetzschmar (1896,79), J. Morgenstern (1928,7), H. Haag (1980,227). If the author had added **כָּל־הַמִּשְׁפָּטִים** to 24:3a later, it is quite normal to expect that he had add also the same word (**כָּל־הַמִּשְׁפָּטִים**) to 24:3b and to other similar phrases in this section. And if **כָּל־הַדְּבָרִים אֲשֶׁר־דִּבֶּר יְהוָה** in 24:3b referred only to **כָּל־דְּבַר יְהוָה** in 24:3a, this would mean that the people (24:3b) deliberately chose to accept only **כָּל־דְּבַר יְהוָה** but not **כָּל־הַמִּשְׁפָּטִים** (24:3a). If the people deliberately deleted **כָּל־הַמִּשְׁפָּטִים** in their answer, there is no purpose of listing the laws in 21:1-23:19 (the Book of the Covenant) before this section (**כָּל־הַמִּשְׁפָּטִים** in 24:3a points clearly the same expression in 21:1). However, this understanding of the phrases, more precisely that the people deliberately differentiated between **כָּל־דְּבַר יְהוָה** and **כָּל־הַמִּשְׁפָּטִים** by deleting **כָּל־הַמִּשְׁפָּטִים** in their answer is highly unlikely.

471. Although **כָּל־הַדְּבָרִים הָאֵלֶּה** appears in Ex 20:1, 34:27, Dt 5:19 and at least the phrase in Ex 20:1 and Dt 5:19 means the decalogue, we judge the real meaning of word or phrase according to the role in the context given.

472. A. Dillmann (Ex,256).

473. Namely

<b>אֱלֹהֵי הַדְּבָרִים</b>	<b>אֲשֶׁר תְּדַבֵּר אֵלֶי בְּיַד יִשְׂרָאֵל</b>	(19:6b)
<b>כָּל־הַדְּבָרִים הָאֵלֶּה</b>	<b>אֲשֶׁר צִוָּה יְהוָה</b>	(19:7b)
<b>כָּל</b>	<b>אֲשֶׁר־דִּבֶּר יְהוָה</b>	(19:8)

All these different phrases in 19:6-8 refer to the same one, God's word spoken in 19:3b-6a. The actual meaning of these phrases is the covenant condition (law) which will be spoken by God, because in 19:3-8 God's detailed conditions have not yet been set out.



does not go outside of the meaning field of the original phrase.<sup>(474)</sup>

The corollary of this conclusion is that Moses pronounces to the people (וַיִּסְפֹּר לָעָם)<sup>(475)</sup> not only the decalogue (כָּל-דִּבְרֵי יְהוָה)<sup>(476)</sup> but also the laws (כָּל-הַמִּשְׁפָּטִים)<sup>(477)</sup> in 20:23-23:33. The latter was heard by the people for the first time through Moses, but the first had already been heard spoken by God (20:19,22).<sup>(478)</sup> Throughout 24:3-8 we realize the importance laid on the decalogue because of the repeated use of the variants of כָּל-דִּבְרֵי יְהוָה (vv. 3,3,4,7,8). Therefore, the decalogue represents all the covenant regulations.

We now consider the meaning of כָּל-הַמִּשְׁפָּטִים in the present context.<sup>(479)</sup> The plural form of משפט (הַמִּשְׁפָּטִים) appears only two times within the whole of Ex (here and 21:1).<sup>(480)</sup> Therefore, it seems not unnatural to suppose that in the present text the author goes back to 21:1 and both phrases (21:1, 24:3) may be considered as *the structural markers* at the beginning and at the end of the laws between 21:1 and 23:33. In other words, the word in 21:1 (הַמִּשְׁפָּטִים) is well situated as an introduction to all following laws.<sup>(481)</sup> And 24:3 where we find the phrase כָּל-הַמִּשְׁפָּטִים is actually the first sentence after the main law block of 21:1-23:33, because as we have seen (2.11.2.) that 24:1-2 functions as the *transitional bridge* for making the whole Sinai pericope a literary unity. There is another similar *structural marker* (אלהים without article + רבר) at the beginning (20:1) and the end (20:19)

474. Similar stylistic variation can also be found in the clauses of the people's answer :

19:7 (וַיֹּאמְרוּ)	כָּל-הָעָם	+	אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה	(כָּל)
24:3 (וַיֹּאמְרוּ)	כָּל-הָעָם קוֹל אֶחָד	+	אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה	(כָּל-הַדְּבָרִים)
24:7 (וַיֹּאמְרוּ)		+	אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע	(כָּל)

This example with the two examples mentioned above tells the varied use of phrase chosen by the author rather than different sources.

475. This is quite similar to the ritual reading of the Torah to the public, the third use of Torah with the archival use, the didactic use. See B.S. Jackson (1989,192ff).

476. It seems to be a consensus that the first phrase with רבר among these (כָּל-דִּבְרֵי יְהוָה 24:3a) means the decalogue, although in many cases commentators fail to discern the literary character of the varied use of the phrase. W. Beyerlin (1961,8 = 1965,4) holds that the phrase with רבר means כָּל-הַדְּבָרִים (20:1), which refers to the decalogue. He believes that it is because the decalogue is not announced to the people directly, in spite of the appearance of the present context. For A. Reichert (1972,168) all phrases related to רבר should be considered as the decalogue. Because of this misunderstanding he regards the content of סֵפֶר הַבְּרִית (24:7) as the decalogue (p. 171). Similarly O. Eissfeldt (1966,213 ; 1968,244) holds that all these expressions point to the similar expression in 20:1 (כָּל-הַדְּבָרִים הָאֵלֶּה) and the real meaning is the decalogue. F.C. Fensham (Ex,181f.) considers the laws of the phrase with רבר as the apodictic laws especially the decalogue.

477. However, there is an opinion that in 24:8 the connection was made with the Book of the Covenant and not with the decalogue, e.g. B. Baentsch (Ex,215f).

478. Then we should ask what is the purpose of Moses' pronouncement of the decalogue once again. The answer is in the purpose of the section 24:3-8, which is not simply Moses' report of what he heard from God to the people. The central purpose of this section is the ratification of the covenant, for which Moses writes the covenant document (24:4) which regulates the covenant relationship. To this document not only the laws in 20:22-23:33 but also the decalogue belong. Therefore, when Moses pronounces the regulations in 24:3 he covers both of them.

479. Cf. much doubtful source critical analysis (e.g. H. Holzinger (Ex,103) and W. Beyerlin (1961,20 = 1965,15) who hold this as later addition).

480. Cf. several uses of the sg form : sg. abs. 15:25 (with חק), 21:9, 31, 23:6, 28:15,29,30; sg. cs. 21:9, 23:6, 26:30, 28:30.

481. Strictly speaking, however, the actual corpus of הַמִּשְׁפָּטִים contains 21:1-23:12 [B] according to the structural analysis of L. Schwienhorst-Schönberger (1990,121), but 20:22b-26 [A], 23:13-19 [A'] and 23:20-33 stand outside of this main law section. 23:20-33 is a kind of future assurance compared with the blessing and curse section of treaty. In this sense 23:20-33 seems to be an integral part of the Sinai pericope. Then כָּל-הַמִּשְׁפָּטִים in 24:3 indicates primarily the main law section (21:1-23:12) but it points also other parts in 20:22b-26, 23:13-19, 20-33. See also B.D. Eerdmans (Ex,68), O. Eissfeldt (1968,244).



of the decalogue. This illuminates the composition of the whole Sinai pericope. Namely both the two major law blocks among the Sinai pericope are clearly marked by *the structural markers*, which are unique to the whole Sinai pericope or perhaps to the whole Ex, at the beginning and the end of each law block, as we have seen in the chart of 2.9.1. This analysis supports strongly our contention that **כָּל־דְּבַר יְהוָה** means most probably the decalogue.<sup>(482)</sup>

The people have unanimously accepted the proclamation of Moses (N.B. the emphatic **כָּל־הָעָם** 24:3b).<sup>(483)</sup> This phrase is used in the Sinai pericope in two cases : (a) for the encounter with God (19:11,16, 20:18), and (b) for the people's unanimous acceptance of God's proposal and law (19:8, 24:3). Then it is easy to realize that in these two cases, at least, the people *in their totality* respond actively, although in other cases at Sinai they are passive.<sup>(484)</sup> The reason for the use of this emphatic phrase seems to be that in these cases the legitimate and responsible participation (in the case (a)) and answer (in the case (b)) of the people is necessary. This necessity can be explained by the fact that in the Sinai pericope, at least in these two cases, an important legal relationship between God and the people, the covenant relationship is being implemented. Interestingly enough, through this way the unanimity of the people's acceptance is expressed both at the beginning of the Sinai pericope (19:8) and its end (24:3, cf. 24:7 also).

The comprehensive character of this verse is most visible by the threefold use of **כָּל־** except **כָּל־הָעָם** (**כָּל־דְּבַר יְהוָה** / **כָּל־דְּמִשְׁפָּטִים** / **כָּל־הַדְּבָרִים אֲשֶׁר**). This comprehensiveness is emphasized by the phrase **כָּל אֶחָד**.<sup>(485)</sup>

#### 2.12.1.2. 24:4

24:4 וַיִּכְתֹּב מֹשֶׁה אֶת כָּל־דְּבַר יְהוָה וַיִּשְׁכַּם בַּבֹּקֶר  
וַיָּבֹן מִזְבֵּחַ תַּחַת הָהָר וּשְׁתֵּים עָשָׂרָה מִצֵּבֹתָ לְשָׁנִים עָשָׂר שִׁבְטֵי יִשְׂרָאֵל

The main events in this verse are the three actions of Moses : (1) writing down the law

482. Further this fact makes us easy to conclude that an enigmatic phrase **סֵפֶר הַבְּרִית** 24:7 means not only the individual law section 20:22-23:33 but also the decalogue. See further in our study on this phrase (2.12.1.4.(3)-i). O. Eissfeldt (1968,244) and Ch. Levin (1985a,180) share basically our interpretation of these two phrases.

483. Cf. **הָעָם** : 19:3,7,8,9,9,10,12,14,14,15,17,23,24,25, 20:18,20,21, 24:23,8. **בְּעָם** : 19:21. E.W. Nicholson (1973,71) gives a suitable name for this acceptance in conjunction with that in 24:7b, 'preliminary pledge'.

484. In the case (a), the theophany, Israel's meeting with God must be done not by some delegates of the people but by the whole people (2.6.1), because the people themselves are the responsible party for making the covenant relationship with God. And in the case (b), the verbal response of acceptance should be done not by the representatives of the people but by the whole people. Another interesting point is that although in 19:7 Moses tells God's word to the elders of the people, the answer to the Moses' word in 19:8 is given not by the elders but directly by the people. Despite the slight possibility that the elders give this answer to Moses, the intention of the author is clear that the whole people respond positively towards God's proposal of the covenant relationship.

485. This phrase is used only in 2 Chr 5:13. Similar expressions can be found in Dt 27:14 and cf. vv. 15-26, 2 Chr 15:14, Lam 2:7.



proclaimed in 24:3, (2) building the altar, (3) erecting **מצבה**.

(1) Moses' first action, which is to write down the law God proclaimed, is not strange in the present section<sup>(486)</sup>, because it is quite natural to perpetuate the law proclaimed orally by writing it down. The result of this writing is most probably **סֵפֶר הַבְּרִית** which will be pronounced once again in 24:7, although there is a certain distance between two verses (24:4 and 24:7) and in the text itself there is no direct link between them. Interestingly, there are two sets of the similar process of the proclamation by Moses and its acceptance by the people<sup>(487)</sup> :

[A] The order of events of the first set :

[a] Moses hears God's word in 20:22-23:33

[b] Moses proclaims it (**סֵפֶר** pi. 24:3a)

[c] people unanimously accept it (24:3b)

writing down (24:4)

[B] The order of events of the second set :

[a'] Moses takes **סֵפֶר הַבְּרִית** (24:7a)

[b'] Moses proclaims it (**קרא** 24:7b)

[c'] people unanimously accept it (24:7c)

The process of writing down and the second set of events is a kind of double check.<sup>(488)</sup> And the reason for this double check is simply to make this relationship between the two parties permanently and legally by the written document. The author reports this in order to emphasize how significant this ratification ceremony is for the future life of Israel.<sup>(489)</sup>

(2) Moses' next action is building the altar. This can be compared with the preparatory action of the priests in the ordinary offering (Lev 1:3ff.), who perform their duty around the altar (e.g. preparing the fire and the wood on the altar already built) in order to make an offering acceptable to God. After offerings are offered by 'the young men of Israel' (24:5), Moses resumes his action, the blood ritual (24:6-8). As we shall see in our study on 24:5 (2.12.13.), if we compare the role of Moses and the young men here with the role of the priests and the offerer in Lev (e.g. the burnt offering in Lev 1), we find an important parallel. Namely the role of Moses is similar to that of the priest(s) and the role of the

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486. G.te Stroete (Ex,185).

487. W. Beyerlin (1961,20 = 1965,15) also hints at the fact that 24:7f is a parallel version of the first version of 24:3-6.

488. The double check, oral declaration and writing down of the content of that declaration, is a universal custom for important legal transaction. For instance in the legal documents of Elephantine, which contains many ancient legal traditions far beyond the period of Elephantine, we read similar double check of oral declaration and writing down its content : 'On such and such a date A said to B, 'I have come to thy house, etc.' This was written at the dictation of A. Witnesses thereto :C, D, E, etc.' (from D.R. Hillers,1990,358). And in the section of the ratification of *the Book of the Common Prayer* of the Church of England we read similar double check. Therefore, we cannot accept the view (e.g. Ch. Levin,1985a,182) that there are dual redactions e.g. in the people's acclamation in 24:3b,7c.

489. Cf. J.L. Ska (1990,49f.).



young men is similar to that of the offerer. Therefore, we may call Moses in this case the priestly officiant and 'the young men of Israel' the offerers.<sup>(490)</sup> This feature is very important to find the theological foundation of this section. Moses functions as the mediator just like the priests who stand between God and the people (or the offerer). And the young men offer the sacrifice as the sacrifice of קָרְבָּן (e.g. Lev 1:2) performed by the lay offerer, which is different from the public offerings performed by the priests only (Num 28-29). This active involvement of 'the young men of Israel' in the offering is not because they are the priests' servant but because they represent Israel in one way just as 'the noble of Israel' represent Israel with their audience with 'the God of Israel' in 24:9-11 (see further 2.12.13.). This alludes to the fact that the offering is their responsible action.

(3) The second thing Moses builds is מִצְבֵּה of twelve stones related to the twelve tribes of Israel. It is built near the altar.<sup>(491)</sup> As far as the number is concerned, מִצְבֵּה does not mean necessarily one stone.<sup>(492)</sup> מִצְבֵּה can consist of several stones. It rather denotes a *religious or sacred object* erected in one place, sometimes symbolizing a deity.<sup>(493)</sup> This object may be called collectively, and therefore it does not be bound to the number concept.<sup>(494)</sup> In Ex 24:4 also it has the singular form, although twelve stones are used to make up the sacred object, because worship happens in one place and it is related to one deity, YHWH, and one people, Israel. Most probably in 24:4 the compressed form is used : מִצְבֵּה (*made by, or consisted of*) *twelve (stones)*.<sup>(495)</sup> D.J. McCarthy<sup>(496)</sup> correctly holds that the function of מִצְבֵּה seems to be as *the material witness* (italics TGS, cf. Jos 24:27,27 עֵדָה), although this monument in Ex 24:4bb is not explicitly called a witness.<sup>(497)</sup> There is

490. See R.S. Hendel (1989,370). M. Höfner (1957,77-85, esp. 80f.) gives the ANE examples of priestly king who arranges covenant between a deity and his people. The scene in 24:3-8 does not describe all aspects of the cultic ritual in equal detail, but it concentrates on some specific features of this unique ceremony. For example two times proclamation of the unanimous acceptance by the people in 24:3,8 and the detailed description of the blood ritual performed by Moses in 24:6,8. The reason why the action of 'the young men of Israel' is tersely described seems to be that it is relatively less important for the specific purpose of the author. Thus it is enough to say simply that they do what they have to do.

491. M. Noth (ATD,Ex,160 = OTL,Ex,197f.). See the negative judgement on the text of J. Morgenstern (1927,7ff.) and W. Beyerlin (1961,8 = 1965,45ff.).

492. E. Zenger (1971,74), following exegetically H. Holzinger (Ex,105) and grammatically G. Beer & R. Meyer, holds that this word does not denote the number concept.

493. We cannot assume the original meaning of נָצַב ('to stand') is absent in this derivative (BDB, GB, HAL, J. Gamberoni (TWAT,IV,1065ff.), BL 492-t, *maqtil* form). M.E. Bellefontaine (1973,120) gives a clear definition of מִצְבֵּה : it was an upright stone monument which functioned as a commemorative stele or as an object of worship. Therefore, a suitable translation is not *the sacred stone* which alludes to the number concept, but *the sacred object*.

494. Gen 31:45ff. gives a good illustration. Gen 31:45 is a kind of introduction and the following verses explain in detail the making of a מִצְבֵּה. Although many stones are used, it is called *collectively* מִצְבֵּה. The collective sense is unmistakably expressed in the phrase עַרְתָּ הַגִּל הַזֶּה וְעָדָה הַמִּצְבֵּה. The heap (הַגִּל) constructed with many stones is mentioned collectively as singular, and the parallelism of both phrases clearly shows that הַמִּצְבֵּה is used 'collectively'. Often in Kings and Chronicles the plural form is used because they indicate many sacred stones in different places or belonging to different deities. In 2 Kings 3:2 and 10:27 מִצְבֵּה means 'the sacred object' in a specific place dedicated to a specific deity (Baal).

495. The connection between the previous 'twelve' (שְׁתַּיִם עֲשָׂרִים, stones) and the following 'twelve' (שְׁנָיִם עָשָׂר, tribes) is so important that the symbolic intention of these stones is unmistakable.

496. (1964,187; 1978,196; 1985,11).

497. GB takes this as 'Bestätigung einer Bundes.' See also P. van Imschott (1965,230), M. Weinfeld (1972,165f.), and M.E. Bellefontaine (1973,120).



no doubt that this is a development of the old connection between a covenant and monument in stone as seen in Gen 31:45,51<sup>(498)</sup>

The function of **מִצְבֵּה** as the witness for the ratification of the official relationship between the two parties can be further verified by the fact that **מִצְבֵּה** is connected by the preposition **לְ** with the following phrase **שְׁנַיִם עָשָׂר שִׁבְטֵי יִשְׂרָאֵל**. This is simply because there seems to be no other explanation except **מִצְבֵּה** as the witness because of combining **מִצְבֵּה** with the twelve tribes of Israel. The preposition **לְ** is best translated as 'about' or 'for'<sup>(499)</sup>, but the actual meaning of this prepositional phrase seems to be 'to symbolize the twelve tribes of Israel.'<sup>(500)</sup> There is a similar case in Jos 4:8,9,20 where Joshua erects twelve stones at Gilgal.<sup>(501)</sup>

Now we may summarize the meaning of both actions of Moses. Namely the two objects (the altar and **מִצְבֵּה**) in 24:4 symbolize the parties in the following way. Firstly, the altar seems to stand there representing God, not only because the offerings are offered there (24:5) but because the sprinkling of the half portion of the blood towards the altar seems to be the passive expression of the oath from God's side (24:6), as we shall see (2.12.1.4.). Secondly, **מִצְבֵּה** seems to represent the other party of the covenant, Israel, which consists of the twelve tribes. When the event finishes, these two objects stand there side by side witnessing the past event and each side's part in it.<sup>(502)</sup>

### 2.12.13. 24:5

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498. As we see in the stela for covenant of the vultures (3rd mil. B.C., SN. Kramer, 1963, 310f.) and steles of Sfiré and also in the Greek sources (see M. Weinfeld, 1976, 402). These steles are not called witnesses but in effect they are, and they are not the passive objects to be read. They are *bty' lhy'* (II, C, 112, 7, 9) with an active power to make known the texts inscribed on them (LB, 18). This interpretation is further supported by C.F. Graesser (1972, 34-63, esp. 34-39) who insists that 'standing stones' have a legal function. They make a relationship legitimately between two or more parties (individual or group).

499. WO § 11-2-10-d : 'the lamed of interest or (dis)advantage.'

500. G.t. Stroete (Ex, 185) holds that the twelve stones represent the twelve tribes. Also W. Zimmerli (1972, 47 = 1978, 53). R.S. Hendel (1989, 376f. : '... the setting up of the twelve stones is an obvious symbol of the unity of the twelve tribes in the ceremony. The coming together of the tribes is a precondition of the covenant with Yahweh; as Robertson Smith properly emphasized, the sacrificial ceremony has a *social* as well as a *sacral* function', italics TGS) and similar view is proposed by M. Buber (1958, 112).

501. The term, **מִצְבֵּה**, is not used and there is no explanation of the function of these stones as the symbol of the twelve tribes. It is said that their purpose is to teach the future generations about God's mighty act. However, the context (Jos 4:1-24, especially 4:4 **אִישׁ-אֶחָד מִשְׁבֵּט** and 4:8) clearly relates these stones to the unity of the twelve tribes. It is noteworthy that after erecting twelve stones (Jos 4:20) there is no mention of the sacred or religious function of these stones in the lengthy pedagogical explanation (Jos 4:22-24). They are just the symbol of the unity of Israel and serve an educational purpose. They, the stones as such do not symbolize Israel, but the very fact that the number twelve is used symbolizes the unity of Israel. Meanwhile, in Jos 24:26 we read 'a great stone' (**לְעֵדָה כִּי שָׁמְעָה אֵת כָּל-אֲמֵרֵי יְהוָה אֲשֶׁר-דִּבֶּר עִמָּנוּ**) is erected for witnessing (Jos 24:27) to the renewed covenant relationship between God and Israel. **מִצְבֵּה** in Ex 24:4 seems to have both the functions found in Jos 4:20 and Jos 24:26ff. Thus the fact that the number of **מִצְבֵּה** is twelve stresses the unity of Israel (like Jos 4:22f.) so that they as a whole stand as the covenant party to God. And the fact that it is not just symbolizing the salvation history rather the making of a relationship between the two parties, emphasizes these stones witness to that relationship (like Jos 24:26ff.). This last corresponds with an interesting fact that Moses builds **מִצְבֵּה** as well as the altar. On an occasion when a relationship is established between the two parties it is quite appropriate that the objects represent both parties.

502. U. Cassuto (1967, 311) holds that two contracting parties will stand facing with each other. The altar represents the glory of the Lord, whilst the pillars will represent the tribes of Israel.



This verse deals with the offering and concerns two important issues : (1) the offerer (וַיַּעֲלוּ עֹלֹת וַיִּזְבְּחוּ וַיִּבְחֹמוּ שְׁלָמִים לַיהוָה פָּרִים), and (2) the offering (נְעָרֵי בְּנֵי יִשְׂרָאֵל).

### (1) The offerer

Moses appoints נְעָרֵי בְּנֵי יִשְׂרָאֵל, which is a unique expression in the cult of the OT, as the offerers. A. Dillmann holds that the function of these young men is like that of the levites to assist the priests which was a common practice in the ancient world (e.g. in Athen).<sup>(503)</sup> However, according to J.H. Kurtz<sup>(504)</sup> this comparison is too general to apply here. He insists that here the young men are not assistants of the priests, but they have an essential and independent function in this ceremony. In the OT the phrase *hi. + עלה* is used exclusively of the person sacrificing (e.g. Lev 17:8) or of the officiating priest himself (e.g. Lev. 14:20). The young men should be considered as the offerers.

J.H. Kurtz's view is confirmed by a close look at the present text compared with other cases in the OT. In 24:5 we read of two offerings (the burnt offering and the fellowship offering). These offerings are offered in two ways. In public sacrifice the slaughter is carried out by the cultic personnel.<sup>(505)</sup> However, if it is not a public offering, the victim is presented by the offerer himself, who places his hand on its head. Then the offerer himself cuts the victim's throat at some distance from the altar. The clearest examples are in Lev 1-3. Comparing these two cases (public, non-public) we realize that the offering in Ex 24:5 is close to the second, the laws of offering in Lev 1-3. Dt 21 is a similar case.<sup>(506)</sup> Interestingly, in Ex 24:5 not only Moses but also Aaron, Nadab and Abihu, appearing in 24:1,9, do not participate in the offering action. E.W. Nicholson<sup>(507)</sup> argues that the separate roles of 'the young men of Israel' and Moses described here conforms to the

503. He (Ex,257) followed Oehler. Also H. Holzinger (Ex,105), G. Beer (Ex,127), U. Cassuto (1967,311) and R.S. Hendel (1989,379) hold that these young men take the priestly role or proto-levites. R.de Vaux (1961,355f) opens two possibilities, either they function as the priests or as the individual offerants. See F.C. Fensham (Ex,182) about three meaning of this phrase.

504. (1863,323).

505. For example Ez 44:11 states that the slaughter is the task of the levites. And in 2 Chr 29:22,24 the victims are sacrificed by the priests and in 2 Chr 29:34, 35:11 the victims are cut up by the priests assisted by the levites.

506. Although the priests are present in Dt 21, because of the specific case (i.e. unsolved homicide) the sacrificing action should be carried out not by the priests but by the elders and judges. D.R. Hillers (1990,356), following M. Weinfeld (1972,210f.), points out that this ceremony is clearly thought of as part of *legal life*, not as part of ordinary sacrificial praxis.

507. He (1982,81; 1986,170) depends on R.de Vaux (1960,209; 1961,356) : 'For the priest in the OT is not strictly a "sacrificer" in the sense of an "immolator". He may have at times taken care of the slaughtering of a victim, but this was always an accessory function and was never his exclusive privilege. — The priest's role began when they had to use the blood, partly because this was the holiest part of the victim (Lv 17:11,14), but mainly because the blood had to be brought into immediate contact with upon the altar that part of the sacrifice which belonged to God. Indeed, this ruling was so absolute that when the victim was a bird and had to be killed on the altar itself, the person bringing it lost his right to put it to death (Lv 1:14-15; 5:8).' He gives further examples except Ex 24:3-8 (Lev 1:5, 32:8, 13:4, 24:29,33).



normal procedure of sacrifice.<sup>(508)</sup> To the former is assigned the task of immolating the sacrificial victims (i.e. the task of active offerer), and to Moses the priestly task of manipulating the blood of these sacrifices upon which the emphasis lies. In other words, the difference between the function of the offerer and that of the priests in the ordinary offering (e.g. Lev 1-3) is quite similar to that of the difference between the function of the young men of Israel (נְעָרֵי בְנֵי יִשְׂרָאֵל) and that of Moses.<sup>(509)</sup> Therefore, Moses' sending (שְׁלַח) the young men 24:5 does not necessarily mean that the young men are just acting as the priestly assistants of Moses. This action of Moses (שְׁלַח) merely means that the whole ceremony is controlled by the legitimate mediator appointed from God and requested by the people (20:19f.), just as the offering in Lev 1-3 must be controlled by the priests. As in Lev 1-3 the lay offerer takes the initiative, so too the action of נְעָרֵי בְנֵי יִשְׂרָאֵל in Ex 24:5 is that of the voluntary offerers. Now let us look at (i) the function of Moses and (ii) that of the young men.

(i) Moses standing between God and Israel functions not only as a mediator for receiving God's will but also as a person who ratifies the covenant between the two parties. Is his function that of the priest? A. Cody<sup>(510)</sup> suggests a solution to this matter. He holds that the blood ritual seems rather to be inspired by the non-sacrificial blood-rites of ancient semitic religion, amalgamated here with the covenant sacrifices. Such blood-rites were performed not by priests but by kings and chieftains. Moses' function in Ex 24:3-8 is similar to kings and chieftains.<sup>(511)</sup> The comparative material is striking. The blood sprinkling on the altar (24:6) is unlike that of the normal sacrifice, because only half of the blood is taken and sprinkled on the altar but the rest half is sprinkled on the different object (24:8), with which we shall soon deal (2.12.1.4). It is also clear that here Moses does not perform the ordinary work of a priest. He functions as the mediator of the relationship who imposes the oath on both parties. However, since in Israel the priest stands between God and the people and pleads on the one hand for the people (e.g. forgiving of sin) but on the other hand he makes pronouncement for God (e.g. declares his will or blessing), it is also possible that Moses here acts as a priest. Therefore, we cannot decide whether Moses works as chieftain or as priest. Despite this uncertainty about the position of Moses, it is undeniable that he works as the ratifier of the covenant.

(ii) Although it is not clear whether נְעָרֵי בְנֵי יִשְׂרָאֵל perform all the actions done by the normal offerer (e.g. laying hands on the bulls), the real concern of the author is not the

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508. In this point he effectively criticises E. Zenger (1971,207f), S. Mittmann (1975,152,154) and F.-L. Hossfeld (1982,182). These commentators consider 24:6 as a product of deuteronomistic redactor, because they cannot see the connection between 24:5 and 24:6.

509. From the analysis of two regulations of burnt offering (in case of בֶּקֶר / צֵאֵן Lev 1:3-9,10-13) and of peace offering (Lev 3:1-16) we find a clear example of the difference of the tasks and the cooperation between the offerer and the priests in each process of the sacrifice.

510. (1969,43).

511. In order to prove this assertion he cites the investigation of M. Höfner (1957,77-85) that the chieftain or the king but not the priest has a special function of covenant making between their God and their people.



detailed description of the all stages of the offering.<sup>(512)</sup> The most important point for the author is that the young men sacrifice as the junior representatives of all Israel on this special occasion. Most probably, the intention of the lengthy report **וַיַּעֲלוּ עִלְתָּ וַיִּזְבְּחוּ וַיִּזְבְּחוּ וַיִּזְבְּחוּ** (24:5b) is to tell the reader / listener that the young men act as the offerers.<sup>(513)</sup> If we consider the normal process of burnt and peace offering, we can imagine that except the ritual of blood sprinkling by Moses (24:6-8) other actions are done by the young men (e.g. skinning, dividing, and washing the body of offerings). Interestingly enough, the seventy elders of Israel as the representatives of the people do not perform this action. The voluntary character of the young men's action corresponds with the vow characteristic of the two offerings about which we shall see soon (2.12.1.3.(2)). This means that the meaning of this ceremony of 24:3-8 should be understood in terms of a vow.<sup>(514)</sup> As some commentators point out, therefore, it is significant that these offerers are not called simply as 'the young men' but as 'the young men of Israel'.<sup>(515)</sup> The author has a special intention for his addition of 'Israel' and this intention is further verified by the similar expressions for the persons of this covenant ceremony :

- (a) **נְעָרֵי בְנֵי יִשְׂרָאֵל**, but not 'the young men' (24:5)
- (b) **שִׁבְעִים זִקְנֵי יִשְׂרָאֵל**, but not 'the seventy elders' (24:1,9)
- (c) **אֱלֹהֵי יִשְׂרָאֵל**, but not 'the God' (24:10a)
- (d) **אֲצִילֵי בְנֵי יִשְׂרָאֵל**, but not 'the noble' (24:11a)

All these unusual phrases in the same context emphasize that God and the people of Israel now ratify the special relationship, and Israel is now the legitimate people of YHWH. In this case 'Israel' functions as *the keyword* in the sections of covenant ceremony.<sup>(516)</sup> In this sense 'the young men of Israel' in 24:5 have an official role in this important ceremony for the people Israel. They function as one part of the representatives of the people who actively participate in making the covenant relationship just as the voluntary offerers do.

512. Within comparatively long section of 24:3-8 the author omits many detailed activities of the offerers (e.g. laying hand, slaughtering, skinning, etc.) found in the regulations in Lev. He simply mentions 'they offered burnt offerings and sacrificed the fellowship offering'. However, in place of this simplicity, he describes the new and specific aspect of this ritual in detail, i.e. the activity of Moses (24:6-8).

513. Rde Vaux (1964,38).

514. These young men are *the junior Israelites* compared with the leaders of Israel, *the senior Israelites* who perform their own role in 24:9-11. See further 2.13.12. Ehrlich (1,362) compares **זִקְנֵי בְנֵי יִשְׂרָאֵל** ('Gemeinderat') and **נְעָרֵי בְנֵי יִשְׂרָאֵל** ('Gemeindediener'), which seems to be a useful categorization. Except these two categories, there is another category in this scene of ceremony : 'all the people' take part in this ceremony by showing the unanimous acceptance for God's condition. In terms of participation by the people the whole action in 24:3-11 is divided into two stages : (i) the offering and the ritual in 24:3-8 where a certain action was performed by *the junior Israelites* (**נְעָרֵי בְנֵי יִשְׂרָאֵל**), and (ii) the joyful celebration of the covenant ratification (24:9-11) where *the senior Israelites* (**זִקְנֵי בְנֵי יִשְׂרָאֵל** 24:11) take part. Both groups act as the representatives of Israel towards YHWH in the covenant celebration.

515. W. Beyerlin (1961,47 = 1965,39).

516. See M. Buber (1936,211-238) and others for the use of this term.



## (2) The offering

The second issue in 24:5 is the function of the offerings **וַיִּזְבְּחוּ זִבְחֵי שְׁלָמִים**: **לְהוֹדוֹת פְּרִים**. What purpose do these sacrifices fulfil in this section? Why not only **עֹלֹת** or **זִבְחֵי שְׁלָמִים** but both of them? Firstly, we consider now both offerings separately in order to find the meaning of each offering in the present context among its various uses in the OT. And then we look at the common aspect of both offerings.

The first offering given by the young men of Israel are the burnt offerings (**וַיִּעֲלוּ עֹלֹת**). **עֹלָה** (עלוֹת) is used in three cases in the OT: (i) reconciliation between God and man, (ii) thanksgiving for God's guidance or keeping of his promise, or (iii) man's promise of obedience to God of God's word or vow.<sup>(517)</sup> The first case (e.g. the normal cultic sacrifice) is not suitable for the present context, because, as we have seen (2.1.2.1), according to the plan of the author Israel is not considered to have committed sin before the Sinai pericope.<sup>(518)</sup> The second aspect, thanksgiving for God's guidance or keeping God's promise<sup>(519)</sup> does not fit in with the present case, because this purpose does not seem to be expressed for the past event (e.g. Ex 18:11-12, Lev 12:6, 14:13,19, 15:15,30), but 24:3-8 is something about the future related to the resolution of Israel to keep God's word. The third case (e.g. 1 Kings 18:38-39, Gen 22, 1 Sam 15:22, Ps 40:7 (ET 40:6)), man's promise or vow towards God<sup>(520)</sup> is most suitable in this case, because the people's unanimous proclamation to keep the word and laws of God (24:3,7) is similar to a vow.<sup>(521)</sup>

The phrase for the second offering (**וַיִּזְבְּחוּ זִבְחֵי שְׁלָמִים**) is only found here and in 1 Sam 11:15. The usual expression is either **זִבְחֵי (ה) שְׁלָמִים** or **זִבְחֵי שְׁלָמִים**<sup>(522)</sup> or **זִבְחֵי** alone or **שְׁלָמִים** alone<sup>(523)</sup> It seems to be the consensus that **שְׁלָמִים** is in explanatory apposition to **זִבְחֵי** and this phrase can be compressed into **זִבְחֵי שְׁלָמִים**<sup>(524)</sup> There are three kinds of use of the fellowship offering in the OT, (i) confession offerings, (ii) vow offerings, or (iii)

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517. GJ. Wenham (*Lev*,58,63).

518. B. Baentsch (*Ex*,216): 'Das Blut kommt lediglich als Bindemittel in Betracht; von einer Sühn- und Heiligungskraft ist hier nicht die Rede.' And also the fact that although in 23:19-33 there is conditional blessing but no mention of negative warning or curse against breaking of the law alludes to the fact that the reconciling aspect of the offering is not necessary in the present context.

519. R.de Vaux (1964,37) holds that the distinct meaning of this rite is an act of homage, expressed by a gift.

520. In Pss 4,5,40,50,66 all factors of confessions of faith, protestation of obedience, and fulfilling vows intermingle and intertwine with each other.

521. GJ. Wenham (*Lev*,58: 'Sacrifice and obedience are contrasted with the implication that sacrifice ought to express obedience').

522. L. Perlitt (1969,196,n.3) and E. Zenger (1971,245,n.71-72).

523. R.de Vaux (1964,32).

524. A. Dillmann (*Ex*,256), W.B. Stevenson (1950,402f.: **זִבְחֵי (ה) שְׁלָמִים** or **זִבְחֵי שְׁלָמִים** seems to be the official priestly use and the simple form **שְׁלָמִים** and **זִבְחֵי** could be popular abbreviations), W. Beyerlin (1961,45 = 1965,37), R.de Vaux (1964,50), R. Rendtorff (1967,151, only **שְׁלָמִים** is original), E. Zenger (1971,75), L. Perlitt (1969,196,n.3). R.de Vaux (1964,47 and n.3) holds that **שְׁלָמִים** is an explanatory adjective. However, B.A. Levine (1974,28n.69), appealing to GK § 131-d ('collocation of genus and species'), rightly considers this as apposition relevant to the content of a thing. G.A. Anderson (1987,51) holds that the plural form is an intensive or emphatic plural from *šalmu*. Akk. counterpart *šulmu* (qutl) is derivative from an original stative-adjective base *šalim(a)*. This stem is common Semitic and means 'healthy, completeness or well-being'. The expected original meaning for this noun would be 'health', 'completeness' or 'well-being'. Its related qatāl noun became the standard salutation in Hebrew and Arabic.



free-will offerings.<sup>(525)</sup> The first case is when man seeks God's future deliverance (Jud 20:26, 21:4, 2 Sam 24:25) or he has already been delivered (Ps 56:13-14), and this latter is similar to the second case the vow offering. The first case is not suitable to the present context, because this section within the Sinai pericope is not directly related to the past or future deliverance but rather it is about the future *relationship* between God and the people.<sup>(526)</sup> The third, free-will offering (Ex 35:29, Ezra 1:4, 8:28, Ps 54:8 (ET 54:6), Dt 16:10), is a spontaneous act of generosity by the worshipper, prompted by God's goodness, and this is also far from the situation of the present context. The second case (Gen 28:20-21, 1 Sam 1), the vow offering is quite similar to the cultic situation of Ex 24:3-8, because of the similar reason for the definition of the characteristic of the burnt offering, i.e. the people's unanimous acceptance of God's law proclaimed twice (24:3b,7b).<sup>(527)</sup> B.A. Levine<sup>(528)</sup> draws the conclusion that specific sacrifice is not essential to the process of covenant enactment (e.g. Gen 21:27-32, 1 Sam 18:3-5, 20:16-17, 2 Kings 11:4, Jos 24:25-27, 2 Kings 23).<sup>(529)</sup> However, at least three cases show a consistent pattern of offering of the burnt offering and the fellowship offering in case of covenant making or renewal :

Ex 24:5	וַיִּזְבְּחוּ זִבְחֵי שְׁלָמִים	עֹלֹת	וַיַּעֲלוּ
Dt 27:6-7	וַיִּזְבְּחוּ זִבְחֵי שְׁלָמִים	וְעֹלֹת	וַיַּעֲלוּ עֹלֹת עֲפֹלֶת לַיהוָה אֱלֹהֶיךָ
Jos 8:32	וַיִּזְבְּחוּ זִבְחֵי שְׁלָמִים	וְעֹלֹת	וַיַּעֲלוּ עֹלֹת לַיהוָה

All three cases involve creating or renewing a covenant relationship between God and the people in which the aspect of vow is essential. Therefore, we conclude that the two types of offering are used together to make the covenant vow.

525. G.J. Wenham (*Lev*,78), and further for the general characteristic of this offering R.de Vaux (1964,32ff) and B.A. Levine (1975,38,n.97). To find out the real meaning of offering it is better to categorize the practical use of each offering than to define the ontological meaning of each offering. For instance R. Smith's (1927,passim) ontological categories of offering, communion, gift, or atonement (in R.S. Hendel,1989,368), cannot stand securely because the practical uses are so diverse that one definition usually falls short of explaining the complex use. R.S. Hendel (1989,369), following H. Hubert and M. Mauss (1964,7), rightly criticizes the problem of this kind of 'essentialism' and 'genealogical method' that a single, essential idea can be found in one form of offering and this idea is stable throughout the history of the rite : '...the choice of a single principle underlying sacrifice is illusory, whether the principle chosen be gift, atonement, communion, or some other; the meaning of a rite, according to Hubert and Mauss, is determined by the place of that rite in the culture's "system of consecration". The primary locus of meaning is the system of religious concepts, not a single postulated essence that guides a rite through history.' For the present text, 20:24, he (1989,371f.) correctly judges that 'there is nothing mentioned here of mystical communion, propitiatory gifts (i.e. the theory of B.A. Levine : the biblical זִבְחֵי שְׁלָמִים would closely parallel the šulmānu gifts of the Assyrian kings ritual, contra this see G.A. Anderson (1987,49)), purification, or atonement.'

526. Although 19:4 in the first section of the Sinai pericope contains the aspect of the salvation history, it does not directly affect the content of this section, 24:3-8. And the thankfulness is further expressed in the following section, 24:9-11, but not yet here.

527. G.J. Wenham (*Lev*,79 and cf. 77), although he opens three possibilities of the meaning of this offering in the covenant context, seems to prefer to the idea that this offering is linked with the vow of Israel to keep the covenant. Although it is too much to term this offering as 'covenant sacrifice' (cf. R. Schmid,1964, correctly pointed by E.W. Nicholson,1973,74), in the covenantal context (especially Ex 24:3-8) this offering demonstrates the complete fidelity of the worshipper(s) to the Lord of the covenant.

528. (1974,37f. and n.93).

529. 'No particular type of sacrifice, in and of itself, served as the special means for dramatizing the covenant (or covenants) operative between Yahweh and Israel. ... As far as the enactment of covenants is concerned, the use of sacrifice, where attested, represented only one of several available for the celebration or sanctioning of a covenant.' Eg. Gen 31:54, Ps 50:5.



These conclusions on both offerings<sup>(530)</sup> mean that the two offerings, the burnt offering and the fellowship offering have the common character of *a vow offering*. This means that we do not need to think there should be the aspect of atonement in these two offerings, although slaughter takes place.<sup>(531)</sup> To offer these two offerings at the same cultic occasion<sup>(532)</sup> which have the common aspect of vow stresses interestingly the character of this section (Ex 24:3-8), i.e. the people's proclamation of the wholehearted acceptance of God's law. In general, a vow presupposes a certain condition in which the votary decides to be constrained voluntarily, and in 24:3-8 God's law, proclaimed and written, functions clearly as the condition of the vow.<sup>(533)</sup> Although, therefore, the vow aspect in this case is primarily related to the acceptance of God's law, it is more fundamentally related to the first unanimous proclamation of acceptance by the people (19:7) of the covenant relationship. In other words, the vow aspect in these two offerings is nothing less than the vow aspect in making the covenant relationship with God.<sup>(534)</sup> This vow aspect is vividly illustrated by (i) the unanimous proclamation of acceptance by the people, and (ii) the blood ritual in 24:6,8 performed by Moses. Going a step further, this vow aspect is more clearly pictured by the blood ritual elaborated in detail in this section about which we shall see soon.

The description of the offerer's role in Ex 24:5 is quite simple compared with the detailed one in Lev 1-3. Meanwhile, the detailed description of the blood ritual in this section (two divisions, 24:6, 24:8) contrasts with the simple regulation of the blood ritual in Lev 1-3. This phenomenon seems to be prompted by the special purpose of this section.

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530. Although the use of both types of offering in one occasion is an important study topic, it is far beyond the scope of this thesis.

531. Therefore, B.A. Levine's assertion (1975,37,38f.,41) about the character of the offering of the present section is wrong, because he assumes that there is always atoning or sanctifying aspect in these offerings (i.e. ontological approach): 'Sacrifices were not the essential instrumentality by which covenants were put into force. They were not even a constant component in the formalities of covenant enactment. ... The inner dynamic of the sacrificial cult bore its own intrinsic efficacy and did not exist for the principal purpose of sanctifying the covenant. The penchant among scholars for etymologizing the term *šelāmim* in a manner that binds that sacrifice to the notion of covenant should, therefore, be recognized as artificial, and as a prime example of the pitfalls of etymology for historical research.' The examples of Gen 31:54 (זבֹח) and Ps 50:5 (עֲלִי-זֶבֶחַ) to support his assertion is not appropriate, because in both texts the authors want to describe only the general information of offering by using the general word זבֹח only without giving the detailed process of offering. In particular our criticism against Levine is true when we remember our conclusion of the study on the pericope before Ex 19 that there is no real concern for the punishment for the sin of the people before Ex 19 (21,21).

532. M.C.A. Korpel (1990,416,418), depending on J.C. de Moor (1970,112-117) and B. Janowski (1980,253ff.), holds that the most important types of sacrifices in Ugarit as well as Israel (e.g. Ex 20:24, 32c) are the burnt-offering [šrp] and the fellowship offering [šlm(m)].

533. E. Meyer (1906,554): it can be translated as the fellowship offering because it creates the 'Friedensverhältnis' between God and Israel). R. Schmid (1964,107,117) interprets this as 'das Opfer der Bundestreue'. E. Zenger (1987,200) aptly defines this section as 'Bundesritus' or 'Eideritus'.

534. G.A. Anderson (1987,49f.) insists that the *šelamim* offering plays a strong role in the national, or covenantal festivals of Israel (e.g. Dt 27:7, Jos 8:31, Ex 24:1-11), and that other nominal and verbal uses of the root *šlm* in Hebrew are explicitly covenantal (Jos 9:15, 10:4, 11:19, Judg 4:17, 6:24). Further in the ANET (e.g. *Archives Royales de Mari*, VIII:13 and *Die El-Amarna Tafeln*, J.A. Knutson (ed.)) 16222-24) he (p.50) finds the uses of this offering in the similar circumstance like that of the biblical covenant. T.H. Gaster (*ID,IV,155a*) holds that the fellowship offering has obvious common root with Akk. *šalim* ('pact', 'agreement') in the covenant ceremony.



In other words, the author does not aim just to report the offering action in 24:3-8, but he wants to draw attention to one aspect of it which is illustrated by the detailed description of blood ritual (24:6-8).<sup>(535)</sup> On the other hand he explains other aspects as simply as possible, for example the offerer's role (24:5).

In addition we point out two important characteristics of the fellowship offering which might be connected with the Sinai pericope : (i) the victim is immolated and it is shared between God (אֱשֶׁה לַיהוָה Lev 3:11, אֱשֶׁה לַיהוָה לְרִיחַ נִיחֹחַ Lev 3:16), the priest, and the offerer<sup>(536)</sup>, (ii) the distinct value of this ritual is that its joyful character is often emphasized.<sup>(537)</sup> The first point is not mentioned in this section, because the author describes the offering act itself in the whole section very simply compared with the regulations in Lev 1-3. In its place, however, the author wants to elaborate one aspect of the whole offering for the special purpose of this section, the blood ritual. However, because every fellowship offering culminates in a communal meal<sup>(538)</sup> which should take place at the divinely appointed sanctuary (Dt 12:6-7,11-12,15-19,26, cf. 1 Sam 1:3-4), we assume that this meal has been taken place anyway. And this meal is closely related to the festivity of this event where the partakers enjoy themselves. In the OT (e.g. Ex 32:5-6, 34:15ff., Dt 27:6f.)<sup>(539)</sup> and in the ANET there are many examples of official relationship (e.g. marriage, treaty, covenant, etc.) being sealed through a shared meal.<sup>(540)</sup> Therefore, the meal event in the following section Ex 24:9-11 is very naturally connected with the offerings (esp. the fellowship offering) in Ex 24:3-8. And the fact that the description of the bright theophany in 24:9-11 is totally different from the awesome theophany in Ex 19 alludes to the positive encounter between two parties and the joyful character of this meeting.

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535. The blood rites, which found no part either in Canaanite or Greek sacrifice, became an essential element in the עֹלָה and the שְׁלָמִים (R.de Vaux, 1964, 51, 27ff.).

536. R.de Vaux (1964, 32).

537. R.de Vaux (1964, 32) and W.B. Stevenson (1950, 493). This second point seems to be related to the first point, because by sharing the remaining meat of the fellowship offering the offerer(s) enjoy(s) the festivity with each other.

538. A. Rainey (*Judaica*, XIV, 604).

539. In these three texts we see three common aspects, (i) offering, (ii) meal of the offering, and (iii) festivity. Ex 32:5-6 (a. offerings : עלה + עלת / נגש + שְׁלָמִים, b. meal of the offering : אכל / שתח, c. festivity : צחק), Ex 34:15f. (a. offerings : זבח (verb), b. meal of the offering : וְאָכַלְתָּ מִזֶּבְחִי, c. festivity assumed by the fact that the Israelites could be invited to have meal of the offerings), Dt 27:6f. (a. offerings : עלה + עלת / שְׁלָמִים, b. meal of the offerings : אכל שם, c. festivity : שמח).

540. G.A. Anderson (1987, 50f.). He argues that the *šalamim* offering is best defined as a festive meal consumed. It presumes an environment of friendly accord as the partakers share a common meal. This environment of friendship and harmony seems to make the sacrificial feast to have a covenantal quality. As it has so often been observed, the terminology of covenantal partnership presumes such an environment. Further he insists (1987, 52) that the alliance itself is sealed not only through a common meal but also by an exchange of gifts (Akk. *šulmānu ša isinni*, 'the isinnu festival gift' (EA 320)). The partners exchange their daughters or sons to cement their family relationship and they share also their most precious possessions in a highly symbolic gift-exchange act. It is precisely how *šulmānu* acquires its meaning 'gift'. It is not original to the root, as B.A. Levine assumes. Rather it follows from the greeting formula(s) of friendly (royal) correspondents. The creation of 'accord', or 'well-being' (*šalmu*) is associated with some type of symbolic act. In the ANE, one does not simply 'wish' well-being (*šalmu*) for another, or between two parties. This desire for accord is almost often accompanied by symbolic act.



#### 2.12.1.4. 24:6-8 (The blood ritual).

24:6 וַיִּקַּח מֹשֶׁה תְּצִי הַדָּם וַיִּשֶׂם בְּאֵזְנֵי וְהֵצִי הַדָּם זָרֵק עַל-הַמִּזְבֵּחַ:  
 7 וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם וַיֹּאמְרוּ כֹּל אֲשֶׁר-דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע:  
 8 וַיִּקַּח מֹשֶׁה אֶת-הַדָּם וַיִּזְרֹק עַל-הָעָם וַיֹּאמֶר הִנֵּה רַם-דַּבְּרֵי אֱלֹהֵי כְּרַת יְהוָה עִמָּכֶם עַל  
 כָּל-דִּבְרֵי הָאֱלֹהִים:

In 24:6-8 the attention of the author reverts to that of Moses which continues from 24:3 to 24:5a and is interrupted by the action of *וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם* in 24:5b. The main problem caused by this apparent interruption of Moses' action by the offering of 'the young men of Israel' is how we should connect the previous action in 24:3-5a with the present action in 24:6-8. Subsequently, the meaning of the blood ritual in 24:6-8, which is explained in exceptional detail, is the crucial theological issue of 24:6-8. There are commentators who doubt the original continuity between two actions of Moses in 24:3-5a and 24:6-8.<sup>(541)</sup> This problem is closely related to the interpretation of the function of *וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנֵי הָעָם* in 24:5b.<sup>(542)</sup> As we have already seen in the study of 24:5 (2.11.1.3), Moses functions as *the officiant* like the priest(s) in Lev 1-3 and the young men function as *the voluntary offerers*. Therefore, the resumption of Moses' activity after mentioning the young men's offering is quite understandable when we consider the continuous role change between the priests and the offerer in the burnt - and fellowship offering in Lev. 1-3.<sup>(543)</sup>

The most controversial issue in the section 24:3-8 is the blood ritual (24:6-8). The division of the sacrificial blood into two portions, a unique feature in all cultic regulations of the OT puzzles commentators. In particular, after sprinkling the second half of the blood on the altar (24:6), why is there no mention about the first half of the blood directly in this verse or in the next verse (24:7)? Only in the following verse (24:8) we read once again the treatment of blood, however not 'the (first or remaining) half of the blood' but just *the blood* (הַדָּם). Is this blood (24:8) the first half of the blood remaining after sprinkling the second half of the blood on the altar? Finally we have the crucial theological question, what function does the division of the blood into the two portions have in this section?

541. For L. Perlitt (1969,198-200) 24:6 is *die selbstverständliche Fortsetzung und Vervollständigung* of the sacrifice ritual. E. Zenger (1971,75,179,200) holds that this is the work of the deuteronomist.

542. L. Perlitt (1969,196) holds that the offering of the young men in 24:5b alludes to the fact that they enjoy the ancient cultic freedom, and therefore this report is based on an old tradition which came at least before the pre-monarchical period in Israel. However, such kind of cultic freedom does not necessarily warrant the old dating of this report of 24:5b, because even in the institutionalized cultic system (Lev 1-3) the active involvement of the laymen to the sacrifice as offerer for their individual cases is presupposed. Furthermore, it is nearly impossible to interpret the reason why this *would-be* ancient material of 24:5 was suddenly inserted to the present context in this specific action.

543. E.W. Nicholson (1986,170) rightly explains that in Ex 24:3-8 the emphasis is laid on the blood ritual (24:6-8), but the offering (24:5b) is the necessary preliminary to the blood ritual. In this respect he, following R.de Vaux (1961,356), understands similarly to us, although he cannot point further that 'the young men of Israel' function as the covenant party (i.e. as the junior Israelites) together with 'the nobles of Israel' (i.e. as the senior Israelites, 24:11) towards God, because he understands that the young men have the function of the priestly servants.



To solve these problems three topics have to be looked at : (1) earlier studies on these problems, (2) the function of the blood ritual, (3) some exegetical points.

### (1) The studies on 24:6-8

There are three opinions about this blood ritual. The first is more traditional, a covenantal understanding, the second is a non-covenantal understanding, and the third one stands between these two poles.

(a) The traditional and common understanding of this blood ritual is that it constitutes part of the covenant ceremony.<sup>(544)</sup> U. Cassuto<sup>(545)</sup> holds the classic view that to sprinkle the second half of the blood (24:6) on the altar representing the Lord<sup>(546)</sup> corresponds with to sprinkle on the people (24:8). This action represents the joining together of the two contracting parties (*communio*), and symbolizes the performance of the covenant making between them.

However, in most cases these commentators lack the detailed exegetical explanation, and therefore it is impossible for them to point out which specific aspect(s) of the covenant ceremony this ritual takes. F.C. Fensham<sup>(547)</sup> insists that in this case the altar represents YHWH and through sprinkling the blood on the altar YHWH participates in the covenant, which can be shown by burning of the blood. However, F.C. Fensham's understanding that the participation of God in the covenant ritual is made clear by consuming the blood by the fire is exegetically ungrounded. When the blood is sprinkled towards (and around) the altar in the usual cultic situation, primarily this action is not for being directly consumed by the fire but as the symbol of God's acceptance of the blood, the essence of life.

(b) The opposite interpretation of this blood ritual is the non-covenantal understanding. L. Perlitt<sup>(548)</sup> objects to the idea that this blood ritual is an aspect of the covenant ceremony between God and Israel. His main reason is that *אֶת־הַדָּם* in 24:8 does not mean the first half of the blood kept in the vessel (*וַיִּשֶׂם בְּאֵזְבֵּית*) in 24:6, but it means the whole blood. 24:8 has to be seen separately from the rest of the section. The use of the blood here has the same motif as other blood sprinklings (e.g. Ex 29, Lev 4:6f.,13-35, 9:8, 15:23f.).<sup>(549)</sup>

As E.W. Nicholson<sup>(550)</sup> claims, however, that some cases in the OT (Ex 29:12, Lev 4:6f.,13-15, 9:8, 15:23f.) show that the ritual blood can be divided for special purpose. Further

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544. For example G. Beer (*Ex*,127), M. Noth (*ATD,Ex*,160f. = *OTL,Ex*,198), and G.te Stroete (*Ex*,186).

545. (1967,312).

546. G.te Stroete (*Ex*,186) and J.P. Hyatt (*Ex*,256).

547. (*Ex*,183).

548. (1969,198ff.).

549. E. Kutsch follows a similar line. He (1973,26ff.) deals with the meaning of the second half of the blood (i.e. sprinkling towards the altar Ex 24:6, *Sühnehandlung, Sühnung zu schaffen*), proposed already by R. Krätzschmar (1896,84f.), differently from that of the first half of the blood (i.e. sprinkling towards the people Ex 24:8, *Verpflichtung, Blut der Verpflichtung*). The meaning of the first action cannot be separated from the second one. See further the following argument against the division of 24:6 and 24:8.

550. He (1982,80f.; 1986,169f.) follows D.J. McCarthy and A.D.H. Mayes.







This means the first half of the blood is indispensable within 24:6 and it is adequate to assume that this first half of the blood is kept for the use in 24:8.

(c) E.W. Nicholson<sup>(556)</sup> stands between these two poles. He tries to understand this action in the light of other biblical examples of blood sprinkling. He starts from the general notion that blood is holy and therefore blood brings the concept of holiness to the object which touches the blood. In our text to sprinkle the blood on the altar (24:6) means to be devoted to God, and to sprinkle it to the people (24:8) is to make them holy, i.e. make them the holy people (גוי קדוש) promised in 19:6. In order to ground this argument more fully he<sup>(557)</sup> presupposes the relationship between 19:3-8 and 24:3-8<sup>(558)</sup> The Israelites are solemnly commissioned for the service of God (i.e. functional understanding), just as the consecration of priests is a commissioning to the office of priest. This solemn commissioning of Israel is recorded in 24:3-8. Going a step further, he<sup>(559)</sup> insists that 24:9-11 is drawn into 24:3-8 by the redactor and through his redactional work 24:9-11 portrays *God's drawing-near to this people and their acceptance by God*. Two key issues of E.W. Nicholson are (i) the interpretation of the promise in 19:5b-6a and (ii) the blood ritual.

About the first point, as we have already discussed (2.4.3.4. & 2.4.3.5.) in the text and in the context of 19:5b-6a, God does not announce the job (or mission) of Israel among nations but only their special chosen status among all the people. Therefore, their function or work for the nations (i.e. functional understanding) is not the concern in 19:5b-6a. If the covenant concept is intrinsic not redactional in 19:3-8 and 24:3-8 (see below), E.W. Nicholson must solve several problems related to the whole Sinai pericope.<sup>(560)</sup>

The second point, the blood ritual is related to the first point. It is hard to believe, as E.W. Nicholson does, that 24:3-8 is a kind of commissioning ceremony *to do a certain work* among the people. Rather it is a kind of oath ceremony through which Israel

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that the breaking of 24:7 is intentional) for performing the ritual in this manner in order to do the action needed before doing the second sprinkling (24:8), (i) the pronouncement of the document of the relationship (24:7a,b) and (ii) the people's approval (24:7c). With this practical reason the change of order emphasizes the connection between the two blood sprinklings.

556. (1986,172f.).

557. In this point he follows B.S. Childs (Ex,502f.).

558. J.H. Kurtz (1863,325-327) proposes a similar argument. The division of blood is not related to the fact that there are two covenant parties, because this blood ritual has two characteristics, negatively 'expiation' and positively 'consecration of the people'. However, although in this text there are formally some similar aspects to the consecration of the priest (Ex 29:21, Lev 8:30), the characteristic of consecration (for some object) cannot be traced in our text. As we shall see in the criticism against E.W. Nicholson it is impossible to prove positively that these two characteristics of J.H. Kurtz (i.e. expiation and consecration) are present in this context.

559. (1986,173f.).

560. For instance if then it is self-evident that we have to find the reference of *the condition* (קְלִי / בְרִית) regulating the covenant, and then where is the condition of the covenant which is not revealed in 19:3-8? If we should find this condition after 19:3-8, is it not quite natural that we can find that condition, regulation in the law sections (the decalogue and 20:22-23:33) after 19:3-8? How can he explain the function of *the insertion* of the theophany section (19:9-25) between this initial covenant proposal and acceptance (19:3-8) and the section of covenantal condition (law section) in the Sinai pericope? If he does not follow E. Kutsch's definition of בְרִית, how can he explain the function of the covenant in the whole Sinai pericope? If בְרִית is not solely the promise or the obligation but has both aspects, how do both aspects function in the individual sections of the Sinai pericope (cf. D.J. McCarthy (1972,111; 1985,43) gives a right observation about this point)?



confirms a new relationship with God. In this respect Nicholson's concept of *גוי קדוש* of *גוי קדוש* in 19:6a is untenable. As we have seen in the exegesis of 19:5b-6a (2.4.3.4. & 2.4.3.5.), *גוי קדוש* should be viewed in relation to two other promises in 19:5b (*סגולה*) and 19:6a (*ממלכת כהנים*). All these three terms are not related to the general concept of 'cleanness' or 'consecration' but to Israel's status as God's *chosen* people, which is separated from other people.<sup>(561)</sup> Therefore, the general concept of holiness has not to be applied to the interpretation of 24:3-8. Furthermore, although he rightly criticizes Perlitt's interpretation of *הדם* in 24:8 (*the whole blood*), he himself does not pay enough attention to the significance of the fact that the blood is divided into two portions. This specific and detailed information has to be regarded as the result of the intention of the author.<sup>(562)</sup> A more important criticism of E.W. Nicholson's understanding arises from his avoidance of the term *covenant* for characterizing this section and the whole Sinai pericope.<sup>(563)</sup> If there is no clear proposal of the covenant idea in the Sinai pericope, what kind of relationship between 19:3-8 and 24:3-8 is possible? On what condition can Israel enjoy such a wonderful status in 19:3-8, even if we follow Nicholson's understanding of the meaning of the blood ritual? E.W. Nicholson faces the same problem which all analytical commentators face in the Sinai pericope. They can explain a meaning of one section, but they ultimately cannot explain the meaning of a section within the whole Sinai pericope and the complex relationship between various sections within the Sinai pericope.

## (2) The function of the blood ritual

The previous exegesis leads to the following conclusion :

(i) the connection of the sacrifice (24:5) and the blood ritual (24:6-8) is not denied by commentators, because the blood in the ritual in 24:6-8 undeniably comes from the offering(s) in 24:5.<sup>(564)</sup>

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561. E.W. Nicholson applies the functional understanding to the second promise of God *the priestly kingdom* (19:6a, 1986,172f.) as well as to the third promise of God *the holy people* (19:6a, 1986,173). For example '... that the universalistic role of Israel as *Yahweh's kingdom of priests* and his *holy nation* witnessing among the nations was conceived of ...' However, he does not consider seriously the importance of the first promise of God (*סגולה*) and how this promise can be connected with this functional understanding of these promises. This first promise (2.4.3.4.) undeniably represents the privileged position of Israel which, better than the commission for all the nations, fits in with the present covenantal context. As we have seen in our study on 19:3-8, the functional understanding of the three promises in 19:5b-6a is strange in the whole Ex, while the covenant making is alluded to so often especially before Ex 19. Still in the whole Pentateuch Israel's function as God's special tool for the benefit of all nations is very rare except some uncertain passages (e.g. Gen 12:1-3).

562. See the right observation of the information (*'carefully noted'*) by D.J. McCarthy (1972,117; 1985,49).

563. Only he (1986,172) positively cites B.S. Childs's covenantal understanding of Ex 24 and then he (1986,173 and further see the title of ch. 8 of his book *The Covenant Ritual at Sinai (Exodus 19:3b-8 and 24:3-8)*) seems to depend on the covenant idea for interpretation of the Sinai pericope to some extent: 'If Exodus 19:3b-8 as a whole is an anticipatory summary and interpretation of the nature and basis of the covenant, ...' Interestingly enough, in his treatment of ch. 8 of his book (1986,164-178), he does not deal with 19:3-8, which is the actual foundation of his understanding of 24:3-8, in detail and independently.

564. E. Zenger (1971,207f.), followed by S. Mittmann (1975,152,154) and F.-L. Hossfeld (1982,182), tries to avoid the difficulty of L. Perlitt by considering 24:6 as a product of the deuteronomistic redactor. E.W. Nicholson (1982,81; 1986,170), depending on R.de Vaux (1960,209; 1961,356), effectively argues against E. Zenger by showing that the separate roles of 'the young men of Israel' and Moses in 24:5ff. conforms to the normal procedure of sacrifice. To the former is assigned the task of immolating the sacrificial



(ii) 24:6 and 24:8<sup>(565)</sup> are connected with the division of the blood into the two portions and their use.<sup>(566)</sup>

Above these two points we should discuss further another issue which is crucial for the definition of this ritual :

(iii) the coexistence of 'סֵפֶר הַבְּרִית' (24:7) and 'דָּם הַבְּרִית' (24:8) in the same context.

It is D.J. McCarthy who sees the theological implication of the coexistence of these two phrases.<sup>(567)</sup> סֵפֶר הַבְּרִית appears also in 2 Kings 23:2,21 and we find another interesting phrase in the previous text סֵפֶר הַתּוֹרָה (2 King 22:8,11). Regardless of the outcome of the debate about the origin of these phrases and their contexts, it is interesting that the author uses the term הַבְּרִית not in the initial report of finding the document (2 Kings 22) but at the time when king Josiah made a covenant with the people (2 Kings 23). We gain the impression that because of the covenant ceremony in 2 Kings 23 the author (2 Kings 23:2) intentionally decides to use a different phrase for the same object in 2 Kings 22 (אֶת־סֵפֶר הַבְּרִית, הַבְּרִית הַנִּמְצָא בְּבֵית יְהוָה), although the covenant itself is not yet made (2 King 23:3).<sup>(568)</sup> This feature is exactly the same in Ex 24:6-8. It is very possible that the name סֵפֶר הַבְּרִית is derived not from the intrinsic character of the law book written by Moses (24:4) but from the fact that soon the covenant is going to be ratified upon the regulations or the conditions of the written law document. Similarly, סֵפֶר הַבְּרִית in סֵפֶר הַבְּרִית in this context does not necessarily represent any (deuteronomistic) theological pre-understanding of 'book theology' but can simply denote what Moses has written down in 24:4 and הַבְּרִית seems to recall what God has expressed as the covenantal conditions in 19:5 (2.4.3.3.). It is more obvious that the qualification of הַבְּרִית to אֶת־הַדָּם (24:8) also follows the same procedure of naming. The blood may be called as דָּם הַבְּרִית not because of its intrinsic character but because it is used for the covenant ratification ceremony which is in progress. In this manner the two phrases (סֵפֶר הַבְּרִית, דָּם הַבְּרִית) are connected with each other.

The points (ii) and (iii) mean that there is a connection between 24:6 and 24:8 as well as between 24:7 and 24:8. And this means a connection of 24:6-8. If we consider 24:6-8 as a

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victims, and to Moses the specifically priestly task of manipulating the blood of these sacrifices upon which the emphasis lies.

565. D.J. McCarthy, ADH. Mayes, E.W. Nicholson, J. Jeremias (1977,196) and Fl. Andersen.

566. E.W. Nicholson (1986,170) correctly criticizes L. Perlitt's neutralization of the meaning of blood-sprinkling with other ritual. For supporting this connection of 24:6 and 24:8 we suggest U. Cassuto's explanation of the triple use of וַיִּקַּח (24:6,7,8). U. Cassuto (1967,313) thinks that וַיִּקַּח in three consecutive verses (24:7a,7b,8a) indicates three important phases in the ceremony of the making of the covenant : the sprinkling of the blood at the beginning (24:6) and at the end (24:8), and the pronouncement of the document of the covenant and the assent of the people in between (24:7). F.-L. Hossfeld (1982,193) holds that the activity of 24:7 can justify the seeming discontinuity of 24:6 and 24:8. W.L. Moran (1961/2,127).

567. (1972,117; 1985,49) : 'Seen in proper order, they (both phrases 'סֵפֶר הַבְּרִית' (24:7) and 'דָּם הַבְּרִית' (24:8), TGS) complement one another and demand a complex view of בְּרִית. A full theology of בְּרִית will not suppress the difference but include it. The result may be a rather more cumbersome picture, a less systematic whole, than we can achieve by confining בְּרִית to the Deuteronomic view of it, but that is the price of completeness' B.S. Childs (Ex,506) also points out the significance of the phrase סֵפֶר הַבְּרִית in this circumstance for making this section as the covenant ceremony.

568. Further, we can compare the original expression in 2 Kings 23:2 (אֶת־כָּל־סֵפֶר הַבְּרִית) with the more expanded one in 2 Kings 23:3 (אֶת־דְּבָרֵי הַבְּרִית הַזֹּאת הַקְּתִיבִים עַל־הַסֵּפֶר הַזֶּה), our conclusion becomes more plausible.



whole, we face immediately the most knotty issue of this section : the ritual is unique in the OT and in the ANET, especially sprinkling of blood on the altar (24:6) and on the same occasion on the people (24:8). Methodologically if we cannot find another example of the same action described in detail in the OT or in the ANET, it is best to conclude not from the general meaning of sprinkling of blood on the altar (cf. the regulations in Lev), just as E.W. Nicholson does, but from the specific circumstance of this event or more precisely from the present context of 24:3-8 and within the broad context of the Sinai pericope. This is because one performance or symbolic action does not always have the same meaning in different situations, and this specific situation is far more important than the general meaning of the same gesture.

The arguments (i), (ii), (iii) lead us to suggest that there are specific situations in the section 24:3-8 :

(a) From the connection between 24:5 and 24:6-8 we realize that the sacrifice (24:5) is not an ordinary one for atonement, but for making an *oath* (2.12.13.), and the meaning of the blood ritual, whose blood is derived from the sacrifice, can be derived from the same meaning of oath.

(b) The blood is divided into the two portions (in relationship between 24:6 and 24:8) and the meaning of one portion can decide the meaning of the other.<sup>(569)</sup>

(c) The people are sprinkled with blood just after the people's pledge to keep the condition of God (in 24:7) and this fact is significant.<sup>(570)</sup>

Further we find a specific circumstance from the whole Sinai pericope<sup>(571)</sup> :

(d) This ritual should be interpreted in line with the grand scheme of the whole Sinai pericope, to make a certain relationship between the two parties, YHWH and Israel.

These four points lead us to conclude that this blood ritual together with the (verbal) oath of the people (24:7 esp. cf. 19:7, 24:3) can be best interpreted as *the confirmation ritual of the oath within the covenant ratification ceremony between God and the people*

569. In this respect the argument of E. Kutsch (1972,25ff.) is a good starting point. He defines the first sprinkling (to the altar) is a kind of 'Sühnehandlung' and the second one is 'Verpflichtung'. However, the first definition is not suitable with the context, because there is no sin concept here. His second definition seems to be right at least in a sense. 'In a sense' because he does not consider the whole range of issues of 24:3-8 together. If we accept his definition to the second one, we can try to interpret the first one with analogy of the second one. E. Zenger (1987,220) holds that the section 'in seiner Jetztgestalt' tells the first sprinkling for the 'Gemeinschaft' between YHWH and Israel and the second is for 'eine eidliche Inpflichtnahme des Volkes auf die Worte Jahwes'. Therefore, 'in beiden Fällen ist der ritus Symbol einer engen Lebens- und Schicksalsgemeinschaft des Volkes auf die Worte Jahwes durch Mose. Nicht ein Kompromiß der beiderseitigen Interessen, wie er sich in Verträgen niederschlägt, sondern die Inkraftsetzung jenes Bundesangebots, das Jahwe in 19,4-6 proklamieren ließ.' If we follow this interpretation, however, we cannot answer why the blood is reported to be divided into the two portions and the second half is used firstly and the second half is kept for the later use. And also E. Zenger's concept of covenant is narrowed one like that of E. Kutsch, which is untenable in the whole Sinai pericope. What 19:4-6 speaks, E. Zenger depends on these verses, is not just proclamation of God's law but a preliminary negotiation (proposal and negotiation) between two independent parties (see 2.4.4.2).

570. U. Cassuto (1967,313) holds that perhaps Moses throws the blood on the pillars that represent the twelve tribes of Israel. However, the text clearly tells that the blood is sprinkled not on *מִצְבֵּה* but on the people. Further, see M. Noth (ATD,Ex,161 = OTL,Ex,198).

571. See the previous studies of this thesis.



*Israel.*<sup>(572)</sup> This means that we are near to the first and the traditional interpretation of the blood ritual. The blood, which was sprinkled towards the altar, despite no clear explanation in the text, expresses the unspoken oath on God's part ; otherwise we cannot find a suitable meaning of this action in the context.<sup>(573)</sup> If we consider this section within the whole context of the Sinai pericope, the promissory proposal of the covenant relationship by YHWH (19:5-6a) speaks clearly that there is an obligation on YHWH's part. In 19:3-8 both parties, not only God but also the people have made the preliminary action (i.e. proposal and acceptance) to make a new relationship. So now YHWH has to do something official to assure them that he will keep the promises (the three items of 19:5b-6a) already pronounced initially, and the people also should do the same thing. This connection of 24:3-8 with 19:3-8 seems to justify our interpretation that the sprinkling of the second half of the blood on the altar (24:6) functions as the parallel action of the sprinkling of the first half of the blood (24:8) on the people. If we can interpret the latter (24:8) as a ratifying action, the spoken oath, we should do the same for the first (24:6). Therefore, the sprinkling of the second half of the blood<sup>(574)</sup> on the altar is the ratifying action of the oath (i.e. the unspoken now) on the part of God.

The blood itself in this ritual seems to convey the concept of life as elsewhere in the cult. More specifically the manipulation of this blood intends to assert the promise to the other party by the very life of the participant in this specific relationship. There are many examples of blood ritual where the blood is connected with 'both parties' in some form or another. The manipulation ('sprinkling') of the blood has the meaning of *Aussagen und*

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572. H. Holzinger (*Ex*,105) already judges this ritual as *die Weiheritus* among the covenant ritual against general understanding of 'Sühneritus' or of general 'Weiheritus'. Recently E. Zenger (1988,220) defines correctly this ritual in the present text as 'Bundesritus' or 'Eidritus'. J. Scharbert (1965,291-292) holds that this ritual 'ohne weiteres' has to be understood by analogy with the oath ritual in the ANE regardless the concept of 'Eid Jahwes' as an example of the anthropomorphism is an astonishing one.

573. W.H. Gispen (*KV,Ex,I,117*) holds that it goes too far if the altar is sprinkled by the blood as the representative of God. The sprinkling of blood in 24:6 means 'wijding' and 24:8 is 'reiniging' (see the similar differentiation of two portions of blood in E. Kutsch's argument (1972,25ff.) : the first sprinkling ('Sühnehandlung') and the second one ('Verpflichtung')). Then the 'wijding' in 24:6 is for the altar and the 'reiniging' for the people in 24:8 and these two mean the reconciliation of the people before the covenant ratification ceremony by the elders in 24:9-11. He understands the offering in 24:5 means the aspect of the sin offering. As we have already seen (2.11.13.), the offering in 24:5 has its characteristic not in reconciliation but in the vow, and the 'wijding' in 24:6 and the 'reiniging' in 24:8 do not match with the context. It is also unlikely that the mystic union between two parties, viz. 'to become one soul' which could be the meaning of many blood rites in the ancient times, is the case here (P.v. Imschott,1965,227,230). The blood in this case is divided into the two portions and the meaning of this symbolic action is different from 'to become one soul'. Further, this ritual corresponds with the original character of the כרת ברית 'to cut (the animal(s) of) the bond / oath'. K.A. Kitchen (1979,461), following A. Soggin, understands the construction of this strange phrase as an ellipsis symbolically cutting up animal(s) during the ceremony of instituting a covenant or treaty. All other phrases of making covenant (eg. כרת ברית (Jer 34:10, Ez 16:8), עבר ברית (Dt 29:11), עשה (Dt 4:13), נתן (Gen 9:12, 17:2), שבע (Dt 4:31, 7:12), etc.) indicate the totality of the covenant rather than one specific aspect of the covenant like כרת ברית (cf. *krt 'lt* (Phoenician), *gzt 'dn* (Aramaic), ὄρατο ἐπιθεῖν, *foedus icere*). This phrase illustrates the final stage of the covenant making and the sacrificial action itself can be considered as the oath. All kinds of symbolic actions around the sacrifice of animal(s) in this ritual have the meaning of oath and consequently curse which is self-imposed or imposed by others.

574. We have seen the significance of the changing of the order, the first sprinkling with the second half of the blood (24:6) and the second sprinkling with the first half of the blood (24:8).



*Versprechungen.*<sup>(575)</sup> Many commentators point out that it is very common in the ancient world for 'both parties' in a covenant or treaty to make the oath with blood. Although the type of manipulative action with blood varies, there are always two parties and 'both of them' involve contact (e.g. drink, lick etc.) with the blood<sup>(576)</sup>, because the statement of Moses in 24:8 when the first half of the blood is sprinkled on the people illustrates clearly that the document of the new relationship is its condition. על of כָּל־הַדְּבָרִים הָאֵלֶּה על in 24:8 can be translated as 'according to', 'in accordance with', 'on the basis of'.<sup>(577)</sup> In this case על is accompanied with the word expressing the stipulations of the covenant. We find the same prepositional construction in the context of (Sinai) covenant making in Ps 50:5 (בְּרִיתִי בְרִיתִי עֲלֵי־זִבְחָה).<sup>(578)</sup> The manipulation of the blood on both parties means in this case swearing of the promise and the oath publicly.<sup>(579)</sup> From God's side sprinkling of the blood on the altar (24:6)<sup>(580)</sup> means God's swearing 'by His own life'. God's swearing by His own life to keep His promise to human beings can be found in the OT.<sup>(581)</sup> And

575. A. Knobel (*Ex*,242f.) gives various examples (Hannibal, Romans, the king of Thebes, etc.) in the ancient times

576. A. Knobel (*Ex*,243), H.C. Trumbull (1887), B. Baentsch (*Ex*,216), and W. Eichrodt (1961,157,n.2 and literature in there). W. Beyerlin (1961,46 = 1965,38,n.70 literature), R. Schmid (1964,105), and J.P. Hyatt (*Ex*,256) hold that the pre-Islamic Arabs bind themselves to God by means of corresponding blood-rites. Sometimes the participants in a covenant mingle their blood, or dip their hands into the blood of an animal, with some of the blood being applied to sacred stones representing the deity. In this case blood symbolizes the seat of life and vitality. At least this blood ritual in common with the blood ritual in *Ex* 24:8 supposes the new relationship between two parties. However, the difference of these ritual from the ritual in *Ex* 24:5-8, the oath aspect of which is the major concern, is the brothership. Therefore, *pace* e.g. B. Baentsch (*Ex*,216, *Blutlecker der Verbündete* or 'Das Blut galt als der Kitt der intimsten Verbrüderung'), G. Beer (*Ex*,127, 'Durch die Blutsprengung wird eine unzertrennliche Gemeinschaft zwischen den beiden Bundespartnern, Jahwe und Israel, hergestellt'), and G. Quell (1935,11, 'daß auch im israelitischen Brauch mit Blutriten, die mit Opfer nichts zu tun haben, sondern einen substantielle Gemeinschaft der Teilhaber am Bund herstellen, zu rechnen ist. - daß das Blut selbst symbolisch oder magisch die בְּרִית darstellt. Beide Teilhaber sind mit demselben Blut behaftet, einer ist wie der andere geworden').

577. U. Cassuto (1967,313), *Williams* § 290.

578. A. Cody (1969,43) offers an independent observation. The bloodrite seems rather to be inspired by the non-sacrificial blood-rites of ancient semitic religion, amalgamated here with the covenant sacrifices, as such blood-rites were performed not by priests but by kings and chieftains. The merit of A. Cody is the distinguishing of covenant sacrifice and blood ritual, although it is impossible to prove that the blood ritual is attached by analogy of ANE blood ritual. At least in 24:5-8 there is natural connection between the offering and the blood sprinkling just like the blood sprinkling in case of the normal offering (*Lev* 1-3). In particular, it is true that the author wants to explain the blood ritual in detail, meanwhile he mentions the offering simply although with the full phrase (וַיַּעַל עֹלֹת וַיִּזְבַּח זִבְחֵם) 24:6). This phenomenon is quite similar to the expanded illustration or examples in the symbolic gesture of curse in the treaty documents of the first mil. B.C. where we read sometimes there is totally no concern on the offering itself. F.C. Fensham (*Ex*,183) reports that in the primitive treaty making two treaty parties have slaughtered the animal together and offered as sacrifice. And then both have consumed the meal together (D.J. Wiseman, 1953,126,129 and C.-F. Jean, 1950, text 376-14).

579. H.C. Trumbull (1887,298f.) : one half to the altar, Godward, and the second half to the people, Israelward.

580. Therefore, the altar in *Ex* 24:3-8 has two functions, (i) the place upon where the offerings are burnt and (ii) it symbolizes the divinity. The former is self-evident. The latter is in e.g. *Lev* 1:5,11,15 when the priests sprinkle the blood of the sacrifice against the altar. Drinking blood is strictly forbidden in the cultic slaughter as well as the profane one (*Lev* 17:10-14, 7:20-27, 19:8, *Gen* 9:4) and the reason is clearly given (*Lev* 17:14, cf. 19:26, *Dt* 12:23, *Ez* 33:25f.), because the soul of all flesh is in its blood. However, it is not so clear whether the sprinkling of blood on the altar means to bring the life back to the owner of all life (cf. *Lev* 17:13).

581. The phrase (עֲשֵׂה נִי + ב + person) usually denotes the foundation (person) of swearing and the very life of that person is at stake in swearing. The 'life' idea is always in each swearing. For example God's swearing by Himself : *Gen* 22:16 (בִּי נִשְׁבַּעְתִּי), *Am* 6:8 (בְּנַפְשִׁי), *Ex* 32:13, *Is* 45:23, *Jer* 22:5. People swear by God (*Jos* 2:12, 1 *Kings* 1:17) or gods (*Jer* 12:16, *Am* 8:14). In these cases the very life or existence of God itself could be the problem, when the swearing is not kept. We find the support



from Israel's side Moses' sprinkling on the people (24:8) means Israel's oath to keep the covenantal conditions. Strictly speaking, Israel takes the result of oath performed by Moses, which has been set out in סֵפֶר הַבְּרִית (24:4) and proclaimed by Moses once again (24:3,7a) and accepted wholeheartedly (24:3,7b). This blood manipulation also shows the very (individual and communal) life of the people Israel could be at stake, if the oath is not kept.<sup>(582)</sup>

### (3) Some exegetical issues

We now want to deal in detail with the three exegetical issues within 24:6-8 in order to support our understanding of 24:6-8 as the oath ritual within the covenant ratification ceremony in 24:3-8 : i.e. (i) סֵפֶר הַבְּרִית (the covenant document, 24:7a), (ii) קרא (public pronouncement of the covenant document, 24:7b), and (iii) the verbal oath of the people (24:7c).

#### (3-i) סֵפֶר הַבְּרִית (the covenant document, 24:7a)

There are two aspects of this rare phrase, its name and the contents.

E. Kutsch<sup>(583)</sup> considers this phrase as a secondary development (as the content of the obligation) made by the deuteronomic interpretation of ברית. Rejecting this, however, M. Weinfeld holds that סֵפֶר הַבְּרִית / סֵפֶר הַבְּרִית are not phrases secondarily developed, but the exact semantic equivalents of the treaty terms in Akkadian *awāte ša riksi / tuppu ša riksi*.<sup>(584)</sup> S. Mowinckel<sup>(585)</sup> rightly suggests that the usual translation of סֵפֶר in this phrase as *book* gives a false impression of a modern book. It would be rather *Schriftstück* which can be written on an ostrakon, and in this sense it is *Urkunde*. And in 24:7 this phrase means *die Bundesurkunde, the charter of the covenant*.<sup>(586)</sup> This interpretation fits in well with the specific mention of the treaty documents (i.e. stelae, tablets) in the ANE. Another popular false impression is that this term is derived from the original law corpus of Ex 20:22-23:33. As we have pointed out, this phrase as such does not denote the intrinsic

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from Zech 9:11a (נָסַף אֶת בְּרִיתֵךָ). Regardless of the problem of interpretation of בְּרִיתֵךָ, this clause paves the ground that Israel can receive the benefit from God expressed in 9:11b. When this benefit is related to the blood shed in making covenant, this blood is from the side of God but not from the side of Israel, because in covenant making if the blood shed as oath is related to one party, it means that this party swears to do a certain beneficial action towards the other party. In Zech 9:11b when God speaks the future beneficial action towards Israel, God reminds His own previous action related to the blood shed in making the covenant. In this case the actor responsible for the blood for the benefit of the other party is God not Israel, although we do not know about the blood related to Israel because it is not the primary concern in this text. This is a similar situation of Ex 24:6-8. Cf. E. Kutsch (1973,29f.). In the vassal treaties we find some examples where oath was taken not only by the inferior but also by the superior. For instance the treaty of Tudhaliyas IV with Ulmi-Tešub, the treaty of Suppiluliumas with Azarias, the letter of Shamshi-Adad to Kuwari (a suzerain's reference to an exchange of oaths with a vassal) (P.A. Rieman (*IDBSupp*,194)) and the treaty between Šamši-Adad I and Šušarra (*ANET*,628, F.M. Cross,1980,268). Both the suzerain and the vassal have exchanged oaths.

582. This oath character in this section is emphasized by the perf. declarativum of בְּרִית. M. Noth (*ATD,Ex*,161 = *OTL,Ex*,198).

583. (1973,80ff.).

584. (1975,128), see further (1972,107).

585. (1964,84f.).

586. This term is used also by G. Hölscher (1952,22f) and A. Reichert (1972,173).



character of the law itself, but the laws *become* or *function as* the covenant document because they constitute the conditions of the covenant.

The contents of this phrase (24:7a) are undoubtedly found in **כָּל אֲשֶׁר-דִּבֶּר יְהוָה** (24:7b), because 24:7a is what Moses publicly pronounces to the people and in 24:7b the people respond positively according to what Moses pronounces. As we have seen in our exegesis on 24:3 (2.11.1.1), there is no referential difference between several similar phrases of God's word found between 24:3 and 24:8. This means **סֵפֶר הַבְּרִית** is best related to **כָּל אֲשֶׁר-דִּבֶּר יְהוָה** (24:7b) and also to **כָּל-דִּבְרֵי יְהוָה** (24:4) written down by Moses, and ultimately to the first phrase about the law, **אֵת כָּל-הַמִּשְׁפָּטִים וְאֵת יְהוָה וְאֵת כָּל-דִּבְרֵי יְהוָה** (24:3). From this exegesis and from our previous exegesis of the meaning of these phrases in 24:3a,3b,4,7 we can draw an important conclusion about the content of **סֵפֶר הַבְּרִית**: **סֵפֶר הַבְּרִית** contains not only the decalogue<sup>587</sup> or the laws in 20:23-23:33<sup>588</sup> but both of them.<sup>589</sup> A. Reichert<sup>590</sup>, defining this phrase as *Bundesurkunde*, holds that the reading of laws (24:7a,b) and the verbal oath of the people (24:7c) are sandwiched between both blood manipulations (24:6,8) with a clear purpose :

"Bundesurkunde" gilt als die inhaltliche Formulierung des hier sakramental vollzogenen Verhältnisses, sie ist Verbindung stiftendes und wahrendes Bindeglied zwischen den beiden Partnern, so wie Mose personaler Mittler zwischen ihnen ist. Wenn Mose nicht mehr da ist, kann das Gesetz in Zukunft seine Funktion übernehmen. ... Aber hier ist aufgrund der Einführung des Gesetzes (**סֵפֶר הַבְּרִית**) als der inhaltlichen Formulierung des Verhältnisses der Bundesbegriff als Interpretament verwandt.'

The identical phrase appears in 2 Kings 23:2,21 and Ex 19, 24. And the context of both

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587. Cf. P.v. Imschott (1965,235). H. Haag (1980,227) holds that since **הַמִּשְׁפָּטִים** in 21:1 is later addition, **סֵפֶר הַבְּרִית** points only **יְהוָה כָּל-דִּבְרֵי יְהוָה** (24:3a) or **כָּל-הַדְּבָרִים אֲשֶׁר-דִּבֶּר יְהוָה** (24:3b) or **כָּל-דִּבְרֵי יְהוָה** (24:4a). In this way he interprets that **הַבְּרִית** of Sinai contains only the proclamation of God's law, the decalogue. Further he borrows the interpretation of L. Perlitt (1969,98-100, 191-195) about Dt. When Dt reports **הַבְּרִית** (4:13, 5:2,5), not only it points the decalogue as the representative of the Horeb covenant law, but also it presupposes that the deuteronomic law belongs to the covenantal law. Otherwise Dt does not have the present shape. An interesting clause 'he added nothing others' (**וְלֹא יִסְתַּף**) in Dt 5:22 (ET) means that the decalogue is given by God directly to the people with a discernible voice **קוֹל גְּדוֹל** (Dt 5:22), but at the same time it does not mean there is no other law-giving except the decalogue. What the author emphasizes is the uniqueness of the decalogue as the direct law-giving. Therefore, Haag's argument on Dt does not support his interpretation on **סֵפֶר הַבְּרִית** in Ex 24:7.

588. For F.C. Fensham (Ex,183) it is difficult to decide, but possibly the laws in Ex 21-23. However, if he understands the whole Sinai pericope as the covenant between God and Israel, he should explain how the decalogue can function within the whole structure without being the covenant document.

589. See B.S. Childs (Ex,398) and J.B. Jordan (1984,46). This phrase is as the theological cipher pointing to the totality of the law (L. Perlitt,1969,195). Cf. U. Cassuto (1967,312) opens two possibilities about the meaning of this phrase : (i) it denotes a short general document, a kind of testimony and memorial to the making of the covenant, a written declaration that the people undertake to listen to the voice of the Lord and to keep His covenant, or (ii) it indicates everything in Ex 19-23. Because of the reiteration of the words (**דִּבְרֵי יְהוָה, דִּבְרֵי יְהוָה, דִּבְרֵי יְהוָה**) the first option is for Cassuto more probable. However, *the words* in the context do not denote the short document in general but rather it brings a specific meaning to the context, the laws in the Sinai pericope. And a short document cannot be supported from the context. F.C. Fensham (Ex,183), citing E.F. Weidner (1923,26f.,35f.), suggests that in the Hittite treaty the inferior party have to recite the treaty condition. This can be considered as the document containing of the condition of the new relationship.

590. (1972,173).



texts are similar, i.e. the covenant making / renewal.<sup>(591)</sup>

(3-ii) קרא (public pronouncement of the covenant document, 24:7b)

Although it could be argued that it is superfluous to read a document one day (24:3) again on the next day (24:7)<sup>(592)</sup>, we find clear reasons for this apparent repetition. Firstly, Moses' first reading (24:3) is expressed with the rare verbal phrase **ספר** pi. + **לָעָם**, and the second reading (24:7) with the phrase **קרא** + **בְּאָזְנֵי הָעָם**. In the first reading the author's concern is that Moses transmits what he heard from God (20:22-23:33) in conformity with the role of mediator requested by the people (20:19). However, in 24:7 the author wants to stress that Moses now publicly proclaims what he has written in 24:4. This fact becomes more clear by the otherwise unnecessary phrase **בְּאָזְנֵי הָעָם** (24:7). In other words, we conclude that the functions of the two readings are different<sup>(593)</sup>, the first is for reporting and explaining what Moses heard from God, but the second is for the assurance of the correctness of the written document upon which the people are going to make a covenant relationship.

We find various cases of public reading of legal document especially in the treaty or covenant between two parties in the ancient and modern times. Three stages are usually involved for finalizing the official relationship : (i) making an oral agreement, (ii) preparing a written document, and then (iii) reading the written document in the hearing of both parties.<sup>(594)</sup> In our text the transition from the second stage to the third stage is

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591. Cf. L. Perlitt (1969,193) and A. Reichert (1972,169f). Cf. **ספר התורה** and its equivalent phrases in Dt 28:61, 29:19,20, 30:10, 31:26, Jos 1:8, 8:31,34, 23:6, 24:26, 2 Kings 14:6, 22:8,11, Neh 8:8,18, 9:3, but cf. 2 Kings 23:2,21 (**ספר הברית**).

592. F.-L. Hossfeld (1982,193) holds that 'zu schnell wird er (v. 7) auf v. 3 bezogen und dabei wird zu erklären versäumt, warum der Verpflichtungsakt wiederholt wird', although he accepts that 24:7 is meaningful only if it is an integral component of the ritual and the author intends to return to 24:3. Cf. U. Cassuto (1967,312).

593. E.W. Nicholson (1986,176) is correct when he suggests that the twice-given pledge of the people is in response to their twofold hearing of the commandments.

594. For example in the last part of *The Book of Common Prayer* of the Church of England 'The Ratification' section is prepared : 'This Book of Articles before rehearsed, is again approved, and allowed to be holden and executed within the Realm, by — Which Articles were deliberately "read", and "confirmed again by the subscription of the hands" — and by the subscription of — in the year of our Lord 1571' (citation mark, TGS). Here we read the similar process, (i) theological discussion and negotiation, (ii) writing down the content, finally (iii) public pronouncement and confirmation through signing by the authorities. In a treaty between the Hittite king Muwatalli with a king of Kizzuwatna (E. Weidner,1923,108,109,32-39; in S.A. Meier (1988,171) : 'If the Sun sends you a tablet on which a message ('awatu') is placed and the message from the messenger's mouth which he responds to you - if the word of the messenger agrees with the word of the tablet, trust that messenger, Shunashura. If the word from the mouth of the messenger does not agree with the word of the tablet, Shunashura, don't trust that messenger and don't take that word to heart for evil.' The actual practice of this 'fool-proof system' appears in a Hittite letter to the Egyptian pharaoh : 'I don't trust Kalbaya; he indeed spoke it, but it was not confirmed on that tablet.' (E. Laroche,1971,152,4-6; English translation from S.A. Meier (1988,171). S.A. Meier (pp. 171f) adds more examples of this fool-proof system (e.g. Zakar-Baal's ires for the initial greetings of Wenamum who could not suggest the letter (see. H. Goedicke,1975,151-54) : "Where is the edict of Amun, which should be in your hand ? And where is the letter of the First High Priest of Amun, which should also be in your hand ?" And I said to him: "I gave them to Smendes and Tanetamun !" He was really irate and said to me: "Indeed, edit or letter you have not..." ; the information of Tushratta to pharaoh, EA 24.II.101-105). The word spoken by the messenger and the message on the tablet should be the same, and if not, the word cannot be trusted. And therefore, the tablet functions as witness to the word of messengers from the Old Babylonian period (S.A. Meier,1988,173ff.), and the forensic distinction in the international treaty between the messenger's speech and the words of the tablet is self-speaking (S.A. Meier,1988,196).



clearly indicated by two phrases which are seemingly redundant, (i) the verbal phrase (וַיִּקְרָא וַיִּפְתֹּר), and (ii) the adverbial phrase (בְּאָזְנוֹי הָעָם). However, these two are actually emphatic in this verse in order to give the necessary attention to the specific phase among the ceremony, to proclaim the written document solemnly in the public hearing of the people. We find a clear distinction between the oral message and the written document, and sometimes it is told in the ANE materials that enough attention should be paid by the recipient to what he hears from the written document.<sup>(595)</sup> Although in Ex 24:7 all the people cannot read the document at the same time, the process of hearing what somebody proclaims is quite a normal one.<sup>(596)</sup>

### (3-iii) The verbal oath of the people (24:7c)

This aspect depends on the interpretation of the last point, the public reading of the covenant document, קָרָא (24:7b). As we have seen, there are theoretically three possible steps of negotiation for making a legitimate relationship :

- (i) the oral negotiation,
- (ii) preparing the written document, and then
- (iii) reading the document in the hearing of the parties.

We read in the Sinai pericope three times of the people's approval :

19:8a (כָּל־הָעָם יַחַד וַיֹּאמְרוּ) + אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה  
 24:3b (וַיִּנָּעוּ כָּל־הָעָם קוֹל אֶחָד וַיֹּאמְרוּ) + (כָּל־דִּבְרֵי־יְהוָה נַעֲשֶׂה),  
 24:7c (וַיֹּאמְרוּ) + (כָּל אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע).

Although these three look to be redundant, each has its own function within the Sinai pericope. Each reaction of the people suits each step of the negotiation. In 19:8 this acclamation of the people is the preliminary positive answer for the preliminary proposal of God. In 24:3b the people acclaim the first reading of Moses, before Moses is going to write the terms of the covenant. However, in 24:7 the people acclaim the content which is now in an official document and will not be changed. This acclamation has special meaning when it happens in the midst of the ratification ceremony of the covenant, which is begun in 24:4. This last acclamation we might call *the verbal oath* to ratify the covenant relationship finally, because after it Moses performs the second half of the blood ritual confirming the validity of this oath and eventually of the covenant relationship on

595. For instance Shamshi-Adad I sent Shamash-nasir with an oral message (translation in S.A.Meier,1988,196) : 'Pay close attention to all that he presents before you ('*mala mahrika iškanu*'), and hear the words which I have sent to you ('*mala ašpurakkum*').' In this case it is important that Shamash-nasir does not read the letter by himself but 'hear' what his servant read the letter.

596. S.A. Meier (1988,197) gives an interesting example of the actual parallel feature of the spoken message and the written document. J.T. Greene (1989,45ff.) gives examples (e.g. Mari document) that the written document should be read publicly. Therefore, it is wrong when W. Beyerlin (1961,21 = 1965,40) and A. Reichert (1972,168), without consulting the ANE materials, assert that there are originally three rival versions of the declaration of God's will and the corresponding oath of obedience on the part of the people having been woven into an organic whole.



the whole.<sup>(597)</sup>

## 2.12.2. The unity and the theme of 24:3-8

So far we have studied the individual exegetical issues raised by the section 24:3-8 (2.12.1.) and this is the groundwork for our further investigation of the unity and the theme of Ex 24:3-8. The main task of this section is to find the theme of 24:3-8. To get the theme is to consider this section as a whole. The main reason why some commentators fail to find the correct theme for this section is that they consider only some aspects but not all of them together.<sup>(598)</sup> Therefore, in order to find the correct theme we should examine the unity of the section.

In the previous section we have shown that there is unity between the two main parts 24:3-4a, 24:4b-8. In the first part we read of four successive actions : Moses' coming down (24:3a), his pronouncement of the laws received from God (24:3b), the people's approval (24:3c), and finally Moses' writing down the laws proclaimed (24:4a). We have seen that these four actions form a natural sequence<sup>(599)</sup> in making an official relationship between the two parties and these actions cannot be divided into various sources. About the second part (24:4b-8) we have argued that the sequence of events from 24:4b to 24:8b is undeniable. The connection between the first part (24:3-4a) and the second part (24:4b-8) is secured by (i) the common ground of Moses' writing down of the document (24:4a) and its use in the confirmation of the verbal oath (24:8), and by (ii) the continuity of the people's approval (24:3b and 24:7c) for the condition of the new relationship.

The theme of this section is often defined differently when the unity of the section is

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597. There are several examples of verbal approval in the ANET which is essential to ratify the relationship officially. The Abba-AN treaty (DJ. Wiseman, 1958, 124-129 and DJ. McCarthy, 1978, 307f. and the text from G.F. Hasel, 1981, 65) between Abba-An and Yarimlim retains the direct speech of Abba-AN who took the oath : *'Abba-An swore to Yarimlim the oath of the gods, and furthermore he cut the throat of a sheep. (He swore:) I shall not take back what I gave you.'* Interesting point in regard of our text Ex 24:3-8 is that *'thus the oath and animal rite are juxtaposed but it is not said that one involves the other'* (DJ. McCarthy, 1978, 93). This reference lacks for the treaty documents of the Hittite kingdom. DJ. McCarthy (1978, 91f.) holds further that it is impossible to separate this connection between the (verbal) oath and the killing of an animal from the widespread evidence from the Syro-Palestinian area for the close and necessary connection between covenant making and symbolic rites involving an animal. At Mari we find similar references of killing an ass at the conclusion of a covenant and 'to kill an ass' (*haiārum qatalum berit X u Y*) is a technical expression for making a case. Furthermore, McCarthy suggests that 'the expression "to cut a covenant" is surely based on this association of symbolic rite and covenant, and it is widespread : it occurs in cuneiform texts from Qatna dating to the fifteenth century B.C., and is found in Hebrew, Aramaic, and Phoenician. ... the subject and method of the killing could vary, but the meaning remained the same.' See also G.F. Hasel (1981, 15) who insists the distinction between oath taking and animal rite is vital because in the Abba-AN treaty as well as in Gen 15:9-17 we find both factors. Both factor we also find in Ex 24:3-8. The people's response can be considered as the (verbal) oath.

598. For example L. Perlitt (1969, 198ff.) by his division of 24:6 and 24:8, and E. Kutsch (1974, 80-88) by his division between 24:5 and 24:6.

599. H. Holzinger (Ex, 103) insists that Moses' report of God's word to the people is natural after the request of the people for the indirect law-giving (20:18ff.). And then the fixation of the document is the necessary for the next step.



contested. Those who depend on source-critical analysis tend to deny the unity of this section and consequently any substantial idea of covenant in this section. For instance J. Jeremias holds that in 24:3-8 the late deuteronomic / deuteronomistic materials having the covenant concept are superimposed upon old materials.<sup>(600)</sup> However, we have seen that it is very difficult to show that is a later addition on the ground of its deuteronomic / deuteronomistic affinity. Furthermore the coexistence of the materials of priestly character (e.g. blood ritual) in the deuteronomic / deuteronomistic redaction makes it extremely difficult to accept that interpretation.<sup>(601)</sup> E. Kutsch<sup>(602)</sup> understands that the major theme of 24:3-8 is a *Fremdverpflichtung*, an obligation placed by YHWH upon Israel, an example of which he finds in the ancient Arab and the ancient Greeks. And this understanding is bound up with his interpretation of ברית as *Verpflichtung*. He suggests that it is not a matter of creating a relationship (*Bund*) rather that the Israelites are placed under a solemn obligation. However, the uniqueness of Israel's covenant with God, the negotiated relationship between God and the people, is totally neglected because of his narrow definition of ברית.

A. Reichert<sup>(603)</sup>, translating סֵפֶר הַבְּרִית as the *Bundesurkunde*, holds that the function of this document is to fix the condition of the relationship regardless of Moses' role as the mediator. Despite his term *Bundesurkunde* A. Reichert seems to avoid using the term the *covenant relationship* for the whole section, rather he prefers to choose terms like *eine sakramentale Bindung mit Jahwe* (p. 172) or *sakramental vollzogen Verhältnis* (p. 173), or *communio sacramentalis* (p. 174). Therefore, his understanding of the theme of this section is as follows :

'Was hier beschrieben wird, ist die Stiftung des Opferkultus am Fuß des Gottesberges, die Einsetzung des ersten זבח mit der rituellen Herstellung der *communio sacramentalis* zwischen Gott und Volk.<sup>(604)</sup>

This tendency to overemphasize the importance of the offering is found also in E. Ruprecht. He<sup>(605)</sup> holds that this section is the combination of two themes, sacrificial worship and covenant making. However, in this section we read not just the combination

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600. (1977,196). Also L. Perlitt (1969,190ff.), E. Zenger (1971,74f.), and W.H. Schmidt (1975,46f.).

601. E.W. Nicholson (1982,81f; 1986,170f.), changing his former position (1973,72, 24:8 is the product of a Deuteronomic editor) because of the persuasive argument of D.J. McCarthy (1972,117) and A.D.H. Mayes (1972,67), insists more plausibly that the ritualistic sense abundant in 24:6 and in 24:8 (*the blood of the covenant*) is not at all at home in deuteronomistic literature. Therefore, he (1982,81f; 1986,170f.), against E. Zenger, holds that 24:5 cannot be separated by the rest of the section. 24:6 is the necessary continuation of 24:5 and is anticipated by the latter.

602. (1973,87).

603. (1972,173).

604. Although this understanding is not so radical like that of L. Perlitt who denies the real and original covenant concept in the entire Sinai pericope, because of this source-critical standpoint Reichert's position about this matter is a little vague (pp. 174f.) : 'Aber hier ist auf Grund [sic] der Einführung des Gesetzes (סֵפֶר הַבְּרִית) als der inhaltlichen Formulierung des Verhältnisses der Bundesbegriff als Interpretament verwandt.'

605. (1980,138). He is followed by J. Buchholz (1988,33).



of two themes but one major theme, the covenant relationship, which contains other aspects like the offering.

The covenantal understanding is accepted by many commentators.<sup>(606)</sup> W. Zimmerli<sup>(607)</sup> understands this section as *Bundesschluß*. Recently E. Zenger<sup>(608)</sup> holds that the present text is the product of the deuteronomistic theology (covenant theology), according to which the *Gottesbegegnung* is the *Gegenwart Jahwes* in the word mediated by Moses. The ritual in 24:3-8 was expanded through the blood ritual which is either the *Bundritus* or the *Eidesritus*. However, he does not properly explain how the deuteronomistic theology of 'word' can be harmonized with the very ritualistic authorization of that theology, the blood ritual. And even the *Bundritus* or the *Eidesritus* cannot stand alone without consideration of other aspects in the whole Sinai pericope.

More people seem to realize that it is difficult to explain the section by depending on the source division. However, when other commentators recognize the covenant ceremony, usually their understandings are too general or in many cases they lack proper consideration of all aspects of the text. In other words, they lack (i) the consideration of 24:3-8 as a whole and its connection with the previous sections within the Sinai pericope and (ii) finally the consideration of its relationship with 24:9-11. The first is dealt with now and the second later in our study of 24:9-11 (2.13.). When we deal with the first point we want to sum up several characteristics of this section about which we have already studied.

D. Patrick<sup>(609)</sup> understands this section more clearly as *the ratification ceremony*, and he considers 24:3-8 as a well-designed whole which has three sections, 24:3-4a, 4b-6, 7-8. We elaborate this understanding and sub-section division :

- I v. 3a Moses reports of God's word
- v. 3b people accept the condition
- v. 4a Moses writes it down
- II v. 4b - 6 the offering
- III v. 7a Moses reads the book of the covenant
- v. 7b people accept the condition
- v. 8 Moses pronounces the ratification.<sup>(610)</sup>

We suggest some observations of this division :

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606. An old commentator E. Meyer (1906,554) already proposes the covenantal understanding.

607. (1970,182f.).

608. (1987,219f.).

609. (1977,150).

610. P. Kalluveetil (1982,158) also suggests a similar division of sections : (1) preparatory step to covenant (24:3-4a(sic.) : (a) oral communication of *stipulations*, (b) ceremonial acceptance by the people, (c) recording of the *stipulations* : (2) proper covenant ceremony (24:4b(sic.)-8) : (a) sacrifices, (b) blood rite accompanied by the reading of the text of *stipulations*, and ceremonial acceptance by the people, and Moses' oral explanation of the rite. However, what P. Kalluveetil does not investigate is the detailed exegesis of the text and consequently the connection of this section with the previous sections (20:19-20, 20:22-23:33) of the Sinai pericope. Therefore, the first part (24:3-4a) cannot be considered just as the preparatory step to the covenant but as the due course for the ratification of the covenant. The twofold confirmation is not artificial creation but the legitimate process as we have seen.



(i) In the first part (24:3-4a) the main concern is the fulfilment of the commission of Moses which was requested by the people (20:19f.), i.e. to bring God's word to the people and to write it down. In the second and third parts we read the main theme of the ratification ceremony for the new relationship between God and the people.

(ii) The division of the first part (24:3-4a) and the second part (24:4b-6) is supported by the day division, a new day begins in 24:4b.

(iii) The twofold affirmation of the people in the first and third parts is the outcome of a careful double-check. Namely the people affirm (24:3b, 24:7b) before writing down (24:4a), and then after rereading (24:7a) and before the confirming activity and pronouncement (24:8).

(iv) This division clearly shows that considering only 24:3-8 is not enough if we are to arrive at the correct theme. The first part (24:3-4a) is about the people's confirmation of the proposed terms of the relationship. However, it shows a connection with the previous sections of the Sinai pericope. As we have seen, the actions of Moses (coming down and reporting) is not the outcome of Moses' own initiative but that of the people's request (20:19-20). And this corresponds with the fact that the second and third parts (24:4b-8) are not sufficient by themselves to arrive at the right theme, although there are certain clear expressions (e.g. *רַם-הַבְּרִית* 24:8, *סִפֵּר הַבְּרִית* 24:7). Many commentators point out the connection between 24:3-8 and 19:3-8. However, our study of 19:3-8 has shown that 19:3-8 is *the preliminary proposal and acceptance of the relationship between God and the people* and it connects not only with 24:3-8 but also with other events as well, i.e. 19:9-25 *the meeting of the two parties* and 20:1-17 / 20:22-23:33 *the conditions of the relationship*.

(v) There is another dimension to consider. All these activities are carried forward by the mediation of Moses who acts as the messenger in forming the new relationship between YHWH and Israel. The work of the messenger in making a relationship is normal in all relationship-buildings. Therefore, as Moses' going up and down the mountain in the previous sections within the Sinai pericope is interpreted as the normal work of the messenger for the purpose of building a new relationship, all the activities of Moses in 24:3-8 can also be interpreted as the work of the messenger who is acknowledged by both parties (2.7.1.2. & 2.10.2.2.). Although Moses works as the mediator, his position is different from all other messengers, because he functions as the mediator for the ratification ceremony (24:5). He functions as the messenger for both parties. It is this unique position of Moses that makes possible his work as the mediator of a covenant. He functions as a kind of priest who stands between God and the offerer. When he prepares the altar and *מִצִּבָּה*, he works for both parties, God and the people. When he sprinkles the second half of the blood on the altar he stands before God *for the sake of the people*. However, when he reads *סִפֵּר הַבְּרִית* (24:7) and sprinkles the first half of the blood on the people (24:8) he stands before the people *on God's behalf*. If this section involves all these complex factors found throughout the section, it is hardly possible to identify previous layers.



In this way all three parts of this section (LII,III) are indispensable. Summarizing the contents, we find five characteristics which are continuous and consistent components of the section 24:3-8 :

1. Moses comes down from the mountain and proclaims (ספר pi.) the laws given by God (24:3),
2. Moses writes down (כתב 24:4) and pronounces (קרא 24:7) the laws as the covenant document (ספר הברית) and the people's twofold approval (24:3,7),
3. the altar and מצבה (24:4b),
4. the offering (24:5),
5. the blood ritual.

From these characteristics and from all our studies of 24:3-8 we understand the theme of this section as follows : *the ratification ceremony* of the covenant already negotiated (19:3-8), which was followed by the encounter of the two parties (19:9-25) and by the giving of the covenant conditions both directly (20:1-17) and indirectly through the mediator (20:22-23:33).

### 2.13. 24:9-11 (The celebration of the ratified covenant)

We now want to investigate this final section of the Sinai pericope, known as some of the most astonishing but 'inexplicable' verses of the OT.<sup>(611)</sup> First we do a detailed exegetical study of the individual issues. And then we investigate the issues of definition, theme and structure. Finally we look at the connection of this section with the previous sections (24:1-2 and 24:3-8).

#### 2.13.1. Exegesis of 24:9-11

##### 2.13.1.1. 24:10

24:10 וַיֵּרֶא אֶת אֱלֹהֵי יִשְׂרָאֵל וְתַחַת רַגְלָיו כְּמַעֲשֵׂה לְבַנְתַּי הַסֹּפֵד וּבְעַצְמֵי הַשָּׁמַיִם לְטֹהַר:

The first clause (וַיֵּרֶא אֶת אֱלֹהֵי יִשְׂרָאֵל, 24:10a) of this verse mentions a rare phenomenon, namely the representatives of Israel see God. Commentators realize that it is not easy to interpret this unusual event.

Commentators are unwilling to accept the first word of the present text (וַיֵּרֶא 24:10a) for two reasons : the consecutive use of the similar verbs (וַיֵּרֶא in 24:10, וַיִּקְרָא in 24:11) in the same context and the unique phenomenon of the 'Gottesschau' mentioned through

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611. G.H. Davis (1967,193).



these two verbs.<sup>(612)</sup> The fact that there is no punishment when a human being sees God is highly exceptional (cf. Ex 33:20, Judg 13:22). However, this fact should be explained not on the basis of the 'religionsgeschichtlich' standpoint by supposing it has very old tradition behind it, but rather on the basis of the context. In other words, this unique exception contrasts excellently with the people's awesome experience of God's magnificent coming to the mountain in the early section of the Sinai pericope (19:9-25, 20:18f.). We have seen that the main theme of 19:9-25 is the direct meeting (*face to face*) of the two covenant parties (2.8.2.). The objective of the awesome appearance of God is to let Israel (one party) experience her deity, YHWH (the other party), with whom they are going to make a relationship and to inform them how absolute is the demand of this God. However, after the covenant has been officially ratified (24:3-8), the meeting of both parties is not a terrible but a joyful encounter.<sup>(613)</sup> This joyful encounter is expressed not only through the permission to see God but also with the description of God's appearance in 24:10b which perfectly contrasts with the description of God's coming to the mountain in 19:16-18. In its expression 24:10b is unique compared with other encounters of the people with God. Here we read that the people see God directly (and actively), whereas in the other two passages which express passively : Ex 16:10 (*the glory of YHWH appeared*) and Ex 24:17 (noun clause).

There is already dissatisfaction for the translation 'seeing God'.<sup>(614)</sup> However, here this word with *כרע* *per se* does not have a religious or sacrificial meaning (i.e. *to bring offering*) but is related to the idea of *paying homage to somebody by physically bending the whole body low and recognizing the greatness of the person*. In religious use there is a similar concept. In Ps 95:6 (*ברך + כרע + שהח + בוא*) we do not need to think about cultic offering. It is the religious attitude of the worshiper which is the main concern of this verse. Ps 96:9 (*פְּהַרְרַת-קִנְיָשׁ + שָׁחָה*) gives an important clue to the meaning of Ex 24:10.<sup>(615)</sup> Here worship (*שָׁחָה* hitp.) is related to the theophany. The cultic use of *ראה* is

612. Therefore, e.g. NEB opens in the margin the possibility to translate this into *they feared* (with the same vocalization *יִירָאוּ* but of the different root word *ירא*) and translated *יִהְיוּ* in 24:11 into *they stayed* (similarly REB). However, as E.W. Nicholson (1974,81f.) points out, this emendation and the subsequent interpretation is a highly speculative reconstruction which cannot receive any substantial support from the text itself or elsewhere.

613. This difference is already pointed out by several commentators, e.g. H. Holzinger (Ex,106). However, they usually fall short of giving the reason why both are different although they belong to the same large context.

614. Th.C. Vriezen (1972,108) holds, although the text says that they saw the God of Israel, that it does not describe God directly. F.C. Fensham (Ex,191) has also the same opinion and this interpretation fits in with the tradition. They saw *een gestalte op de troon, wiens voeten op een voetbank rustten*. As for *ראה* GB lists the meaning as (i) *das Antlitz des Königs sehen von dem vertrauesten Dienern und Räten desselben* ('to see the countenance of the king by the trusted servants and counsels' 2 Kings 25:19 (*פְּנֵי-הַמֶּלֶךְ*) (*אֲנָשִׁים טְרִיא פְּנֵי-הַמֶּלֶךְ*) = Jer 52:25, Esth 1:14, 3:2,2,5, cf. the equivalent in the Amarna letter : *dagālu pāni šarri*, Akk. : *dagālu pāni*), or (ii) *das Antlitz Gottes oder Gott sehen* (Gen 32:31, Ex 24:10, 33:20, Judg 13:22, Jes 6:5). This meaning of the verb is also in the secular expression. 2 Kings 25:19 = Jer 52:25 (*פְּנֵי-הַמֶּלֶךְ*) (*אֲנָשִׁים טְרִיא פְּנֵי-הַמֶּלֶךְ*) and Esth 1:14 (*פְּנֵי הַמֶּלֶךְ*) (*רִיא פְּנֵי הַמֶּלֶךְ*) list the classic example of *having an audience with king*. Esth 3:2,2,5 gives a more detailed picture of the meaning of (secular) *worship* or *pay honour* to a human being. *שָׁחָה* (hitp.) is used with *כרע* (qal, Esth 3:2,2,5).

615. H.-J. Kraus (Ps,833) translates *פְּהַרְרַת-קִנְיָשׁ* into *bei seiner heiligen Erscheinung* with the help of the Ugaritic text (KRT A 11; 145,5) where the meaning of *Offenbarung, Erscheinung* is clear (cf. C.H. Gordon, *Ugaritic Handbook* III,225, *theophany*). Further H.-J. Kraus rightly insists that the parallel use



followed usually by אֶת־פָּנֵי יְהוָה (Ex 23:15,17, 34:20,23,24). Therefore, the representatives' seeing God (וַיֵּרְאוּ אֶת אֱלֹהֵי יִשְׂרָאֵל 24:10) does not just mean visual encounter with God, but rather *their audience with God with the sense of religious worship*. Also a similar phrase אֶת־דְּמֹתֵיהֶם in 24:11 could have a similar meaning, *Gottes Antlitz, Theophanie schauen* (e.g. Ps 11:7, 17:15, 27:4, 63:3, Job 19:26).<sup>(616)</sup>

This rare use of ראה as the people's homage with God is directly connected with another very unusual phrase found in the same clause, אֱלֹהֵי יִשְׂרָאֵל (24:10a). This phrase appears only twice in the Pentateuch (Gen 33:20, Ex 24:10).<sup>(617)</sup> With or without יְהוָה this phrase is a well-established formula not only distinctive in the worship of the Jerusalem temple<sup>(618)</sup> but also in the cult of Shechem before Israel became a state.<sup>(619)</sup> It retains the connection not only with Shechem and Shiloh but also with Jerusalem. In all these texts to confess one's faith in אֱלֹהֵי יִשְׂרָאֵל means to reject 'other gods' and, in opposition to them to confess YHWH as the sole God of Israel. In other words, Israel has now a special relationship with her own deity, YHWH. This fact corresponds with the internal construction of this phrase. That is it contains a special meaning in the combination of 'God' and 'Israel' so that we realize that there is a special relationship between the deity, YHWH, and the people, Israel. In many texts the confessional character is contained in this phrase either for proclaiming that YHWH is 'God of Israel' or for antagonizing the gods of neighbouring peoples. In Ex 24:10, Jos 8:30<sup>(620)</sup>, 24:2 this phrase is related to more specific relationship between God and Israel, the covenant relationship. In any case this term is very suitable in the present context of covenant making where *it epitomizes in one word the covenant ratification which has just occurred in Ex 24:3-8*.

Another interesting feature in this verse is that the use of this phrase corresponds with that of שְׁבָעִים מִזִּקְנֵי יִשְׂרָאֵל (24:1,9) or especially that of אֲצִילֵי בְנֵי יִשְׂרָאֵל (24:11). As we shall see in the exegesis of 24:11, this latter phrase expresses the idea that the persons representing the people take part in a covenant meal in front of God with whom Israel has made a new relationship. In other words, both rare terms in the OT vividly express the partnership just established in the new covenant. And both parties are going to meet again to celebrate the birth of this newly formed relationship between them.

After 24:10a follows a circumstantial clause (וַתַּחַת רִגְלֹוֹ קָמְעָשָׂה לְבִנְתָּהּ הַסִּפּוּר וּבָעֲצָם הַשָּׂמַיִם)

of מִפְּנֵי in Ps 96:9b gives a strong support for this interpretation.

616. GB, A. Jepsen (*TWAT*, 11,833).

617. Compared with Gen 33:20 (אֱלֹהֵי יִשְׂרָאֵל), Ex 24:10 covers a broader field, because Israel here is not a tribal name, but denotes a people (Th.C. Vriezen, 1972,108).

618. For example 1 Kings 8:15f, 2 Chron 6:4f, 1 Chron 15:12,14, 23:25, 2 Chron 11:16, 29:7,30:15, 33:16, Ezra 8:35, Ezek 8:4, 9:3, 10:19,20, 43:2, 44:2). W. Beyerlin (1961,34-35 = 1965,28-29). Cf. C. Steuernagel (1914,329ff).

619. For example Gen 33:20, Jos 8:30, 24:2, Jud 5:35, 1 Sam 1:17. Pace M. Haelvoet (1953,389). About Jos 8:30 with C. Steuernagel (1914,329-349,344), and about Jos 24:1 with J. Muilenburg (1959,357).

620. This verse is deeply related to Dt 26:16-28:69 where we find enough examples of a phrase (יְהוָה אֱלֹהֵינוּ) showing the special relationship between God and the people (after 26:17, 26:19, 27:2,3,4,5,6,6,7,9,10).



לְטוֹרָה 24:10b) which grammatically belongs to the main clause of 24:10a.<sup>(621)</sup> However, the parenthesis in this case does not mean that this clause is not important within the whole section. Rather we should interpret that this clause in its meaning *stands above* all other clauses of the section, because this clause depicts the essence of God's appearance. Therefore, it is important to point out that this parenthetical characteristic, as we shall see soon, fits in with the central position of this clause within the whole section of 24:9-11 (2.13.2.3). Within the clause itself there are two possible interpretations<sup>(622)</sup>; however there is no practical difference.

Although it is suggested that the imagery of 24:10 derives from the ark as the cherubim-throne of Yahweh<sup>(623)</sup>, this is improbable, because the lid of the ark is decorated not with sapphire but with gold (Ex 25:17ff.).<sup>(624)</sup> It is more plausible that this imagery of *an one-time event* stands independently from or came before the installation of the ark. Since the regulation about the ark comes just after Ex 24 (Ex 25:10-22), there is an important difference. The use of this imagery, especially with הַסַּפִּיר<sup>(625)</sup> seems to be of ANE origin.<sup>(626)</sup> On this basis it may be suggested that 24:9-11 depicts an audience before the enthroned (King-) God of Israel.<sup>(627)</sup> Lapis (הַסַּפִּיר), an imported luxury item in the ancient Near East, was used for (the inlay of) a royal throne of great sumptuousness.<sup>(628)</sup> This lends weight to the interpretation that the imagery is partly based on a royal palace paved in blue.<sup>(629)</sup> Th.C. Vriezen<sup>(630)</sup> also has the same opinion. God, as the heavenly King seated on his throne, which stands on a pavement of lapis lazuli, holds an audience for the representatives who not only see God but also have a sacral meal in front of God. Therefore, the covenant community comes into existence. Interestingly there are examples

621. Ehrlich (I,363). F.I. Andersen (1970,76) lists this verse among the examples of the verbless clause # 243 (∅ + prepositional phrase + prepositional phrase) as a verbless circumstantial clause stands in parenthesis. For example Num 21:16, Dt 9:10, but these two examples have the textual problem (F.I. Andersen, 1974,82,85).

622. Namely (i) there is the ellipsis in the second noun clause, i.e. in וּבְעֵצִים הַשָּׁמַיִם לְטוֹרָה we should add תַּחַת רַגְלָיו, or (ii) the second phrase (בְּעֵצִים הַשָּׁמַיִם לְטוֹרָה) is in the apposition to the first phrase בַּמַּעֲשֵׂה לְבִנְיַת הַסַּפִּיר. F.-L. Hossfeld (1982,197,n.177).

623. W. Beyerlin (1961,38f. = 1965,31f.).

624. E.W. Nicholson, 1974,92.

625. See E. Ruprecht (1980,146f.) for the material specification. We find this stone also in the ancient Egypt (W.H. Gispen, KV, Ex, 119 = BSC, Ex, 240).

626. For example E.F. Weidner (1922,69, Rs 13-14, summary by E.W. Nicholson, 1974,92): 'In an Accadian inscription from the archives at Boghazkōi we read of a room at the upper end of which was a slab of lapis lazuli which appears to have served as a 'footstool' for a king (probably in this instance Sargon), whilst at the lower end of the room fifty-five state officials sat and carried out their judicial functions.'

627. Cf. K. Baltzer (1960,40,n.1), E.W. Nicholson (1974,92), W. Zimmerli (Ez,56), F.C. Fensham (Ex,184), and E. Ruprecht (1980,146-151). O. Keel (1977,256: 'Von diesem Erscheinungsbild her kann es nicht verwundern, daß der Lapislazuli früh mit dem tiefblauen Taghimmel oder dem blauschwarzen, mit Sternen übersäten Nachthimmel assoziiert wurde. Ja, der Lapislazuli ist ein Stück des Himmels'). We should not take תַּחַת רַגְלָיו literally just 'under his feet' but 'ihm zu Füßen, d.i. in der nächsten Nähe der Stätte, wo er stand.' (Ehrlich, I,363).

628. M.Z. Brettler (1989,83,184,n.21).

629. בְּעֵצִים הַשָּׁמַיִם (BDB: 'like the substance of the sky' = 'like the sky itself' and similarly in GB: 'wie der Himmel selbst'). לְטוֹרָה (BDB: 'as the body of the heavens 'for purity' in this context) and similarly in GB ('Klarheit'). Th.C. Vriezen (1972,109) suggests this word hints at the deep blue of the cloudless heaven.

630. (1972,100-133).



in which this imagery is used for the deity.<sup>(631)</sup> A similar use is found in Canaan, Egypt and Babylonia.<sup>(632)</sup> The imagery of the absolute authority of the king enthroned in the splendid glory is used *as analogy* in both cases. The intention of 24:10 is not that YHWH is or becomes king but that *He is or becomes the God of Israel*, the national god, whose absolute authority can be compared with that of the earthly king.

Not only in the ANET but also in the OT itself we find similar descriptions to Ex 24:9-11. And the content of this section seems to be deeply connected with Ez<sup>(633)</sup> :

(1) the brightness of crystal is presented with **קְבוֹד** (1:22-28, 8:2f., 10:1-4),

(2) **אֱלֹהֵי יִשְׂרָאֵל** (8:4, 9:3, 10:19, 11:12, 43:2, cf. 10:20, 44:2)).

It seems that this description was used long before Ezekiel as we have seen in case of **אֱלֹהֵי יִשְׂרָאֵל** (24:10a).<sup>(634)</sup> In particular the combination **קְבוֹד** (cf. Ex 24:16,17) + **אֱלֹהֵי יִשְׂרָאֵל** (Ex 24:10) looks to be new phraseology invented by Ezekiel using the whole content of Ex 24:9-18.<sup>(635)</sup> These features prove indirectly that Ex 24:9-18 already existed as a unity at least by the time of Ezekiel.<sup>(636)</sup> Not only Ez but also other passages in the OT (2 Sam 22:10, Ps 18:10, Neh 1:3, Mic 1:4, Is 6:1) show the connection of God's feet with theophany in one form or another. In 1 Chr 28:2 the ark of the covenant parallels the footstool of God (**לְאֲרוֹן כְּרִית־יְהוָה וְלְהֵרִים רַגְלֵי אֱלֹהֵינוּ**).<sup>(637)</sup> Also in the OT we read that mount Zion or the temple is said to be God's *footstool*.<sup>(638)</sup> And in Is 6:1 God sits high and exalted on the throne and the train of his robe fills the temple. There is a similar description to Ex 24:10 about the feet of God. From Isaiah's position the feet of God are most visible. Although in the following verses Isaiah explains about the seraphs, he does not mention further the shape of God. Despite this similarity<sup>(639)</sup> we cannot miss the unique feature of Ex 24:10.

631. Th.C. Vriezen (1972,109,n.1) shows that this highly precious stone is used many times in the whole ANE for building of sanctuaries and palaces.

632. According to R.J. Clifford (1972,112) the similar word to **הַיְצַנִּי** (Ug. 'iqn'u) is used in the description of the Baal's palace in Zaphon. J.C. de Moor (1990,226) gives examples both in Egypt and Babylonia. It is the highest god who is the master of the blue sky. Amun-Re is called *Lord of the lapis lazuli* (A.I. Sadek,1987,14.) or *the beautiful Youth of purest lapis lazuli* (J. Assmann,1983,5,No.6:5). And in Babylonia we read that *Bel sat on a throne within (the middle heaven), on a dais of lapis lazuli* (A. Livingstone,1986,82f.). Because of the similarity between this description of theophany and that of ANE kings, E. Ruprecht asserts the kingship of YHWH (1980,145ff.). However, this description does not prove directly the kingship of YHWH in the present text. E. Ruprecht and others go too far. It is the same in the case of Is 6:1 where we cannot insist that the kingship of YHWH is its main theme.

633. E. Ruprecht (1980,143f.).

634. W. Beyerlin (1961,38 = 1965,30). And for the antiqueness of this passage see the literature in D.J. McCarthy (1978,265,n.42). Whatever the exegesis of this verse may be, it is true that **סַפִּיד** (lapis lazuli) in Ez is connected with the throne of God (**כִּסֵּא**). Although the word throne (**כִּסֵּא**) is not used in Ex 24:10, it seems to be better to consider that *the analogical imagery* of this verse is that God is sitting on the throne.

635. See our discussion on the phrase **אֱלֹהֵי יִשְׂרָאֵל** above.

636. Cf. 1 Sam 4:21, 1 Kings 8:11 which also show the connection between YHWH's **קְבוֹד** and the ark which symbolizes the presence of God.

637. The phrase **רַגְלֵי + הֵרִים** with the meaning of God's temple or presence is found further in Ps 99:5, 132:7, Lam 2:1.

638. For example Is 60:13, 66:1, Ps 99:5, 132:7, Lam 2:1. In Ex 24:10 this is used more or less literal sense, but Dt 33:2c-3 shows a figurative sense (M.C.A. Korpel,1990,116).

639. And also to Ez. Ez 1:26 **אֲבֹן־סַפִּיד דְּכֹתָב כִּסֵּא** also renders a subtle expression avoiding the detailed description on the real shape of God through the words like **כִּסֵּא** and **רַגְלֵי**. Th.C. Vriezen (1972,108f.) : 'Ezekiel suggests more explicitly the inadequacy of his - otherwise much more detailed - description. - Compared with the description of Ez 1, where a throne of lapis lazuli is erected above the crystal firmament, that of Ex xxiv is much simpler and more natural.'



In both cases it is important to note that the eyes of the author are at the same level as the eyes of the representatives of Israel. The text is not written with a bird's eye view.<sup>(640)</sup> The eye of the author is nearly on the ground following the face of the representatives who bend the upper body right down. Therefore, in Ex 24:9ff. even a description of a throne is missing. Rather, what is pictured is the platform under his feet, which is described as if it were a transparent through which one could gaze from below.<sup>(641)</sup> D.J. McCarthy<sup>(642)</sup> aptly explains the unique description of this verse compared with other texts in the OT showing some similarities (i.e. Is, Ez and Dt) :

'The picture of God in His splendid place calls to mind Is 6:1, but it lacks the specific reference to the paraphernalia of the Temple which marks the Isaian vision. Despite the mention of the jewels the directness and simplicity of the passage is in sharp contrast to the tortured magnificence of the enthroned God in Ezekiel's vision, and it is even more distant from the theological sophistication of the Dtic school's hiding the divine presence in the Name or from P's use of the numinous cloud. We are closer to the simplicity of Yahwe's walking in His garden, which had its jewels too.'

Therefore, we conclude that 24:10 belongs to the description of worship with the physical action of bowing down to the deity with whom Israel has just established a new covenant relationship. This understanding of 24:10 fits in with 24:1 where we read a *macroscopic* description (וְהִשְׁתַּחֲוִיתֶם סָרְחִק) of the worship action of the people's representatives of God. In 24:1 we read the abstract term (הִשְׁתַּחֲוִיתֶם), but in 24:10a the action itself is explained. In this manner 24:9-11 is related to 24:1, and furthermore also to 19:24 (2.11.1.1). Therefore, 'they saw the God of Israel' (וַיִּרְאוּ אֶת אֱלֹהֵי יִשְׂרָאֵל 24:10a) means their audience with God. And what they experience visually with the attitude of bowing down is not the face of God<sup>(643)</sup> but His closeness to them (24:10b). An interesting point in this regard is that their audience with God is not a dreadful event like the first meeting mentioned in 19:9-25 but a joyful meeting because of the totally different phenomenon accompanied by the appearance of God in 24:10.<sup>(644)</sup> And further assurance is given in 24:11 for their life after the audience with God.

## 2.13.1.2 24:11

640. It is highly common in the ancient and modern oriental society that to show respect towards a person is expressed physically through bending the whole (or upper) body to the ground, although there is a difference in the depth of bending degree.

641. B.S. Childs (Ex,506).

642. (1978,265).

643. Therefore, we cannot agree with the idea of L. Perlitt (1969,185) that this verse came from the period when the 'Gottesschau' was not yet *per se* the seeing of the God of Israel. As far as we have seen throughout the long history of the OT, the homage to God or king is expressed not directly with the face but indirectly with the thronend feature.

644. G. Beer (Ex,127) : '10 (Ex 24:10, TGS) ist eine warme Freude an der Natur anzuspüren.' Eng. 'having an audience with' (e.g. the king) may have the meaning of 'enjoying an audience with' (e.g. the king).



In 24:11a the main issue is whether this clause is related to 24:11ba (וַיֵּשְׁתַּנּוּ אֶת-דְּהָאֱלֹהִים) or to 24:10a. If 24:11a followed 24:11ba, in other words, if the author intended to say that there were 'no punishment from God' (לֹא שָׁלַח יְהוָה 24:11a)<sup>645</sup> despite their 'seeing God' (וַיֵּשְׁתַּנּוּ אֶת-דְּהָאֱלֹהִים 24:11ba), the logical order of clauses were firstly וַיֵּשְׁתַּנּוּ אֶת-דְּהָאֱלֹהִים (24:11ba) and then לֹא שָׁלַח יְהוָה (24:11a). However, the present order of clauses (i.e. 24:11a and then 24:11ba) is perfectly balanced, because 24:11a (וְאֶל-אֲצִילֵי בְּנֵי יִשְׂרָאֵל לֹא שָׁלַח יְהוָה) is logically related to 24:10a (וַיֵּשְׁתַּנּוּ אֶת-דְּהָאֱלֹהִים) but not to 24:11ba. And if 24:11a were grammatically related to 24:11ba and at the same time there were a certain gap between 24:10b and 24:11a, we could not explain the phenomenon that in 24:11a there is no mention of the subject of the sentence. However, as we shall see soon, 24:11a is related to 24:10a, because the subject of 24:11a is clearly the object of 24:10a (אֶת-דְּהָאֱלֹהִים יִשְׂרָאֵל), which is one party of the newly made covenant. Therefore, it is unnecessary to mention it once again in 24:11a, rather in 24:11a the author wants to put full emphasis on the other party of the covenant, אֲצִילֵי בְּנֵי יִשְׂרָאֵל. This phrase as the object of 24:11a is actually emphasized by its initial position within the clause. Stylistically the absence of this subject in 24:11a, which is easily recognizable from the previous sentence, helps to highlight the other covenant party expressed with the phrase (אֲצִילֵי בְּנֵי יִשְׂרָאֵל). Therefore, 24:11a we find an example of *antithesis by negation* towards 24:10a :

24:10a : *they saw God of Israel,*

24:11a : *but the nobles of Israel God did not strike.*

This antithesis with 24:10a<sup>(646)</sup> indicates that both clauses correspond with each other. This pattern is further developed in order to form the chiasmic structure in the whole section of 24:9-11 (see 2.13.2.3).

אֲצִילֵי of this unique phrase אֲצִילֵי בְּנֵי יִשְׂרָאֵל<sup>(647)</sup> most probably means 'the noble'.<sup>(648)</sup> This word corresponds on the one hand with נְעָרֵי בְּנֵי יִשְׂרָאֵל (24:5)<sup>(649)</sup> and on the other

645. This phrase sometimes without ך' means either 'to help' (Ps 18:17, 57:4) or 'to punish' (Ex 9:15, 24:11). The phenomenon in 24:11a (cf. Ex 9:15) contrasts strongly with the previous experience of the people. In 19:15ff. the people's experience of the approach to God caused the horror, and therefore they themselves requested to receive the laws of God indirectly through Moses in order to avoid the continuous encounter with God during receiving the covenant condition, the laws. The negative expression in 24:11a presupposes the same attribute of God, the direct encounter with whom is impossible in the normal situation.

646. Therefore, ך' in אֲצִילֵי בְּנֵי יִשְׂרָאֵל (24:11a) should be understood as the adverb, *but*. We shall soon deal with the possibility that 24:11a is the *antithesis by negation* towards 24:11ba (וַיֵּשְׁתַּנּוּ אֶת-דְּהָאֱלֹהִים), which is impossible in the present context.

647. For etymological study see E.W. Nicholson (1974,83). This has its original meaning not in אֲצִיל I ('corner', 'side') rather in אֲצִיל II, which is related to the Arabic or Aramaic word. GB ('die Vornehmen'), BDB ('the noble'), in Arabic ('root', 'be rooted'), and HAL & GMD (ar. 'asil : 'v. edler Abkunft').

648. Ehrlich (1,363) suggests this word came from אֲצִיל (= 'ein Teil vom Ganzen trennen bei Seite tun, bezeichnet einen Edlen, der über dem gemeinen Volke steht').

649. HAL, Ehrlich (I).



hand with **אֱלֹהֵי יִשְׂרָאֵל** (24:10).<sup>(650)</sup> Not only do the seventy elders but also Moses and Aaron, Nadab and Abihu represent the people.<sup>(651)</sup> In other words, in this context **אֲצִילִי** with **יִשְׂרָאֵל בְּנֵי** does not necessarily have the connotation of high social status, but rather it has the nuance of the representatives of God's new people. In this case this phrase means the representatives of one party of the covenant in parallel with another unusual expression, **אֱלֹהֵי יִשְׂרָאֵל**, which means the other party of that covenant. Although God does not take part in consuming the meal, the phraseology reveals the covenantal character of this section.

We now want to deal with 24:11b. Commentators tend to compare 24:10 and 24:11b and then conclude that both describe the theophany differently.<sup>(652)</sup> However, it is wrong to compare two similar sentences (because of similar words of **רָאָה** 24:10a / **חָזָה** 24:11b) without considering the structure of this section. We cannot hold that both sentences are just the product of juxtaposition of two sentences which came from different sources or traditions. Structurally the clause with the splendid expression about the theophany in 24:10b which is the main reason for the 'geschmackvoll' expression for the 'Gottesschau' (*pace* L. Perlitt) standing as the parenthesis of the whole section, on which we have commented, should be considered separately from 24:11b. In other words, 24:11b should be compared not with the whole 24:10 but with 24:10a (see 2.13.2.3.). Then we obtain a clear parallel expression about the 'Gottesschau' in 24:10a and 24:11b.

It is not difficult to realize that 24:10a (**וַיִּרְאוּ אֶת אֱלֹהֵי יִשְׂרָאֵל**) and 24:11ba (**וַיַּחֲזוּ אֶת-הָאֱלֹהִים**)<sup>(653)</sup> are similar in their purpose ('to see the deity') because of the use of the similar verbs (**רָאָה** / **חָזָה**).<sup>(654)</sup> However, the object of the clause in 24:11ba (**הָאֱלֹהִים**), the general term for the deity, contrasts greatly with the specific term in 24:10a (**יִשְׂרָאֵל**) which is also the object of that clause. And also the link between the clauses is different: the lavish description of the divinity in 24:10b and the terse and unimpressive description of the meal in 24:11bb (**וַיֹּאכְלוּ וַיִּשְׁתּוּ**). As we have seen above, because 24:11a is *the antithesis by negation* of 24:10a, the connection of 24:11ba with 24:11bb is apparent.

650. In all these three phrases either **יִשְׂרָאֵל** or **בְּנֵי יִשְׂרָאֵל** is used. See further 2.12.13.(1). **בְּנֵי יִשְׂרָאֵל** reminds us the name of the people used by God in 19:3 (**בְּנֵי יִשְׂרָאֵל בֵּית יַעֲקֹב**).

651. E. Ruprecht (1980,141).

652. For instance L. Perlitt (1969,186f.) holds that the somber and 'geschmacklos' expression of the 'Gottesschau' in 24:11b forms a good contrast with the 'Keusheit' of 24:10. Cf. S. Mittmann (1975,153, 'fast respektlose Abschluß der Gottesschau' or 'eine gewisse Disharmonie der Vorstellungen') and J. Buchholz (1988,37, 'die abschließende lapidare Bemerkung').

653. Text variants: e.g. SamP (**וַיִּשְׁתּוּ**): *they took [with God; they ate and drank]*, the translation into English by Th.C. Vriezen (1972,102)) and NEB (boldly translates *they stayed*, because of the Arabic correspondent (N.B. REB, the new edition of NEB, has more cautiously 'they saw' in the text but 'they stayed before' in the note). However, as we have seen, these efforts of emendation are apparently caused by the use of similar clauses (24:10a, 24:11ba), and therefore both emendations are not necessary (cf. E.W. Nicholson (1974,82f)).

654. S. Mittmann (1975,153f.) argues against this that **רָאָה** means the direct seeing of God but **חָזָה** is about the visionary 'Gottesschau'. Similarly M. Buber (1958,118). However, F.-L. Hossfeld (1982,196), depending on A. Jepsen's argument (TWAT,11,834), suggests the real use is against the opinion of S. Mittmann and M. Buber. In the present context there is no essential difference of meaning between two words except **רָאָה** is used to express 'to have the audience with', but **חָזָה** is not clear in its normal use.



24:11ba, together with 24:11bb<sup>(655)</sup>, forms the short summary or conclusion for the event on the mountain. In this way 24:11ba,bb, the summary of this event, is in parallel with 24:9, the introduction of this event.<sup>(656)</sup>

The most plausible translation of the combination 24:11ba and 24:11bb is 'while (or after) they saw God, they ate and drank.' In other words, the representatives ate and drank in front of God. In this manner 24:11ba (וַיֵּחֹזּוּ אֶת־הָאֱלֹהִים) functions practically as the circumstantial clause for the main clause in 24:11bb. In the section 24:9-11, therefore, 24:11ba,bb serves as the summary of the section compared with the introduction 24:9.<sup>(657)</sup>

In the OT there are several examples of the phrase, 'eat (and drink) before YHWH' (e.g. Ex 18:11, Dt 27:7). 'Before YHWH' usually means 'in the cultic place' where a human being meets God (e.g. Ex 23:16f., 34:22, Dt 14:23, 16:11).<sup>(658)</sup> The phrase 'before YHWH' can be used when the meeting happens, even though there is no traditional and static cultic place, (e.g. Ex 18:11f.). In other words, the place is not a known cultic place, but offerings are offered there. Therefore, the phrase 'before YHWH' is not strange in this case. The use of the combination ('eat and drink' and 'before YHWH') makes our interpretation of the separation between 24:11a and 24:11b more plausible, because 'to see God' (וַיֵּחֹזּוּ אֶת־הָאֱלֹהִים) in 24:11ba is nearly identical with 'before YHWH'. Therefore, the combination וַיֵּחֹזּוּ אֶת־הָאֱלֹהִים (24:11ba) and וַיֵּאָכְלוּ וַיִּשְׂתּוּ (24:11bb) is quite natural.

Another interesting feature in this clause is that this meal is a positive and joyful event<sup>(659)</sup> after making the covenant relationship between God and the people. When the phrase 'eat and drink' is used with a group of people, it normally expresses the positive and joyful event (e.g. in the festival, Dt 16:14). Although in 24:9-11 there is no explicit word or phrase (like שמח in Dt 27:7) about the positive and joyful character of this event, the difference of the description about the theophany between 19:9ff. and 24:10 makes clear this point.<sup>(660)</sup> As in the comparative study of the Sinai covenant (Ex 19-24) and the Moab covenant (Dt 5-28), we should also find the three common aspects of making a

655. Various ANE and OT examples see F. Nötscher (1961,145-174).

656. Further see the chart about the structure of 24:9-11 in 21323.

657. We cannot conclude that through the clause וַיֵּאָכְלוּ וַיִּשְׂתּוּ (24:11bb) the scene is 'rapidly closed' (L. Perlitt, 1969,186). Rather, as we shall see in detail in our study on the structure of this section, this is a short summary of the whole event well balanced with the simple introduction (24:9).

658. However, this phrase does not seem to indicate the meal occurs in the altar on the foot of the mount (e.g. Keil and U. Cassuto (1967,315)) because of the strong connection between 24:11ba and 24:11bb. In other words, they have the meal in the same occasion of 24:9-11. In any case there is no hint for the moving of the place.

659. Positive and joyful means there is no negative or threatening aspect for the partakers. In particular after making the official and legal relationship the people may celebrate the new relationship made with the satisfaction of both sides, because all tensions for making correct and legitimate relationship are now over. Therefore, the positive and joyful encounter now is quite different from the first, stern and awesome encounter, because in this meeting the people realize the seriousness of the condition of the relationship to be God's people. J. Scharbert (1965,291) gives a correct observation of this issue: 'Das Mahl in 24,11 ist doch nicht integrierender Bestandteil des Bundesschlusses selbst, sondern setzt diesen als bereits vollzogen voraus. Es dokumentiert lediglich den durch den Bundesschluß hergestellten Frieden (šālôm).'

660. E.W. Nicholson (1976,148-150) interprets this clause as 'to live or to enjoy life'. Although his further discussion with this interpretation is inadequate about which we shall see, he rightly realizes that this meeting is a happy occasion.



covenant, 'eat and drink', 'positive and joyful event', and 'before God'.<sup>(661)</sup>

## 2.13.2. 24:9-11 in its totality

So far the detailed exegesis of Ex 24:9-11 has been the primary concern. In this section we discuss the following issues :

1. covenantal character of this section.
2. the definition of this section (celebration of the ratified covenant).
  - a. paying homage of 'the nobles of Israel' (אַצִּילֵי כְּנִי יִשְׂרָאֵל) with 'the God of Israel' (אֱלֹהֵי יִשְׂרָאֵל) for making the covenant with his people.
  - b. covenant meal.
3. the structure of 24:9-11.
4. connection with the previous sections.

### 2.13.2.1. Covenantal character of this section

Like other sections in the Sinai pericope commentators study 24:9-11 with two different attitudes : (i) non-covenantal understanding, (ii) covenantal understanding.

(i) Commentators who argue for non-covenantal understanding of this section have one main reason : the central issue of this section is not the meal (N.B. only 24:11bb וַיֵּאָכְלוּ בְּבֵרֵי יְהוָה) but the 'Gottesschau'.<sup>(662)</sup> Therefore, it is impossible for them to consider this section as the covenant ritual. And since there is no word alluding to the covenant, covenantal understanding is introduced from outside.<sup>(663)</sup> L. Perlitt<sup>(664)</sup> insists that a meal can only be called as a covenant meal when both parties eat together. However, we cannot expect God to take part in the meal.

However, we consider that these objections rather help to clarify the covenantal understanding of this section. It is quite clear that the meal itself is not the centre of this section, as these commentators point out. It is very natural that the consumption of the prepared meal *per se* cannot be the key. Therefore, we cannot define this section on the whole simply as 'the covenant meal'. And we find more important factors in this section than the meal itself, although the meal seems to be an essential component of this section.<sup>(665)</sup> However, this point does not prevent us from finding covenantal character in

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661. Namely three factors : (1) eat and drink, (2) joyful event, and (3) before God.  
Ex 24:11b                      Ex 24:10b                      Ex 24:11b  
Dt 27:7f.                        Dt 27:7f.                        Dt 27:7f.

662. Pace S. Herrmann (1965,83) who insists that the key issue is the scene of meal in front of God. This is clearly pointed out by R. Schmid (1964,89,n24) and followed by L. Perlitt (1969,187,n1).

663. N. Lohfink (1967,104) holds that the covenantal understanding is a 'fertigen Theorie.' E. Kutsch (1973,160), although he accepts that the ברית concept exists in this section, considers covenantal understanding of this section as 'ein einseitiges Schutzverhältnis.'

664. (1969,186f).

665. F.C. Fensham (Ex,184).



this section. The main reason why commentators cannot find the theme is that they make an absolute division between 24:3-8 and 24:9-11. And, as we shall see, the connection between 24:3-8 and 24:9-11 enables us to determine the proper character of 24:9-11. In other words, the joyful meeting between the two parties after making the relationship is the main event of this section. The meal is only one aspect of this joyful meeting of the two covenant parties and, therefore, this cannot be the only definition of the whole section.

(ii) A covenantal understanding is suggested by many commentators.<sup>(666)</sup> Th.C. Vriezen<sup>(667)</sup> holds that the background of the representation of 24:9-11 is the making of a covenant of king and people. God is the king of heaven, sitting on his throne that stands on the lapis lazuli pavement under his feet, here are the elders invited by Him to have a meal in his presence. The elders are the representatives of Israel and **האלהים** is the God of Israel.

Firstly, although the throne imagery is visible in 24:9-11, we cannot say that the kingship of God is the real concern of this section. In the OT and in the ANET there are enough examples of the deity sitting on the throne that this cannot be necessarily interpreted as the kingship of the deity as such. Rather this imagery intends to express the sovereignty of the deity over the covenant or related people. In order to prove the kingship of God we should prove many other points within the text which is nearly impossible.

Secondly, without recognizing the connection between 24:3-8 and 24:9-11 it is very difficult to suppose the covenantal character of this section.<sup>(668)</sup> There are many components necessary for this section to be considered as covenantal (e.g. negotiation, official covenantal condition, covenant ceremony, etc.).<sup>(669)</sup>

We have analysed the solutions put forward by the commentators, (i) non-covenantal understanding and (ii) covenantal understanding. And now we suggest our own covenantal understanding of this section.

Firstly, the covenant between God and a human being can be considered as a kind of *analogy* of the relationship between human beings<sup>(670)</sup> or a kind of *anthropomorphism*. As it is not necessary to assume that all aspects of an anthropomorphic use correspond exactly with the use between human beings, it is not necessary that all aspects of the covenant making between God and human beings is exactly the same as that between

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666. E.g. H. Holzinger (*Ex*,106, 'Die Theophanie (v.10 TGS), im jetzigen Zusammenhang Hauptsache, ist bei J Einleitung des Bundesschlusses'), G.von Rad (*1966*,145, 'jahwistic covenant making'), G. te Stroete (*Ex*,184), and F.C. Fensham (*Ex*,184).

667. He (*1972*,113ff.) follows the conclusion of G. Widengren (*1957*,1-32) and G. Fohrer (*1959*,1-22). Interestingly, however, he does not accept the connection between 24:3-8 and 24:9-11.

668. For instance M. Noth (*1940*,32f; *1960*,56f.), following W. Rudolph (*1936*,44), holds that 24:9-11 is the oldest section among Ex 19-24 reporting the covenant making. However, without considering Ex 24:3-8 he is not successful to prove the covenantal character of this section.

669. Also G.te Stroete (*Ex*,184) and J.P. Hyatt (*Ex*,258). The latter does not consider the connection of 24:9-11 with 24:3-8, although he defines 24:9-11 as the covenant meal. 'The eating of the meal presupposes a sacrifice, which is sometimes specifically mentioned in such passages.'

670. P.A. Rieman (*IDBS*,192b).



human beings. When the substantial aspect or the very attribute of God does not allow to use a certain aspect of the analogy for God, it is logical that the author drops that aspect in the analogical suggestion. Throughout the OT YHWH does not consume human food.<sup>(671)</sup> And therefore, the absence of YHWH's consumption of the covenant meal<sup>(672)</sup> does not prevent us seeing that this section has other features distinctive of the covenant.

Secondly, in Ex 24 God has two functions, (i) as the deity who receives the sacrifice, (ii) as one party of the covenant made with the human party Israel. God receives the sacrifice of the burnt offering which is usually God's response towards sacrifices (God's active burning : 1 Kings 18:38, the passive burning : burnt offerings in Lev.). When the sacrifice occurs in a context of covenant making, it is quite natural that God's two functions do not necessarily appear, especially when there are the burnt offering and the fellowship offering together. Although the whole burnt offering is burnt, the part of the fellowship offering is not burnt but consumed by the offerer(s) and the burnt part could be considered as God's share of the covenant meal.

Thirdly, there are other exceptions to the rule that no human being can survive the encounter with God also in the covenant context. In other words, in the direct encounter between both parties (God and the people, see 2.6.2.) in Ex 19:9-25, there was no problem (e.g. harm, punishment) in the side of the people. Although the people had a great fear of meeting with God, the people survived and this exception can only be explained by the special character of this event, the direct encounter of both covenant parties. These exceptions are quite similar to another exception that Israel's sin was not punished before Ex 19, as we have seen in 2.1.2.1. This is because from Ex 19 the covenant is going to be ratified. All these exceptions stress strongly the covenantal character of the Sinai pericope.

Fourthly, there are four facts which indicate the covenantal character of this section :

- (a) the worship of God & meeting with God,
- (b) the meal for celebration,
- (c) the peaceful encounter between the deity and the nobles,
- (d) the theme revealed through the structure of the section (2.13.2.2.).

(a) The worship of God and meeting of the representatives of the people with God reveals the covenantal character of this section. We have suggested that there is a clear answer to the question what is the content of the worship in 24:1 (וְהִשְׁתַּחֲוִיתֶם מִחֹק), if we accept the connection between 24:1-2 (at least 24:1) with 24:9-11 (see 2.11.2.). The action described in 24:9-11 is not irrelevant to the command to worship in 24:1, because the representatives' audience with 'the God of Israel' (וַיִּרְאוּ אֶת אֱלֹהֵי יִשְׂרָאֵל 24:10a) is the main concern of this section. They *worship without sacrifice* at this stage, because they have

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671. M.C.A. Korpel (1990,408) : 'It is one of the most ostensive differences between Ugarit and Israel that the OT hardly ever describes YHWH as eating and drinking. On the contrary, the OT emphasizes that only foreign gods eat and drink sacrifices, but not the God of Israel.' Also G.te Stroete (Ex,184).

672. For instance L. Peritt (1969,186), H. Holzinger (Ex,106).



already sacrificed in 24:3-8. And, therefore, this *worship* means not the cultic service accompanied by sacrifice, but a pure act of reverence to the deity in order to give thanks for making the new relationship. In other words, this sudden appearance of the worship without sacrifice can only mean the reverent and thankful encounter with the deity for the ratified new relationship.

(b) The meal for celebration also illustrates the covenantal character of this section. As we have pointed out, although the meal celebration before this national deity (וַיִּחַדּוּ וַיֵּשְׁתּוּ 24:11b) is not the unique theme of this section<sup>(673)</sup>, we cannot explain the meaning of this meal by the representatives of Israel without supposing that the new relationship has already been ratified between the deity and the people (24:3-8).<sup>(674)</sup> Moreover, if we accept the textual unity of this section,<sup>(675)</sup> the coexistence of the 'Gottesschau' (24:10-11a,11ba) and this meal, which is rightly summarized in the last *meaningful semantic unit* (24:11ba,bb), cannot be explained without considering the covenant ratified between the people and God.

(c) The peaceful encounter between the deity and the nobles of the people stresses the covenantal character of this section. We have seen that the positive and joyful meeting between 'the God of Israel' and 'the nobles of Israel' is totally different from the first awesome encounter between two parties in Ex 19:9-25, 20:18f.<sup>(676)</sup> This shows that the relationship between the two parties has been legally established. This settlement of the relationship between the two parties is expressed usually by שָׁלוֹם<sup>(677)</sup> in the OT and in the ANET.<sup>(678)</sup> The peace, following the settlement of the relationship, is the important concern of this section.

(d) The structure of this section reveals the covenantal character of this section (see 2.13.2.3.). In the chiasmic combination of 24:10a [B] and 24:11a [B'] tells the dual partnership of the covenant. This structure is strengthened by the corresponding phraseology :

	subject (unmentioned)	verb	object
Ex 24:10a	the nobles	וַיִּחַדּוּ	God (אֱלֹהֵי יִשְׂרָאֵל)
Ex 24:11a	God	שָׁלַח	the nobles (בְּנֵי יִשְׂרָאֵל)

673. Therefore, E. Zenger (1987,219) holds that the *Festmahl* is exegetically righter than the covenant meal.

674. If this is so, we may suppose the meal is related to the sacrifice in 24:5 (וּבְחֹם שְׁלָמִים).

675. The unity of 24:11b is the most obvious one. And the 'Gottesschau' (24:11ba) and the meal (24:11bb) show the unity of the elaborate report of 'Gottesschau' (24:10-11a) and the meal also. See 2.13.1.2.

676. (a) the phenomenon of God's coming : Ex 19 (v. 16 (וַיִּהְיֶה קוֹל וַיִּחַדּוּ וַיֵּשְׁתּוּ), v. 18 (שָׁפַר חֹזֶק מְאֹד וַיַּעַל עֵשָׂנוּ כְּעֵשֶׂן הַכֶּבֶד וַיִּחַדּוּ כָּל-יְהוּדָה), v. 19 (וַיִּהְיֶה קוֹל הַשּׁוֹפָר הוֹלֵךְ וְחֹזֶק מְאֹד), v. 20 (וַיִּשְׁמַע יִשְׂרָאֵל וַיִּחַדּוּ וַיֵּשְׁתּוּ), Ex 24:9-11 : clean ('blue', lapis lazuli; טָהוֹר). (b) the people's attitude (Ex 19-20 (fear, horror), Ex 24 (meal)). L. Peritt (1969,189).

677. A. Reichert (1972,166) holds that through the זָבַח offering two things happen, (i) the community of God and the people, and (ii) 'ein Schalomzustand'. And this 'Schalomzustand' is related to the meal in 24:11b, if the meal is originated from the offering in 24:5.

678. For the function of the phrase שָׁלוֹם in the diplomatic world see the examples and interpretation of DJ. Wiseman (1982,311-326).



### 2.13.2.2. The definition of this section (the celebration of the ratified covenant between God and Israel).

In 2.13.2.1. we have pointed out several facts showing the covenantal character of 24:9-11. We now want to define the theme of 24:9-11. Upon the basis of the covenantal character of 24:9-11 we define 24:9-11 as *the celebration of the ratified covenant between YHWH and Israel*. To support this definition two aspects which constitute the substantial components of the celebration of the ratified covenant relationship should be investigated thoroughly : (1) paying homage by 'the nobles of Israel' (אֲצִילֵי בְנֵי יִשְׂרָאֵל) with 'the God of Israel' (אֱלֹהֵי יִשְׂרָאֵל) for the ratified covenant, (2) the covenant meal.

(1) Paying homage by 'the nobles of Israel' (אֲצִילֵי בְנֵי יִשְׂרָאֵל) to 'the God of Israel' (אֱלֹהֵי יִשְׂרָאֵל) for the ratified covenant.

U. Cassuto<sup>(679)</sup> holds that *after* Israel's completion of the covenant with God the representatives of the people have the privilege of *being received in audience by God*.<sup>(680)</sup> He is right that the covenant is completed and enacted before 24:9-11 and the activity of 24:9-11 is a kind of aftermath to that covenant. Therefore, we can safely assume that the essential factor of this section is *paying homage of the nobles of Israel to the God of Israel*. In order to substantiate this we want to summarize the conclusion of our exegesis on 24:9-11.

Firstly, Moses is unmistakably the mediator for the new relationship between God and Israel throughout the Sinai pericope.<sup>(681)</sup> As we have seen from 19:1 to 24:1, there is only one case of the direct encounter between the two parties of the new relationship, 19:9-25. This encounter of the two parties is caused by the necessity that the people should accept the conditions of the relationship. However, because of the request of the people, Moses receives the laws except the decalogue. And the covenant ratification ceremony has also been conducted by the same mediator. Now in 24:9-11 we read about the second encounter of the two parties. But this is for a different purpose, the homage by the representatives of the people to 'the God of Israel' for thanksgiving. This purpose is expressed with *the worship* (הִשְׁתַּחֲוִיתֶם 24:1) and *the homage* (וַיָּרֶא אֶת אֱלֹהֵי יִשְׂרָאֵל 24:10). In other words, these two encounters are totally different in their purpose as well as in their appearance. The first gives the covenant condition directly, but the second celebrates the established covenant. And therefore, the appearance of the first is solemn and

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679. (1967,313).

680. G. Beer (*Ex*,127 : 'huldigen') and E. Zenger (1987,219 : The representatives of the people went to meet God 'in den Audienzsaal des Palastes' : 'Die Motive, die ähnlich in der Baalmythologie begegnen, dürften bewußt eingesetzt sein, um Jahwe zugleich als auf dem Gotterberg in seinem Palast residierenden Gott- und Weltkönig darzustellen, der die Erwählten Israels in seinen heiligen Bereich einläßt'). However, both commentators lack the detailed exegesis of the OT text.

681. B.S. Childs (*Ex*,503,507).



awesome, but that of the second is bright, joyful and positive. This joyful meeting is the visual expression of the 'Schalomzustand' (שָׁלוֹם) which is the usual consequence of a ratified relationship (treaty, marriage, see 2.13.2.1).

Secondly, the connection between 24:3-8 and 24:9-11. If our interpretation of this section so far does not cause a problem, it is not necessary to assume the hypothesis of many commentators that there were originally two independent accounts of the covenant making (i.e. generally 24:3-8 and 24:9-11) and that they were merged into one later by the redactor (e.g. B.S. Childs<sup>(682)</sup>). Although B.S. Childs assumes the existence of a long (oral and written) prehistory of the text, he asserts in the final text that there is a certain reason for the present composition. The gap between 24:1 (the command) and 24:9-11 (its accomplishment) was created for *a certain effect* by the redactor.

'Moreover, by enclosing the covenant ratification in vv. 3-8 within the announcement and execution of the covenant meal, the latter incident is made to appear not as an afterthought, but as an essential part of the one ceremony. ... the covenant meal no longer functions as a parallel ceremony by which to seal the covenant, rather as a joyous confirmation of the new relationship which had already been accomplished in vv. 3-8.'

B.S. Child's comprehension of the present text<sup>(683)</sup> is amazing amid numerous analytical commentators. However, B.S. Childs' acceptance of the long pre-history of the text is a presupposition without substantial support from outside. If the meal in general is the usual pattern after making many official relationships in the ANE<sup>(684)</sup> it is preferable to see it as the natural continuation of the covenant ratification ceremony (24:3-8) and to regard the joyful encounter of both parties (24:9-11) as a celebration of the established covenant than to assume the existence of prehistory.<sup>(685)</sup>

After a wedding ceremony is finished, a celebration banquet is enjoyed by the participants, so we see here a similar aftermath for the ratified covenant in 24:9-11. Although a wedding banquet is necessary and sometimes it became a strong social custom, it is difficult to say that this banquet itself legalizes the wedding. It is only the aftermath of an official ceremony. Like a wedding banquet this text describes the joyful celebration of the legal relationship established between God and the people. According to this analogy the connection between 24:3-8 and 24:9-11 can be easily imagined. And therefore the theory that 24:3-8 and 24:9-11 were originally independent is superfluous.

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682. (Ex,502ff).

683. See further (Ex,507).

684. B.S. Childs himself finds the striking parallel (Ex,509) of this event in the Ugarit text, according to this parallel we see the connection between the sacrifice (24:3-8) and the audience event (24:9-11).

685. F.C. Fensham (1965,81) : 'Die bloedritus, asook die gesamentlike maaltyd, slaan 'n onderlinge band tussen die lede van die mindere party. Dit voeg hulle godsdiensdig, juridies en organisatories saam in 'n absolute eenheid.'



## (2) Covenant meal<sup>(686)</sup>

Vehement objection to the covenantal understanding of this passage is suggested by L. Perlitt.<sup>(687)</sup> And his objection is well expressed in the following sentences :

‘Das ist auch nicht der leiseste Hinweis auf ein ‘Bundesmahl’, mit dem gemeint sein sollte: Beide ‘Partner’ aßen und tranken miteinander. – Sie feiern es nicht mit Gott, sondern zu Ehren Gottes, in seiner Nähe, vor ihm.’<sup>(688)</sup>

However, as we have pointed out, the concept of YHWH's eating a meal does not exist in Israel. If there is the concept of covenant between the deity and the people in Israel, it is quite natural for the authors of the OT not to mention the meal of YHWH with the people. This covenant is not one between equal parties but between unequal parties, which is vividly illustrated in the awesome phenomenon of God's coming and the people's inability to stand as the partner of God in Ex 19. And because of this there seems to be no equal action as far as oaths are concerned, i.e. there is no verbal oath from God's side in 24:3-8.<sup>(689)</sup> However, as we have interpreted, this is caused by the covenant between the unequal parties<sup>(690)</sup> and the fact that the blood is sprinkled on the altar expresses well the oath of God. In 24:9-11, as the structure (2.13.2.3.) shows, the major theme of this section is not the meal but the audience of the people's representatives with ‘the God of Israel’ to celebrate the ratified covenant. In this case, therefore, the meal can be mentioned very briefly. Other important features, as we have seen above (2.13.2.1.), shows that this meal has covenantal character.<sup>(691)</sup>

E.W. Nicholson<sup>(692)</sup> asserts that ‘the concentration upon the final two words (וַיֵּאָכְלוּ וַיִּשְׂתּוּ) in the passage is in this instance indeed a case of ‘the tail wagging the dog’’. Further, he<sup>(693)</sup> suggests that although we find examples of covenant ratification by sharing meal (e.g. Gen 26:26-30, 31:43-53), this does not mean, however, that to eat and drink together is *ipso facto* to make a covenant. For him, therefore, sharing a meal presupposes

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686. We hold this term as far as it does not represent as the definition of the whole section, as we have seen. It is understandable in this respect when E. Zenger (1987,219) asserts that the ‘Festmahl’ is exegetically righter than the covenant meal.

687. (1969,186f.).

688. See the criticism of A. Reichert (1972,168) for the latter sentence.

689. This is the issue for E. Kutsch (1973,passim, e.g. 159) not to see the covenantal character of בְּרִית in general and the whole Sinai pericope in particular.

690. W. Zimmerli (1972,47) holds that in Ex 24:9-11 in conjunction with Gen 15 and Jer 34 only the human participants celebrate the feast and YHWH is present in all His glory. ‘It is not unlikely, however, that here, too, we are dealing with a festival meal to confirm the covenant.’

691. However L. Perlitt (1969,187 and n.1) indicates an important point, followed by J. Buchholz (1988,35) : ‘Das Mahl der Ältesten enthält nicht den Kern der Szene, sondern setzt ihn voraus.’ The point that the meal is not the central issue is correct, as we have seen, because it appears only at the end of the passage and it is expressed only with two words (וַיֵּאָכְלוּ וַיִּשְׂתּוּ). This point helps us to analyze the structure of this section, as we shall see in detail, because we should think the function of this terse clause about the meal within this structure. The meal itself does not make this section covenantal, but the whole characters of this section make the meal covenantal.

692. He (1974,85f.; 1986,126) follows L. Perlitt and is followed by F.-L. Hossfeld (1982,196).

693. (1973,68; 1974,84-86).



or creates a special relationship between those partaking of it, but such a relationship is not necessarily a covenant relationship. Therefore, for E.W. Nicholson<sup>694</sup> this section is best understood not as a reference to the eating of a covenant meal but, as in other cultic contexts of the OT, it means that those who experienced this remarkable manifestation of God 'rejoiced' or 'worshipped' in the presence of God (e.g. Ex 18:12, Dt 12:7, 14:26). For him<sup>695</sup> 24:9-11, though certainly of ancient origin, is neither concerned with nor implies the existence of a covenant but is to be understood as a theophany tradition. He will claim that it is the theophany tradition *par excellence* in the Old Testament. The cultic activity of eating and drinking appears as a means of worshipping and rejoicing in God's presence (e.g. Dt 12:7, 14:26, 27:7, 1 Chr 29:22, Ex 18:12).

E.W. Nicholson is quite right, as we have pointed already, that the tail should not wag the dog in the text of 24:9-11. And we also agree that to eat and drink together do not constitute a covenant, because it is only the celebration of the established relationship. However, although he insists the importance of looking at the whole content of 24:9-11 supposing the unity of the text, his concern is too much on 'they saw God' not on other aspects in the section. In particular, such expressions as 'the nobles of Israel' (אֲצִילֵי בְנֵי יִשְׂרָאֵל, 24:11), 'God of Israel' (אֱלֹהֵי יִשְׂרָאֵל 24:10) are not considered properly. If we consider the whole section, we should consider not some individual aspects but all aspects within the section like

- (a) the 'Gottesschau' of the representatives of the people,
- (b) the parallel expressions of אֱלֹהֵי יִשְׂרָאֵל (24:10) and אֲצִילֵי בְנֵי יִשְׂרָאֵל (24:11),
- (c) the meal, but also
- (d) the structure of this section (2.13.2.3).

Since E.W. Nicholson does not consider all aspects within the section, his definition of this section also shows lack of balance and is too general to be accepted. This lack corresponds with his denial of the relationship between 24:3-8 and 24:9-11. And if he considers this section under the title of theophany, one important question arises from this definition that is not fully answered : the difference between the theophany in Ex 19 and in Ex 24:9-11. Why do two totally different descriptions and contents (19:9-25 and 24:9-11) of the same topic (*theophany*) appear in the same Sinai context ? Why is the first one so awesome, but on the contrary the second so friendly to Israel ? Furthermore, as we have seen in the exegesis of the text, the 'Gottesschau' in 24:9-11 is more than a simple theophany. It is the audience of the representatives of one party ('the noble of Israel') with the other party ('the God of Israel'). E.W. Nicholson does not clearly consider why this audience is necessary and why the very unusual phrases (אֱלֹהֵי יִשְׂרָאֵל 24:10a, אֲצִילֵי בְנֵי יִשְׂרָאֵל 24:11a) are used in parallel in this section.

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694. (1974,84-86; 1975,69).

695. (1973,79; 1974,77,93).



Now it is the turn of the commentators who assert the covenantal understanding of this meal.<sup>(696)</sup> In many cases they do not suggest detailed exegesis for their assertions. Sometimes they confuse *the covenant ratification* which is already done in 24:3-8 with *the covenant celebration* which is the case of 24:9-11. This seems to be the reason for the two versions hypothesis of the covenant ceremony.

W. Beyerlin<sup>(697)</sup> suggests a useful point about the relationship between 24:9-11 and 24:1-2 :

‘Undoubtedly, there is something special about this meal: it is *for this purpose* clearly that the God of Israel orders the representatives of this people to ascent the mountain.’

However, the fact that *worship* (עָבַד 24:1) belongs to the purpose of God’s command of ascent is not properly considered. This is because if we accept that 24:1 is a short introductory command to 24:9-11, this expression *worship* should be the key element of 24:9-11. A. Reichert<sup>(698)</sup> holds that, although there is no word of בְּרִית in 24:9-11, and 24:3-8 cannot be easily connected with 24:9-11, the meal in 24:9-11 is not an appendix to the seeing of God but the essential component of meeting with God. Against L. Perlitt’s naive argument<sup>(699)</sup> A. Reichert starts from the character of the general זֶבַח-sacrifice (*Schlachtopfer*) where God takes part in the meal :

‘Hier ist also in 24:11 der ungeheuerliche ‘Umschwung von der Hoheit zur Vertraulichkeit’, → wieder ganz in der Tendenz des Textes, wenn er auch in der Formulierung sehr zurückhaltend bleibt. Die Repräsentanten Israels feiern das Mahl - so könnte man einen Satz von Perlitt direkt umformulieren - nicht nur ‘zu Ehren Gottes, in seiner Nähe, vor ihm’, sondern mit ihm ?<sup>(700)</sup>

Here A. Reichert explains the reason why there is no mention of God’s meal from the point that the meal in 24:11 came from the very special זֶבַח offering related to Ex 3:12. 24:9-11 is, as A. Reichert points out well (*Vertraulichkeit*), the happy meeting of both covenant parties after ratifying the covenant. And A. Reichert’s criticism of L. Perlitt seems to be reasonable, because the meal is the outcome of the זֶבַח offering. The more plausible interpretation, however, seems to be in the double function of God, firstly as the deity who grants audience and accepts human offering, and secondly as another party of the covenant. Although in the Sinai pericope we realize that the analogy of the covenant, a human form of relationship making between the deity and human being, this analogy

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696. B. Baentsch (*Ex*,216, ‘Bundesmahl’), H. Greßmann (1913,183), H. Holzinger (*Ex*,106, ‘ein freilich einseitiges Bundesmahl’), J. Pedersen (1914,24f), W. Rudolph (1936,44, ‘ein Bundesschluß’), E. Auerbach (1953,166f. = 1975,147f), M. Noth (*ATD*,*Ex*,159 = *OTL*,*Ex*,196), W. Beyerlin (1961,40-41 = 1965,33-34), W. Zimmerli (1970,184f, ‘nothing but the covenant meal’), B.S. Childs (*Ex*,507,509).

697. (1961,40-41 = 1965,33-34).

698. He (1972,166,247,n.163 for literature) depends upon L. Köhler (1953,172f.), L. Rost (1958,115,117), and R. Rendtroff (1967,133ff.,144f.).

699. Namely God does not take part in the meal, and therefore we cannot consider this as a covenant.

700. Cf. L. Perlitt’s clause (1969,187) : ‘Sie feiern es nicht mit Gott, sondern zu Ehren Gottes, in seiner Nähe, vor ihm.’



can only be applied as far as the very attribute of God is permitted (2.13.2.1). Here we see the limit of the application of the covenant analogy to the relationship between YHWH and Israel. In the Sinai pericope we find two examples of points unapplicable to the covenant analogy : (i) the oath aspect of the sprinkling of the blood to the altar (24:6a) and (ii) the one-sided meal by the people's representatives (24:11bb). The first is performed by Moses the mediator, and the second is so because of YHWH's attribute. Another weakness of A. Reichert in this regard is that in 24:9-11 there is no mention of the offering and no information that the offering is זבח. In 24:11 we just simply read *eat and drink* (וַיֹּאכְלוּ וַיִּשְׂתּוּ). These clauses themselves do not state whether the consumed meal is the outcome of an offering or a simple meal without the concept of offering. In this respect it is very interesting that A. Reichert does not consider seriously the possible connection of the זבח offering in 24:5 with 24:9-11. Rather he tries to connect this meal with the prophecy of the offering far before 24:9-11, i.e. from 3:12, without considering whether the actual offering happened yet. It seems right that the author of 3:12<sup>(701)</sup> intends to mention the actual sacrifice, but not to enter into detail about the meal which would follow it. And this early prophecy about the offering, as we have seen, cannot find its fulfilment anywhere without the offering in 24:5.

We now summarize the points about the covenantal character of this meal.

Firstly, in the blood ritual of 24:6ff. there is a new aspect compared with the ordinary עֹלָה / שְׁלָמִים offering. Namely the blood is divided into two portions and one is sprinkled on the altar like both normal ritual but one portion is sprinkled on the people. If it is true that this extraordinary action symbolizes the difference between the covenant ritual and other offering, the same is also true in case of extraordinary meal in 24:11bb. Usually meat left after שְׁלָמִים offering is consumed by the offerer or the participant of covenant. However, in this case only the representatives of Israel take part in consuming the meal.

Secondly, modifying E.W. Nicholson's argument that *eating and drinking*<sup>(702)</sup> means most probably *cultic rejoicing* (e.g. Ex 18:12, Dt 12:7, 14:26), the cultic connection of this phrase should be insisted on. This meal is not an ordinary meal but is related to the cultic offering. In this case the connection of the simple clause about the meal (וַיֹּאכְלוּ וַיִּשְׂתּוּ 24:11bb) with this cultic characteristic can only be founded in the continuity between 24:3-8 (i.e. v. 5) and 24:9-11.<sup>(703)</sup>

701. עָבַר in 3:12 means *to offer* in cultic sense (H. Ringgren, *TWAT*, V, 991). The same passages are 4:23, 7:16, 26, 8:16, 9:1, 13, 10:3, 7, 8, 11, 24, 26, 12:31. Similar uses are with the verb נָגַד (5:1, cf. 19:9) and with the verb זָבַח (3:18, 5:3, 8:4, 21, 22, 23, 24, 25).

702. He (1976, 149) interprets this phrase having 'to survive' motif. Although we acknowledge the survival aspect is there, that is not all or the major topic. The real meal means much more than the survival, the rejoice for the new relationship by seeing the host of the relationship.

703. However, it seems to be inadmissible to depend on Ex 18:12 (offerings / meal / in front of God) in order to insist the covenantal character of 24:9-11. E.W. Nicholson (1974, 87), cf. F.C. Fensham (1964, 51-54) and Chr. Brekelmans (1954, 315-324).



Thirdly, *eating and drinking*<sup>(704)</sup> is not the key issue of this section (E.W. Nicholson, L. Perlitt, J. Buchholz). J. Buchholz<sup>(705)</sup> seems to be correct to say 'daß das Opfermahl selbst nicht der *Anlaß*, sondern der *Abschluß* einer Darstellung ist, .' (italics, TGS), although, this does not diminish the effect of the meal in this section. This meal event should be connected with the original objective ('Anlaß') of this section. If this objective is merely Israel's seeing God and God's not touching them, although this aspect is clearly present in this section, it is very difficult to explain the connection of this objective with the meal. As we have seen in 2.13.2.2(1), this meeting is not an ordinary or occasional one but the audience of the people with 'the God of Israel' most probably for thanksgiving for the ratified covenant. Without the connection of 24:9-11 with 24:1 and with 24:3-8 we cannot find this objective of 24:9-11 clearly. The former states that 24:9-11 is related to the *worship* activity (וְהִשְׁתַּחֲוִיתֶם) and the latter tells 24:9-11 is related to the ratified covenant. These pieces of information from outside 24:9-11 should be considered together with the content within 24:9-11.<sup>(706)</sup>

In conclusion the scene marks the climax of the whole Sinai pericope as the representatives of the people see God and have festival meal. Figuratively speaking, they go up *in den Audienzsaal des Palastes* to have an audience with the God of Israel.<sup>(707)</sup> And this scene with two main components (the audience and the meal) is an authentic gesture of covenant making and symbolizes the community between God and Israel.<sup>(708)</sup>

### 2.13.2.3. The structure of 24:9-11

Two important commentators show the concern for the structural issue of this section.

E.W. Nicholson<sup>(709)</sup> finds a kind of poetic parallelism in the style of this section :

[A] 10a (they saw), [B] 11a (God did not touch them)

[A'] 11ba (they saw), [B'] 11bb (they lived).

However, although superficially both pairs fit in with each other and there is clearly a pair of similar words (i.e. ראה 24:10a, חוה 24:11a), E.W. Nicholson fails to grasp the total structure. This is because 24:9,10b is not included in this schema and we cannot find any other reason to doubt the unity of this section. Therefore, this analysis is not perfect. In the explanation of structure we should consider all components within a text forming

704. The cases where the meal is related to the covenant are Gen 31:44,54, Gen 26:26-31, Jos 9:14f. (between Israel and the Gibeonites, G. te Stroete, Ex, 184), and 2 Sam 3:20ff. (although this text shows not the covenant meal in the strict sense).

705. (1988,35).

706. This consideration corresponds with the apt observation of J. Buchholz (1988,35). Criticizing L. Perlitt he asserts : 'Will man also die Anwesenheit von Ältesten auf dem Berg sachlich begründen, muß man nicht beantworten, was hier geschieht, das liegt offen zutage, sondern warum er geschieht.'

707. E. Zenger (1987,219).

708. D.J. McCarthy (1978,254).

709. (1976,149f.; 1986,132).



unity.<sup>(710)</sup> Further, E.W. Nicholson's [A] 24:10a and [A'] 24:11ba do not correspond with each other, because in [A] 24:10a we read the unique phrase in the whole Sinai pericope, **אֱלֹהֵי יִשְׂרָאֵל**. And also it is highly questionable that the clauses **וַיֵּאָכְלוּ וַיִּשְׁתּוּ** (24:11bb) can be best translated as 'they lived' as the counter-concept of death which is the consequence of direct encounter with God.

F.-L. Hossfeld<sup>(711)</sup>, working from the similarity of the sentence pattern of Ex 24:9-11 and Ez 1:27ff, suggests the structure of

[A] 24:10a - [B] 24:10b - [B'] 24:11a - [A'] 24:11b.

There are, however, some difficulties in this structure :

(i) 24:9 is not considered in this structure. There is no reason for 24:9 to be omitted.

(ii) [B'] 24:11a is not the vision of the representatives but God's reaction to that, and therefore it does not match [B] 24:10b which is a pure description of the vision. Because of the unique content and special grammatical character of 24:10b it is impossible to find its corresponding pair in 24:9-11. Therefore, we should recognize its unique position within the section (i.e. central part of our own analysis, see below).

(iii) [A] 24:10a and [A'] 24:11b do not correspond with each other perfectly because of other factors in [A'] 24:11bb (**וַיֵּאָכְלוּ וַיִּשְׁתּוּ**). Therefore, although in [A] 24:10a (**וַיִּרְאוּ אֶת אֱלֹהֵי יִשְׂרָאֵל**) and in [A'] 24:11ba (**וַיִּתְּנוּ אֶת-הַאֲלֵהִים**) we find similar phrases, we should find the structure in the different level.

The analysis of the structure we suggest is as follows :<sup>(712)</sup>

- [A] 24:9 the climbing of the representatives of the people (introduction)  
 [B] 24:10a *their action toward God the partner of the covenant*  
 (verb + object : the object (**אֱלֹהֵי יִשְׂרָאֵל**))  
 [C] 24:10b God's appearance (centre)  
 [B'] 24:11a *God's reaction toward them*  
 (object + verb : the object (**אֱלֹהֵי יִשְׂרָאֵל**))  
 [A'] 24:11b their action (saw God, ate, drank, summary)

(a) The clue to find the structure of this short section is the subject of [B'] 24:11a. The subject of the sentence [B'] 24:11a is not mentioned within itself. We surmise that the author puts the object (**אֱלֹהֵי יִשְׂרָאֵל**) in front of the sentence to help us to find easily the subject in the preceding verse (24:10b), **אֱלֹהֵי יִשְׂרָאֵל**. This is because in this scene of 24:9-11 if we categorize the representatives (Moses, Aaron, Nadab and Abihu, the seventy

710. We offer the similar criticism to the understanding of E. Zenger about 19:16-19 (262).

711. He (1982,197 and ns.178-179 for the literature) finds that in the prophetic vision report and in the report of the visionary dream the sentence is opened usually with the pattern : either (i) **וַיִּרְאוּ** or equivalent expression + **וַיִּרְאוּ** with the event (pt. or noun clause) or (ii) **וַיִּרְאוּ** + object accusative and pt. supplement. There is a great similarity between Ex 24:9-11 and Ez 1:27f. in this pattern.

712. Similar chiasmic construction found in Ez 1:27 see W. Zimmerli (Ez.8).



elders) into **יְשָׁרָאֵל בְּנֵי אֲצִילֵי** (24:11a), the only possible subject is God who is expressed as **יְשָׁרָאֵל אֱלֹהֵי** in 24:10a. In other words, the subject in [B] 24:10a is the object in [B'] 24:11a and the object in [B] 24:10a is the subject in [B'] 24:11a. This interesting connection between the two clauses, [B] 24:10a and [B'] 24:11a, is best explained by supposing that the author wants to show a kind of parallel action in [B] 24:10a and [B'] 24:11a. [B] 24:10a explains how the representatives of the people see YHWH, **יְשָׁרָאֵל אֱלֹהֵי**, but [B'] 24:11a tells how YHWH reacts when he met the representatives of the people, **יְשָׁרָאֵל בְּנֵי אֲצִילֵי**.<sup>(713)</sup>

(b) The abnormal sentence in [C] 24:10b shows that this passage should not be simply connected with [B] 24:10a, although this passage describes what the representatives of Israel saw.<sup>(714)</sup> Being full of prepositional phrases, [C] 24:10b should be accepted as having independent status in the whole structure of 24:9-11. This understanding makes it easy to see the correspondence between [B] 24:10a and [B'] 24:11a.

(c) The very unusual phrases in both objects :

[B] 24:10 **יְשָׁרָאֵל אֱלֹהֵי** (for God),

[B'] 24:11a **יְשָׁרָאֵל בְּנֵי אֲצִילֵי** (for the representative of Israel).

In [A] 24:9 we read not just 'seventy elders' but 'seventy people among the elders of Israel' (**יְשָׁרָאֵל שְׁבַעִים מִזְקְנֵי**). The consistent use of 'Israel' in this phrase (24:1, 24:9) compared with the use of 'the people' (e.g. **יְשָׁרָאֵל** in 19:7) in other places, points also indirectly to the official nature of this ceremony. Throughout the Sinai pericope these two phrases are not used except in these verses. To express God either **יְהוָה אֱלֹהֵים** (Ex 20:1), or **יְהוָה** are always used. Even within 24:9-11 also **יְשָׁרָאֵל אֱלֹהֵי** is not always used (see 24:11b, **יְהוָה אֱלֹהֵים**). After using the special term **יְשָׁרָאֵל אֱלֹהֵי** in 24:10 in conjunction with the corresponding term **יְשָׁרָאֵל בְּנֵי אֲצִילֵי** in 24:11a, the author returns to the normal term in 24:11b (**יְהוָה אֱלֹהֵים**) to avoid the possible distraction for the reader / listener.<sup>(715)</sup>

(d) The subject of [A'] 24:11b (**וַיַּחֲזֹק** 3p. pl.) is suddenly changed from that of the preceding clause in [B'] 24:11a (**שָׁלַח** 3p. sg.). This sudden subject change is striking. The subject of [A'] 24:11b (pl.) can only be found in [A] 24:9, the original long phrase (**מִשָּׁה מִיְשָׁרָאֵל וְנָרְבַּ וְנֶאֱחָדָה וְשִׁבְעִים מִזְקְנֵי יְשָׁרָאֵל**), which is later called as **יְשָׁרָאֵל בְּנֵי אֲצִילֵי**. [A'] 24:11b is actually the continuation of the action of the representatives of the people in [A] 24:9. This interpretation shows the correspondence of [A'] 24:11b and [A] 24:9 in this *concentric chiasmatic structure*.

(e) Discussions of Hebrew grammar seem to afford more support for this

713. Grammatically the antithetic **וְ** (the adverbial use, 'but') at the top of 24:11a alludes strongly the antithetic character between 24:10a and 24:11b. See Fl. Andersen (1974, 181f.).

714. Ehrlich (I, 363) explains that [C] 24:10b is grammatically a circumstantial clause to the main clause in [B] 24:10a, but logically this clause is the object of [B] 24:10a. Namely the owner of the feet (**רַגְלָיו**) in 24:10b is 'God of Israel' (**יְשָׁרָאֵל אֱלֹהֵי**) in 24:10a.

715. This interpretation fits in well with the covenantal understanding of the whole Sinai pericope and also of 24:9-11, the celebration after the covenant making.



understanding.<sup>(716)</sup> A. Niccacci<sup>(717)</sup> explains certain examples of the interruption of the WAYYIQTOL chain. When a writer wants to bring a contrast with the continuous WAYYIQTOL, which is dominant style in narrative, he usually uses WAW-x-QATAL.<sup>(718)</sup> The example of Gen 47:18-22 is quite near to our text. Two WAYYIQTOLs in Gen 47:20 are followed by WAW-x-QATAL in Gen 47:21 and this last (the people and their lands) is actually a 'pair' of Gen 47:18-19 (the people and their lands). In Ex 24:9-11 we can find similar structure :

[A]	24:9	(WAYYIQTOL וַיַּעַל)
[B]	24:10a	(WAYYIQTOL וַיִּרְאוּ)
[C]	24:10b	(Noun Clause)
[B']	24:11a	(WAW-x-QATAL וַיִּרְאוּ אֶת-אֱלֹהֵי יְהוָה לֹא שָׁלַח יְהוָה אֶת-אֱלֹהֵי יְהוָה)
[A']	24:11b	(WAYYIQTOL וַיִּרְאוּ אֶת-אֱלֹהֵי יְהוָה) + (WAYYIQTOL וַיִּרְאוּ) + (WAYYIQTOL וַיִּשְׁתַּחֲוּוּ)

(f) Here we find three levels of contrast between 24:10a and 24:11a, the people's action ([B], 24:10a) and God's action ([B'], 24:11a), the sentence order<sup>(719)</sup>, and the expressions of object :

	content	sentence order	object
[B] 24:10a	the people's action	V + O	אֶת אֱלֹהֵי יְהוָה
[B'] 24:11a	God's reaction	O + V	אֶל-אֱלֹהֵי יְהוָה

(g) And again in both clauses the subjects are not mentioned and the reason is most probably to emphasize the contrast in both clauses.

(h) In particular the correspondence between the description of God (אֱלֹהֵי יְהוָה) in people's action (וַיִּרְאוּ אֶת) in 24:10a and the description of the representatives of the people (אֶל-אֱלֹהֵי יְהוָה) in God's action (וַיִּרְאוּ לֹא שָׁלַח יְהוָה) in 24:11a is quite striking.

All these features (f) - (h) emphasize the corresponding structure of the object of both clauses, both parties of the newly ratified covenant, i.e. [B] for the deity and [B'] for Israel. We have already detected a similar concentric structure in 19:16-19a. Just as the concentric

716. Although this text linguistic should pass the thorough examination period in the future, we could use several probable examples and the explanations for those phenomena. Since we can always find the main grammatical rule as well as exceptional examples of that rule. Grammatical rule is the rule of exactitude in all situations but the rule of probability.

717. (1990,64f,68f).

718. E.g. in Gen 1:5a (WAYYIQTOL, וַיִּקְרָא אֱלֹהִים לְאוֹר יוֹם, 'And God called the light 'day') cf. Gen 1:5b (WAW-x-QATAL, וְלַחֹשֶׁךְ קָרָא לַיְלָה, 'while the darkness he called 'night'). And also in 1 Kings 19:3b (WAYYIQTOL) cf. 19:4 (WAW-x-QATAL, 'instead'); 2 Kings 5:24b (WAYYIQTOL) cf. 5:25 (WAW-x-QATAL, 'instead'). Gen 3:14 (WAYYIQTOL, 'Then God said to the serpent') cf. 3:16 (WAW-x-QATAL, 'Instead, to the woman he said') cf. 3:17 (WAW-x-QATAL, 'Finally, to Adam he said'). The contrasting feature is suitably translated with adding 'instead' or 'while' in the second part of the pair.

719. This correspondence is shortly pointed out by L. Peritt (1969,186), but because of source-critical stance this idea is not fully developed. Therefore, he strongly denies the covenantal idea in this section. 'Wer angesichts dieser Szene das Wort "Bund" gebraucht - in welchem Sinne auch immer -, verdirbt sie. Wer hier den Ausdruck בְּרִית auch nur vermisst, vergrößert das Geschehen schon durch seine Erwartung, die ja in jedem Fall eine dem Text gegenüber fremde und darum unerlaubte ist.'



(chiastic) structure in 19:16-19a stresses the covenantal character of the section, the same structure in 24:9-11 pushes strongly forward the same character. In both sections we see the corresponding action of both parties of the covenant. This understanding fits in with the use of the terms of these objects in the outer circle of the concentric structure, [A] 24:9 and [A'] 24:11b. Namely in [A] 24:9 the representatives of Israel are mentioned by their ordinary name and in [A'] 24:11b for God also the ordinary name (הַאֱלֹהִים) is used. It is also interesting that in the chiastic structure of 19:16-19a the major actor is God, a covenant party, but in 24:9-11 the major actor are the representatives of the people, another covenant party.<sup>(720)</sup> The outer circle of [A] (24:9, simple clause וַיַּעַל)<sup>(721)</sup> and [A'] (24:11b, terse description וַיִּהְיוּ אֶת־הָאֱלֹהִים וַיֹּאכְלוּ וַיִּשְׂתּוּ) is well balanced with the functions as *the introduction* ([A] 24:9) and *the summary* ([A'] 24:11b) within this section.

In the centre of this concentric structure the positive description of God's glorious appearance ([C] 24:10b) stands apart from the surrounding verses. This position makes it the most important part among the whole section, so that at the climax of the whole Sinai pericope, in its final section the beautiful description about God's glory stands in *the centre* of the concentric chiastic pattern.

#### 2.13.2.4. Connection between this section and the previous sections

So far we have investigated the meaning of 24:9-11 within this section (i.e. the characteristics, the definition, the structure). The full meaning of this section, however, can be obtained only in its function within the larger context, the Sinai pericope.<sup>(722)</sup> Therefore, this last section on the Sinai pericope focuses on this kind of issue : the relationship between 24:9-11 and 24:1-2, 24:3-8.

##### (1) The connection of 24:9-11 with 24:1-2

In general the connection between 24:9-11 and 24:1-2 is recognized<sup>(723)</sup>, but in many cases it is not reasonably explained how such connection exists and especially how 24:2, a sentence totally different from 24:1 and 24:9-11, is related to others.

F.-L. Hossfeld<sup>(724)</sup> is in the modern time nearly the only commentator who recognizes the connection between the three passages, 19:24, 24:1, 24:9-11.<sup>(725)</sup> His explanation of this

720. In this sense it is right to point that in this section the meal itself is not the key issue, e.g. G. Schmitt (1964,89,n.24) and cf. L. Perlitt (1969,187). Therefore, E. Ruprecht's (1980,140) summary of this section as 'Essen und Trinken vor Gott' falls short of the whole content.

721. Compared with the command in 24:1 (עֲלֶה אֶל־דְּהוֹרָה), this description is simpler.

722. Ch. Levin (1985a,180), depending on W. Zimmerli (1969,207), gives an interesting suggestion about the position of this section within the whole Sinai pericope esp. in its relationship with the legal corpora.

723. For example P. Heinisch (Ex,192-194), G. Beer (Ex,125-127), M. Noth (ATD,Ex,157-161 = OTL,Ex,194-199), etc.

724. (1982,203).

725. In our previous studies we have seen there is a clear connection between these three passages. See 273. & 21111.



connection is as follows :

‘Das Rätsel um die befremdliche Position von 19:24 und 24:1 löst sich auf. Der priesterliche Redaktor, der 24:9-11 an das Bundesbuch mit seinem Bundesschlußritus anheftete, hat die Gottesschau mit zwei Befehlen nach vorne in der Theophanie verankert.’

He seems to be confident about his solution about the question of the grand scheme of the Sinai pericope. His identification of this problem can be regarded as sharp considering that the connection between 19:24 and 24:1 / 24:9-11 is usually neglected by commentators. Firstly, following F.-L. Hossfeld's formulation, we ask the crucial question what is the reason of 'verankeren' of the 'Gottesschau' (24:9-11) in the theophany in Ex 19. We realize that in 19:9-25 and 24:9-11 there are two direct encounters between God and the people, but these two encounters are totally different in their character. Then we can ask, as we have seen, what is the theological advantage for the author to bring these two events (theophany of Ex 19, 'Gottesschau' of 24:9-11) together. Secondly, however, he fails to understand the total structure of all sections of the Sinai pericope. He only tries to solve the problems within source-critical point of view. Because of this he does not reach the right definition of all sections within the Sinai pericope. Thirdly, in general F.-L. Hossfeld does not explain what the reason of the detailed difference is between the three similar passages, 19:24, 24:1, 24:9-11. He does not grasp fully the phenomenon of the progressive development from the shortest form in 19:24<sup>(726)</sup> through 24:1 (undeniably with 24:1b also) and to the most detailed description 24:9-11<sup>(727)</sup>. Fourthly, he does not explain how we connect the 'worship' in 24:1 (וְהִשְׁתַּחֲוִּיתֶם מִחֹק) with the action of the representatives of the people in 24:9-11.

Further he<sup>(728)</sup>, developing his view of the connection between 19:24, 24:1, 24:9 further, tries to explain about the overarching structure of the whole Sinai pericope (Ex 19-24) :

‘Wir vermuten den Grund seiner Bemühungen in einem Interesse an analoger Dramaliturgie bzw. verwandten Abläufen der Theophanie oder schon besser der Theophanieliturgie. Die Sinaitheophanie beginnt mit der Erscheinung Jahwes (Ex 19), führt dann zu Gestezesverkündigung mit Dekalog und Bundesbuch (Ex 20-23). Darauf antworten die Opfer und Bundesschlußriten (Ex 24,3-8). Die Liturgie schließt mit der Gottesschau durch die Volksführer auf dem Berge (Ex

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726. See 2.7.3, 2.11.1.1. for the connection between 19:24 – 24:1 – 24:9-11. Although F.-L. Hossfeld (1982,204,n.220) realizes the difference between 19:24 (only Moses and Aaron) and 24:1, 9 (Moses, Aaron, Nadab and Abihu, and the seventy elders of Israel), he gives an inadequate explanation : 'Daß in 19:24 nicht das gesamte Personal von 24:1 auftritt, mag mit der Sorge vor Überlastung des Nachbartextes zusammenhängen.'

727. We may add another item. F.-L. Hossfeld upgrades the writer of the present text from the 'Redaktor' to the 'Herausgeber' because of the author's careful arrangement of the present text. The 'Herausgeber', F.L. Hossfeld's term, seems to have more literary autonomy than the 'Redaktor' to formulate the text (1982,203 : 'Als später Redkator zwingt er uns in die Sehweise eines Herausgebers, der die ihm vorliegende Textmasse verarbeitet und strukturiert'). In this case, however, can we find actual difference between the 'Herausgeber' who 'verarbeitet und strukturiert' and the author ? Why can we not call the present writer the author, who freely organizes his work as he sees fit ?

728. (1982,204).



In order to define all the aspects of the Sinai pericope he prefers to use the term 'the analogy of the liturgy' (e.g. 'Dramaliturgie', 'Theophanieliturgie', 'diese Liturgie'). What does he mean then by this liturgy? Does he mean by this term a kind of 'liturgische Gattung' having a proper 'Sitz im Leben'? Or is this text merely the report of the event which founded the cultic or liturgical system? Although he is not clear about this question, he seems to choose the second possibility. This means that the present text is the work of the priestly redactor. Then we ask the following question, i.e. how should we view this redactor who made such a *coherent*<sup>(729)</sup> arrangement according to F.-L. Hossfeld<sup>(730)</sup>? When we judge that it is difficult to apply the source-critical analysis to the present Sinai pericope, how can we regard the author who built this magnificent structure? Can he be merely the redactor or could we name him as an independent author having his own imagination to construct the present building of the Sinai pericope? As F.-L. Hossfeld hints at, it falls short of a just description if we call him a redactor. The more independent, imaginative a writer is, the more we may call him an author.<sup>(731)</sup>

This analysis of F.-L. Hossfeld helps us to understand a complicated feature of the whole Sinai pericope in general and the relationship between 24:1 and 24:9-11 in particular. 24:9 describes suddenly a new action from the side of Israel in this scene of covenant ceremony (Moses and Aaron, Nadab and Abihu, and seventy of the elders). This sudden mention of an action from the side of Israel can only be explained by its connection with the same phrase in 24:1:

24:1 אָתָּה וְאַהֲרֹן נָרַב וְאַבְיָהוּא וְשִׁבְעִים מִזְקְנֵי יִשְׂרָאֵל + עֲלֶיךָ אֱלֹהֵי יְהוָה

24:9 מֹשֶׁה וְאַהֲרֹן נָרַב וְאַבְיָהוּא וְשִׁבְעִים מִזְקְנֵי יִשְׂרָאֵל + וַיַּעַל

If the author wanted to make an ordinary introduction to the new scene of 24:9-11 he could arrange the command of God in 24:1 just before 24:9 not before 24:3. But there may be special reasons why the author arranges this kind of introduction differently:

(a) To bring various individual scenes in the same covenant ceremony together. We have seen (2.5.1.1. & 2.7.1.1.) in 19:9a and 19:20ff. the *prophecy* (or command, 19:9a) / *fulfilment* (19:20ff.) scheme. The main content of 19:9a is the dialogue between God and

729. We use 'coherent' for the understanding of F.-L. Hossfeld of the Sinai pericope, because there is significant unifying aspect within the whole pericope in the structure of F.-L. Hossfeld. However, as we have seen already, he does not assume the possibility of covenantal understanding of the Sinai pericope (e.g. the reciprocal preliminary proposal and preliminary acceptance of the covenant relationship in 19:3-8; the concentric (chiastic) structure of 19:16b-19a which shows the covenantal meeting of both parties), which is the contention of our thesis.

730. Therefore, J. Buchholz (1988,111,n.27) judges that F.-L. Hossfeld seems to consider that 24:9-11 is an integral part of 24:3-8: 'Nach Hossfeld "integriert" der Aspekt des Festmahles von 24:9-11 die in 24:3-8 vorausgegangenen Riten, so daß 24:9-11 zum Bestandteil einer von der priesterlichen Redaktion gestalteten "Theophanieliturgie" werden.'

731. Although we can hardly draw a definite line of black and white between the redactor and the author in this middle stage of analysis of a text, in the present text so far the second possibility is much preferable.



Moses amid God's coming to the mountain. God's coming to the mountain is the theme of the immediate context, 19:9b-19a. 19:9a, as a kind of *prophecy (command)* for the future event in 19:20ff., reports the dialogue between God and Moses. In this structure it is visible that the author arranges the prophecy not just before 19:20 but early before he mentions the coming of God in 19:9b. Through this structure, the degree of the cohesion between the events within Ex 19 becomes high, i.e. God's coming to the mountain (the main topic) and the dialogue between God and Moses (the sub-topic). A similar explanation can be given of the phenomenon in 24:1 and 24:9. Two *commands* 24:1 (as a command of the action in 24:9ff.) and 24:2 (as the command of the action in 24:12ff.) stand not just before the *fulfilment* of the commands but before 24:3-8.

(b) It also explains why 24:1 and 24:2 are mentioned consecutively, because the contents of both verses (24:1 and 24:2) are totally different from each other.<sup>(732)</sup> Unless we suppose the present strange composition of the Sinai pericope is the outcome of a thoughtless redactor, we should try to penetrate into the compositional technique of the author and his reasons. In general, covenant making ends with covenant oath, offering and covenant meal as in 24:3-11. According to the compositional structure of the author, however, the covenant making is not the unique *theologumenon*.<sup>(733)</sup> As before Ex 19 the author arranges various materials to prepare for the coming covenant making between God and the people. In this transitional section<sup>(734)</sup> of 24:1-2 he wants to make a certain connection between the covenant making and the following content, the regulation about the tabernacle in Ex 24:12 - Ex 31. If 24:1 is a kind of introductory command or the transitional preparation for the coming event in 24:9-11, it is also very plausible that 24:2 is a similar introductory command or the transitional preparation for 24:12ff. Then we find an interesting point in the present structuring. In other words, although the official covenant ceremony has ended in 24:9-11, the subsequent law-giving about the tabernacle is connected directly with the covenant making. If this is true, we must ask what is the theological implication of this structuring. Does the author intend that the law-giving about the tabernacle be an aspect of the covenantal law-giving like the legal corpus proclaimed just before, the decalogue (20:1-17) and the Book of the Covenant (20:22-23:33)? In other words, do these law corpora belong to the category of covenantal law? Is the

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732. We may compare this with the relationship between 19:9a and 19:9b where we read two different future events.

733. For instance as we have seen in our study of 19:9 (2.5.1.1), the function of Moses as the covenant mediator and the admonitional aspect of this section obviously belongs to one of the sub-topics of the author. The author does not take the normal form of the reciprocal pronouncement of the covenant relationship but the form of conditional sentence (19:5-6a). However, the admonitional aspect is also found in the normal treaties. Like the purpose of writing of all treaties is to warn and to encourage the vassal to keep the terms of the treaty, the Sinai pericope in the present form has also the same practical purpose to admonish the people. And in 19:9-25 the authority of God's messenger Moses is also undeniable theological content of this section, although it is a minor concern of the author.

734. See 2.7.3. & 2.11.2. If we connect 24:1 (*semi-microscopic*) with Ex 24:9-11 (*microscopic*), we conclude that the enigmatic sentence in Ex 24:1 (וְהִשְׁתַּחֲוִיתֶם לַיהוָה) is the *semi-microscopic* summary of the event in 24:9-11. Because of this, although the representatives of Israel (אֲנִי וְיִשְׂרָאֵל, Ex 24:11) go up (לַיהוָה, Ex 24:9) in order to see God, there is a certain distance (מֵרְחוֹק) between God and them.



law-giving about the tabernacle actually the outcome of the covenant making between God and His people ? Or is this purely compositional technique through which the author combines two independent events together ? We suggest two arguments for preferring the first opinion :

(i) The compositional arrangement of the pericope before Ex 19 hints at the importance of the crucial future event in the history of Israel, the covenant making between God and his people (2.1.2.). If this is true, the later section in its content after the covenant making has also most probably a clear connection with the covenant making in one way or another.

(ii) There is a similarity between the laws in 20:23-23:33 and the cultic laws in Ex 25-31. Both have the form of indirect law-giving through Moses. We have seen how carefully the change of law-giving pattern (from direct law-giving (the decalogue) to indirect law-giving (20:23-23:33)) is explained in 19:9-25 and 20:18-22 by the author. The author maintains the pattern of indirect law-giving through Moses. In this regard we see the similarity of law-giving pattern between the laws in 20:23-23:33 and the cultic laws about the tabernacle.

## (2) The connection between 24:3-8 and 24:9-11

There are two opinions ((a) positive and (b) negative) about the relationship between these two sections.<sup>(735)</sup>

(a) There are some commentators who accept that the relationship between 24:3-8 and 24:9-11 is original.<sup>(736)</sup> F.C. Fensham holds that the offering and the blood ritual in 24:3-8 and the communal meal in 24:9-11 make the full connection between the two parties. However, the contentions of these commentators are usually weakly based because they lack the detailed exegesis on the issues.

(b) M. Noth<sup>(737)</sup> holds a negative view of the relationship between 24:9-11 and 24:3-8. 24:1,2,9-11 might be the continuation of 20:18-21 and the end of the E-narrative of the making of the covenant. The connection between 24:3-8 and 24:9-11 came into being later.<sup>(738)</sup> For Th.C. Vriezen<sup>(739)</sup> 24:9-11 is independent from 24:3-8 (much simpler form, less official, of nomadic or of agricultural life), because in 24:3-8 Moses is the dominant figure, but in 24:9-11 the seventy elders are, and because the making of the covenant is totally different in both texts. He insists that the usual understanding of the present connection between 24:3-8 and 24:9-11 is that it results from the combination of both texts by a later

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735. See the summary of Th.C. Vriezen (1972,104f.).

736. P. Heinisch (Ex,194), F. Nötscher (1961,167), U. Cassuto (1967,313), A. Dillmann (Ex,257ff.) and F.C. Fensham (1964,81).

737. (ATD,Ex,160 = OTLE,Ex,197).

738. R. Schmid (1964,78) also holds that two traditions are united. Similar unity is found in Ex 32. See also W. Rudolph (1936,44) and W. Beyerlin (1961,46 = 1965, 38) who hold that there were two competing reports. Cf. E.W. Nicholson (1986,173).

739. (1972,113-114,118-119).



editorial intervention.<sup>(740)</sup> And B.S. Childs<sup>(741)</sup> is of the opinion that 24:1-2 and 24:9-11 have been joined to 24:3-8 as a literary bracket and the purpose was to harmonize the two different accounts of the covenant ceremony. After this harmonization the covenant meal is now seen as a culmination of the rite in 24:3-8, and not as a rival ceremony. Sometimes the chronological order is suggested by commentators. E. Ruprecht<sup>(742)</sup> holds that both sections are independent and 24:3-8 is literarily younger than 24:9-11.

We want to evaluate these opinions and suggest our own reason to hold the continuity between the two sections.

All the negative interpretations of the relationship between 24:3-8 and 24:9-11 come either from the analytical source-critical preunderstanding or from the partial apprehension of the features of both sections.<sup>(743)</sup>

(a) The different points found by this attitude are usually superficial. For instance to point to the difference of the role of Moses in both sections (Vriezen) is meaningless, if we consider the fact that both sections have different *inherent* purposes. 24:3-8 is for the writing of the condition of the relationship, the offering, the oath, but 24:9-11 is for the homage and the meal.<sup>(744)</sup> In this circumstance the role of Moses should be different, in the former Moses works as the leader of the cultic ceremony, but in the latter Moses together with other representatives of the people (אַצִּילֵי בְנֵי יִשְׂרָאֵל) should pay the homage with God who has established the new relationship with the people.

(b) Therefore, the descriptions of other aspects in both sections should be quite different from each other, and these descriptions are not contradictory but complementary with each other. So the meal in 24:11bb is not for covenant ratification but for celebration for the covenant already ratified like a wedding banquet. Therefore, the meal in 24:11bb should not be identified simply with the covenant ceremony in 24:3-8 (e.g. the offering, the blood sprinkling).

(c) Another crucial difference between the two sections is that in 24:9-11 there is no mention of the stipulations. This is because it is not necessary to mention again this condition of the relationship. Now is the time to celebrate joyfully the ratified relationship.

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740. Similarly A. Reichert (1972,178 : 24:3-8 is 'Uminterpretation von 24:9-11').

741. (Ex,502).

742. (1980,138).

743. The main reason seems to be in the inadequate and superficial definition of 24:9-11 as the covenant meal, which is thought another version of the covenant ceremony. A. Reichert (1972,172) : 'Die Darstellung des Opfers ist aber nicht nur Ergänzung sondern auch Uminterpretation oder elohistischen Mahlszene mit der Gottesschau.' As we have seen, 24:9-11 does not just mention the covenant meal, but the direct encounter between the two parties of the new relationship which was negotiated through the mediator Moses. The representatives of the people are paying homage to the God of Israel, now the national god through direct encounter without the necessity of the mediator.

744. Without 24:3-8 the actions in 24:9-11 could lose the real meaning. See Ch. Levin (1985a,179) : 'Der Gottesbefehl v.1-2 ist ja nur deshalb so gewaltsam zwischen Bundesbuch (Ex 20:22-23:33, TGS) und Verpflichtungsszene (Ex 24:3-8, TGS) eingezwängt worden, weil ohne eine solche Ermächtigung die Annäherung der siebzig Ältesten an die Gotteserscheinung undenkbar gewesen wäre.'



(d) We insist that the content of both sections, the offering, the oath, the homage, and the meal are consecutive so that they constitute the grand theme of the Sinai pericope, the covenant relationship.

(e) We find many examples of this continuity in the ANET in general and in the OT in particular. For instance in 1 Sam 11:15 the fellowship offerings before God (covenant offering) for installing a king and a kingship<sup>(745)</sup> followed by the common meal.<sup>(746)</sup> Not only in the covenant ritual but also in some festival celebration both usually come together, e.g. 2 Sam 6:17ff. 1 Kings 8:64-66.<sup>(747)</sup> It depends on the character of the covenant meal in general and on Ex 24:9-11 in particular.<sup>(748)</sup> Ps 50:5ff. shows the important sequence of making a covenant, then offerings, and then the meal especially closely.

## 2.14. Summary and Conclusions of Chapter 2

### Summary

We have seen in ch. 2 that the whole Sinai pericope (Ex 19:1-24:11) is a meaningful literary unit where the law blocks (the decalogue, the Book of the Covenant) cooperate with the narrative blocks together under the theological scheme of *the covenant* making between God, YHWH, and his people, Israel.

The Sinai pericope itself functions within a larger context of Ex (2.1). Before Ex 19 the author has prepared for the covenant making in several ways. Although *ad-hoc* individual laws (12:1-13:16, 15:22-27, 16:1ff.) were given before Ex 19 (2.1.2.2.) and the people have sinned<sup>(749)</sup>, it is astonishing that before Ex 19 there was no punishment. This contrasts with God's punishment for the similar sin of the people after the Sinai pericope (Ex 32ff., Num 11ff.). This phenomenon can be explained by the grand theological scheme of the author, *No Covenant, No Sin (punishment)* (2.1.2.1.). And the preparation of the legal system before Ex 19 (2.1.2.3.) and the culmination of several aspects (e.g. הַר הָאֱלֹהִים חוֹרֵבָה / הַר הָאֱלֹהִים / הָהָר / הַהָר / הָהָר / הָהָר 3:1,12, 4:27, 17:5, 18:8, 19:2,3) in the Sinai covenant (2.1.2.4. & 2.3.1.). Further the pericopes after the Sinai pericope (Ex 24:12ff.) are not unrelated to the Sinai pericope. The connection between 24:2 (*macroscopic*) and 24:12ff. (*microscopic*), which appears together with the connection between 24:1 (*macroscopic*) and 24:9-11 (*microscopic*), is one example (2.10.1.2.).

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745. W. Eichrodt (1961,156). He adds 2 Sam 15:12, 1 Kings 19, 315, but the last is irrelevant to our problem.

746. וַיִּשְׂמַח עַד-מְאֹד in v. 15 does not mean just emotional joy but means the great joy presumably accompanied by festival celebration. NIV ('held a great celebration') or P.K. McCarter (*1 Sam*,199, 'celebrated exuberantly') renders suitable translation.

747. W. Eichrodt (1961,156).

748. Gen 31:54 (sacrifice - eat), Ex 18:12 (sacrifice - eat), Dt 12:7 (sacrifice - eat and rejoice), Dt 14:26 (sacrifice - eat and rejoice), Dt 27:7 (sacrifice - eat and drink and rejoice), Dt 32:38 (sacrifice - eat and drink (cf. idols)), Ps 50:13 (sacrifice - eat and drink (God)).

749. There are several expressions of the people's sin and failure to meet the need of God. See 2.12.1.(1).



There are not only the preparations before Ex 19 but also there is a connecting bridge between the previous pericope and the Sinai pericope, the introductory part of the Sinai pericope : 19:1-2 (2.3.1). Within the Sinai pericope the first section, 19:3-8, is defined as *the preliminary proposal and the preliminary acceptance of the covenant relationship between YHWH and Israel* (2.4.4). This follows the ordinary negotiation process between two (national or personal) parties which was performed through a messenger (2.4.4.2.<sup>(750)</sup>). However, this does not imply that all phases of negotiation should be described bilaterally. As in many ANE treaty texts 19:5-6a is expressed practically from the standpoint of the stronger (God) through the conditional sentence style. And concerning God's promises, although there appear to be three promises of God in 19:5b-6a, the main promise is סְגָלָה (19:5b). And סְגָלָה כְּהִנְיָם and גֹּי קָרוֹשׁ (19:6a), which form a parallelism, are the further explanation of the first item of promise (2.4.3.4,5). Through these three promises the Sinai covenant makes a clear connection with the Moab covenant (Dt 26:17-19 עַם סְגָלָה, עַם קָרוֹשׁ, עֲלִיזָה, 2.4.3.3, 3.6.5.2,3).

In the beginning of the second section of the Sinai pericope, 19:9-25, the author prepares *the transitional bridge* (19:8b-10a) between the first section (19:3-8) and the second section (19:9-25, 2.4.6). In the second section the main theme is *the direct encounter of both covenant parties* expressed in the central part (19:16-19a, mainly 2.6.2). The *concentric (chiastic) structure* of this central part reveals that the traditional definition of Ex 19 as 'theophany' falls short of expressing the total aspects of this part. Not only God, one party of the covenant, comes down the mountain, but also the people, the other party, go up the mountain to meet God despite the weakness of the people to be God's covenant partner. 19:19b-25 is in fact the (half-) *fulfilment* of the *prediction* in 19:9a (2.7.1.1). And it becomes a stepping stone for the real fulfilment in 20:18-22, where Moses becomes the covenant mediator entrusted not only by God but also by the people (2.10.2). An enigmatic verse 19:24 is the *macroscopic* command which is related to the *semi-microscopic* command (24:1) and the *microscopic* fulfilment (24:9-11, 2.7.3).

The first legal corpus, the decalogue (20:1-17) is the third section of the Sinai pericope. This section is signalled by *structural markers* (2.9.1) : *start marker* (20:1 אֱלֹהִים (without article) + רַבֵּר) + the decalogue (20:2-17) + *end marker* (20:19 אֱלֹהִים (without article) + רַבֵּר)). We find another *structural marker* in the second legal corpus, the Book of the Covenant : *start marker* (21:1 הַמִּשְׁפָּטִים) + the Book of the Covenant (21:2-23:33) + *end marker* (24:3 כָּל־הַמִּשְׁפָּטִים). The connection between Ex 19 and 20:1-17, and between 20:1-17 and 20:18ff. looks unnatural, but this is caused by two literary or stylistic schemes of the author. Firstly, the author concentrates on one main topic when he writes a section. In Ex 19 the meeting of both parties is the main topic. However, the meeting *per se* is not the objective of this event, because the stipulations of the covenant relationship, which are

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750. S.A. Meier (1988), J.T. Greene (1989).



expected to be pronounced (19:5a), should be suggested in the midst of this meeting. Secondly, in order to stress the meeting of the two parties, the author uses a concentric (chiastic) structure in 19:16-19a. Although this structure serves well the primary purpose of the author, it has a disadvantage in that the connection between the present section and the following section becomes loose. However, because the terms of the covenant (19:5a *בְּרִיתִי / קְלִי*) are expected from the first section (19:3-8) and because there is no *bare theophany* in the second section (19:9ff.), it is most probable that the decalogue (20:1-17) is what the people hear directly from God when they meet God (19:16-19a). In 19:19b-25 the author describes the first fulfilment of what 19:9a has predicted, God's dialogue with Moses (2.7.2.). The second fulfilment of this prediction occurs in 20:18-22 when the people ask for the mediatorship of Moses (2.10.2.2.), because this request alludes to the people's trust in Moses (*אִמֵּן* hi. 19:9a). This fulfilment leads to a new dimension, the indirect law-giving through Moses : the so-called Book of the Covenant (20:22-23:33).

24:1-2 is the transitional bridge between the section before the Book of the Covenant and 24:3ff.(2.11.). 24:1 stands between the *macroscopic* description (19:24) and the *microscopic* description (24:9-11). And 24:2 prepares the future law-giving about the cultic institution which is described from 24:12ff. (2.11.2.).

24:3-8 is the covenant ratification ceremony (2.12.). Moses' first reading (24:3a) and the people's first answer (24:3b) are related to the law given indirectly through Moses (2.12.1.1.). These should be done before writing down (24:4a, 2.12.1.2.). Moses' second reading (24:7ab) and the people's second answer (24:7b) are related to the definitive acceptance of *סֵפֶר הַבְּרִית* (24:7aa) as the covenant document (2.12.1.4.). And 'the young men of Israel' (24:5a *בְּנֵי יִשְׂרָאֵל*) work as *the junior Israelites*, and therefore they represent the people by offering the covenant sacrifices (2.12.1.3.). They can be compared with 'the nobles of Israel' (24:11 *בְּנֵי אֲצִילֵי יִשְׂרָאֵל*) who represent Israel as *the senior Israelites* (2.13.2.2.). All other actions performed by the covenant mediator, Moses, are various aspects for the ratification of the covenant. (i) *מִצְבֵּה* (24:4b) consisting of twelve stones represents one party, the twelve tribes of Israel, and this is in parallel with the altar (24:4ab) which symbolizes the other party, the deity YHWH. (ii) The ritual performed with the divided blood (2.12.1.4.(2)) is the oath ritual, the blood sprinkled on the altar (24:6) means the oath of one party, YHWH, and the blood sprinkled on the people (24:8a) is the oath of the people which is accompanied with the verbal oath (24:7b). In this way the blood becomes 'the blood of the covenant' (24:8 *דַּם-הַבְּרִית*) and 'the book' upon which the oath is performed becomes 'the book of the covenant' (24:7 *סֵפֶר הַבְּרִית*).

The final section of the Sinai covenant (24:9-11, 2.13.2.2.) reports the audience (*שֹׁמְעֵי* hitp. or *עֹשֵׂי* eštaf. 24:1) of 'the nobles of Israel' (24:11 *בְּנֵי אֲצִילֵי יִשְׂרָאֵל*), who represent Israel, with 'the God of Israel' (24:10 *אֱלֹהֵי יִשְׂרָאֵל*). This second encounter between the two parties is a joyful event which clearly contrasts with the first direct encounter between the two parties, Ex 19:9-25, where one party Israel experiences the awesome theophany.



## Conclusions

1. The important contribution of ch. 2 is that the theme of the controversial Sinai pericope (19:1-24:11) is the first covenant between YHWH and Israel. And each section has its own function in order to form this theme :

(i) 19:3-8 : the preliminary proposal and the preliminary acceptance of the covenant relationship between YHWH and Israel,

(ii) 19:9-25 : the first direct encounter of both covenant parties,

(iii) 20:1-17 : the first terms of the covenant (direct law-giving),

(iv) 20:22-23:33 : the second terms of the covenant (indirect law-giving),

(v) 24:3-8 : the covenant ratification ceremony,

(vi) 24:9-11 : the second direct encounter of both parties, the joyful audience of the people's representatives with God.

2. Consequently we have solved several exegetical problems.

For instance the connection between the first section (19:3-8) and the second section (19:9-25) is apparent, because the first section is about the preliminary negotiation through the mediator but the second section is about the direct encounter of both parties in order to settle the issue of the covenant stipulations. And the relationship between the first meeting (19:9-25) and the second meeting (24:9-11) becomes unmistakably clear. The first meeting is solemn encounter, because the stronger suggests the covenant regulations which are accompanied by terrifying theophany so that the weaker realize the importance of these stipulations. However, the second meeting is a peaceful and joyful one, because it is the aftermath of the covenant making, the celebration of the ratified covenant.

Further, the chronological order of the sections 19:9-19a, 19b-25, 20:1-17, 20:18-21 has long been a controversial issue. In this chapter we have seen all sections function within the structure which expresses the covenant making process. 19:9-19a is about the direct encounter between the two parties, which is necessary to make the relationship valid. And in 19:19b-25 the author explains the sub-topic, the divine and popularly-demanded authority of Moses, which is predicted in 19:9a. What in the direct encounter happens is the pronouncement of the decalogue (20:1-17), the first covenant stipulations. However, when the people hear the direct speech of God, they ask for the mediatorship of Moses (20:18-21) for the subsequent giving of the second covenant stipulations.

And 24:3-8 is the section whose definition has been debated for a long time. Since analytical study attitude was dominant, this section was not considered within the Sinai pericope. In ch. 2, however, we have seen that 24:3-8 has its function within the covenant structure : this section reports the covenant ratification ceremony, which follows a normal ratification process of all official negotiations. This understanding is the hint to solve the problem of the next section, 24:9-11, whose definition has also been controversial. Since it has the relationship with the report of the first meeting (19:9-25) and with the report of the covenant ratification ceremony, this final section of the Sinai pericope reports the



aftermath of the previous section (24:3-8) : the joyful celebration for the ratified covenant.

3. The function of Moses in the Sinai pericope has not drawn enough attention from commentators. However, we realize in ch. 2 that this covenant making is negotiated through or mediated by Moses who is appointed by God as well as demanded by the people. The aspect of negotiation is expressed vividly in the first section of the Sinai covenant (19:3-8) :

(i) God's (one party) calling of the messenger (19:3),

(ii) the content of the message, the covenant proposal, which the messenger should bring to the other party, the people (19:3b-6a),

(iii) the messenger's word to the people's representatives (19:7a),

(iv) the people's response to the proposal through the representatives (19:8a),

(v) the messenger's report of this response to the first party (19:8b).

All other sections of the Sinai pericope are in fact carried out by the same system as in 19:3-8, the two-covenant parties and one messenger. This system is quite normal in official relationship making procedures in the ANE as well as in modern times.

4. Since the analytical concern has been dominant in the OT studies, the position or function of the Sinai pericope within the whole context of Ex has not been considered properly. The Sinai pericope does not stand alone but in the larger context of Ex. This means that the covenant theme is contained in the larger narrative context. We realize this fact from two phenomena : (i) preparation of the coming of the Sinai pericope before Ex 19, (ii) the transitional bridge between 24:2 and 24:12ff.

(i) Before Ex 19 there are several preparations to describe the covenant event between YHWH and Israel. The most important point among these is the theological issue. In other words, the present composition of Ex reveals the theme of *no sin no covenant* (2.1.2.) : before Ex 19 God does not punish for the sins of the people, but after Ex 24 God punishes the people's sins without exception. Further, 19:1-2, which recalls the whole process of the exodus, serves to connect the Sinai pericope and the preceding pericopes. In summary, the larger context of the Sinai pericope (i.e. Ex 1-18, 25ff.) demands the establishment of the covenant relationship in the Sinai pericope (Ex 19-24).

(ii) 24:2 is the description of *macroscopic* perspective or command and its performance is in 24:12ff. in *microscopic* perspective. By this way the connection between the Sinai pericope and the following pericopes is established. Another example of the similar pattern is found within the Sinai pericope : 19:24 (*macroscopic*) - 24:1 (*semi-microscopic*) - 24:11 (*microscopic*). 24:1-2 functions similarly to 19:1-2 for making connection between the Sinai pericope and the larger context.

5. Although the covenant making between YHWH and Israel is the theme of the Sinai pericope, the author describes all events not formally but practically. This phenomenon cannot be considered as the result of redaction, but it is a normal way of description in the official documents of the ANET, especially in the treaties. Here we have two typical examples :



(i) In the first section (19:3-8) where the preliminary negotiation is going on, the author expresses the 'Grundsatzklärung' (K. Baltzer) not bilaterally but from the standpoint of the stronger, YHWH. It is just like the vassal treaties which adopt the standpoint of the suzerain.

(ii) The author concentrates on one theme in one section. This is disadvantageous for the streaming of the narrative, because this literary policy makes the connection between sections loose. However, this weak point is supported by several literary techniques, *transitional bridge* (19:8b-10a; 19:24 - 24:1 - 24:9-11; 24:2 - 24:12ff.), *prediction - fulfilment scheme* (19:9a - 19:19b-25, - 20:18-22), and *macroscopic - semi-microscopic - microscopic perspective* (19:24 - 24:1 - 24:9-11; 24:2 - 24:12ff.).



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## Chapter 3 THE MOAB COVENANT.

The term 'the covenant in the land of Moab' or 'the Moab covenant' in 28:69 (ET 29:1) is an unique expression in Dt.<sup>(1)</sup> And it is impressive that this covenant parallels 'the Horeb covenant'.<sup>(2)</sup> This paralleling of the two covenants in one verse shows the clear view of the author that the new covenant in the plain of Moab has the same authority as the covenant in Horeb whose authority seems to have already been acknowledged by the reader / listener.

### 3.1. The scope of the Moab covenant

We need to decide the scope of the Moab covenant intended by the author, because in order to evaluate the meaning of a text properly we have to know its contextual meaning. In other words, we have to find the suitable starting point of the central pericope of Dt and its end point. Even though it is quite natural to define the starting point first, for convenience' sake we want to find the finishing verse of the central pericope (now the Moab pericope) of Dt, about 28:69. It is not only because in 28:69 we find the term 'the Moab covenant' the title of the Moab pericope we have chosen, but also because it is easier to decide whether the Moab pericope ends at 28:68 or at 28:69 than to find out the starting point of the Moab pericope from Dt 5 to Dt 28.

#### 3.1.1. The end of the Moab covenant, 28:69 (ET 29:1)

##### 3.1.1.1. 28:69, the heading or the colophon ?

For many years it has been debated whether 28:69 is *the heading* (introduction, superscription, 'Überschrift') or *the colophon* (conclusion, subscription, 'Unterschrift').<sup>(3)</sup> If

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1. This is the convenient shortened expression of the full clause הַבְּרִית אֲשֶׁר-צִוָּה יְהוָה אֶת-מֹשֶׁה לְכַרֵּת אֶת-בְּנֵי יִשְׂרָאֵל בְּאֶרֶץ מוֹאָב. H.D. Preuß (1982,159) : "Moabberith" jedenfalls ist ein dt. Theologumenon.
  2. 'The Horeb covenant' is also the shortened expression of the full clause הַבְּרִית אֲשֶׁר-כָּרַת אֲתָם (בְּחֹרֵב).
  3. In this thesis we use the convenient English terms (*heading, colophon*) in place of the unusual terms ('superscription', 'subscription') or of the too general terms ('introduction', 'conclusion'). About the history of discussion see S.R. Driver (Dt,319), G. Seitz (1971,25), E. Kutsch (1973,138,n.205), and H.F.v. Rooy (1988a,215,n.1). For the former opinion (i.e. *the heading*), e.g. H. Ewald (in S.R. Driver, Dt,319), P. Kleinert (1872,184), Keil & Delitzsch (III,446), A. Dillmann (Dt,377f.), S. Oettli (Dt,96), J. Ridderbos (KV, Dt, II,86), N. Lohfink (1962,32ff.), G.von Rad (ATD, Dt,128), G. Seitz (1971,25), D.J. McCarthy (1978,199 : 28:69 is a *mise en scène* localizing the following discourse), A.D.H. Mayes (Dt,358; 1981,44), A. Cholewiński (1985,96f.), A. Rofé (1985a,310), and for the latter opinion (i.e. *the colophon*), e.g. A. Knobel (Dt,314), A. Kuenen (in A. Dillmann, Dt,377), J.J.P. Valetton (1881,45), A. Westphal (1888,65), A. Klostermann (1907,184 : 'durch v. 69 mit ausdrücklicher Unterschrift abgeschlossene Literaturstück'), S.R. Driver (Dt,319), R.A.F. MacKenzie (1953,272 : 'conclusion to the foregoing legislation (Dt 12-26) constituting the Covenant of



we consider this verse as *the heading*, it means the Moab covenant begins from 28:69. This then raises the problem of how the real content of the Moab covenant can be found in the chapters after 28:69. Meanwhile, if we hold this verse as *the colophon*, it means that the Moab covenant ends in 28:69. In this case we have to solve the problem of what is the real difference between the two covenants mentioned together in 28:69, the Horeb covenant and the Moab covenant.

There are commentators who are in favour of the interpretation of this verse as *the heading*. N. Lohfink<sup>(4)</sup>, holds that the new pericope begins in 28:69 and ends in 32:47, and that 28:69 (אֵלֶּה דְּבַר הַבְּרִית) has the same introductory function as other similar *headings* : 1:1 (אֵלֶּה הַדְּבָרִים), 4:44 (וְזֹאת הַתּוֹרָה), 33:1 (וְזֹאת הַבְּרָכָה). However, N. Lohfink does not suggest his own exegesis on 28:69, and therefore he neglects some important questions raised in 28:69. Furthermore, *the headings* of 1:1, 4:44, 28:69, 33:1 do not seem to show an uniformity among them.<sup>(5)</sup> And Dt 29-30 has a close unity which would be destroyed if the unit were expanded to the end of Dt 32.<sup>(6)</sup> G. Seitz holds that אֵלֶּה in 28:69 is a *cataphoric* demonstrative pronoun and this understanding of אֵלֶּה corresponds with other cases in Dt (1:1, 12:1) where we find *the headings*.<sup>(7)</sup> Because of the connection between 5:2f. (כִּרַת בְּרִית) and 28:69 (כִּרַת בְּרִית), 28:69 is to be defined as *the heading*, but this text has the function both of introduction of the following passage and of recalling the previous passage like 4:44, 33:1. However, an important weak point of G. Seitz is that he does not explain what the Moab covenant consists of.<sup>(8)</sup> Moreover, he does not give a proper interpretation of 5:2ff. and of the relationship between the Horeb covenant and the Moab covenant. K. Baltzer<sup>(9)</sup> holds that in the literary unit of Dt 29-30 we find the various aspects of the 'Bundesformular' : 29:1-7 ('Vorgeschichte'), 29:8,9ff,12,17

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- Moab'), L. Perlitt (1969,81 : 'Dtn 28:69 blickt auf den Horebbund zurück'), E. Kutsch (1973,140f.), HF.v. Rooy (1988a,215-221 but with the different opinion about the beginning of the Moab covenant, see 31.2.1).
4. He (1962,32ff.) basically follows P. Kleinert (1872,167). P. Kleinert suggests there are in total four headings in Dt (1:1, 4:44, 28:69, 33:1). Understanding 'the covenant - in the land of Moab' of 28:69 as *the heading* of the blessing / curse text in Dt 28, he (1872,207), followed again by N. Lohfink (1962,32,n.4), rearranges the texts around 28:69 into the what he believes original order : 28:69, 27:9f., 26:16-19, 28:1-26,38-48,58-68, 29:1-21,28, 30:11-20. However, there are 'keine durchschlagenden Argumente', as G. Seitz (1971,24,n.3) correctly criticizes. And this is the reason why although commentators (e.g. A. Cholewiński (1985,96,n.2, 97,n.6, 99f.), A. Rofé (1985a,310), but usually without independent exegesis) follow the interpretation of 28:69 as *the heading* of the following pericope they do not accept this specific rearrangement of the texts.
  5. See also G. Seitz (1971,24).
  6. A.D.H. Mayes (Dt,358), see also D. Knapp (1987) and C.T. Begg (1980,10-55) who argue the resemblance between Dt 4 and Dt 29-30. Moreover, 31:1 (וַיִּלֶּךָ מֹשֶׁה וַיְדַבֵּר אֶת-הַדְּבָרִים הָאֵלֶּה אֶל-כָּל-יִשְׂרָאֵל) contains what might be called a concluding formula.
  7. (1971,24). Notwithstanding, he frankly admits that 28:69, where we grasp a contrast made between the Horeb covenant and the Moab covenant, recalls clearly the original setting of Dt 5 (esp. 5:2ff.).
  8. How can the various features of Dt 29ff. be the content of the Moab covenant ? And when he admits that 28:69 has one definition (*the heading*) but two functions (i.e. introduction of the following passage and recalling the previous passage), he loses the consistency of his argument.
  9. He (1960,44) follows C. Steuernagel (Dt,155) who considers 28:69 and 29:1a as the 'besondere Überschrift und Einführungsformel'.



(‘Grundsatzklärung’), 30:16-18 (‘Segen- und Fluchformel’), 30:19 (‘Zeugung’). However, despite the various aspects and terminologies related to covenant or treaty in this pericope, we cannot find any real content of the Moab covenant within this pericope.<sup>(10)</sup>

If we cannot find any substantial reason to consider 28:69 as *the heading* of the Moab covenant, we can take this verse as *the colophon*. However, although many commentators<sup>(11)</sup> favour this interpretation, their arguments are rather short except E. Kutsch<sup>(12)</sup>. Understanding ברית not as ‘Bund’ rather as ‘Verpflichtung’, E. Kutsch points out the importance of the fact that in Dt 29 there is no actual content of this ברית, but instead after 28:69 we find only a ברית phrase in 29:8 : אֶת־דְּבַר הַבְּרִית הַזֹּאת : הַזֹּאת in this phrase alludes to the words (דְּבַר) mentioned before 29:8. If 28:69 were *the heading* of the following chapters, we have to find a certain passage which describes the content of דְּבַר הַבְּרִית between 28:69 and 29:8. Since there is no such regulation there, 28:69 should rather be considered as the ‘vorwärtsverweisende Abschlußformel’.<sup>(13)</sup> E. Kutsch’s exegetical understanding of 28:69 as *the colophon* seems to be quite accurate. However, his basic assumption that ברית is ‘Verpflichtung’<sup>(14)</sup> makes it difficult for him to grasp the inseparable cohesion of the covenant regulations and the covenant making (e.g. the definition of the relationship of the parties, the covenant ceremony and the blessing / curse) especially in the whole Dt 5-28. Therefore, he also cannot make any detailed suggestion about the relationship between the Horeb covenant and the Moab covenant, which is such an important point of the exegesis of 28:69.

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10. As A.D.H. Mayes (Dt,358f.) correctly indicates, there is no concluding covenant ceremony and no real stipulation within Dt 29–30. Further, all aspects within Dt 29–30 which are considered to be covenantal by K. Baltzer are contained in the admonitional word of Moses which is expressed continuously from 29:1 to 30:20. Therefore, the covenantal aspects in this pericope may be better considered as *the admonitional use of covenant motifs* than the covenant formula *per se* or the description of the covenant ceremony itself.

11. For example A. Knobel, A. Kuenen, JJP. Valeton, A. Westphal, A. Klostermann, SR. Driver, WL. Moran, L. Peritt, HF.v. Rooy.

12. (1973,140f.).

13. ‘So ist es das Wahrscheinlichst, daß dem Verfasser von 28:69 (und der nachfolgenden Verse) der Komplex Dtn 5–28 im wesentlichen vorliegen und daß er mit den “Worten der בְּרִית” innerhalb des ganzen Komplexes den Gesetzestext in 12–26 gemeint hat.’ This argument is quite similar to that of A. Westphal (1888,65,n1), SR. Driver (Dt,319), and G. Hölscher (1922,223). Recently A. Rofé (1985a,317), who holds 28:69 as *the heading*, tries to find the components of the treaties in Dt 29–30 (1. the inscription (28:69), 2. the historical prologue, 3. the statement of bond (29:10–14)). But A. Rofé cannot offer any concrete item of stipulations matching the stipulations found in the what he considers the Horeb covenant (4:45–28:68).

14. See also E. Kutsch (THAT,1349 : ברית as ‘Verpflichtung’ (28:69, 29:8[11]13,20) is the ‘Sondergut’ of Dt). This definition of ברית is very similar to that of the ANE laws, and actually E. Kutsch holds that in the cases above mentioned ברית means the Dt law corpus. In the ANE, there are many common factors among laws, treaties, contracts (marriage, commercial etc), and *kudurru*. Therefore we have to consider all factors in one literature carefully before defining. And if we identify ברית as a kind of law or obligation, this means the other aspects in Dt are not really considered. And if he understands the Moab ברית as ‘Verpflichtung’, then in 28:69 the Horeb ברית must also be as ‘Verpflichtung’. Given Dt depends thoroughly on the Horeb covenant and the Book of covenant, Kutsch’s understanding seems impossible to verify.



### 3.1.1.2. The meaning of 28:69

If we accept 28:69 as *the colophon* of the preceding pericope, the Moab covenant pericope, we should consider now how the two covenants in 28:69, the Horeb covenant and the Moab covenant are related to each other.

Commentators try to explain the meaning of the new covenant, the Moab covenant in conjunction with the Horeb covenant. For instance J. Ridderbos holds that the Moab covenant is the renewal of the Horeb covenant<sup>(15)</sup> :

'The renewal of the covenant, performed at the Lord's command through Moses' mediation, is a confirmation of the more fundamental covenant made at Horeb with offerings and the sprinkling of the people with blood (Exod. 24). ... Moses makes this covenant with Israel in the sense that he is the Lord's representative.'

A. Phillips<sup>(16)</sup> goes a step further. He holds that the Moab covenant *replaces* the Horeb covenant. However, we can only accept this interpretation of *replacement* with the reservation that the Horeb covenant is not nullified totally and that the new covenant is necessary because of the coming of the new situation. The essential features of the old covenant (e.g. the stipulations, the definition of the covenant relationship, we shall call these *invariable elements*) stay unchanged in the new covenant also. This is shown by Dt's use of the decalogue (Dt 5:6-21). This is unmistakably similar to the decalogue of Ex (Ex 20:1-17) especially when compared with other legal materials in the OT. What we realize in this text is the absolute authority of the Horeb covenant so that the new covenant tends to rely on the authority of this old covenant.

To clarify the last point it is necessary to analyse several aspects of covenant in general. We want to categorize elements and aspects of a covenant from two different view-points, firstly whether an element is *variable* or *invariable*, and secondly whether an aspect is *legal* or *cultic*.

Firstly we always have *the invariable element* as well as *the variable element* in a covenant. *The invariable element* of a covenant means the element which cannot be varied or altered inspite of the change of situation in the relationship between parties. However, *the variable element* of a covenant is the element which can be varied or performed again according to a change of situation. These two elements are in fact related to the change of situation, i.e. (i) time, (ii) space, and (iii) the performer. In the

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15. (KV,Dt,11,86f. = BSC,Dt,262). Similarly G.M. Harton (1981,29f.), following D. Beegle and Keil & Delitzsch, holds that the second covenant is not a totally different one but a covenant renewal of the first covenant in Horeb. However, he misses the point that 28:69 is not directly related to 1:5 but with 4:45 as we shall see in 3.1.2.

16. He (1973,199) is followed by A. Cholewiński (1985,97ff.).



Moab covenant *the invariable element* is stated in the present situation, 'הַיּוֹם הַזֶּה' (time), in Moab (space), and through Moses (performer) when he is still alive : i.e. the covenant stipulations (Dt 5-26) and the definition of the covenant relationship (26:17-19). *The invariable element* can be stated when the holder of the divine authority in Dt, Moses, is still alive so that this element can be repeatedly applied as far as the relationship between YHWH and Israel lasts. Meanwhile *the variable element* is related to the future situation (time), in the promised land Canaan (place), and performed through the elders and the priests (performer)<sup>17)</sup>, i.e. the covenant ceremony. This *variable element* can be performed repeatedly whenever there is a need to renew the covenant.

Secondly we can divide a covenant into two aspects, *the legal aspect* and *the cultic aspect*. To *the legal aspect* belong the stipulations and the definition of the covenant relationship, but *the cultic aspect* covers the covenant ceremony (e.g. offering, oath, and blessing and curse).

In practice these two categories of concepts are interchangeable, i.e. *the invariable element* of a covenant is approximately the same as its *legal aspect* which is proclaimed 'today', in the Moab plain ('Beth-Peor'), and by Moses. But *the variable element* of a covenant is nearly the same as its *cultic aspect* which will be performed 'when you will cross the Jordan', 'in the land God has promised to your fathers', and by the elders and the levitical priests (see further 3.3.13).

Going back to 28:69, the reason why the expression in this verse is necessary has to be considered, if we interpret this verse as *the colophon* of the Moab covenant. Here the author's interest seems to be primarily in *the pre-understood divine authority* of the Horeb covenant by the reader / listener (i.e. the subject of הַבְּרִית אֲשֶׁר-קָרַת אֲתֶם בְּחֶרֶב is God).<sup>18)</sup> By appealing to the unity between the second covenant (the Moab covenant) and the first covenant (the Horeb covenant), the author gives a solid foundation for the authority and legitimacy of the second covenant. At the same time he suggests the importance of *the new variable elements* : the time ('on the other side of Jordan' בְּעֶקֶר הַיַּרְדֵּן 11:30 or 'when you cross the Jordan' אֲשֶׁר תַּעֲבֹר אֶת-הַיַּרְדֵּן 27:2), the place ('Ebal

17. 3.7.1. & 3.8.1. We shall see (3.6.5.5.) that the peculiarity of the Moab covenant is in the fact that it is actually a covenant at two different places and in two different times. It will be perfectly achieved not now but in the future, in Canaan, and by the leaders other than Moses.

18. The introduction of the full feature of the Horeb covenant itself is not the concern of the author. This covenant is presupposed both in the reader / listener and the author. Even though we interpret 28:69 as *the heading*, we cannot find all features of the Horeb covenant before this verse. Interestingly enough, *the cultic aspect* of the Horeb covenant is totally absent in Dt. Since if there is a covenant in Dt 5-28, its future aspect (i.e. 11:26-32, 27:1ff.) cannot be deniable and this means that this pericope does not deal with the past event, the Horeb covenant. This fact strengthens our interpretation of the relationship between the Horeb covenant and the Moab covenant. The goal of Dt is to describe the validity of the Moab covenant (1) by using *the invariable elements* or *the legal aspects* of the Horeb covenant (i.e. the covenant stipulation, and the definition of the covenant relationship) and (2) by suggesting the future performance of *the variable elements* or *the cultic aspects* of the Moab covenant (i.e. the covenant ceremony).



and Gerizim', 11:29, 27:12-13), the subject ('the elders and the levitical priests', 27:1, 27:11ff., cf. 11:29, Jos 8:33). His final goal can be achieved not at the present (Moab) but in the future (Canaan). That is the responsibility of the present generation standing with Moses in the plain of Moab who should perform the unfinished covenant ceremony in the future (Canaan). Now in 28:69 and 5:2-3 (3.3.1.2. & 3.3.1.3.) all the people stand exactly in the same situation that Israel was at the mountain Horeb for making the first covenant. It is not just for the 'Vergegenwärtigung' or the 'actualization' of the past event, the first covenant, but it is another covenant which is the same as and at the same time different from the first covenant. In this sense we fully agree with the understanding of the Moab covenant as *covenant renewal*.

### 3.1.2. The beginning of the Moab covenant, 4:45

For our investigation of the Moab covenant, firstly, we have studied where it ends in Dt. We now want to find the starting point of the Moab covenant.

From Dt 5 to Dt 28 there is no other suitable starting point than around 4:44-49<sup>19)</sup> where we find a text clearly different in form, content, and style from the previous pericopes, it seems to be best to examine whether in 4:44-49 we can find a suitable starting point of the Moab covenant.<sup>20)</sup>

The connection between 28:69 and 4:44ff. is strengthened by the use of the same recipient of the law (4:44,45 and once again 4:46 !) and of the covenant (28:69) : בְּנֵי-יִשְׂרָאֵל. This phrase is rarely used in the narrative section (only 1:3) as well as in the legal section (only 10:6, 23:18, 24:7). In order to know the real feature of the Moab covenant which is mentioned at the end of the main section of Dt (4:45-28:69), we have to deal with the open passages of this section where the situation of the covenant making is described more in detail than 28:69, i.e. 4:45-49, 5:1-5, 5:6-29, 5:30-6:3. In all these passages we only want to deal with their functions in the Moab covenant.

#### 3.1.2.1. Dt 4:44, 4:45 two headings, or one colophon and one heading ?

One of the vexing exegetical issues in Dt is how we should interpret the apparent two

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19. H.F.v. Rooy (1988a,222) goes even further to 1:1-5 as the starting point of the Moab covenant pericope. However, since he lacks detailed investigation on the inner characteristics of 1:1-4:49 (e.g. the problem of two introductory clauses in 4:44,45, or the unmistakable similarity between Dt 4 and Dt 29-30, about this last point cf. H.F.v. Rooy, 1988b,875f.), he cannot make a clear distinction of function of 4:44,45-49 and 1:1-5 within the whole Dt (see 3.1.2.1(4) & (5)).

20. Many commentators are in favour of considering this part as the begin of the so-called great second speech of Moses, e.g. J.-S. Vater and Graf (both in J. Wellhausen, 1899,189), A. Dillmann (Dt,261), A. Klostermann (1907,184 : 4:44-28:69 'ein selbständiges Buch'), A. Bertholet (Dt,20f.), J. Ridderbos (KV,Dt,I,100), M. Noth (1957,16), W.L. Moran (1963,86 = 1991,110), H. Lamparter (Dt,38), J.A. Thompson (Dt,111), P.C. Craigie (Dt,146), R. Clifford (1982,38), G. Braulik (1986,47), C.J. Labuschagne (Dt,Ib,13), and M. Weinfeld (Dt,234f.).







(1) The use of different terms for laws in two consecutive verses like in 4:44 and 4:45 is not usual in Dt (6:24,25; 7:11,12; 26:16,17). Among these the relationship between 26:16 and 26:17 is similar to the relationship between 4:44 and 4:45 :

4:44 : התורה                      26:16 : החקים והמשפטים

4:45 : הערת החקים והמשפטים      26:17 : דרכי חקז ומצותיו ומשפטיז וקלו

It is acknowledged that החקים והמשפטים in 26:16 functions as *the structural signal*, which ends the central legal corpus.<sup>(26)</sup> This means that the great legal complex ends in 26:16, and from 26:17 a new content of the Moab covenant renewal (i.e. the definition of the relationship between the two parties, 26:17-19) is introduced, although the two verses stand side by side. A similar phenomenon is found in 4:44 and 4:45.<sup>(27)</sup> Namely 4:44 (התורה) reminds us of the previous pericope (1:5-4:43), but 4:45 (הערת החקים והמשפטים) indicates the following pericope (4:46ff.).

(2) In conjunction with the first issue we may point out the peculiar use of התורה (or תורה, 4:44) in Dt.<sup>(28)</sup> התורה in 1:5 and 4:44 seems to have two meanings :

(a) it signals the beginning and the end of the narrative pericope (1:5-4:44),

(b) at the same time it indicates God's direct law-giving and the indirect law-giving through Moses.

In other words, as far as *the signal value* is concerned, התורה (in 1:5b, 4:44) indicates the beginning (1:5b) and the end (4:44) of a narrative pericope.<sup>(29)</sup> On the other hand as far as *the referential value* is concerned, התורה in 1:5b and 4:44 points out cataphorically the future law-giving in its totality.

(3) Not only these terms of laws but also the subject and the verb in the relative clause

26. This *structural signal* is in

5:1 (the beginning of the first legal pericope, Dt 5-11),

11:32 (the end of the first legal pericope),

12:1 (the beginning of the second legal pericope),

26:16 (the end of the second legal pericope).

N. Lohfink (1963a,57; 1989,2) depending on A. Klostermann (1907,190f.) and followed by L. Perlitt (1969,39,103), G. Braulik (1970,36-66), F.-L. Hossfeld (1982,221). The function of 11:32 as *the structural signal* seems to be obvious (cf. P. Buis,1969,109,n.43). And also L. Perlitt (1969,103), G. Langer (1989,1). G. Seitz (1971,42) asserts that the phrase in 26:16 functions to summarize the deuteronomic laws (12:2-26:25) and then we can consider 26:16 as *the colophon*. Further, he seems to be aware of the summarizing (i.e. as *the colophon*) function of 11:32 (cf. P. Buis,1969,109,n.43) in conjunction with *the heading* 12:1. However, he does not consider that there could be *the colophons* in Dt like 28:69, 4:44. Therefore, he cannot find a corresponding *colophon* for the superscription 4:45 and tries to solve this problem source-critically.

27. S.R. Driver (Dt,80) holds that 4:45 is tautologous by the side of 4:44. However, if we can find several occasions of such tautology in Dt (e.g. 5:32-6:1, 11:32-12:1, 26:16-26:17, 28:69-29:1), it means this seemingly tautologous use may be considered as a kind of literary device. Such repetition (see M. Weinfeld, Dt,15f.) helps us to find the intention of the author to divide sections between the seemingly repeated phrases.

28. G. Braulik (1970,39-66, esp. 64-66).

29. All legal terms in Dt seem to have two values, *the signal value* and *the referential value*. When we think about the concept of *the structural signal* (e.g. חקים ומשפטים 5:1, 11:32, 12:1, 26:16), this concept can belong to *the signal value*, which indicates a certain structure of a text. This concept is an important finding of N. Lohfink (1963a,57; 1989,2) for the investigation of the structure of Dt, and now we want to lay a theoretical foundation about this finding. We recognize there is *the signal value* of a legal term within a certain context. But on the other hand, we find that each legal term is not used indiscriminately, and each of them is used with a certain inherent character. Here we find *the referential value* of the legal terms. In order to discern these two values clearly we need (a) to consider the function of each term in the context for *the signal value*, and (b) to examine whether a term matches the content of the legal corpus for *the referential value*.



are different :

4:44 . הָאֵת<sup>(30)</sup> + (אֲשֶׁר) + שָׁם

4:45 אֵלֶּה + (אֲשֶׁר) + דָּבָר

Despite these striking differences it is impressive that these two different aspects are expressed in a quite similar sentence structure :

4:44 הָאֵת + legal term + אֲשֶׁר + מִשָּׁה (sub.) + בְּנֵי יִשְׂרָאֵל (indirect object)

4:45 אֵלֶּה + legal term + אֲשֶׁר + מִשָּׁה (sub.) + בְּנֵי יִשְׂרָאֵל (indirect object).

Because of this parallel appearance of the two nearly identical clauses with the strongly contrasting aspects it is much wiser to think this is the result of the deliberate composition of the author than to consider one of these verses as a later addition.<sup>(31)</sup> And it is also better to hold that there is a clear dividing line between 4:44 and 4:45 than to think that the author unreasonably repeats the same idea once again. The author seems to use the contrasting effect of these two verses so that each of them is related to different object, 4:44 the previous pericope, 4:45 the following pericope.<sup>(32)</sup>

(4) It is not necessarily true that in Dt we always find the content of a certain pronouncement of law directly after its introductory sentence. Between the introduction and the real content, there could be a certain pausal section which contains the subsequent information, like the geographical circumstance or the historical situation. After the general introduction about Moses's word in 1:1a, we read the passage giving the information about the place and the time (1:1b-1:5a) and the real word of Moses begins in 1:6 for the first time.<sup>(33)</sup> 4:44-45 has also an introductory phrase and the real word of Moses starts in 5:1 just after the geographical and historical explanation in 4:46-49.

(5) הַתּוֹרָה הַזֹּאת (1:5b) seems to be once again reintroduced explicitly through the nominal sentence הַתּוֹרָה הַזֹּאת (4:44) by using the same demonstrative pronoun זֹאת.<sup>(34)</sup> In this respect 1:5b can be regarded as *the predictive heading* for the forthcoming large scale promulgation of the laws in Dt (Dt 5-26). Or we can better define this as the phrase for *the signal function* which is similar to הַקִּיּוֹם וְהַשְּׁפָטִים (5:1, 11:32, 12:1, 26:16).<sup>(35)</sup> תּוֹרָה in 1:5b

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30. LXX, Peshitta, Vulgata, followed by Ehrlich (II,266) and C. Steuernagel (Dt,71), omit ך, but MT, SamP, and BHS retain it. Presumably all these old translations have faced the same vexing problem : how the sections should be divided. And they have interpreted it as the first introduction in parallel with 4:45 the second introduction. Unless there were an absolute reason to have two introductions in 4:44,45, it is wise to follow MT, SamP, and BHS by holding ך in 4:44. Through this we can make not only a clearer connection of 4:44 with the previous pericope but also the fresh start from 4:45, because in 4:45 (no textual problem ך) there is no ך at the head of sentence and it means the new start of a new pericope.

31. Pace A. Dillmann (Dt,261), J. Ridderbos (KV,Dt,I,100 : 4:44 is the superscript for Dt 5-11 and 4:45 is the superscript fo Dt 12-26), A. Bertholet (Dt,20f. : 4:44 is the superscript), Rashi (Dt,191 : 4:44 is the general introduction, 4:45 is parenthesis), S. Mittmann (1975,130 : 4:44 is a general introduction and 4:45 is more detailed introduction), A.D.H. Mayes (Dt,159 : similarly to G. Hölscher (1922,169), 4:45 had been original and 4:44 was later inserted), B. Peckham (1983,22).

32. See a similar interpretation of E. König (Dt,84f.). The phraseology of 4:44 is derived from 1:5 which is the introduction of 1:6-4:43. 4:44 is not as 'ein natürlicher Eingang' to 4:45. C. Vonk (VL,Ic,473).

33. The concern with this comparative study on both passages, 1:1-5 and 4:45-49 has already been drawn by A. Westphal (1888,82). Further, J.A. Thompson (Dt,111).

34. C.J. Labuschagne (Dt,Ib,13).

35. J.J.P. Valetton (1881,39) has already pointed out the special relationship between 5:1 and 26:16 because of the common use of (i) 'today' (הַיּוֹם הַזֶּה, הַיּוֹם) and (ii) the same legal expression (הַקִּיּוֹם וְהַשְּׁפָטִים) in both texts. N. Lohfink uses this expression for the word pair הַקִּיּוֹם וְהַשְּׁפָטִים (1989,2) about which he



and 4:44 has the same *signal function* in the context.<sup>(36)</sup> The author finishes a large narrative pericope (Dt 1-4) with the word of *the signal function* (תּוֹרָה) appearing for the second time at the end of that section (4:44). And at the same time he begins to deal with the real and more detailed issue of the laws by giving a new word pair, הָעֲרֵת וְהַחֲקִים (4:45).<sup>(37)</sup> The coexistence of both verses signifies that there is a great change from now on by giving the detailed terms of law (הָעֲרֵת וְהַחֲקִים וְהַמְשָׁפְטִים) (4:45) in place of the general term (תּוֹרָה 4:44). With this fact we may go one step further : around Dt 1-5 we find an interesting literary scheme<sup>(38)</sup> :

### Pericope I<sup>(39)</sup>

- [A] 1:1a אלה הדברים + אשר : introductory sentence to the whole Dt  
 1:1b-5a : geographical, historical situation (Sihon / Og).  
 [B] 1:5b הַתּוֹרָה הַזֹּאת : *the signal function* of the beginning)  
 1:6-3:29 the desert journey (3:29 in Beth Peor)  
 4:1-43 teaching of the history / cities of refuge  
 4:44 הַתּוֹרָה הַזֹּאת + אשר : *the signal function* of the end)

originally called the 'Struktursignal' in his thesis (1963a,57).

36. G. Braulik (1970,65 : 'In 1,5 steht schließlich der Aspekt der mosaischen Verkündigung von 1,6 – 4,40 im Vordergrund').
37. C. Steuernagel (Dt,71) suggests וְ in front of וְהַחֲקִים means 'und besonders'. However, its translation depends upon the definition and the interpretation of the legal terms in Dt. However, if he interprets הָעֲרֵת as the decalogue, וְ in front of וְהַחֲקִים does not seem to mean 'und besonders' but generally 'and', because the rest two terms are deeply related to *the Hauptgebot pericope* (Dt 6–11) and the individual laws (Dt 12ff). הָעֲרֵת is used only three times in Dt (4:45, 6:17,20). G. Braulik (1970,63f) holds that this term means 'das ganze "Gesetz"': probably the decalogue is not contained here, but later (Dt,1,48) he asserts more clearly that it contains not only the decalogue but also the admonitional pericope and the deuteronomic laws. Although the meaning of הָעֲרֵת should be decided after the detailed study on the legal terms in Dt, we observe the following points : הָעֲרֵת is used in conjunction with the ark (אֲרוֹן הָעֲרֵת, Ex 25:22, לַחַת הָעֲרֵת, Ex 31:18) and they are more or less connected with the decalogue. In Dt הָעֲרֵת with other legal terms is used only around the decalogue (4:45, 6:17,20) and it does not appear in the rest of Dt. C.J. Labuschagne (Dt,1b,13) lists two cases where עֲרֵת is a synonym of בְּרִית (Num 4:5, 7:8–9, related to the decalogue) and עֲרֵת is a synonym of the decalogue, and therefore he concludes that in Dt it means the decalogue. Therefore, most probably it seems to mean the decalogue (also G. Seitz,1971,37) as the direct revelation from God which is differentiated from other laws or admonitions given by Moses. If we accept the special relationship of this word with the treaty term *adê* (Akk.), it becomes more plausible הָעֲרֵת means the decalogue, given the importance of the decalogue as the stipulation given directly by God. Also A. Bertholet (Dt,21), C. Steuernagel (Dt,71), G. Seitz (1971,42), and C.J. Labuschagne (Dt,1b,13f.). See further discussion about עֲרֵת / עֲרוֹת / *adê* (Akk.) see D. Wiseman (1958,81 : 'adê implies a solemn charge or undertaking an oath'), N. Lohfink (1963a,58), F.C. Tiffany (1978,254 : 'imposed loyalty, ... more like law or command (Wiseman) than a pact (Gelb), ... It is akin to an executive order, decree or edict'), (C.v. Leeuwen (THAT,11,209–222), C.J. Labuschagne (Dt,1b,14), G. Braulik (Dt,1,48), S. Parpola (1987, esp. 180–183), K. Watanabe (1987, esp. 6–25).
38. The pericope I ([A][B]) is the first part of the outer circle of Dt (1:1–4:44) and the second part is in 29:1–34:12, but the large pericope II ([a][b']) is in the central core of Dt. This chart shows the similarity of technique for making the framework of each pericope. Recently D.L. Christensen (1985,137f) suggests the correspondence of two outer frames, Dt 1–3 [A] and Dt 31–34 [A']. However, his other basic structural analyses, the inner frame ([B] : Dt 4–11, [B'] : Dt 27–30) and the central core (Dt 12–26), are not proper. The special connection between Dt 4 and Dt 29–30 should be pointed out clearly and the strong resemblance between 11:26–30 and 26:17–28:69 should be considered together.
39. Another connection of 4:44 with the preceding section is the apparent connection between 48 (כָּבֹל) הַתּוֹרָה אֲשֶׁר-שָׂם מֹשֶׁה לְפָנַי בְּיַד יְיָ (4:44) and 4:44 (הַתּוֹרָה הַזֹּאת אֲשֶׁר אָנֹכִי נָתַן לְפָנֵיכֶם הַיּוֹם יִשְׂרָאֵל). G. Hölcher (1952,169). We have to alter the too neat chiasmic pattern within 1:1–1:5 suggested by N. Lohfink (1962,32,n.2) and G. Braulik (1970,65), although there is a possibility that within 1:2–4 there is a chiasmic structure. It is clear that the purpose of 1:1 and that of 1:5b is different from each other.



Pericope II and further <sup>(40)</sup>

- [a'] 4:45 (אֲשֶׁר + אֵלֶּה הָעֵדוּת וְהַחֻקִּים וְהַמִּשְׁפָּטִים) *the heading* of the Moab covenant  
4:46-49 geographical, historical situation (4:46 in Beth Peor and Sihon / Og)
- [b'] 5:1 (הַחֻקִּים וְהַמִּשְׁפָּטִים) *the signal function* (beginning of the decalogue and *the Hauptgebot pericope*)<sup>(41)</sup>
- 11:26ff. the covenant ceremony
- 11:32 (הַחֻקִּים וְהַמִּשְׁפָּטִים) *the signal function* (end of *the Hauptgebot pericope*)<sup>(42)</sup>
- 12:1 (הַחֻקִּים וְהַמִּשְׁפָּטִים) *the signal function* (beginning of the deuteronomic law)
- 26:16 (הַחֻקִּים וְהַמִּשְׁפָּטִים) *the signal function* (end of the deuteronomic law)
- 26:17-28:68 the covenant ceremony
- 28:69 *the colophon* of the Moab covenant

Another interesting point is that the connection of the pericope I, II is strengthened by describing two common geographical facts in both sections<sup>(43)</sup> : (a) the author ends the desert itinerary at Beth Peor in 3:29 in pericope I and begins report of the covenant at the same Beth Peor in 4:46, (b) in the explanation of the geographical, historical situation of both [A] and [a'] the most important historical fact is commonly mentioned, the defeat of Sihon and Og. We do not need to think of these two texts of geographical, historical information (1:1b-5a, 4:46-49) as unnecessary repetition, rather we should seriously consider whether they have an important literary value within the context. What the author wants to suggest by positioning these descriptions about time and space of the events at the beginning of the narrative is to lay a realistic foundation of the events so that the historical value can be felt by the reader / listener.<sup>(44)</sup>

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40. In this structure we realize that 4:45-49 is not an unnecessary introduction because of 5:1 (*pace* S. Oetli (Dt,38f.), although he correctly pointed out the unity of 5:1-26:15). Cf. the chart of (4) above. A. Klostermann (1907,184f.) holds that the large pericope from 4:45 to 28:69 is a nearly independent book. Although this assertion cannot be proved very clearly in conjunction with the finding of the law book in 2 Kings 22f., the cohesion of this large pericope in the whole Dt should be recognized. A. Westphal (1888,103) holds that there is a certain degree of unity between *the heading* (4:45) and *the colophon* (28:69).
41. N. Lohfink (1965,31) gives the definition of the *Hauptgebot* : 'Er zeigt, daß die vielen Bundesbedingungen oder - wie man irreführend zusagen pflegt - 'Gesetze', die Israel immer wieder vorgelegt wurden, nicht eine zusammenhanglose Vielfalt von Einzelgebote waren, sondern stets als eine innere Einheit betrachtet wurden. Es gab eine einzige, grundlegende Forderung Jahwes. Aus ihr leitete sich alles andere ab, auf sie war es wieder zurückführbar. Das was das Hauptgebot, die Forderung ausschließlichen Jahwedienstes. Das Hauptgebot trug alle anderen Gebote.'
42. The connection between 11:32 and 12:1 is clearly set out by G. Langer (1989,13) : (A) Nonimalsatz (אֲתָם, 11:31) - (B) Landgabeformel (euch, נִתַּן) - (C) שְׁמַר לְעִשׂוֹת (11:32) - (D) וְהַמִּשְׁפָּטִים - (E) Promulgationssatz - (D') וְהַחֻקִּים וְהַמִּשְׁפָּטִים (12:1) - (C') לְעִשׂוֹת - (B') Landgabeformel (dir, נִתַּן) - (A') Nonimalsatz (אֲתָם).
43. E. König (Dt,84f.).
44. As far as the geographical description is concerned, 4:46-49 is in parallel with 11:30, because both have the common geographical concern just like 1:1b-5a, as we have pointed out. However, 11:30 is actually different from both 4:46-49 and 1:1b-5a, because it is about the place across the Jordan. Therefore, 4:46-49 as the description of the present place stands in contrast with 11:30 as that of the future. Interestingly both geographical descriptions are placed at the beginning of the major pericopes : 4:46-49 is before the decalogue and *the Hauptgebot pericope*, and 11:30 is just before the deuteronomic laws in Dt 12-26. The exact geographical description in both cases means the actual difference of both places are clearly suggested to the reader / listener.



All these issues lead us to conclude that 4:44 is not an insertion nor another heading together with 4:45<sup>(45)</sup>, but *the colophon* to the great introduction to the whole Dt, 1:5-4:43.<sup>(46)</sup> This *colophon* corresponds with *the heading* in 1:5. And within Dt we find another corresponding *heading - colophon* system in 4:45 and 28:69.

### 3.2. 4:45-49 (The time and place of the Moab covenant)

In the first section of our study on the Moab covenant (3.1.2.) we have studied the scope of the Moab covenant, *the colophon* 28:69 (3.1.2.1.) and *the heading* 4:45 (3.1.2.2.). Now we can deal with the content of the Moab covenant. In the first section of the Moab covenant (3.2.) we want to look at the report on the circumstance of the Moab covenant, the place and the time mentioned in 4:45-49.

#### 3.2.1. Exegesis of 4:45-49

4:45 אֵלֶּה הָעֵדוּת וְהַחֲקִים וְהַמִּשְׁפָּטִים אֲשֶׁר דִּבֶּר מֹשֶׁה אֶל־בְּנֵי יִשְׂרָאֵל בְּצֵאתָם מִמִּצְרָיִם:  
 46 בְּעֵבֶר הַיַּרְדֵּן בְּגֵיא מַסּוּל בֵּית פְּעוּר בְּאֶרֶץ סִיחֹן מֶלֶךְ הָאֱמֹרִי אֲשֶׁר יָשָׁב בְּחֻשְׁבוֹן אֲשֶׁר הִבֵּה  
 מֹשֶׁה וּבְנֵי יִשְׂרָאֵל בְּצֵאתָם מִמִּצְרָיִם:  
 47 וַיִּדְשׁ אֶת־אֶרְצוֹ וְאֶת־אֶרֶץ עֹג מֶלֶךְ־הַבָּשָׁן שְׁנֵי מַלְכֵי הָאֱמֹרִי אֲשֶׁר בְּעֵבֶר הַיַּרְדֵּן מִזְרַח שְׁמֶשׁ:  
 48 מִיַּד אֲשֶׁר עַל־שֵׁפֶת־נַחַל אַרְנוֹן וְעַד־יַד שִׂיאֵן הִיא הַדְּמוּן:  
 49 וְכָל־הָעֲרֻבָה עֵבֶר הַיַּרְדֵּן מִזְרְחָהּ וְעַד יָם הָעַרְבָה תַּחַת אֲשֶׁר־הִתְכַּסְּתָה:

In this short passage several words and phrases are repeated, sometimes with slightly different kinds of words or phrases. Still this phenomenon does not need to be interpreted as several additions of the later redactor(s), but we consider this as the compositional device to stress the unity of the passage. The impressively repeated phrases are :

- (1) בְּצֵאתָם מִמִּצְרָיִם (4:45,46),
- (2) בְּנֵי יִשְׂרָאֵל (4:44,45,46), and
- (3) עֵבֶר הַיַּרְדֵּן or בְּעֵבֶר הַיַּרְדֵּן (4:46,47,49).<sup>(47)</sup>

- (1) בְּצֵאתָם מִמִּצְרָיִם (4:45,46, cf. Josh 5:4)

It is quite interesting that this phrase is used only in these two verses within the whole Dt. Therefore, this phrase may impress the reader / listener. In particular, this rare phrase in 4:46 is surprising in the context, because the conquest over king Sihon happened nearly at the end of the desert journey and its connection with the exodus looks unnatural, and

45. SR. Driver (Dt,80).

46. C. Vonk (VLJc,473).

47. There is no difference of meaning in these two phrases. One is a prepositional adverbial phrase and the other is an adverbial accusative phrase.



because the exodus (בְּצִאתְכֶם מִמִּצְרָיִם) is reported at the end of the verse and its position after the conquest over king Sihon looks strange. However, this phrase already occurred in the previous verse, 4:45, where Moses' law-giving is related also to the time of the exodus :

event	time
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4:45 : law-giving of Moses + the time of exodus (בְּצִאתְכֶם מִמִּצְרָיִם)

4:46 : victory over Sihon + the time of exodus (בְּצִאתְכֶם מִמִּצְרָיִם)

Here we see an important clue to the compositional technique.<sup>48</sup> After mentioning the law-giving at Horeb in an introductory sentence and before mentioning the law in Dt 5, the author wants to *synchronize* the time of the exodus with the period after the desert journey, the present situation in the plain of Moab. Therefore, he invents an impressive phrase, בְּצִאתְכֶם מִמִּצְרָיִם (4:45), and then after mentioning the victory over king Sihon he uses once again the same phrase in 4:46. The main purpose of this *synchronization* of the exodus time with the time after the desert journey seems to make the present generation in the plain of Moab recall the original situation of Moses' law-giving at Horeb (4:45, 5:1ff.). The actual time gap between the exodus and the time just before crossing the Jordan is overcome by this phrase (בְּצִאתְכֶם מִמִּצְרָיִם), which is carefully composed and used in two successive verses in 4:45,46. Similar *synchronization* is found twice more in Dt, 5:2-3 and 29:11-14 (ET 29:12-15), although in certain important detailed issues they are slightly different from each other. As we shall see in the exegesis on 5:2-3 (3.3.1.2. & 3.3.1.3.), the author does not just *actualize* the past event (the covenant at Horeb) for the present generation. But he reports the event of another covenant, correctly speaking, the covenant renewal in Moab. In 29:11-14, however, the author applies the validity of the new covenant and its oath to those who are not in the present situation. Despite the possible differences in detailed issues, these three cases illuminate that *the synchronization* is not the result of overlapping redactions, rather the author's compositional method to make the history or event valid to the present and / or future generation.

## (2) בְּנֵי יִשְׂרָאֵל (4:44,45,46)

What is interesting about this phrase is that in the last two cases (4:45,46) the author does not choose the personal pronoun or pronominal suffix but to repeat the same phrase. And the result is the use of the same phrase in the three successive verses. The fact that the simple expression (יִשְׂרָאֵל) or other phrases (עַם-יִשְׂרָאֵל or כָּל-יִשְׂרָאֵל) of the same kind are used more often than בְּנֵי יִשְׂרָאֵל in Dt, and that they are not used in this area of the passage, lead us conclude that the author seems to have decided to use this specific phrase in the three successive verses. Although through הַתּוֹרָה 4:44 has *the framing function*

48. Pace G. Seitz (1971,26f.,42) holds that 4:45 belongs to the old system of arrangement of Dt, but 4:46 belongs to the new system of arrangement of Dt. Cf. A. Bertholet (Dt,21 : 'unerträglich'), A.D.H. Mayes (Dt,160 : originally 4:46 is related to 4:44 because of this phrase). Keil & Delitzsch (III,318) and J. Ridderbos (KV,Dt,I,100) hold without detailed exegesis that this phrase in this section means the journey of long duration after the exodus.



(3.1.2.1.) and therefore this verse finishes the historical narrative section (1:5-4:43), this verse does not stand alone without any relation to the next verses. This connection is well prepared not only by using similar expressions about the law (הַתּוֹרָה in 4:44, הָעֲרֵת וְהַחֲקִים in 4:45) but also by using the same promulgator of the law (Moses 4:44,45) and the same recipients of the law (בְּנֵי יִשְׂרָאֵל in 4:44,45,46). We cannot find any other interpretation suitable for the use of this phrase in 4:45,46,47 than that the author has a special compositional purpose to emphasize the unity of 4:45-49. In particular, when we consider our interpretation in (1) above, the connection between 4:45 and 4:46 becomes more apparent in three concepts : event, time and participant. So the compositional purpose of the author seems to be revealed more clearly, *the synchronization* :

event	time	participant
4:45 : law-giving	+ exodus time (בְּצֵאתְכֶם מִמִּצְרָיִם)	+ בְּנֵי יִשְׂרָאֵל
4:46 : victory over Sihon	+ exodus time (בְּצֵאתְכֶם מִמִּצְרָיִם)	+ בְּנֵי יִשְׂרָאֵל

*The synchronization*, about which we have seen in (1), is more effectively proposed by the common use of the participant, בְּנֵי יִשְׂרָאֵל, in both verses. In other words, *the synchronization* is not merely a matter of historical events and times, but it is applied to the fixed object, בְּנֵי יִשְׂרָאֵל. It is quite interesting that this fixed object of *the synchronization* is used again in 5:1. And through the common use of this fixed object in both 4:45-46 and 5:1<sup>(49)</sup> the connection between two *synchronization* passages (i.e. 4:45-46, 5:2-3), about which we have seen in (1), are directly connected with each other :

4:45-49 (esp. 45-46) :	<i>synchronization</i> + בְּנֵי יִשְׂרָאֵל
5:1	: Moses called כָּל-יִשְׂרָאֵל
5:2-3	: <i>synchronization</i> + 'we'-concept <sup>(50)</sup>
cf. 28:69	: Moses' covenant making with בְּנֵי יִשְׂרָאֵל <sup>(51)</sup>

49. F.-L. Hossfeld (1982,218f.) holds that בְּנֵי יִשְׂרָאֵל (4:44,45,46) is different from יִשְׂרָאֵל (5:1,1) and this means that there is a clear (editorial) gap between 4:49 and 5:1. If we look at the statistics by concordance, however, it seems to be wiser to think that the author chooses a suitable phrase among בְּנֵי יִשְׂרָאֵל, כָּל-יִשְׂרָאֵל, יִשְׂרָאֵל (or other phrases like כָּל-אִישׁ יִשְׂרָאֵל 27:14, כָּל-קֵהָל יִשְׂרָאֵל 31:30) according to the demand of context than to consider that there are different editors. In other words, in 5:1 the second יִשְׂרָאֵל is simple, because it is used in the context of the imperative (שִׁמַּע יִשְׂרָאֵל), which always uses a simple form rather than a long form (e.g. there is no case like שִׁמַּע בְּנֵי-יִשְׂרָאֵל or שִׁמַּע כָּל-יִשְׂרָאֵל, cf. 6:4, 9:1, 20:3, 27:9). And it is reasonable that the first יִשְׂרָאֵל in 5:1 carries כָּל in front of it, because the author stresses the *totality* of Israel, i.e. when Moses summons (וַיִּקְרָא) Israel for an important pronouncement (וַיֹּאמֶר אֲלֵהֶם), all Israelites are there (also 29:1, cf. 31:1 לְאָמָר + וַיִּדְבַּר 27:9, וַיֹּאמֶר אֲלֵהֶם + וַיִּדְבַּר). This fact is clearly visible in the introductory clauses of pericope (e.g. 1:1, 29:1, 31:1) or of section (e.g. 27:9). In other cases (e.g. 11:6, 13:12, 21:21, 31:7, etc.) it is very natural to interpret כָּל-יִשְׂרָאֵל as the stress of the *totality* of Israel. Therefore, we conclude that the use of the different phrases in 5:1 with 4:44,45,46 does not prove there are different editorial levels. Rather the fact that in 4:44,45,46, 5:1,1 we do not read any personal pronoun of יִשְׂרָאֵל or its suffix reveals a certain level of continuity of the text.

50. We shall discuss fully about this 'we'-concept in the exegesis of 5:2-3 (331.2 & 331.3).

51. We have in 4:46 another interesting fact connected with our interpretation of *the synchronization* : the subject of the victory over king Sihon is expressed in an unusual way, מִשָּׁה וּבְנֵי יִשְׂרָאֵל. The participants in the event in 4:46 are in fact not only the Israelites (בְּנֵי יִשְׂרָאֵל) but also Moses. Moses is unnecessary to be mentioned, because without the leadership of Moses that event was impossible. Here we see again the author's strong intention : Moses participated in the history reported in 4:45-49, in 4:45 by giving the law and in in 4:46 by having victory together with בְּנֵי יִשְׂרָאֵל. Through this the author intends to stress that not only בְּנֵי יִשְׂרָאֵל but also Moses are in the process of *the synchronization*. From this the author goes a step further. This joint-participation of Moses in *the*



### (3) עֵבֶר הַיַּרְדֵּן / בְּעֵבֶר הַיַּרְדֵּן (4:46,47,49)

These expressions are rare in Dt, and the cases when these phrases mean 'the Transjordan' are found only before Dt 5<sup>52</sup>). Their repeated use in the introductory passages (1:1,5, 4:46,47,49) is impressive enough to situate the reader / listener in the historical site, the Transjordan. Although the continuous use in 4:46,47,49 looks to be superfluous, this phenomenon can be considered as normal in the context where we find similar phenomena : (i) the repetition of the previous two phrases בְּצִאתְכֶם מִמִּצְרַיִם (4:45,46) and בְּנִי יִשְׂרָאֵל (4:4,45,46), (ii) the similar sentence structure of 4:44,45. The short introductory passage (4:45-49) is nearly full of the geographical names which are all situated in the Transjordan. Therefore, in the repetition of עֵבֶר הַיַּרְדֵּן / בְּעֵבֶר הַיַּרְדֵּן which should be considered with the points above mentioned (1) and (2), the author seems to have a certain purpose in the introductory passage through emphasizing the unity of the text 4:45-49.

Therefore, we conclude that the author emphasizes firstly the unity of this passage (4:45-49) by using three rare phrases repeatedly within it. And through this unity, secondly, he wants to *synchronize* four times : the time of exodus (בְּצִאתְכֶם מִמִּצְרַיִם), the time of law giving (4:44,45), the victory over Sihon and Og (4:46,47), the present time in the plain of Moab (עֵבֶר הַיַּרְדֵּן / בְּעֵבֶר הַיַּרְדֵּן). Thirdly, after this *synchronization* he goes further to identify the present generation with the very generation at mount Horeb (5:2-3). Eventually, he achieves his final purpose : to bring the present generation in the Moab plain back to the original situation at Horeb in order to make a covenant, the covenant renewal. Before studying 5:1ff., therefore, it is meaningful to investigate the relationship between 4:45-49 and 5:1ff. by summarizing what we have interpreted in 3.2.1.

### 3.2.2. The position of 4:45-49 within the whole of Dt, its relationship with the previous pericope and with 5:1ff.

What we have studied in 3.2.1. is basically the inner characteristics of 4:45-49. The

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*synchronization* process is also found in 5:2-3 because of the so-called 'we' concept there. In other words, Moses' joint-partnership with Israel in the event of Sihon (4:46-49) is in parallel with Moses' co-experience of the Horeb covenant with Israel (5:2-3). The connection between 4:45-49 and 5:2-3 is further supported by the fact that the word of 'we' concept (אֲנַחְנוּ, עִמָּנוּ, אֵלֵהֵינוּ) is well attested before Dt 5 but very rarely after that (eg. אֵלֵהֵינוּ (Moses is the speaker) is found in 1:6,19,20,25,41, 2:29,33,26,27,33, 4:7, but after Dt 5 only in 5:2, 6:4, 29:14,17,28). Through this 'we' concept Moses, eventually the author, makes clear that he has experienced the history of the exodus and the desert journey in Dt 1-3 together with the people. This tendency is quite the same as that found in מִשְׁתָּה מִיִּשְׂרָאֵל (4:46), and Dt 1-3 and 4:46 report the same history. And the use of the 'we' concept in Dt 1-3 corresponds with the same use in 5:2-3. Through this process the three motives, Horeb, the exodus (בְּצִאתְכֶם מִמִּצְרַיִם), and the covenant are combined together and the trace of this combination is found also in 29:24, 1 Kings 8:21.

52. There is an interesting statistics about the use of these phrases : בְּעֵבֶר הַיַּרְדֵּן for 'the Transjordan' in 1:1,5, 3:8, 4:41,46,47; הַיַּרְדֵּן for 'the Cisjordan' in 3:20,25, 11:30; עֵבֶר הַיַּרְדֵּן for 'the Transjordan' only in 4:49.



problem we face before we investigate the main sections of the Moab covenant Dt 5ff. is the structural position of 4:45-49 within the whole Moab pericope (4:45-28:69), the function of the geographical, historical description of 4:45-49 in the Moab pericope as well as in Dt.<sup>(53)</sup>

D.J. McCarthy points out that although the geographical, historical material in 4:45-49 functions very well as the historical prologue to the covenant, the actual start of the covenant renewal is from 5:1.<sup>(54)</sup> He follows the common view that from 5:1 there is a completely new beginning. It is clear that in 5:1 there is a clause introducing a certain event: וַיִּקְרָא מֹשֶׁה אֶל-כָּל-יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם: . However, when we carefully compare this with other introductory or concluding sentences which have the nominal clause structure (e.g. 1:1, 1:5, 4:45; 4:44, 28:69), we immediately realize that 5:1 with the verbal clause structure is different from other introductory sentences. Therefore, we hold that 5:1 has a limited introductory function, compared with the introductory sentence in 3:1 where we read the same subject (Moses), the verbal clause, and כָּל-יִשְׂרָאֵל (object). This characteristic of 5:1 is suitable for the present position just after the report about the geographical historical situation in 4:45-49. So 5:1 tells that from now the author reports about the major content of the Moab covenant.<sup>(55)</sup> Furthermore, as we have seen in 3.1.2.1. where we have compared the two introductory sections (1:1-5, 4:45-5:1) with *the structure of an onion*, we can explain the relationship between the seemingly independent introductions, 4:45 and 5:1 by comparing them with the similar phenomenon in 1:1, 1:5 (see the chart of 3.2.1.2.(3)). In other words, 1:5 is not just the repetition of the similar introduction of 1:1<sup>(56)</sup>, but it is the *minor* introduction within *the outer circle* of Dt (i.e. 1:1-4:43, 29:1-34:12) where we read the *major* introduction in 1:1. Just like this we find a similar phenomenon in 4:45, 5:1 that 4:45 is the *major* introduction to the Moab pericope and 5:1 is its *minor* introduction.

We have another detailed geographical description at the end of *the Hauptgebot pericope*, 11:29f., which can be compared with 4:46-49. The meaning of 11:29f. is in the point that the future place of the covenant ceremony is given as well as that it shares the detailed geographical, historical description just like 1:2-4, 4:46-49.<sup>(57)</sup> As we shall discuss fully later, the importance of 11:29f. in the whole Moab covenant is in the fixing of the place for the future covenant ceremony. It is unnecessary to assert that these three detailed descriptions about the geographical, historical situation are the outcome of

53. It is generally accepted that the content of 4:46-49 is the summary of what the author describes in Dt 1-3. For instance G.A. Smith (1918,76), H. Junker (Dt,41), P.C. Craigie (Dt,146), R. Clifford (1982,39). However, cf. S.R. Driver (Dt,79f).

54. (1978,159).

55. A. Klostermann (1907,190). Therefore, we suggest the interpretation contradicting the understanding of D.J. McCarthy (1978,159). The geographical, historical description of 4:46-49 functions very well in the context of the Moab pericope, which can be compared with the historical prologue of the ANE treaties, although Dt has a totally independent form and theme from the general treaty of the ANE. Cf. G. Seitz (1971,48) who points to a certain connection between 4:45 and 5:1.

56. Pace N. Lohfink (1962,32,n2) and G. Braulik (1970,65).

57. The connection between 1:2-4 and 4:46-49 is pointed out, e.g. A.D.H. Mayes (Dt,160).



overlapping redactions. Rather we find in these texts commonly the obvious intention of the author to lay the historical foundation of the event which he is going to describe. It is significant that both texts are about the place of the covenant making : 4:49 (present) and 11:29f. (future). In other words, the author wants to lay a firm historical foundation of the report about the covenant making in Moab (4:46-49) and in Shechem (11:29f.).

### 3.3. Dt 5:1-5 (The introduction to the Moab covenant)

Within the pericope II (see the chart in 3.1.2.1.(5) for the division) the author begins the subdivision, [b'] 5:1-28:69, with the word of *the framing function* וְשָׁמַעְתִּים in 5:1 after the introductory passage [a'] of the heading (4:45) and of the geographical, historical situation (4:46-49). What we have to do in 3.3. is to investigate the first section of the subdivision [b'], 5:1-5. Firstly, we shall discuss exegetical issues of each verse necessary to illuminate the objective of this section. And then we investigate the style and the structure of this section.

#### 3.3.1. Exegesis of 5:1-5

##### 3.3.1.1. 5:1

5:1 וַיִּקְרָא מֹשֶׁה אֶל-כָּל-יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם שָׁמַע יִשְׂרָאֵל אֶת-הַחֻקִּים וְאֶת-הַמִּשְׁפָּטִים  
אֲשֶׁר אָנֹכִי דֹבֵר בְּאָזְנֵיכֶם הַיּוֹם וְלִמְדֵתֶם אֹתָם וְשִׁמְדֵתֶם לַעֲשֹׂתָם:

This sentence expresses the tone of an official statement.<sup>(58)</sup> A similar impressive start is found just after the author finishes mentioning all accounts about the Moab covenant, 29:1 (ET 29:2 וַיִּקְרָא מֹשֶׁה אֶל-כָּל-יִשְׂרָאֵל וַיֹּאמֶר אֲלֵהֶם 29:2), where we read the same clause as 5:1 (see further 3.1.2.1. & especially 3.2.2.).

וְשָׁמַע יִשְׂרָאֵל is usually found at the beginning of new speech sections (4:1, 6:4, 9:1, 20:3, 27:9)<sup>(59)</sup> and among these 4:1 and 5:1 are in a certain sense unique because of the use of the (prepositional, אֶת) object.<sup>(60)</sup> And also the expression בְּאָזְנֵיכֶם is unusual in Dt

58. N.B. not 'and Moses said to Israel' but 'Moses summoned all the Israelites and said to them' (Keil & Delitzsch, III, 319). Cf. G. Seitz (1971, 48 : 'Lehreröffnungsruf') following H.W. Wolff (Hosea, 122f.).

59. S.D. McBride (1973, 289) classifies this clause in 5:1, 6:4, 9:1 functions as a structural signal with a major discourse.

60. F.-L. Hossfeld (1982, 220). If שָׁמַע is used with the object of legal terms, the meaning becomes more or less 'to obey'. Further about שָׁמַע + אֶל or אֶת see N. Lohfink (1963a, 65f., 300ff.) and F.-L. Hossfeld (1982, 220). This special function of the phrase וְשָׁמַע יִשְׂרָאֵל becomes more apparent when we think that in the same sentence the number is changed from the 2sg. form into the 2pl. form (בְּאָזְנֵיכֶם and וְלִמְדֵתֶם cf. also וַיֹּאמֶר אֲלֵהֶם before וְשָׁמַע יִשְׂרָאֵל). In 9:1 we also find the number change from the 2pl. form (until 8:20) to the 2sg. form (from 9:1) and at the head of the change stands וְשָׁמַע יִשְׂרָאֵל. J.J. Niehaus (1985, 280f.) lists five cases of such number change within the singular imperative / plural address (4:1, 4:5, 5:1, 11:26, 20:3) : 'In these cases, the singular imperative might be employed for effect, as an *attention-getter* (italics, TGS). The speaker then follows with words addressed to the group considered as a collection of individuals.' Also König, III, § 346-d, E. König (1900, 234, also 4:1, 20:3), S.E. Loewenstamm (1980, 131 : comparative study of Hebrew and Ugaritic material).



(31:11, and in the song of Moses 31:28,30, 32:44, cf. 2 Kings 23:2, Jer 28:7). Therefore, as 4:1 as a *minor* introduction begins a new section within the larger pericope 1:5-4:43, so 5:1 seems to serve as a *minor* introduction to the legal corpus (5:1-11:25, 12:1-26:15) within the central part in Dt (4:45-28:69, see further 3.1.2.1.(4),(5)).

### 3.3.1.2. 5:2-3

5:2 יְהוָה אֱלֹהֵינוּ פָּרַח עִמָּנוּ בְּרֵיחַ פְּחֹרֶב:

3 לֹא אֶת־אֲבֹתֵינוּ פָּרַח יְהוָה אֶת־הַבְּרִית הַזֹּאת כִּי אֲתָנוּ אָנֹחֶנּוּ אֵלֶּה פֹה הַיּוֹם כְּלָנוּ הַיּוֹם:

In these unusual verses in the OT we want to deal with the important issue of these verses, the objective of these two verses in the context. From 5:1 to 5:2-3 we see the magnificent transition from the past event to the present event<sup>(61)</sup>: in 5:1 Moses admonishes the people 'today' with the laws which he pronounces (שָׁמַע יִשְׂרָאֵל אֶת־הַחֻקִּים) (וְאֶת־הַמִּשְׁפָּטִים אֲשֶׁר אָנֹכִי דֹבֵר בְּאָזְנוֹיְכֶם הַיּוֹם וְלִמְרָתֶם אַתֶּם וְשִׁמְרָתֶם לַעֲשׂוֹתֶם הַחֻקִּים). If הַחֻקִּים (וְהַמִּשְׁפָּטִים) is *the structural signal* in 5:1, 11:32, 12:1, 26:16<sup>(62)</sup> as well as the summary of the whole Dt law corpus, we understand easily the transition from the concept of law in 5:1 to the concept of the covenant in 5:2.<sup>(63)</sup> When Moses commands obedience to the laws 'today' (5:1 הַיּוֹם), he wants also to explain the fundamental foundation for this command to the congregation standing 'here', 'today' (5:3 פֹּה הַיּוֹם). Simply speaking, this fundamental foundation, which is one of the most important themes of the OT, can be explained as the relationship between law and covenant in the OT.<sup>(64)</sup> Law itself does not stand alone, but it stands upon its foundation, the covenant. The authority of law derives neither from law itself nor even from the god who is in charge of law as in the ANE. One of the most distinctive features of the religion of the OT is that its norm concept is based upon the 'negotiated' - naive but convenient term - relationship between God and his people.<sup>(65)</sup> What Moses tries to do is to show the reader / listener the foundation of the authority of the laws (הַחֻקִּים וְהַמִּשְׁפָּטִים), which Moses will soon pronounce: that foundation is the covenant which God has made / makes with Israel in the past and in the present ('today'). Therefore, the present situation ('today' 5:1) at Moab of giving the law is identified with the situation at Horeb of making the covenant by the same time situation 'today' (5:3).

61. See the note about R. Polzin (1987,95) above.

62. N. Lohfink (1963a,57; 1989,2).

63. If the decalogue or the deuteronomic laws is / are the only purpose of Moses' pronouncement (5:1), it is unnecessary to use the phrase בְּרֵיחַ + בְּרֵיחַ in 5:2,3 (J. Hempel, 1914,110).

64. N. Lohfink (1963a,148) correctly asserts the legal character of the whole chapter especially in this point: 'Es handelt sich um juristische Komponente, die in der ganzen Bundestradiation steckt.' See further (1963a,144).

65. This effort parallels the general tenor of Dt, the strong emphasis on law. Compared with the simple terms of law in the Sinai covenant we find a great variety of legal terms. And also in many parts the author stresses the legal aspect at the expense of other (e.g. cultic) aspects. For instance in 27:1-8 we find the legal aspect of the covenant ceremony is emphasized strongly by simplifying the cultic aspect. See further 4.2.6.



Through this process the identification of the recipient of both the law of the present time (5:1) and the covenant of the past (5:2-3) occurs.

It is necessary to explain this important point more fully. What the author suggests in 5:2 as the fundamental foundation for asserting the authority of the law is the event happened in the past, the covenant at Horeb. We find in 5:1-3 not only the change but also the continuity between the two situations.

As far as the change is concerned, Moses goes back from 'today' in Moab (5:1) to 'the past' in Horeb (5:2, *the synchronization*, see 3.2.1(1)). The change which occurs between 5:1 and 5:2-3 is expressed profoundly and thoroughly in the five exegetical items (the subject, the indirect object, the direct object, the verbal form, the place) :

	(1) subject	(2) ind. object	(3) dir. object	(4) verbal form	(5) place
5:1	אֲנֹכִי (Moses)	'you' (pl. -כֶּם)	הַחֻקִּים וְהַמִּשְׁפָּטִים	דִּבַּר (pt.)	Moab
5:2	יְהוָה אֱלֹהֵינוּ	'us' (עִמָּנוּ)	בְּרִית	כָּרְתָה (pf.)	Horeb

About the first item (the subject change) Moses directs the attention of the people from himself to 'YHWH our God'.<sup>(66)</sup> The necessary reason for this transition is in the question why Israel should follow these laws. To achieve the real purpose of appealing for obedience to the laws (הַחֻקִּים וְהַמִּשְׁפָּטִים) Moses goes back to the origin of the laws, the deity himself. However, another aspect of change (the second item of change) is attached directly with this, that experience is not only had by 'you alone' but 'with me'. Therefore, we find the change from 'you' or 'your' (5:1) to 'us' or 'our' (5:2-3).<sup>(67)</sup> Theoretically it is the report about the event which Moses has also experienced, but the practical purpose of this report seems to be that Moses is a kind of *witness* for the event which has happened between God and the people.<sup>(68)</sup> The most important change happens in the third item, the introduction of בְּרִית in place of הַחֻקִּים וְהַמִּשְׁפָּטִים. Moses commands them to obey the laws not simply because God has given or imposed directly those laws on the people, but also because God has made the covenant with the people. The change of the situation is perfectly emphasized by the change of the verbal form from the pt.<sup>(69)</sup> to the pf. (the fourth item of the change) and the change of the place from Moab to Horeb (the fifth item of the change).

However, despite these complex items of change we realize the undeniable continuity between 5:1 and 5:2-3 through the constant factors in both parts : (i) the speaker Moses ('I

66. When Moses wants to derive his authority from God, he uses this phrase at the beginning of the section, e.g. in 16 (יְהוָה אֱלֹהֵינוּ, cf. 1:10 יְהוָה אֱלֹהֵיכֶם); 1:19 (יְהוָה אֱלֹהֵינוּ), 20 (יְהוָה אֱלֹהֵינוּ, cf. 1:21 יְהוָה אֱלֹהֵינוּ). About the example of number change of the 'we' passage G.J. Wenham (1970,158,n.3) gives examples from the Hittite treaties (W,135; W,236-52; W,7,III:43-47; W,7,IV:25ff.).

67. LXX, followed by A. Klostermann (1907,198), uses consistently the 2pl. form rather than the 1pl. form throughout 5:2-3. However, then it should be explained why MT deliberately chooses the difficult way of interpretation, as J. Hempel (1914,106), followed by E. König (Dt,85), points out. Furthermore, this interpretation lacks the substantial textual support.

68. We paraphrase this as follows : 'according to what I have seen I appeal to you.' See further 3:21(2) on יִשְׂרָאֵל (4:46) which is related to this point of *the witness*.

69. This has the 'present' meaning of the continuous action as in the general principle of the pt. act. (e.g. GK § 116-a, Lettinga § 73-d).



in 5:1, 'we' and 'us' in 5:2-3), (ii) the listener the Israelites ('you' in 5:1, 'we' and 'us' in 5:2-3), and (iii) the time (הַיּוֹם in 5:1, 5:3).

Through these processes of change and continuity the purpose of the author is achieved : the identification between two sets of events, between the past and the present, between the congregation at Horeb and that at Moab. The past event is totally revitalized or rehabilitated through this impressive process. In short, the key of the past event - the covenant between God and Israel - *becomes*<sup>(70)</sup> the present covenant.

5:2-3 as the 'we' - 'our' section forms a small unit within the introductory report of the covenant making in 5:1-5.<sup>(71)</sup> In 5:2 Moses tries to explain the origin of the authority of the laws (הַחֻקִּים וְהַמִּשְׁפָּטִים 5:1) which 'Moses' is going to say (אָנֹכִי דֹבֵר). Therefore, quite naturally the author explains in 5:2, first of all, that the origin of the authority is not in him but in God, יְהוָה אֱלֹהֵינוּ. This 'YHWH our God' makes a great contrast with the previous sole subject of 'Moses' (אָנֹכִי 5:1). This is further emphasized by its initial position in the clause. The second ground of the authority of Moses' laws in 5:1 is the action which God has done, 'to cut the covenant'. Here the author clearly depends upon the basic theological stance as we have already pointed out : the authority of law derives from the legal ratification of the covenant. Because of this covenant Moses can order Israel to obey the laws. The third ground is the object with whom God has made the covenant, 'us' (עָמָנוּ). Together with 'YHWH our God' this phrase suggests there are three subjects, the two covenant parties, God and Israel, and the mediator Moses. Although it is possible that these two phrases imply that Moses also belongs to Israel, the more probable meaning is that Moses has also experienced the covenant between the two parties. In other word, because of his mediatorship in the covenant Moses now functions as 'the witness' of the covenant.<sup>(72)</sup>

5:2 is the principal statement about the past event, but 5:3a is the confirmation of that statement in 5:2 through the negation method. The obvious difference is found in the word order of the sentence<sup>(73)</sup> :

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70. The meaning of this *becomes* we shall see soon in 3.3.13. Cf. 4:45-46, 29:11-14. In this regard we can try to interpret the problem caused by the change of God's name in 6:4-5 (cf. G.E. Wright, *Di*, 362) : יְהוָה אֱלֹהֵינוּ (6:4) - יְהוָה אֱלֹהֶיךָ (6:5). When Moses finishes the process to give the divine authority to bring God's law as well as to teach until 6:3, he now starts to teach the people from 6:4. In this initial verse he recalls once again the fact of 5:2-3 where he asserts the identity of the Horeb covenant and the Moab covenant by changing the 'I' - 'you' form speech (5:1) to the 'we' - 'our' form speech (5:2-3). The message of this change is that all the people including Moses have taken part in the covenant. The short phrase יְהוָה אֱלֹהֵינוּ in 6:4 recalls clearly the same phrase in 5:2 and the theological intention of the text around 5:2-3. After recalling this fact Moses starts his own teaching with the full divine authority which seems to be hinted at by the phrase יְהוָה אֱלֹהֶיךָ in the following verse (6:5).

71. C.J. Labuschagne (*Di, Ib*, 23f. : the relationship between 5:2 and 5:3 is 'onlosmakelijk'). Then, however, it is strange for him to hold 5:3-5 as 'de tussenzinnen' and to connect 5:2 directly with לְאָמַר.

72. See further our study on מִשְׁפָּט וּבְנֵי יִשְׂרָאֵל (4:46) in 3.2.1.(2). A similar convention is found in 6:4ff. Firstly in the beginning of the pericope we read the expression of common confession, יְהוָה אֱלֹהֵינוּ (6:4), but soon יְהוָה אֱלֹהֶיךָ (6:5) is used. In other words, in the initial statement of admonition Moses starts from recalling the common origin of the authority, יְהוָה אֱלֹהֵינוּ. And then he continues the admonition from his own authority which is derived from the origin of the authority, יְהוָה אֱלֹהֵינוּ.

73. Further, G. Seitz (1971, 50, n.22), followed by W.R. Higgs (1982, 59, n.166), suggests there are 2 + 2 + 2 rhythm in both 5:2 and 5:3a. Then the contrast between two texts becomes more apparent.



5:2 : subj + verb (פָּרַת) + prep.-obj.-suff. + פָּרַת

5:3a : prep.-obj.-suff. + verb (פָּרַת) + subj + אֶת־הַפָּרַת הַזֹּאת

As in 5:2 we read the reversed word order in this verbal clause and because of this we realize that a component (the object) is emphasized. Contrary to 5:2, however, the emphasized one in 5:3 is not the subject but the prepositional phrase (לֹא אֶת־אֲבֹתֵינוּ) and the subject is expressed with a simple word, יְהוָה. In 5:3a the accent is shifted from the subject to the object having a prepositional phrase. 5:3b is a strong emphatic incomplete sentence (כִּי + the prepositional phrase with the same preposition אֶת only!). And the whole 5:3b is grammatically a repetition of the prepositional phrase in 5:3a, but in the meaning it is the negation of the phrase in 5:3a. And in 5:3b there are a surprisingly large number of words pointing to the object of the phrase, 'us'. Enormous emphasis, therefore, is laid upon the object of the prepositional phrase, 'us' who are living in the present situation.<sup>(74)</sup> In many ways 5:2-3 can be compared to 29:13-14. We read there that 'not only you' (אֲתֶכֶם לְבָרְכֶם), the present generation is the target of this covenant, but also the future generation (וְאֵת אֲשֶׁר אֵינֶנּוּ פֹה עִמָּנוּ הַיּוֹם). In other words, the generation gap is abolished and this covenant is valid for the future generation of this people. This *synchronization*<sup>(75)</sup> is also true in the relationship between the first generation of the covenant (i.e. the past generation) at mount Sinai and the present generation.<sup>(76)</sup>

The ultimate concern of *the synchronization* is related to the essential word, פָּרַת, twice appearing in 5:2,3a, which recalls two covenants in 28:69<sup>(77)</sup>, although both texts are not exactly in parallel with each other. What the author tries to express in 5:2-3 is the validity of *the invariable elements* or *the legal aspect* (about these terms see 3.1.1.2.) of the Horeb covenant to the Moab covenant. The only possible condition that the dependence on *the invariable elements* or *the legal aspect* of the Horeb covenant does not nullify the validity of the Moab covenant is to accept the Moab covenant not as a totally new covenant but as *the covenant renewal*.

### 3.3.1.3. Actualization or covenant renewal ? : the meaning of 5:2-3

In 5:2-3 'we', not only Israel but also Moses, are now at mount Horeb. What God has done there is to make a covenant with Israel. The following questions arise immediately. What is the purpose of this recollection of Israel and Moses to Horeb ? As we have seen,

74. S.R. Driver (Dt,83). The emphatic points of this clause can be enumerated as follow : (1) אֲנַחְנוּ after אֶת־נוּ is emphatic (GK § 135-c), (2) the addition of אֵלֵינוּ, (3) the adverbial precision 1 (פֹּה), (4) the adverbial precision 2 (הַיּוֹם 'today'), (5) אֵלֵינוּ qualifies the object again, (6) אֵלֵינוּ is related to אֲנַחְנוּ.

75. E. König (Dt,85f. 'Dieser Gedanke ist es, daß der am Horeb geschlossene Bund für jede Generation gilt oder bleibende Bedeutung besitzt'). See also our exegesis of Dt 4:45-46 (3.2.1.1)).

76. This is one side of the message of 5:2-3. Another side of the message is the clear division between the furthest generation in the past (i.e. the patriarchs) and the present generation. What is totally new in the Horeb covenant is clarified.

77. Cf. G. Seitz (1971,48 : 'Sie (5:2-3a, TGS) sind vielmehr in enger Beziehung zu 28,69 zu sehen, wo Horeb- und Moabbund einander gegenübergestellt werden'), but he lacks a detailed exegesis on this issue.



through this complex process of change and continuity between two events, the past event at Horeb *becomes* the present event at Moab. In what sense does the past event *become* the present event ? Is it only to justify Moses' command to obey the laws in 5:1 ? How can we connect this section with the section directly after Moses' second discourse (26:16ff.) where we find abundant materials indicating the covenant ritual ? How can we explain the relationship between these verses (esp. 5:1 the command to keep the laws) with the same commands of the elders (27:1) and the levitical priests (27:9) ?

We want to solve these problems firstly by investigating the general structural pattern of the central legal corpus 5:1-26:16. Considering the present arrangement of the text, the author does not seem to make this impressive change and continuity process only to support the original command to keep the laws (5:1). If the terms and themes in 5:2-3, at the beginning of Moses' second discourse, related to the covenant are meaningful, the same terms and themes of covenant found after this discourse (26:16ff.) are also meaningful. In 5:1 the long discourse of Moses starts and just before 27:1 it ends :

- [a] 5:1 (the beginning of the second discourse, *the structural signal*)
- [b] 5:2-3 ('we' section - 'covenant')
- [a'] 26:16 (the end of the second discourse, *the structural signal*)
- [b'] 26:17ff. (covenant section)

In this so-called second discourse of Moses (5:1-26:16) the major theme is the law. However, since the law depends upon the covenant, the ultimate foundation of its authority, the author points directly to the covenant (5:2-3) when he begins to make the legitimization process of the authority of his command (5:1). After mentioning the whole pericope of the laws (Dt 5-26) the author goes back to the original foundation of the laws (26:17ff.).

It is worthwhile to look at several aspects of this chart in detail.

The common aspects both in [a] (5:1) and in [a'] (26:16) are (1) *the structural signal* (הַחֲקִים / וְהַשְׁפָּטִים), (2) Moses' command to keep the laws, and (3) the time ('today', הַיּוֹם / הַיּוֹם הַזֶּה). Through these common aspects the whole section in between (5:2-26:15) is regarded as *the event* happening 'today'. What we read after the second discourse (26:17ff.) is about certain *rituals* related to the covenant. If not, we should be satisfied with the explanation that in 5:2-3 the author tries to establish the authority of the command to obey the laws in pointing out the simple fact that the covenant is the theological foundation of the law. However, we read more complex sections after Moses' second discourse. Is it natural that we should interpret these sections (26:17ff.) in conjunction with 5:2-3, because both parts



are about the covenant <sup>78)</sup> If so, 5:2-3 is not simply a theological argument for giving the authority to the laws commanded by Moses. 5:2-3 seems rather to be a profound statement in a certain *cultic event* happening now. Another issue in relation to this point is the cultic understanding of 'today' (הַיּוֹם, 5:1,3 and in other cases also).<sup>79)</sup> If this 'today' is used in the sections regulating the cultic event in 26:17-19, 27:1-26, 28:1-69, and if we suppose these sections to be integral to Dt, it does not necessarily mean a simple levitical preaching or recital but primarily *a report* on a concrete cultic event which happened in a specific time and space.

In this respect when we say the past event of Horeb *becomes* the present event in Moab, the real sense is not simply that the past event is actualized (or revitalized or rehabilitated) by preaching.<sup>80)</sup> Although the admonitional or preaching style is important in Dt, this derives from the more fundamental fact that in Dt we have a concrete cultic activity - the covenant renewal, but not from the (levitical) preaching as such. Otherwise, we cannot explain appropriately the real function of the regulations for the future rituals within Dt (e.g. 11:26-32, 26:16-19, 27:1-26, 28:1-69).

However, there is another interpretation<sup>81)</sup> of the formulation of these verses of the ritual regulations (e.g. 11:26-32, 26:16-19, 27:1-26, 28:1-69). According to this interpretation, God originally made the covenant not especially with one generation but with Israel as the people, and therefore the same covenant can be applied always to future generations. When God made for the first time a covenant with the people, this covenant was with a specific generation in a specific historical situation.<sup>82)</sup> Covenant renewal is inevitable according to the substantial change of situation. In the present text this renewal of

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78. Hitherto the connection between 5:2-3 and 26:17ff. is not thought of seriously by many commentators. See 3.3.1.2. about the relationship between 5:2-3 and 28:69 (cf. G. Seitz, 1971, 24; F.-L. Hossfeld, 1981, 223 and ns. 34, 35). See 3.6. and after about the covenantal characteristics of 26:17-28:69.

79. G. von Rad (1958, 35f.), E. W. Nicholson (1967, 45ff. : 'Whoever composed it stood within the cultic traditions of the old festival of the renewal of the covenant').

80. G. von Rad (ATD, Dt, 40 = OTL, Dt, 55 : 'Auch wenn der inzwischen erfolgte Tod der Sinaigeneration außerhalb des Blickfeldes des Sprechers liegen sollte, ist seine Absicht deutlich genug; er will das in Wirklichkeit schon der Vergangenheit angehörende Ereignis des Bundesschlusses seiner Gegenwart aktuell machen'). L. Perlitt (1969, 81 : 'Dieser Vergegenwärtigung wird die Fiktion der historischen Einmaligkeit'). W. Zimmerli (1972, 45 = 1978, 50) seems to consider the substantial value of the Moab covenant, although he follows the interpretation of 'Aktualisierung des Horebbundes.' See also G. von Rad (1938, 26 = 1966, 29 : 'But within the framework of the cultus, where past, present, and future acts of God coalesce in the one tremendous actuality of the faith, such a treatment is altogether possible and indeed essential'). C. Schäfer-Lichtenberger (1990, 133 : 'auf das Konto Aktualisierung').

81. S. Oetli (Dt, 39), A. Phillips (1973, 44).

82. In this respect it is the occasion to point to the difference of *the synchronization* of 29:11-14 (ET 29:12-25) from that of 4:45-49, 5:2-3 (see 3.2.1(1)). In 4:45-49 and 5:2-3 the past event *becomes* the present event in the meaning that *the invariable elements* of the Horeb covenant, *the legal aspect* is valid to the new covenant, the Moab covenant. Therefore, the Moab covenant may be called *the covenant renewal*, because there is a clear change of situations, i.e. crossing the Jordan to inherit the promised land, changing the leadership and the generation. However, in *the synchronization* of 29:11-14 the author explains the validity of the same covenant to the following generations. This means if there is an important change of situation (i.e. breach of the covenant condition), there should be a new covenant making. However, this covenant is not a totally new covenant but the renewal of the old covenant, if the parties are not changed. *The invariable element* of the old covenant, *the legal aspect* can be used once again in this renewal, just as we see in 5:2-3.



covenant is presented in a form like preaching<sup>(83)</sup> The matter here is that another event similar to the previous one is in progress. In other words, another covenant is being made. Its unique differences from the previous covenant are that there is : (1) no new encounter between the two covenant parties (Dt 5:4, cf. Ex 19:16-19a), (2) no new addition of covenantal conditions (Dt 5-26:15, cf. Ex 20:1-17, 20:22-23:19), and (3) no new definition of the covenantal relationship (Dt 26:17-19). Within the grand scheme of the covenant making (Dt 4:45-28:69) these three factors are the same as those of the previous covenant making, although their formulations are different from the latter. We may call these *the invariable elements* or *the legal aspects* of covenant (see 3.1.1.2.). All these appear in the first half of the whole process of covenant making. These three are best compared with the first half of the Sinai covenant making in Ex :

- (1) Dt 5:4 - Ex 19:9-25,
- (2) Dt 5-26:15 - Ex 20:1-23:19,
- (3) Dt 26:17-19 - Ex 19:3-8.

Then all other components in the covenant making process can be called *the variable elements* or *the cultic aspects* of covenant. These can be compared with the other half of the Sinai covenant, and these should be performed anew according to the substantial change of situation<sup>(84)</sup> :

- (4) writing down the covenant document (Dt 27:2-5,8 - Ex 24:4,7)
- (5) the covenant offering (Dt 27:6-7a - Ex 24:5)
- (6) the covenant meal (Dt 27:7b - Ex 24:9-11)
- (7) the pronouncement of the blessing and curse (Dt 27:12-13,28:3-6,16-19 - Ex 23:20-33)
- (8) the oath (Dt 27:14-26 - Ex 24:7-8)

In the sense that there are the old components (1,2,3), it is hard to assert that the Moab covenant in Dt is a totally new one. In the sense that there are the new components (4,5,6,7,8), however, we may say this is a new covenant making. Therefore, the proper term for this cultic event is *the covenant renewal*.<sup>(85)</sup> In this sense we fully agree with the

83. N. Lohfink (1963a,145) argues a similar point although for a different reason : 'vermutlich wir es mit einer feierlichen kultischen Formulierung zu tun haben, die unser Text hier aufgreift.'

84. We shall study soon the definition of the individual sections of this division of each covenant - making in detail.

85. C. Vonk (VL,Jc,479f.) : 'Maar niet om deze twee verbonden van elkaar te scheiden. Ook niet om het verbond, dat in de vlakte van Moab gesloten is, als een totaal ander verbond dan dat van Horeb voor te stellen.' Although T.E. Ranck (1969,47) understands that this is related to the covenant renewal ceremony, he does not discern the difference between the *Vergegenwärtigung* and one time renewal event. However, how these two are identical and at the same time how they are different should be explained in detail. G.E. Wright (Dt,363) gives a clearer observation : 'It would appear more likely that the words here were derived from a liturgy used in a service of covenant renewal, or at least reflect liturgical practice in which the covenant was renewed with each generation, so that the latter identified itself with the original group at Horeb.' M.J. Paul (1988,306; 1990,275) tries to distinguish *the covenant recovering* ('verbondherstel') and *the covenant renewal* ('verbondsvernieuwing') : 'Ik stel voor de termen 'verbondherstel' en 'verbondsvernieuwing' te gebruiken. De term verbondherstel wanneer God het verbond herstelt en de uitdrukking verbondsvernieuwing wanneer mensen opnieuw de verplichting op zich nemen het verbond te houden.' Weak definition and use, but having an useful insight for our investigation. The actual difference of his definition is in the fact who is the subject. If God is the



assertion of 28:69 that in Moab there is a covenant of its own (דְּבַר הַבְּרִית אֲשֶׁר-צָוָה יְהוָה) compared with the covenant in Horeb (סֵלֶכֶר) (את־מִשֶׁה לְכָרַת אֶת־פְּנֵי יִשְׂרָאֵל בְּאֶרֶץ מִאֲב (הַבְּרִית אֲשֶׁר־כָּרַת אִתְּם בְּחֹרֵב).<sup>(86)</sup>

### 3.3.14. 5:4-5

5:4 פָּנִים בְּפָנִים דִּבֶּר יְהוָה עִמָּכֶם בְּרֹד סִתּוֹךְ הָאֵשׁ:  
 5 אֲנֹכִי עֹמֵד בֵּינִי־וּבֵינֵיכֶם בְּשַׁת הַיּוֹם הַזֶּה לְהַגִּיד לָכֶם אֶת־דְּבַר יְהוָה  
 כִּי יִרְאֶתֶם מִפְּנֵי הָאֵשׁ וְלֹא־עָלִיתֶם בְּרֹד לְאֹמֵר:

#### (1) 5:4

We can apply our last argument on 5:2-3 to the study of 5:4. We have seen the change of the indirect object from 'you' (5:1) to 'us' (5:2-3). For the author this change is necessary to stress the validity of the Horeb covenant for the present generation who stands in the plain of Moab to renew the covenant. But it is also necessary to emphasize the presence of Moses as *the witness* in the event of the covenant making between God and the people in 5:2-3. When these purposes are fully achieved, from 5:4 Moses returns to the original 'I' - 'you' style speech (in 5:1), and this 'I' - 'you' style stretches far into 26:19 (and also in 27:1ff.), the end of the legal corpus. We should not take בְּרִית / הַבְּרִית in 5:2-3 simply as a synonym of the terms of law. 5:2-3 is rather an introductory pronouncement for the whole process of the covenant making at Moab. In this way 5:2-3 is directly connected with another 'today' section at the end of the second discourse of Moses, 26:(16) 17-19 (הַיּוֹם) (הַיּוֹם / הַיּוֹם 26:16,17,18), which is another example of the use of *the invariable element* of the Horeb covenant to the Moab covenant. In 26:17-19 we find the definition of the covenant

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initiator of the new action, it becomes the covenant recovering, but human being initiates the new action, it becomes the covenant renewal. Practically this kind of differentiation is not necessary. Rather we are faced with two different cases, (i) when the covenant or treaty relationship is completely broken by the failure of one party, (ii) when the new situation (e.g. succession) is developed. The first case we can call *covenant recovering*, and the second case *covenant renewal*. For instance if we accept Ex 34 as a form of covenant it is covenant recovering. In the case of the Moab covenant it is covenant renewal, because there is no report in Dt that breaking of the covenant directly necessitates the recovering of the covenant. Although there are several hints of breaking of the covenant in Dt, this breaking does not seem to be the very cause of the Moab covenant. Most probably in Dt that tension caused by breaking of the first covenant seems to have already been solved. A different necessity seems to call for the new covenant in Dt. However, it is possible that the remembrance of the failure of the first covenant at Horeb in 9:7-22, which is actually beyond the scope of the present thesis, makes a certain effect (e.g. the emphasis on the obedience of the law and the stress on the curse) in forming the present covenant in Dt.

86. Pace R. Kraetzschmar (1896,136 : 'das schemenhafte Wesen des Moabbundes') and L. Peritt (1969,81 : 'Jener "Moabbund" ist eine Hilfskonstruktion, die um der endgültigen dt. Fixierung der dt. Stoffe will auch den Horebbund rückblickend umklammert'). Because of this characteristic of the Moab covenant we accept the general observation of H. Breit (1933,135f.) about the past and the present in Dt : 'Die Trennung von Geschichte und Gegenwart kennt der Prediger nicht. - So fließen für den deut. Prediger beide ineinander, um das 'hic et nunc', den konkreten Augenblick in seiner Aktualität deutlich zu machen.'



relationship between YHWH and Israel, which is expressed to be done 'today'.<sup>(87)</sup>

The transition of the speech style, about which we have seen above, from 5:1 to 5:2-3 and then again from 5:2-3 to 5:4 is in fact a part of the whole scheme of the author who tries to suggest to the reader / listener the legitimate authority of Moses as the mediator-teacher of God's law (see 3.3.1.4.(2).(c)). And the process of the transition of the authority from God to Moses starts from 5:1 and ends 6:4. In the following excursus we want to set in order this scheme.

**Excursus (1) : The process of laying the foundations of Moses' divine authority to bring and teach God's law.<sup>(88)</sup>**

The transition from the first command to hear (to obey) the law proclaimed by Moses (5:1) to the magnificent statement of the command of obedience in 6:5ff. is carefully planned and progressively achieved<sup>(89)</sup> :

[A] the original assertion and the ultimate goal :

5:1 Moses' command (שָׁמַע יִשְׂרָאֵל) + the content (the law proclaimed by 'T (אָנֹכִי) Moses) : 'T - 'you' style

[B] Stages in the establishment of Moses' authority as the mediator-teacher :

(1) 5:2-3 (the first stage) : the covenant as the foundation of the law is initiated

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87. 26:17-19 is connected with the law section through the bridge, 26:16, where we find *the structural signal* הַחֻקִּים וְהַמִּשְׁפָּטִים (see N. Lohfink, 1963a, 57).

88. N. Lohfink (1963a, 143) finds in 5:2-22 something like a covenant formula : 5:2 ('Zusammenfassende Gesamtaussage, Ort'), 5:3 ('Definition des Partners'), 5:4-5 ('Genauere Bestimmung der gegenseitigen Beziehung von Jahwe, Volk, Moses beim Bundesschluß'), 5:6-21 ('Bundeskunde'), 5:22 ('Die einzelnen Rechtsakte'). Although covenant making is the issue here, it is not the concern of the author to describe the event according to the standard covenant formula. The author handles the event of covenant according to his own manner and theological scheme. Despite N. Lohfink's acknowledgement of the strong stylistic composition (1963a, 148 : 'Die Feststellung, der Text sei stark juristisch geprägt, darf nicht zur Meinung verführen, er sei stilistisch farblos. Im Gegenteil'), his interpretation of 5:2-5 seems imperfect. The description of 5:2ff. is deeply related to the initial statement of Moses to Israel to obey the laws which he is going to proclaim (5:1). The issue in 5:1 and 5:2-3 is the relationship between law and covenant as we have seen in 3.3.1.1.(2). In other words, to lay the solid foundations of the emphasis on the law, the crucial theme of the whole Dt, the author goes back to the origin of the authority of the law, the covenant (5:2-3 and the later pericope of Dt 26:17ff.). Therefore, what the author tries to suggest in 5:2-3 is not simply definition of the covenant parties but the application of the Horeb covenant to the present generation of Israel in the Moab plain, precisely the validity of the Horeb covenant to the Moab covenant. And therefore, 5:4-5 is not just for the detailed description of the relationship between God, the people, and Moses, as Lohfink suggests, but to show the next stage of the covenant making (5:4 — direct encounter of both covenant parties and God's direct law-giving; 5:5 — Moses' role as the mediator for the transmission of the subsequent laws of God). And this stage is not mentioned mechanically following the ordinary covenant making process, but the covenant materials like this stage are utilized and rearranged systematically according to the author's own theological scheme. Therefore, we cannot accept the idea of Chr. Brekelmans (1985, 168) that there is no covenant idea in this chapter. However, Chr. Brekelmans (1985, 167) interprets correctly that the coherence of Dt 5 would be completely destroyed when the whole question of the relation between the decalogue and the deuteronomic law is eliminated.

89. The prime purpose of this process is to emphasize the divine authority to the laws (הַחֻקִּים וְהַמִּשְׁפָּטִים) which will be pronounced by Moses (אָנֹכִי דִבַּר בְּאָזְנֵיכֶם הַיּוֹם), cf. 11:31 the subject is Moses). When the legal corpus pronounced by Moses ends in 26:15, Moses goes back to the origin of the authority of the laws (הַחֻקִּים וְהַמִּשְׁפָּטִים) which is expressed in 26:16 with God as its subject (G. Braulik, 1985, 253), as he has done in 5:2-3. This is an example of the author's careful composition. The transition of the divine authority in the whole Dt see C. Schäfer-Lichtenberger (1990, 125-142). D.L. Christensen (1985, 141) suggests a neat chiasmic structure from 4:44 to 6:3. However, this chiasmic structure contains too many problems to be answered. Chr. Brekelmans (1985, 164-173), limiting his study to 5:1-31, holds that 5:1 is the introduction and 5:32-33 is the conclusion. Despite a certain common aspect between 5:1 and 5:32-33, however, we find the steady progress from 5:1 to the final point 6:4.



by 'our God' (יְהוָה אֱלֹהֵינוּ), 'we' style)

(2) 5:4-5 (the second stage) : the law spoken directly by God (יְהוָה) already from 5:3b) to the people, 'He' - 'you' style, NB. 'I' (אֲנִי) in 5:5 (Moses stands between God and the people : pre-announcement of the event in 5:23-31, 'I' - 'you' style))

5:6-21 (the decalogue)

(3) 5:22-27 (the third stage) : people's request for the mediatorship of Moses (רַבֵּר)

(4) 5:28-31 (the fourth stage) : the approval from God (לִמַּר)

(5) 5:32-6:3 (the fifth stage) : the preparation for Moses' teaching (לִמַּר)

(6) 6:4 (the sixth stage) : the great introduction to Moses' teaching, appearance of the יְהוָה אֱלֹהֵינוּ once again.

[C] the achievement of the goal :

6:5ff. (Moses starts to teach the people with the divine authority received from 'your God' (יְהוָה אֱלֹהֵיכֶם))

Considering only the aspect of the actions and the reactions between the covenant parties we see clearly how Moses is introduced into the two parties' business : (a) the encounter of the both parties (5:4), (b) God's action (God's direct law-giving 5:6-21), (c) people's reaction (request of the mediator 5:24-27), (d) God's reaction (approval 5:28-31), finally (e) Moses' action (5:32ff.). The attention is shifted from the formal description of the action - reaction of both covenant parties to the theme of Moses' legitimate position as the mediator between the two parties. This shift supports ultimately the main thrust of Dt, the emphasis on the law taught by that mediator.

Interestingly enough, the real concern in 5:4 is not *what* God tells to 'you' but *how* he tells 'you', i.e. not the content of God's word but, first of all, the mode of his meeting with Israel.<sup>90</sup> This fact is emphasized further by the emphatic adverbial phrase פָּנִים בְּפָנִים<sup>91</sup> and its initial position within the sentence. And the use of several adverbial phrases within a short sentence (1. פָּנִים בְּפָנִים, 2. בְּרִיר, 3. מִתּוֹךְ הָאֵשׁ) helps us to understand that the intention of 5:4 is to describe *the mode* of the meeting rather than *the content* of what God says. In other words, in the very first verse after the fundamental statement of the covenant making (5:2-3) the author reports *the direct encounter* between the two covenant parties, YHWH and Israel.

This interesting feature leads us to ask some unavoidable questions which are worth

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90. This understanding is already proposed by A. Klostermann (1907,197, 'alles Gewicht auf dem *Wie* ? und nicht auf dem *Was* ? (italics, TGS) der Rede Jahves') followed by J. Hempel (1914,105).

91. This phrase does not literally mean 'face to face', but rather it means that God meets Israel *directly without mediator* and speaks to them with an audible voice (J. Ridderbos, *KV, Dt, I, 102*; A.D.H. Mayes, *Dt, 166*, Chr. Brekelmans, 1985, 169 : 'directly and personally'). S.R. Driver (*Dt, 83*, grammatically 'implicit accusative of closer definition'). Two other interpretations are theoretically possible : (1) this phrase tells the full experience of theophany at Horeb, (2) this phrase means 'sich enthüllen' (E. König, *Dt, 86*) so that the possibility of Moses' mediatorship in this case is not closed. Considering (i) the initial position of this phrase in the clause, (ii) the connection of this phrase with the verb רַבֵּר + אֶמְצְאֶם, however, the initial interpretation is preferable to these two interpretations. In this connection the distinction between פָּנִים בְּפָנִים and פָּנִים אֶל פָּנִים (Dt 34:10, also in Ex 33:11, Gen 32:31, Judg 6:22, cf. אֶל פָּנֶיךָ Num 14:14, Is 52:8) is useful (Keil & Delitzsch (III, 320), J.A. Thompson (*Dt, 113*)). The latter expresses the confidential relation in which the Lord spoke to Moses as one speaks to his friend; whereas the former simply denotes the directness with which God speaks to the people, the counter-concept of the revelation through the mediator (K. Marti, *Dt, 270*).



developing further. Why should this report (5:4) follow directly the fundamental statement of the covenant making (5:2-3)? What is the relationship between 5:2-3 and 5:4? Does the author follow a kind of literary or theological pattern? Summing up, we pose one question which can give the answers for all these questions: is this meeting (5:4) so essential for making a legitimate covenant that it immediately follows the principal statement of the covenant making (5:2-3)? A clue to the answer to this question is found in the similar stage of the Sinai covenant Ex 19:9ff. As we have seen (2.6.), the basic theme of Ex 19:9ff. is not the theophany, as commonly accepted, but the direct encounter between the two covenant parties, about whose relationship the first section (Ex 19:3-8) of the Sinai covenant pericope set out initially. We have also seen that (i) the direct encounter of the covenant parties is essential for making a legitimate covenant, and (ii) in that encounter the covenant conditions or stipulations are handled. In respect of the first point, to mention the direct meeting between YHWH and Israel (5:4) directly after the initial statement of covenant making (5:2-3) is quite normal. Although this first point is the essential concern of 5:4, the second point is not neglected in 5:4, God's talk to the people. The actual content of that meeting is the conditions or stipulations suggested by the superior party, God. Both parties are there, but only one party, YHWH, is speaking. In other words, this party, YHWH, speaks upon the foundation of the new relationship between them, the covenant mentioned in 5:2-3. In this sense we suggest 5:4 has two functions like Ex 19:9ff.: (i) to mention the direct encounter of both parties for making a legitimate covenant relationship, and (ii) to introduce the decalogue (5:6-21) as the covenant condition.<sup>(92)</sup> The introductory function of 5:4 becomes apparent by the similar content of 5:22 (Moses' first word after the decalogue (5:6-21)), namely the decalogue is the direct revelation from God. Moreover, it is impressive that both 5:4 and 5:22 use the same sentence structure which is a kind of *structure signal* indicating the beginning and the end of the text circled by these two verses, the decalogue<sup>(93)</sup>:

5:4	דָּבַר יְהוָה	עִמָּכֶם בְּרֵד בְּתוֹךְ הָאֵשׁ
5:22	דָּבַר יְהוָה אֶל־כָּל־קְהֵלְכֶם בְּרֵד בְּתוֹךְ הָאֵשׁ	

## (2) the relationship between 5:4 and 5:5

The coexistence of 5:4 and 5:5 is considered by commentators as hard to explain because of apparently quite different content of both verses.<sup>(94)</sup> We want to make four

92. We find two contents in 5:4 (L. דָּבַר, 2. הָאֵשׁ + בְּרֵד) also in 5:22 (L. כָּל־קְהֵל, 2. הָאֵשׁ + בְּרֵד), 5:23 (L. הָאֵשׁ + בְּרֵד), 5:24 (L. הָאֵשׁ + בְּרֵד), 5:25 (L. הָאֵשׁ + בְּרֵד). N. Lohfink (1963a,148) considers these as keywords in Dt 5.

93. N. Lohfink (1963a,148) uses a different name ('rahmenhafte Repetition', דָּבַר pi. & דְּבָרִים in 5:4,5,22) with the similar content and he finds no ground to consider 5:22 as later addition (pace C. Steuernagel, J. Hempel, and recently A.D.H. Mayes (1980,72: 'superfluous')). We shall see in 3.3.14.(2) about 5:5.

94. Traditionally a diachronic solution is preferred in many cases. A. Dillmann (Dt,226), C. Steuernagel (1901,72), A. Bertholet (Dt,21), A. Klostermann (1907,197f.), A.C. Welch (1932,18, although he accepted the unity of Dt 5, held that only this was revised by a later hand), G. Hölscher (1922,167), G. Seitz (1971,49,



observations from the context about this matter : (a) the grammatical feature, (b) the viewpoint of the process of the transition of the divine authority to Moses, (c) the compositional characteristic of Dt, and (d) the structural position of 5:4-5 within the context.

(a) As far as *the grammatical feature* is concerned we see a clear connection between 5:4 and 5:5<sup>(95)</sup> :

5:4	pf. (דָּבַר)	(main clause)
5:5	subj. + pt. (עָמַד)	(pt. clause without ו)

The pt. in 5:5a (עָמַד) denotes a continuing state of affairs and makes the clause function as a circumstantial clause to the main clause (5:4) : 5:5 is in stark contrast to the main clause, 5:4.<sup>(96)</sup> Therefore, the main concern of 5:4-5 is the description of God's direct law-giving (5:4), meanwhile the concern about the indirect law-giving through Moses is present as well (5:5). And in 5:5, by putting אָנֹכִי at the head of the clause, Moses' function as the mediator becomes apparent.<sup>(97)</sup> In any case in 5:4-5 we read a clear contrast between God's direct law-giving (5:4) and the indirect law-giving through Moses (5:5). In 5:4-5 the author tries to express the total process of law-giving in one summary as we shall see in (iv). At the same time the author does not forget the purpose of the section 5:1-6:4, the *popularly demanded* and *divine* authority of Moses as the mediator. Before introducing the full text of the decalogue the author makes sure Moses' role is not forgotten.

The consequence of this interpretation is that we do not need to connect לְאָמַר at the end of 5:5 with 5:2, but this word is connected with דָּבַר in 5:4.<sup>(98)</sup> In other words, it is

followed by A.D.H. Mayes (*Dt*,166), J. Wijngaards (*Dt*,69), Chr. Brekelmans (1985,165 : 5:5 is a post-Deuteronomic one), A. Rofé (1985b,7). However, if we find a positive reason for the present arrangement by the author, we do not need to appeal hastily to the traditional diachronic approach.

95. Rashi (*Dt*,32). The same sentence structure is in 1 Kings 14:17 : 14:17a (ipf. cons. + ipf. cons. (main clause)) / 14:17b (subject + pt. ; subject + pf. (two pt. clauses without ו)). Although there are text variations in 5:5a (SamP, LXX, Pershitta - אָנֹכִי; MT, Onq., Vulg - אָנֹכִי), grammatically we cannot insist that pt. clause without ו is impossible (E. König (*König*,III § 412-w; *Dt*,86), *Joüon* § 159-c, *GK* § 156-d-g).

96. *WO* § 37-6-e. *GK* § 156-d-g reports the circumstantial verbal clause having a particularizing idea, antithetical ideas (1 Kings 13:18) or negative idea towards the main clause. Similarly *Joüon* § 159-c. Therefore, through the use of the circumstantial clause in 5:5, 5:4 becomes contrasting to 5:5. S.R. Driver (*Dt*,83) also holds אָנֹכִי עָמַד as a circumstantial clause. However, his harmonistic interpretation (*Dt*,84) leads the exegesis into a side track. He insists that although the people hear the decalogue, it is not distinctive to the ear of the people and therefore Moses' transmission (וַיִּגַּד לוֹ ה' 5:5) is necessary. However, S.R. Driver does not consider another aspect of this appearance of Moses between God and the people, 5:5b. In 5:5b we read the reason why Moses should function as the mediator : the fear of the people to the theophanic phenomenon not the indistinctiveness of God's voice. J. Ridderbos (*KV*,*Dt*,I,102 = *BSC*,*Dt*,99) holds 5:5 as the parenthesis ('tussenzin'). Through this definition of 5:5 we cannot connect 5:4 (the main clause) and 5:5 (the circumstantial clause) exactly. Therefore J. Ridderbos suggests an inconsistent interpretation. On the one hand he admits that God speaks to the people with an audible voice (cf. 4:12,10:4). On the other hand, however, he insists that 5:5 is also related to the decalogue and 'the speaking of God to the people must be understood in a limited sense even in the proclamation of the Ten Words'

97. *Muraoka*,27.

98. A. Knobel (*Dt*,233), S. Oetli (*Dt*,39), Keil & Delitzsch (*III*,320), S.R. Driver (*Dt*,83), G.A. Smith (1918,81), Chr. Brekelmans (1985,165). Pace N. Lohfink (1963a,145f.), A.D.H. Mayes (*Dt*,166; 1980,71), C.J. Labuschagne (*Dt*,Ib,23f. : 5:2-3 is 'de citeerformule' with which the decalogue is promulgated by God Himself is introduced) who hold the connection between 5:2 and לְאָמַר in 5:5. These three commentators do not seem to realize that 5:2-3 functions as the principal pronouncement of the covenant relationship, because 5:2-3 is basically about the making a covenant relationship but not about the covenant stipulations. Therefore, 5:2-3 cannot directly be connected with the decalogue. Meanwhile



true that **לֵאמֹר** at the end of 5:5 is linked forward with the decalogue from 5:6 (**אֲנֹכִי יְהוָה** **אֱלֹהֶיךָ**). Then it is also connected backward with **דִּבֶּר** in 5:4. Consequently the decalogue is introduced by 5:4. And the content of 5:4 ('YHWH spoke to you face to face out of the fire on the mountain') corresponds with the 'I - 'you' style of the decalogue introduced by **לֵאמֹר**.

(b) In his scheme the author stresses the *popularly demanded* and *divine* authority of Moses as *the mediator-teacher*<sup>(99)</sup>, 5:4-5 is in the second stage of the process, as we have seen in the excursus (1) : the direct encounter between the two covenant parties and God's word towards the people. In 5:4,5 we find 'die chiastischen Stichwortbezeichnungen'<sup>(100)</sup> :

5:4      **יְהוָה** + **דִּבֶּר** + **פָּה** + **יְהוָה**  
 5:5      **יְהוָה** (5:5a)                      + **יְהוָה** + **פָּה** (5:5b)

Despite this strong resemblance, the functions of these verses are totally different from each other. Comparing the direct revelation which 5:4 reports, however, 5:5 introduces the mediatorship of Moses.<sup>(101)</sup> Therefore, we summarize that in 5:4-5 the second stage to build Moses' authority (excursus (1)), there is not only a certain degree of continuity between these two verses in the formation of clause but also a clear difference between them in content. The obvious difference is that the content of **יְהוָה דִּבֶּר** in 5:4 is the decalogue, God's direct law-giving, but **יְהוָה דִּבֶּר** in 5:5a is not the decalogue but God's word spoken to Moses in order to be brought to the people.<sup>(102)</sup> The very reason for the indirect law-giving is mentioned generally in 5:5b, which is introduced by the **כִּי** clause expressing the reason of the action in 5:5a ('because').<sup>(103)</sup> If we do not consider this whole process, it is very easy to regard 5:5 as a later addition as many commentators do.<sup>(104)</sup> In

A. Klostermann (1907,198), following SamP, LXX, Pershitta (**וְאֲנֹכִי** in place of **אֲנֹכִי** in 5:5), takes an independent position by asserting that **לֵאמֹר** is related to the beginning of 5:5 (**אֲנֹכִי עֹמֵד**). And he interprets that **פָּנִים בְּפָנִים** (5:4) is in fact related to Moses, because the people cannot enjoy such a benefit seeing God. However, the direct encounter between God and the people, and God's word in that situation is attested in many places of Dt (e.g. 4:12ff., 36) regardless of the difference of the description about the degree of that encounter. We do not need to take the phrase **פָּנִים בְּפָנִים** literally (e.g. they saw God with their eyes) rather we take this phrase to mean the personal encounter between the two parties. And if we follow A. Klostermann another problem arises : how can we interpret the relationship between God's word to the people (**יְהוָה דִּבֶּר יְהוָה עִמָּכֶם** (5:4)) and Moses' word (5:5) ? Therefore, we cannot find any reasonable ground to connect **לֵאמֹר** and **אֲנֹכִי עֹמֵד** (5:5, cf. L. Peritt, 1969,80f. : 'Dazwischen (i.e. 5:3 and **לֵאמֹר** in 5:5b, TGS) stehen (parenthetisch) entbehrliche Kommentare (v. 4f)').

99. CJ. Labuschagne (Dt,1b,65).

100. N. Lohfink (1963a,146).

101. A. Phillips (1973,44 : 'this apparent inconsistency'). This contrast is unmistakable by the contrasting phrases in both verses (**פָּנִים בְּפָנִים דִּבֶּר יְהוָה עִמָּכֶם** (5:4, 'direkt, ohne Mittler' C. Steuernagel, Dt,72) and **אֲנֹכִי עֹמֵד בֵּין יְהוָה וּבֵינֵיכֶם** (5:5)). It is more plausible that this clear contrast is the outcome of the deliberate composition in 5:4,5 by the author rather than heedless work of an editor.

102. CJ. Labuschagne (Dt,1b,25).

103. 5:5b forms a causal clause subordinating to 5:5a (GB n.2, BDB n.3, HAL n.II.1, GK § 158-b, E. König (König § 373-a; 1900,126) Joüon § 154-f., WO § 38-4-a).

104. G.von Rad (ATD,Dt,40) interprets the real intention of 5:5 as the giving of the decalogue through Moses. ADH. Mayes (Dt,166), concurring with G. Seitz (1971,49 : 'eine spätere Glosse') and J. Wijngaards (Dt,69 : 'een glos van de geschiedschrijvers'), holds that 5:5 is added later on the basis of Ex 34:10, which emphasizes the place of Moses as the one with whom YHWH makes the covenant. However, unless they could not explain the reason why the author puts two seemingly contrasting verses successively in 5:4 and 5:5 in the present context, we should try to find a different solution.



other words, although in 5:4-5 there is the second stage of the process, in 5:5 we find one step forwards in the development from 5:4 achieved by the report of Moses' position for the process of making the covenant relationship. In 5:4 Moses reports what happens between God and the people, however, in 5:5 Moses' function in the meeting between them is introduced. The importance of Moses is easily realized by the initial position of אֲנִי in 5:5.

(c) The coexistence of 5:4 and 5:5 is further explained from *the strong compositional grip* of the author of the whole Dt. The whole arrangement of sections in Dt is not made according to the chronological order of events; rather the author uses the materials according to the requirement of his own theological scheme as we have mentioned.<sup>(105)</sup> Therefore, simple chronological criteria should be abandoned for deciding the diachronic order of the text in Dt.<sup>(106)</sup> Therefore, it is necessary to recall the thesis of N. Lohfink against two dangers of interpretation : (i) unwarranted diachronic analysis and (ii) uncritical harmonization.<sup>(107)</sup> Further N. Lohfink raises an important question : why is the position of Moses between God and the people so important that he stands between 5:4 and the decalogue ? In order to explain the reason N. Lohfink appeals to Ex 19:9 (actually Ex 19:9a). What makes Ex 19:9a similar to Dt 5:5 is that Ex 19:9a is in the middle of the main topic of the context, people's preparation of the meeting (or theophany, the wrong but common name) with God and the meeting itself. N. Lohfink is right because the function of both texts in their contexts is quite similar : to give the divine authority to Moses as the mediator of God's law (see further 4.2.3.). However, the content of both texts is different the one from the other. Ex 19:9 reports the dialogue between God and Moses and the people's trust of Moses as its result, however, in Dt 5:5 we read three issues : (i) Moses' position between God and the people (עַמֶּר בֵּין־יְהוָה וּבֵינֵכֶם), (ii) his role as the speaker of God (לְהַגִּיד לְכֶם אֶת־דְּבַר יְהוָה), (iii) its reason (כִּי יִרְאוּכֶם מִפְּנֵי הָאֵשׁ וְלֹא־עֲלִיתֶם). And Ex 19:9 is not a report of a past event but a prediction of a future event, but Dt 5:5 is the report of the past event.<sup>(108)</sup> We should be careful about the exact content and the function of each text within the context. These three contents of 5:5 are really the summary of the following section 5:22-31, as we shall see in (d). We see in 5:4-22ff. a

105. N. Lohfink (1963a,144). For instance in Dt 1-3 the author reports the history *after* the departure from mount Horeb, but in Dt 5 he mentions the covenant and law-giving *at* Horeb. And if Dt were arranged chronologically we should expect the event of the golden calf which happened during Israel's stay at Horeb to be mentioned *before* Dt 1-3, but in fact this is *in* Dt 9. The covenant materials also are also rearranged according to the theological scheme of the author (i.e. the stress of the law) so that the law corpora (Dt 5-26) are brought forwards but the cultic passages are mentioned further on (11:26-32, 26:17-28:68).

106. Pace G. Seitz (1971,49) and A.D.H. Mayes (Dt,166). W.J. Martin (1969,179-186) and J.L. Ska (1990,9-12) explain persuasively that we find 'dischronologized' narrative in the OT (e.g. 1 Kings 15-7).

107. 1963a,147,n.25). Recently C. Schäfer-Lichtenberger (1990,133,n.21) also agrees with N. Lohfink about the unity of 5:1-5. An example of uncritical harmonization is S.R. Driver (Dt,84).

108. However, this differentiation of both texts does not nullify Lohfink's important finding of the similarity of the function of both texts in their contexts, and therefore it does not justify the diachronic approach of G. Seitz and A.D.H. Mayes on 5:4-5.



seeming mixture in the concept of time :

5:4 (the first event) - 5:5 (the second event)

5:6-21 (the first event) - 5:22f. (the second event).<sup>(109)</sup>

If we acknowledge that Dt has its own style, this kind of mixture seems to be a compositional device rather than a mixture of texts of different origin.

This interpretation is further supported by the use of **בְּעֵת הַהִיא** (5:5). This phrase does not mean 'at the same time as the event in 5:4 and 5:22', the time when YHWH promulgates the decalogue. But this phrase indicates a different situation in 5:5 from 5:4,22 and eventually 5:6-21.<sup>(110)</sup> This different situation in 5:5 fits in rather with the time when the people requested the mediatorship of Moses (5:23-27). As we have pointed out, therefore, **דְּבַר יְהוָה** (5:5), which Moses must address to the people (נגר hi. 5:5), is not the decalogue but the deuteronomic laws in general (**כָּל-הַמִּצְוָה וְהַחֲקִים וְהַשְּׁפָטִים**) (5:31). The function of 5:5 is to remind the reader / listener of the ultimate role of Moses as the mediator of God's covenant conditions in the midst of the report about the decalogue given directly from God. In this way 5:5, except **לְאמֹר**, summarizes the manner in which Israel will receive the subsequent laws. A similar phenomenon is in 5:22. There the main concern is to report the circumstances of God's speech, but we also read the report of God's writing down the laws on the tablets and giving them to Moses. The content of this kind of report is explained in detail in 9:9-11 where we learn that these events happen after making the covenant. If the author is aware of this fact and writes down the report of this remote event beforehand, we assume that this arrangement is not the chronological confusion of events but the result of the rearrangement according to the theological scheme of the author as we find it in 5:4-5.<sup>(111)</sup> According to this scheme, although it is not our task to penetrate deeply into this scheme, we can only point out the relevant issue for our thesis. The author arranges the materials systematically ; the simple descriptions first and then the detailed ones later<sup>(112)</sup> :

[a] the simple description of 5:4 (God's direct word to the people)

[b] that of 5:5 (God's indirect word to the people through Moses)

[A] the detailed description of 5:6-22 (God's direct word to the people)

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109. Here the first event or the second event means the chronological order of the events.

110. C.J. Labuschagne (*Dt, 1b, 24f.*), but *pace* J. Wijngaards (*Dt, 69*) who holds that 5:5 is 'gloss' because of this phrase.

111. S.R. Driver (*Dt, 87*) sees this point ('it is introduced here for the purpose of completing the narrative respecting the Decalogue'), although he tries to harmonize these texts without considering this phenomenon systematically.

112. The simple description of 5:4 can be compared with the detailed description in 5:22, although both report the same event, the theophany (C. Steuernagel, *Dt, 71*) : 5:4 (**בַּתּוֹרַת יְהוָה**), 5:22 (**בַּתּוֹרַת יְהוָה הַעֲנֵן**) (**וְהָעֲרָפֶל כֹּל נֹרָא**). The simple description about the theophany (**הָאֵשׁ** or **בַּתּוֹרַת יְהוָה**) is elsewhere also (4:12, 15, 33, 36, 5:24, 26, 9:10, 10:4, 18:16). If we connect 5:4 with 5:6-21 (the decalogue), we think broadly the relationship between 5:2-3 (see 3:12 & 3:13) and the decalogue, e.g. L. Perlit (1969, 82f.), G. Braulik (1985, 252). Further the connection between 5:5 and 5:23ff. becomes more visible because of **כִּי** in 5:5b (**כִּי יִרְאֶתֶם מִפְּנֵי יְהוָה וְלֹא-עֲלִיתֶם בְּקוֹרָה**) which explains shortly the reason of Moses' mediatorship. And this clause is fully explained in 5:23ff.



[B] that of 5:23ff. (God's indirect word through Moses).<sup>(113)</sup>

(d) Now we consider *the structural arrangement of 5:4-31* where we find a kind of parallelism in 5:4-28ff. :

Simple description

[a] 5:4 about God's direct revelation

[b] 5:5 about Moses' mediatorship

Detailed description

[A] 5:6-22 law given directly by God (the decalogue)

[B] 5:23ff. laws given by Moses' mediatorship (the deuteronomic law).

It is apparent that within this structure 5:5 has an indispensable function : 5:5 prepares the main point of the next passage, the deuteronomic laws which will be promulgated by Moses by the *popularly demanded* and *divine* authority as the covenant mediator-teacher. In this way 5:4 is chronologically connected with the decalogue.<sup>(114)</sup> In consequence of this structure the difference in the manner of law-giving between the decalogue (Dt 5), and *the Hauptgebot pericope* (Dt 6-11) and the deuteronomic laws (Dt 12-26) becomes clear. The absoluteness of the decalogue as the direct revelation of God (5:4) is once again emphasised in 5:22 by two facts : (i) 'He added nothing more', (ii) 'God has written down on the stone tables'. The former, compared with Ex 19-24 where we cannot find the same or similar expression, alludes to the intention of the author that God's direct revelation at Horeb is closed. And the latter is a well recognized formula used for the unique position of the decalogue (e.g. 4:13). These two facts show, God's direct revelation, the decalogue, belongs to the different category<sup>(115)</sup> from the later regulations (כָּל-הַמִּצְוָה וְהַחֻקִּים וְהַשְּׁפָטִים (5:31) which will be brought and taught by Moses.

### 3.4. 5:22-27 (Israel's request for the covenant mediator)<sup>(116)</sup>

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113. In particular, the teaching aspect (לִמֹּר 5:31) in [B] is revolutionary in Dt and new compared with [b]. This is the reason that in Dt nearly all law items are expressed not as the quotation of God's law but as the word of Moses. Therefore, the development from the general description of Moses' function נִגַּן (5:5) to the detailed description of four stages (at last לִמֹּר 5:31) is progressively achieved. Further see 3.5.13.

114. Rashi (Dt,32). It becomes clear in 5:4-5:22 that the decalogue is not brought through Moses (C. Schäfer-Lichtenberger, 1990,133). Therefore, the harmonization cannot be justified that 5:5 actually shows that the decalogue is received through Moses indirectly contrarily to 5:4 (e.g. G.von Rad (ATD,Dt,40)). In this harmonization there is no way to relate this interpretation to 5:22ff. where we find many aspects telling the direct revelation of the decalogue. G. Seitz (1971,49), followed by A.D.H. Mayes (Dt,166), holds that 5:5 was taken from Ex 34:10 to emphasize Moses with whom God has made the covenant. However, this last theme that God makes the covenant *with Moses* is absent in Dt. And in this interpretation we cannot find any reason why this kind of insertion has happened in the specific situation in Dt 5. Chr. Brekelmans (1985,167) rightly rejects the idea of H.D. Preuß (1982,48) that the decalogue is not given yet by making the direct connection of 5:5c (כִּי יִרְאֶתֶם סִפְּנֵי הָאֵשׁ) with 5:23ff.

115. J. Wijngaards (Dt,74).

116. Discussion about the decalogue itself is not the concern of this paragraph. Our task is to find out the structure in which the decalogue is contained. And see E.W. Nicholson (1967,76f.), H.D. Preuß (1982,101) about the relationship between this section and 18:14-22.



We have already noticed the transitional character of 5:22 which parallels 5:4.<sup>(117)</sup> 5:23-27 reports the people's request for Moses' mediatorship which is formulated with the eloquent style of oral appeal. Compared with the Sinai covenant where the people's own word is expressed shortly only with one verse (Ex 20:19), the long elaborated speech of the people's representatives in 5:23-27 puts forward impressively the idea that the appointment of Moses as the mediator of the deuteronomic law is the result of the demand of the people themselves rather than the appointment initiated by God. This appeal together with the subsequent approval of God for this demand (5:28-31) bestows on Moses the *popularly demanded* and *divine* authority 'to bring' (hi. 5:5, רבר pi. 5:27) the law of God and 'to teach' (למר 5:31, 6:1) the people with it. God seems to appear only for the approval of their proposal later on (5:30f.). Therefore, the function of 5:23-27 is to prepare the foundation of the legitimacy of Moses's role in the promulgation of the deuteronomic laws. The message of this section is that Moses' mediatorship is the outcome of the people's desire, and therefore the people must earnestly listen and obey the word (Dt 6-11) of Moses and the deuteronomic laws (Dt 12-26). The author builds up progressively the process to give Moses the legitimate (*popularly demanded* and *divine*) authority to bring God's law and to teach it to the people. The author is now in the middle stages of the process which has already started (5:1) to reach the ultimate goal in the next section (6:4, see further the excursus (1)). Stylistically we find systematically constructed clauses within the section.<sup>(118)</sup>

### 3.4.1. 5:22

In this verse we want to look at the function of three clauses or phrases which are rare in Dt, (a) וְלֹא יִסָּף, (b) וַיִּבְתְּבֶם עַל־שְׁנֵי לַחַת אֲבָנִים וַיִּתֶּנְם אֵלָי, (c) כָּל־קְהָלְכֶם.

#### (a) וְלֹא יִסָּף

The function of the clause וְלֹא יִסָּף in the context is problematic : does this clause state that only the decalogue was given by God directly?<sup>(119)</sup> The positive answer for this question seems to be right because in the following clause (5:22b) we clearly read that the intention of the author is the limited scope of the direct law-giving (וַיִּבְתְּבֶם עַל־שְׁנֵי לַחַת).

117. 5:4 (introduction of God's direct law-giving (פָּנִים בְּפָנִים דָּבַר יְהוָה עִמָּכֶם) in the midst of theophany (בְּיַד כְּתוּבָה הָאֵשׁ))

5:6-21 (the decalogue given directly by God)

5:22 (summary of God's direct law-giving (דָּבַר יְהוָה אֶל־כָּל־קְהָלְכֶם))

in the midst of theophany (בְּיַד כְּתוּבָה הָאֵשׁ הָעֹנֶן וְהָעֲרֹפֶל קוֹל גְּרוּל))

Chr. Brekelmans (1985,166) also holds that 5:22 does not make any absolute division in the context, but at the end of the first part (the decalogue, 5:6-21) it prepares the following part (5:23ff.).

118. N. Lohfink (1963a,148) even suggests : 'Ein musikalischer Grundzug der Sprache ist hier nicht zu verkennen.'

119. Keil & Delitzsch (III,321).



אֱלֹהִים וְיִתְּנֵם אֵלַי (אֲכַבְּנִים וְיִתְּנֵם אֵלַי), i.e. there is no more direct law-giving.<sup>(120)</sup> Through this clause there seems to be a clear dividing line between the decalogue as God's direct law-giving and the subsequent law-giving through Moses.<sup>(121)</sup> This interpretation corresponds with the detailed process of the authority allowance to Moses described in 5:22-6:1 about which we shall see soon. After this process Moses holds the legitimate authority 'to teach' (לְמַר 5:31, 6:1) as well as 'to report' (לְרַבֵּר 5:27, cf. Ex 20:19) to the people what God has spoken to him. Because of this the division between the decalogue and what Moses is going to report and teach becomes more apparent, and through this division the importance of the decalogue seems to be natural and preunderstood by the reader / listener.<sup>(122)</sup>

(b) וַיְכַתְּבֵם עַל-לִשְׁנֵי לַחַת אֲבָנִים וַיִּתְּנֵם אֵלַי

Likewise in the first phrase וְלֹא יָסָף we can ask what is the purpose of these clauses in 5:22.<sup>(123)</sup> The connection between the giving of the decalogue and the writing of the stone tablets is also found in 9:10 (cf. 4:13b, 10:1-5). Interestingly enough, in 9:11 we read about the process in which the stone tablets are given during Moses' stay on the mount after forty days. From this report we assume that as in the report of Ex there is a gap of forty days between the proclamation of the decalogue and the giving of the stone tablets. However, because the content of the proclamation of God's will and that of the stone tablets is the same (the decalogue), the two events seem to be described consecutively in 5:22. Here we realize that the author reports these two events together, although they are not simultaneous actions.<sup>(124)</sup> This is the basic literary skill of the whole Dt : the chronological order is subordinated to the overall theological scheme as we have seen in 3.3.14. These

120. Chr. Brekelmans (1985,166).

121. A.C. Welch (1932,19, similarly J.A. Thompson (Dt,119)) : 'Its authority (the decalogue, TGS) was like the method of its coming; it was final, absolute, eternal.' Further he (1932,24) criticises C. Steuernagel and others who deny the unity of Dt 5:1-6:3, because they fail to recognize that the author can quote the decalogue (2.sp. form speech) and gives absolute authority to the decalogue as the direct revelation of God. F.-L. Hossfeld (1982,228, and n.52) calls this clause the expression of the 'Kanonprinzip' (קַנּוֹן qal. with God as the subject, cf. קַנּוֹן hi. with human subject) (Dt 4:2, 13:1, Ecc 3:13, Pro 30:6, Jer 26:2, Cf. *ibid.*,233 : 'Der Dekalog stammt von Horeb und ist die älteste, d.h. ehrwürdigste Gesetzesoffenbarung. ... Das bedingt keine Abstufung der Verbindlichkeit (i.e. the differentiation between God's direct law-giving and the indirect law-giving, TGS), denn alle Gesetze gründen in Jahwes Befehl, sind somit "Gebote Jahwes". ... Der Dekalog gilt universal; das wird erhellt aus dem Gegensatz zum mosaischen Gesetz.'. This is the ANE custom for fixing the limit of regulations. See further e.g. L. Peritt (1969,82, following C Steuernagel : '... der die dt Predigt als 'Thora explicita' zum Kommentar der 'Thora implicita', des Dekalogs macht') for the differentiation between the decalogue and the deuteronomic laws.

122. The stress on the decalogue seems to correspond very well with the theory (e.g. S. Kaufman (1979,105-158), G. Braulik (1985,252-272), C.J. Labuschagne (Dt,11)) that the individual laws in Dt 12-26 are structured according to the order of the decalogue.

123. As we have seen, in their connection with וְלֹא יָסָף (5:22a) these clauses stress the fixed form and the permanent validity of the decalogue (Chr. Brekelmans, 1985,167).

124. Interestingly, ADH. Mayes (Dt,172), who usually depends on the traditional diachronic solution towards this kind of problem, seems to accept this as the work of an author. However, we cannot judge like Mayes that through this description the author has *immediately completed* the narrative of the decalogue so that from 5:23ff. we read a later addition. Although in these clauses we have an impression of a certain completion (about this we shall see soon), this completion *per se* does not mean that the report afterwards is a later addition. Rather, it is wise to hold that this simple description in 5:22 is a kind of introductory statement of the whole event about the decalogue, and then from 5:23 onwards the author explains the detailed event. So N. Lohfink (1963a,144).



clauses make clear the intention of the author when he has already described the definitive character of the decalogue with **וְלֹא יִסָּח**. By writing it down the content of the decalogue is fixed.

N. Lohfink<sup>(125)</sup> holds that 5:22 is about the various judicial acts which are part of the conclusion of a covenant : proclamation (**וְדִבַּר**), writing down the covenant document (**וַיִּכְתְּבֶם עַל-שְׁנֵי לַחַת אֲבָנִים**), transmission of the document (**וַיִּתֵּן אֵלָיו**). Although these factors are found here because the covenant is the ultimate subject matter, the special concern of the author is not to follow precisely the chronological process of the covenant making.<sup>(126)</sup> Rather he tries to stress the function and the authority of Moses even in receiving the written decalogue (**וַיִּתֵּן אֵלָיו**), because the entire Dt 5 is much concerned with the special position and task of Moses.<sup>(127)</sup> This special position of Moses in receiving the decalogue is in parallel with the authority of Moses to bring and to teach God's law, whose process is progressively developed throughout Dt 5. Moses is the sole keeper of the divine law, the tablet of the decalogue as well as the deuteronomic laws.

### (c) **כָּל-קְהֵלְכֶם**

This phrase is different from other expressions for Israel in Dt (e.g. **הָעָם הַזֶּה** 5:28, cf. **עַמּוֹ 5:2, עַמְכֶם 5:4**) and can be translated as 'Gemeindeversammlung'.<sup>(128)</sup> This phrase is related to the Horeb event and the decalogue also in 9:10, 10:4, 18:16 (all of them **בְּיוֹם הַקָּהָל**), 33:4 (**קְהֵלַת יַעֲקֹב**) together with 5:22.<sup>(129)</sup> In particular **בְּיוֹם הַקָּהָל** clearly expresses that the day of a certain official event between God and Israel, the covenant relationship, is intended.<sup>(130)</sup> **כָּל-קְהֵל יִשְׂרָאֵל** (31:30) describes the community which solemnly receives the instruction (i.e. the admonitional song) of Moses. In another case of the same context (23:2,3,4,9) **בְּקְהַל יְהוָה** means that Israel is not just a gathering of various groups or even of natural descendants from one origin, but *the legal community of YHWH*.<sup>(131)</sup> This specific denotation of **קְהַל** becomes more apparent when this word is contrasted with the general phrase for the people (e.g. **כָּל-הָעָם** or **הָעָם**) also used in these texts and commonly. We may divide these cases into two categories : (i) the cases for the reception of God's law (5:22, 9:10, 10:4, 18:16, 33:4, cf. 31:10), (ii) the cases for the performance of God's law (23:2,3,4,9). And we immediately realize that all these cases are related to the law of

125. (1963a,143).

126. A similar approach is adapted by T.E. Ranck (1969,51). He, depending on G.E. Mendenhall (1955,34), argues that in 5:22 the witness aspect is comparable with the written document of treaty esp. in the Hittite treaties. However, it is clear that Moses as the witness of the decalogue is not the primary objective at least in 5:22.

127. Chr. Brekelmans (1985,167 and see his right criticism on the argument of C. Steuernagel (Dt,71) that 5:22b is the proleptic preparation of Dt 9-10).

128. F.-L. Hossfeld (1982,227).

129. O. Bächli (1962,133 : 'zur Beschreibung des Anlasse der Gesetzgebung').

130. O. Bächli (1962,133f. and n.109 : 'Der Hauptton in qahal liegt auf dem Religiösen; von eigentlich politischem Handeln erfahren wir im Dt nichts; so kommt z. B. qahal im Kriegsgesetz nicht vor').

131. This phrase means that Israel stands as the legitimate partner of the covenant with God. Israel as a people legally forms the covenant relationship with God.



God.<sup>(132)</sup> This fact also supports our interpretation that קהל denotes Israel as *the legal community* directly encountering God to make the official relationship. N. Lohfink<sup>(133)</sup> suggests further connection of this phrase with פְּלִי־רָאִישׁ שְׁבֵטֵיכֶם וְקִנְיֹתֵיכֶם (5:23) :

‘Die Nennung der פְּלִי־רָאִישׁ שְׁבֵטֵיכֶם וְקִנְיֹתֵיכֶם in 5,23 ist unentbehrlich, damit das Volk nicht als unfaßbare Masse, sondern als *Rechtsperson* auftritt; nur wer hier eine Erzählung vermutet, sähe lieber wogende als *rechtsmäßig* vertretene Menschenmengen (italics, TGS).’

### 3.4.2. 5:23-27 (the request of the people’s representatives)

#### 3.4.2.1. 5:23-24

As we have seen, in 5:22 פְּלִי־קְהָלְכֶם has the specific denotation of Israel as *the legal community*. Since פְּלִי־רָאִישׁ שְׁבֵטֵיכֶם וְקִנְיֹתֵיכֶם is used in the next verse, it is most probable that this phrase denotes a similar idea. In other words, these men seem to function here as the representatives<sup>(134)</sup> of that legal community פְּלִי־קְהָלְכֶם. Therefore, their action can be considered as the legal action for the whole community for making the covenant relationship between God and Israel.<sup>(135)</sup> When we consider the relationship of this phrase with the initiation of the legal institution in 1:9-18, their official, legal, and covenantal character is apparent here. Also the legal character of the whole section 5:23-31<sup>(136)</sup> matches this interpretation.

In 5:24 the apologia of the people’s representatives for their demand starts.<sup>(137)</sup> An interesting point is that יְהוָה אֱלֹהֵינוּ, the unusual expression in Dt, is used repeatedly in the same speech of the representatives of the people (5:24,25,27a,27b), which stresses the covenantal relationship between YHWH and Israel.<sup>(138)</sup> This verse is an introduction to

132. Therefore, there is no essential difference between these cases (pace F.-L. Hossfeld (1982,227f.), cf. weak criticism of Chr. Brekelmans (1985,167) against him).

133. (1963a,144).

134. Representing character of these men becomes clearer when we consider the logical subject of 5:23ba (פְּלִי־קְהָלְכֶם 2.pl., as the logical subject of פְּשַׁעְכֶם 5:23a is the people) is the people, but פְּלִי־רָאִישׁ שְׁבֵטֵיכֶם וְקִנְיֹתֵיכֶם is used as the grammatical subject (pace A. Dillmann (Dt,267), S. Mittmann (1975,137f.), and A.D.H. Mayes (Dt,172) who holds this phrase as a gloss, cf. 29:9 (ET 29:10) (firstly אַתֶּם and then the list of people’s strata), 27:1, 27:9 (plural subject + singular verb)). In other words, these persons stand as ‘you’, the people. Cf. similar representing character of the leaders (פְּלִי־קִנְיֹתֵיכֶם וְשַׁבְּטֵיכֶם, 31:28) of the whole people (פְּלִי־קְהָלְכֶם, 31:30). In Dt we find several cases where ‘the elders’ appear with other groups of the people (31:9, 31:28, 29:9 (ET 29:10)), and mostly they have a specific reason of combination. Cf. J. Buchholz (1988,18ff.), H. Reviv (1989,26ff.). The connection of 5:23 with 1:15 is clear, because both have the same phrase, פְּלִי־רָאִישׁ שְׁבֵטֵיכֶם. The elders represent the people with this group of the military, judicial institution in 5:23.

135. N. Lohfink (1963a,144), F.G. López (1978,18), pace Chr. Brekelmans (1985,168). The last fails to understand the covenant characteristic of Dt 5 because he misses the point that פְּלִי־קְהָלְכֶם denotes the legal community.

136. N. Lohfink (1963a,144 : ‘den juristischen Aspekt des Aufbaus und der Gestaltung’).

137. For summary of the study history on 5:24–26 see Chr. Brekelmans (1985,168). He (1985,169) correctly insists that it is better for us to consider that פְּבָרָא does not prove the priestly influence (cf. Ps 28:28, the description of Isaiah’s revelation) on this verse, but rather independent authentic use likewise נְרָאָה in the same verse.

138. According to C.J. Labuschagne (Dt,1b,60) this term shows ‘the personal relationship between God and the people’, but the most plausible way of this personal relationship between the deity and the people is the covenant relationship.



this apologia (5:25-26,27). As we shall see in 3.4.2.2., the development of the motif from death (5:25) to life (5:26) is related to the introduction of the same motif of the possible death alluded to here and the life as the eventual outcome (וְחַי) in 5:24b.<sup>(139)</sup>

### 3.4.2.2. 5:25-27

In 5:25-26 we read the further reflection or expansion of the introductory expression of the people's strange experience (רְאִינוּ) in 5:24b : although God has spoken with human beings, they can survive. There are two suggested reasons for the request that the law-giving should be indirect, the great fire and the word of God. The people request the indirect law-giving because these two reasons are actually related to the issue of death and life. In fact these motifs are already initiated in 5:24. Although in 5:24b we read only a term of life (וְחַי), we realize that the possible death is alluded to. The life in this case is not the positive side of life (e.g. abundant, or happy life), but the life which has just escaped death. The motifs of death and life in 5:24b are expanded in 5:25-26 significantly by two sets of protasis and apodosis in 5:25 about the death motif and by two sets of protasis and apodosis in 5:26 about the life motif. And the process from death to life in 5:24b is kept intact in the order of the death motif in 5:25 and the life motif in 5:26.

In 5:25 we find chiasmic parallelism of the [a]{b} / [b']{a'} pattern.<sup>(140)</sup> :

5:25a :	clause מות	+	the condition / reason (fire)
	(שָׁמַעְתָּ לְפִי נְמוּת)		(כִּי תֹאכְלֶנּוּ הָאֵשׁ הַגְּדֹלָה הַזֹּאת)
	(apodosis ipf.)		(כִּי + protasis ipf.)
5:25b :			the condition / reason (sound) + clause מות
			(אִם-יִסְפְּיִם אֲנֻחַ לְשִׁמְעַתְּ אֶת-קוֹל יְהוָה אֱלֹהֶיךָ עוֹד)
			(אם + protasis pt.) (apodosis 1-pf)

Another parallelism, this time a kind of synonymous parallelism of [a]{b} / [a']{b'} pattern according to the theme of life, is found within the relative clause of 5:26. However, this pattern is in the thematic arrangement not in all levels of grammatical features as in 5:25 :

	the reason of the request		life motif
5:26a :	people's hearing God's voice (קוֹל)	+	life (God's) motif
	(שָׁמַעְתָּ קוֹל אֱלֹהִים חַיִּים)		(חַיִּים)
5:26b :	God's speaking (דַּבֵּר) to the people in the fire	+	life (people's) motif
	(דַּבֵּר מִתּוֹךְ-הָאֵשׁ)		(כִּמֵּנִי וַיְחַי)

139. N. Lohfink (1963a,148,n27).

140. We find many examples of the parallel use of the first condition / reason (אֵשׁ) and the second condition / reason (קוֹל / דַּבֵּר) in Dt. Pace S. Mittmann (1975,138), therefore, it is quite natural to assume that the author suggests two aspects of the danger of death (i.e. fire, God's word) which is in good harmony with 5:24 (וְאֶת-קוֹלוֹ שָׁמַעְתָּ מִתּוֹךְ הָאֵשׁ) and 5:26 (דַּבֵּר מִתּוֹךְ-הָאֵשׁ). Because of misunderstanding of this chiasmic structure, the last word (וַיְחַי) of this verse is considered as a gloss (see W. Staerk's (1894,65) misunderstanding : 'Auch v. 22 (5:25, TGS) וַיְחַי (עוֹד) ist als Glosse, die den Satz missversteht, zu streichen').



In 5:24 we read of two kinds of 'view': רָאִינוּ and הִרְאָנוּ. The first one (הִרְאָנוּ) means the visual experience and its object is God's majestic feature and God's word (קוֹל) in the midst of the fire. However, the second one (רָאִינוּ) can be interpreted as 'to perceive', 'to experience' and its content of perception is that although God talks (דַּבֵּר) with a human being he can live. The content in 5:24 is emphasized and expanded in 5:25-26 by all aspects being used once again. Two expressions of God's word to the people (קוֹל, דַּבֵּר) together with another motif אֱלֹהִים in 5:24 are used in 5:25-26 steadily :

5:25a (אֱלֹהִים) - 5:25b (קוֹל) - 5:26a (קוֹל) - 5:26b (אֱלֹהִים + דַּבֵּר).

Also the life motif in 5:24 (חַיִּים) is reaffirmed by the negation of the death in 5:25 (two times) and the use of the life motif in 5:26 (two times).<sup>(141)</sup> And from 5:25 to 5:26 there are two kinds of development :

(i) from the motif of death (5:25) to the motif of life (5:26),

(ii) from fire (5:25a) - sound (5:25b) - sound (5:26a) - sound and fire (5:26b).

Through all these processes, therefore, the first description about the awesome experience of the theophany and God's word in 5:24 is enormously expanded and stressed in order to lay a strong foundation of the reason for the request which will be done in 5:27. Simply speaking, 5:25-26 is the detailed repetition of the basic meaning of 5:24, and through this repetition the appeal of the people in 5:27 becomes much greater.<sup>(142)</sup> Again this persuades the reader / listener to accept the authority of Moses to bring and to teach the law of God : this is the outcome of the strong human demand as well as of the divine appointment.

In the whole appeal of the representatives of Israel we see a clear structure<sup>(143)</sup> :

5:24 : the basic introduction what they have experienced in God's direct word towards them.

5:25-26 : the elaboration of the reason for the future suggestion

5:27 : the concrete suggestion

The request of the representatives is expressed with a strong emphasis on Moses by the double emphatic use of the pronoun אֲנִי + אֶתְּךָ.<sup>(144)</sup> The description of the action that the representatives make for Moses is very systematic : (i) to approach to God (קָרַב), (ii) to hear God's word (שָׁמַע), (iii) to report to the people (דַּבֵּר).

### 3.5. 5:28-6:3 (The approval of Israel's request)<sup>(145)</sup>

141. N. Lohfink (1963a,148,n.27) also points out the existence of the life and death motif connection : 'Stilistische beginnt in 5,24b jedenfalls die bis 5,26 gehende Motivkette "Leben - Tod in der Begegnung mit Gott"'

142. The connection between these verses is pointed out by N. Lohfink (1963a,148). N. Lohfink lists several keywords used repeatedly in this section (e.g. אֱלֹהִים 5:4,5,22,23,24,25,26; קוֹל 5:22,23,25,26,28a,28b; שָׁמַע 5:23,24,25,26,28a,28b, cf. 5:27).

143. Pace ADH. Mayes (1980,72) who denies the original unity of this section.

144. Muraoka,55.

145. See S. Mittmann (1975,passim), F.-L. Hossfeld (1982,217) for the division of 6:3 and 6:4.



This section is the last part of the steadily developed process of the legitimization of the authority of Moses as the mediator-teacher of God's stipulations. Its comparable section in Ex, Ex 20:20-21 and 21:1, reveals a good contrast in terms of clarity of explanation and elaboration. Dt 5:28-6:3 suggests the people's request for the mediatorship of Moses (5:23-27) is not enough. The approval of God (5:28-31) and Moses' acceptance (5:32-6:3) are indispensable. In this section we read two speeches, the speech of God (5:28-31) and that of Moses (5:32-6:3).<sup>146</sup> These two are related to each other in that the first speech is the foundation of the second one. These two are a kind of reaction to the people's reaction to God's direct law-giving (5:23-27).<sup>147</sup> We may once again divide the second speech into two parts, 5:32-33, 6:1-3. The first (5:32-33) is the stepping stone for the commanding speech of the second (6:1-3). Finally in 6:1-3 we see the ultimate achievement of Moses' authority as the mediator-teacher of God's law whose process is begun in 5:1 (אָנֹכִי דֹבֵר). And from 6:4 Moses goes back to the original command from this beginning (שָׁמַע יִשְׂרָאֵל 5:1, also 6:4), in which sense 6:4 is the resumption of 5:1 and starts *the Hauptgebot pericope*.<sup>148</sup> Because of this strategy of the gradual movement towards the final goal all the commands of Moses in 5:32-6:3 are expressed not with the imp. form but with the pf. form which has the imperative sense : 5:32 (לֹא תִסְרוּ יָמִין וְשִׁמְרֵתֶם לְעֲשׂוֹת), 5:33 (וְשָׁמַעְתֶּם), 6:3 (וְשָׁמַעְתֶּם יִשְׂרָאֵל). The subtle difference of the pf. in 6:3 (שָׁמַעְתֶּם יִשְׂרָאֵל) and the imp. in 6:4 (שָׁמַע יִשְׂרָאֵל) is most probably highly deliberate, although both have the same verb, object, and eventually the same meaning (i.e. imperative sense of pf. cons. (6:3)<sup>149</sup>) stand side by side. This structure is for emphasizing 6:4 with the full strength of command and for the correspondance with 5:1 having the same imperative start at the beginning of a section. In this way the author manages to lay a solid foundation for Moses' *popularly demanded* and *divine* authority 'to report' (דָּבַר 5:27) and 'to teach' (לְמַד 5:1, 5:31, 6:1) the people with God-given laws (כָּל-הַמִּצְוֹת וְהַחֻקִּים וְהַמִּשְׁפָּטִים).

The main issue in this section is the correspondance of the legal terms in 5:31 (כָּל-הַמִּצְוֹת)

146. Because of (1) the adverbial use of  $\text{לָכֵן}$  in  $\text{וְשִׁמְרֵתֶם}$  (5:32, 'therefore', 'thus'), (2) the change from the 2sg. form of object (Moses) in 5:29-31 to the 2.pl. form of object in 5:32f. (the people), the change from 5:31 to 5:32 is not so abrupt as S. Mittmann (1975,139) judges. Although 5:30 has an unusual expression (2.pl.  $\text{לָכֵן לְאֶהְלִיכֶם}$ ) it makes no problem, because this is expressed as the direct citation of the Moses' word to the people. After 5:30a ( $\text{לֵךְ אָמַר לָהֶם}$ ) we may set colons : 'Go and say to them (5:30a) : 'Return to your tent' (5:30b). We find a typical example of citation (Moses' command to the people,  $\text{שׁוּבוּ לָכֵם}$  לְאֶהְלִיכֶם) within citation (God's command to Moses,  $\text{לָהֶם לֵךְ אָמַר}$ ) within citation (Moses' narration from 5:2 onward). This is a prevalent phenomenon in Dt (see R. Polzin, 1980, 43ff., 1987, 92-101; G.W. Savran, 1988, 113-116).

147. C.J. Labuschagne (Dt, Jb, 58-72) correctly divides 5:23-6:3 into four speech groups, (i) the people's speech (5:23-27), (ii) God's speech (5:28-31), (iii) Moses' first speech (5:32-33), (iv) Moses' second speech (6:1-3). In this way these four speeches are related to each other and these four speeches support each other to build up steadily the ultimate goal of the whole section 5:1-6:4, the legitimate authority of Moses to report and to teach God's law.

148. The important difference in both verses is that in 5:1 there is  $\text{אֵת}$ -object which is absent in 6:4. Regardless of the various interpretations of this traditionally important verse, it seems to be right that the command ( $\text{שָׁמַע יִשְׂרָאֵל}$  6:4) cannot be applied only to some verses after 6:4 but to all following legal statements of Moses because of the much elaborated structure from 5:1 to 6:4 to lay foundations for the authority of Moses.

149. Versions (LXX (ἄκουσον); KJV, RSV, NASB, NIV; SV, NV, WV; Luther), GK § 112-aa, Joüon § 119-1m, B. Holwerda (1957, 149), Lettinga § 72-e, WO § 32-2-4-a (after the nominal clause in 6:1), cf. conditional sense (NEB).



וְהַחֲקִים וְהַמְשַׁפְּטִים) and 6:1 (הַמְצִיחַ הַחֲקִים וְהַמְשַׁפְּטִים) and their difference (i.e. the first one is spoken by God but the second is by Moses). The repetition of the same phrase in the adjacent verses and this difference make clear the intention of the author that what God has transmitted to Moses is from now on going to be taught to the people.

### 3.5.1. 5:28-31

There is a certain connection between this passage and the previous passage (5:24-27). The primary purpose of these two sections is to make a direct connection between the spoken demand of the people and the spoken approval of God so that there should be no misunderstanding that the demand and the approval is purely the issue to be decided between the covenant parties not by the will of the mediator Moses.<sup>(150)</sup> This is also another stage of the long process of giving the divine authority to Moses as the mediator (excursus (1)). In content God's speech to Moses (5:28b-31) is divided into the three parts : 5:28b-29 (approval of the people's request), 5:30 (the command to the people), 5:31 (the command to Moses). On the one hand, this passage is God's approval of the people's request, but on the other hand, this is God's acknowledgement of Moses' mediatorship.<sup>(151)</sup> This perception is very understandable when we read in Ex 19:1-9 of God's appointment of Moses as the mediator for the new relationship but in Dt we cannot find such an obvious expression hitherto.

#### 3.5.1.1. 5:28-29 (God's approval of the people's request)

God's hearing the word of the leaders which is not directed to him, and God's response to Moses about those words (5:28a also 1:27,34ff.) are new aspects compared with the report in Ex 20:21. This phenomenon is the first step towards the approval of the leaders' request. This interference of God in the dialogue between the people and Moses is a stepping stone to the introduction of the divine approval of the leaders' request (5:28bb,29). The author mentions this fact, in Moses' own word (5:28a וַיִּשְׁמַע יְהוָה אֶת-קוֹל דְּבָרֵיכֶם) and God's cited word (5:28ba שָׁמַעְתִּי אֶת-קוֹל דְּבָרֵי הָעָם הַזֶּה אֲשֶׁר דִּבְרָא אֵלַי) so that the reader / listener is certain about the direct divine interference on this issue. The key content of God's consent is expressed tersely with הִיטִיבוּ.<sup>(152)</sup> The pl. form of the

150. Both 5:24-27 and 5:28-31 are expressed with the direct citation form which is the common narration style in Dt. See R. Polzin (1980,43ff., 1987,92-101; G.W. Savran,1988,113-116). As we have seen sometimes there are cases citation within citation within citation.

151. Keil & Delitzsch (III,321).

152. GB (Dt 5:28, 18:17, 'sie haben recht geredet'), BDB ('they have done well (all) that they have spoken'), and HAL (Dt 5:28,18:17, Ps 36:4, 'gut, kunstvoll reden') understand this as hif. of טָב. However, the main point of this word is not in the form which they use but the content of their request. This word in 5:28, 18:17 expresses not merely the value judgement but more the positive consent to the request of the leaders. In this sense the use is very close to טָב hif. The examples טָב hif. in 1 King 8:18 (= 2 Chr 6:8, with כִּי clause), Ps 119:68 (with לִ-inf.) show the positive consent about the behaviour or the suggestion of the other party. הִיטִיבוּ in Dt 5:28, 17:18:17 very much resembles this use. Therefore, it is



people's word (דְּבַרְיֶכֶם, דְּבַרְיָהֶם) together with כָּל-אֲשֶׁר דִּבֶּרָה express the total approval of their request.

In 5:29 we read two reasons for that approval : (i) the fear (יִרָא) of God so that they might keep (שָׁמַר) his commands, (ii) the prosperity (יֵטֵב) as the result of obedience. The first reason is the result of the direct encounter between the covenant parties. The awesome appearance of the superior, YHWH, makes a strong impression on the inferior, the people, so that they tend to keep the stipulations of the covenant. In this way we arrive at a *covenantal understanding* of this speech. The first reason is a clear contrast with the similar reason in Ex 20:20 where we read the motif of fear (יִרָא) + the overcoming of the negative result (לְבַלְתִּי תִתְחַוֶּא). Together with the second reason which is absent in the report of Ex 20:20ff. this feature stresses the positive outlook of the whole speech.<sup>(153)</sup> The second reason, the prosperity as the result of obedience, is a new aspect in Dt 5 for making the covenant relationship. This aspect is expressed by another new aspect of the covenant relationship, the perspective of the future, the benefit of obedience to the descendants forever (לְעֵלָם, לְבְנֵיכֶם). This prosperity concept is the seedbed of *the blessing aspect* of the covenant and it is further developed a little in 5:33 (לְמַעַן תִּחְיוּ וְיֵטֵב לָכֶם) and 6:2 (לְמַעַן יֵאָדְבוּ יְמֵיכֶם) and finally in 6:3 we read a much developed form (אֲשֶׁר יֵיטֵב לָךְ וְאֲשֶׁר תִּרְבּוּן כִּמְאֹד כִּי אֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֵי אֲבוֹתֶיךָ לָךְ אֶרֶץ זָבַת חֶלֶב וְדִבְשׁ). This emphasis on the positive side of the result of the covenant relationship is prevalent in *the Hauptgebot pericope* (Dt 6-11).<sup>(154)</sup>

### 3.5.1.2. 5:30 (God's command to the people)

As we have already seen, שׁוּבוּ לָכֶם לְאֹהֲלֵיכֶם (5:30b) is the citation (Moses' command to the people, more precisely God's word given to Moses) within the citation (God's command to Moses) and the number change (2.sg. of 5:30a to 2.pl of 5:30b) is perfectly justified. The phrase שׁוּבוּ לָכֶם לְאֹהֲלֵיכֶם is commonly used as the military or political term for demobilization (2 Sam 10:1, 1 Kings 12:16, cf. Jos 22:4)<sup>(155)</sup> and in this case it is utilized (cf. 16:7) to denote that the official encounter between the two covenant parties which started from 5:4 is ended (cf. Ex 19:9ff. - 20:21).<sup>(156)</sup> In Ex 20:21 we cannot find the concrete command to demobilize but the simple report that the people stand afar (וַיַּעֲמֵדוּ מֵרְחֹק) from the mountain.

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ideal to prepare a more detailed meaning *to consent for suggestion* either in כּוּבֵי hif. or in יֵטֵב hif.

153. The negative outlook of Ex 20:20ff. is more stressed by the use of נִסָּה ('to test').

154. See N. Lohfink (1963a,305f. Tabelle V: Verben im Segenshinweis in Dtn 4:45-28:68).

155. A.D.H. Mayes (Dt,173f.), C.J. Labuschagne (Dt,1b,64). A.D.H. Mayes (Dt,173f.) holds the phrase 'in your tents' (בְּאֹהֲלֵיכֶם) in 127 means the situation of demobilization.

156. Further in Dt we cannot find the subsequent activity like in Ex 24 when Moses' reception of the law from God finishes in Dt 26:15. This does not mean that the report of the Horeb covenant is not perfect, but it means that the report of the Horeb covenant is not for the sake of the Horeb covenant itself. The report is for the new covenant, the covenant renewal in Moab / Shechem and only *the invariable elements* of the Horeb covenant are explained in the former part of the covenant renewal. See further 33.1.2. & 33.1.3.



### 3.5.13. 5:31 (God's command to Moses)

What the author tries to formulate in this verse is to give the final word on the origin of Moses' authority to teach (תִּלְמָדוֹ), which is a totally new aspect so far in Dt 5 for the covenant making, what he has heard from God (אִרְבָּרָה). This process of laying the foundation of Moses' word already begins in 5:1 where we read Moses' command to hear what Moses is speaking (שָׁמַע יִשְׂרָאֵל אֶת־הַחֻקִּים וְאֶת־הַמִּשְׁפָּטִים אֲשֶׁר אָנֹכִי דֹבֵר בְּאָזְנֵיכֶם הַיּוֹם) (אָנֹכִי, N.B. the emphatic use of אָנֹכִי).

The author tries to follow the three stages of action which is set out in a very orderly way from God through Moses to the people : (i) what God tells Moses, (ii) what he should do for the people, (iii) what or how the people should do.

The first point is that Moses has to stand closely to God. The combination of עָמַר<sup>(157)</sup> and עָמַר<sup>(158)</sup> in this clause with פֶּה gives a strong impression that Moses receives the law from God standing very near him. This point stresses the divine authority of what Moses is going to teach.

The second point is Moses's duty, to teach the people (תִּלְמָדוֹ). In Dt we find six cases of Moses' teaching the people (Moses' own word (4:1,5,14), God's command for Moses to teach (5:31, 6:1, 31:19))<sup>(159)</sup> In all these cases the concrete law terms are used.<sup>(160)</sup> The phrase, לָמַד ('to teach') + the terms of law, seems to have the function of the *key-phrase* in the whole Dt. In other words, the authority of Moses' teaching (לָמַד 5:1,31, 6:1) of the concrete laws is directly originated from God. And consequently the obligation of the people to obey that teaching is stressed, which is the crucial theme of Dt. It is especially worthwhile to point out that in this transitional stage from God's word (5:28-31) to Moses' teaching (5:32ff. לָמַד) this phrase (לָמַד + the same law terms) is used in both passages (5:31ab, 6:1a)<sup>(161)</sup> :

God's word : (1) giving the authority to Moses to teach (לָמַד 5:31)

(2) the content of that teaching (הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים 5:31)

Moses' word : (1) receiving the authority to teach (לָמַד 6:1)

(2) the content of that teaching (הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים 6:1)<sup>(162)</sup>

Considering that the phrase הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים appeared only in 5:31 and 6:1 except 7:11

157. Although some dictionaries (*GB, BDB*) file this word into the section עָמַר, *BL* (§ 81-a"), followed by *HAL* (but 'semantisch = עָמַר'), hold that this word is not derived from עָמַר but from עָמַר.

158. This verb in the OT is not used with עָמַר.

159. All other cases are about 'to learn' of and 'to teach' of the people to the children (4:10,10,11:9,14,23, 17:19, 18:19, 20:18, 31:12) except 31:22 (Moses' teaching the song in Dt 32). M. Weinfeld (1972,303) insists that this word is used only in Dt in the Pentateuch. He also lists another didactic term מָסַר which is prominent in Dt (4:36, 8:5, 11:2, 21:18, 22:18).

160. 4:1 (הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים), 4:5,14 (חֻקִּים וּמִשְׁפָּטִים), 5:31 (הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים), 6:1 (הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים), 31:19 (i.e. הַתּוֹרָה הַזֹּאת in 31:9).

161. The didactic aim of Dt is discussed widely, for example M. Weinfeld (1972,298ff., esp. 303). This teaching aspect is one of the important motifs in Dt compared with Ex. Interestingly this *didactic* tendency is also found in the treaties of ANE, and Dt seems to follow this treaty model in its educational imagery as in other features (M. Weinfeld, 1972,298).

162. The connection between 5:31 and 6:1 is further strengthened by the demonstrative pronoun הַזֹּאת in 6:1 (EKönig, Dt, 97f.).



we realize this phrase has *the signal value* to indicate the end of God's word (5:31) and the beginning of Moses' word (6:1). Here we find another dimension (3) related to the transmission of the authority : from 6:2 God's command (מִצְוֹתַי 'my command' 5:29, cf. צִוָּה אֲנִי מִצְוֹתַי אֲשֶׁר אָנֹכִי) 5:32,33, יְהוָה אֱלֹהֵיכֶם אֶתְכֶם 6:1) is given directly by Moses (מִצְוֹתַי אֲשֶׁר אָנֹכִי) (מִצְוֹתַי).<sup>(163)</sup>

The third point is the people's reaction to Moses' teaching, their obedience. It is the neat logical conclusion of the systematic construction of the three stages to appeal to the authority of Moses' word.

### 3.5.2. 5:32-33 (Moses' first admonition after God's approval)

By 5:31 the author reaches the point where important ground work is finished for the legitimate position of Moses' role as the mediator-teacher of the covenant stipulations given indirectly. Hitherto the speakers are varied from God (5:6-21) to the people (5:24-27) and again to God (5:28-31). But from now on the author introduces Moses' word directly.

We can explain the phenomenon of 5:32-33 in its relationship with 5:1-2 in two ways : (i) the sudden change from God's word (5:31) to Moses' word (5:32), (ii) the change of time (from the past to the present) and space (from Horeb to Moab) from 5:32ff.

Firstly, although there is an opinion that the sudden change from God's word (5:31) to Moses' word (5:32) is strange, this phenomenon is understandable considering the direct change from 5:1 ('I') to 5:2 ('We').<sup>(164)</sup> This change simply leads back to the main stream of narrative where Moses is the speaker. This part just like 6:1-3 is a kind of small prelude to the future admonition in 6:4-11:25.<sup>(165)</sup> At the same time this part returns to the command of God (5:29,31) through the clause צִוָּה יְהוָה אֱלֹהֵיכֶם אֶתְכֶם (אֲשֶׁר) (5:32,33). After God's command (5:30-31) Moses stands out immediately as the speaker of God. He begins not with the content of God's word but with his own admonition to keep God's command (5:32) or God's way (5:33).

Secondly, from 5:32-33 we see the sudden change of time (from the past to the present) and space (from Horeb to Moab)<sup>(166)</sup>. However, this sudden change is also understood when we compare this with the relationship between 5:32-33 and 5:1-2. We have seen in

163. N. Lohfink (1989,9).

164. Pace F.-L. Hossfeld (1982,234) and A.D.H.Mayes (1980,72 : 'unnecessary appendage'). A. Rofé (1985b,9) holds that 5:32-33 (5:29-30) interrupts not only the logical continuum of the text, but also the stylistic continuity. However, if the change from 5:1 to 5:2-3 and then the change from 5:2-3 to 5:4 are not strange, this change is also not strange. When in 5:32ff. the author goes back to the original situation of the narration where Moses is the main speaker, it is quite normal. The similarity between 5:32 and 5:1 is unmistakable. Chr. Brekelmans (1985,164) holds that two aspects are similar : 'I' - 'you' speech and the paraenetic style. However, we also find 'I' - 'you' style within 5:2-30 (5:5,22). And 5:1 is not pure paraenetic style, because it is contained in the narrative style (5:1a). It is hard to insist that 5:1 is the introduction and 5:32-33 is the conclusion. Rather, all parts are in a steady progress until the ultimate goal in 6:4.

165. C.J. Labuschagne (Dt,1b,67).

166. G.von Rad (ATD,Dt,44 : '... d.h. sie (v. 32f.) führen die Hörer von der Betrachtung der Vergangenheit in die Gegenwart zurück, d.h. in die Situation im Lande Moab, die ja der Ort der ganzen dt. Rede des Mose ist'). Also G. Braulik (Dt,54).



3.3.1.2. & 3.3.1.3. that 5:2-3 is about the validity of the Horeb covenant to the covenant renewal in Moab. And this means that there is a transition of time (from the present to the past) and space (from Moab to Horeb) between 5:1 and 5:2. Now from 5:32 the author goes back to the original situation in 5:1 (the present, Moab) when the people are demobilized (5:30). In other words, the transition from 5:31 to 5:32 is the counterpart of the transition from 5:1 to 5:2. Just as the change of situation from 5:1 to 5:2 is sudden, the same sudden change of situation is found from 5:31 to 5:32 and therefore, this change can be justified. Another important point related to this issue is that just as in 5:2-3 we do not read 'the actualization' (or 'Vergegenwärtigung') of the past event, we do not find in 5:32ff. the concept of 'the actualization'. Through 5:2-31 the author stresses the validity of the Horeb covenant to the Moab covenant which is renewed now. As the author goes to the past situation in 5:2ff., he comes to the present situation in 5:32.

The next point we have to examine is the function of 5:32-33. It is reasonably easy to understand that this short section functions as a transitional stage (5:32-33) between 5:31 and 6:1<sup>(167)</sup> which makes it easy for the reader / listener to understand the transition of authority. Compared with the fact that 5:31 and 6:1 are tightly connected with each other through the nearly literal parallellism, the connection of 5:32-33 with the former verse (5:31) and eventually with the later verse (6:1) is not verbatim. But in terms of their contents they are strongly related to each other :

(i) The content of 5:32-33, the admonition of Moses on keeping the command of God, is based on God's word in 5:31 (למר). Directly after the command of God to teach the people, Moses begins to bring the admonition.

(ii) The phrase אֲשֶׁר צִוָּה יְהוָה אֱלֹהֵיכֶם אֲתֶכֶם (vv. 32,33), on the one hand, recalls the triple law terms in 5:31, but on the other hand it prepares the following verse having a quite similar expression (אֲשֶׁר צִוָּה יְהוָה אֱלֹהֵיכֶם).

(iii) The action which has to be done according to the law (שְׁמַרְתֶּם לַעֲשׂוֹת) in 5:32, on the one hand, recalls the command of God (וְעָשׂ) in 5:31, but on the other hand it prepares for the word in 6:1 (לַעֲשׂוֹת).

(iv) The promised land to possess (בְּאֶרֶץ אֲשֶׁר תִּירְשֶׁן) in 5:33 is nearly the same as the phrases in 5:31 (בְּאֶרֶץ אֲשֶׁר לִרְשַׁתָּהּ) and in 6:1 (בְּאֶרֶץ אֲשֶׁר לִרְשַׁתָּהּ).

(v) An important point in this admonition is that there is already the aspect of blessing if Israel will keep the laws of God. As far as the development of the blessing / prosperity concept for the obedience of God's law is concerned, 5:33 stands in the middle stage between 5:31 and 6:2-3. As we have seen in 3.5.1.1, the embryonic form of this blessing aspect is expressed in God's word (5:29 לְמַעַן יִטֵּב לָהֶם וּלְבָנֵיהֶם לְעֹלָם). And in 6:2-3 we find

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167. C.J. Labuschagne (*Dt, Ib, 67*) rightly describes these sections as follows : 'Dit eerste deel van de reactie van Mozes (5:32-33, TGS) op het theofanie-gebeuren, evenals het tweede deel in 6:1-3, kunnen we typeren als een kleine prelude op de komende paraeneses in 6:4-11:32'. But he does not realize, as we shall see in 3.5.3, the perfect symmetry between 5:31 and 6:1, and the word combination of these verses (הַמְצִיחַ וְהַמְשַׁכְּטִים) having a framing function.



a more detailed description of the prosperity when Israel keeps the law. This is in parallel with the tenor of *the Hauptgebot pericope* (Dt 6-11) that the blessing aspect is more important than the curse aspect. This ratio contrasts with the importance of the curse in the later passage in Dt (Dt 27:15-26, 28:1-69).

### 3.5.3. 6:1-3 (Moses' second admonition after God's approval)

This passage is connected with both 5:31 and 5:32-33 : (i) there is a clear connection between 5:31 (God's commissioning Moses to teach the laws) and 6:1 (Moses' receiving of that commission) and this connection is complete and thorough<sup>(168)</sup>, (ii) and we see the relationship of 6:1-3 with 5:32-33.<sup>(169)</sup> Both texts function as a prelude to *the Hauptgebot pericope* 6:4-11:32.<sup>(170)</sup> This connection is one of the important characteristics of the Dt laws compared with other laws in the ANE and especially with the modern laws. In order to suggest the concrete law items the author considers that it is necessary to spend eleven chapters. In other words, in Dt 1-11, at least Dt 5-11, the crucial theme of the author is not to introduce the law items directly but the tightly constructed theological scheme which persuades people to keep the law. If we hold Dt 6-11 as an unprecedented and prolonged introduction to the individual laws (Dt 12-26), we realize that the author's intention is not simply to list the law items but to prepare the reader / listener to understand the whole process of the covenant making. There will be laws but these are not the one just imposed by the superior. This fact illustrates that the laws in Dt are not the imposed laws but covenantal laws originally suggested by the superior but received by the people through a mediator as they requested.

Summarising 5:31-6:3, we find the following result of analysis in the four passages<sup>(171)</sup> :

168. Namely 5:31 (God speaks) : 1. content (כָּל־הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים), 2. God the original commissioner (וְאֵלֶיךָ אֵלֹהֵינוּ), 3. duty of Moses (תִּלְמַדְתָּם וְעָשִׂיתָ), 4. place (בְּאֶרֶץ אֲשֶׁר נָתַן לָהֶם); 6:1 (Moses speaks) : 1. content (הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים), 2. God the original commissioner (כָּל־הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים), 3. duty of Moses (אֲשֶׁר צִוָּה יְהוָה אֱלֹהֵיכֶם), 4. place (בְּאֶרֶץ אֲשֶׁר אָתַם). E. König (Dt, 97f. : the demonstrative pronoun אֵלֶיךָ points out the previous law terms). N. Lohfink (1989, 9 and n.16, 24 : the section 6:1-3 is going back to the last part of Dt 5 especially to the word of God).

169. We do not need to think the diachronic differentiation between 5:32f. and 6:1-3 (pace F.-L. Hossfeld, 1982, 235).

170. 5:32-33 : the general admonition + God's law (expressed very generally with כָּל־הַדְּבָרִים אֲשֶׁר / בְּאֵיךְ clause)

6:1-3 : the general admonition + God's law (expressed only by the title הַמִּצְוָה וְהַחֻקִּים וְהַמִּשְׁפָּטִים)

6:4-11:32 : the admonition using the *Hauptgebot*

12ff. : the individual laws

Considering that the real individual laws appear later in Dt 12ff. and Dt 6-11 are not specific law items but actually the expanded admonition by using the *Hauptgebot* (N. Lohfink, 1963a, 112, n.19), we realize the literary strategy of the author who suggests the individual law items far later.

171. F.C. Tiffany (1978, 56) suggests his own chiasitic schema by analysing the used verbs of Dt 5:27-6:3 : 5:27 [A] - 5:29 [B] - 5:31 [C] - 5:32f [D] - 6:1 [C'] - 6:2 [B'] - 6:3 [C']. For the structure analysis of the passage, however, we should consider not only the used verbs, just as Tiffany does, but also other aspects and moreover the whole theological content of each section. In this respect Tiffany's schema which is based solely upon the analysis of the used verbs is not perfect. Similar structural analysis is done by N. Lohfink (1963a, 67) according to the use of the verb : 5:27 (שָׁמַע / עָשָׂה [A]) - 5:29 (יָדָא / שָׁמַר [B]) - 5:31 (לָמַד / עָשָׂה [C]) - 5:32f. (שָׁמַר - עָשָׂה - סוּר - בָּרַךְ [D]) - 6:1 (לָמַד / עָשָׂה [C']) - 6:2



	teach	laws	command	action (Israel)	land	prosperity
5:31	למד	triple laws	צוה (God)	עשה	דש	nonexistent
5:32-33			צוה (God)	לעשות + שמר	דש	existent
6:1	למד	triple laws	צוה (God)	עשה	דש	nonexistent
6:2-3			צוה (Moses)	לעשות + שמר	זבת etc.	existent

We have seen from 3.3. to 3.5. that throughout 5:1-6:3 the author succeeds to achieve the ultimate objective : to found the authority of Moses 'to teach' (למד) as well as 'to bring' (רבר) God's laws. 'To teach' lays the legitimate foundation for *the Hauptgebot pericope* (Dt 6-11) and 'to bring' does the same for the deuteronomic laws (Dt 12-26).

### 3.6. 26:16-19 (The bilateral pronouncement of the definition of the covenant relationship)

So far we have studied the sections (28:69, 4:45-5:5, 5:22-6:3) which form the framework of the laws, the decalogue (5:6-21) and the deuteronomic laws (12:1-26:15)). We have realized that the content of this framework is the covenant. In other words, the laws given subsequently are not simply imposed by God, but rather these laws (5:1) function within the superior category, the covenant (5:2-3). Within this framework the author tries to lay the theological foundation of the *popularly demanded* and *divine* authority of Moses as the mediator-teacher of the stipulations of the covenant, God's law. However, what the author reports in Dt 5 is not the Horeb covenant *per se* or the actualization of this covenant (see 3.3.1.3.) but the application of *the invariable elements* of the Horeb covenant (i.e. the covenant stipulations) to the Moab covenant which is going to be renewed. We read until 26:15 the long pericope of this application, the covenant stipulations. In other words, the covenant stipulations of the Horeb covenant as *the invariable element* can be applied to the subsequent covenant renewal, and therefore to the present renewal of the covenant in the Moab plain. In 26:17-19 we read another aspect of the application of *the invariable element* of the Horeb covenant to the Moab covenant, the definition of the covenant relationship.

In this section we want to find firstly the meaning of a much debated verb אמר hi. (3.6.1.) and then the formula of covenant relationship in 26:17-19 (3.6.2.). Further we want to consider the relationship between 26:16 and 26:17 in the context of the whole of Dt (3.6.3.) and the definition of the specific relationship in 26:17-19 (3.6.4.). Finally the function of this section within the whole central pericope of Dt (Dt 5-28), especially the

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( א / עשה [A'] - שמע / שמר [B'] - דא ). Despite the impression of a neat symmetric construction this system ('konzentrische Struktur') is also not perfect (see the criticism of ADH. Mayes, 1980, 81, n.26), because we cannot depend only on one factor, the verb. There are other important factors which show clearly the different opinions about the structure. In particular, the difference of speaker is significant, and 5:27 should belong to the previous section 5:22(23)-27, the request of the people.



connection between 26:16-19 and Dt 27f. (3.6.5.) will be investigated

### 3.6.1. אָמַר hi.

This word is much debated, because it is a keyword in 26:17-19 yet the hi. form of this word appears only here.<sup>(172)</sup> The interpretation is basically dependent on how we interpret this hi., either (i) as the causative, or (ii) as the declarative.<sup>(173)</sup>

The causative interpretation of אָמַר hi. is taken by Th.C. Vriezen who studies it fully.<sup>(174)</sup> Relying on the use of other verbs of hi. causative (e.g. שָׁמַר hi., Ex 12:36, 2 Sam 1:28) he holds the same causative sense of אָמַר hi. (not 'jemanden zum Reden veranlassen' but 'sich jemandem etwas sagen lassen' = 'das, was jemand sagt, ausdrücklich akzeptieren')<sup>(175)</sup> and suggests the following translation of 26:17 :

'Das Wort Jahwes habt ihr heute bestätigt, (mit Jahwe habt ihr heute euer Einverständnis erklärt, als Er sagte) dass er euer Gott wolle sein und dass ihr auf Seinen Wegen wandeln solltet.'

If we follow this translation, we can build up the following picture of this event : in 26:17 Israel demands the position of God's people, and later God pledges by His word, and vice versa in 26:18f. However, it is very difficult to prove that this picture is actually the basis

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172. Different meanings are offered in the dictionaries : *GB* (uncertain), *BDB* ('avow', 'vouch'), *HAL* ('zu sagen anlassen', 'proklamieren'), *GMD* ('erklären', 'versprechen lassen').

173. Although there are other solutions, they are not convincing proposals of emendation. For example Ehrlich (*II,327*) holds that ה in front of אָמַר is dittography, and therefore we have to read simply אָמַר and with accusative of person with ל inf. it means 'to declare towards somebody' (cf. 1 King 14:2) : 'von JHVH hast du heute erklärt, daß er dir Gott ist, demgemäß du in seinen Wegen wandeln willst u.s.w.' However, as E. König points out, the construction of qal אָמַר with acc. is very unnatural. Another emendation (i.e. from אָמַר hi. to אָמַן hi. : 26:17a, אָמַן הָיָה, 26:18a, אָמַן הָיָה, 'Ausdruck einer Vertrauensaktes') was done by S. Oettli (*Dt,89* : 'dem Jahve hast du vertraut'), which is impossible. A. Dillmann (*Dt,363*) suggests a different solution by assuming the mediator's role of Moses between God and Israel, actually the word of God as well as that of Israel is pronounced through Moses. Although this suggestion looks interesting comparing the mediator's role of Moses in Ex 19:5b-6, the real intention of Dt 26:17-19 is in the direct contact between the two parties not in the Moses' role as mediator. There is also the suggestion to consider אָמַר hi. as 'to elect' or 'to select'. For example LXX (τὸν θεὸν εἴλου σήμερον εἰναί σου θεόν) and Rashi (*Dt,129* : 'It seems to me, however, that they are expressions denoting 'separation' and 'selection' : 'You have singled Him out from all strange gods to be unto you as God - and He, on His part, has singled you out from the nations on earth to be unto Him a select people'). However, in this interpretation the correct meaning is not explained grammatically.

174. (*1963,207-210*). A. Knobel (*Dt,304*), Keil & Delitzsch (*III,428*), E. König (*Dt,182*) stand on the same line, and Vriezen is followed by N. Lohfink (*1969,529-535*), J. Wijngaards (*Dt,297*), D.J. McCarthy (*1978,183*), R. Clifford (*1982,140*), Chr. Levin (*1985b,102*), etc. G.A. Smith (*1918,298*) assumes this as the hi. causative in the strict sense, so that 26:17 would be 'you have caused YHWH to say ...'. Similarly J. Ridderbos (*KV,Dt,II,65 = BSC,Dt,246f.*). The actual content of 26:17 (i.e. 26:17ab-b) then is the word spoken by God and that of 26:18f. (26:18ab-19) is spoken by the people. A. Bertholet (*Dt,82* : 'Jahwe verpflichtet sich Israels Gott zu sein, wie Israel zur entsprechenden Stellung als Volk') and S.R. Driver (*Dt,293* : 'causing the other to recite the terms of the agreement between them') refining this understanding suggests אָמַר hi. is the terminus technicus for the judicial process for making contract, treaty, or covenant. However, P.C. Craigie (*Dt,325*) correctly criticizes this interpretation : 'But this rendering makes the syntax of the subsequent position of vv. 17-19 extremely awkward.'

175. This is the explanation of N. Lohfink (*1969,534*) who concurs with Th.C. Vriezen (*1963,210 = NV*). Similarly J. Wijngaards (*Dt,297* : 'Jij hebt vandaag Jahwe's woord bekrachtigd dat Hij je tot God zal zijn').



of making relationships in the ANE<sup>(176)</sup>. Another point related to this is that the actual speaker of the original pronouncement in 26:17 is God. However, even if we accept 26:17ab (לְהִיֹּת לְךָ לֵאלֹהִים) as the spoken word by God, it is very unlikely that the following clause in 26:17b (וְלָקַחְתָּ בְּרִדְקָיו וְלִשְׁמֹר הִקְיוֹ וּמִצְוֹתָיו וּמִשְׁפָּטָיו וְלִשְׁמֹעַ בְּקוֹלוֹ) is also spoken by God.<sup>(177)</sup> This interpretation cannot be supported by the real historical practice of covenant making. It is more natural to assume that the actual speaker of this pledge to keep God's commandment is the people not God.

If we accept the causative meaning of אָמַר hi. we immediately face this kind of contextual problem. In other words, the causative meaning makes the subordinate clause (26:17ab-b, לְהִיֹּת לְךָ לֵאלֹהִים וְלָקַחְתָּ בְּרִדְקָיו וְלִשְׁמֹר הִקְיוֹ וּמִצְוֹתָיו וּמִשְׁפָּטָיו וְלִשְׁמֹעַ בְּקוֹלוֹ, cf. also 26:18b-19) to be spoken by God, but it is unnatural because its content suits the human party not God.<sup>(178)</sup> C. Steuernagel, therefore, reverses the subject and the object in the main clause of 26:17 (and also of 26:18).<sup>(179)</sup> Through this C. Steuernagel can prevent the unnatural match between the subject and the spoken word.<sup>(180)</sup> However, as N. Lohfink<sup>(181)</sup> correctly criticizes, there is very little justification for these arrangements, even if we give up the causative sense of אָמַר.

The declarative sense of אָמַר hi. is taken by several commentators<sup>(182)</sup>: 'You have declared today that YHWH is your God and ...' (26:17 and similarly 26:18-19).<sup>(183)</sup> A declarative sense of hi. as in pi. is possible in other verbs (e.g. רָשָׁע 'to be wicked', הָרָשָׁע 'to

176. N.B. the confusion in the interpretation of DJ. McCarthy (1978,183) – Vriesen's case is also similar to this – about 26:17 (and vice versa for 27:18–19): 'Yahwe pledges to be Israel's God and demands three times that they serve Him.' In order to follow this interpretation we have to reconstruct the actual event of 26:17 in four stages: (i) Israel's demand for God's pledge to be His people, (ii) God's acceptance and pledge, (iii) God's demand for Israel to keep His commandment, (iv) Israel's acceptance of this demand of God. And then for 26:18–19 we have to assume another four stages. However, this is simply impossible and we cannot find any trace of this procedure in the OT as R. Smend (1963,8) points out. G.A. Smith (1918,298) realizes this weak point, although he adopts the same stance as Vriezen.

177. Cf. the similar translation of the whole section by N. Lohfink (1969,534f.).

178. We realize that the commentators who choose the causative meaning neglect this issue easily. For example the translation of NV with which Th.C. Vriezen (similarly the translation of N. Lohfink, 1969,534f.) agrees.

179. (Dt,146: 'Jahwe hast du heute die Erklärung abgeben lassen, daß er dir zum Gott werden wolle').

180. '..., deren Text jedoch, da das logische Subjekt der einzelnen Aussagen forwährent wechselt, durch versehentlich Umstellung oder durch Zusätze unachtsamer Abschreiber verwirrt ist'. Also M. Weinfeld (1985,77,n.5) and similarly P. Buis (1969,362). Further to make the section more sensible C. Steuernagel alters the order of the whole section into vv. 17 – 19a – 18 – 19b. Also J. Hempel in BHS, judging the present order extremely odd ('perturbati; cf G'), suggests a similar arrangement of the section, vv. 17a – 19a – 18 – 17b – 19b. A similar solution with a different explanation is recently suggested by C.J. Labuschagne (1985,117f.). He supposes the grammatical subject in 26:17a (God) is not necessarily the logical subject (Israel) and concludes that a change in person serves the purpose of emphasis. Weak grammatical explanation and ungrounded conclusion!

181. (1969,530).

182. J.J.P. Valeton (1881,40,n.1: 'een gezegde, verklaring, uiten', 'eene toezegging geven'), G.E. Wright (Dt,487), M.G. Kline (1963,120 = KJV, 'Thou hast avouched the Lord this day to be thy God (v. 17)'), R. Smend (1963,8: depending upon Ben Yahuda, 'proklamieren', 'akklamieren'), J.A. Thompson (Dt,258), P. Craigie (Dt,325), H.D. Preuß (1982,148), S. Wagner (TWAT,1,353f.: primarily causative sense but in practice it means an official, binding statement, i.e. proclamation), cf. A. Phillips (1973,175 = NEB: 'you have recognized the LORD this day as your God'). J. van Seters (1975,289f.).

183. Cf. Jos 24:17f. and Hos 1:9a, 2:25b. Direct declaration of one party towards the other is common in the ANET. For example in the loyal oath of Qumran community we read: "mt 'lhy 'wlm mlknw, It is true, he is the God of the universe, our King.' (M. Weinfeld, 1972,410).



proclaim wicked').<sup>(184)</sup> If the qal. of the verb has transitive meaning, the hi. can take two accusatives (direct object, indirect object).<sup>(185)</sup> Therefore, אָמַר hi. seems to have the declarative sense with two accusatives, so that 26:17a is declared by the people and 27:18f. by God.<sup>(186)</sup> In this case אָמַר hi. expresses the solemn declaration which is found in many kinds of document regulating the relationship between two parties.<sup>(187)</sup> This rendering has the great benefit of fitting in well with the context.

We can divide the pronouncement into two segments : (i) the declaration of the relationship which is expressed with the famous construction (היה + ל-suff. + ל-the position of party) and (ii) the implication of the relationship which is expressed in the additional ל + inf. clause / ל-noun phrase. In 26:17, the declaration of the relationship is

in 26:17ab (לְהִיחֹת לְךָ לֵאלֹהִים),

and the implication is

in 26:17b (וְלָלַכְתָּ בְּהֶרְכָּז וְלִשְׁמֹר הֶקְדָּז וּמִצְוֹתָיו וּמִשְׁפָּטָיו וְלִשְׁמֹעַ בְּקוֹלוֹ).

In 26:18-19 the declaration is

in 26:18ab (לְהִיחֹת לוֹ לְעַם סְגֻלָּה),

26:19aa (לְתִתֶּנָּה עָלָיו עַל כָּל-דְּבוּרָיו),

26:19ba (לְהִיחֹת עִם-קִרְיָשׁ לַיהוָה אֱלֹהֶיהָ)

and the implication is

in 26:19ab (לְתִתֶּנָּה וְלִשְׁמֹעַ וְלִתְפָּאֵרָתָהּ).

It is natural to assume that one party speaks each declaration and its implication together. If we follow the causative meaning of any interpretation, as we have seen, we must split the declaration and its implication and each is spoken by the opposite party. Therefore, we accept the declarative interpretation as the most suitable one.

And this interpretation corresponds well with the phenomenon in Ex 19:5b-6, whose parallel feature is well known. In this text God's three promises are spoken by God, which are in parallel with the three promises in Dt 26:18f.

184. GK § 53-c, Joüon §54-d ('déclaratif-estimatif'), Lettinga § 41-m. Or sometimes it is called as 'intensive' (e.g. R. Smend (1963,8), Chr. Levin (1985b,102)).

185. GK § 117-cc,gg lists the examples of this case in the *verbum reddere* in the sense of 'announcing' (e.g. וְגִיד, Job 26:4, 'to declare something to someone').

186. RSV (similarly NASV) gives a clear translation : 'You have declared this day concerning the Lord that he is your God... and the Lord has declared this day concerning you that you are ...' In the marriage declaration which is quite near to the covenant declaration between God and the people we naturally assume the following declaration, 'you are my wife (husband)' rather than 'I am your husband (wife)'. The first is the expression of the responsible action of my decision to accept the counterpart as my wife (husband), which is suitable to be used in the declaration formula. Hos 1:9a (לֹא עָמְרָה), 2:25b (עַמִּי-אֵינִי) show good examples. In a marriage document (actually divorce document) in Mesopotamia (A.T. Clay, 1923,50-52) we find a similar phenomenon : *ú-ul aššati-mi at-ti i-qa-ab-bi* ('shall say: 'thou art not my wife'), *ú-ul mûti-mi at-ta i-qa-ab-bi* ('shall say: 'thou are not my husband'). Although two declarations could be pronounced by one party, we realize that the 'you are my...' form always comes first and it means this form of declaration is the primary one. S. Greengus (1969,516f.) lists two more examples of this kind of pronouncement) : *attā lū aššatu anāku lū mutka iqbiši* ('you be my (l) wife, I will be thy husband', he said to her). Therefore, in Dt 26:17,18 the original declaration form is 'You are my...' form not 'I am your...' form. The declarative interpretation suits this practical demand.

187. S. Greengus (1969,505-532) lists examples of the *verba solemnia* having direct citation of the pronouncement in the Old Babylonian marriage documents.



### 3.6.2. The formula of the covenant relationship.

What both covenant parties declare is expressed by the formula (היה + ל-suff. + ל-).<sup>(188)</sup> There seems to be a legal practice of making relationship behind this use.<sup>(189)</sup> As N. Lohfink indicates correctly, although there are bilateral declarations of covenant relationship<sup>(190)</sup>, it does not mean that this covenant is similar to the parity treaty like the treaty between Hattusilis the Hittite king and Rameses the Egyptian counterpart.<sup>(191)</sup> Rather it resembles the structure of the vassal treaty, as the content of each declaration makes clear.<sup>(192)</sup> From the side of the people, although they enjoy the special position provided by God, they should act within the regulations set by God. Meanwhile, from God's side there is no stipulation set by the people and the condition of covenant is taken by God Himself.

### 3.6.3. The relationship between 26:16 and 26:17.

26:17 has two features : (i) in 26:17 begins a new section which stretches at least to 26:19, and also (ii) there is a certain continuity between 26:17 and the previous pericope.<sup>(193)</sup>

We cannot fail to see that the content of 26:17-19 (i.e. the mutual declaration of the covenant relationship) is totally different from the content of the previous pericope (the deuteronomic laws). And also it is clear that 26:16 summarizes the whole deuteronomic laws because of *the signal function* of **הַחֲקִים וְהַמִּשְׁפָּטִים** (5:1, 11:32, 12:1, 26:16), as we have seen in 3.3.1.2. The author now wants to suggest from 26:17 a totally different aspect of the covenant renewal from the covenant stipulations. However, 26:17 does not make an absolute break with 26:16 because of some common aspects with 26:16 (i.e. 'today' **הַיּוֹם הַזֶּה** / **הַיּוֹם**; terms of law, **הַחֲקִים וְהַמִּשְׁפָּטִים** / **הַחֲקִים הָאֵלֶּה וְהַמִּשְׁפָּטִים וְקִלּוֹ**). And the

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188. Other verbs can be used **לָקַח** (Ex 6:7), **קָיָם** hi. (Dt 28:9), **עָשָׂה** (1 Sam 12:22), **פָּרַח** (2 Sam 7:23), **פָּוַל** (2 Sam 7:24), **נָתַן** (1 Chr 17:22), **בָּרַח** (Ps 33:12).

189. A certain legal convention of this formula or terminology is already pointed out by commentators (e.g. S.R. Driver (*Dt*,293), A. Bertholet (*Dt*,82), Th.C. Vriezen (1963,210), N. Lohfink (1969,535).

190. (1969,536ff.). See also DJ. McCarthy (1978,183f.). The strong relationship between Hosea and Dt is acknowledged, e.g. C. Steuernagel (1896,137,152-154), G.von Rad (1929,78-83 = 1973,80-91), E.W. Nicholson (1967,70 and n5), A.D.H. Mayes (*Dt*,103) M. Weinfeld (1972,366-370) and esp. the covenant concept is common factor in both books (J. Wijngaards (1969,7-11), J. Bright (1977,89), D. Stuart (*Hosea-Jonah*,xxii-xlii)). J. Wijngaards (1969,8) puts forwards strongly that Hosea is related to the covenant renewal ceremony. The bilateral declaration of the covenant relationship (Hos 2:25, ET 2:23) is also one aspect of that relationship which is, however, not pointed out by commentators. F.M. Cross (1980,268) mistakenly makes a connection between the mutual 'oath' in the treaty of Šamši-Adad I (suzerain) with Šušarra (vassal) and 26:17-19, which is not oath but the mutual declaration of the covenant relationship. This treaty should rather be connected with the mutual oath in Ex 24:6-8 as we have seen (212,14).

191. DJ. McCarthy (1978,36-50).

192. N. Lohfink (1969,536ff.) and DJ. McCarthy (1978,184) list the cases that the superior made a pledge to the inferior among the ANE treaties.

193. M.G. Kline (1963,121) holds that 26:16-19 functions as a conclusion to the stipulations and as the introduction of the covenant ratification. Also DJ. McCarthy (1978,162,n.53). Cf. ungrounded diachronical analysis of Chr. Levin (1985b,101).



sentence order (i.e. the object stands first)<sup>194)</sup> makes it difficult to consider 26:17 as the absolute beginning of a section, and this shows that there is a certain connection between 26:16 and 26:17.

Such continuity as well as discontinuity which 26:17 has with the previous pericope reveal that 26:17 has a significant structural position.<sup>195)</sup> In its continuity 26:17 shows that the following section (26:17-19) belongs to the greater entity which contains also the central legal corpus, the covenant renewal in Moab which starts from 4:45. The use of 'today' (הַיּוֹם הַזֶּה / הַיּוֹם) in successive verses (26:16,17,18) stresses that the present situation is now the same as at the beginning of the covenant renewal (5:1, הַיּוֹם).<sup>196)</sup> We have seen how vigorously the author tries to identify the present generation with the generation of the Horeb covenant in 5:2-3 (5:3, הַיּוֹם, see 3.3.1.2. & 3.3.1.3.). The reader / listener is reminded of the original situation of the covenant renewal in Moab. What the author does 'today' in the central legal corpus is an application of *the invariable element* of the Horeb covenant to the Moab covenant, the covenant stipulations (see 3.1.1.2.). In 26:17-19 ('today') we see another application of *the invariable element* of the Horeb covenant to the Moab covenant, the bilateral pronouncement of *the definition of the covenant relationship*.<sup>197)</sup> This definition of the covenant relationship belongs to the *invariable* element of covenant, because it cannot be changed as far as the covenant party does not change. Through this way 26:17 is discontinuous from 26:16, because in 26:17ff. we read a different aspect of the covenant renewal from the long central pericope of Dt (Dt 5-26:16).

#### 3.6.4. The definition of the covenant relationship.

In 26:17-19 we read one of the clearest forms of *the declaration of the covenant relationship between God and Israel*.<sup>198)</sup> At the same time, we are in 26:17-19 in 'das

194. G. Seitz (1971,42f.). Cf. similar emphatic position of the adverbial phrase (הַיּוֹם הַזֶּה) at the head of 26:16 (Muraoka,38f.).

195. L. Perlitt (1969,103 : '... sondern in einer Dtn 5-26 strukturierenden und Dtn 26:17-19 einordnenden Funktion zu sehen. ... Vielmehr leistet v. 16 für v. 17-19 nur deshalb den Dienst einer direkten Verknüpfung mit Dtn 5-26').

196. The situation is when Israel is in Beth-Peor (329, 4:46). G.A. Smith (1918,298), J.J.P. Valetton (1881,39 : the connection between 26:16-19 with 4:45-11:32 and especially the relationship between 26:16 and 5:1).

197. P. Buis (1969,365f. : 'Les expressions sont bien adaptées à une rénovation d'alliance') points out that in the centre of this section a liturgy of covenant renewal is the subject matter. However, he cannot prove this issue substantially especially in its connection with 5:2-3.

198. K. Baltzer (1960,22,46 : 'die klarste Bestimmung des Verhältnisses zwischen Jahve und seinem Volk', 'die Grundsatzklärung', 'die Voraussetzung des Vertragsverhältnisses'), N. Lohfink (1963a,95 : 'die Bundesdeklaration'), but *pace* L. Perlitt (1969,111) and see D.J. McCarthy's criticism (1978,183,n.54) of L. Perlitt. D.J. McCarthy (1978,186) defines this section as 'invocation - adjuration' which is connected with oath (1978,183). We clearly find an aspect of obligation in this *bilateral* declaration conforming with the pronouncement which each has done. For example the fact that לְלַכְתּוֹת לְךָ יְיָ לְאֱלֹהִים and לְלַכְתּוֹת לְלַכְתּוֹת לְךָ יְיָ לְאֱלֹהִים appear in the same clause (26:17) reveals that this pronouncement is actually related to the obligation of one party towards another party. However, this particular obligation is only the implied one of or the summing-up application of the fundamental declaration of the relationship, because the mutual declaration for making a relationship means to pronounce what one party will accept as the obligation towards the other party. Although mutual declaration of the relationship contains an aspect of oath, it should be differentiated from oath, which can be performed separately in the ritual form. Cf. E.W. Nicholson (1967,45,34 : 'An actual covenant ceremony is presupposed by xxvi.16-19'). However, this topic is not usually drawn the due attention as



Herzstück des Deuteronomiums<sup>199</sup>) in the sense that the solemn declaration of the covenant relationship is in progress and also that it defines most clearly the relationship between law (קלו, חקו ומצותו ומשפטו, דרכו) and covenant (ל + ל + היה). N. Lohfink<sup>200</sup>) points out that in the background of this section there is the ANE 'Rechtsstruktur' of covenant, although we cannot find the term ברית. However, Lohfink holds rightly that *the double-sided treaty structure* is in this section especially in the oath of the superior. He lists five examples of treaty where we find the oath of the superior : the treaties of Ulmi-Teshub, Huqqanaš, Abba-AN, Šamši-Adad I, Zimrilim. Therefore, we should not equate the relationship between God and Israel in 26:17-19 with that of the parties of a parity treaty on grounds of form but rather with those of a vassal treaty.

(1) The declaration of Israel (26:17).

If our interpretation of אמר hi. (3.6.1.) is right, it means the content of 26:17 is the declaration of the people towards YHWH and that of 26:18-19 is that of YHWH towards Israel. Israel's declaration is 'YHWH is our God' : 'We will not find other god(s) as our God' (cf. Hos 2:25 'You are my God'). Its direct implication expressed with the most comprehensive use of legal terms (26:17b) is in short to obey God's laws as the covenantal condition. This is the expression of what Israel will do for the benefit of God.

(2) The declaration of YHWH (26:18-19).

The strange position of וְלִשְׁמֹר כָּל-מִצְוֹתָיו in 26:18b is problematic. Although it is difficult to explain the function of this clause within the context of 26:18, its present position give us an important clue to the exact relationship between three items of God's declaration in 26:18-19, about which we shall discuss soon. In other words, because of this clause there is a certain pause between the first promise and the second / the third promises. God's declaration (cf. Hos 2:25, 'You are my people') is expressed with the suggestion of the three promises and this is the expression of what God will do for the benefit of Israel.

**3.6.5. The function of this section (26:17-19) within the whole central pericope of Dt (Dt 5-28)**

**3.6.5.1. Major studies on this issue**

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A. Reichert (1972,141f.) points out : 'Es ist merkwürdig, wie wenig in der Diskussion nach einem literarischen Rückbezug dieser Doppelerklärung von seiten Jahwes und Israels gefragt wird.'  
 199. A. Reichert (1972,129).  
 200. (1969,536ff).



C. Steuernagel<sup>(201)</sup> supports the dependence of this text on 28:69-29:28 (cf. 27:9f.). However, he does not realize the admonitional character of Dt 29f. which uses the occasion of the covenant renewal already mentioned. As we have seen, Dt 29-30 *per se* cannot be the covenant formula but the admonitional use of the covenant renewal. Therefore, 26:17-19 does not depend on Dt 29-30, but on the contrary the latter relies on the former : the fundamental statement of the definition of the covenant relationship.

D.J. McCarthy<sup>(202)</sup> already realizes the structural significance of this section within the central pericope of Dt :

‘26,17-19 has an important structural role in the larger context of Dt. It serves to tie the material in chapters 5-26 to 28.’

However, he does not develop this important idea further. Although he points out some issues within 26:17-19 related to the previous and the following pericopes, his argument is rather naive or imperfect.

N. Lohfink<sup>(203)</sup> deals with this problem in detail. He departs from the standpoint that within the context of Dt 5-28, 26:17-19 shows itself ‘als relativ spätes Filigranwerk’. To prove this thesis he examines the legal terms. Defining the constant pair, **הַחֲקִים וְהַשְּׁפָטִים** as *the structural signal* he holds that other terms in 26:17 are added later. **מִצְוֹתָי** (26:18), which is related to the use in Dt 28 (vv. 1,9,13,15,45), binds two independent passages possibly pointing to the same rite (Dt 28 and Dt 5-26) together :

‘In der uns interessierenden Dreierreihe von Dt 26,17 (**הַחֲקִים וְהַשְּׁפָטִים**, TGS) wird nun die Leitterminologie der vorangehenden und die Leitterminologie der folgenden Texte miteinander verschmolzen. Dadurch wird zum Ausdruck gebracht, daß die beiden Terminologien dasselbe meinen. Das spricht dafür, daß unser Text geschaffen wurde, um die beiden Textgruppen (Dt 5-26 and Dt 28, TGS) zusammenzunähern.’

Further this thesis is supported by the use of **שָׁמַעַ בְּקִלּוֹ** which is considered as the typical clause of the conditional blessing - curse related to Dt 28. And he insists that **עֲלִיזָן** (26:19) is borrowed directly from 28:1 and that three motifs in 28:9 (**שָׁמַר אֶת-מִצְוֹת יְהוָה, עִם קְדוּשָׁתוֹ**) are used once again in 26:17-19 to form the grand unity in Dt 5-28. However, although he basically disagrees with the cultic understanding of G.von Rad, he alludes to another possibility that there is cultic background in 26:17-19 which means the content of this section could be original :

‘Das schließt keineswegs aus - wenn man weiterhin in der kultischen Hypothese denken will -, daß Dt 26,17-19 im Hinblick auf eine bestimmte, kultische

201. (Dt,146).

202. (1978,184).

203. (1969,541ff.), followed by D.E. Skweres (1979,176). Also G. Nebeling (1970,247f.) and L. Perlitt (1969,102-115) hold similar views.



regelmäßig wiederholte Bundesschlußzeremonie formuliert worden ist.'

In spite of an impressively tight argument, we suggest the following fundamental criticisms. Firstly we cannot insist that *מִצְוֹתָי* (26:18, 26:17) *per se* is directly related to the blessing and curse in Dt 28.<sup>(204)</sup> Secondly the phrase *קוֹל + שִׁמְר* (God's) is not used only in the conditional blessing-curse texts but also elsewhere (e.g. 9:23, 26:14, 27:10, 30:8), and we cannot insist that this phrase is originally derived from Dt 28.<sup>(205)</sup> Therefore, this phrase does not prove the thesis of N. Lohfink. Thirdly, *עָלִיז* (26:19, 28:1) does not prove the dependence of 26:19 on 28:1. If we consider the clauses where this special word is formulated, we realize that *עָלִיז* in 26:19 is used for the principal declaration of the covenant relationship but the same word in 28:1 is the application of this declaration. As we shall see soon in the comparative study on the texts related to these promises (*עַם סְגָלָה* 7:6, 14:2, 26:18, *עַם לִיהוָה אֱלֹהֵיָהּ* 27:9, *עַם קָדוֹשׁ* 7:6, 14:2,21, *עָלִיז* 26:19, 28:1), it is true that all other texts of Dt are derived from 26:18-19. Fourthly, it is hard to insist that another legal phrase *לְקַח בְּרִית* (26:17, cf. 9:12,16, 31:29) and the phrase *עַם-קָדוֹשׁ* (14:2,21 where *עַם-קָדוֹשׁ* is the reason of the following admonition) are specifically related to the blessing-curse theme. N. Lohfink basically depends only on the investigation of the legal terms, but he does not consider seriously that the whole section is related to the covenant declaration when he disputes the origin of this section. We think the fundamental legal framework of this section<sup>(206)</sup> containing the legal terms is far more important than the legal terms. In particular, the connection of the present form of this section with the present form of Ex 19:5b-6 is set aside.<sup>(207)</sup> This is because he neglects, firstly that in 26:18-19 there is the divine speech formula, and secondly that there is a great similarity between the three promises in Ex 19:5b-6 and in Dt 26:18-19. Therefore, it is natural for us to investigate these two issues now.

After N. Lohfink's article, *the divine speech formula* *כַּאֲשֶׁר דִּבֶּר / כַּאֲשֶׁר דִּבְרָ-לָהּ* (26:18,19) is studied by J. Milgrom<sup>(208)</sup>, and then by D.E. Skweres<sup>(209)</sup> most thoroughly. J. Milgrom holds that this formula in Dt only means 'as he promised', compared with its meaning in the Tetrateuch 'as he commanded'.<sup>(210)</sup> And therefore it is not surprising to find this formula and *כַּאֲשֶׁר נִשְׁבַּע* used synonymously. Further J. Milgrom insists that in 26:18-19 the

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204. This word used in Dt 30 times in total is the most often used of the legal terms in Dt. G. Braulik (1970,56-60,esp.60 : 'An alle anderen Stellen (except 5:10,29, 6:17, 7:9, 8:2, 13:5, the decalogue, TGS) bezeichnet *מִצְוֹת* das ganze von Moses promulgierte 'Gesetz', das den paränatischen Teil und das Gesetzkorpus umfaßt).

205. Cf. N. Lohfink (1963a,66 : 'Die Ausdrücke (*שָׁמַע בְּקוֹל*, *שָׁמַע אֶת*, TGS) sind nicht in Reihen von Verben für Gesetzesbeobachtung eingedrungen, die nichts mit Segen und Fluch zu tun haben.'

206. About this framework N. Lohfink (1969,536f.) points out (the ANE 'Rechtsstruktur') once. See also (1969,543) where he opens the possibility that covenant ratification ceremony is behind this text. Also G.E. Wright (Dt,488).

207. He (1969,544) only hints at slightly that Ex 19:5b-6 can 'genetisch vorausliegen' of Dt 26:17-19.

208. (1976,3ff.).

209. (1979,176).

210. E.g. Gen 12:4, 24:51, 27:9, Ex 1:17, Lev 10:5, Num 5:4, 17:12, 23:2, 27:3. (1976,3f.). The fact that this formula means God's promissory word in the past becomes more apparent, when we consider that in 26:17 there is no speech formula after the declaration of the people.



author does not look backwards (7:6, 14:2,21) or forwards (28:19), but the author points out that the material is already known to the reader / listener. Further J. Milgrom<sup>(211)</sup> considers that this original material is more likely to be written rather than oral tradition particularly in terms of God's law. Among the total eight themes of the divine speech formula, the theme, עם סגלה / עם-קרש (7:6, 14:2,21, 26:17-19, 28:9) goes back to Ex 19:5b-6. D.E. Skweres<sup>(212)</sup> is also definite about the direct relationship between 26:17-19 and Ex 19:5b-6 :

'Daraus ist zu schliessen, dass sich die Rückverweise auf Ex 19,5f., den einzigen Text, der diese Verheissung enthält, beziehen. ... Auch die sprachlichen Ähnlichkeiten zwischen den Texten machen es wahrscheinlich, dass Ex 19:5f. *der Bezugstext* von Dtn 26,18.19 ist (italics, TGS). ... Das umgekehrte Verhältnis, dass Ex 19,5f von Dtn 26,18.19 literalisch abhängig und daher dtr wäre, ist unwahrscheinlich.<sup>(213)</sup>

The strength of the argument of J. Milgrom and E.D. Skweres for the investigation of the relationship between Ex 19:5b-6 and Dt 26:18-19 lies in their thorough textual study on the divine speech formula within Dt.

### 3.6.5.2. The relationship between Ex 19:5b-6 and Dt 26:18-19

The investigation above gives us an important foundation for the comparative study of Ex 19:5b-6 and Dt 26:18-19<sup>(214)</sup> which neither J. Milgrom nor E.D. Skweres does. In both texts we find three items of God's promise. We set out the parallel features of these promises :

promise	first	second	third
Ex 19:5b-6	סגלה	ממלכת כהנים	גוי קרוש
Dt 26:18-19	עם סגלה	עליון	עם-קרש

Firstly when we compare the first and the third promises we realize that Dt consistently uses עם in both promises compared with irregular or perhaps more natural use of the term in Ex 19:5b-6.<sup>(215)</sup> This consistent use of עם can also be found in other verses in Dt (e.g. עם

211. (1976,12).

212. (1979,176f.,213). Also J.J.P. Valeton (1881,40f. : he convincingly suggests against J. Wellhausen that סגלה is not the dt. word but depends upon Ex 19:5), Rashi (Dt,129), A.D.H. Mayes (Dt,339).

213. *Pace* B.S. Childs (Ex,361). W. Beyerlin (1961,80) holds that we cannot insist on the dependence of one text on the other. However, he does not consider the importance of the divine speech formula in Dt argued correctly by J. Milgrom and E.D. Skweres. Similar weakness is found in Chr. Levin (1985b,106f). The total comparison of the Sinai pericope (Ex 19-24) and the Moab pericope (Dt 4:45-28:69) is not the issue at this stage and it will be done in ch. 4.

214. This study may belong to ch. 4 of this thesis but because of the enormous importance of this section in the Moab covenant pericope (4:45-28:69) we deal with this issue here.

215. סגלת מלכים והמדינות) Ecc 2:8, סגלה is used independently (סגלה Mal 3:17) or as *nomen regens* (סגלת מלכים והמדינות) not as *nomen rectum* as עם סגלה (Dt 7:6, 14:2, 26:18). We think that this is a *specific use* of Dt meaning 'Israel is the people like סגלה (Sondergut, special possession) to God'. It is not our direct concern to investigate the theological meaning of עם / גוי in these texts. Only we can point out the consistent use of עם for Israel stands in contrast with אשר עשה (N.B. the pl. form (הגוים) is dominant in



סְגֻלָּה in 7:6, 14:2, 26:18; עַם קָדוֹשׁ in 7:6, 14:2,21, cf. עַם לַיהוָה אֱלֹהֶיךָ (27:9). This means that although the author of Dt faithfully follows the fundamental content (קָדוֹשׁ, סְגֻלָּה) and the order (the first and the third !) of Ex 19:5b-6, but he rearranges the first and the third promises by using his own terminology (עַם). The more important issue is in the parallel feature of the second promises in each text which are in fact the unique expressions for Israel. We realize from this parallel feature that the author of Dt chooses not to use the original phrase, מִמְּלֶכֶת בְּהַגְיִים, but to find a suitable substitute which conveys the same idea, עֲלִיזָה.<sup>(216)</sup> עֲלִיזָה is usually used either as God's epithet (superlative) or for the place or thing in the upper position (comparative), but for the 'extolled' or 'majestic' sense (superlative) this word for human being or building is used only five times.<sup>(217)</sup> The use of this word for the people Israel in Dt 26:19, 28:1 seems to be a significant invention of the author, and in conjunction with the prevalent use of the same word of superlative sense for God ('the Most High', 32:8), the use of the same word for the people seems to be revolutionary (only here !).<sup>(218)</sup> The connotation of this word in Dt is unmistakable, the exalted position of Israel. Then we find an interesting point that this meaning exactly corresponds to the second promise in Ex 19:5b-6, מִמְּלֶכֶת בְּהַגְיִים, which means Israel's exalted position like the priest in a society (metaphorical sense) rather than Israel as the institution of God's priest (substantial or institutional sense), as we have seen in 2.4.3.5.<sup>(219)</sup> Since this term for Israel is totally new (nearly revolutionary) concept, the author makes two preparations : (i) he moves the phrase (כָּל-הַגּוֹיִם אֲשֶׁר עִשָּׂה) which corresponds to מְכַל־הָעַמִּים מִכָּל-הָאָרֶץ (Ex 19:5b) following the first promise סְגֻלָּה after the second promise (עֲלִיזָה), (ii) he adds further explanation of the meaning of this new word in 26:19ab, לְתַהַלָּה וְלִשְׂמֵהּ

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Dt, O. Bächli, 1962, 32) for other people. See N. Lohfink (1971, 275-305), O. Bächli (1962, esp. 114-127), A.R. Hulst (THAT, 11, 302-318), H. Wildberger (THAT, 11, 142-144), G.J. Botterweck (TWAT, 1, 967-971), E. Lipiński (TWAT, VI, 177ff) and their literatures.

216. J. Muilenburg (1959, 355) insists on the relationship between the first and the third promises in both Books : the influence of סְגֻלָּה (Ex 19:5b) on עַם סְגֻלָּה (Dt's term, esp. new elaborated term נַחֲלָה) and that of גֹּי קָדוֹשׁ (Ex 19:6a) on עַם-קָדוֹשׁ (Dt's term). Unfortunately, however, he does not consider the connection between the second promises. We cannot penetrate into the reason why the author decides to substitute a new term. We only suppose that the author wants to make God's declaration more clear and easily understandable, because this effort is apparent in the additional phrases (עַל כָּל-הַגּוֹיִם אֲשֶׁר עִשָּׂה and לְתַהַלָּה וְלִשְׂמֵהּ וְלִתְפָאָרֶת) added to this revolutionary expression to explain it more clearly. It is unnecessary and too hasty to assume that we read here a theological conflict between the deuteronomistic and the priestly influence.

217. 1 Kings 9:8 = 2 Ch 7:21 (temple), Ps 89:28 (David), Dt 26:18, 28:1 (Israel). GB, BDB, HAL.

218. G. Wehmeier (THAT, 11, 282), H.-J. Zobel (TWAT, VI, 134-151). It is as revolutionary as the fourth commandment in Dt which differs from that in Ex, when we consider that both texts in Dt have the direct connection with the texts in Ex. Perhaps the strong preference of the name Horeb in place of Sinai can be explained in the same context.

219. This decision of the author to use a different term supports our interpretation of the relationship between the second promise (מִמְּלֶכֶת בְּהַגְיִים) and the third promise (גֹּי קָדוֹשׁ) : both phrases are not two expressions of one substance, Israel as the sacred institute of God. Rather each of them can be used separately and both together explain the meaning of the first promise סְגֻלָּה. The second promise means the *exaltation* contained in סְגֻלָּה and the third promise גֹּי קָדוֹשׁ denotes the *separation* or the *choice* (i.e. the original sense of קָדוֹשׁ is close to the text, J.A. Thompson, Dt, 259) from other people contained in the connotation of סְגֻלָּה. Further all other phrases denoting Israel as God's covenant party in the OT seem to have more or less direct connection with the concept of סְגֻלָּה, Israel as God's special possession. For example the most popular and general one, 'the people of God' (עַם יְהוָה, עַם אֱלֹהִים, suff. form עַמּוֹ, עַמְךָ, statistics in N. Lohfink (1971, 275f., esp. 296f. in the covenant context) describing Israel having a special relationship with God is a more generalized expression of סְגֻלָּה.



וּלְתַפְאֶרֶת<sup>(220)</sup> Further we find an interesting phenomenon related to this second promise. The divine speech formula, כִּי־יֹאמֶר יְהוָה (26:17bb), is attached after the first promise of God (26:17a-ba), and also כִּי־יֹאמֶר יְהוָה (26:19bb) follows the third promise of God (26:19ba), but there is no divine speech formula at the end of the second promise. We find the solution of this issue by comparing it with the parallel text in Ex 19:5b-6. We have seen in 2.4.3.5.(3) that the first promise is the substantial definition of the covenant relationship but the second and the third promises are the application or further explanation of the first promise. And we have seen also the second and the third promises are closely related to each other. From these features in Ex 19:5b-6, we realize that the reason why the author of Dt does not put the divine speech formula after the second promise is this connection between the second and the third promises. It is not likely that the author will suggest a totally new item of promise which is not yet pronounced. Rather he seems to consider that it is enough to put that formula only after the third promise. From this fact we realize that the author of Dt depends strongly on Ex 19:5b-6 for formulating Dt 26:17-19.

### 3.6.5.3. The relationship between Ex 19:5-6 and Dt 26:17-19

Expanding the area of study a little further, we now deal with the comparison of Ex 19:5-6 and Dt 26:17-19. What we have studied is the parallel feature between Ex 19:5b-6 and Dt 26:18-19, but both texts are in fact only one aspect of the covenant relationship, one party's (God) pronouncement towards the other party (Israel). We find another half before each text and this half is about the attitude of the other party (Israel) towards the party (God), Ex 19:5a and Dt 26:17. Ex 19:5a is expressed in the protasis of the conditional sentence but Dt 26:17, contained in the word of Moses, is the word declared by Israel as we have seen in 3.6.2. However, in essence both have the same function of defining the covenant relationship and this fact is further supported by the addition of the most comprehensive list of legal terms (וּלְלָבֶת בְּרִיכָיו וְלִשְׂמֹר חֻקָּיו וּמִצְוֹתָיו וּמִשְׁפָּטָיו וְלִשְׁמֹעַ בְּקִלּוֹ) at the end of Dt 26:17. The similarity of content of this phrase to the protasis of Ex 19:5a (אִם־שָׁמַעְתִּים בְּקוֹלִי וּשְׁמַרְתֶּם אֶת־בְּרִיתִי) is undeniable.

The contextual similarity of both texts is an important fact : both are *the definition of the covenant relationship*. In Ex 19:5-6 this definition is expressed in the form of the proposal of one party but in Dt 26:17-19 in the form of the bilateral declaration.

### 3.6.5.4. The relationship between three promises in Dt 26:17-19 and in other texts (עם 7:6, 14:2, 26:18, עם לַיהוָה אֱלֹהֶיךָ, 27:9, עם קְרוּשׁ, 7:6, 14:2, 21, עם עֲלִיזוֹן, 26:19, 28:1).

220. G.W. Savran (1988,116) explains that the quotation in Dt, the divine speech formula in our text, is different from that in the Tetrateuch in its self-referential characteristic : 'the authenticity of its quotations depends not upon comparison with prior speech but upon the authoritative voice who quotes them, that is, Moses.' Moses' authority established in Dt 5 (the excursus (1)) is still valid here.



These conclusions lead us to consider further the function of 26:17-19 within the whole Moab pericope. In order to do this, however, firstly we have to consider the relationship of 26:18-19 with the texts where we also find the important phrases (עַם סְגֻלָּה) 7:6, 14:2, 26:18, עַם לִיהוָה אֱלֹהֵינוּ 27:9, עַם קְרוֹשׁ 7:6, 14:2,21, עֲלֵינוּ 26:19, 28:1). We categorize these texts as follows :

text	form used	definition
(1) 26:18-19	'you are my special possession'	declaration
(2) 7:6, 14:2,21, 27:9	'because you are... therefore, you should do ...'	admonition or command upon the presupposed fact
(3) 28:1, 9	'if you do..., then you will be..'	special relationship with God as the conditional fact

This is hard to explain diachronically in terms of different theological layers from different periods. A better way to interpret this phenomenon is to understand the characteristic of the biblical covenant, ברית, from which all these expressions (i.e. עַם סְגֻלָּה) 7:6, 14:2, 26:18, עַם לִיהוָה אֱלֹהֵינוּ 27:9, עַם קְרוֹשׁ 7:6, 14:2,21, עֲלֵינוּ 26:19, 28:1) are derived : ברית is the concept which creates a certain *relationship* between the concerned parties. Because of this characteristic all three cases are possible for ברית.<sup>(221)</sup> Firstly Israel's position in the covenant with God is the subject matter of the *declaration* of both parties (26:17-19) for that relationship from which the position of Israel as God's special possession is warranted. Secondly Israel's position in the covenant relationship with God can be used as the basis (the *established* fact) for the admonition or the command of the covenant party, God.<sup>(222)</sup> And finally because covenant is the concept of relationship, it is not a matter which can be achieved at a certain time only, but it has to be achieved continuously and ceaselessly at the present by fulfilling the conditions set by the other party.

Therefore, Israel's special position towards God can be suggested not only as the *established* fact (7:6, 14:2,21,27:8) but also as the goal (28:1,9) : the *conditional* fact which should be achieved by the continuous obedience to God's condition at present. To these three facets of the covenant concept not only Israel but also God are bound. Interestingly in 7:6, 14:2,21, 27:9, 28:1, except 28:9 (בְּאִשֶׁר נִשְׁבַּע-לָהּ), we cannot find the divine speech formula. This fact seems to mean that these texts do not recall the original statement upon which Dt is dependent, but they apply the covenant status of Israel to the present situation.<sup>(223)</sup>

221. Therefore all other external results of the covenant have the character of relationship. For example שְׁלוֹם as the result of covenant, treaty making is also a relationship concept (G.von Rad in DJ. Wiseman,1982,325).

222. In this sense the motif of 'Dankbarkeit' (8:1ff., 9:1ff.) for the ethical command is valid (G.von Rad,ATD,Dt,199). But this is only one aspect of the covenant concept.

223. As we have already seen in 3.3.1.4.(2), the main concern of the author is not to describe the events chronologically but to rearrange them according to his own theological scheme. Therefore, mentioning of the items of promises before (and also after) 26:17-19 is not strange.



### 3.6.5.5. The position of 26:17-19 within the whole Moab covenant pericope (4:45-28:69)

This topic is the most important one in this chapter because it will reveal the total structure of the pericope, 26:16-28:69, whose unity is usually regarded as most difficult to accept. Upon the conclusions above we shall make the following observations from the text in the relationship of 26:17-19 with the following texts, (1) 28:1, (2) 27:9-10, (3) 28:9.<sup>(224)</sup>

#### (1) 26:17-19 with 28:1

We start from 28:1 because we believe that an important clue for the present issue is found in עֲלִיִן of 28:1.<sup>(225)</sup> And this highly uncommon use, because of its application not to God but to Israel, is only found once again in a text adjacent to 26:19, 28:1. And this word functions as a *keyword* just like עִם סְגָלָה (26:18) / עִם לִיהוָה אֱלֹהֶיךָ (27:9), with which we shall deal in (2), and עִם קָרָשׁ (26:19) / עִם קָרוֹשׁ (28:9), with which we shall deal in (3). We have seen in 3.6.5.2. how the author chooses this *novel* term to replace the old term of the Sinai covenant, מִמְלַכֶּת בְּהָגִים (Ex 19:6). It is most likely the use of this term in Dt has its foundation primarily in 26:19 not in 28:1, as we have seen, because in 26:17-19 is the fundamental declaration of the covenant relationship and all other texts in Dt containing two promises (עִם סְגָלָה, עִם-קָרָשׁ) which are in fact the application of this declaration, and the same conclusion can be applied to the second promise, עֲלִיִן.<sup>(226)</sup> And we realize that 28:1 is similar to 26:19 not only in עֲלִיִן but also in other phrases :

26:19	אֲשֶׁר עָשָׂה	+	עַל כָּל-הַגּוֹיִם	+	עֲלִיִן	+	נָתַן
28:1	הָאָרֶץ	+	עַל כָּל-גּוֹיֵי	+	עֲלִיִן	+	נָתַן

We have seen in 3.6.5.2. that אֲשֶׁר עָשָׂה, together with וְלָשֵׁם לְתַהֲלָה וְלִתְפָאֶרֶת modifying עֲלִיִן (Dt 26:19a), is in the Sinai covenant originally related to the first promise in Ex 19:5b. If this compositional feature of 26:19a is right, the strong resemblance of עֲלִיִן (28:1) to the third promise in 26:19a means the dependence of 28:1 upon 26:19a. In other words, in 28:1 the author strictly uses the phrases in the fundamental declaration in 26:19a. Further this is supported by the fact that both texts are the report of the event of 'today' (הַיּוֹם, 26:7,18, 28:1). More basically 28:1 shows its dependence on 26:19a from the form through which the covenant relationship is suggested. As we have seen in 3.6.5.4., we read in 28:1 the covenant relationship as *the conditional state* which is based upon the original bilateral *declaration* of the covenant relationship in 26:17-19. What the author suggests as the condition of that relationship (שָׂמוֹעַ תִּשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ phrase c, לַעֲשׂוֹת אֶת-כָּל-מִצְוֹתָיו phrase b) is the application of the original comprehensive phrase of Israel's obligation for making the covenant relationship expressed in 26:17 (לְלַכֶּת

224. The connection between these three texts is considered by commentators but rather shortly, e.g. Chr. Levin (1985b,107f. and n.136), M.A. O'Brien (1989,63).

225. The position of this word in 28:1 see 3.10.1.

226. Pace N. Lohfink (1969,543).



phrase a, *וּמִשְׁפָּטָיו וּמִצִּוֹתָיו וּמִשְׁפָּטָיו* phrase b, *לְשֹׁמֵר חֻקָּיו וּמִצִּוֹתָיו וּמִשְׁפָּטָיו* phrase c), as we shall see fully soon. All these features reveal the dependence of 28:1 upon 26:19.

## (2) 26:17-19 with 27:9-10<sup>(227)</sup>

Looking at the texts between 26:19 and 28:1, we find there is another text which has a phrase reporting a similar aspect of God's promise toward Israel, 27:9-10. This text is the admonition of Moses and the priests to the people. And interestingly the author suggests the *established* relationship between God and Israel (*נְהִייתָ לְעַם לַיהוָה אֱלֹהֶיךָ*) as the ground of the admonition. Firstly, in this phrase we find the construction *ל + ל + ל + היה* (*נְהִייתָ לְעַם לַיהוָה אֱלֹהֶיךָ*) which is a typical expression for the covenant relationship and is directly related to 26:17-19.<sup>(228)</sup> Secondly, the meaning of *עַם לַיהוָה אֱלֹהֶיךָ*, which is a more general expression of Israel's special position towards God as we have seen in 3.6.5.2, is almost the same as *עַם סִגְלָה* (26:18)<sup>(229)</sup>, and both phrases function as 'keyphrase' (applied term of 'keyword', 'Leitwort') like *עֲלִיזָן* (26:19,28:1), which we have seen in (1), and *עַם קָרוֹשׁ* (26:19) / *עַם קָרוֹשׁ* (28:9), with which we shall deal in (3). Thirdly, the situation (*הַיּוֹם*, in the Moab plain) of 27:9-10 is the same as in 26:17-19. Fourthly, the admonition is given on the ground of the *established* relationship of the covenant which is based on the fundamental *declaration* of that relationship as we have seen in 3.6.5.4. The cases where the covenant relationship as the *established* fact functions as the ground of the admonitions are found also in 7:6, 14:1,2,21. All these texts are in fact the application of the original declaration of the covenant relationship in 26:17-19. Fifthly, the admonition upon that *established* relationship in 27:9-10 (*וְעָשִׂיתָ אֶת-מִצְוֹתָיו בְּקוֹל יְהוָה אֱלֹהֶיךָ* phrase c, *וְאֶת-חֻקָּיו* phrase b) is the adaptation of the comprehensive obligation of Israel as the covenantal duty found in 26:17b (phrases a,b,c).

Therefore, we conclude that the phrase of 27:9 is to be regarded as an application of God's first promise for making the covenant relationship with Israel in 26:17-19.

## (3) 26:17-19 with 28:9

We find another parallel between 26:17-19 and the following pericope of Dt 27-28, i.e. 28:9. And in this case the third promise is the subject matter (*עַם קָרוֹשׁ*), which is a

227. Commentators point to the dependance of 27:9-10 on 26:17-19 (eg. A. Dillmann (*Dt*,367), C. Steuernagel (*Dt*,148 : 'Wiederaufnahme von 26,16-19 zum Zweck der Anknüpfung von K. 28'), G.von Rad (*ATD*,*Dt*,119), K.-H. Walkenhorst (1969,161), A.D.H. Mayes,1981,42f.), Chr. Levin (1985b,111 : 'ursprünglich unmittelbar angeschlossen'), but usually they lack detailed exegesis.

228. E. Lipiński (*TWAT*,V,705). The unique form of *הִיָּה* ni. in 27:9 does not prevent us considering the connection between two texts. Rather this ni. form seems to allude to the secondary character of this report of the covenant relationship in 27:9, because here Moses and the levitical priests mention the *established* fact from the people's point of view. In other words, 27:9-10 is the application of the original declaration of that relationship, about which we shall investigate fully soon.

229. E. Lipiński (*TWAT*,V,750), H. Wildberger (*THAT*,II,143 : *סִגְלָה* ist im AT fast ganz zu einem terminus technicus für die Umschreibung der Zugehörigkeit Israels zu Jahwe geworden').



keyword like עָלֶיךָ (26:19,28:1), about which we have seen in (1) and like עִם מְנַלָּה (26:18) / עִם לַיהוָה אֱלֹהֶיךָ (27:9), about which we have seen in (2). In 28:9 we find similar points<sup>(230)</sup> as in 28:1 in its relationship with 26:17-19. Firstly the situation of 28:9 is in fact the continued one from 28:1 ('today', הַיּוֹם; the plain of Moab). Secondly the covenant relationship is suggested as the *conditional* state, which is in fact the application of the fundamental declaration of that relationship in 26:17-19 (3.6.5.4.). Thirdly the items for the condition of that relationship shows (אֶת-מִצְוֹת יְהוָה אֱלֹהֶיךָ phrase b, וְהִלַּכְתָּ phrase a) also that 28:9 is an application of the declaration in 26:17-19 (phrases, a,b,c).

We, therefore, conclude that all three texts (28:1, 27:9-10, 28:9) after 26:17-19 reveal the direct connection with the three promises in 26:18-19.<sup>(231)</sup> The mixture of the covenant relationship (עִם לַיהוָה אֱלֹהֶיךָ) as the *established* fact (27:9-10) and of the covenant relationship as the *conditional* state (28:1,9) is theologically only possible (3.6.5.4.), through the understanding of covenant as *the relationship concept* which has its foundation in the bilateral declaration of that relationship in 26:17-19. We summarize all these results as follows :

### Chart I

	promise(s)	demand	place/time
26:17-19	first, second, third promise	demand of obedience	(Moab, הַיּוֹם)
27:9-10	first promise (עִם לַיהוָה אֱלֹהֶיךָ)	demand of obedience	(Moab, הַיּוֹם)
28:1	second promise (עָלֶיךָ)	demand of obedience	(Moab, הַיּוֹם)
28:9	third promise (עִם-קְרוֹשׁ)	demand of obedience	(Moab, הַיּוֹם)

Further, if we look at the phrases of the demand of obedience in each text,<sup>(232)</sup> we realize the connection of the lists in the three later texts with the original, comprehensive one in 26:17 :

### Chart II

26:17	לִלְכֹת בְּדַרְכֵיךָ לְשָׁמֵר חֻקֶיךָ וּמִצְוֹתַי וּמִשְׁפָּטַי לְשָׁמֵעַ בְּקוֹלִי	( phrase a : הִלַּךְ + בְּדַרְכֵיךָ ) ( phrase b : שָׁמַר + חֻקֶיךָ וּמִצְוֹתַי וּמִשְׁפָּטַי ) ( phrase c : שָׁמַע + בְּקוֹלִי )
27:10	שָׁמַעְתָּ בְּקוֹל יְהוָה אֱלֹהֶיךָ וַעֲשִׂיתָ אֶת-מִצְוֹתָיו וְאֶת-חֻקֵּי	( phrase c ) ( phrase b )
28:1	שָׁמַעְתָּ בְּקוֹל יְהוָה אֱלֹהֶיךָ	( phrase c )

230. DE. Skweres (1979,66f., esp. n.287).

231. Commentators ususally point to the connections between 26:17-19 and 27:9-10 and 28:1, but they do not consider the connection between all four texts, 26:17-19, 27:9-10, 28:1, and 28:9.

232. N. Lohfink (1969,543).



	לְשֹׁמֵר לַעֲשׂוֹת אֶת־כָּל־מִצְוֹתַי	(phrase b)
28:9	תִּשְׁמֹר אֶת־מִצְוֹת יְהוָה אֱלֹהֶיךָ	(phrase b)
	וְהִלַּכְתָּ בְּדַרְכָּיו	(phrase a)

Considering these two charts, it is hard to deny that the author has a clear theological, structural framework which evokes a strong sense of the unity of the text from 26:16-19 to Dt 27-28.

(i) Theologically, we recognise that God's covenant promises and God's demand for the people's obedience are in general two vitally important theological themes in Dt. In other words, Israel's covenant relationship with God is once declared by God himself (26:18-19). However, this beneficial position of Israel as the covenant partner of God can only be kept by continuous effort to meet the covenant conditions suggested by God. On the one hand, therefore, the covenant relationship (עִם לַיהוָה אֱלֹהֶיךָ, 27:9-10) as the already *established* one is the basis of the admonition to keep the condition. And on the other hand, the covenant relationship (עִם־קְרוּשׁ, 28:9; עָלִיוֹן 28:1) as the *conditional* state can be fulfilled through continuous performance of the condition.<sup>(233)</sup>

(ii) Further, the fact that these two important theological concepts, the covenant relationship as the *established* one as well as the *conditional* one, are used so systematically in the context of 26:16-28:69 supports strongly the structural unity of 26:16-28:68.<sup>(234)</sup> If we omit 26:17-19 and 27:9-10, there remain 27:1-8 and 27:11-26. Despite the much disputed problem of textual unity within 27:11-16, we may safely regard these two texts, 27:1-8 and 27:11-26, as related to the *future* covenant ceremony which will happen in the mount Ebal and Gerizim. And as we shall see at the end of this chapter, the special unit of the priestly blessing and curse formulae in 28:3-6 / 28:16-19 is also related to the *future* ceremony in Shechem.<sup>(235)</sup> Then based upon our study of the relationship between the items of the covenant relationship, we suggest the following structure of 26:16-28:69 with regard to the place and the time to which each small text group is related<sup>(236)</sup> :

### Chart III

- |     |          |         |  |
|-----|----------|---------|--|
| (1) | 26:16-19 | Moab    | (present הַיּוֹם, the first, second, third promises) |
| (2) | 27:1-8   | Shechem | (future)   |

233. For theological discussion about this issue see K. Koch (1955,1-42), J.G. Plöger (1967,196ff).

234. In this respect we suggest once again the assertion of Th.C. Vriezen (1953,64), although he does not mention specifically 26:17-19 only, that these terms of promises are 'die wichtigsten Begriffe der deuteronomistischen Verkündigung', which is judged negatively ('zu weit') by N. Lohfink (1969,544).

235. For the time being, we only want to suggest these two formulae originally belong to Dt 27:11-13 where the priests pronounce the blessing and curse to the people : the place of two texts (28:3-6,16-19) is Shechem and the time is the future like the original context of 27:11-13.

236. M.G. Kline (1963,36f.,79) correctly points out 'the two-stage nature of Yahweh's ceremonial renewal of his covenant with Israel' : the first stage is been performed by Moses in Moab before his death, and the second stage will be performed by Joshua in Canaan. It is necessary to develop this insight exegetically in the proper depth.



- (3) 27:9-10 Moab (present **היום**, the first promise)
- (4) 27:11-26 Shechem (future)
- (5) 28:1-2 Moab (present **היום**, the second promise)
- (6) 28:3-6 Shechem (future)
- (7) 28:7-15 Moab (present **היום**, the third promise)
- (8) 28:16-19 Shechem (future)
- (9) 28:20-69 Moab (present)<sup>(237)</sup>

Going further from this conclusion we make the following observations for further study. If the geographical setting of all short passages from (1) to (9) is right, then the whole pericope of 26:16-28:69 is a mixture of texts related to the different time (the present / the future) and the different place (Moab / Shechem). And then we need to answer the following pressing question : why does the author move so busily to and fro between Moab and Shechem by intermingling Moab texts with Shechem ones ? Before giving a tentative answer, it is crucial to understand what is really happening in 26:16-28:69. Although the word **ברית** does not appear in this passage except 28:69<sup>(238)</sup>, it is very clear that the theme of this passage is the covenant ceremony with the blessing and curse, the oath related to this ceremony. This means we read in this passage the covenant ceremony happens (and will happen) in two different places (Moab / Shechem in Canaan) and at two different times (present / future). This kind of covenant ceremony is a highly exceptional phenomenon. There are three possible reasons for this strange phenomenon :

Firstly, there is the unavoidable fact that the death of Moses, the great leader, the promulgator of the law for theocracy, ultimately the mediator of the covenant with God, occurs before Israel crossed the Jordan. His successor Joshua never has the same authority and role as Moses. Therefore, before his death Moses, the covenant mediator, prepares all possible institutions, especially the covenant to consolidate Israel in the land Canaan after crossing the Jordan.<sup>(239)</sup>

Secondly, it is natural to make a covenant in the new situation which in Israel's case is the entry to the promised land.<sup>(240)</sup> Therefore, this covenant making should be finished not in the Moab plain but after crossing the Jordan in Canaan, the promised land.

Thirdly, as G.M. Harton<sup>(241)</sup> notes, the change of the generation is another reason for

237. We shall see in 3.10.3. in full detail that (6) 28:3-6 and (8) 28:16-19 belong to the section of the future (Shechem).

238. We have seen in 3.1.1. that 28:69 is a *colophon* of the whole Moab pericope (4:45-28:69).

239. However, we cannot suggest this change of leadership is the direct cause of the covenant renewal in the Moab plain as G.M. Harton (1981,30) and J. Kottackal (1989,81) insist. Although we acknowledge that in the treaties the change of king has caused the renewal of the former treaty (K. Baltzer, 1960,71-90), the leadership change from Moses to Joshua is not directly related to the covenant renewal in 4:45-28:69. That leadership change is only mentioned later in 3:1-8 which is not connected with the covenant. We suggest here not the change of leadership from Moses to Joshua, but that the death of Moses the unique covenant mediator in Israel's history is the cause of this somewhat strange feature of the covenant renewal in Moab / Shechem.

240. J. Kottackal (1989,81).

241. He (1981,30,39,n.6) follows D. Beegle, P.C. Craigie (Dt,37) and others.



the covenant renewal. Within the text of 4:45-28:69 we find clearly the trace of such intention, especially the identification of the present generation with the generation of the Horeb covenant in 5:2-3 (see our exegesis of this section). Just after mentioning the Moab covenant the author mentions once again the validity of the covenant to the future generation in 29:11-15.

Fourthly, Israel will be divided into two groups by the natural barrier, the river Jordan. As we read of the tension caused by this barrier in Josh 22, this real threat to the national unity is a great problem when nine and a half tribes cross the Jordan. By performing the covenant renewal in two places, one in Transjordan at the present and the other in the Cisjordan in the future the unity can be stressed, because without any elements performed in either part of land the covenant renewal is not perfect. This intention is expressed clearly in the full list of the ancient name of the twelve tribes in 27:12-13.<sup>(242)</sup> The concern about Transjordan is vivid in Dt (e.g. 3:12-20, 4:40-43 (cf. Dt 19)). Therefore, this aspect seems to function as an aspect for the formation of the unique covenant renewal ceremony.

These four facts cannot be easily harmonized with the ordinary process of covenant making. This phenomenon is directly related to the specific feature of this covenant making (3.3.1.2., & 3.3.1.2.) : it is not a (original) covenant making, but the covenant renewal. The necessity that the covenant renewal should be prepared before the death of Moses, the covenant mediator, seems to lead the author to create the present form of 26:16-28:69. In other words, what the author stresses most importantly through the repeated change of time and place is that the covenant in the two different places and at the two different times does not mean at all there are two covenants. But there is only *one covenant in two places / times*. We divide the whole process of the covenant renewal done at Moab and at Shechem as follows :

In Moab :

1. the covenantal law (Dt 5-26),
2. the pronouncement of covenant relationship (26:17-19).

In Shechem :

1. the covenant offering, meal and writing the law under the leadership of the elders (27:1-8)

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242. A similar intention of the unity of Israel is found also in the Moses' blessing of the twelve tribes in Dt 33. It is not within our scope to study of the naming, the order, and the division for the blessing and curse of the twelve tribes. For the geneological explanation according to the maternal relationship, e.g. A. Knobel (Dt,307), A. Dillmann (Dt,368), S.R. Driver (Dt,298f.), A. Bertholet (Dt,84), G.A. Smith (1918,304), P.C. Craigie (Dt,330,n.1). However, among eight sons from the legitimate wives two (Reuben, Zebulun) should be transferred into the curse side. For the geographical explanation, i.e. the central / western territory to the side of blessing, the eastern / northern territory of the Jordan river to the side of curse, e.g. C. Steuernagel (Dt,148), E. Nielsen (1955,69ff.), H. Seebaß (1978,210ff.) followed by C. Preuß (1982,151). In this case the tribe Dan is problematic for deciding the time of Dt. ADH. Mayes (Dt,344) holds two explanations together.



2. the priestly pronouncement of the blessing / curse formulae  
(28:3-6,16-19)

3. the oath formula which will be pronounced by the priests and accepted by  
the people through the unison of Amen (27:15-26).

This analysis corresponds to our study of the elements of the covenant making : the *invariable* element (the legal aspect) of the covenant renewal is performed in the Moab plain, but the *variable* element (the cultic aspect) will be performed in Shechem (3.1.1.2). In other words, the covenant stipulations (Dt 5-26) and the definition of the covenant relationship (26:17-19), the *invariable* elements are regulated by Moses in the Moab plain, but the covenant ceremony (27:1-8, 27:11-26, 28:3-6, 16-19), the *variable* elements will be performed in Shechem. In the process in Shechem we see clearly the important role of the elders, the priests and the people compared with the crucial role of Moses in the process of covenant renewal in the Moab plain. By this arrangement the author succeeds in giving the impression that there is only one covenant renewal at two places and in the two times which is initiated by the incomparable leader Moses (34:10-12). Therefore, we conclude that the report of the covenant making in 4:45-28:69 is the report of the covenant renewal in its unique form.

### 3.7. 27:1-8 (The elders and the covenant ceremony)

We have seen in 3.6. (esp. 3.6.5.5.) that 26:16-19 functions within 26:16-28:69 as the starting point. Therefore, 26:16-19 not only lays the structural foundation for the whole passage but also supplies the major theological theme for the formation of 26:16-28:69.

In 27:1-8 we read the first section reporting the first future event (3.6.5.5.). Many commentators acknowledge the complexity of this text.<sup>243</sup> However, in many cases they

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243. Early scholars are severe in the criticism of the present text, e.g. A.F. Puukko (1910,147 : 'daß Kap. 27 (except 27:9-10, TGS) in unserem Dt ohne jede Anknüpfung nach rückwärts oder vorwärts dasteht und schon deshalb im großen und ganzen für eine Parenthese angesehen werden dürfte) and C. Steuernagel (Dt,147 : 'Die Entstehung des gegenwärtigen verwirrten Textes aufzuklären, ist ein aussichtsloses Unternehmen'). Usually commentators are negative about the present form of the text. A. Klostermann (1907,194 : 'Aber der Abschnitt 27,2-8 hat den denkbar schlechtesten und unsichersten Text'), G.A. Smith (1918,300 : 'a compilation from different sources'). A.C. Welch suggests at first (1924,179) that 'this little section bristles with difficulties, textual, critical, historical' because of (i) the number change, (ii) the repetition (2b,4, 3a,8), (iii) the change of the worship place (Ebal, Gerizim), (iv) the relationship between the stone tablets and the altar. Nine years later, however, he (1932,49) reaches the conclusion that none of these four criteria is sufficient to judge the present text negatively : 'The matter may be simpler and may not call for different originals with a final redactor.' M. Noth (1930,150) holds that 27:1ff. contains the materials from the various sources which have been gradually brought together (cf. 1967,16 : 'dass eines der sekundärsten Element in den Rahmenstücken von Dt, nämlich Dtn. 27,1-8'). P. Buis (1966,404), like K.A. Kitchen (1966,97), omits Dt 27 from consideration. D.J. McCarthy (1978,185, the source division in p. 194,n.17 : 'The passage is very complex from every point of view : the ceremonies called for are diverse and not well coordinated among themselves, and the text is a mixture of sources') concludes that the present position of this section within the 26:16-28:69 is an *intrusion*. Therefore, he deals with this section not in the pericope of the central discourse but in the outer framework of the whole of Dt. Meanwhile, he acknowledges the importance of Dt 27 because the materials in Dt 27 are as evidence for the setting of covenant ideas. This is the work of the deuteronomistic editors, but it may also reflect older ideas reworked. R. Clifford (1982,146 : 'the anomalous chapter'). I. Lewy



come to conventional conclusion about its literary disunity. Except this issue this text contains several important problems and some of them are related to the whole of Moab pericope. For example the participation of the elders in the admonition of Moses (27:1) is unusual. Does this phenomenon have a certain relationship to the participation of the levitical priests in the admonition of Moses (27:9f.)? And why is the writing of God's law (27:1-4,8) emphasized compared with the cultic activity (27:5-7), if we consider this section is related to a ceremony for making a relationship between YHWH and Israel? Together with these issues we want to deal with some detailed exegetical issues as far as they are related to the purpose of this thesis, to clarify the theme and the structure of the Moab pericope.

### 3.7.1. The participation of the elders in the admonition

In 27:1-8 there are two striking features: (i) the change of the speech from the long standing speaker 'Moses' throughout 5:1-26:19 to 'Moses and the elders' in 27:1, (ii) within 27:1-8 the actual initiator of this speech seems to be Moses known from the pronoun **אֲנִי** (27:1,4, cf. 27:10 Moses as the joint-speaker with the levitical priests). How can we explain these? Conjectural emendation does not seem to help us.<sup>(244)</sup> If we do not accept the emendation of the text, we may try to find a solution by considering this text within the broader context. In particular, it seems to be meaningful that 26:16-28:69 as a whole functions within the theological framework of the covenant ceremony happening in two places as we have seen in 3.6.5.5. In other words, both features could be explained in the context of the covenant renewal ceremony.<sup>(245)</sup> If these two features are in fact the result of the new introduction of the elders as the joint-speakers, this introduction of the elders has to do with the covenant ceremony.

Some commentators interpret that the sudden introduction of the elders is to emphasize the importance of this ceremony by appealing to other authorities than Moses or to

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(1962,207-211), however, views correctly that the difficulty of this section is the difficulty of Dt 27 as a whole, because this section cannot be explained fully without considering other sections around it.

244. For example LXX omits **אֶת־הַזְּקֵנִים** (*Mωυσῆς καὶ ἡ γερουσία Ἰσραὴλ*). A. Dillmann (*Dt*,36), C. Steuernagel (*Dt*,147), and J. Hempel (*BHS*) add **אֶת** in front of **יִשְׂרָאֵל וְזִקְנֵי**. A.D.H. Mayes (*Dt*,341) holds that 'the elders of Israel' is later addition. However, these solutions are unconvincing. This is mainly because we find another similar phenomenon in the following 27:9-10 where Moses is the sole speaker (N.B. the singular verb form), although he stands together with the levitical priests as the grammatical subject. And in 27:9-10 there is no important textual support if we change this text also in the same way. See the correct criticism of E. König (*Dt*,183). R.P. Merendino (1980,199f.) judges that these elders are neither the subject nor the object of the sentence compared with the seventy elders in Ex 24:19. Merendino finds here the specific function of the elders to take part in the meal only (Ex 24:11) but not in other activities (i.e. offering, building the altar, writing God's law). Although the connection between the two covenant texts sheds light on several issues about which we shall deal in ch. 4, by this interpretation he moves to the diachronical solution assuming **וְזִקְנֵי יִשְׂרָאֵל** (27:1) as the second subject inserted by the deuteronomistic redactor. J. Buchholz (1988,17) holds that **וְזִקְנֵי יִשְׂרָאֵל** is interpolation because of the different verb form (**וַיִּצַּו**) and the personal pronoun (**אֲנִי**) pointing clearly Moses. However, the incongruity of the subject and the verb form is not impossible, e.g. Josh 1:2. Further, he does not consider this issue with the similar phenomenon in 27:9-10.

245. J.A. Thompson (*Dt*,262) hints slightly at the covenantal connection of this issue.



promote respect for the appointed authorities (i.e. the elders in 27:1, the levitical priests in 27:9).<sup>(246)</sup> However, these interpretations seem to be too general to be applied here. And as we have seen in excursus (1), Moses receives the full authority from God as well as from the people, the *popularly demanded* and *divine* authority, it is unnecessary for Moses to receive extra support from these leaders especially at this stage.

We need to find out the proper reason for the introduction of this group of leaders by investigating especially their function within this kind of cultic ceremony. Comparison with the covenant ceremony in Ex 24:1-11 seems to shed light on this matter. We have seen in ch. 2 that the active involvement of 'the seventy elders' as the *senior* Israelites (זְקֵנֵי יִשְׂרָאֵל, Ex 24:1-2,9-11, cf. אֶל-אֲצִילֵי בְנֵי יִשְׂרָאֵל in Ex 24:11, 2.13.12.) and of 'the young men of Israel' as the *junior* Israelites (בְּנֵי יִשְׂרָאֵל, Ex 24:5, 2.12.13.) in this ceremony means the representative participation of Israel in the covenant initiated by God (אֱלֹהֵי יִשְׂרָאֵל, Ex 24:10). Therefore, it is very natural to assume that the introduction of the elders here is also related to the covenant ceremony where the elders function as the representatives of the people.<sup>(247)</sup> The elders' joint-speech with Moses symbolizes their active role in this ceremony : they take charge of some aspects of the future covenant ceremony in Canaan where Moses will not be any more.<sup>(248)</sup> In this respect Moses does not receive support from the elders, on the contrary he lays the foundation of the authority of the elders in front of the people to perform the ceremony in the future.<sup>(249)</sup>

This interpretation is in parallel with the following point. In 27:6-7a we read that two (burnt and peace) offerings are related to the elders (27:1) not to the priests who usually take charge of the offerings. Active involvement of the lay people in the offering (e.g. Lev 1-3) means that they are responsible for the offering. The covenant ceremony where the parties take part responsibly or voluntarily is the example of this kind of offering and

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246. M.G. Kline (1963,122). Or the interpretation that these elders are assistants (e.g. Symon, 1700,466). G.A. Smith (1918,301), following K. Marti (Dt,309) and followed by ADH. Mayes (Dt,340), suggests a rare solution that here we see the fusion of the two different introductions, 'Moses commanded the elders' and 'Moses commanded the people.' However, it is hardly justifiable. In 27:9-10 we read a similar phenomenon : Moses and the levitical priests appear as the joint-speakers, but the verb form (וַיִּצְוֶה) and the pronoun (אֲנִי) indicates Moses as the real speaker. However, he (1918,303) correctly doubts the validity of the common theory (A. Dillmann, A. Bertholet, C. Steuernagel, K. Marti, etc.) that 27:9-10 is the later addition.

247. Also the parallel text of Dt 27, Jos 8:30ff., seems to support this understanding. In Jos 8:30 Joshua is the subject of the sentence (building of the altar), but in Jos 8:31 the pl. form of verb (וַיִּצְוֶה) is used for the (burnt and peace) offerings, and in Jos 8:32 Joshua is again the subject of the sentence (writing Mosaic laws). This clear change of the subject in Jos 8:31 shows the author is conscious that others than Joshua are in charge of the offerings. Since we cannot deny the covenant ceremony is the subject matter here, it is natural to consider the elders, the representatives of the people, are in charge of the offerings.

248. P.C. Craigie (Dt,327). This function of the elders can be compared with the function of the levitical priests - who are also the joint-speakers of Moses (27:9-10) - in the future ceremony, pronouncement of the blessing and the curse (27:11-13) and of the oath (27:14-26), as we shall see. Moses prepares not only the covenant stipulations (Dt 5-26) but also the future role of the elders in the covenant ceremony.

249. J. Buchholz (1988,17 : 'und die Ältesten Israels, weil sie direkt neben Mose zu stehen kommen, so eine unbestreitbare Autorität erlangen') and similarly L.J. Hoppe (1983,34 : 'It is a short step to conclude that the elders were presenting themselves as successors of Moses'). Here, therefore, Moses does not simply command the elders about the future ceremony, but Moses together with the elders gives that command to the people in the *official* ceremony now in the Moab plain. This official (cultic) setting is also found in the similar text, 27:9ff. (see. G.von Rad, ATD, Dt, 119).



the elders function as the representatives of the people. This fact needs to be considered together with another interesting issue : although in 27:9 we read the levitical priests function as the joint-speakers of Moses, their concern is interestingly not related to the offering but with the admonition to obedience and the pronouncement of the blessing and curse (27:11-13) and of the oath formula (27:15-26).<sup>(250)</sup> This clear distinction of the role of the elders and the priests fits in very well with the character of this ritual as the covenant ceremony. In other words, the content of 27:1-8 is the preparation of some aspects of the covenant ceremony which will be taken charge of by the elders, offering and making covenant document. And that of 27:9ff. is the preparation of some aspects of the covenant ceremony which will be taken charge of by the priests, the pronouncement of the blessing and curse formula and of the oath formula. Ex 24:3-11, the comparable text with our text, is essentially the report of the covenant ceremony. It demands the active participation of the people as one party, who are represented by the elders, and Moses stands in this ceremony as the mediator. Now in Dt 27:1-8 for the preparation of the future event in Canaan, the elders speak with Moses about the future task for making a legitimate ceremony in which their active role is essential.

### 3.7.2. The connection between 27:1-8 and 27:9-10

It is worthwhile to elaborate the parallel between Moses' command with the elders (27:1b) and Moses' admonition with the levitical priests (27:9b-10).<sup>(251)</sup> :

(i) The elders / the levitical priests appear as Moses' joint-speakers of the admonition. The sudden appearance of the elders as joint-speakers after the long monologue of Moses (5:1-26:19) within Dt is so striking that many commentators suppose that it is impossible to regard it as the work of one author.<sup>(252)</sup> The same happens just after this short section (27:1-8) and in this case (27:9ff.) other joint-speakers are the levitical priests. Since these two passages where other subjects stand as the joint-speakers with Moses are unique in the whole Dt, and since these stand side by side, we cannot avoid concluding that these are the composition of the same author of the whole Dt rather than the accidental arrangement of the redactor.

(ii) But these leaders stand behind the actual speaker, Moses, which we realize from the verb form (וַיִּצַו, 27:1, וַיְרַבֵּר, 27:9) and the emphatic personal pronoun (אֲנִי, 27:1, 27:10).

250. The connection between 27:9-10 and 27:11ff. will be dealt with in 3.8.2.

251. There is a certain connection between these two features and the regulation about the (covenant renewal) ceremony given to the levitical priests (הַכֹּהֲנִים בְּנֵי לֵוִי) and the elders (זְקֵנֵי יִשְׂרָאֵל) in 31:9-13,28. Cf. E. König (*Dt*,183), O. Eissfeldt (1966,322-334), R.P. Merendino (1980,199), J. Buchholz (1988,15ff., 29ff.). These parallel features makes it possible to apply the interpretation of one section to the other section.

252. However, as we have pointed out if we cut Dt 27f. from Dt 26 we should also cut off 11:26-32 from the context, because both texts are basically about the same event, the future ceremony. Then these commentators should take the burden to explain why the final redactor has inserted such content, not one but two, unfitting with the context within the literature so tightly structured.



These two exegetical points illustrate that in both cases these *joint-speakers* are not the actual authority for each command, which is taken by Moses himself. The function of these leaders is simply *to stand by* Moses when he gives a command. Through this process they receive the power to perform the covenant ceremony in the future, when Moses will not be there any more. This process is quite similar to Moses' command to both the levitical priests (הַכֹּהֲנִים בְּנֵי לֵוִי) and the elders (כָּל-זְקֵנֵי יִשְׂרָאֵל) about the regular ceremony in the future (31:9ff.).<sup>(253)</sup> Both leaders should take charge of this ceremony. In the former part of the Moab pericope (5:1-6:4) the author tries to suggest what kind of authority Moses receives from the people and God but in Dt 27 the author suggests the distribution of the authority to both leader groups for the future ceremony.

(iii) The content of the command in each text is in fact the same : the admonition to the people to obey God and to keep his laws. If we observe the commands in each text, we realize that the commands can be divided into two parts : the first part (27:1b; 27:9b-10) is about the admonition of obedience to God's law given through Moses, and the second part (27:2ff.; 27:11ff.) is the practical command about the future ceremony.<sup>(254)</sup> The first parts of the commands (27:1b, 27:10), the admonition of obedience in both texts in deuteronomic phraseology, are quite similar to each other :

27:1b verb (שָׁמַר) + legal term + אֲשֶׁר + אֲנֹכִי + pt. of צוה + הַיּוֹם

27:10 verb (עָשִׂיתָ, שָׁמַעְתָּ) + legal terms + אֲשֶׁר + אֲנֹכִי + pt. of צוה + הַיּוֹם

At the same time and even more interestingly, these first parts of the commands are also related to the subsequent second parts of the commands in each text, 27:1b with 27:2ff. and 27:10 with 27:11ff.<sup>(255)</sup> This insight is significant for the exegesis of Dt 27 : the actual reason for the appearance of these leaders in this cultic situation is that each of them is

253. Although it is not our direct concern to find the definition of the feast of 31:9ff. and its historical place (Shechem, Shiloh, Bethel, etc.), it resembles strongly the covenant renewal ceremony, as many commentators agree (e.g. S. Mowinckel (1924,108f.), A. Alt (1953,325ff.), G.von Rad, G.E. Wright (Dt,512f.), M.G. Kline (1963,136f.), J. Wijngaards (1969,7f.), J.A. Thompson (Dt,290f.)), especially because of the proclamation of law (at least this point is agreed even by the sceptical commentators about the historicity of the regular covenant festival, e.g. ADH. Mayes, Dt,374f.). Interestingly only in 27:1, 31:9 we read the full phrase (כָּל-זְקֵנֵי יִשְׂרָאֵל) among 5 times use (5:23, 27:1, 29:9, 31:9,28) of 'the elders' outside of the legal corpus.

254. Although there is a new introduction of Moses' word in 27:11, we find a clear connection between 27:9-10 and 27:11-26 through הַיּוֹם הַזֶּה ('on the same day') in 27:11 (cf. 31:17,17,18,22). Therefore, the sole appearance of Moses from 27:11 does not make any change of the speech pattern begun from 27:9, because from 27:9 already Moses is the sole speaker. And as we will see soon, *the levitical priests* (הַכֹּהֲנִים הַלְוִיִּם) in 27:9 are actually *the levites* (הַלְוִיִּם) in 27:14 and this fact shows the connection between 27:9-10 and 27:11-26. Another fact which supports this understanding is the phrase of the commands in 27:1 (כָּל-הַמִּצְוָה אֲשֶׁר אֲנֹכִי מְצַוֶּה אֶתְכֶם הַיּוֹם) and in 27:10 (מִצְוֹתַי וְאֶת-הַקְּדוֹשׁ אֲשֶׁר) (אֲנֹכִי מְצַוֶּה הַיּוֹם). Although these commands are generally related to the observance of the whole deuteronomic laws, we have a strong impression that their practical concern is in the following decrees (i.e. 27:2-8, 27:11-26) to perform the covenant ceremony in Shechem.

255. We have the impression that the appearance of the levitical priests in 27:9ff. is not just for the admonition of obedience but mainly for the practical work in the future covenant ceremony in Canaan. This is exactly the same in the case of the elders (27:1-8). The parallel features of both sections (27:1-8 and 27:9ff.) can support the idea that the implication of one section can be applied to the obscure aspect of the other section. As we accept that the content of the cultic event in 27:2-8 fits well with the elders (27:1), we also support the idea that the cultic event in 27:11-26 (i.e. the proclamation of blessing and curse, the proclamation of the oath) fits well with the levitical priests. We shall see that הַלְוִיִּם, the leaders of the solemn oath (27:14), are actually הַכֹּהֲנִים הַלְוִיִּם (27:9).



practically related to certain stage within this specific cultic event. The elders are related to the performance of the ritual aspect of the ceremony : writing down the document, sacrificing the offerings, the ceremonial meal in front of God (27:2-8). Likewise, the admonition of Moses together with the levitical priests in 27:9b-10 is closely related to the command about cultic activity in 27:11ff. : proclaiming the blessing and curse (27:11-13) and the oath (27:14-26).

### 3.7.3. The command to erect the great stones to inscribe the laws

Writing down law on stone (pillar) is quite a common custom in the ANE<sup>(256)</sup> Although standing stones traditionally have a connection with covenant ritual and these stones can function as witnesses of a covenant<sup>(257)</sup>, in Dt 27 the witness idea has fallen into the background and the stones serve primarily to record the document.<sup>(258)</sup> This is because enormous emphasis is laid on the writing aspect of the covenant law, as we shall see in the study of the structure of 27:1-8.<sup>(259)</sup> However, outside the central pericope of Dt we find the concept of witness, הַשָּׁמַיִם וְהָאָרֶץ (4:26, 30:19, 31:28, 32:1). In this case we cannot explain clearly the reason for the difference of the witness-object between the stones (Gen 31:52, Ex 24:5, Jos 24:27) and הַשָּׁמַיִם וְהָאָרֶץ (Dt 4:26, 30:19, 31:28, 32:1), and we also cannot penetrate into the relationship between the change of the use of the stone(s) as the document of God's law and the selecting of other objects as the witness. Nevertheless, we can find out the reason why in 27:2ff. the stones are mentioned as functioning not as witness but for the specific purpose set out clearly in the context. In other words these great stones are totally subjected to the sole purpose of emphasizing the written law of God, more precisely in order to write down the law of God (27:3,8). This aspect corresponds very well with the general tenor of this section, the heavy emphasis on the law of God (see 3.7.5. about the structure of 27:1-8). Therefore, we assume the stone(s) does not function as the witness but other object is used in Dt as the witness, הַשָּׁמַיִם וְהָאָרֶץ.<sup>(260)</sup> In any case, the stones where God's law is written stress the

256. G.A. Smith (1918,302) gives a detailed information about the written document on the stone pillar of the various ANE laws.

257. The erected stone(s) has the function of witness for a certain official ratification of relationship making (e.g. Gen 31:48,52, וְעָרָה הַמִּצְבָּה; Jos 24:27, וְעָרָה הַמִּצְבָּה; Is 19:19-20). Also in Ex 24:5 (שְׁתֵּי עֶשְׂרֵה מִצְבֵּה לְשָׁנִים עֶשֶׂר שְׁבַע יִשְׂרָאֵל) we see the same example that the erected stones have the function of witness, although we cannot find the term עָרָה here. The number of the stones is 'twelve' and 'the tribes of Israel' prove strongly this interpretation.

258. There is no mentioning that אֲבָנִים גְּרֵלוֹת in 27:2 has the function of the witness as DJ. McCarthy (1978,196) points out.

259. This kind of emphasis is not strange in the Hittite treaty, Sefire (Stela LB8), and VTE. DJ. McCarthy (1978,196) holds that the treaty tradition, emphasizing writing, makes the monument a more powerful witness in Israel as in Syria.

260. In fact this new object is broader than the former object and it is visible always and in every time and place. This new object is to be brought as the witness without limitation of time and space, compared with the former one, because to use the first object as the witness we should go to the place where the stone(s) has been set up and the security of the stone(s) is not warranted.



importance of God's law as the covenant condition.<sup>(261)</sup>

### 3.7.4. The old regulation about building the altar (27:5b, cf. Ex 20:25)

Before studying this topic, it is necessary to investigate several words or phrases related to the stone(s) in 27:1-8, because they can cause a confusion in exegesis (27:2,4,5,8) : 27:2 (אֲבָנִים גְּרִלוֹת) / 27:4 (הָאֲבָנִים הָאֵלֶּה) / 27:8 (הָאֲבָנִים) / cf. 27:5 (מִזְבֵּחַ אֲבָנִים לֹא-תִנִּיף עֲלֵיהֶם) (פְּרָזֶל). A clear difference is found in the use between 27:5 (מִזְבֵּחַ אֲבָנִים לֹא-תִנִּיף עֲלֵיהֶם) and the rest of them. In all other three cases 'stones' (אֲבָנִים) are used independently, but 'stones' (אֲבָנִים) in 27:5 are used as *nomen rectum* towards *nomen regens* מִזְבֵּחַ (cf. for the appositional relationship מִזְבֵּחַ (st. cons.) should be מִזְבֵּחַ (st. abs.)). In 27:5b the author intends to describe in detail *how* or *with which* materials the altar (מִזְבֵּחַ) mentioned in 27:5a has to be made.<sup>(262)</sup> Moreover, in the other three cases the use of the article is very clear : except the initial one אֲבָנִים גְּרִלוֹת (27:2) two others have the article ה. And also the connection between 27:1-4 and 27:8 is clear, and 27:5-7 has to be dealt with separately (3.7.6.). Here the author clearly intends the connection of these three cases (27:2,4,8) and the separation of 27:5 from these three.<sup>(263)</sup> And we can add the practical reason for rejecting the interpretation that there is confused use of these two kinds of stones (27:2,4,8, and 27:5) : it is unnatural to write God's law on the surface of natural stones used for building the altar (27:5). In particular, when we consider that the author gives special attention to the surface of the stones where the law of God has to be written. We cannot overlook the great contrast between the natural unhewn stones of the altar (27:5-7) and the stones whose surface is carefully prepared (27:2-4) and where the law should be written with extreme clarity (27:8). The important function of this writing on the stones is to stress the importance of God's law.

The dependence of this regulation about building the altar on the old regulation (Ex 20:25) is pointed out.<sup>(264)</sup> Furthermore, one needs to note that 27:5-7 is related to the covenant ceremony in Ex 24:3-8 as well as to the altar law in Ex 20:24-25.<sup>(265)</sup> This is

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261. A. Phillips (1972,178f.) accepts writing down on stele as a part of covenant renewal festival, although he cannot suggest the detailed aspects of this ceremony. Our study on Ex 24:3-8 has shown (212.1.1. & 212.1.4.(2)) that the importance of writing down the covenant document in the ratification ceremony.

262. In other words, 'stones' in 27:5b are simply the expression of *genitive of substance*, or *genitive of material* (GK § 128-a, Joüon § 129-f-5, Lettinga § 70-c-4, WO § 9-5-3-d). Grammatically, therefore, it is impossible to draw the connection of these stones in 27:5 with the stones in 27:2,4 and 8.

263. Pace e.g. M. Anbar (1985,304). The use of words in each phrase clearly shows the dependence of אֲבָנִים גְּרִלוֹת (27:2), article + pronoun / הָאֲבָנִים (27:8, article) on אֲבָנִים גְּרִלוֹת (27:2). A similar phenomenon is found between the phrases אֲתֵּי-הִירָרְוּ אֶל-הָאָרֶץ אֲשֶׁר-יְהוָה אֱלֹהֶיךָ נָתַן לָּךְ (27:2) and בְּעִבְרָךְ (27:3) / בְּעִבְרָתְךָ (27:4). The first one (27:2) is the detailed clause, but the second (27:3) and the third (27:4) are simply one verb clause.

264. For example G.A. Smith (1918,302 : the substitution of פְּרָזֶל in Dt is striking), E. Nielsen (1955,348), P.C. Craigie (Dt,329), M. Anbar (1985,306 : nice parallel between Ex 20:24-25 and Dt 27:5-7).

265. A. Dillmann (Dt,366). It is very possible that Ex 24:4 is the application of the principal altar law in the the same Sinai pericope in Ex 20:24f., and therefore in Ex 24:4 there is no specific mention about this regulation. In Dt 27:5-7 we can find the same consciousness about the preparation of the altar and the author seems to hold that this case is also an application of the principal altar law and the regulation about the earthen altar (Ex 20:24) is not to be mentioned because it is irrelevant here.



because in both texts (Ex 24:3-8 / Dt 27:1-8) we find several similarities, writing the law, the altar, two sacrifices (burnt offering, peace offering). This fact leads us to conclude that 27:1-8 is basically about the ceremony of the covenant making like Ex 24:3-8, although there is strong emphasis on the law of God in Dt 27:1-8.<sup>(266)</sup>

### 3.7.5. Other covenantal characteristics of 27:1-8

We find in this section two more issues related to the covenant ceremony, the offerings (27:6-7a), rejoicing before God (27:7b). Our study of Ex 24:4-5 (2.12.1.2. & 2.12.1.3.) has shown the combination of the burnt offering and the peace offering can be used as the covenant offering and this result can also be applied to 27:6-7a. Rejoicing before God (27:7b יהוה אלהיך) is compared with the joyful celebration after making an official relationship which was common in the ANE society. In particular, the detailed description about the *positive*<sup>(267)</sup> audience after making the covenant ratification ceremony in Ex 24:9-11, although שמח is not used, is quite similar to the description of 27:7b. In the present text of 27:6-7 we find three stages of the process and the end of each stage is signaled by יהוה אלהיך :

- (i) the altar building (יהוה אלהיך + אבנים שלמות תבנה את-מזבח),
- (ii) the burnt offering (ליהוה אלהיך + והעלית עליו עולת),
- (iii) the peace offering and joyful celebration  
(יהוה אלהיך + וזבחת שלמים ואכלת שם ושמחת לפני).

They are in fact the simplified expression compared with the detailed description on the covenant ceremony in Ex 24:3-11. This simplification makes a clear contrast with the double expression about the writing of God's law in the same section.

If we accept that the choice of the mount Ebal is deliberate and this has a connection with the patriarchal events in Shechem (Gen 12:6-7, 33:18-20)<sup>(268)</sup>, the action in 27:1-8 is meaningful as the first covenant renewal to be held in the promised land from the time of the patriarchs.

### 3.7.6. The structure of 27:1-8

For the structure of 27:1-8 the most awkward passage is 27:5-7.<sup>(269)</sup> Therefore, there is

266. A detailed comparison of both texts will be dealt with in 4.2.6.

267. *Positive* means that the encounter between God and Israel is not threatening as in Ex 19:9ff., whose negative appearance makes a good contrast with this positive confrontation in Ex 24:9-11.

268. For example G.E. Wright (*Dt*,488ff.), P.C. Craigie (*Dt*,328). It is not necessary for our thesis to discuss whether there is emendation from the side of MT (into Ebal, e.g. E. Meyer (1906,546), C. Steuernagel (*Dt*,148), G.von Rad (*ATD*,*Dt*,118), J. Hempel (*BHS*), A.D.H. Mayes (*Dt*,341)) or from the side of SamP (into Gerizim, e.g. S.R. Driver (*Dt*,297), E. König (*Dt*,148), J. Ridderbos (*KV*,11,69 = *BSC*,*Dt*,249), P.C. Craigie (*Dt*,328,n5)) because of the theological tension between two parties.

269. Therefore, commentators consider this as pre-deuteronomical, because 27:5-7 speaks of the construction of an altar outside Jerusalem and is only secondarily connected with 27:1-4, e.g. A. Bertholet (*Dt*,83), E. Sellin (1917,23), H. Gressmann (*Dt*,157), C. Steuernagel (*Dt*,147), J. Hempel (1914,147), S. Mowinckel



no real effort to find a certain structural framework within this section among commentators.<sup>(270)</sup> In order to find the structure it is necessary to analyze the degree of repetition. The parallel feature between 27:2 and 27:4 (repetition I) is well acknowledged.<sup>(271)</sup> We find other parallel passages in 27:3 and 27:8 (repetition II) :

### Repetition I :

#### 27:2

1. the common start (וְהָיָה)
2. the common content
  - (a) אֱלֹהֵי אֶרֶץ אֲשֶׁר-יְהוָה אֱלֹהֶיהָ נָתַן לָהּ + addition (וְהָיָה בַיּוֹם אֲשֶׁר תַּעֲבֹדוּ אֶת-הַיְהוָה)
  - (b) וְהִקַּמְתָּ לָהּ אֲבָנִים גְּלוּת
  - (c) וְשָׂרַפְתָּ אֹתָם בַּשֵּׁד
3. the common number change : from 2.pl. to 2.sg.<sup>(272)</sup>

#### 27:4

1. the common start (וְהָיָה)
2. the common content
  - (a) : וְהָיָה בַּעֲבֹדְכֶם אֶת-הַיְהוָה
  - (b) : (אֲשֶׁר אֲנֹכִי מַצְוֶה אֹתְכֶם הַיּוֹם בְּרֵד עִיבָל) + addition (תִּקְיֹדוּ אֶת-הָאֲבָנִים הָאֵלֶּה)
  - (c) : וְשָׂרַפְתָּ אֹתָם בַּשֵּׁד
3. the common number change : from 2.pl. to 2.sg.

### Repetition II<sup>(273)</sup>:

#### 27:3

- (a) וְכָתַבְתָּ עָלֶיךָ אֶת-כָּל-דִּבְרֵי הַתּוֹרָה הַזֹּאת  
 expansion 1 : בַּעֲבֹדְךָ לְפָנָיו אֲשֶׁר תָּבִיא אֱלֹהֵי אֶרֶץ אֲשֶׁר יְהוָה אֱלֹהֶיהָ נָתַן לָהּ אֶרֶץ זָבַת חָלָב וּדְבַשׁ
- expansion 2 : בְּאֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֵי-אֲבֹתֶיךָ לָהּ :

#### 27:8

- (a) וְכָתַבְתָּ עַל-הָאֲבָנִים אֶת-כָּל-דִּבְרֵי הַתּוֹרָה הַזֹּאת
- (b) בַּיּוֹם הַיּוֹם

(1924,97ff.), E. Nielsen (1955,52). DJ. McCarthy (1978,194ff.), although he admits there are several sources here, points to the covenantal aspects of this section, altar, sacrifice, writing of law. The connection of these two aspects strongly alludes to the covenantal sacrifice.

270. For example R. Clifford (1982,143) holds the unity of 27:1-8 by asserting that 27:8 resumes 27:3. However, he lacks the detailed study about this.

271. For example A.C. Welch (1932,51). However, his recomposition about the origin of these verses is highly speculative, because basically he assumes the work of the copyists.

272. The number change *within* one sentence (27:2, 27:4, also 5:1 (from 2sg. to 2pl), 6:1ff. (from 2pl. to 2sg)) makes it difficult for us to assume the different origins of each section belonging to the different number (e.g. E. Nielsen, 1955,50f.). Rather it seems to be better considered as a rhetorical device of the author (N. Lohfink, G. Braulik, J.A. Thompson, J. Wijngaards, G. Langer (1989,13)). Recently ADH. Mayes (1990,177) holds that the number change phenomenon cannot be a reliable independent criterion of source analysis or distinction between stages of redaction.

273. Although 27:3 is longer than 27:8, the latter contains more new information than the first. The additions 1 and 2 in 27:3 are the stereotype clause in Dt.



From these features we realize that 27:1-8 is structured by two repetitions. The content of these repetitions is to erect the stones to write the law of God, and this means strong emphasis on the law of God. At the very last part (27:8b) we also find the emphasis on the law once again, **כִּי יִכָּתֹב הַחֹק** (the law should be written most obviously). Through these features enormous emphasis is laid on writing on the stone tablet and ultimately on the law of God. If we compare the two stone objects, one for erecting and for writing on them (27:2,4,8) and the other for building the altar (27:5), it becomes apparent that the first stone building receives more emphasis than the second. This difference seems to help the intention of the author who wants to stress the law.<sup>(274)</sup> This emphasis has to be taken in conjunction with the general tenor of Dt to stress the law of God. In other words, all these facts seem to be understood very well if we consider the importance of the law of God in the Moab covenant as the condition of the covenant relationship.<sup>(275)</sup> The second component of this section, however, building an altar, is not repeated (27:5-7). Moreover, in this short passage there is not only the command for building an altar but also the command about many other aspects of the covenant ceremony which are *abridged*: sacrificing the burnt offering and the peace offering, eating the meal, having an audience with God. Moreover, given that the regulation about the old method of building the altar takes a certain space (27:5b) within the three verses (27:5-7), we realize that the description about the other aspects of the covenant ceremony is simplified considerably. The rich repetition of the writing of **כָּל-דִּבְרֵי הַתּוֹרָה הַזֹּאת** forms a great contrast with this simplified or *abridged* description of other aspects of the covenant ceremony.<sup>(276)</sup>

The connection between the first theme (writing down God's laws, 27:2-4,8) and the second theme (offering, etc., 27:5-7)<sup>(277)</sup> is not only provided through *the common compositional material*, the stones, which we shall discuss soon, but also by **שָׁם** (27:5) which obviously returns to **בְּהַר עֵיבָל** (27:4). This connection is further vindicated through the use of **בְּהַר עֵיבָל** in the building of the altar in Jos 8:30, the parallel text of Dt 27:1-8.<sup>(278)</sup>

274. DJ. McCarthy (1978,195). He rightly observes the present structure: 'the latter (the altar, TGS) is thoroughly subordinated by being surrounded by the former (writing the law on the stones, TGS).'

275. We have already seen how the legal aspect is crucial in the Moab covenant. For example the initial position of the decalogue (5:6-21) in the Moab covenant pericope (4:45-28:69) compared with its position in the Sinai covenant. And the introduction of the new aspect compared with the Sinai covenant, the pericope of Moses' admonition (*the Hauptgebot pericope*, Dt 6-11) whose theme is to admonish the people to keep the law is the result of the strong emphasis on the law of God in Dt. On the whole the law corpora (the decalogue, *the Hauptgebot pericope*, and the deuteronomistic laws, Dt 5-26) stand in the front part of the Moab covenant compared with the covenant ceremony pericope (26:16-68:69) coming in the later part.

276. P.C. Craigie (Dt,327,n.2). Cf. W.J. Martin (1969,179-186). Despite the fact that this section as a whole is the section of the covenant ceremony and in the central pericope of Dt (4:45-28:69) we read numerous admonitions about obedience to God's law, in 27:1-7 we read the repeated command about writing the law and the simplified description on the cultic issue. However, as we have mentioned, this seemingly unbalanced disposal of two parts is well balanced with the general tendency of Dt stressing the importance of the law.

277. P.C. Craigie (Dt,328) holds this division of themes.

278. Interestingly in Jos 8:30ff. the altar is first mentioned with **בְּהַר עֵיבָל** and writing down God's law is described later and with **שָׁם**. Namely in Dt 27:1-8: (I) writing down with **בְּהַר עֵיבָל**, (II) the altar with **שָׁם**; but in Jos 8:30ff.: (I) the altar with **בְּהַר עֵיבָל**, (II) writing down with **שָׁם**. We shall see



Another interesting point is that this second theme of the section (27:5-7) is contained in the context of the first theme, the writing of *כָּל־דְּבַר הַתּוֹרָה הַזֹּאת* in 27:1-4,8. In other words, the other regulations about the covenant ceremony are only mentioned in between the second mention of erecting the great stones (27:4) and writing *כָּל־דְּבַר הַתּוֹרָה הַזֹּאת* on them (27:8).

We now consider the reason why the author mentions the cultic issue from 27:5. The common aspect of both contents (i.e. writing down God's law, offering on the altar) is *אֲבָנִים* (27:2,4,5). Probably according to the literary scheme of the author there are two objects made by 'stones', which are *the common compositional material or catch word* of this section. Therefore, after starting the repetition in 27:4 where *אֲבָנִים* appears, the author introduces another theme which is related to the first theme (writing down God's laws) through *the common compositional material or catch word*, *אֲבָנִים* (27:5).

### 3.8. 27:9-10 (The levitical priests and the covenant ceremony)

The connection of this section with 26:16-19 is acknowledged by many commentators.<sup>(279)</sup> However, usually they cannot explain the present compositional arrangement with the consideration of other sections like 27:1-8, 11-13, 14-26 between 26:17-19 and 28:1ff. There are two major problems in this section : firstly the reason why the levitical priests are introduced as joint-speakers of Moses, and secondly the function of this section within 26:16-28:69.

#### 3.8.1. The introduction of the levitical priests as joint-speakers with Moses

The introduction of the levitical priests as joint-speakers with Moses here is as striking as the introduction of the elders as Moses' joint-speakers in 27:1.<sup>(280)</sup> As we have seen in the case of the introduction of the elders as Moses' joint-speakers in 27:1-8, the introduction of the levitical priests as Moses' joint-speakers has something to do with the content of 27:9-10 as well as the rest of Dt 27, 27:11-13 (the pronouncement of the blessing and curse), 27:14-26 (the pronouncement of the oath, see 3.9.6.). In other words, the introduction of

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about the difference of the order of events in both texts in the synoptic study on Dt 11:26ff., Dt 27, and Jos 8:30ff. (39).

279. J.J.P. Valeton (1881,42), S.R. Driver (Dt,298), A.F. Puukko (1910,100), J. Hempel (1914,85), G.A. Smith (1918,303), C. Steuernagel (Dt,147, 'eine Wiederaufnahme von 26:16-19 zum Zweck der Anknüpfung von K. 28 verstanden werden.'). M. Noth (1930,144f. : 'Dt 27:9-10 sind wohl das älteste Gut in ganzen Kapitel'), G.E. Wright (Dt,488), G.von Rad (ATD,Dt,119 : 'Die Gehorsamsleistung stand nicht als eine Bedingung vor dem Bund, sondern sie folgt ihm, und zwar im Sinne des Dt. aus dem Motive der Dankbarkeit.'). E.W. Nicholson (1967,34), W. Schottroff (1969,225,n.1), and A. Phillips (1972,179). Sometimes they make further connection with 28:1ff.

280. A.C. Welch (1932,54), finding this problem, argues that this is because in 27:5ff. the altar came into existence. However, this observation does not fit in with the situation of the context of 27:9-10, because there is no function of the altar in 27:9-10 as well as in 27:11-26 and there is no relationship between the altar and the priests in 27:9-10.



the levitical priests is not accidental but essential considering the next components of the ceremony in Dt 27. They are usually in charge of many kinds of legal pronouncements including not only blessing and curse (e.g. Num 5:11-31, Dt 21:5, וּלְכַרְתֶּם בְּשֵׁם יְהוָה) but they are also responsible for preserving the law of God (Dt 31:9,24f.). The first aspect is visible in 27:11-13, 27:14-26 and the second aspect is found in 27:9-10.

### 3.8.2. The function of 27:9-10 within 26:16-28:69

R. Polzin<sup>(281)</sup> deals with this issue systematically. He finds in 27:1,9,11 examples of *frame-break*, because in these verses we read the change of the subject, which occurs very rarely in Dt. Considering this *frame-break* within the present text positively<sup>(282)</sup>, he<sup>(283)</sup> argues that the continuous appearance of these *frame-breaks* in Dt 27 looks like an obvious and awkward interruption of Moses' second address only if one forgets that the whole book shows signs of and intricately planned composition. Although his finding of this *frame-break* is considered as reasonable, it does not prove his somewhat strange interpretation<sup>(284)</sup> of this phenomenon is right :

'if we have faith in the deliberate compositional complexity of the book, we are led to see the frame-breaks of 27:1a, 9 as further diminishing the uniqueness of Moses' authority at the key place in the text.'<sup>(285)</sup>

27:11 is similar to the *frame-break* with the third address, 31:1. And both verses shift the reader back to the narrator's present time in order to reinforce the reader's experience that it is the narrator who is the vital link between Moses and 'this day' of the reporting speech.

The most critical defect of R. Polzin's theory is the contradictory understanding of Moses' voice and the narrator's voice. Is it not true that the narrator who quotes the word of Moses wants to complement or to make Moses' word more acceptable to the reader / listener rather than contradict with it ? This defect of Polzin's theory becomes apparent when we discover at the end of Dt (34:10-12) the most powerful and lengthy exaltation of

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281. 1980,30; 1981,204-211; 1987,92-101. He depends on the theory of frame analysis of E. Goffman (1974).

282. 1981,206 : 'Historical-critical explanations of these verses as crude editorial additions may be considered premature, since it can be plausibly argued that such frame-breaks perform an integral and important function in the text. Rather than indications of sloppy editorial tampering, these breaks in the text serve to represent the narrator's subtle but powerful claim to his audience to be the sole authentic interpreter of Moses' words.'

283. (1981,209f.).

284. (1981,210).

285. He (1987,93) argues further the quotation method used in Dt is the technique of the 'habitual infiltration of the narrator's speech within Moses' speech' and 'such artful contaminations are the basis for the deep-seated, as well as superficial, *double-voiced* nature of Deuteronomy.' In the end, these *frame-breaks* are part of subtle but effective strategy on the part of the Deuteronomist gradually to blur or soften the unique status of Moses at the very same time that most of the retrospective elements in the book explicitly enhance it. In other words, in Dt we hear two ideological voices (1981,210; 1987,94) : 'an overt, obvious voice that exalts Moses as it plays down its own role, and a still, soft, voice that nevertheless succeeds in drawing attention to itself at the expense of Moses' uniqueness.'



Moses which cannot be compared with any other passages in the Pentateuch, which according to Polzin's interpretation, should not be there.<sup>(286)</sup> Further he does not investigate individual texts in the proper depth and we can see the same superficial consideration on the content of 27:1,8, 27:9ff.

Within 27:1,9f. we find the actual speaker is Moses expressed with emphatic אֲנִי. This means that the authority of Moses is not diminished in this section. Rather he *supplies* the authority to perform the future ceremony to the elders and the priests. What concerns the author is not the gradual substitution of Moses' authority for the narrator's one, but that Moses prepares to hand his authority, which he has received from God and the people, over to the leaders to perform the proper covenant renewal and to lead the future life in the promised land under that covenant. To some extent we sense Moses' retreat in the last sections of Dt, but it does not mean the diminishing of Moses's authority but the preparation for his departure.

About 27:11 we cannot compare this part with 31:1 because from 31:1 there is a new start for the last long pericope of Dt (Dt 31-34) which forms the overarching parallelism with the initial pericope of Dt 1-4. 27:11 is, however, the start of a small section (27:11-26) and at the same time it has a connection with 27:9-10 because the same levitical priests are the major actors in both aspects of the ritual (27:9-10, 27:11-26). As we have seen in 3.6.5.5., 27:11 has also a certain connection with 27:1-8. And the fact that 27:9-10, compared with the long pericope of Moses' word in 5:1-26:19, is too short to be considered as an independent unit, makes it difficult for us to hold that there is a new start from 27:11. This is an example of R. Polzin's poor reading of the individual text.

In order to know the function of 27:9-10 within the pericope 26:16-28:69, we consider its connections in two directions, backwards (the connection with 26:17-19, 27:1-8) and forwards (the connection with 27:11ff.).

Firstly we want to look at the connection of 27:9-10 with 26:17-19 and 27:1-8 (3.7.1.). The sentence starts with the imperative (הִסְכֵּת וְשָׁמַע יִשְׂרָאֵל) and its content (הַיּוֹם הַזֶּה נְהִייתָ לְעַם לַיהוָה אֱלֹהֶיךָ, 27:9b) is actually the restatement of the covenant relationship that has been established just now in 26:17-19 : the restatement that Israel has now become the people of God (הַיּוֹם הַזֶּה נְהִייתָ לְעַם לַיהוָה אֱלֹהֶיךָ) clearly recalls the event in 26:17-19.<sup>(287)</sup>

286. Although the vexing problem of 18:15-18 is not our direct concern, it is unlikely that in this specific text the narrator (actually the author) prepares subtly his own authority at the expense of Moses' uniqueness (cf. 1981,211).

287. R. Clifford (1982,143) : 'Moses and the Levitical priests address the people in the spirit of 26:16-19. They have become the people of the Lord and therefore are to keep his commandments.' However, he lacks detailed exegetical study. In the exegesis of 26:17-19 we have seen this pronouncement is related to the fundamental statement (i.e. the first promise) עַם סִגְלָה in 26:18. Because other promises עֲלִיּוֹן (the second, 26:19a) and עַם-קָרִישׁ (the third, 26:19b) are related to 28:1 (עֲלִיּוֹן) and 28:9 (עַם-קָרִישׁ), the connection of עַם סִגְלָה (26:18) with עַם לַיהוָה אֱלֹהֶיךָ (27:9b) is very natural. And the change of the specific term עַם סִגְלָה into the general term עַם לַיהוָה אֱלֹהֶיךָ in 27:9 is understandable in the situation of giving the general admonition by recalling the meaning of becoming God's people.







27:9-10 : introduction, 27:11 : new introduction, 27:12ff. : commands

However, we have already pointed out that Polzin's interpretation in 27:11 in connection with 31:1 is not satisfactory, because there is not only a certain connection between 27:9-10 and 27:11-26 but also 27:9-10 is too short to be considered as an independent unit. Why does the author formulate something of a new start in 27:11, although he supposes a certain connection between 27:9-10 and 27:11-26? The reason seems to be found in the structure of 26:16-28:69 as we have seen in 3.6.5.5. The uniqueness of the Moab covenant is that the covenant renewal ceremony has to happen in two different times and at two different places. The strategy which the author chooses to overcome the impression of two covenants or two covenant ceremonies is also unique: arranging the sections on the present event and the future event one after another (3.6.5.5. and chart III). According to this theological strategy of the author 27:9-10 belongs to the section of the present (Moab, הַיּוֹם הַזֶּה), after the first Shechem section (27:1-8), where we find the simple form of the first promise (נְהַיֵּיתָ לְעַם לַיהוָה אֱלֹהֶיךָ) which God has pronounced to Israel (26:18-19). In this Moab section, 27:9-10, the people listen to the admonition of Moses and the levitical priests, although the official and cultic pronouncements<sup>(292)</sup>, which will be made in 27:11-13,14-26, are related to the (levitical) priests (27:9). There should be a new introductory clause in 27:11, because there should be a clear change of time and place between 27:10 and 27:11. In this way the author contrasts the total structure of the cultic sections of the covenant renewal in 26:16-28:69.

### 3.9. 27:11-13, 11:26ff., Jos 8:30ff. (The blessing and curse, the oath)

After the introduction of 27:9-10, the author reports in 27:11f. Moses' command about some aspects of the future covenant ceremony. The important difference between 27:11-13 and other texts in 26:16-28:69 is that 27:11-13 has two parallel texts, one in Dt (11:26ff.) and one in Joshua (8:30ff.). All these texts are closely related to the covenant ceremony at Gerizim and Ebal (Shechem). They describe a ceremony which contains several symbolic actions which are not fully recognized and explained by commentators hitherto. Therefore, it is evident that we have to investigate 27:11-13 and to compare it with other parallel reports. It is very rare in the OT, except in the dt. and chr. history books, to have three texts which report the same event, two texts (Dt 11:26-32, Dt 27:11-13) before the event and one text (Jos 8:30-35) after the event. The simultaneous study of these texts cannot simply be a comparative study rather a *synoptic* study such as is practiced in the

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292. The official (cultic) setting of this section is stressed by the special word 'be silent!'. G.von Rad (ATD,Dt,119 = OTL,Dt,166 : 'Das Stück hat ja deutlich liturgisches Gepräge und scheint einen bestimmten Punkt im Ablauf eines Rituals zu bezeichnen. Die Ausrufung eines kultischen Schweigens am Höhepunkt eines Zeremoniells findet sich zu Zeph. 1,7; Sach 2,17; Neh 8,11').



synoptic gospels.<sup>(293)</sup> We summarize the purpose of this synoptic study as follows. We basically want to know two points : (i) how far these three texts are different from or similar to each other in describing various aspects of the ceremony, (ii) whether these three texts bring a unified picture of the essential theological meaning of the ceremony.

### 3.9.1. Geographical description : Ebal and Gerizim

The most detailed description of the position of the two mounts, Gerizim and Ebal<sup>(294)</sup>, where the covenant ceremony will be held, is found in Dt 11:30 :

הַלְאֵה־הַשָּׁמַיִם בְּעֵבֶר הַיַּרְדֵּן אַחַד יָהָה מִבּוֹא הַשָּׁמֶשׁ  
בְּאֶרֶץ הַבְּנֵי־עַמִּי הַיֵּשֶׁב בְּעֵרְבָה מִלְּהַגְלָל אֶצֶל אֱלֹהֵי מֶרְחָה

Despite the author's intention to give detailed information about the location of the mounts, commentators recognize that it is rather difficult to decide their precise location, especially because of two phrases in Dt 11:30 : מִלְּהַגְלָל and אֶצֶל אֱלֹהֵי מֶרְחָה. If Shechem, recognized as a traditional place of cult and covenant, were so important for this covenant ceremony, it should be mentioned rather than the names of the two mounts. Instead the three texts (Dt 11:29, 27:12-13, Jos 8:33) list consistently only the names of the two mounts. Regardless of whether these two mounts are situated in the vicinity of Shechem or not, therefore, we conclude that the primary concern of these texts is not that the covenant ceremony happened in Shechem or in some other place, but that the two mounts contrastingly symbolize the vital part of the covenant ceremony, the blessing and the curse : Gerizim for blessing (Dt 11:29, 27:12) and Ebal for curse (Dt 11:29, 27:13)<sup>(295)</sup>. Just as the two mounts are unmistakable to those in that area, the blessing and the curse are also very obvious. There is no other choice but these two, and this is a theological implication of choosing the two mounts. Therefore, we conclude that these three texts show no

293. In fact the synoptic relationship between these three texts is closer than that of the synoptic gospels. In the synoptic gospels there are obviously different writers who wrote the same stories with their own purpose and different tendencies, but in our case two texts (Dt 11:26ff, Dt 27:11-13) belong to the same work, Dt, and one text (Jos 8:30ff.) reveals clearly that it depends on Dt and it is the fulfilment of the command in Dt. MA. O'Brien (1989,63) even holds that three texts are the production of the same hand. All three texts focus on one event, the covenant ceremony at Gerizim and Ebal, even though each of them may have a different perspective.

294. Because of the geographical indications in these texts commentators try to distinguish the Gilgal tradition and the Shechem tradition which stand behind these texts. For example O. Eissfeldt (1973,165-173, esp. 170) divides into two categories, Dt 11:29-32 and Dt 27:11-13 (related to the Shechem tradition), Dt 27:1-8 and Jos 8:30-35 (related to the Gilgal tradition). However, this hypothesis causes problems than it solves

295. However, in Jos 8:33 the two mounts are not directly connected with blessing and curse. There is a long detailed description about the circumstances : the people (וּכְלִי־יִשְׂרָאֵל חִקְנִזוּ וְשִׁטְרוּם וְשִׁפְטִיזוּ) and עֲמַדִּים מִזֶּה וּמִזֶּה לְאֵרוֹן לְגֵר הַבְּהִימִים הַלְוִיִּם נִשְׂאִי אֲרוֹן (כַּגֵּר בְּאֶרֶץ כְּנָעַן), the action of the people (בְּרִית־יְהוָה חֲצִיזוּ אֶל־מִלְּהַגְלָל הַר־עֵיבָל בְּאֶשֶׁר צִוָּה) the basis of the action (לְבָרְכֶךָ אֶת־הָעָם יִשְׂרָאֵל) and the purpose (מִשָּׁה עֲבַר־יְהוָה) and the purpose (לְבָרְכֶךָ אֶת־הָעָם יִשְׂרָאֵל). Despite this long sentence, we cannot deny the obvious resemblance of this text to Dt 27:12-13. The key expressions of Dt 27:12-13 (אֱלֹהֵי אֶרֶץ עַמִּי וְאֱלֹהֵי יִשְׂרָאֵל עֲמַדוּ עַל־הַקְּלָלָה בְּהַר עֵיבָל (v. 12) / עֲמַדוּ לְבָרְכֶךָ אֶת־הָעָם עַל־הַר גֵּרִיזִים (v. 13)) are well kept, but modified and enlarged in Jos 8:33. In particular, the basic sentence structure עֲמַד (main verb) + בָּרַךְ (l-inf. cons.) in Dt 27:12 is maintained in Jos 8:33. Because of this strong resemblance we consider that this לְבָרְכֶךָ in Jos 8:33 is connected with standing action in Gerizim, as we shall see below, even though we could assume some grammatical reasons (and perhaps some theological reasons) for not using עַל־הַקְּלָלָה in Jos 8:33.



essential difference about the location of the ceremony. The detailed study of two important geographical phrases, **בְּעֶרְבָה**<sup>(296)</sup> and **מִלִּל הַגִּלְגָל**<sup>(297)</sup> in Dt 11:30 illustrates that all theological speculations around these phrases are not necessary.<sup>(298)</sup>

### 3.9.2. The phrases of the blessing and the curse in the three texts

In the synoptic study of the three texts we want to concentrate on the aspect of the blessing and the curse, i.e. the formation of the phrases describing the symbolic actions related to the blessing and the curse :

- Dt 11: 26 רָאָה אָנֹכִי נֹתֵן לְפָנֶיכֶם הַיּוֹם בְּרָכָה וּקְלָלָה  
 27 אֶת־הַבְּרָכָה אֲשֶׁר  
 28 וְהַקְלָלָה אִם־לֹא  
 29 וְנִתְּנָה אֶת־הַבְּרָכָה עַל־יַד גְּרִזִים  
 29 וְאֶת־הַקְלָלָה עַל־יַד עֵיבָל  
 Dt 27:12 אֵלֶּה יַעֲמִדוּ לְבָרָךְ אֶת־הָעָם עַל־יַד גְּרִזִים  
 13 וְאֵלֶּה יַעֲמִדוּ עַל־הַקְלָלָה בְּיַד עֵיבָל

296. This term 'has a wide sphere of reference, denoting the great rift valley that extends from the Sea of Tiberias in the north to the Gulf of Aqaba in the south' (P.C. Craigie, *Dt*,90). J.A. Thompson (*Dt*,81,85) holds that this area in these verses indicates the region north of the Dead Sea. This word of 11:30 in the same line as indicating the long coastal area stretching from the Tiberias down to the Dead Sea and sometimes below. And it is not far from the Jordan river to Shechem (e.g. the estimation varies from 18 miles (G.A. Smith, *1918*,302) to 20 miles (32 kilometers, A. Phillips, *1972*,178)). In 11:30 the author concentrates attention on *the Canaanites living on this coastal area*, and therefore it does not mean only the land of the Canaanites near Jericho. Then this word is not incompatible with other geographical phrases in 11:30, **מִלִּל הַגִּלְגָל** and **אֶצֶל אֱלוֹנֵי מְרֵה**.

297. E. Nielsen (*1955*,41) holds that the present text with **מִלִּל הַגִּלְגָל** supported by **הִישָׁב בְּעֶרְבָה** is 'evidently intended to move the scene of the solemn covenant-making between Israel and the Lord away from Shechem, down to the plain at Jericho.' Firstly, however, we should ask why the editor does not remove the phrase **אֶצֶל אֱלוֹנֵי מְרֵה** having strong affinity with Shechem, if he wants to stress the Gilgal tradition which is supposed to be *anti-Shechem*. A second criticism of E. Nielsen and also other commentators offering a similar tradition-historical explanation about this geographical description concerns the meaning of **מִלִּל** : they translate it superficially as 'beside' or 'near' or a similar concept. According to J.A. Thompson (*Dt*,158) **מִלִּל הַגִּלְגָל** means that these mounts are *over against* Gilgal. He further suggests there is an alternative translation of *beyond*, i.e. the two mountains are 'beyond Gilgal', the first stopping-place after Israel crossed the Jordan. They do not consider the meaning **אֶצֶל** in front of **אֶצֶל אֱלוֹנֵי מְרֵה** and its phrase together with **מִלִּל הַגִּלְגָל**. Thirdly, the translation of **מִלִּל** as 'beside' or 'near' does not seem to be correct (HAL, BDB : the primary meaning as substantive 'Vorderseite' (Ex 26:6, Lev 8:9, Num 8:2f., Jos 8:33) and as preposition 'gegenüber' and especially geographically 'gegenüber', 'gegenhin' (Dt 11, 3:29, Ex 34:3, Jos 9:1). The basic meaning of this word is to stand 'in front of' or 'in opposition to' something. In this case the two objects may be close or two objects stand against each other in a far distance. Therefore, the uncritical translation 'beside' is unacceptable). Fourthly, we should consider that **אֶצֶל** in **אֶצֶל אֱלוֹנֵי מְרֵה** has the meaning 'beside' (BDB ('beside'), GB ('neben', 'zur Seite'), HAL ('neben'), GMD ('urspr. anschließend an, neben, bei')). When we consider the two phrases (**מִלִּל הַגִּלְגָל** / **אֶצֶל אֱלוֹנֵי מְרֵה**) together, the geographical vicinity of these two mounts with **מְרֵה** is more probable than that with **הַגִּלְגָל**. In this case we do not need to regard the co-existence of both phrases as the result of theological negotiation or of unsuccessful combination of two hostile traditions (i.e. Gilgal tradition, Shechem tradition). In the OT **מְרֵה** (מְרֵה IV, HAL, BDB, GB) is related to Shechem (Gen 12:6, Dt 11:30, Jud 7:1). Apart from these arguments, G.A. Smith (*1918*,153-154) reports that there are at least three places named Gilgal and holds that the Gilgal near Shechem suits the present text (esp. with **אֶצֶל אֱלוֹנֵי מְרֵה**).

298. For example the combination of source-critical and form-critical endeavour of E. Nielsen (*1955*,41ff). Also M. Noth (*1930*,146 : 'Der Urheber dieser Zusätze hätte dann also in seiner Vorstellung die Gegend von Jericho möglichst nahe an die Berge Garizim und Ebal herangerückt'), A. Phillips (*1973*,82 : 'the deuteronomic historical deliberately conflated traditions about Israel's first day at Gilgal with the ceremony of the renewal of the covenant at Shechem, which he wished to stress'), A.D.H. Mayes (*Dt*,219). See also J. Wijngaards (*Dt*,107) who holds all geographical information is a later addition.



Jos 8:33 עֲמַרְיָם־ הֵצִיז אֶל־מִלְ הַר־גְּרִזִים

33 וְהֵצִיז אֶל־מִלְ הַר־עֵיבָל

33 לְבָרַךְ אֶת־הָעָם יִשְׂרָאֵל

### 3.9.3. The blessing and curse in Dt 11:26-30

11:26-30 is the summing-up of the whole admonition of Dt 6-11 about the blessing and curse.<sup>(299)</sup> In particular, it is clear that the concentrated description of the blessing and curse in 11:8-25 is directly related to this section. However, we find another aspect in 11:26-30, a summary of the further content of Dt 12-28.<sup>(300)</sup> The important problem of this section is whether within 11:26-30 there are two different actions, i.e. the action in 11:26-28 (וְקִלְלָה / בְּרָכָה + נִתָּן) and the action in 11:29 (וְאֶת־הַקְּלָלָה / אֶת־הַבְּרָכָה עַל־הַר גְּרִזִים + נִתְּתָהּ) (עַל־הַר עֵיבָל), or there is only one action with two different descriptions. The problem is caused by the fact that 11:26-28 deal with the present but 11:29-30 with the future, although both have the same topic (blessing and curse) with the same sentence pattern. How should we relate these two to each other?

E. Nielsen deals with this issue in depth. He<sup>(301)</sup> considers that 11:26-28 was inserted by the deuteronomist as a kind of introduction to 11:29f. which was the original 'nucleus' of the section 11:26-32.<sup>(302)</sup> And this deuteronomist has 'ungeschickt genug' separated 11:29f. from Dt 27 by inserting Dt 12-26.<sup>(303)</sup> Firstly, however, E. Nielsen does not recognize that the main framework of Dt is composed by repetition and resumption as A. F. Puukko correctly mentions<sup>(304)</sup> which suggests the whole structure of Dt could be constructed by a careful author. Just as there is a repetition and resumption relationship between *the Hauptgebot pericope* (5-11:25, simple) and the deuteronomic laws (12-26:15, detailed), we

299. G.A. Smith (1918,152), H. Junker (Dt,60).

300. N. Lohfink (1963a,234), following A. Klostermann (1907,249 : Dt 11:22-30 is 'Proömium' of Dt 12-28), holds that 11:26-32 has 'der Verweischarakter' for the next long pericope. Ie. 11:26-30 I (Motiv, 'Segen - Fluch'), II (Motiv, 'Garizim - Ebal'), III (Motiv 'Beobachtung der jetzt zu verkündenden Gebote') ; Dt 12-28 III (Gebote, 12:1-26:16), II (Garizim - Ebal, 27:1-8,11-26), I (Segen - Fluch, 28:1-68). This analysis gives an important insight for our knowledge of the structure of the central pericope of Dt, although some aspects of this analysis cannot be accepted. For example the pt. (נִתָּן) in 11:26 does not mean 'die nahe Zukunft', probably indicating Dt 27f. but the present : Moses 'now' suggests the blessing and curse in front of Israel (N.B. נִתָּן is used also in 11:32 where we read הַיּוֹם). There is no time difference between 11:26ff. and Dt 27f.

301. (1955,44,47,48).

302. H. Junker (Dt,60) also doubts the unity of 11:26-30 by insisting that 11:29f. is a later insertion. However, it is very difficult to find a substantial reason for this kind of conjecture.

303. Here E. Nielsen follows E. Meyer (1906,543), 'the whole deut. idea of the blessing and curse is based on an older conception which we find set out precisely in v. 29.'

304. (1910,105 : 'Es wäre gewiss verkehrt, aus dem Vorhandensein der Dubletten und Wiederholungen überhaupt ohne weiteres auf Verschiedenheit der Autoren zu schliessen'). In Dt we find the following structure : [A] *the Hauptgebot pericope* (5-11:25) — [B] covenant ceremony (blessing and curse) (11:26-32) — [A'] the deuteronomic laws (12-26:15) — [B'] covenant ceremony (blessing and curse) (26:16-28:69). Together with this structural repetition, we find in Dt many repetitions of words, phrases, and clauses compared with other books of the OT. Further, E. Nielsen does not see the special function of 11:32 which connects the Hauptgebot pericope with the deuteronomic laws by the use of *the structural signal* (וְהַמְשָׁפְטִים) (הַחֲקִים, in 3.1.2.1.(5)) together with the following verse (12:1). This means that he neglects the importance of the study of the literary composition of the present Dt.



find the same repetition and resumption relationship between 11:26-32 (simple) and Dt 27 (detailed). This means that we need not consider that Dt 27 was the original continuation of 11:26-32 and that it was separated into two parts by the deuteronomist. Secondly, he does not compare the two identical verses of this section in detail (i.e. 11:26-28 and 11:29) which show clear differences at several points which we shall soon deal with.

This criticism of E. Nielsen leads us to consider the possibility that these texts contain two obviously different actions (one in 11:26-28 and another in 11:29) for the same purpose, 'to set up the blessing and curse by pronouncement' (וּקְלָלָהּ / בְּרָכָהּ + נָתַן).<sup>(305)</sup> We distinguish one action (11:26-28) from the other (11:29) by showing various facts. However, it does not necessarily mean that there are two totally different covenant renewal ceremonies as P.C. Craigie<sup>(306)</sup> assumes, because it is hard to explain why two independent ceremonies should be mentioned in the successive texts (11:26-30, 27:11-28:69). We find this phenomenon fits in with our previous finding (3.6.5.5.) of the concept of *one covenant in two different places and times*.

The thematic similarity between 11:26-32 and 27:11-28:69, about which at least there is no doubt among commentators, clarifies the meaning of the former. 27:11-28:69 have two features in common with 11:26-28,29-30 : (i) the theme of the blessing and curse, and (ii) the change of time (the present, the future). The mixture of time is an important stylistic pattern of 26:16-28:69 (see 3.6.5.5.). In other words, in some sections the concern is directed at the present time in Moab (28:1-68) but in other sections at the future event in Canaan (27:11-26). Interestingly, a similar stylistic pattern of mixing time is also found in the connection between 11:26-28 and 11:29-30. Regardless of the conclusion of the complex problem within 27:11-28:69 which we shall discuss fully later, we safely suggest 27:11-26 is about the future and the main section of 28:1-69<sup>(307)</sup> is related to the present situation. We find three factors in 27:11-26 : (i) the time (future), (ii) the speaker (the priests), (iii) the purpose (pronouncement of the blessing and curse). This feature of 27:11-26 corresponds very well with that of 11:29-30 : (i) the time (future), (ii) the speaker (the cultic personnel), (iii) the purpose (pronouncement of the blessing and curse). However, in 28:1-69 Moses continuously speaks in a speech that starts from 27:11, and his theme is the possible blessing and curse. Moses gives this admonition in the present situation in Moab like other admonitions before Dt 27 : (i) the time (present, Moab), (ii) the speaker (Moses), (iii) the purpose (admonition of the blessing and curse). We find the same content in 11:26-28 : (i) the time (present, Moab), (ii) the speaker (Moses), (iii) the purpose (admonition of the blessing and curse). And we find several examples of this kind of admonition using the theme of the blessing and curse before 11:26.

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305. A. Klostermann (1907,249) clearly explains the necessity to differentiate 11:26-28 from 11:29-30. Also N. Lohfink (1963a,234).

306. (Dt,212).

307. Except 28:3-6,16-19, and about this we will discuss fully in 31033. & 31034.



Therefore, by analogy with 27:11-28:69 we conclude that 11:26-28 is Moses' admonition in the present situation like 28:1-69, but 11:29-30 is the future proclamation of the blessing and the curse in Canaan like 27:11-26.<sup>(308)</sup> And we realize that the relationship of 'simple - detailed' or 'macroscopic - microscopic' explanation is found between 11:26-28 and 28:1ff. and between 11:29f. and 27:11-26.<sup>(309)</sup> In 11:26-30 the author makes a preliminary report of Moses' admonition and the future covenant ceremony, and therefore that report is simple and selective (only the blessing and curse without the oath, cf. 27:15-26). However, in Dt 27-28 the author reports in great detail.

We now want to investigate the text itself. The key expression **נתן + (ה) ברכה + (את) / (ה)קללה** is used twice, 11:26-28 and 11:29. There is a similarity between the two (e.g. the objects are the blessing and the curse), but there are differences (i) in the subject of the sentence, (ii) in time, (iii) in place and (iv) in the additional expression :

In the first action (11:26-28)

subject \_\_\_\_\_ אֲנֹכִי (Moses),  
 time \_\_\_\_\_ הַיּוֹם (present vv. 26, 27, 28),  
 place \_\_\_\_\_ Moab,  
 additional expression \_\_\_\_\_ with לְפָנֶיכֶם,

In the second action (11:29)

subject \_\_\_\_\_ ישראל (2psg. נְתַתָּה),  
 time \_\_\_\_\_ יְהִי כִּי יִבְיָאָה יְהוָה אֱלֹהֶיךָ אֶל-דְּבָרָיִן (future in the conquest),  
 place \_\_\_\_\_ Canaan (in two mounts),  
 additional expression \_\_\_\_\_ without לְפָנֶיכֶם.

The phrase **נתן לפניכם** 11:26 means 'ich lege euch vor zu Wahl' (cf. Gen 20:15, Dt 4:8)<sup>(310)</sup> and by adding **ברכה** and **קללה** (cf. also Dt 30:1, 19) the meaning becomes clearer : 'I set up before you today the blessing and curse to choose.' But what does this 'set up' mean ? There are two ways of setting up blessing and curse, (i) orally, (ii) in writing.<sup>(311)</sup>

308. Commentators usually do not give enough attention to the differentiation of 11:26-28 and 11:29 and their relationship with Dt 27:11ff. and Dt 28, although many of them partly suppose the relationship between 11:26-30 (esp. 11:29) and 27:11ff. (W. Staerk (1894,69), A. Bertholet (Dt,36), A.F. Puukko (1910,105,146 and n.1, he correctly criticizes A. Kuenen for making the connection between 11:26ff. with 27:11-13, but he connects 11:26-28 and 30:15ff.), and R. Clifford (1982,71)), and the relationship between 11:26-28 and Dt 28 (A. Bertholet (Dt,37)). However, P.C. Craigie (Dt,212) correctly points out the connections between 11:26-28 with Dt 28 (present), and between 11:29f. with 27:11ff. (future, this last point by M. Noth (1930,145) also) : (a) the b/c in the present r/c (11:26-28), (b) the b/c in the future r/c (11:29-32), (c) the specific legislation (12:1-26:19), (d) the b/c in the future r/c (27:1-26), (e) the b/c in the present r/c (28:1-29:1) (b/c is blessing and curse and r/c renewal of the covenant). This finding is an important stepping stone for the further investigation, although he eventually does not solve the problem how the present and future aspect of the covenant renewal can exist in Dt because of his assumption of two covenant renewals in Dt. Meanwhile, M.G. Kline (1963,36f.,79), although he argues simply, correctly sees that there is only one covenant ceremony performed in two stages (Moab and Canaan).

309. We have seen in 27:3. & 28:1 a similar phenomenon in Ex 19:24, 24:1, 24:9-11.

310. Ehrlich (II,283). And A. Klostermann (1907,249), Rashi (Dt,197 : 'to place at one's disposal'), B. Holwerda (1957,304 : '...niet maar van iemand iets voorstellen, doch iemand voor iets stellen, opdat hij kiezen zou'). Here we see the clear covenantal characteristic of this section at least.

311. See A. Dillmann (Dt,289, 'Inscript'), A. Klostermann (1907,249 : he connects 11:29-30 with 27:1-2), and C.H. Brichto (1963,183, 'written'), but G. Wehmeier (1970,91,n.117, *pace* C.H. Brichto) : 'נתן ... sondern dürfte mit einem kultischen Vorgang, analog der Dt 28 beschriebenen Fluchhandlung, in Verbindung zu



However, as there is no specific mention of writing<sup>(312)</sup>, it seems safer to consider 'to set up' as an oral act. An oral act of 'to set up' has no other meaning than 'to set up by pronouncement', here in 11:26 (and 11:27,28), as we see in the whole Dt, esp. Dt 5. This same meaning is found in 11:29 (וְאֶת־הַקְּלָלָה / אֶת־הַבְּרָכָה + נִתַּן), even though here the additional phrase used in 11:26 (לְפָנֵיכֶם) is not mentioned, 'to set up by proclamation'. The preposition על in עַל־יַד נְזִירִים and עַל־יַד עֵבֶל in 11:29 means 'towards', the levitical priests should proclaim towards both mounts.<sup>(313)</sup> However, according to Dt 27:11-13 and Jos 8:33, the levitical priests should proclaim towards the half of the people who stands in each mount, and this can also be applied to Dt 11:29 although this fact is not specifically mentioned. Presumably in 11:29 the author wants to give a detailed explanation of the location of the two mounts with only a simple picture of the future ceremony itself.

The grammatical subject of נִתְּתָה (2.sg.) is Israel in her totality. But who is the logical subject of this verb? Who has the authority of God when Moses will not be any more with them? Who can set up blessing / curse by proclamation with God's authority? The most plausible answer seems to be *the levitical priests* (הַכֹּהֲנִים הַלְוִיִּם, 27:9, cf. 27:14) who will proclaim the curse formula in 27:15-26 (cf. Num 6:24-26, Dt 21:5). In another passage of the same covenant ceremony Jos 8:33, two groups of people stand 'facing' or 'in front of' (נִגַּד) of the levitical priests (הַכֹּהֲנִים הַלְוִיִּם). Although in Jos 8:33 the levitical priests are not mentioned as the personnel who are directly connected with the pronouncement, it is most plausible that they are in charge of the blessing to the people (לְבָרַךְ אֶת־הָעָם יִשְׂרָאֵל Jos 8:33) because they stand in the centre of the ceremony with the ark.

Another point we should deal with is the relation of Dt 11:26-28 and Dt 11:29. S. Mowinckel<sup>(314)</sup> holds that 11:29 is 'ein Stück des aus alter Quelle stammenden Kerns der in ihrer jetzigen Form deuteronomistischen Perikope 11:26-30.' However, he does not explain its (11:29) relationship with 11:26-28. E. Nielsen sees this problem when he<sup>(315)</sup> says

'it is, however, quite clear that vv. 29f in their present form cannot stand without any introductory notes to explain what is meant by *the* blessing and *the* curse. Consequently vv. 26-28 - in spite of their deuteronomistic language and ideas - must be taken together with vv. 29f.'

He is right when he holds that the meaning of the blessing / curse in 11:29 cannot be clear without 11:26-28 - therefore he thinks 11:26-28 forms an introduction to 11:29. However,

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bringen sein.' But G. Wehmeier does not consider how it is actually connected with a cultic event.

312. Just like we can see in two closely related texts in Dt 27:1-8 where there is mention of writing, and in Dt 27:11-13 where there is no mention of writing.

313. C. Steuernagel (*Dt*,92), by analogy of Jos 8:33, argues that the phrase על + נתן (11:29) means 'gegen den Berg hin ausrufen'. Rashi (*Dt*,63), in conjunction with Dt 27:13f., translates this into 'they (the Levites) turned their face towards it.'

314. (1924,100) as E. Meyer (1906,543).

315. (1955,44).



this does not prove that 11:26-28 was just invented as an introductory phrase to 11:29f. by the deuteronomist. As we have seen above, there are in 11:26-30 two different actions (11:26-28 and 11:29) in terms of time (present 11:26-28 / future 11:29-30), place (Moab 11:26-28 / Canaan 11:29-30), and the speaker (Moses 11:26-28 / the levitical priests 11:29-30) etc. The second action in the future at Canaan (11:29) presupposes the existence of the first action in the present at Moab (11:26-28). Since there is already the first action, the meaning of the second action is easy to understand though the second action could be simple, symbolic and proclamatory. Since Moses himself now pronounces (11:26) the blessing and curse, and he explains the conditions of the blessing (11:27) and curse (11:28) in Moab, the future legitimate leaders<sup>(316)</sup> of the ceremony at Gerizim and Ebal (11:29) may pronounce the blessing and curse to the people with their own form without detailed explanation. And because the symbolic meaning of the blessing and the curse in 11:29 is expressed in a much more 'naturalistic' way<sup>(317)</sup> it could be more easily understood by the people.<sup>(318)</sup>

#### 3.9.4. The relationship between 11:26-30 and Dt 27-28.

An issue we want to develop from 3.9.3. is the relationship between 11:26-30 and Dt 27-28.

(1) It is quite obvious that the second action in 11:29-30 (future) forms a natural parallel with 27:11-13 (future) because of the symbolism associated with the two mounts.<sup>(319)</sup> We compare the two texts in terms of time and the expression of the blessing / curse :

(i) the time :

וְהָיָה כִּי יְבִיאֲכֶם יְהוָה

316. See 3.7.1 (27:1, וְקָנִי יִשְׂרָאֵל) & 3.8.1 (27:9, רַבְרָבִים הַלְוִיִּם).

317. E. Nielsen's phrase (1955,47).

318. It is worthwhile to consider the number change in this section. Within the pl. speech in 11:18-32 there are two sg. passages : 11:19b-20 and 11:29f. N. Lohfink (1963a,258) explains the sg. speech in 11:19b-20 as follows : 'Der Numeruswechsel unterbricht hier eine überlange und dadurch belastend zu werden drohende Reimkette (until 11:18, TGS).' Therefore, 'verhilft der Numeruswechsel also in Endeffekt der ganzen Einheit zu ihrer klanglichen Grundspannung.' Here we see a good example of the combination of the stylistic aspect (i.e. the number change) and the content (or contextual) aspect (i.e. from the curse in 11:17 to the blessing in 11:21). However, although N. Lohfink expects to find a similar phenomenon also in the number change in 11:29f. (the sg. speech) among 11:26-32 (the pl. speech), he cannot explain it clearly. There is a clear division between 11:26-28 (the pl. speech) and 11:29f. (the sg. speech). The first (11:26-28, the pl. speech) is the admonitional announcement of the blessing and curse by Moses in the Moab plain (place) and at the present (time), but the second (11:29, the sg. speech) is the official pronouncement of the blessing and curse by the levitical priests in the promised land (place) and in the future (time), *pace* E. Nielsen (1955,43). In this respect, as in many other cases, the number change in 11:29 helps the reader / listener to acknowledge the difference of the content between two events. After this the author goes back to the pl. from speech from 11:31 which continues through the deuteronomic laws from Dt 12.

319. A. Klostermann (1907,249) assumes that in 11:29 there is a certain cultic formula. In both texts the preposition used before the two mounts is על (11:29,29, 27:12) except 27:13 where ב is used. However, this difference does not hinder the good parallelism between these texts. See C. Steuernagel (Dt,148). Presumably in 27:13 the author wants to avoid two-times use of the same preposition in the same sentence : not על-הקללה בְּיַד עֵיבָל, but יַעֲמִדוּ עַל-הַקְּלָלָה בְּיַד עֵיבָל.



בְּעִבְרָתְכֶם אֶת־הַיָּרְדֵן (27:12)

(ii) the blessing and curse :

וְנָתַתָּה אֶת־הַבְּרָכָה עַל־הַיָּרְדֵן וְאֶת־הַקְּלָלָה עַל־הַיָּרְדֵן עִבְל (11:29)

לְבָרָה אֶת־הָעָם עַל־הַיָּרְדֵן וְגֵרִים עַל־הַקְּלָלָה פְּהַר עִבְל (27:12,13)

The first point, the two expressions for time in 11:29 and in 27:12 are usually interchangeable, and in Dt 27 the verb עָבַר is more frequently used (cf. 27:2,3,4). The second point, the blessing and curse, shows a neat parallel between the two texts because of the association of the blessing and curse with Gerizim and Ebal. Therefore, we conclude that the two texts (11:29 and 27:11-13) are in parallel. Because of this parallel feature, 11:29 helps us to understand the meaning of the unclear clause in 27:12,13 (לְבָרָה אֶת־הָעָם עַל־הַיָּרְדֵן וְגֵרִים עַל־הַקְּלָלָה פְּהַר עִבְל). We make the following observations about this clause :

(a) We have already seen that נתן + הַבְּרָכָה / הַקְּלָלָה (11:26,29) means 'to set up the blessing and curse by proclamation'.

(b) If 11:29 is in parallel with 27:11-13, then לְבָרָה in 27:12 has also the meaning 'to proclaim'.

(c) If in 11:29 the blessing is in parallel with the curse, this means נתן functions as a verb related not only to הַבְּרָכָה but also to הַקְּלָלָה.

Then the ambiguous phrase עַל־הַקְּלָלָה (27:13. NB, noun form), in connection with לְבָרָה (27:12, verbal form), is translated as having a similar meaning as לְבָרָה ('to proclaim the curse')<sup>(320)</sup> even though in the case of the curse the noun form (עַל־הַקְּלָלָה) is inevitably used, because קָלַל pi. does not have the meaning of 'imprecation'.<sup>(321)</sup> Therefore, we consider that this form of the clauses in 27:12-13 is dictated purely by lexical or grammatical reason but no other theological reason.<sup>(322)</sup>

(2) The description of the first action (11:26-28) fits in well with the introductory verses in Dt 28 : 11:27 with 28:1-2 (the blessing and its condition), and 11:28 with 28:15 (the curse and its condition) in the four aspects :

(i) blessing and curse

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320. Ehrlich (11,283) : עַל־קָלַלָה ist = gegen den Fluch, d.h. gegen die den Fluch aussprechenden gewendet. Die den Segen und den Fluch sprechenden hat man sich zwischen beiden Bergen stehend zu denken. Beim Segen wandten sich die Sprechenden gegen den einen, beim Fluch gegen den andern Berg.

321. See further C.H. Brichto (1963,185).

322. E. Nielsen (1955,68f.), not seeing the parallel feature between 11:29 and 27:11-13 although he acknowledges the originality of 11:29, suggests a theological reason : 'The narrator has avoided the completely parallel עַל הַבְּרָכָה, evidently because he wanted to state that it was the people as a whole which was to be blessed. It was not the whole people which was to be cursed; only those elements amongst the people which might become apostate are threatened by the curses.' If לְבָרָה in 27:12 is changed to עַל הַבְּרָכָה - in parallel with עַל־הַקְּלָלָה in 27:13 - the verbal character of this phrase will disappear and then the total symbolism of 27:11-13 becomes very obscure. Then only the people's 'standing for the blessing and curse' will remain in the sentence and this is not far enough to make clear what all the actions of the ceremony mean at the two mounts. With symbolic standing of the people on each mount something (e.g. pronouncement) must be done for the proper expression of symbolism and for the people's easy understanding.



פְּלִי-הַפְּרָכֹת הָאֵלֶּה / (11:27) הַפְּרָכָה

פְּלִי-הַקְּלָלוֹת הָאֵלֶּה / (11:28) הַקְּלָלָה

(ii) conditional expression

וְהָיָה אִם-לֹא / (11:28) אִם-לֹא ; וְהָיָה אִם / (11:27) אֲשֶׁר<sup>(323)</sup>

(iii) action ;

שָׁמַעַתְּ תִשְׁמַע-- לְשִׁמּוֹר לַעֲשׂוֹת / (11:27) תִּשְׁמַעַתְּ

תִּשְׁמַעַתְּ תִשְׁמַע-- לְשִׁמּוֹר לַעֲשׂוֹת / (11:28) תִּשְׁמַעַתְּ

(iv) law ;

אֶל-מִצְוֹת יְהוָה אֱלֹהֵיכֶם אֲשֶׁר אֲנִי מְצַוֶּה אֶתְכֶם / (11:27)

אֶת-כָּל-מִצְוֹתַי אֲשֶׁר אֲנִי מְצַוֶּה / (28:1)

אֶל-מִצְוֹת יְהוָה אֱלֹהֵיכֶם -- תִּדְבַּר אֲשֶׁר אֲנִי מְצַוֶּה אֶתְכֶם / (11:28)

אֶת-כָּל-מִצְוֹתַי וְהִקַּדְתִּי אֲשֶׁר אֲנִי מְצַוֶּה / (28:15)

(v) time (present) ;

הַיּוֹם (11:27,28, 28:1,15)

(3) This connection of 11:26-30 and Dt 27-28 (11:26-28 with 28:1-2,15 and 11:29 with 27:11-13) is reinforced by the parallelism between the whole passage of 11:8-30 and 26:16-28:68. This is because the detailed items of the blessings and curses in 11:8-26 are in parallel with the detailed description of the blessings and curses in 28:7-14, 20-68 :

(i) present pronouncement in Moab :

(1) detailed results of blessings and curses :

11:8-15, 22-25 (blessings); 11:16-17 (curses)

28:7-14 (blessings) ; 28:20-68 (curses)

(2) blessing / curse and their conditions :

11:27 (blessing) ; 11:28 (curse)

28:1-2 (blessing) ; 28:15 (curse)

(ii) future pronouncement in Canaan :

(3) in Gerizim and Ebal :

11:29 (Gerizim/blessing) ; 11:29 (Ebal/curse)

27:12 (Gerizim/blessing) ; 27:13 (Ebal/curse).

### 3.9.5 The blessing and curse in 27:11-13

Before dealing with the main issue in 27:11-13, we want to look at another aspect of the comparison of 11:29 and 27:11-13. In 11:29 the people's action is not mentioned, but only the blessing and curse is described which will be set up by pronouncement towards the two

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323. See Lev 4:22, Jos 4:21, Dt 18:22 (A. Knobel (Dt,253), A. Dillmann (Dt,288), A. Bertholet (Dt,37)). Ehrlich (II,283) suggests two possible explanations : (i) 'für den Fall, daß ihr gehorcht', or (ii) 'der Wunsch des Redenen, daß der gesetzte Fall eintreten möge'.



mounts. Although in 27:11-13 the people's action is expressed (יַעֲמִדוּ, 27:12,13), it does not mean that 27:11-13 is a totally different report from 11:29 written by a different writer. When, according to 11:29, the blessing and curse will be pronounced towards the two mounts, the recipients of the blessing and curse are not the two mounts but the people, although the people's action (e.g. 'standing' as in 27:11-13) is not described. We suggest the following explanation as the most plausible one on this issue. In 11:29-30 the future covenant ceremony is reported from the standpoint of the present. Therefore, it is understandable that the author gives a detailed explanation of the position of the two mounts where the people have to go, but he does not need to describe the ceremony itself in detail. He only explains the key issue about the ceremony, the proclamation of the blessing and curse.<sup>(324)</sup> However, in Dt 27 the description of the covenant ceremony itself is in great detail. In Dt 27 the author does not need to describe the two mounts' location but he only gives of the names of the two mounts. Rather he offers the clear and full scale explanation of the covenant ceremony itself which cannot be found in 11:26ff. Therefore, he can describe in 27:11-13 another new aspect of the ceremony, the people's action in 27:12f. : each 6 tribes 'stand' (יַעֲמִדוּ) on each mount.<sup>(325)</sup>

The main issue on 27:11-13 is how we interpret the two clauses :

position	pronouncement	action
עַל־הַר גְּרִזִים	לְבַרְכָּה אֶת־הָעָם	יַעֲמִדוּ (27:12)
בְּהַר עֵיבָל	עַל־הַקְּלָלָה	יַעֲמִדוּ (27:13).

The subject of each יַעֲמִדוּ is obviously the six tribes described with the pronoun אֵלֶּה, and the names of 6 tribes are introduced at the end of each verse. A grammatical problem is whether עַל־הַר גְּרִזִים / בְּהַר עֵיבָל (position) are directly connected with יַעֲמִדוּ (action) or with לְבַרְכָּה / עַל־הַקְּלָלָה (pronouncement). In 11:29 the phrase אֶת־הַבְּרָכָה + נָתַן / אֶת־הַקְּלָלָה is directly connected with עַל־הַר גְּרִזִים / עֵיבָל. However, in 27:12,13 if עַל־הַר גְּרִזִים / עֵיבָל are connected with לְבַרְכָּה / עַל־הַקְּלָלָה not with יַעֲמִדוּ, we interpret both clauses 'to pronounce the blessing and curse towards Gerizim / Ebal'. In this case each finite verb יַעֲמִדוּ (27:12,13) stands alone. In the situation where Israel is divided into two groups of 6 tribes, if there is no indication about the place where each group of 6 tribes stands, יַעֲמִדוּ (27:12,13) becomes senseless. Therefore, we hold that עַל־הַר גְּרִזִים / עֵיבָל are directly connected with each finite verb יַעֲמִדוּ. This means that each group of 6 tribes stands 'on each side' (עַל)<sup>(326)</sup> of the two mounts. If, according to this conclusion, we connect עַל־הַר גְּרִזִים / עֵיבָל with יַעֲמִדוּ, we must put the phrases לְבַרְכָּה (27:12) and עַל־הַקְּלָלָה (27:13) in parentheses so that these phrases function as a kind

324. This choice of the author fits in with the topic of the previous sections, the blessing and curse, esp. 11:8-25. Through this arrangement the continuity of the text in terms of the topic is kept, from 11:8-25 through 11:26-28 to 11:29-30.

325. As far as the description of the situation in the ceremony is concerned, we find in Jos 8:33 the most detailed explanation.

326. J. Wijngaards (Dt,301 : 'aan de kant van'). Then עַל (27:12) has in fact the same meaning field as בְּ (27:13).



of sub-clause compared with the main clause  $\text{עַל־הַר} + \text{יַעֲמֹד}$  (27:12) /  $\text{עַל־הַר} + \text{יַעֲמֹד}$  (27:13). As we have already seen in our study of the blessing and curse of 11:29 (3.9.3. & 3.9.4.), the logical subject of the phrase  $\text{נָתַן} + \text{אֶת־הַבְּרָכָה} / \text{אֶת־הַקְּלָלָה}$  is the levitical priests who pronounce the blessing and curse with God's authority.<sup>(327)</sup> Because of the parallel between 11:29 and 27:11-13, the phrase  $\text{נָתַן} + \text{אֶת־הַבְּרָכָה} / \text{אֶת־הַקְּלָלָה}$  in 11:29 corresponds with the sub-clauses in the parentheses  $\text{לְבָרְךָ אֶת־הָעָם}$  in 27:12 and  $\text{עַל־הַקְּלָלָה}$  in 27:13. This conclusion helps the understanding of the section in three ways :

(i) The logical subject of two parentheses  $\text{לְבָרְךָ אֶת־הָעָם}$  and  $\text{עַל־הַקְּלָלָה}$  is the levitical priests as in 11:29. This understanding is also supported by the fact that the sentence makes no sense if in 27:12 we assume 6 tribes, the subject of the main sentence, bless the people.<sup>(328)</sup>

(ii)  $\text{בָּרַךְ}$  in  $\text{לְבָרְךָ}$  means 'to pronounce blessing with authority'.<sup>(329)</sup> Therefore, the most plausible translation of this sub-clause in the parentheses  $\text{לְבָרְךָ אֶת־הָעָם}$  (27:12) is 'when (the levitical priests) pronounce the blessing towards the people'.

(iii)  $\text{עַל־הַקְּלָלָה}$  (27:13) seems to be translated similarly as  $\text{לְבָרְךָ אֶת־הָעָם}$  and to have the same logical subject, even though the phrase is formed with the noun  $\text{הַקְּלָלָה}$ .<sup>(330)</sup> Therefore, we translate  $\text{עַל־הַקְּלָלָה}$  into 'in (or for) the case of curse'.<sup>(331)</sup> Despite the use of the noun phrase  $\text{עַל־הַקְּלָלָה}$  in 27:13, because inf. form of  $\text{קָלַל}$  pi. ( $\text{לְקַלֵּל}$ ) does not have the meaning 'to imprecate', the important fact of this verse is that within the context the curse is solemnly pronounced with a similar value to the pronouncement of the blessing (27:12). Just as the two mounts are unmistakable, the blessing and curse must be suggested to have the same possibility of occurring.<sup>(332)</sup>

327. E. Nielsen (1955,73), following E. Sellin, suggests 'a sacred priesthood' is presupposed in this ceremony. There are two groups of priests, one group of these priests is to direct their voices towards the mount of blessing, the other group is to face the mount Ebal. However, it is not necessary to think of two groups of priests for pronouncing the blessing and curse.

328. Ehrlich (11,328), but *pace* A. Dillmann (Dt,368 : 'Das Subjekt zu  $\text{לְבָרְךָ}$  sind nicht die im Folgenden genannten sechs Stämme, sondern dasselbene ist vorläufig unbestimmt und wird erst v. 14 (i.e. the levitical priests, TGS) genannt'). J. Wijngaards (Dt,301 : 'Misschien moet men 27:11-13 dan zó verstaan, dat hier een oude praktijk officieel gerechtvaardigd met een beroep op Mozes' gezag (vgl. 18:15-16, 5:5,22-32)'). Even if J. Wijngaards' remark could be accepted with a certain reservation, it is right for her to indicate some important authority in pronouncing the blessing and curse.

329. C.W. Mitchell (1983,42), J.A. Thompson (Dt,157). E. Jenni (1968,216) categorizes  $\text{בָּרַךְ}$  pi. as 'erben des Redens und der Lautäußerung'

330. CH. Brichto (1963,186) correctly suggests : (i) there is no possibility that the curse is never pronounced, (ii) the most plausible reason of not using inf cons form  $\text{לְקַלֵּל}$  (N.B. only two examples in the OT, Gen 8:21, Jos 24:9) is 'simply because, as demonstrated in the preceding chapter,  $\text{לְקַלֵּל}$  did not have the force of "to imprecate"'. By 'to imprecate' CH. Brichto means 'to sanction' or 'to curse' if a certain condition is fulfilled. In Gen 8:21  $\text{לְקַלֵּל}$  does not necessarily mean that God has spoken the curse with some conditions and in Jos 24:9 ( $\text{לְקַלֵּל}$ ) Balak invited Balaam in order to curse Israel unconditionally. Cf. J. Scharbert (1958,8ff).

331. J.A. Thompson (Dt,265 : 'for the curse'). As we have already cited, Ehrlich (11,328) also suggests the sensible explanation of this phrase : 'gegen den Fluch, d.h. gegen die den Fluch aussprechenden gewendet. ... Die den Segen und den Fluch sprechenden hat man sich zwischen beiden Bergen stehend zu denken. Beim Segen wandten sich die Sprechenden gegen den einen, beim Fluch gegen den andern Berg.' *Pace* DJ. McCarthy (1978,197) who understands this as a antiphonal rite, one side reciting or responding to the blessings, the other to the curses.

332. J.A. Thompson (Dt,156) : 'Neutrality on the issue is excluded.'



### 3.9.6. The relationship between 27:11-13 and 27:14-26

Hitherto we have studied the first (11:26ff.) and the second synoptic passage (27:11-13). Before studying the blessing and curse in third synoptic passage Jos 8:33f. (3.9.7.) we want to look at the relationship between 27:11-13 and 27:14-26.<sup>(333)</sup> This is one of the most complicated exegetical problems in Dt. It is directly related to another difficult issue : the *SiL* (*Sitz im Lebem*) of the blessing and curse formulae in 28:3-6,16-19 which are distinctive from the rest of the blessing and curse items in Dt 28.

#### 3.9.6.1. The levitical priests (הַכֹּהֲנִים הַלְוִיִּים, 27:9), the tribe Levi (לֵוִי, 27:12), the levites (הַלְוִיִּים, 27:14).

The first issue is the interpretation of לֵוִי (27:12) and הַלְוִיִּים (27:14) with which we have already dealt briefly.<sup>(334)</sup> If we simply identify these two words with one meaning 'the tribe of) Levi', we should conclude that 27:11-13 were connected with 27:14-26 secondarily, because this tribe Levi in 27:12 (standing on the side of blessing) functions differently from the Levites in 27:14-26 (pronouncing the curse).<sup>(335)</sup> Then we cannot solve the problem of the relationship between 27:11-13 and 27:14-26. On the other hand, if we understand these two words differently, as commentators usually do, we should clarify the context where these two similar words are used with different meanings.

In Dt the word לֵוִי is used in three ways : (i) לֵוִי (without article), (ii) הַלְוִי (with article), and (iii) הַלְוִיִּים (pl. form with article).

(i) לֵוִי (*without article*) has three forms : לֵוִי (21:5, 31:9 לֵוִי / וְלֵוִי (27:12) / וְלֵוִי (33:8). וְלֵוִי (33:8) and וְלֵוִי (27:12) are used together with the other eleven tribes of Israel. Therefore, 'the Levite' in these two cases (without article) means 'the tribe of Levi' among other tribes. The phrase לֵוִי בְנֵי (21:5, 31:9) has also the same meaning of 'the tribe of Levi', 'the levitical tribe' so that the full phrase (הַכֹּהֲנִים בְּנֵי לֵוִי) means 'the levitical priests' just like הַכֹּהֲנִים הַלְוִיִּים in the third use because הַכֹּהֲנִים comes ahead of it.

(ii) הַלְוִי (*with article*) has two forms : הַלְוִי (12:12,18, 14:27, 16:11,14, 18:6, 26:11) / לְוִי (26:12,13). הַלְוִי in Dt means the Levite who lives in various places as we realize from the fact that the phrases אֲשֶׁר בְּשַׁעֲרֵיכֶם (12:12,18, 14:27, 16:11), אֲשֶׁר בְּשַׁעֲרֵיךָ (16:14), מֵאַחַר הַלְוִי (26:12,13), אֲשֶׁר בְּקִרְבְּךָ (18:6), אֲשֶׁר בְּקִרְבְּךָ (26:11), אֲשֶׁר בְּשַׁעֲרֵיךָ (26:12)<sup>(336)</sup> are always attached after הַלְוִי. The

333. The differentiation between these two rituals is already pointed out. A.F. Puukko (1910,140), C. Steuernagel (Dt,149 : he holds total independence of each ritual).

334. Literature of this topic : G.E. Wright (1954,325-330), J.A. Emerton (1962,129-138), A.H.J. Gunneweg (1965,69-81), esp. the detailed study of J.G. McConville (1980,205ff; 1984,124-153).

335. S. Mowinckel (1924,75 : 'Daß aber diese Verbindung sekundär ist, geht aus der völlig verschiedenen Rolle der Lewiten in v. 12 und in v. 14ff hervor, wie ziemlich allgemein die älteren kritischen Kommentatoren gesehen haben'). E. Sellin (in S. Mowinckel, 1924,75f.) considers that the connection between 27:11-13 and 27:14-26 is original but הַלְוִיִּים in 27:14 is added later. The question arising immediately from Sellin's understanding is who will pronounce in the ceremony except the levitical priests.



Levite' in these texts is not specifically said to have a cultic function as priest. Therefore, we consider that הַלֵוִי (with article) has a general meaning as 'the Levite'.

(iii) הַלְוִיִּים (*pl. form with article*) has two forms : with הַכֹּהֲנִים (17:9,18, 18:1, 24:8, 27:9, 31:25) / without הַכֹּהֲנִים (18:7, 27:14, 31:25). The meaning of הַלְוִיִּים with הַכֹּהֲנִים (הַכֹּהֲנִים הַלְוִיִּים 17:9,18, 18:1, 24:8, 27:9, 31:25) is naturally 'the priests the Levites', 'the levitical priests'. They are the Levites who have the specific function in the cult as priests, compared with (i) לֵוִי (without article, the tribe of Levi among other tribes) and (ii) הַלֵוִי (with article, general expression for the Levite). The problem lies in the texts where הַלְוִיִּים occurs without הַכֹּהֲנִים (18:7, 27:14, 31:25). In 31:9 הַלְוִיִּים (with הַכֹּהֲנִים) have an important cultic function : carrying the ark of the covenant and in 31:25 הַלְוִיִּים (without הַכֹּהֲנִים) also have the same function. Both texts belong to the same context which tells of the duty of the levitical priests to keep the law book. Therefore, הַלְוִיִּים (without הַכֹּהֲנִים) in 31:25 has the same meaning as הַלְוִיִּים (with הַכֹּהֲנִים) in 31:9. Presumably the author omits הַכֹּהֲנִים in 31:25, because he has already mentioned הַלְוִיִּים (with הַכֹּהֲנִים) in the nearby text (31:9) and both verses (31:9,25) speak about the virtually same duty of the levitical priests to preserve the law and to admonish the people with it. This feature is also found in 18:1 (הַכֹּהֲנִים with הַלְוִיִּים) and 18:7 (הַכֹּהֲנִים without הַלְוִיִּים).<sup>(337)</sup> Another interesting point is that between these last two verses (18:1, 18:7) another comparable phrase הַלֵוִי מֵאֶחָד שְׁעָרֶיךָ ('a Levite in one of your towns' 18:6) is used. This last has a meaning of the Levite in general as we have seen in (ii). Therefore, we have to acknowledge that the author uses these three terms very precisely according to the demand the textual situation.<sup>(338)</sup>

In our text of Dt 27<sup>(339)</sup> we see the same precision : 27:9 (הַכֹּהֲנִים הַלְוִיִּים) / 27:12 (וְלֵוִי) / 27:14 (הַלְוִיִּים). In 27:9 we see the same active cultic function of the levitical priests as in 31:9, to keep the book of the law and to admonish the people with it. However, in 27:12 the tribe of Levi (וְלֵוִי) stands just like other tribes to take part in the ceremony passively (just 'standing'). But again in 27:14 the Levites (הַלְוִיִּים) play the very important cultic

336. 26:13 has the same meaning as 26:12, because apparently both belong to the same context.

337. This phenomenon gives the impression that Dt uses terms indiscriminately (e.g. J.A. Emerton, 1962, 133), but in fact the terms are chosen with clear purposes (E. König (Dt, 141) holds that in Dt there are two concepts around these terms, the priests serving in the central sanctuary and the general levites). The priestly function of הַלְוִיִּים in 18:7 is unmistakable because of the following phrase, הָעֹמְדִים שָׁם לִפְנֵי יְהוָה. In both cases the order, firstly הַלְוִיִּים with הַכֹּהֲנִים (18:1, 31:9) and then הַלְוִיִּים without הַכֹּהֲנִים (18:7, 31:9), is not changed. This fact leads us to consider that the author uses firstly the full phrase in a context and then he uses a shortened phrase in the same context. Therefore, in 18:3 the author uses another shortened phrase for the same meaning, this time הַכֹּהֲנִים only. *Pace* J.J.P. Valeton (1879, 292).

338. We add another argument for supporting this conclusion. In Dt הַכֹּהֲנִים is used always with הַלְוִיִּים (17:8,18, 18:1, 24:8, 27:9) or with בְּנֵי לֵוִי (21:5, 31:9) except two cases (18:3, 19:17). However, in these exceptional two cases הַכֹּהֲנִים appears with מִשְׁפַּח (18:3) or with וְהִשְׁפָּטִים (19:17). When הַכֹּהֲנִים is used with other name of the theocratical office (e.g. מִשְׁפַּח) it stands alone, because in this case this word expresses a name of the theocratical office. In other cases הַכֹּהֲנִים appears always with הַלְוִיִּים or with בְּנֵי לֵוִי.

339. S.R. Driver (Dt, 300) cannot solve this problem absolutely : 'Certainly v. 14 does not necessarily contradict v. 12 (for v. 12 might refer to the tribe of Levi in general, while the 'Levites' of v. 14 might denote a minority, selected to officiate on the occasion), but the two representations, taken in the whole, are manifestly inconsistent.'



function in the ceremony, and therefore we conclude that these Levites are the same cultic personnel (הַבְּתֻלִים הַלְוִיִּים) as in 27:9.<sup>(340)</sup> As J.G. McConville<sup>(341)</sup> points out, Jos 8:33 where we read the same ritual is decisive in equating the Levites and the levitical priests in 27:9,14. Commentators sometimes arrive at the same conclusion through theological deduction. In 27:14 such an important pronouncement of curses containing the legal demand (i.e. the oath) cannot be done by the ordinary people by interpreting הַלְוִיִּים (27:14) just as the levitical tribes, but it should be pronounced by the (levitical) priests.<sup>(342)</sup>

Summing up all these arguments, 'the tribe of Levi' (לֵוִי) in 27:12 is obviously different from 'the levites' (הַלְוִיִּים) in 27:14 who are the same as 'the levitical priests' (הַבְּתֻלִים הַלְוִיִּים) in 27:9.

### 3.9.6.2. The relationship between 27:11-13 and 27:14-26

From this conclusion in 3.9.6.1. it becomes obvious that there is no confusion of the roles of the different groups in the present ceremony. 'Levi', the levitical tribe (לֵוִי, 27:12) passively partipates in the action ('standing', יַעֲמֵד) without distinguishing itself from other tribes in case of blessing (לְבָרָה, 27:12). Meanwhile, the levitical priests הַלְוִיִּים (27:14) with God's authority function as the personnel to pronounce the so-called oath formula in 27:15-26 (3.9.6.2.).

The next problem which we must solve with the help of this conclusion is the relationship between 27:11-13 and 27:14-26.<sup>(343)</sup> In other words, the main issue is whether we assume continuity or discontinuity between these texts. If we assume discontinuity between 27:11-13 and 27:14-26, how can we explain the intention of the author who brings these passages together which do not fit in with each other? However if we consider that there is continuity, we must answer the following questions which immediately arise.

340. Ehrlich (11,328), J.A. Emerton (1962,133). M.G. Kline (1963,123) describes accurately their function in this ceremony: 'They were to be stationed with the ark of the covenant between Ebal and Gerizim to lead Israel in the oath of ratification.'

341. (1984,137f.). Further he draws an important conclusion in conjunction with the use of the terms in Dt 27: 'This suggests that while there may be a certain inconsistency or looseness in the way in which the terms are used, the writer of Deuteronomy may nonetheless have been aware that distinctions existed within the tribe of Levi.'

342. E. Nielsen (1955,73), following J. Hempel (1925,80,n.1 = 1961,86,n.268): 'Even if we had not had the tradition of Dt 27:14ff we should have arrived at the following conclusion: on special solemn occasions, such as a popular assembly at a sacred spot, it was not the task of everyman to speak the powerful words. ... He (Hempel, TGS) realizes, quite correctly, that the curses of vv. 15ff absolutely demanded the indication of some ritual speaker. The same is true for vv. 11-13.'

343. E. Sellin (1917,27) and J. L'Hour (1962,168-170) consider that 27:14 must be cut off because of its secondary character. Against this, J. Hempel (1925,80,n.1 = 1961,86,n.268) gives a sensible answer: 'Zu einer Streichung dieses Verses (27:14, TGS) kann ich mich (gegen Sellin, *Gilgal*, Leipzig 1916, S. 27) nicht entschließen, da 27:15ff m. E. die Angabe eines Vorbeters zwingend voraussetzen.' Also W. Schottroff (1969,221) makes a similar objection against the solution of E. Sellin and J. L'Hour. Namely without 27:14 there is no possibility to find the information about the *Sitz im Leben* of the oath formula in 27:15-26, and even if we remove 27:14 from the present context it is still strange that there is only a curse series. However, W. Schottroff (1969,223) goes a step further in the wrong direction by asserting that הַלְוִיִּים in 27:14 is a secondary insertion and כָּל-דָּהָעָם in the same verse is not original. This means not all the people took part in the ceremony, but on the contrary only a very limited members of society were there. Even though we can face a practical problem how all the people can reach one place, it is too artificial to reconstruct the text in such a way to build his own theory about curse.



If 27:14-26 reports again the exactly same event as 27:11-13, why is there no blessing series paralleling the curse series (27:15-26) ? If 27:14-26 represents a different stage in a ceremony from 27:11-13, how can we understand the different stages of one covenant ceremony, which fits with each text ? Commentators try to solve the problem in three ways :

(1) there are two different kinds of ceremonies in 27:11-13 and 27:14-26 (S. Mowinckel, M. Noth, G.von Rad),

(2) there are two different accounts of the same ceremony (in Shechem) (Rashi, J. Ridderbos, M. Weinfeld, C.W. Mitchell),

(3) there are two different aspects of one ceremony (cf. J. Wijngaards, M.G. Kline, A. Phillips, the blessing and curse proclamation (27:11-13) and the oath (27:14-26)).

(1) *two different kinds of ceremonies* in 27:11-13 and 27:14-26.

S. Mowinckel argues the discontinuity between these two texts in detail. According to S. Mowinckel there was no original literary continuity between these two texts.<sup>(344)</sup> Firstly, because the Levites in 27:12 (27:13 in the S. Mowinckel's original book) have a different role from those in 27:14. Secondly, because there should be a blessing series before (or after) the curse series of 27:15-26, if these passages form an original unity. However, he wants to admit with Sellin that there is 'ein sachlicher Zusammenhang zwischen v. 11-13 und v. 14-26..., nämlich in der Liturgie'. Furthermore, he sees in 27:14-26 a liturgy used repeatedly in the autumn festival of the ancient Israel.

Against S. Mowinckel's first point we object, as we have already seen in 3.9.6.1, that he does not realize how precisely the author uses the terms related to Levi (לְוִי 27:12, הַלְוִיִּים 27:14, הַכֹּהֲנִים הַלְוִיִּים 27:9). Since the levitical priests (הַלְוִיִּים 27:14) are differentiated from the levitical tribe (לְוִי 27:12), the present two passages (27:11-13, 27:14-26) cannot necessarily be considered as an author's confused gathering of two seemingly similar texts.<sup>(345)</sup> This means that the two passages can be considered as texts which describe different phases of one continuous ceremony. Above all we suggest the following argument against S. Mowinckel's second point : הַקְלָלָה (27:13) does not necessarily have to be identified with אָרָר (27:15-26). This is because the object of each term is different, even though both of them can be pronounced by the same levitical priests. In other words, in 27:13 the curse (הַקְלָלָה) is pronounced only towards the six tribes, but in 27:15-26 the curse (אָרָר) will be pronounced towards the whole people as an oath. הַקְלָלָה (27:13) is related to six tribes, but אָרָר (27:15-26) is related to all the people who respond with אָמֵן. Going a step further, this finding illustrates an aspect of the relationship between the two texts. If that these two different concepts of curse (27:13, and 27:15-26) can coexist, which

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344. (1924,77,104).

345. For example K. Marti (Dt,309), identifying לְוִי with הַלְוִיִּים, considers there are 'zwei nicht zusammengehörende Elemente' in 27:11-26.



we shall shortly discuss, S. Mowinckel's argument is lost.<sup>(346)</sup>

M. Noth<sup>(347)</sup> is more radical in the judgement on the present text. He holds that the editor places 27:11-13 before 27:14-26 and 27:14 functions as a kind of introduction to the great curse liturgy in 27:15-26. However, this intention of the editor is doomed to failure, because 27:14-26 consisting only of a curse series reveals imbalance compared with 27:11-13 having both the blessing and the curse. 27:14-26 was an originally independent passage, whose origin is difficult to determine.<sup>(348)</sup>

In this judgement on the editor's intention M. Noth seems to make the same identifications as Mowinckel : הַקְלָלָה in 27:13 with אָרָר in 27:15-26 and לְךָ in 27:12 with הַלְוִיִּם in 27:14. Therefore, we apply the same critique to M. Noth as we have done above to S. Mowinckel. Further there are two points which M. Noth neglects in his consideration on the original passage of 27:14-26. Firstly, the meaning of 27:14 is not properly considered in the interpretation of 27:15-26 when M. Noth regards 27:14 as belonging to the original context of 27:15-26. In 27:14 we see that הַלְוִיִּם (the levitical priests) have an important function as the announcers of the curse series (27:15-26) as well as of the blessing and curse (27:11-13) as we have seen in 3.9.5. Because of this dual role of the levitical priests it is natural to assume that there is a certain connection between 27:11-13 and 27:14-26. And secondly, M. Noth does not consider properly that 27:15-26 is not just the curse series but is a combination of curse proclamation with the answer (אָמֵן) of the people.<sup>(349)</sup> Therefore, M. Noth fails to appreciate the relationship between 27:11-13 and 27:14-26 because his definition of 27:14-26 is not accurate.

G.von Rad<sup>(350)</sup>, separates 27:11-13 from 27:14-26 totally. S. Bülow<sup>(351)</sup> thinks there are two different ceremonies in 'two different places'. However, G.von Rad, less radically than S. Bülow, holds that 27:11-13 and 27:14-26 describe 'two different ceremonies' which were held from early times at the same place, Shechem. Since there are no blessings and curses listed in the first ceremony of 27:11-13, it is said that in the artificial combination of these two ceremonies the first is shortened for the sake of the second. Therefore, the actual description of the ceremony is found only in the second passage.

The decisive factor for G.von Rad's interpretation, firstly, is in the identification of לְךָ (27:12) with הַלְוִיִּם (27:14) just as in S. Mowinckel's one, and therefore G.von Rad interprets that the fact that the same group (הַלְוִיִּם, לְךָ) has two different functions (in 27:11-13 and in 27:14-26) means there are two totally different ceremonies. And secondly,

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346. Although S. Mowinckel points that the ritual aspect is the common character of both texts, this fact is too general to solve the present problem.

347. (1930,144).

348. M. Noth (1930,144 : 'Der einzige positive Anhaltspunkt ist die Meinung des Redaktors, der das Stück hier einsetzte und damit seiner Ansicht Ausdruck verlieh, daß es in einer an einem Heiligtum bei Sichem vorgenommen liturgischen Handlung seinen 'Sitz im Leben' gehabt habe').

349. In other words, because of this formal feature this series is quite similar to an oath formula, about which we shall see soon.

350. He (ATD, Dt, 119) mainly follows S. Bülow (1957, 102f.).

351. S. Rudman (1968, 49, n.3).



he considers that his interpretation receives further exegetical support from his interpretation that the logical subject of לְבָרָה in 27:12 is the people themselves and the announcers of the curse series in 27:15-26 are the Levites. However, as we have already seen (3.9.6.1), we cannot accept the identification of לְוִי (the levitical tribe, 27:12) and הַלְוִיִּים (the (levitical) priests, 27:14, cf. 27:9). And about the second point, we have seen that the people cannot be the logical subject of לְבָרָה (27:12) and הַקְּלָלָה (27:13). Therefore, we cannot accept his understanding that in 27:11-26 we have the two different ceremonies which happened in the same place.

(2) the two passages are the reports of *the same ceremony*.

J. Ridderbos<sup>(352)</sup> holds that these two texts describe the same event and they supplement each other by giving full information of the ceremony.<sup>(353)</sup> The blessing series, which we expect from the parallel existence of blessing and curse in 27:11-13, corresponding with the curse series in 27:15-26 was omitted<sup>(354)</sup> for a theological reason. The reason why the blessing series is omitted, according to J. Ridderbos, is related to the reason why the covenant offering is offered (27:1-8) in the mount Ebal and on the same mount the curse is pronounced according to 27:13. In 27:1-8 the law should be written in the mount of curse, Ebal, because the law is through the curse more connected with warning than with salvation itself, just as the law is 'the schoolmaster' (KJV) which brings the people to Christ (Gal 3:24). Therefore, in 27:14-26 there is only the curse series in order to emphasize the aspect of curse. Since J. Ridderbos holds that 27:11-13 and 27:14-26 report the same ceremony, 'all the people of Israel' in 27:14 means, according to him, the six tribes which are connected with the pronouncement of the curse in 27:13.

J. Ridderbos' explanation for the omission of the blessing series is rather naive and dogmatic. Although it is a problem why the covenant ceremony in 27:1-8 happened on mount Ebal, if we follow MT, which is connected with the curse in 27:13, our present problem should be solved, first of all, within our text not by appealing to the NT. Moreover, in 27:1-8 we find not only the aspect of law but also the aspect of the covenant ceremony (27:5-7). And this latter aspect does not directly emphasize a negative side of the covenant ceremony, rather it reveals the covenant ceremony as a joyful event (שִׂמְחָה in 27:7). Further J. Ridderbos misunderstands the text not only by considering the six tribes as the logical subject of לְבָרָה in 27:12 (see 3.9.5.) but also by considering כָּל-אֲשֶׁר יִשְׂרָאֵל in 27:14 as the six tribes, which is hardly acceptable. Moreover, a similar expression כָּל-הָעָם is used twelve times in 27:15-26. Therefore, we cannot accept the argument of J.

352. (KV,Dt,11,69,72 = BSC,Dt,249,252).

353. Similar view is proposed by M. Weinfeld (1972,147) who holds that there are two traditions of one ceremony rooted together in Shechem and they have no relationship with the maledictions in Dt 28. Also DJ. McCarthy (1978,197).

354. Also E. Meyer (1906,552), Rashi (Dt,63), Ehrlich (11,329). In this opinion commentators (E. Sellin (1917,27), J. L'Hour (1962,168-170), J. Hempel (1961,86,N.268), W. Schottroff (1969,223)) hold that 27:14 is a secondary insertion between 27:11-13 and 27:15-16.



Ridderbos that (i) 27:11-13 and 27:14-26 are two reports of the same event, and (ii) the blessing series, which is in parallel with the curse series in 27:15-26, was omitted.<sup>(355)</sup>

(3) *two different aspects of one covenant ceremony* : the blessing and curse proclamation (27:11-13) and the oath (27:14-26).

J. Wijngaards makes an interesting suggestion that 27:14-26 is not a series of a general curses but a series of oaths<sup>(356)</sup>, because in this series we read the official acceptance of conditional self-curses. Although she does not try to deal with the relationship between 27:11-13 and 27:14-26<sup>(357)</sup>, she distinguishes correctly an oath from a general curse, and defines 27:14-26 as an oath formula. It is crucial for us to develop this insight further. We find three major reasons for holding that 27:15-26 is an oath formula :

(i) the authoritative persons (the levitical priests in 27:14<sup>(358)</sup>) who pronounce solemnly the curse in the conditional form and demand the response from the party concerned (i.e. Israel).

(ii) the condition (שִׁינִיָּהּ or pt. form) with attached a legal item of, and the pronouncement of the curse (אָרַךְ).

(iii) the response of the person concerned with אָמַן.

The response of the people (אָמַן) in each legal item expressed with a curse (אָרַךְ) is pivotal for defining 27:15-26 as an oath. S.H. Blank<sup>(359)</sup> accurately distinguishes the biblical oath from a general curse :

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355. Although we can try to gather commandments of positive character or of opposite concept to the present curse series (e.g. 'Blessed be the man who respects his parents', which corresponds with 27:16) in order to make a blessing series, we face the problem that immediately arises. In other words, we cannot find any example that אָמַן is attached to such a kind of blessing series which has the characteristic of oath, because the promise of the blessing to the man who keeps the commandment must be fulfilled not by the man but by God. In other words, God should speak אָמַן. Not only in the ceremony of the Sinai covenant (Ex 19) which is closely related to the present Moab-Shechem covenant but also in the present context it is difficult to think that God takes an oath when the priests demand the blessing. C.W. Mitchell (1987,42), in his recent study without trying systematical analysis of the whole text of 27:11-26, assumes the possibility of the existence of a blessing series similar to the curse series of 27:15-26. This is because he presumably accepts the similar argument of J. Ridderbos that 27:11-13 and 27:14-26 are the report of the same event. He also does not distinguish the difference of הִקְלִילָהּ in 27:13 and אָרַךְ in 27:15-26. Cf. also Ehrlich (11,329) holds that the parallel blessing formula can be found in Num 6:24-26. However, in Num 6:24-26 the conditional sense because of the covenant relationship is absent and therefore, there is no אָמַן.

356. (Dt,30)ff. : 'Voor de semieten was een eed altijd verbonden met een voorwaardelijke vloek die men over zichzelf uitsprak. De tekst in 27,14-26 moet dan ook *niet zo zeer als een reeks vloeken* gezien worden, *maar als reeks eden*, als een reeks plechtige verklaringen die in de uitdrukkelijke vorm van een voorwaardelijke vloek werden afgekondigd. — De reeks moet dus als een inscherping van geboden, als een twaalfvoudige eed, en niet als een vloekenreeks, beschouwd worden' (italics, TGS)). This understanding is shared with M.G. Kline (1963,123). A. Phillips (1972,181) distinguishes 27:11-13 from 27:14-26, because in 27:14-26 we find only 'the curse liturgy' which is similar to the entrance liturgy like Ps 15 (cf. Is 33:14-16) and Ps 24:3-6. However, he does not pursue further the difference of both sections. J. Pedersen (1914,108) correctly points out that we can divide the general curse and the oath as curse although both are 'fließend'.

357. In fact she (Dt,30) has her own understanding of 27:11-13 : 'Misschien moet men 27:11-13 dan zó verstaan, dat hier een oude praktijk officieel wordt gerechvaardigd met een beroep op Mozes gezag'

358. The assertion of W. Schottroff (1969,223) that the levitical priests in 27:14 are secondary is hardly to be justified. See 3.9.6.1

359. (1950-51,87,89,n.53) and D.L. Magnetti (1969,124).



'The biblical oath is a conditional curse... It has several uses. It may be used to discover the unknown perpetrator of an offense. ... When the curse-formula curses of Dt 27 are combined with the people's response, they become an oath.'

In the OT we find similar examples of oath in Ex 22:7, 10 and Num 5:12ff. In the ANE texts we find many cases where the word 'oath' appears in parallel with the word 'covenant', but the oath formula itself<sup>(360)</sup> is rarely retained. Since an oath, which is essential<sup>(361)</sup> for making an official relationship between two parties (e.g. treaty, marriage), should be taken orally rather than in the written form and since in the ANE the spoken word was believed to have a more powerful binding effect than in the modern time, most presumably there was no necessity to retain the oral oath formula in the written document.<sup>(362)</sup> The existence of an oral oath in making a covenant, marriage or treaty can also be proved by the fact that the word 'covenant' or 'treaty' is usually accompanied by the word 'oath' in the sealing section after (NB. but not before) the stipulations.<sup>(363)</sup> In Dt we find the same tendency. The Hebrew word meaning 'oath' (אָלָה) is used only directly after Dt 28, i.e. after the report of the covenant renewal of Moab / Shechem<sup>(364)</sup>, and especially this word is concentrated on Dt 29 (29:11,13,18,19,20, 30:7).<sup>(365)</sup> This fact indicates that the author considers that the 'oath' is taken directly before Dt 29, even though the meaning of אָלָה in Dt can oscillate from 'curse' to 'oath' according to context.<sup>(366)</sup> He correctly single out אָלָה (29:11,13) which means 'oath' compared with other cases (29:18,19,20, 30:7) where this word has the same meaning as general curse (קָלָלָה). In the former case (29:11,13) אָלָה is used as a synonym of בְּרִית as an object of the verb נָתַת. This

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360. Some exceptional cases are *the soldier's oath* (ANET,353f.) and the oath section (§ 57, lines 494–512, 'vow of allegiance to Assurbanipal', NB, 'we' form speech, but before and after this section we read 'you' form speech) within the VTE (D. Wiseman (1958,20 : 'This is the only passage in the treaty in which the words of the subordinated party are recorded'), R. Frankena (1965,132), S. Parpola & K. Watanabe (1988,XLII,50 : 'It would thus seem that the vow was an alternative way of phrasing treaties unilaterally accepted by the other party, and that the presence of a vow and treaty stipulations in the same text was an exception rather than a rule')), the oath of the Mati'ilu treaty (DJ. McCarthy,1978,197), and cf. the oath in the Alalah tablet (DJ. Wiseman (1953 ; 1958,124–129), D.L. Magnetti (1969,124f.)) and see the traces of oath in D.L. Magnetti (1969,67–85).

361. D.L. Magnetti (1969,66f. : 'Even though this step in the international legal practice of concluding a treaty is not always mentioned or emphasized in the actual treaty text, it may be shown that the swearing of an oath in support of an agreement and the consequential sanction of the gods were an essential part of treaty-making').

362. It can also be the reason that 27:14–26 as an oath is not repeated in the synoptic passages like Dt 11:26ff., Jos 8:30ff. This oath formula could not be suitably placed not only in 11:26ff. where the location of the two mounts is more concerned than the actual proclaimed words, but also in Jos 8:30ff. where the cultic action itself is the important concern which should be performed precisely according to the commandment of Moses.

363. G. Heinemann (1958,38), G.E. Mendenhall (1955,31), A. Goetze (ANET,205), cf. P. Buis (1969,479 : 'une forme de proclamation des exigences de l'alliance', which is actually an oath). In this case we cannot assume that the word 'oath' has only the synonymous meaning of the word 'covenant', but 'oath' should recall strongly the actual oath taken orally in the covenant (or treaty) ceremony.

364. See 3111 about *the colophon* (28:69) of the Moab covenant and 3121 about *the heading* (4:45) of the Moab covenant.

365. Meanwhile, the usual words of blessing (בְּרָכָה) / curse (קָלָלָה) and their derivatives appear in the various places of Dt (see Mandelkern, *Even-Shoshan*).

366. BDB, HAL. GB, too generally, gives only one meaning ('hypothetische Selbstverwünschung') in all these cases of the word אָלָה without considering their contexts.



is exactly the same use as in the ANE treaties.<sup>(367)</sup> However, this synonymous use of אָלָה with בְּרִית does not prove that אָלָה is used only as literary expression to stress the covenant. Rather אָלָה stresses the existence of an oath as an actual stage within the ratification ceremony just as in the ANE texts, because this combined phrase usually appears in the warning context presumably after making an oath. It means that אָלָה as a kind of curse, the original aspect of this word, still remains, because an oath itself can be considered as curse in the self-imposed oath or in the oath imposed by other (e.g. אָרַח).<sup>(368)</sup>

Therefore, all these arguments suggest strongly that 27:14-26 is an oath formula. This understanding of 27:14-26 as an oath formula corresponds with the content of this series.<sup>(369)</sup> Namely the formula is mainly directed at the sins which are committed *secretly* (בְּסֵתֶר, esp. 27:15,24, cf. Job 31:24ff.).<sup>(370)</sup> And these kinds of sin which cannot be detected by human eye are very appropriately prohibited by oath, because only God, the other party of the covenant, can judge and punish that crime properly.

Another point which is important for understanding the relationship between 27:11-13 and 27:14-26 is that we cannot deny that logically the pronouncement of an oath can coexist with that of the blessing and curse in one ceremony, even though we cannot suggest enough examples of this because of insufficient materials concerning oaths. It becomes apparent that 27:11-13 is the record of the blessing and curse pronouncement, if we understand,

(i) the logical subject of לְבָרָה (27:12) is the levitical priests and

(ii) לֵוִי (the levitical tribe, 27:12) is different from הַלְוִיִּים (the levitical priests).

Then we find there are enough factors which are necessary to define it as the blessing and curse pronouncement :

(i) the pronouncers (the levitical priests),

(ii) the recipients of the blessing (six tribes) and the curse (six tribes) with 'imprecatory' power (the term of CH. Brichto),

367. G.E. Mendenhall (1955,31) : 'The Hittite language, and the Babylonian as well, never had a single word for contract or covenant. In both languages the covenant was designated by a phrase which would be translated by a phrase as "oaths and bonds". 'Oath' is accompanied 'covenant', because most probably 'oath' summarizes the acceptance of one party of the specific relationship and 'oath' in this phrase recalls the curse as the consequence of breaking the condition of the relationship. V. Korošec (1931,21ff.) and G. Heinemann (1958,95,64,n.2) show the cases of the Hittite treaty where we read the combined phrase 'treaty and oath' (*ri-ik-si-šu ù ša ma-mi-ti-šu*, in Mattiwaza-Šuppiluliumš treaty (W 2, line 63)).

368. A similar passive participation to oath is found in Num 5:11-31, esp.22, cf. the active form of oath or swearing in Dt 21:1-9.

369. M.G. Kline (1963,124), D.J. McCarthy (1978,198 : '...one must admit that they (27:14-26, TGS) do make an effective covenant pledge. That is, they show a people binding themselves to certain obligations (stipulations) under pain of sanctions. ... but this can be seen as part of the process by which a covenant community delineated itself').

370. This is not within the scope of this thesis to study the content (i.e. as law), the form, and the structure of this formula. Literature (A. Jirku (1927,17f.,61ff.), A. Alt (1953,278-332 = 1968,101-171), G. Heinemann (1958,81ff.), H. Schulz (1969,61-71), E. Gerstenberger (1965,90f.). We only want to point that many commentators hold that this series is about the sins committed in secret (e.g. A. Jirku (1927,62), A. Alt (1953,314 = 1968,147), G. Heinemann (1958,81), W. Schottroff (1969,125,222), W. Richter (1966,174,n.80), Ehrlich (11,329)). Presumably within 27:15-26 בְּסֵתֶר is not used for the cases where the crimes are usually committed in secret. But the crimes of the other two cases (27:15,24) can be committed publicly as well as secretly, and therefore the author mentions בְּסֵתֶר deliberately.



(iii) suitable symbolic action.<sup>(371)</sup>

This understanding of 27:11-13 does not rule out the coexistence of the blessing and curse and the oath side by side in the covenant ratification ceremony. Then we can construct the actual progress of the ratification ceremony and we find this construction precisely matches the text of 27:11-26 :

(i) people standing on each side of the mounts,

(ii) the pronouncement of the blessing and curse by the levitical priests towards each six tribes,

(iii) the pronouncement of the oath (אָרֶה), containing the demand, by the same levitical priests and the people's response with אָמֵן.

Therefore, we conclude 27:11-13 cannot be identified with 27:14-26.<sup>(372)</sup> However, each text represents a different stage of the same covenant ceremony : 27:11-13, the blessing and curse pronouncement, but 27:14-26, the oath pronouncement.

### 3.9.7 The blessing and curse in Jos 8:30ff.

We now want to consider the third synoptic text about the covenant ratification ceremony in Shechem, Jos 8:30ff. Firstly we want to look at this text in its relationship with the first and second synoptic texts, Dt 11:26ff., and Dt 27. Secondly, its relationship with Ex 24 is an interesting topic. And then thirdly, we want to look at the characteristics of this text.

#### (1) its connection with Dt 11:26ff. and Dt 27.

E. Nielsen<sup>(373)</sup> asserts that Jos 8:30ff. itself is not an independent tradition but that it depends on Dt 27. This matches well the record of Jos 8:30ff. where time and again its dependence upon other materials is expressed.<sup>(374)</sup> And further E. Nielsen<sup>(375)</sup> points out seven different expressions in Jos 8:30ff. from Dt 11 or Dt 27, among others 'the half' (חצי) in Jos 8:33 which does not mean the half of the levitical priests but half of the people, although the names of the twelve tribes are not mentioned. And the dependence of Jos 8:30ff. upon Dt is pointed out by the phrase (כָּל-קְהַל יִשְׂרָאֵל וְהַנָּשִׁים וְהַטַּף וְהַיֵּר הַזֶּה הִלְכָה בְּקֶרְבָּם)

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371. Namely people's standing on both side of the mounts which makes clear there is no neutral way except blessing and curse.

372. There are three different points between 27:11-13 and 27:14-26 : (i) in the former Israel is divided into two groups each six tribes but in the latter all the people are joined in their answer by giving the unison answer (אָמֵן), (ii) in the former we read the blessing as well as the curse, but in the latter there are only the curses, (iii) in the former the reaction of the people is not required, they simply listen what the levitical priests pronounce, but in the latter when the priests pronounce all the people have to react towards that either positively ('Amen', or negatively).

373. (1955,79f) and A.F. Puukko (1910,141), H.W. Hertzberg (Jos,61).

374. 'Jos 8:30ff. far from being a tradition independent of Dt 27 represents an addition or interweaving of elements from an originally Shechemite tradition (Dt 27) and from the deut. teaching, especially as it is presented in Dt 29-31.' Also M. Noth (1943,43). The secondary character of Jos 8:30ff. is obvious from the combination of 'the copy of the law' and the stones of the altar, 'an altar of unhewn stones.'

375. (1955,78f.).



in Jos 8:34 used also in Dt 31:12 (אֲשֶׁר בְּשִׁעְרֶיהָ) cf. also Dt 29:9-10 (ET 29:10-12)).<sup>(376)</sup>

## (2) its connection with Ex 24:3-8

Further we suggest there is not only the connection of Jos 8:30ff. with Dt 27 but also with Ex 24:3-8. And this connection with Ex 24:3-8 particularly supports our definition of Ex 24:3-8 as the covenant ratification ceremony (see 2.12.2), because we find several common elements in both texts : (i) the order of events, (ii) same phraseology, (iii) the emphasis on 'to pronounce' (קרא Jos 8:34,35).

(i) The order of the events in both texts is similar, first the altar (Jos 8:30f., Ex 24:4a), second the stele (Jos 8:32, Ex 24:4b). Although in Jos 8:32 there is no clear mention of erecting a stele, it is more likely that these stones are not for carrying but for demonstrating God's law in a certain place as in the ANE codes and Dt 27:1-8. In any case the prominent aspect of the altar in Jos 8:30f. is slightly different from Dt 27:1-8 where the aspect of writing down is the main theme, and therefore this theme stands at the beginning of the section as well as being repeated once again (see 3.7.6.). And this difference can be explained by supposing the influence from Ex 24.<sup>(377)</sup>

(ii) We find also the same phrases used in both texts : e.g. יהוה אלהי ישראל (Jos 8:30, Ex 24:10), בני ישראל (Jos 8:32, Ex 24:5,11), cf. ספר תורה (Jos 8:31) and ספר הברית (Ex 24:7).

(iii) The stress on 'to pronounce' (קרא Jos 8:34,35) at the end of the section contrasts with the emphasis on writing down in Dt 27:1-8. Although we can make a connection between this stress with Dt 31:11 (קרא), we also consider its connection with Ex 24:3-8 (קרא pi. Ex 24:3, קרא Ex 24:8).<sup>(378)</sup>

## (3) its characteristics.

As indicated already, all three synoptic passages (Dt 11:26ff., Dt 27, Jos 8:30ff.) have different emphases in their description of the event : the first (Dt 11:26ff.) gives details of the geographical situation of the two mounts, the second (Dt 27) mentions the actual ritual / ceremony with full detail, and the third (Jos 8:30ff.) mainly concentrates on the fact that Joshua follows exactly the commandment of Moses. We point out the two characteristics of the description of Jos 8:30ff. : (i) the stones where Joshua writes God's laws (Jos 8:32), (ii) in Jos 8:33 there is only the blessing (לְבָרָה) but not the curse.

376. M. Noth (1943,43), G.J. Wenham (1971,146f.).

377. M. Anbar (1985,307) mentions a similar point.

378. Therefore, on the ground of the order of the events in Jos 8:30ff. we cannot insist that a certain passage (vv.3b,5a,7) within Dt 27:1-8 is original as R.P. Merendino (1980,197) surmises. In Jos 8:30ff. we see the shift of emphasis from writing God's law (Dt 27:1-8) to Joshua's observing all commands given through Moses. And because of this shift of emphasis we assume the author arranges the materials as he wants. This is also the reason why the author of Joshua does not give full attention to distinguish the stones of the altar (שְׁלֵמוֹת Jos 8:31) and the stones for writing God's law (הַאֲבָנִים Jos 8:32). Most probably the writing on the natural surface of stone is obviously impossible for the author, and therefore it is not mentioned (*pace* J.J.P. Valeton (1881,42,n.1), E. Meyer (1906,545), and M. Anbar (1985,304)).



(i) It is problematic on which stones Joshua writes the laws of God (Jos 8:32). However, the stones (Jos 8:32) where Joshua has written God's laws cannot be considered the same as the altar stones (Jos 8:30), although in Jos 8:32 **הָאֲבָנִים** is used<sup>(379)</sup>, because Jos 8:31a prohibits the use of **בְּרֶזֶל** as in Dt 27:5 and it is very difficult to write laws on the surface of the unprepared natural stones gathered for making the altar.<sup>(380)</sup> This phenomenon shows that the author of Joshua omits certain components, even some vital ones for the easy flow of the sentence, which is self-evident for the reader / listener.<sup>(381)</sup> This conclusion has important consequences for the construction of Dt 27. The unity of Jos 8:30ff. is not doubted and this means the coexistence of the three components : the offering (8:30f.), writing God's law (8:32), the blessing and curse (8:33) in a single ceremony. Thus the unity of Dt 27:1-13 where we read the same three components (the offering (27:5-7), writing God's law (27:2-4,8), the blessing and curse (27:11-13)) is confirmed.

(ii) In Jos 8:33 we find astonishing detail about the division and position of the people when the blessing and curse is pronounced. An important question in this pronouncement is in Jos 8:33 : why is the blessing (**לְבָרָה**) mentioned but not the curse ? There can be theological or grammatical interpretation.<sup>(382)</sup>

According to the theological interpretation<sup>(383)</sup> the emphasis is shifted from the curse, the threat (Dt 27), to the promise (Jos 8) by pronouncing only the blessing (**לְבָרָה**). Firstly, this interpretation is based upon the understanding of Dt 27:14-26 as the detailed reintroduction of the curse in Dt 27:13. But we have already pointed out in 3.9.6.2. that this understanding is wrong. The wrong interpretation of Dt 27:14-26 as reintroduction of the curse in Dt 27:13 leads to the wrong comparison of Jos 8:33 with Dt 27 in their emphasis. Secondly, the detailed description of the people in Jos 8:33 divided half and half on the two mounts cannot match this emphasis on the blessing alone.<sup>(384)</sup> Lastly, the fact that in Jos 8:34 the curse together with the blessing parallels the book of law which Joshua recites (**אֶת־כָּל־יְהוָה הַתּוֹרָה הַבְּרָכָה וְהַקְלָלָה**) makes it difficult to accept this interpretation, because this recitation is in the same context as Jos 8:33.

379. Pace J. Hempel (1914,86) and cf. the confusing assertion of A.F. Puukko (1910,141 and n2, 143,n1) who wrongly criticizes A. Kuenen's observation about this matter (lit. in A.F. Puukko,1910,141,n2).

380. If Jos 8:30ff. is dependent upon Dt 27, which is nearly the consensus of commentators, the detailed regulation about the careful preparation of the surface of the tablets in Dt 27:1-8 cannot be overlooked by the author of Joshua.

381. We may give an answer to two similar questions as to why there is no trace of the oath in Jos 8:30ff. mentioned in Dt 27:14-26 and why there is no detailed mentioning of the names of twelve tribes like in Dt 27:12-13 but simply 'half of the people' with the unclear term **הַחֲצִי / הַחֲצִי** (A.F. Puukko,1910,141,n1). These phenomena of *the short-cut expression* enable us to consider the author's freedom to describe the fulfilment of command about the covenant ceremony. To the author of Joshua the list of oath formulae in Dt 27:15-26 seems to be unimportant, and therefore he simply omits this event. Further, he finishes his report by the *pronouncement* of Moses' law in 8:34 which does not appear in Dt 27 but in Dt 31:9-13 as well as in Ex 24:3,7.

382. It could be a similar problem of **עַל־הַקְלָלָה** in Dt 27:13 where we expect the verb form of the word curse. We have seen in the study on Dt 27:13 (3.9.6.2) there are also theological as well as grammatical interpretations on this problem.

383. T.C. Butler (Jos,93) and see C.J. Goslinga (Joz,88).

384. The legal character of this gathering is expressed further by the phrase **כָּל־קְהָל יִשְׂרָאֵל** (Jos 8:35, B. Holwerda,Joz,28 : 'de geconvoeerde gemeente'), cf. Dt 5:22 (**כָּל־קְהָלְכֶם**) and our study on this verse in 3.4.1(c).



These objections to the *theological* interpretation lead us to consider the *grammatical* interpretation. Firstly, in Jos 8:33 the accent is laid not on theological points but on the detailed description of the process of the covenant ceremony itself, the division of the people and their position on the mounts, the levitical priests, and the ark of the covenant. This detailed description follows the main verb עָמְרִים (Jos 8:33) standing at the beginning of the sentence. Because of this arrangement the position of לְבָרָה stands nearly at the end of the long sentence made by the manifold nominal phrases and there is a great distance between עָמְרִים and לְבָרָה. This phenomenon looks strange compared with the use in Dt 27:12 where there is no distance between עָמְרִים and לְבָרָה. This comparison leads us to hold that the author of Joshua piles up the information about the detailed description on the process of the covenant ceremony between עָמְרִים and לְבָרָה. Secondly, it is natural that the logical subject of לְבָרָה is not all Israelites (כָּל־יִשְׂרָאֵל חִקְנֹז וְשֹׁטְרִים וְשֹׁפְטִים), which is the logical subject of עָמְרִים, but the levitical priests just as לְבָרָה in Dt 27:12, because the object of לְבָרָה in Jos 8:33 is אֶת־הָעָם יִשְׂרָאֵל. Thirdly, because, as we have seen in 3.9.5, we cannot use the inf. of קָלַל (pi.), which does not have the meaning 'to imprecate', either in Dt 27:13 or here<sup>(385)</sup>, if we want to insert the word 'curse' after 'blessing' we must also use the noun הַקְּלָלָה (or עַל־הַקְּלָלָה) as in Dt 27:13. However, we immediately find that a sensible sentence cannot be made with the insertion of הַקְּלָלָה (or עַל־הַקְּלָלָה). There is no suitable place for הַקְּלָלָה (or עַל־הַקְּלָלָה).<sup>(386)</sup> Therefore, Jos 8:33 has to be understood as follows : just as the noun form (עַל־הַקְּלָלָה), compared with the use of the verbal form (לְבָרָה) in Dt 27:12, is used in Dt 27:13 for grammatical reasons, in Jos 8:33 הַקְּלָלָה (or עַל־הַקְּלָלָה) is omitted because grammatically this arrangement is unsuitable. And this omission of the curse does not mean that the author theologically intends to weaken the curse.

From these two characteristics of Jos 8:30ff. ((i) & (ii)) we realize the principal guideline for describing the covenant ceremony in Jos 8:30ff. is not different from that in Dt 27:11-13 : twelve tribes are divided into two groups and the levitical priests pronounced the blessing and curse towards six tribes standing on each mount.

### 3.10. The formulae of blessing and curse (Dt 28:3-6, 16-19).

One of the perplexing problems in Dt 28 is how we define the almost perfectly parallel formulae of the blessing (28:3-6) and the curse (28:16-19). There are two immediately visible characteristics in these formulae. Firstly, their contents are unique just like the oath formula in 27:14-26 and these are somewhat different from the rest of the blessings

385. See C.H. Brichto (1963,185).

386. In Dt 27:13, however, עַל־הַקְּלָלָה can make sense because there the author describes the curse in parallel with the blessing in 27:12.



and curses in Dt 28. The structure and the presentation style, secondly, are totally different from the present context yet within themselves they show a concrete unity with well balanced harmony. The relationship with the surrounding context seems to be weak and they look independent.<sup>(387)</sup> From these characteristics we ask two vital questions for these formulae. What is the original *SiL* of these unique formulae? And what is the aim of the author who places them in the present position in Dt? Before trying to find the solution to these problems in 3.10.3. we want to study the context, the conditional introductory sentence in 3.10.1, and the structure of the formulae in 3.10.2.

### 3.10.1. The conditional introductory sentences (28:1-2,15)

Our first task in solving these problems is to examine the immediately surrounding context : the conditional introductory sentences in 28:1-2,15.<sup>(388)</sup> This study helps us to understand the total structure of the covenant ceremony pericope 26:16-28:69, which we have considered in 3.6.5.5. At the same time this study illuminates the literary technique used by the author to arrange the material and this helps us indirectly to understand our major problem : the *SiL* of the blessing and curse formulae in 28:3-6,16-19. The conditional introductory sentence in 28:1-2 forms a good parallel with that in 28:15<sup>(389)</sup> :

28:1-2

28:15

(condition I)

1. אִם- + וְהָיָה

אִם- + וְהָיָה

2. שָׁמַע תִּשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ

לֹא תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ

3. לְשָׂמֹר לַעֲשׂוֹת אֶת-כָּל-מִצְוֹתַי

לְשָׂמֹר לַעֲשׂוֹת אֶת-כָּל-מִצְוֹתַי וְחֻקֹּתַי

387. D.J. McCarthy (1978,176) already points out the difference between the blessing series (curse series are also similar) in 28:3-6 (*impersonal participial formulation*) and other items of blessing in 28:7-13a (*the personal grant of YHWH*). Not only in their contents but also stylistically these formulae are different from the surrounding context because of its poetic, rhythmical feature with repeated use of *בְּרִוּהָ / אֲרִי*.

388. See E. Mørstadt (1960,11-16) for his persuasive argument of the strong resemblance between these introductory phrases and the phrases in the ANE treaties. The connection between 27:26 and 28:1 does not look natural. This is because 27:26 is the last item of the oath formula to be solemnly pronounced by the levitical priests (27:14) and accepted by the people with Amen in front of the two mounts (Gerizim and Ebal), but from 28:1 begin the conditional blessings and curses expressed with an admonitional style. There is not only this stylistic change but also there is a change of the place concerned : Gerizim and Ebal until 27:26 but in the Moab plain from 28:1. We find, however, these kinds of unusual change, compared with the consistent speech form (i.e. Moses' speech to the people) throughout the long central pericope (5:1-26:19), happen in the previous sections. Interestingly, these sections are about the covenant ceremony in the Moab plain and in the mounts Gerizim and Ebal (Shechem), e.g. the change from 26:19 (Moses' speech, Moab) to 27:1 (Moses and elders' speech, Shechem), the change from 27:8 (Shechem) to 28:9 (Moab), and the change from 27:10 (Moab) to 27:11 (Shechem). We have already seen in 3.6.5.5. that these changes of style, place, time are the compositional devices of the author to stress the unity of the covenant ceremony which has to be performed in the two places (the Moab plain, Gerizim and Ebal) and in two different times (present, after the crossing the Jordan). Therefore, the change from 27:26 to 28:1 is not strange from the point of view of this compositional scheme.

389. In the curse we read two more introductory conditional sentences (28:47, *לֹא-עֲבֹדָהּ*, and 28:58, *אִם-לֹא תִשְׁמֹר*) which are subordinated into the major conditional sentence in 28:15. They do not introduce totally new beginnings.



4. אֲשֶׁר אֲנִי מְצַוְהָה הַיּוֹם

אֲשֶׁר אֲנִי מְצַוְהָה הַיּוֹם

(reward I)

5. וּנְתַנֶּה יְהוָה אֱלֹהֶיךָ עֲלֶיךָ עַל כָּל-גּוֹי הָאָרֶץ

(reward II)

6. וּבָא עֲלֶיךָ כָּל-הַבְּרָכּוֹת הָאֵלֶּה וְהַשְׁיִגְרָה

וּבָא עֲלֶיךָ כָּל-הַקְּלָלוֹת הָאֵלֶּה וְהַשְׁיִגְרָה

(condition II)

7. כִּי תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ

From this chart we make following observations about the compositional technique of 28:1-2 and 28:15<sup>(390)</sup> :

(i) The basic structure of both sentences consists of the combination of **condition I** (items 1,2,3,4) and **reward II** (item 6). In this basic structure both sentences are nearly identical except the addition of **שְׂמוּעַ** in the **condition I** (item 2) of the blessing and the addition of **וְהַקְּטִיז** in the **condition I** (item 3) of the curse.<sup>(391)</sup>

(ii) The conditional sentence for the blessing is expanded, firstly, by adding the conditional clause (item 7, **כִּי תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ**)<sup>(392)</sup> which is in fact the repetition of the previous conditional clause (item 2, **שְׂמוּעַ תִּשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ**).

(iii) Secondly, the expansion is achieved by the introduction of the new item of reward (**reward I**, item 5, **וּנְתַנֶּה יְהוָה אֱלֹהֶיךָ עֲלֶיךָ עַל כָּל-גּוֹי הָאָרֶץ**), which is directly related to the second promise of God's pronouncement of the covenant relationship in 26:17-19 (see 3.6.5.5.).

(iv) Thirdly, the author does not bond the expansion, **condition II** (item 7) and **reward I** (item 5), together but he disperses them in the existing basic structure. The result is the present order, **condition I** (original) - **reward I** (expansion) - **reward II** (original) - **condition II** (expansion).

(v) The present sentence shows chiastic structure<sup>(393)</sup> in the arrangement of protasis and apodosis<sup>(394)</sup> :

[A] (condition I)	cs. and <b>שְׂמוּעַ</b> + <b>כִּי תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ</b> and laws (v. 1a)
[B'] (reward I)	the first reward ... specific ( <b>עֲלֶיךָ</b> ) (v. 1b)
[B] (reward II)	the second reward ... general ( <b>כָּל-הַבְּרָכּוֹת הָאֵלֶּה</b> ) (v. 2a)
[A'] (condition II)	cs and <b>כִּי תִשְׁמַע בְּקוֹל יְהוָה אֱלֹהֶיךָ</b> + <b>שְׂמוּעַ</b> (v. 2b).

390. Comparison between 28:1-2 and 28:15 is done by Chr. Levin (1985b,102,n.110) in terms of the relationship between 26:19 and 28:1.

391. **מְצַוְהָה** (item 3) matches well **מְצַוְהָה** (item 4) because both have the same root and the **מ**-prefix form. Then the clause (item 3 of curse) seems to be expanded by the addition **וְהַקְּטִיז** and most probably this is related to the long curse section (28:20-68) compared with the short blessing section (28:7-14). This stress is in parallel with the stress on obedience by addition of inf. abs. **שְׂמוּעַ** in the condition I (item 2).

392. Regardless of which translation of **כִּי** ('because' causal or 'if' conditional, cf. J.G. Plöger, 1967,137,n.29 and various translations) we take, the conditional sense cannot be denied in this clause.

393. Further we find several types of chiastic structure in small and large text blocks of Dt 28 (e.g. the blessing and curse formulae, vv. 3-6, 16-19), and therefore the chiasm may be regarded as one of the essential literary techniques of Dt 28.

394. J.G. Plöger (1967,137) suggests a similar structure.



([A][A'] : protasis, [B][B'] : apodosis, cs. : conditional sentence)

([A] & [B] are the original pair, and [B'] & [A'] are the expanded pair)

(cf. 28:1-2 : [A][B'] [B][A'], 28:15 : [A][B])

From this chart we realize that the pattern of chiastic structure of 28:1-2 is unusual ([A] - [B'] - [B] - [A']) compared with the ordinary pattern of chastic structure ([A] - [B] - [B'] - [A']).<sup>(395)</sup>

(vi) From this structural pattern we realize the crucial reason for making it is that the author wants to introduce the totally new item (reward I), the specific promise (וַיִּתֵּן יְהוָה יְהוָה אֱלֹהֵיךָ עִלְיֹן עַל כָּל-טַיִי הָאָרֶץ).

From these observations we ask why the author wants to insert the new factor of promise (reward I) here. The answer can be found in the content of this new factor. The content of reward I (עִלְיֹן) is special, because it is normally used for God not for Israel and this use can also be found in 26:19. Therefore, as we have seen, this term is revolutionary in Dt. And the use of this special promise (עִלְיֹן) in 26:19, 28:1 is the result of the theological scheme of the pericope 26:17-28:69, as we have seen in 3.6.5.5. Therefore, the expansion of reward I in 28:1-1 is a small compositional device within the large scheme of the author to emphasize the unity of the covenant ratification ceremony which has to be held in two places (the Moab plain, Gerizim and Ebal) and in two different times (present, future after crossing the Jordan).<sup>(396)</sup>

### 3.10.2. The structure of the formulae.

We have seen in 3.10.1. that 28:1-2 form a unity with chiastic structure. And this unified section has the single perspective, the perspective of the national life in spite of the 2.sg. speech form. The content of reward I (וַיִּתֵּן יְהוָה אֱלֹהֵיךָ עִלְיֹן עַל כָּל-טַיִי הָאָרֶץ) makes this fact clear. However, we find in 28:3-6 a different perspective, the perspective of personal or family life.<sup>(397)</sup> And then from 28:7 the perspective of national life (e.g. 28:9 עם קְרוֹשׁ, 28:11 אַבְתִּירָה) is resumed. Apart from this, the consistent use of בָּרַךְ (six times) reveals strongly the unity of 28:3-6. Therefore, we realise that 28:3-6 may be blessing

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395. The benefit of this unusual pattern of chiastic structure is the balance of 28:1 and 28:2 is well kept. In other words, the general condition (כָּל- in כָּל-טַיִי הָאָרֶץ) with long sentence (protasis, condition I, item 1,2,3,4, v. 1a) with only one simple specific feature of the blessing (apodosis, reward I, item 5, v. 1b) makes a good balance to the comprehensive expression of blessings (כָּל- in כָּל-הַבְּרָכוֹת, apodosis, reward II, item 6, v. 2a) with a simple conditional sentence (protasis, condition II, item 7, v. 2b) :

[A]	v. 1a	general condition (כָּל) with long sentence
[B']	v. 1b	simple specific promise
[B]	v. 2a	general promise containing all blessings (כָּל)
[A']	v. 2b	simple conditional sentence.

396. An interesting result of this construction is that the stronger emphasis on the obedience in the positive form (28:1-2) than in the negative form (28:15) is in parallel with the stronger emphasis on the negative result (curse, 28:20-68) than the positive result (blessing, 28:7-14). In other words, the tendency to stress on one side is the same in the introductory sentences as well as in the sections on result. In this sense, both parts (ie., 28:1-2,15 and 28:7-14,20-68) belong to the similar compositional scheme.

397. DJ. McCarthy (1978,176).



*formula* pronounced by cultic personnel (e.g. the levitical priests, see 3.10.3.) which is different from 28:7-14, the (Moses') *admonition* based on the theme of blessing. The same is true for the curse *formula* 28:16-19 pronounced by the cultic personnel (i.e. the levitical priests) and this formula is different from 28:20-68, the *admonition* based on the theme of curse.

The formulae have highly poetic feature :

28:3-6	28:16-19
3 בָּרוּךְ אַתָּה בְּעֵד וּבְשָׂרָה אַתָּה בְּשָׂרָה	16 אָרַח אַתָּה בְּעֵד וְאָרַח אַתָּה בְּשָׂרָה
4 בָּרוּךְ פְּרִי-בְטוֹנָה וּפְרִי אֲדָמָתְךָ וּפְרִי בְהֵמְתְךָ	17 אָרַח טוֹנָאךָ וּמִשְׁאֲדָתְךָ
5 שֶׁנֶּר אֶלְפִיךָ וְעִשְׂתֵּרוֹת צִאֲנֶךָ	18 אָרַח פְּרִי-בְטוֹנָה וּפְרִי אֲדָמָתְךָ
	שֶׁנֶּר אֶלְפִיךָ וְעִשְׂתֵּרוֹת צִאֲנֶךָ
6 בָּרוּךְ אַתָּה בְּבֹאֶךָ וּבְרוּךְ אַתָּה בְּצִאתְךָ	19 אָרַח אַתָּה בְּבֹאֶךָ וְאָרַח אַתָּה בְּצִאתְךָ

The pass. pt. of בָּרַךְ (or אָרַח) is used six times.<sup>(398)</sup> In 28:3 the first two blessings pair the simplest expression of blessing : בָּרוּךְ אַתָּה + something. The blessed object is בְּעֵד and בְּשָׂרָה, and the use of these words together is called merism.<sup>(399)</sup> In this case the merism brings the concept of totality of life, all aspects of agricultural and domestic life : in the life within city as well as in field.<sup>(400)</sup>

In the last two blessings (28:6) there is another pair of words, בְּבֹאֶךָ and בְּצִאתְךָ. In a detailed study about the use of this pair in the OT J.G. Plöger<sup>(401)</sup> introduces four possibilities of interpretation : 'im eigentlichen Sprachgebrauch', 'im kultischen Sprachgebrauch', 'im militärisch-politischen Sprachgebrauch', and 'als Ganzheitsaussage'. Among them J.G. Plöger holds that 28:6 belongs to the last category. As the clearest examples of the last category he suggests 28:6 and Ps 121:8. However, given the exegetical difficulty which arises in the definition of Ps 121:8<sup>(402)</sup>, 28:6 is the unique example of 'Ganzheitsaussage'.<sup>(403)</sup> The reason for this uniqueness can be explained from the fact (i) that this pair describes the totality of normal life<sup>(404)</sup> and (ii) this meaning is shared with 28:3 :

28:3	בְּשָׂרָה + בְּעֵד
28:6	בְּצִאתְךָ + בְּבֹאֶךָ

398. We examine here only the case of blessing because nearly all the structure and content of the curse is the same with that of the blessing.

399. C.W. Mitchell (1987,41).

400. J.G. Plöger (1967,168 : 'ganzheitliche Aussage').

401. (1967,174-185). Further, E. Speiser (1956,20-23) and G. Evans (1958,28-35).

402. J.G. Plöger (1967,182f.).

403. It is clear that 28:6 cannot be placed in the cultic circumstances even though the word order (בוא - צא) is similar to the uses of the cultic texts. We 'go into' the temple first and then we 'come out' from it. However, the description of the whole blessings formula, at least according to its content as such, does not allude to any cultic aspect. See G. Seitz (1971,269, n.56).

404. J. Wijngaards (Dt,305). Cf. urban life and rural life (P.C. Craigie, Dt,336).



The first words of each verse (בְּעִיר 28:3, בְּבֹאֶר 28:6) correspond with each other and the second words (בְּשָׂדֵה 28:3, בְּצִיְאֹתָהּ 28:6) also do the same.

‘Aber nicht nur die Form, sondern auch im Inhalt entsprechen sich die Aussagepaare; denn mit בּוֹא and יְצֵא wird das ganze bäuerliche Leben ‘in der Stadt’ und ‘auf dem Feld’ umgriffen.<sup>405)</sup>

This means that the author deliberately formulates this unusual word order in order to make perfect parallelism with 28:3.

28:4,5 shows a similar parallel structure even though both verses give a little looser picture because 28:4 is longer than 28:5. 28:4 is a little different from its counter verse of the curse formula, 28:18, by having וּפְרֵי בְהֵמָתָהּ<sup>406)</sup> It seems that שֵׁנֵי אֵלֶּפֶיךָ וְעֶשְׂרֵיזֹת is a more specific example of וּפְרֵי בְהֵמָתָהּ. All things seem to be related to the activity outside a town or a house (probably man’s activity)<sup>407)</sup> and again all these are related to בְּשָׂדֵה (v. 3b) and בְּצִיְאֹתָהּ (v. 6b). On the contrary, טַנְיָאָה and וּמִשְׂאֵרֵתָהּ, the kitchen utensils, symbolize the works inside a town or a house (probably woman’s work). Therefore, these are related to בְּעִיר (v. 3a) and בְּבֹאֶר (v. 6a).

Therefore, we conclude<sup>408)</sup> that these formulae have *the family perspective*. As we have said in the beginning of this section (3.10.1.) this perspective is different from the national perspective found in the rest of Dt 28. This fact corresponds with the formal difference of the formulae<sup>409)</sup> from the rest of Dt 28. This result of our study is significant for our future study in three respects :

- (i) the blessing and the curse formulae can be isolated from the present context,
- (ii) the original *SiL* of the formulae should be looked for outside Dt 28,
- (iii) the blessing and the curse formulae are very similar to another formula in Dt 27:14-26 because of (a) its family perspective, compared with national perspective in the rest of Dt 28, and because of (b) the character of pronounced formulae, compared with the character of exposition or preaching in the rest of Dt 28.

Can we find the original *SiL* of the blessing and the curse formulae (28:3-6,16-19) within the context (26:16-28:69) especially within Dt 27 ? How, then, can two different formulae (27:14-26 and 28:3-6,16-19) be compatible in the same covenant ratification in Shechem ? These are the questions we must confront in the next sections.

405. G. Seitz (1971,269).

406. However, we cannot emend 28:4 by analogy with 28:18 (cf. some LXX versions). The support from other texts is rare and there can always be small and large differences between blessings and curse sections of Dt 28.

407. If we consider פְּרֵי בְהֵמָתָהּ as the result of man’s activity.

408. It is possible that the whole formulae can be divided into two categories of work, man’s and woman’s work.

409. The main different point is אֵרֶחַ which is never used in the rest of Dt 28.



### 3.10.3. The *Sitz im Leben* of the blessing and the curse formulae of 28:3-6,16-19

Most old and some modern commentators<sup>(410)</sup> do not distinguish these formulae from the present context of Dt 28. They seem to consider that the formulae are in harmony with the rest of Dt 28. As a result of the recent comparative study of the Bible with the ANET<sup>(411)</sup> people want to determine more accurately the form of the text and its birth place (or the *SiL*), whether they agree with the form critical principle or not. Therefore scholars point out that 28:3-6,16-19 could have its own *SiL*<sup>(412)</sup> which we can find either in the OT or outside of it, because of its totally different character (content and style) from the surrounding verses.

In this final section of the study about the Moab covenant pericope we want to look at four topics :

(i) studies on the *SiL* of the blessing and the curse formulae (3.10.3.1),

(ii) the inner characteristics of the formulae which is made clear from time to time during our study on the history of the discussion (3.10.3.1.) about the formulae's *SiL* (3.10.3.2.),

(iii) the peculiarities which 27:11-13 - as the most plausible text for the *SiL* - has in the present context, especially in its relationship with 27:14-26 (3.10.3.3.),

(iv) 27:11-13 as the text for the *SiL* of the formulae and the questions which can arise from this hypothesis (3.10.3.4.).

#### 3.10.3.1. Studies on the *SiL* of the blessing and the curse formulae

We divide the opinions on the *SiL* of the formulae into three groups :

(1) Both the blessing and the curse formulae coexist from their origin and their *SiL* can be found in the OT<sup>(413)</sup> and especially in the present context of Dt 28 (A. Dillmann, S. Mowinckel (?), P.C. Craigie).

(2) The *SiL* of both the blessing and curse formulae which originally coexist can be

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410. A. Knobel (Dt,308), S. Oettli (Dt,91f.), Keil & Delitzsch (III,435), A. Bertholet (Dt,85f.), S.R. Driver (Dt,304f.), Steuernagel (Dt,150f.), H. Junker (Dt,111f.), J. Ridderbos (KV,Dt,II,78f.), J. Wijngaards (Dt,304ff.). Cf. E. König (Dt,189) holds these formulae are another filling of the gap left after 27:11-13 just like 27:14-26.

411. However, J.J.P. Valeton (1881,44f.) already insists that the original series among Dt 28 is only vv. 3-6,16-19.

412. We borrow the term of form criticism *Sitz im Leben* (further *SiL*) without accepting all its assumptions or methodology. Here this term simply means *the original place* of these cultic formulae. This means that it is not our primary concern whether these formulae were used continuously in a certain cultic situation. In our text we want to know where the author has these formulae originally and why he transforms them into the present text order.

413. There are commentators who consider that these formulae can be separated from the present context, because they came from a cultic situation. However, it is usually impossible for them to indicate where we can find the text which gives the information about the *SiL* of these formulae. For example G.E. Wright (Dt,493 : '... the old liturgy used in concluding the covenant at Shechem ...'), D.R. Hillers (1964,35 : "... oral transmission" resembling the list of curse in Dt 27:15-26 ...), G.von Rad (ATD,Dt,124 = OTL,Dt,174 : '... alte kultisch geprägte Formen ...'), J.A. Thompson (Dt,269 : '... some kind of liturgical use ...').



found elsewhere in the ANE (J.G. Plöger).

(3) Only one of the two formulae is original and therefore the other is imitated in order to fit in with the present context of Dt 28 (G. Seitz).

(1) Both the blessing and the curse formulae coexist from their origin and the *SiL* of them can be found in the OT and especially in the present context of 26:16-28:69 (A. Dillmann, S. Mowinckel (?), P.C. Craigie<sup>(414)</sup>).

A. Dillmann<sup>(415)</sup> supposes that these six בְּרִיךְ (28:3-6) and six אָרַר (28:16-19) speeches are spoken by each of the six tribes in the mounts Gerizim and Ebal (27:11-13,) and these formulae can be regarded as the kernel of the whole blessing and curse in Dt 28. This does not mean, however, that all other verses of Dt 28 are the work of the redactor ('Überarbeiter'). All Dt 28 could belong to the original work. This kind of concluding chapter as Dt 28 is more essential to Dt than the 'Musterbild' of Dt 28, Ex 23:20ff is to Exodus. Although A. Dillmann sensitively points out the relationship between 28:3-6 and 27:12, and that between 28:16-19 and 27:13, he does not give any substantial argument for the suggestion that the *SiL* of the formulae is the ceremony of 27:11-13 except the fact that the six בְּרִיךְ match six tribes and the six אָרַר another six tribes.<sup>(416)</sup>

Having judged that there has to be an original form with a poetic rhythm and a regular metre system in these formulae, S. Mowinckel makes a considerable rearrangement of the text.<sup>(417)</sup> Within S. Mowinckel's reconstructed series, בְּרִיךְ (or אָרַר) is used ten times and this corresponds with the ten items of the decalogue. Both the blessing and the curse formulae were originally used in a certain cultic situation, but later the editor put it in the present context. At the same time, however interestingly enough, S. Mowinckel suggests

414. He (Dt.335f.) holds, like A. Dillmann and S. Mowinckel, that the ceremony to which these formulae are related is probably to be found in 27:11-14. The formulae are the key passages of the ceremony. Other passages of Dt 28 (viz. vv. 7-14, 20-68) are the interpretation of these formulae and part of Moses' sermon, and therefore they do not consist of a part of the covenant ceremony where the blessings and curses are pronounced. However, Craigie does not solve the complicated problem about the relationship between 27:11-13, 27:14-26 and 28:3-6,16-19.

415. (Dt.370).

416. This correspondence of the six blessings with the six tribes and of the six curses with the six tribes can occur casually and not inevitably. Therefore, even if we accept this argument, it has to be considered as a supplementary argument. Further this kind of the blessing and curse formulae usually seem to be spoken not by the people, as A. Dillmann supposes, but by the priests as we have seen in 3.9.5. JJP. Valeton (1881,43) similarly surmises, and recently by HD. Preuß (1982,151) also suggests a similar proposal: 'So schaut V.12 (27:12, TGS) bereits auf 28,3ff. voraus.'

417. (1924,114). He considers that there are five double trimeters (2 x 5 metre, 1-2, 3-4, 5-6, 7-8, 9-10) and the original list of Dt 28:3-6 could be as following:

- |      |                   |                              |
|------|-------------------|------------------------------|
| (1)  | G e s e g n e t   | bist du in der Stadt,        |
| (2)  | g e s e g n e t   | bist du auf dem Felde,       |
| (3)  | g e s e g n e t   | die Frucht deines Leibes,    |
| (4)  | [g e s e g n e t] | die Frucht deines Ackers,    |
| (5)  | [g e s e g n e t] | der Wurf deiner Rinder,      |
| (6)  | [g e s e g n e t] | die Tracht deiner Schafe,    |
| (7)  | g e s e g n e t   | dein Korb und dein Backtrog, |
| (8)  | [g e s e g n e t] | dein Oel und dein Most],     |
| (9)  | g e s e g n e t   | bist du, wenn du heimkommst, |
| (10) | g e s e g n e t   | bist du, wenn du ausgehst !  |

The eighth item is recovered by analogy with Dt 7:12f. And in a similar way he rearranged the curse formula as well.



that in the present context 27:11-13 is the text which gives the information about the *SiL* of the formulae (28:3-6,16-19) just as A. Dillmann suggests. Differently from Dillmann, however, S. Mowinckel holds that the leaders of the liturgy pronounce the formulae and each of the six tribes respond to each formula with 'amen'. And he holds that there should be a connection between the formulae and a kind of introductory sentence containing the legal demand :

'Dieser Ritus wird wohl den Abschluß einer längeren Zeremonie gebildet haben. Wir dürfen uns vielleicht vorstellen, daß diese Segens- und Fluchworte in Verbindung mit dem Vortragen göttlicher Gebote gestanden haben. Ist dem so, so ist wohl den beiden Teilen der Formel je ein allgemeines Segens- und Fluchwort vorausgegangen, etwa : gesegnet (bezw. verflucht), wer diese Gebote (bezw. die Gebote Jahwä's) hält (bezw. bricht)<sup>418)</sup>

The important contribution of S. Mowinckel's analysis is that he considers that there has to be a certain relationship between the formulae and the introductory sentence containing the legal demand. However, he clearly saw, just as J.G. Plöger, G. Seitz, E. Mørstadt whom we shall consider soon, the difficulty in connecting the present introductory sentences (28:1,2,15) and the formulae. This is because the present prosaic clauses (28:1,2,15) are obviously different from the highly poetic blessing and curse formulae (28:3-6,16-19), and the formulae's form of pronouncement (28:3-6,16-19) does not fit in with the present form of the introductory sentences (i.e. 'if you (or do not) obey God's command,...'). However, his hypothetical introductory sentence (i.e. 'gesegnet (bezw. verflucht), wer diese Gebote (bezw. die Gebote Jahwä's) hält (bezw. bricht)') does not fit in with the present blessing and curse formulae of 28:3-6,16-19 either, because the formulae (28:3-6,16-19) have a self-sufficient form within themselves. In other words, these formulae do not need any introductory sentence or supplementary phrase and they are the solemn pronouncement just like the priestly pronouncement of blessing in Num 6:24-26. Secondly, just like A. Dillmann he tries to find the text of the formulae's *SiL* within the adjacent passages, esp. in 27:11-13.<sup>419)</sup> However, his argument that the people have to respond to them with 'Amen'<sup>420)</sup> seems strange. Generally 'Amen' expresses either (i) the idea of accepting responsibility for agreeing to a certain (legal or ethical) demand, or (ii) the idea of agreeing to a statement without accepting responsibility. In the formulae (28:3-6,16-19) we cannot think that only agreement or consent is concerned, but acceptance of the responsibility is important because blessing or curse is the concern. However, in the formulae themselves there is no mention of the conditions but only pronouncement of

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418. (1924,116). Further conjecture he has not wanted to make.

419. He gives a more plausible explanation about 27:11-13 than A. Dillmann because he suggests the pronouncement of the blessing and the curse are done by the priests.

420. (1924,116) : 'Sechs Mal hebt der Liturg mit einem אָמֵן an, und jedes Mal antwortet eine der 6 -- wohl zu Rechten stehenden -- Gruppen der Gemeinde mit einem Amen ! Sechs Mal hebt er mit einem אָמֵן an, und jedes Mal antwortet eine der anderen 6 Gruppen mit Amen !'



blessing (פְּרוּךְ) and curse (אָרוּר) and the scope of their application. Therefore, in this situation there is no need for the people to respond with 'Amen'. Another weak point in the theory of S. Mowinckel about the connection between 28:3-6,16-19 and 27:11-13 is that he simply suggests the answer without critical assessment of other arguments. Further the significant difficulty in Mowinckel's reconstruction of the formulae is the excessive extension of 28:4 into the 4th, 5th, 6th items of his reconstructed formula in order to make 10 items of blessing series<sup>(421)</sup> And the insertion of the 8th item by analogy with 7:12f. is unwarranted.

(2) The *SiL* of both the blessing and the curse formulae which originally coexisted can be found elsewhere in the ANE (J.G. Plöger).

J.G. Plöger<sup>(422)</sup> who gives the most extensive structural analysis of Dt 28 tries to find out some information about the *SiL* of the formulae from their inner structure and content :

'Der Nachweis einzelner Sprüche, Ketten und Wortkombinationen auch außerhalb solcher Formen kann ein Hinweis auf den ursprünglichen Sitz im Leben sein.'

With this methodology he notes several characteristics of these formulae.<sup>(423)</sup> And J.G. Plöger holds that it is better to assume that they existed independently from Dt, although it is possible that these characteristics were originally invented by Dt ('dt Ursprung'). And therefore he regards them as Dt's adaptation ('dt Verwendung') from elsewhere. The origin of the formulae can be found in the oral, cultic tradition : the *SiL* of the formulae is an old agrarian cult festival. J.G. Plöger argues that the possibility of a covenant renewal festival as the *SiL* of the formulae must be rejected, because there is no example of such formulae in a covenant renewal ceremony. However, compared with the detailed study of the formulae themselves<sup>(424)</sup>, the *SiL* of the formulae is handled very poorly by J.G. Plöger.<sup>(425)</sup> Even his most detailed expression of the *SiL*, 'the old agrarian cult'<sup>(426)</sup> is too general that we cannot grasp any real idea about the *SiL* of the formulae and about the function of these formulae in Dt 28. He does not even explain a crucial issue of these

421. M. Noth (1966,121), on the contrary, holds the whole 28:4 (or v. 18) was secondarily inserted by the redactor in order to make a clean meter system within the formulae on the analogy of 7:13. Both S. Mowinckel and M. Noth, however, trust too much on the theory of the old Israelite's metre system about which we know very little at the moment.

422. (1967,162).

423. (1967,184f.). : (a) the phrase פְּרוּךְ אֲתָהּ בְּ / אָרוּר אֲתָהּ בְּ can be found only in Dt 28 (3,6,16,19), (b) the word combination עֵד + שָׂרָה appears only in 28:3[sic]16, (c) the word combination פְּרִי + פְּרִי בָטָן appears only in deuteronomic blessing and curse texts (7:13, 28:4,18), (d) the word combination אֲרָמָה appears only in deuteronomic blessing and curse texts (7:13, 28:4,18), (e) the word combination טָנָא + מְשָׁרָת is found only in 28:5,17, (f) the word combination בּוֹא + יָצָא in 28:6,19 expresses the idea of totality (merism) just like עֵד + שָׂרָה in 28:3,16.

424. (1967,166-185).

425. (1967,184f., actually one page).

426. (1967,185 : 'Für den 'Sitz im Leben' ist an eines der alten agrarischen Kultfeste zu denken, ohne daß sich wegen der inhaltlichen Allgemeinheit der Ausdrücke ein bestimmtes Fest nennen ließe).



formulae, why these blessing and curse formulae coexist, or why both of them are inserted into the present blessing and curse context of a covenant ceremony. His basic methodology is too vague to define the texts. Since he says if we cannot find a parallel expression or the same word combination of a text in the blessing and curse texts in the OT or Dt, it can be considered that it is independent or its origin is outside the scope of the OT or Dt. And since the blessing and curse texts of the OT and Dt are not abundant, it is unwise to decide the origin of a text by such comparison. And it would be very difficult to find such text of blessing and curse series as 28:3-6,16-19 in the OT. All these objections tell against his methodological principle.

(3) Only one of the two sets of formulae, the blessings, is original, and therefore the other is imitated in order to fit the present context of Dt 28 (G. Seitz).

After J.G. Plöger the commentator who tries to give a thorough explanation on Dt 28 is G. Seitz<sup>(427)</sup>. Through redaction-historical study of the formulae he<sup>(428)</sup> suggests three stages in the development of the present blessing and curse formulae : (a) originally there were only exact parallel word pairs of 28:3,6 and 28:16,19, (b) then there was the development of middle passages (28:4-5, 28:17-18) to produce the total of 10 items with highly regular form<sup>(429)</sup>, (c) reduction to the present 6 items introduced with *בְּרָכָה* or *אָרָר*.

In his study on the *SiL* of the formulae<sup>(430)</sup>, he rejects, first of all, the possibility that the ritual of 11:29 and 27:12f. is the *SiL* of the third stage of development, because 11:29 and 27:12f. are the result of the redaction at a late stage. So he wants to find the real situation of the *SiL* of the formulae in other texts. Beginning with S. Mowinckel's suggestion<sup>(431)</sup>

427. (1971,254-301). ADH. Mayes basically follows the pattern of G. Seitz' interpretation. He (Dt,350) holds that the content and the form of the formulae (28:3-6,16-19) suggest that their original setting was in a liturgical ceremony, because both of them are quite different from the rest of Dt 28. Thus the separation of the formulae from the present context is inevitable. At the same time ADH. Mayes insists that there is nothing to show that this ceremony has any relation to the law or to the covenant. This fact that the lack of any allusion to law or covenant has to be taken as showing that they have not in fact originated in the present context. ADH. Mayes seems to consider that as independent series the blessing and the curse formulae do not coexist from the beginning, although he does not mention explicitly this fact. As the origin of these series we can consider such texts as 1 Sam 2:20, Ps 118:26 - only in the selecting of these texts A.D.H. Mayes is different from G. Seitz -, because it is customary that blessing is imparted to worshippers by the priest at the sanctuary. However, he cannot suggest explicitly whether we can find the original place only for the blessing formula not for the curse formula. Also he does not explain for what reason the author copies the blessing formula in order to make matching curse series and to insert them additionally in the present blessing and curse context. This is because except these formulae there are already sufficient materials about the blessing and the curse in Dt 28.

428. (1971,268-271).

429. It is a slight modification of Mowinckel's 10 items. Different from S. Mowinckel who inserts 'wine and oil' into the 8th item, Seitz extends Mowinckel's 7th item ('your basket and your kneading trough' in vv. 5,17) in order to make the 7th ('your basket') and the 8th ('your kneading trough') items. Since the word combination 'wine (*תִּירוֹשׁ*) and oil (*זַיִת*)' is used only with 'grain (*דָּגָן*)' in the OT, Mowinckel's reconstruction of the 8th item (i.e. [gesegnet dein Oel und dein Most]) is unlikely. Though twelve items of the formulae can be thought of, a ten-items-system is more plausible : 1. in the city, 2. in the field, 3. the womb, 4. the crops, 5. the calves, 6. the lambs, 7. the basket, 8. the trough, 9. come, 10. go.

430. (1971,271-273).

431. (1924,116 : 'Wir dürfen uns vielleicht vorstellen, daß diese Segens- und Fluchworte in Verbindung mit dem Vortragen göttlicher Gebote gestanden haben. Ist dem so, so ist wohl den beiden Teilen der Formel je ein allgemeines Segens- und Fluchwort vorausgegangen, etwa : gesegnet (bezw. verflucht), wer



G. Seitz assumes that there can be a kind of introductory (or conditional) sentence before the formulae. However, if we regard 28:1,15 as possible introductory (conditional) sentences, we confront immediately the difficulty caused by such an assumption, the difficulty of reconstructing the original conditional sentences. This difficulty is already frankly admitted by E. Mørstadt<sup>432</sup>, even though he insists that *entwicklungsgeschichtlich* the formulae cannot be torn away from the present introductory (conditional) sentences in the light of ANE vassal treaties. In spite of this connection between the introductory sentence (28:1,15) and the formulae (28:3-6,16-19), according to G. Seitz, it is *überlieferungsgeschichtlich* quite obvious that the present introductory sentences are not original because of their prosaic character compared with the poetic character of the formulae themselves. G. Seitz holds further that since we cannot imagine the real situation which is suitable for the coexisting blessing and curse formulae, it is reasonable to assume that there is no introductory sentence ('kein Vordersatz') in these formulae. This means that these formulae are unconditional pronouncements. And from this very fact we must begin to examine the *SiL*. In order to search for the original setting of these unconditional pronouncements we consider the inner characteristics of the formulae. G. Seitz sums up two characteristics : (i) the formulae must have been spoken (e.g. the words *בְּרֹנָה* / *אָרוּר* are supposed to be spoken), and (ii) the spheres of blessing / curse application (e.g. 'in the city' and 'in the field') are clearly visible. These two characteristics should be found in the text which is proposed for the *SiL* of the formulae.

Firstly, Dt 27 does not match these criteria. Basically G. Seitz seems to interpret 27:15-26 as the curse series of the blessing and curse proclamation ceremony of 27:11-13 which was added in the late redactional stage. And if we compare the basic structure of 27:15-26 with that of the formulae in 28:3-6,16-19, we easily find that they do not match each other. This is because the structure of 27:15-26 (the proclamation of curse (*אָרוּר*) + the condition ('Tatbestandfeststellung')) is different from that of 28:3-6,16-19 (the proclamation of blessing and curse + the result (or application sphere of blessing and curse)).

Secondly, even if we theoretically consider, as S. Mowinckel does, that originally there were coexisting blessing and curse formulae, it is practically impossible to find the situation where these coexisting formulae without introductory (conditional) sentences, as we have seen above, can be understood. Therefore, we must assume that originally there was only one series of both formulae, either a blessing series or a curse series. In other words, one is original and the other is the imitation of the original in the present context.

After this conclusion G. Seitz suddenly insists that in the cultic situation (e.g. 1 Sam 2:20) the blessing formula can be pronounced by the priest to the individual or to the

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diese Gebote (bezw. die Gebote Jahwe's) hält (bezw. bricht)).

432. 1960,18 : 'Daß es schwer sein dürfte, ursprüngliche Einführungen zu rekonstruieren, die den Formularen sachlich besser entsprechen als die, die sie heute haben.'



community at the beginning or at the end of a ritual. And G. Seitz tries to find suitable texts for the *SiL* within Dt. 26:1-11, 26:12-15 and especially 26:1-11 are considered relevant for the *SiL*, because there a cultic situation (thanksgiving festival) is apparent and the blessing series like 28:3-6 can be recited which has purely the content of agrarian blessing, though there is no word of blessing in 26:1-11.<sup>(433)</sup> Therefore, G. Seitz concludes<sup>(434)</sup> on the *SiL* :

'Man kann also die Vermutung äußern, daß die in 28:3-6 vorliegende bārûk-Reihe vielleicht einmal *ein Abschiedssegens nach der Ablieferung der Erstlingsfrüchte* (italics, TGS) gewesen ist'.

With the addition of the paranetic introductory sentence of 28:12 and with the imitation of the curse series (28:15-19), the original blessing series is deeply integrated into the present blessing and curse context.

G. Seitz' thoroughness is impressive. On the whole S. Mowinckel's analysis and interpretation of the present issue seems to benefit G. Seitz. His own suggestion of ten blessing and curse items is very similar to that of S. Mowinckel. Both of them depend on the hypothesis of the tri-metre system, but G. Seitz' reconstruction is less radical, because he does not appeal to other texts such as 7:12 which is used by S. Mowinckel. In any case, however, S. Mowinckel's weak point, as we have seen in 3.10.3.1.(1), that reconstruction dependent on the metre theory is unprovable is the same weak point for G. Seitz, because we know very little about the metre system of the old Biblical Hebrew at the moment.

There is another interesting comparable point between S. Mowinckel and G. Seitz. There is a kind of dualism in S. Mowinckel's theory because he does not offer any interpretation of the relationship between his reconstructed original 10 items of blessing and curse series, and the formulae in the present context. G. Seitz, on the contrary, explains neatly the various 'redaction-historical' developments which begin from the kernel passages 28:3,6,16,19 through 10 items and then at last reach to the feature in the present context. In general, however, his 'redaction-historical' interpretation is too complicated to be proved, and therefore it is highly subjective.<sup>(435)</sup> In his study of the *SiL* G. Seitz rejects the possibility that the ceremony of 11:29 and 27:12f. could be the *SiL*, which seems to be his important error, because he thinks these passages are the result of late redaction. But for this he does not give any sufficient reason. Meanwhile he regards 27:15-26 as a curse series of the blessing and curse pronouncement.<sup>(436)</sup> We do not know how G. Seitz can explain the

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433. However, following G. Seitz, the fact that נָשַׁב is used only in 26:2,4, 28:5,17 among all OT supports the deep relationship between 26:1-11 and 28:3-6.

434. (1971,273).

435. In particular from the poetic point of view, from the first stage to the second (10 items) the development could be very clear but the process from the second to the last present 6 item series could be considered as destructive and this destructive process can be very hard to explain fully.

436. (1971,272 : 'Hier (Dt 27, TGS) sind Segen- und Fluchreihen denkbar, wie in 27:15-26 tatsächlich eine überliefert ist').



origin of 27:15-26 and how it is related to 27:11-13,14. The function of 27:14 as a kind of introduction to 27:15-26 is simply neglected by G. Seitz. Thus 27:15-26 stands totally independently in the context of Dt 27. These kinds of judgement on the text are not acceptable. As we have already seen, 27:11-13 cannot simply be isolated from the present context; rather it has a vital function within the whole context of Dt 27 : 27:11-13 tells about the blessing and curse pronouncement and 27:14-26 about an oath ceremony. Because of this failure G. Seitz tries to compare the formulae only with 27:15-26 but not with 27:11-13. That comparison itself, however, does not elucidate the *SiL* of the formulae. This is because 27:15-26 as an oath has very naturally the phrases of curse condition ('Tatbestandfeststellung'), but 28:3-6,16-19 has the phrases about the application spheres of blessing and curse and so the attempt to compare both formulae does not help to know the *SiL*. Starting from E. Mørstadt's frank statement about the relationship between the introductory sentences (28:1,2,15) and the formulae<sup>(437)</sup>, G. Seitz concludes that there is no original conditional sentence ('Vordersatz') in the formulae. He argues that this is because the introductory sentences as secondary additions have a prosaic character compared with a poetic character of the formulae. However, since we theoretically can make the introductory sentences of poetic style, G. Seitz' argument seems to be inadequate. Rather we must approach from *the form of the formulae* : the form of the formulae preserves a perfect unity in themselves. And therefore even if we invent and insert other introductory conditional sentences before them, it makes an awkward impression because the combination is unbalanced.<sup>(438)</sup> The formulae in their form are self-sufficient and do not demand any other supplement. In this respect G. Seitz is right when he<sup>(439)</sup> insists, 'Von diesem Befund aus ist nach dem Sitz im Leben zu fragen.' However, this fact does not mean that the formulae are an absolute announcement without any other 'presupposed' or 'preunderstood' condition. The pronouncement of blessings and curses without a certain kind of (ethical or pious) precondition occurs only in the world of magic, not in the OT. Therefore, it is better to assume that there is a condition which is 'presupposed' or 'preunderstood' by the people. It is understandable that G. Seitz picks up as the blessing text of the *SiL* the texts of harvest festival ritual, 26:1-11,12-15 (esp. the former text) where we find some kinds of pious action to God (e.g. bringing the harvest to God) or benevolent (ethical) action toward the people (e.g. helping the Levites, the poor, orphan, widow, etc.). But G. Seitz' suggestion stands on a very narrow base.

Firstly, even though we cannot attach the protasis to the formulae, this does not prove that originally there was only one series of announcements as Seitz insists. If the condition about blessing and curse is *presupposed* or *preunderstood* for the instances in

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437. In other words, the relationship between 28:1,2,15 with the formulae is undeniable in the light of ANE treaties, but on the contrary it is very difficult to reconstruct the original conditional sentences.

438. Although E. Mørstadt and G. Seitz do not try to make hypothetical introductory sentences, they realize it is very difficult to make them.

439. (1971:272).



the proclamation of law or treaty, both present blessing and curse series *per se* can coexist even though they have no direct introductory phrases. In any case G. Seitz' consideration that we cannot think of a suitable situation for the present coexisting blessing and curse formulae is a hasty conclusion.

Secondly, G. Seitz directly chooses the blessing series without giving any chance to the curse series if he must select one series as the original. Dt 28 where the formulae are contained allots far more verses to the curse than to the blessing. Why should the author take a series of blessings, turn them into a neatly balanced blessing-and-curse series, and place them in Dt 28 where the curse is far more emphasized? Why are the original blessing formulae at the harvest festival of Dt 26 not included in Dt 26 but used in the present situation of Dt 28? These questions are not answered by G. Seitz.

Therefore, we conclude that despite splendid logical deduction and analysis, Seitz does not reach to the proper result of the *SiL* problem of the formulae.

### 3.10.32. The inner characteristics of the blessing and curse formulae in 28:3-6,16-19.

In this section before looking for the external connection of these formulae with the plausible text for the *SiL*, it is right to assemble and to categorize the inner characteristics of the content and the structure of the formulae which are here and there revealed in the previous studies. Since we believe that these inner characteristics give us important clues to find out the suitable text for the *SiL*, we shall enumerate these characteristics in the present context of Dt 28 as fully as possible. And then we shall see how in several aspects the formulae stand isolated in the present context.

(a) Nobody denies that these formulae are composed poetically and rhythmically. Even without reconstructing the formulae according to the double triple metre (e.g. by S. Mowinckel, G. Seitz) to make the regular and poetic characteristic clearer, their neat poetic and rhythmical feature is apparent. And even though we acknowledge there are some other poetic sections in Dt 28<sup>(440)</sup>, these formulae stand out as much more poetic than the rest of the chapter. The formulae cannot be dissolved into the present introductory phrases (28:1-2,15) nor into the texts coming afterwards (28:7-14,20-68).<sup>(441)</sup> The implication of this poetic, regular and rhythmical characteristic is that the formulae seem to have been composed for oral use.<sup>(442)</sup> In other words, the formulae, delivered orally, can be 'pronounced' on a solemn occasion.

(b) All clauses in the formulae are initiated by the well-used expression of blessing and curse proclamation, בָּרַךְ (6 times in 28:3-6) / אָרַךְ (6 times in 28:16-19). This characteristic

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440. For instance, 28:30-31 (according to D.R. Hillers, 1964,35) and 28:62-63.

441. It should be rather natural to consider that the introductory phrases are originally connected with the texts coming afterwards: the connection of 28:1-2 with 28:7-14 and that of 28:15 with 28:20-68.

442. Undoubtedly the rest of Dt 28 also is composed for some form of oral transmission because it is presented in the second person and this is more or less the announcement of the blessing and curse with a strong admonitional character.



clearly makes the formulae different from the surrounding texts in Dt 28 which are full of exhortatory or homiletic speeches.<sup>(443)</sup> This kind of blessing and curse proclamation is usually done in cultic situations by cultic personnel. It means that the formulae could be liturgical formulae.<sup>(444)</sup>

(c) The lack of rhetorical development in the formulae marks them off not only from the adjacent materials (28:7-14,20-68)<sup>(445)</sup> but also from other exhortations of Moses seen in nearly all other parts in Dt. This feature together with the characteristic (b) means that the formulae are not preached by Moses but pronounced by cultic personnel who has the legitimate authority.<sup>(446)</sup>

(d) 28:3-6 or 28:16-19 forms a closed unity because it uses merism as the literary technique in each verse as well as its using a certain degree of chiasmic structure in which 28:3 (or 28:16) matches with 28:6 (or 28:19, see 3.10.2.). Literarily and structurally the blessing and curse formulae of 28:3-6,16-19 form a perfect harmony within themselves. Therefore, as E. Mørstadt realizes and G. Seitz points out well, it is nearly impossible to make good and sensible formulae if we attach the introductory sentences before the formulae. And also there is no necessity for the people to respond 'Amen' just as in the case of 27:15-26 (see 3.9.6.2.). This unity makes the formulae distinct from the surrounding blessing and curse texts in Dt 28.

(e) The description of the blessing and curse in the formulae is different from that of the other texts in Dt 28. In the formulae although the realm in which the blessing and the curse apply is expressed with א, there is no detailed explanation how far the blessing and the curse affect the various aspects of life. But in the other texts of Dt 28 we read not only the sphere of application where the blessing and curse apply but also the real effects of the blessing and curse on the national and political life of the people. Further, there is a difference in the perspective : the formulae have the family perspective but the rest of Dt 28 has the national or political perspective. Within the formulae the blessing and curse happen more or less in the realm of one household or extended family (*pater familias* בית). The main literary technique of the formulae, the merism, emphasizes the totality of the family life.<sup>(447)</sup>

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443. The homiletic style of Dt 28:1-2,7-14,15,20-68 matches the rest of Dt where we find not just a rigid statement of laws but laws contained in the exhortatory speech of Moses. Therefore, although in the whole of Dt 28 the 2sg. form is used, with a slight exception of 28:62-63 (the 2pl. form), in the case of the formulae the second person hears the proclamation of the blessing and curse but in the rest of Dt 28 the second person listens to the exhortation of Moses.

444. G.E. Wright (1953,493) recognizes that 28:16-19 can be from the old liturgy used in concluding the covenant ceremony in Shechem.

445. D.J. McCarthy (1963,123).

446. E. Mørstadt (1960,7) and G. Wehmeier (1970,149). In particular 27:15-26 stands out from other recited in Dt (e.g. 26:3,5-10,13-15) because it is recited by the cultic personnel, i.e. the priests (קֹהֲנֵי יְהוָה, see 3.9.6.1) and because there is no rhetorical development and in these points, and therefore 27:15-26 corresponds with the formulae.

447. All blessing or curse will fall within the realm of one (extended) household. However, in other blessing and curse texts of Dt 28 the realm of the blessing and curse is the national or political life of the people. The distinction between the *collective* responsibility as a nation and the *distributive* or *personal* responsibility is useful to analyze our text. Cf. D.A. Patrick (1971,311,324).



(f) As we have seen above, the blessing series coexists with the curse series and both series are formulated nearly identically. This is the most important characteristic which may give a definitive clue to find the text for the *SiL* of the formulae. We have seen that G. Seitz does not prove adequately his assertion that originally there was just a blessing series and therefore that the curse series is its imitation. However, it is quite reasonable when G. Seitz judges that it is impossible to think of the coexistence of the blessing and curse series without introductory sentences, if the original formulae (28:3-6,16-19) are separated from the present introductory sentences (28:1-2,15). But if the introductory conditions and the results of the blessing and curse are *pre-understood* by the people in a special circumstance<sup>(448)</sup>, only the blessing and curse could be solemnly pronounced without introductory conditional sentences. Further in Dt 28 we cannot find any trace which shows which formula is original and which is its imitation. Firstly, the coexistence of the blessing and curse series presupposes that there are two parties who are making a legal and responsible relationship under a certain condition. Secondly, therefore, there is already a certain kind of *presupposed* or *preunderstood* condition, even though this condition is not mentioned within the series themselves. Thirdly, if the condition is fulfilled, then the result is blessing (ברוך), but if the condition is not fulfilled, then the result is curse (ארור). The crucial implication of these points is that the possible place (*SiL*) for these coexisting formulae is most plausibly either *in the proclamation of law or in making a treaty or covenant* as we can easily see in ANET and in the OT rather than any other cultic or practical situation<sup>(449)</sup>, if a certain kind of condition is *preunderstood*. In ANE laws there is usually a kind of sanction by adding the blessing and curse section after the law section and the background of this measure is that ultimately god(s) will uphold the law and will bestow the blessing or curse according to the reaction of the people. In the treaties as a kind of legal literature<sup>(450)</sup> we also usually see that such a kind of measure is prepared.

(g) There is no stylistic or formal continuity between the introductory sentences (28:1-2,15) and the formulae (28:3-6,16-19).<sup>(451)</sup> The introductory sentences smoothly connect with the verses coming directly after the formulae, i.e. 28:1-2 with 28:7 and 28:15 with 28:20. If the introductory sentences with the result of the blessing and curse is already pronounced in the earlier stage of the ceremony (Moab, present), i.e. Moses' admonition of the blessing and curse (28:1-2,7-15,20-68), then in the later stage of the ceremony (Shechem, future) the simple but powerful pronouncement of the blessing and curse can be easily understood and accepted by the people in the future also. This is because the people are supposed to *preunderstand* the condition and the result of the blessing and curse

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448. In other words to celebrate the covenant renewal ceremony in two different places and in different times.

449. S. Rudman (1968,113f.).

450. E. Mørstadt (1960,8).

451. G. Seitz (1971,272).



pronounced already by Moses in the Moab plain.

### 3.10.3.3. The characteristics of 27:11-13 as the most plausible text for the SiL of the blessing and curse formulae

If the formulae do not naturally fit in with the present context in Dt 28, we should look, first of all, at a suitable text for the *SiL* within Dt before going to other texts in the OT or in the ANET. In Dt the most plausible text is 27:11-13 and its parallel text, 11:29f., because both texts explain the ceremony of covenant renewal and they stand close to the formulae. Neither text is considered as a candidate for the *SiL* by J.G. Plöger and G. Seitz because of their wrong interpretation of these texts themselves as we have seen in 3.10.3.1. On the other hand, however, the old commentators, A. Dillmann and S. Mowinckel, allude to the connection between the formulae and 27:11-13 and 11:29f. But they do not give sufficient and substantial argument for this assertion. We now want to define the characteristics of 27:11-13 (and 11:29f.), building on the results of the study in 3.9., especially considering its coexistence with 27:14-26.<sup>(452)</sup>

(a) In 27:11-13 there are two active subjects, as we have seen in 3.9.5. One is each six tribes who stand on each mountain side and the other is the priests who are the logical subject of *לְבָרָה* and *עַל־הַקְּלָלָה*, though they are not specifically mentioned in 27:11-13. In 27:11-13 the major subject is the people, not the priests. Each group of six tribes should line up to hear the pronouncement of the blessing and curse, because the action of the people is expressed in the finite verb form (*יַעֲמִדוּ*, 27:12,13) and the action of the priests in the subordinate forms (*לְבָרָה* 27:12, *עַל־הַקְּלָלָה* 27:13). We have already seen against E. Nielsen that *עַל־הַקְּלָלָה*, although it is a nominal phrase, has the same theological value as the verbal phrase *לְבָרָה*.<sup>(453)</sup> And this fact corresponds with the two equally divided groups of six tribes for each blessing or curse pronouncement. The action of the priests is 'to pronounce' - i.e. orally - the blessing and curse towards the people, and this pronouncing activity of the priests is the same in the next stage of the same ceremony, the oath in 27:14-26.

(b) As mentioned above, the blessing pronounced in 27:12 should have equal value to the curse pronounced in 27:13. The implication of this fact is that the blessing formula should have equal weight to the curse formula. The meaning of these two equal formulae - one is the blessing formula and the other is the curse formula - is to suggest two purely equal possibilities before the people, i.e. blessing or curse. This phenomenon of the blessing and curse pronouncement in 27:11-13 is different from that of the blessing and

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452. By coexistence we mean that each of these texts describes a different stage of the same ceremony which will happen in the same place (Gerizim / Ebal) and successively.

453. By the theological value in the E. Nielsen's argument we mean he holds that by the different use of the verbal phrase (*לְבָרָה* 27:12) and the nominal phrase (*עַל־הַקְּלָלָה* 27:13) in the same context the author wants to emphasize the blessing more than the curse. Further see 3.9.5.



curse section of some treaties where the curse is heavily emphasized. And also this is different from that of Dt 28 and Lev 26 where the curse is much more emphasized than the blessing. Compared with this feature, it is quite striking that the Sinai covenant has only the blessing part (Ex 23:20ff.), but after the bitter history of the golden calf and the wilderness journey the curse is emphasized much more (Lev 26, Dt 28). Different from this practical approach to stress the result of curse, however, the blessing and curse formulae made equally (27:11-13) are a solemn and formal announcement. The logically equal possibility of blessing and curse has to be suggested in the formal ceremony like the oath ceremony in 27:14-26, in order to show that there is no other or neutral possibility except blessing and curse.

(c) The ceremony of 27:11-13 together with 27:14-26 will occur not in Moab but in Canaan, and therefore Moses will not be there. In Canaan the people cannot expect to hear Moses' exhortation about the blessing and curse (11:8ff., 28:1-2,7-15,20-68) which they hear at Moab. And in the pronouncement of 27:12 (לְבָרָה) and 27:13 (עַל־הַקְּלָה) the priests cannot have such authority as Moses has. Therefore, their pronouncement is probably more formal than Moses' admonitional speech which we can find nearly in the whole Dt. They will just recite in the future what Moses instructs them to do now. This phenomenon is the same in the oath ritual of 27:14-26. If we understand that<sup>(454)</sup>

(i) the ceremony of 27:11-13 will happen in the same place (Gerizim and Ebal) as that of 27:14-26,

(ii) the ceremony of 27:11-13 will happen before 27:14-26,

(iii) the ceremony of 27:11-13 will be conducted by the same cultic personnel (the priests) with that of 27:14-26,

(iv) the people as the participants in the ceremony of 27:11-13 are the same as those of 27:14-26<sup>(455)</sup>,

then both the pronouncement of 27:11-13 and the formula of 27:14-26 have a similar tendency in their formation. In other words, (i) the formulae of 27:11-13 seem to be formal like 27:15-26, (ii) they are formed shortly but powerfully with essential words and thus rhetorically undeveloped, (iii) most probably they have a kind of short series formulae which form the sufficient unity within themselves, and (iv) probably the realm where the blessing and curse of 27:11-13 is applied is similar to that of 27:14-26 which has obviously the perspective of family, not that of nation or politics.

### 3.10.3.4. 27:11-13 as the text for the formulae in 28:3-6,16-19.

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454. We have already indicated that 27:11-13 is not contradictory with or indifferent to 27:14-26, because the former tells about the pronouncement of blessing and curse, but the latter about the oath. Then they can coexist as the texts for the stages which will happen in the same place and successively under one big ceremony.

455. In other words in both ceremonies the levitical tribe is not omitted although the levitical priests lead the ceremony, and therefore the tribe Joseph is not divided into two tribes.



In this final section on the Moab covenant we want to make a synthesis of the previous studies (3.10.3.1 to 3.10.3.3) : to examine whether all aspects of the inner characteristics of the formulae (28:3-6,16-19) do correspond with the ceremony in 27:11-13.<sup>(456)</sup> In particular, for this theory we add an indirect but powerful support from the following argument : the oath ceremony in 27:15-26 clearly illuminates the correspondence of the formulae of 28:3-6,16-19 with those of 27:11-13. This is because the ceremony of 27:11-13 will happen :

- (i) in the same place as 27:14-26 (not in Moab but in Gerizim and Ebal),
- (ii) successively before 27:14-26 (the ceremony of 27:11-13 first and then the oath ceremony of 27:15-26),
- (iii) by the same cultic personnel as 27:14-26 (not by Moses but by the levitical priests **הַלְוִיִּם** in 27:14), and
- (iv) in the hearing of the same people as 27:14-26 (6 + 6 = 12 tribes in 27:11-13 and also the same 12 tribes in 27:14-26).

As we have seen, both formulae in 27:11-13 and 27:15-26 have a similar tendency in their wording, formation, and content. If we suppose 28:3-6,16-19 are the formulae in the ceremony of 27:11-13 and compare these formulae with the oath formula of 27:15-26, we find that both formulae coexist very naturally and each of them belongs to a different stage of the same covenant renewal ceremony in Gerizim / Ebal. Therefore, we want to look not only at the relationship between the formulae of 28:3-6,16-19 and the ceremony of 27:11-13, but also at the connection of the oath formula in 27:15-26 with these two texts in 27:11-13 and 28:3-6,16-19.

(a) The poetical and rhythmical feature of the formulae in 28:3-6,16-19 means that the formulae are designed for oral pronouncement. And this characteristic fits in with the pronouncement of the blessing and curse in 27:11-13 which is done orally by the priests. Further this characteristic is exactly the same as the oath formula in 27:14-26.

(b) Another similar feature is that there is lack of rhetorical development in the formulae of 28:3-6,16-19. The principle of economical word use found usually in poetry is applied in the formulae, and therefore the essential words are selected and the formation of the sentences is compact. They do not belong to the admonitional speech of Moses but the pronouncement by cultic personnel. This characteristic matches the typical features of 27:11-13 and also 27:14-26, because in both texts the priests are involved in the activity of the liturgical pronouncement of blessing and curse, and in the oath formula of 27:15-26 we find a formal statement without developed rhetorical decoration.

(c) The fact that each sentence in the formulae of 28:3-6,16-19 is regularly headed by **קָרוֹךְ** or **אָרוּר** means that the formulae have a liturgical purpose. This fact is in parallel with the fact (b) that the cultic personnel are related to these formulae. The authoritative

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456. The connection between 27:11-13 and the beginning section of Dt 28 is already pointed out by commentators, e.g. M. Noth (1930,144 : 'Was Dtn. 27,11-13 anlangt, so spricht nach dem Gesagten alle Wahrscheinlichkeit dafür, daß sich die Verse anfangs auf Dtn. 28 beziehen sollten.').



cultic personnel who are in charge of blessing and curse (cf. Dt 21:5, Num 5) are presupposed in the pronouncement of בָּרַךְ or אָרַךְ. This characteristic also fits well with the ceremony in 27:11-13 and also with the oath ceremony in 27:14-26.

(d) The perfect unity and the closeness of the formulae without any lack or redundancy are some most important characteristics in the formulae. Firstly the absence of introductory sentences before the formulae fits in precisely with the sudden pronouncement of blessing and curse in 27:11-13, because in 27:11-13 we do not see any allusion of giving any preconditions for blessing and curse.<sup>(457)</sup> Secondly, the perfect unity within the formulae (28:3-6,16-19) shows that they have no direct literary connection with the admonition<sup>(458)</sup> of the blessing / curse (28:7-14,20-68) coming after the formulae. In the oath formula of 27:15-26 which will be pronounced in the same place and successively with the formulae in 27:11-13, we also cannot find such kind of admonitional feature. It is just a solemn pronouncement. Thus 27:11-13 is also a formal statement without accompanying rhetorically decorated admonitions. Therefore, the characteristic of the unity and harmony which the formulae of 28:3-6,16-19 have within themselves fits in with the hypothetical feature of the formulae of 27:11-13.

(e) The formulae of 28:3-6,16-19 have the very simple description of the content with the phrase of אַ preposition. This characteristic matches the compact and very regular

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457. The examination of 11:29f., the parallel text of 27:11-13, gives us an additional support for this understanding. E. Nielsen (1955,44) is naive when he suggests that 11:29, the parallel text to 27:11-13, was original and that 11:26-28 was invented later and inserted into the present place in order to evade the shock caused by the sudden appearance of the pronouncement of the blessing and curse in 11:29f. However, just before 11:26-28, there are sections describing the results of blessing and curse in 11:8-25. And at the end comes quite naturally the pronouncement of the blessing and curse (11:29f.) which will happen in Canaan. Thus the sequence of 11:8-29f. is (a similar but slightly different structural pattern by N. Lohfink (1963a,234, see 3.9.3.) : [A] 11:8-25 (the result of blessing and curse, at present) / [B] 11:26-28 (the conditional sentences, at present) / [C] 11:29f. (the pronouncement of blessing and curse, in the future). Compared with this, 27:11-28:68 has a different order : [C'] 27:11-13 (the pronouncement of blessing and curse, in the future) / [B'] 28:1-2,15 (the conditional sentences, at present) / [A'] 28:7-14, 20-68 (the result of blessing and curse, at present).

Although E. Nielsen's assertion is inadequate, it suggests an interesting idea : it would be very strange, if 11:29f. stood alone without the conditional introductory sentences of 11:26-28. Similarly in 27:11-13 which is the parallel text to 11:29f., the sudden appearance of the blessing and curse pronouncement looks unusual, because in 27:11-13 there is at least no direct allusion to the introductory conditional sentences for the blessing and curse. Only the blessing and curse as such seems to be pronounced by the priests and this understanding can be assisted by the fact that 11:29f. (cf. also Jos 8:33), the perfect parallel text of 27:11-13, has the original (*pace* E. Nielsen) separate introductory sentences : 11:26 for the blessing and curse in general, 11:27 for the blessing and 11:28 for the curse. This sudden pronouncement of the blessing and curse in 27:11-13 may only be understood when the conditions of blessing and curse are *preunderstood* or *prepronounced* by the people. Just as 11:29f. (in Gerizim and Ebal) have their introductory conditional sentences in 11:26-28 (in Moab), 27:11-13 (in Gerizim and Ebal) most probably has the *preunderstood* or *prepronounced* conditional sentences (in Moab) which are 28:1-2 for blessing and 28:15 for the curse :

	text	characteristic	place (time)	person
[B]	11:26-28	conditional sentences	Moab (present)	Moses
[C]	11:29f.	pronouncement	Gerizim / Ebal (future)	cultic personnel
[B']	28:1-2,15	conditional sentences	Moab (present)	Moses
[C']	27:11-13	pronouncement	Gerizim / Ebal (future)	cultic personnel

458. This definition of the remaining part of Dt 28 (28:7-14,20-68) may be quite relevant because we find there not only genuine expressions of the blessing and curse but also a type of admonitional sentences (eg. vv. 9b,14,45b,58, etc.).



same historical location with 27:11-13, with אִישׁ אִישׁ or אִישׁ + pt structure. There is another point we should consider when we take 27:11-13 and 27:15-26 together for our issue. The family perspective of 28:3-6,16-19, which is apparently different from the national and political perspective of the rest of Dt 28, is also found in the oath formula of 27:15-26. This is because all items of the oath formula could be related to the crimes committed in secret (בְּסֵתֶר esp. Dt 27:15,25) and the twelve items of the oath formula are more or less related to the crimes which can easily happen within a family (*pater familias* בַּת). Moreover in the society of that time these crimes can easily remain within a family unknown to the society (Jos 7). Therefore, in this respect of the family perspective, if the text of 28:3-6,16-19 is the formulae of 27:11-13, it is in harmony with the oath formula.

Therefore, we conclude that all these arguments support the view that 28:3-6,16-19 are the blessing and curse formulae of 27:11-13.<sup>(459)</sup> Now we should deal finally with an important question which arises from this interpretation : why does the author not place the blessing formula (28:3-6) directly after 27:12 and the curse formula (28:16-19) after 27:13 but in the present context of Dt 28 ?

Firstly, the important reason is in the grand scheme of the author who has planned the present text arrangement of 26:16-28:69. We have discussed this in 3.6.5.5. and chart III in detail, here we only want to reiterate some important issues. Theologically the author is very concerned to describe clearly *one* covenant which occurs in two different places and two different times. Because of the death of the great leader, Moses, Israel cannot perform the covenant ceremony in Canaan perfectly. Therefore, the important foundation for the covenant ceremony has to be laid by Moses (in Moab, at present) and only simple and liturgical stages of ceremony are left to be performed (in Gerizim/Ebal, in the future). And then the author rearranges the text blocks in order to give the impression of changing the places repeatedly between Moab and Shechem (Gerizim and Ebal) for the covenant renewal ceremony. By making repeated place change in the present text the author succeeds in emphasizing that there is only one covenant renewal though it happens in two different places and in two different times (Moab, the present / Gerizim/Ebal, the future).

Secondly, this repeated changing of places is underlined by placing the blessing and curse formulae (28:3-6,16-19) not in the very place of ceremony (27:11-13) but in the present context (Dt 28). Then, as we have seen in 3.6.5.5., the time and the place can be evenly alternated<sup>(460)</sup>, and the unity of the two occasions in Moab and Shechem enhanced.

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459. A. Phillips (1972,180).

460. We could think of an interesting fact which might support this interpretation. In the Sinai covenant we read Moses' repeated climbing to and coming down from the mountain Sinai. Although each movement of Moses is perfectly meaningful as the mediator between the covenant parties, it seems to be a certain connection with the to and fro movement in the Moab and Shechem covenant renewal.



### 3.10. Summary and Conclusions of chapter 3.

#### Summary

The term 'the covenant that YHWH commanded Moses to make with the Israelites in Moab' (shortened 'the Moab covenant') occurs in Dt 28:69 (ET 29:1). We have seen that 28:69 is not *the heading* of a new pericope but *the colophon* of the central part of Dt (3.1.1.1,2). And its *heading* is in 4:45. And therefore 4:44, a similar clause to 4:45, is the closing clause of the first part of Dt, 1:5-4:44 (3.1.2.1), because in 1:5b (start) and 4:44 (end) there is the legal term (הַתּוֹרָה) having *the signal value* for this first part of Dt. By *the heading* and *the colophon* the scope of the Moab covenant is defined : 4:45-28:69.

The first section of the Moab pericope, 4:45-49, contains the geographical and historical information about this covenant. We read in this section of the *synchronization* of the past time of exodus (בְּצֵאתְכֶם מִמִּצְרָיִם, 4:45,46) with the present time in Moab (3.2.1). In this way the people who stand on the Moab plain now are the same people who escaped from Egypt and stood at Horeb. A similar *synchronization* is found in 5:2-3, 29:11-14 (Dt 29:12-15).

However, this *synchronization* does not mean *actualization*. This is true in the second section of the Moab pericope (5:1-6:3) especially in 5:2-3 (3.3.1.3). This second section is the beginning of the central law corpora (Dt 5, Dt 6-11, Dt 12-26) which are indicated through the structural signal, הַחֻקִּים וְהַמִּשְׁפָּטִים (5:1, 11:32, 12:1, 26:16, 3.3.1.1). The law directly given by YHWH, the decalogue (5:6-21), is marked by a kind of *structural signal* in 5:4 (דְּבַר יְהוָה אֵלֶיכֶם בְּדָר שְׂתוּרָה הָאֵשׁ, 5:22 (3.3.1.4.(1)). In this section there is the process of laying the foundation of Moses' divine and popularly-demanded authority not only to bring (רַבֵּר) but also to teach (לַמֵּר) God's law. And this process is ultimately achieved in the authoritative pronouncement of Moses in 6:4 (שָׁמַע יִשְׂרָאֵל). This is originally requested by the people (3.4.2.) and subsequently approved by God (3.5.). Three short passages, 5:30-31 (God's command to the people and Moses, 3.5.1.2,3.), 5:32-33 (Moses' first introductory admonition 3.5.2.), 6:1-3 (Moses' second introductory admonition, 3.5.3.), are preparatory to Moses' long admonition (*the Hauptgebot pericope*, 6:4-11:32) and the deuteronomic laws (12:1-26:15).

In the third section of the Moab pericope is 26:16-19, which may be defined as *the bilateral declaration of the covenant relationship* (3.6.). For this definition it is important to know that אָמַר hi. (Dt 26:17,18) does not have a causative sense but a *declarative* sense (3.6.1.). We have seen the importance of this section in the whole Moab pericope : the arrangement of the three promises of God in 26:18-19 are used for the formation of the subsequent sections (3.6.5.) :

26:18-19 : (1) עִם סְגֻלָּה (2) עֲלֵינוּ (3) עִם-קִרְיָשׁ

27:1ff. : (1) עִם יְהוָה אֱלֹהֶיךָ (27:9) (2) עֲלֵינוּ (28:1) (3) עִם-קִרְיָשׁ (28:9)

In the individual texts the covenant relationship is expressed in three different ways, (i) the covenant is *declared now* (26:17-19, 27:9-10), (ii) the covenant has already been



*established* (28:9, cf. 7:6, 14:2,21), (ii) the covenant is a *conditional* relationship which should be established through Israel's effort (28:1). These three are in fact the three dimensions of the covenant, because the covenant between YHWH and Israel is a *relationship* concept (3.6.5.5.(3)). Further we read the same order of these promises of God in the Sinai covenant (3.6.5.2.) :

Ex 19:5b-6 (1) סָגְלָה (2) מִסְלָחַת פְּהַיִּים (3) גַּי קָרוֹשׁ

Dt 26:18-19 (1) עִם סָגְלָה (2) עֲלִיזָן (3) עִם-קָרֹשׁ

In the later section of the Moab covenant (26:17-28:69), which contains the *cultic* or *variable* element of covenant making (3.1.1.2.), there is variation of time ('today', 'when you will cross the Jordan') and place ('Moab', 'Shechem'), [A] : Moab, today, [B] : Shechem, future. :

- (1) 26:16-19 [A] (three promises)
- (2) 27:1-8 [B]
- (3) 27:9-10 [A] (the first promise)
- (4) 27:11-26 [B]
- (5) 28:1-2 [A] (the second promise)
- (6) 28:3-6 [B]
- (7) 28:7-15 [A] (the third promise)
- (8) 28:16-19 [B]
- (9) 28:20ff. [A]

In 27:1-8, which is the report about the covenant ceremony, there are two specific features, (i) the elder's joint-speech with Moses in the admonition (3.7.1.) and (ii) the emphasis on the obedience to the law (3.7.6.). The first is intended to give authority to the elders to perform this ceremony further when Israel will cross the Jordan. This has a similar purpose to the joint-speech of the levitical priests with Moses in 27:9-10. The instructions about the covenant ceremony are *abridged*, meanwhile obedience to the law is *stressed*.

The sudden appearance of the levitical priests as the joint-speaker with Moses in 27:9-10 can be explained like the joint-speech of the elders in 27:1-8 (*frame-breaks*, 3.8.2.). This section is intended to give the authority to levitical priests to perform this part of the ceremony further when Israel will cross the Jordan.

27:11-13 has parallels in 11:26ff. and Jos 8:30ff. (3.9.). These three texts are about the description of the place of the future ceremony, Gerizim / Ebal (Shechem). Further we cannot detect different theological traditions underlying these parallel texts. A controversial issue about the relationship between 27:11-13 and 27:14-26 can be solved by considering the first (27:11-13) as the official declaration of the blessing and curse and the second (27:15-26) as the pronouncement of the oath (3.9.6.2.).

Finally (3.10.1.) we find that there are stylistic differences between the introductory sentence of 28:1-2 and the blessing formula of 28:3-6 and that the same is true of the curses in 28:15-20. The *Sitz im Leben* of these formulae is in the pronouncement of the blessing



and curse by the levitical priests in 27:11-13 (3.10.3).

## Conclusions

Hitherto the central pericope of Dt (4:45-28:69) has not been considered as a coherent unit. However, this study argues that all sections of this part explain about the process of the covenant renewal which takes place in two places (Moab, Shechem) and at two times (the present, the future). We find several important conclusions in ch. 3 :

1. The theme of the Moab pericope is the covenant renewal in Moab/Shechem. And all sections within the Moab pericope are the components which constitute the covenant renewal, although all components are rearranged according to the demand of the narrative context :

(i) the definition of the covenant relationship (26:17-19),

(ii) the terms of the covenant in the decalogue (5:5-21) and the deuteronomic laws (12:1-26:15),

(iii) the negotiation, the demand of the people and the answer of God, the other party (5:22ff.) and the function of the mediator, Moses (Dt 5),

(iv) the covenant ratification ceremony in Moab/Shechem (Dt 27-28 : writing down the covenant document (27:2-4,8), altar and (burnt and fellowship) offering 27:5-7a, covenant meal (27:7b), pronouncement of the blessing and curse (27:11-13,28:3-6, 16-19), the oath (27:14-26)).

2. All materials are rearranged according to the theological scheme of the author with his emphasis on the obedience to law. Compared with the ordinary process of treaty negotiation and the covenant making in Sinai, which is studied in Ch. 2 of this thesis, the present arrangement of covenant materials in the central part of Dt (4:45-28:69) reveals clearly the intention of the author. In the Sinai covenant Ex 19:3-8, the preliminary negotiation and the definition of the covenant relationship, comes first. However, in the Moab covenant Dt 26:17-19, which has a similar topic, appears after the long section of law (Dt 5-26). The straightforward introduction of the law after the *heading* (4:45) of the Moab covenant pericope in Dt 5-26 is impressive. The primary purpose of Moses' admonition in *the Hauptgebot pericope* (Dt 6-11) enhances this intention of the author. Even in the section where the covenant ceremony is mentioned, obedience to the law is emphasized, e.g. the structure of Dt 27:1-8 (3.7.6.). In spite of this emphasis on the law, however, the basic covenant structure remains intact and the stages of the covenant making are not omitted. In other words, the *cultic* or *variable* elements of covenant, the covenant ceremony, remain, although in 27:1-8 this *cultic* element is *abridged*. One of the excellences of Dt is that the definition of the covenant relationship (26:17-19) is used as the framework of the formation of the covenant ceremony section in Dt 27-28 (see the charts in 3.6.5.5.), as we have mentioned above in the summary. In other words the three promises in 26:17-19 are used to form the framework of the passages related to the present



situation of Moab. Here we realize that the time and place is important for the author. We surmise (3.6.5.5.) that this zig-zag change of time (present/future) and place (Moab/Shechem) stresses *one covenant performed in two places and times*. The purpose of the present composition is that there is only one covenant although the covenant ceremony has to be performed in two different places at two different times<sup>(461)</sup> There are several inevitable factors which makes the present form of the covenant making, we have listed four facts (among others Moses' death before Israel's entering into the promised land).

3. Another important benefit of this study is that it offers a solution to one of the long-standing problems in Dt, the position of Dt 27 within Dt. Other issues related to Dt 27f. are also clarified :

(i) the connection between 26:16-19 and Dt 27,

(ii) the unity of 27:1-8,

(iii) the sudden appearance of the elders (27:1) and the levitical priests (27:9) as the joint-speakers with Moses,

(iv) the relationship between 27:11-13 and 27:14-26, and

(v) the *Sitz im Leben* of the blessing and curse formulae (28:3-6, 16-19).

4. The present text tells of the covenant renewal in Moab/Shechem.<sup>(462)</sup> The *invariable* or *legal* elements of the Horeb covenant (e.g. the definition of the covenant relationship 26:17-19 and the laws as the covenant condition) are used for the covenant renewal in Moab. And the Moab covenant is not just (cultic or preaching) *actualization* of the past Horeb covenant (cf. 5:2-3). And the *variable* or *cultic* elements of the Moab covenant, the covenant ceremony, will be performed in the future. The present text itself does not say that it was composed as a liturgical text or as preaching material for a cultic occasion, although we should be open to the possibility that it was used later on specific occasions (e.g. Dt 31:9-13).

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461. In this respect this covenant may be called more precisely *the Moab/Shechem covenant*.

462. Pace R. Kraetzschmar (1896,136: 'das schemenhaftes Wesen des Moabbundes').



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## CH. 4 Comparison of the Sinai covenant and the Moab covenant

We have studied in the last two chapters the two texts of this thesis, the Sinai pericope (Ex 19:24) in ch. 2 and the Moab pericope (Dt 4:45-28:69) in ch. 3. Our conclusion is that each pericope is a coherent unit and that the theme of each pericope is the covenant (making or renewal) between YHWH and Israel. Since both texts have the same theme, the same framework to constitute that theme, and similar elements, the conclusion of one chapter strengthens the conclusion of the other chapter. This is an important contribution of this thesis to the understanding of both texts.

Therefore, it is worth making a detailed comparative study of the two covenants. We shall compare the unity, the structure and the theme of each pericope, looking for similarities and differences between them. For this comparative study we use basically the results of our previous studies about both texts. The important conclusion of our previous studies is that each pericope shows a meaningful literary unity which is usually found in the work of a single author rather than the work of *weak* redactors who merely compromise strong and divergent traditions or preceding materials. If both pericopes written by *strong* authors not by weak redactors are meaningful in each context, it is also meaningful to do comparative study on them both.

It is little wonder that in many cases each covenant has been hitherto studied separately<sup>(1)</sup> and the comparison of both covenants is neglected because of the analytical and historical tendency of OT scholarship. This is also because virtually no attention is paid to the the Moab pericope (Dt 4:45-28:69) as a unit having the covenantal theme and structure.<sup>(2)</sup> But an astonishing exception is in G.von Rad who writes<sup>(3)</sup> :

'It is certainly remarkable that in its main points the composition of Exod xixff.

- 
1. E. Sellin (1917,50ff.) is an exception when he points out that there is an obvious correspondence between the individual elements of the covenant ritual at Shechem and those of the Sinai covenant. See also the remark of H.B. Huffmon (1965,107 : 'In a more narrow sense, Sinai is merely the place where the covenant was made. Accordingly, the Sinai narrative is best compared with the description of the great covenant concluded at Shechem.'). A. Reichert (1972,141) wonders how little studies are done about the comparison of Ex 19:3-8 and Dt 26:17-19. Not only these sections about the definition of the new relationship but also all other sections of both pericopes are not interested by commentators compared with the importance of this topic. See also E. Kutsch (1973,140f.)'s argument of Dt 28:69 in relation to Ex 24:3-8. Recently F.-L. Hossfeld (1982) does thorough comparative study on the decalogue in both texts (Ex 20:1-17, Dt 5:6-21) and in the surrounding contexts (Ex 19:3-9, 20:18-21, 24:1-11; Dt 5:22-31, 5:32-6:3). However, his main concern is in the understanding of the decalogue, and therefore both pericopes as a whole having the theme of covenant (Sinai and Moab) and especially the Moab covenant is not touched. Comparative study of J. Vermeulen (1985,174-207) about Ex 19-34 and Dt 5-11 and of J.van Seters (1988,111-130) is basically oriented by source-critical presupposition.
  2. And this phenomenon is understandable when we consider that the author of Dt thoroughly changes the covenantal materials and forms radically according to the demand of his own theological scheme, the importance of the law and obedience to it. For instance the very beginning of the pericope of the Moab covenant, 4:45ff. is quite different from the beginning of the covenantal negotiation of the Sinai covenant (Ex 19:3-8). Another vivid example is the complicated relationship between Dt 26,28 and Dt 27 (see 3.7. to 3.10.) and because of this complexity it is difficult to explain the original covenantal character of the Moab pericope.
  3. (1938,24ff. = 1958,34ff. = 1966,27ff.).



fully agrees with that of Deuteronomy in this matter (juxtaposition of historical and paraenetic introductory speech TGS).'

And then he summarises the structure of both pericopes as follows :

(A) Exodus

- (1) Exhortation (Ex 19:4-6) and historical recital of the events at Sinai (Ex 19ff.),
- (2) Reading of the law (Decalogue and Book of the Covenant),
- (3) Promise of blessing (Ex 23:20ff.),
- (4) Sealing of the covenant (Ex 24).

(B) Deuteronomy

- (1) Historical presentation of the events at Sinai, and paraenetical material connected with these events (Dt 1-11),
- (2) The reading of the law (Dt 12-26:15),
- (3) The sealing of the covenant (Dt 26:16-19),
- (4) Blessings and curses (Dt 27ff.).

However, G.von Rad does not investigate further the implication of this summary. Interestingly in the OT studies, although this summary of G.von Rad is cited quite often, his insight is not fully investigated by later OT scholars. We shall develop G.von Rad's naive insight about the comparison of both pericopes.

From our studies of these two important pericopes in the OT, we claim that the present two texts are more probably the work of creative authors than of thoughtless or weak redactors of traditions. The texts we have studied show unmistakably that their authors control the shaping of the literary forms as well as the theological themes. If these two pericopes are the literary work of independent authors, therefore, the next stage of our study is to investigate the formal and thematic similarities and differences between the two covenants : this important area is neglected in most pentateuchal studies. If we are right that the main theme of both pericopes is the covenant (making or renewal), in what sense are they similar to or different from each other ? What is the reason for the similarities or the differences ? How is the form changed by the demands of the present situation ? These kinds of questions should be answered in the present chapter.

However, we have to acknowledge the practical limits of this comparative study : it is far beyond the scope of this thesis to study the legal materials in Ex and Dt despite their importance for comparative study. We also acknowledge that the value of this thesis, the investigation about the framework of the two covenant pericopes, can be fully accepted only after the comparative study of both bodies of legal materials, because both studies are mutually complementary. Similarly a study of the larger contexts of both pericopes should follow in order to complement the knowledge of the whole text.

#### 4.1. The scope of comparative study



Each pericope has its own function within the framework of each book, Ex or Dt. The Sinai pericope follows a nearly chronological order like all other narratives in Ex. However, the Moab pericope is thoroughly rearranged to suit the grand scheme of Dt.<sup>(4)</sup> Without judging the priority of any pericope we arrange the comparative materials according to the pattern of the Sinai pericope. And this enables us to realize the thorough change of the structure in the Dt pericope. Thematically the Sinai pericope can be divided into eight sections :

- |  |                             |
|--|-----------------------------|
| 1. the definition of the covenant relationship | (Ex 19:3-8)                 |
| 2. the meeting of the covenant partners        | (Ex 19:9-25)                |
| 3. Moses authority                             | (Ex 19:9a, 20ff., 20:18-21) |
| 4. the covenant condition I                    | (Ex 20:1-17)                |
| 5. the covenant condition II                   | (Ex 20:23-23:19)            |
| 6. the covenant ceremony                       |                             |
| promise and the blessing                       | (Ex 23:20-23)               |
| the covenant ceremony (offering / oath)        | (Ex 24:3-8)                 |
| the celebration of the covenant                | (Ex 24:9-11)                |

If we rearrange the pericope of the Moab covenant according to this pattern we have the following result :

- |  |   |
|--|---|
| 1. the definition of the covenant relationship | (Ex 19:3-8) - (Dt 26:17-19)                 |
| 2. the meeting of the covenant partners        | (Ex 19:9-25) - (Dt 5:1-5,22)                |
| 3. Moses' authority                            | (Ex 19:9a, 20ff., 20:18-21) - (Dt 5:23-6:3) |
| 4. the covenant condition I                    | (Ex 20:1-17) - (Dt 5:6-22)                  |
| 5. the covenant condition II                   | (Ex 20:23-23:19) - (Dt 6:3-11:7,12:1-26:15) |
| 6. the covenant ceremony                       |   |
| promise / the blessing and curse               | (Ex 23:20-23) - (Dt 28)                     |
| the covenant ceremony (offering / oath)        | (Ex 24:3-8) - (Dt 27:6-7a,14-26)            |
| the celebration of the covenant                | (Ex 24:9-11) - (Dt 27:7b)                   |

## 4.2. Comparison of the two covenants

### 4.2.1. Comparison of the two covenants (I) : the definition of the covenant relationship (Ex 19:3-8 — Dt 26:17-19)

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4. [A] (the covenant in Horeb, 4:45-6:3) - [B] (the Hauptgebote, 6:4-11:25) - [A'] (covenant ceremony, blessing and curse, 11:26-32) - [B'] (the individual laws, 12:1-26:15) - [A''] (covenant ceremony, blessing and curse, 26:16-28:69). N. Lohfink (1963a,233) rightly points out that the starting clause in 11:26 (אֲנֹכִי נֹתֵן לְפָנֵיכֶם הַיּוֹם) is identical with the ending clause in 11:32 (אֲנֹכִי נֹתֵן לְפָנֵיכֶם הַיּוֹם). This shows the closed unity between 11:26-32. This central part of Dt (4:45-28:69) is about what the Israelites have to do now and in the near future when they enter into the promised land. Except this central structure Dt has the two outside circles, [C] (4:1-43) - [C'] (29:1-30:20), [D] (1-3) - [D'] (31-34). [C] and [D] are about the past events but [C'] and [D'] are about the far future events. In total Dt uses two general structures, in the outside circle there is the concentric pattern ([D]-[C]-[C']-[D']) and in the centre of this concentric pattern we find the parallel pattern (-[A]-[B]-[A']-[B']-[A'']-).



There are some commentators who try to connect both sections with each other but without attempting the detailed exegesis of both sections.<sup>(5)</sup> In this first section of the covenant-making the subject-matter is to state the right relationship between the two parties. From God's side he accepts Israel as the covenant partner and the people also accept God as the covenant partner. In this comparison we investigate the following issues :

- (1) how does YHWH relate to the people ?,
- (2) how do the people relate to YHWH ?,
- (3) the definition of the covenant relationship in the different contexts,
- (4) the position of this section among other sections of the covenant making or renewal.

### (1) How does YHWH relate to the people ? ('our God')

There is a clear difference on this issue between the two covenants. In Ex 19:5a we do not read a statement comparable to the statement of what God will do to the people in Dt 26:18-19 but the conditional sentence about God's statement, component [a] :

Ex 19:5a : [a] אִם-שָׁמַעְתְּ תִשְׁמַע בְּקוֹלִי וְשָׁמַרְתֶּם אֶת-בְּרִיתִי.

However, in Dt 26:17 we read a combination of the conventional statement of relationship-making (e.g. treaty, marriage), component [b], and the short expression of the people's obligation (the pronouncing subject + היה + ל + suff. (the obj) + ל + the term of relationship), component [a] :

Dt 26:17 : [b] לְהוֹזִית לְךָ לֵאלֹהִים

[a] וְלָקַחְתָּ בְרִיתְךָ וְלִשְׁמֹר הָקָדָשׁ וּמִצְוֹתָיו וּשְׁמַרְתָּ בְּקוֹלוֹ

The inf. clauses of Dt 26:17 are directly related to the finite verb, הִיאֲבִירָהָ. This means that keeping God's laws is the immediate consequence of Israel's fundamental statement that YHWH is her god. And in [a] we find the same content as in Ex 19:5a : (i) the same שמע + בקול phrase, (ii) the same שמר + terms of law.

Despite this difference in formulation both verses are identical in what they state about the real consequence of the relationship. The different form in Ex 19:5a is caused by the fact that the whole proposal of the covenant relationship is expressed from the standpoint of the stronger party, God, just as a vassal treaty is described from the standpoint of the suzerain. By doing so, instead of a bilateral declaration (e.g. 'YHWH is our God') Ex 19:5a states the *practical implication* of the declaration (i.e. to obey the law of God). And God's declaration to the people (Ex 19:5b-6a) is also not the theoretical one (e.g. 'You are my people') but the practical one (בְּמִלְכַת בְּהֵגִים וְגוֹי קָדוֹשׁ, מְגִלָּה). In the case of Dt 26:17-19,

5. For example N. Lohfink (1969,544 : '... aber wir haben hier (Dt 26:16-19, TGS) immerhin eine typisch deuteronomische Aussage, die in ähnlicher Form nur an einer Stelle außerhalb des Deuteronomiums belegt ist, in Ex 19:5f., das den deuteronomischen Stellen unter Umständen genetisch vorausliegen könnte) and W. Beyerlin (1961,15 = 1965,11 : 'Nur sind in der Tat die sprachlich-stilistischen Gemeinsamkeiten mit dem Deuteronomium unübersehbar'). The connection between both sections has already been pointed out in 3.652 & 3.653.



however, the speaker of this definition is not a party to the covenant but the mediator, Moses. Therefore, the reciprocal pronouncement can be done quite proportionately except the use of the practical implication of the pronouncement from the side of the people (i.e. to keep God's law). This phenomenon fits in very well with the special feature of the Moab covenant : the authority of Moses as the mediator as well as the teacher of the covenant and law is emphasized. In other words, Moses expresses the covenant relationship from the standpoint of neither God nor the people but himself.

Finally, as far as the relationship between the two texts is concerned, it is more probable that the expression of Dt is later than that of Ex. The fact that the description of Ex 19:5a is practical and that of Dt 26:17 is principal (in the sense of the mutual declaration) do not suggest that Dt 26:17 is original and Ex 19:5a is late. Rather the principal declaration in Dt 26:17 is caused by the fact that Moses with absolute authority controls all aspects for the Moab covenant. And the practical expression in Ex 19:5a corresponds with the ANE custom of expressing issues from the superior's point of view. Then we may judge that the expression of Dt 26:17 is more theologically reflected. The addition of Dt 26:17b to the principal declaration in Dt 26:17a suggests that the author expands the original one element [a] Ex 19:5a into the two elements [a] + [b] Dt 26:17.

## (2) How do the people relate to YHWH ? (the three promises of God)

The most striking similarity between the two covenants is YHWH's three promises about Israel's special relationship with YHWH. This finding is one of the important contributions of this thesis (3.6.5.2.) :

Ex 19:5a-6	(1) כְּגֵלָה	(2) כְּמִלְכַּת בְּרִיָּים	(3) וְיִי קְרוֹשׁ
Dt 26:18-19	(1) עִם כְּגֵלָה	(2) עֲלִיזוֹן	(3) עִם-קְרוֹשׁ

These are expressed with the customary relationship making formula : the pronouncing subject + היה + לְ + suff. (the obj) + לְ (only in Dt) + the term of relationship. In practice the pronouncing subject can be expressed with the suffix attached to the verb היה :

Ex 19:5b-6 : (1) וְהִיָּיתֶם לִי כְּגֵלָה,  
 (2)(3) אַתֶּם תִּהְיוּ לִי כְּמִלְכַּת בְּרִיָּים וְיִי קְרוֹשׁ.

Dt 26:18-19 : (1) לְהִזוֹת לוֹ לְעִם כְּגֵלָה,  
 (2) לְהִתְקַדֵּשׁ עֲלִיזוֹן עַל כָּל-דְּבוּרִים (N.B. the verb is נתן),  
 (3) לְהִתְקַדֵּשׁ עִם-קְרוֹשׁ לִיהוָה אֱלֹהֶיךָ.

(a) We have seen in the exegesis of Ex 19:5a-6 (2.4.3.4. & 2.4.3.5.) that these three promises do not actually mean three different kinds of promises but one promise, the



making of special relationship between YHWH and Israel.<sup>(6)</sup> The second (מְסֻלָּת בְּהַגִּים) and the third (גֹּי קְרוֹשׁ) promises explain the first promise (סְגֻלָּה) more fully. The parallel use of גֹּי with מְסֻלָּת (e.g. Is 1:2, 18:7,9, 60:12, Zeph 3:8, Ps 46:7, 2 Chr 32:15)<sup>(7)</sup> indicates the strong relationship between the second and the third promises. And the fact that the second word in each phrase (בְּהַגִּים / קְרוֹשׁ) has a similar meaning field also alludes to the strong connection between the second and the third promises. Therefore, the second and the third promises are mentioned in one sentence consecutively (וְאַתֶּם תִּהְיוּ לִי מְסֻלָּת בְּהַגִּים) (וְגֹי קְרוֹשׁ).

In Dt we find a similar phenomenon (3.6.5.4.). The first promise (עַם סְגֻלָּה) is supported by *the divine speech formula* which recalls the past promise : בְּאֲשֶׁר דִּבַּרְתִּי לָךְ. And after the second (עֲלִיז) and the third (עַם-קְרוֹשׁ) promises we also read the nearly identical *divine speech formula* : בְּאֲשֶׁר דִּבַּר.<sup>(8)</sup> The use of the infinitive phrases (וְלִהְיוֹת, וְלִתְהַיָּה, וְלִהְיוֹת) stresses that there are originally three items of the promise. Despite these three items, however, we acknowledge that in Dt as well as in Ex the second and the third promises explain the meaning of the first promise more clearly.<sup>(9)</sup>

(b) There is a similarity between each promise of each text. At least the contents of the first and the third promises are identical, although there is a small difference :

Ex 19:5b-6	(1) סְגֻלָּה	(3) גֹּי קְרוֹשׁ
Dt 26:18-19	(1) עַם סְגֻלָּה	(3) עַם-קְרוֹשׁ

In Dt these promises are always expressed with עַם (7:6, 14:2,21, 28:9) and this means that in Dt the expressions are unified. We assume that the two texts (Ex 19:5b-6a and Dt 26:18-19) are in parallel with each other in terms of the first and the third promises. These two promises express Israel's relationship with or position towards God (3.6.5.4.).

(c) The important difference between the two texts lies in the second promise :

Ex 19:6a	(2) מְסֻלָּת בְּהַגִּים
Dt 26:19	(2) עֲלִיז

In the exegesis of Ex 19:6a (2.4.3.5.) we have seen that the unique phrase in the OT, מְסֻלָּת בְּהַגִּים, has a metaphorical meaning (i.e. 'the privilege', 'the nobility') but not a functional meaning ('the priestly (mission) work for the world'). In this sense מְסֻלָּת בְּהַגִּים is quite similar to the second promise of Dt, עֲלִיז, used in most cases for the deity and therefore

6. W. Moran (1962:17).

7. Literature in G.J. Botterweck (TWAT, 1970f.). Not only the parallel pair of גֹּי / מְסֻלָּת but also גֹּי / מְסֻלָּת (Jer 1:10, 29:18, 51:20,27, Ez 37:22, Nah 3:5, Zeph 3:8, Hag 2:22 (txt ?), Ps 46:7, 135:10f.) and the parallel pair of גֹּי / מְסֻלָּת (Is 41:2, Jer 25:14, Ps 135:10) are often found in the OT. These examples show that the parallel use of two words and its derivatives are in common.

8. Although the second promise is introduced by the phrase וְלִתְהַיָּה and the third by the phrase וְלִהְיוֹת compared with the case of the first introduced by the phrase לִהְיוֹת, this feature does not nullify the important division made through the customary phrase of the promissory oath בְּאֲשֶׁר דִּבַּרְתִּי לָךְ or בְּאֲשֶׁר דִּבַּרְתִּי לָךְ. And בְּאֲשֶׁר דִּבַּרְתִּי לָךְ in 26:19 refers not only to the third promise but also to the second promise.

9. In the vassal treaties in the ANE the commonly used term defining the relationship between the suzerain and the vassal is סְגֻלָּה (see M. Greenberg (1951,172-174), D.J. Wiseman (1953,pl.iii), M. Weinfeld (1972,226,n.2), H. Wildberger (THAT, 11,142ff), E. Lipiński (TWAT, V,749f.)). Through this fact also the primary position of this first promise is acknowledged.



another highly unusual word for Israel, because עֲלִיּוֹן refers to the noble position of Israel among all nations. This idea becomes clearer in the following clause על כָּל-הַגּוֹיִם אֲשֶׁר עָשָׂה in Dt 26:19a. The concrete result of God's 'elevating' Israel among the nations is found in the additional three phrases with לְ (לְתַהַלָּה וּלְתַפְאֲרָתָהּ) in the same verse. The result of this interpretation is striking. The second promise of each covenant expresses actually the same privileged status of Israel among the nations. The second promise of both covenants describes the result of the covenant making : the consequence which Israel receives from her making the covenant relationship with YHWH. In other words, just as the priest is high above the ordinary people, Israel will be exalted high above all nations and people, מִמְּלֶכֶת כְּהֹנֵיִם and עֲלִיּוֹן. And this position is in fact derived from Israel's covenantal relationship to God.

However, together with this similarity we should consider the difference in the second promise. Interestingly enough, not only the second promise of the Sinai covenant (מִמְּלֶכֶת כְּהֹנֵיִם) but also the second promise of the Moab covenant (עֲלִיּוֹן) are unique descriptions for Israel. Although it is impossible to explain the difference between both expressions, we realize that the second promise of the Moab covenant is greatly expanded (עֲלִיּוֹן עַל עֲלִיּוֹן) compared with the terse expressions used in the first and the third promises and compared with the second promise of the Sinai covenant. The author of the Moab pericope seems to explain the newly invented term describing Israel's status (עֲלִיּוֹן) more clearly by this additional clause. Together with this fact we have to consider the following two points :

(i) In the Moab covenant (Dt 26:17-19) the divine speech formula (בְּאִשֶׁר דִּבֶּר-לָהּ or בְּאִשֶׁר דִּבֶּר) is used and this means the author of the Moab pericope is clearly conscious of the previous material.

(ii) Consideration of the total aspects of both covenants leads to the probable conclusion that the Moab covenant is conscious of the Sinai covenant.

If so, then we have to assume that the author of the Moab covenant substitutes the phrase of the second promise in the Sinai covenant (מִמְּלֶכֶת כְּהֹנֵיִם) and insteads he invents a new revolutionary term describing Israel (עֲלִיּוֹן) usually used for God. And then he explains it more fully with the additional clause.

(d) In this way the promises of both covenants are actually the same one :

(i) both covenants have the same number of promises,

(ii) both covenants follow the same order,<sup>(10)</sup>

(iii) all three promises of both covenants express actually one idea : Israel's special relationship with YHWH, although some are formulated slightly differently for practical reasons.

(e) It is necessary to consider the use of these promises within Dt. Interestingly other

10. See 3.6.5.4. and below about the difference of order in Dt 7:6, 14:221 (עִם-קְרוֹשׁ) and then עִם סִנְיָה compared with the present order of the first and third promises in Dt 26:18-19.



texts of Dt show a different order when these promises (the first and the third) are used together, e.g. Dt 7:6, 14:2 (עם סגולה and then עם-קרוש). In these texts the author seems to appeal to Israel's status before God in order to give ethical or cultic commands (e.g. to separate Israel from the cultic practices of the Canaanites). In Dt 7:6 the author uses the easily understood phrase, עם-קרוש, for this purpose, and then going to the fundamental point, he reveals the real status of Israel, עם סגולה of YHWH. In Dt 14:21 we read only עם-קרוש and it has the same purpose as in Dt 7:6 to preserve Israel's holiness. This fact indicates that עם-קרוש is the term which can be applied easily. However, in Dt 26:18-19 the principal announcement is the subject-matter, and therefore the fundamental expression of the covenant relationship (עם סגולה) is listed first. Therefore, although Dt 26:18-19 appears later than Dt 7:6, 14:2,21 in the present Dt, the primary text is Dt 26:18-19 but not Dt 7:6, 14:2,21, which are actually the application of the fundamental announcement in Dt 26:17-19. Therefore, the divine speech formula (באשר דבר-לה) in Dt 26:18) or באשר דבר in Dt 26:19) does not mean what is mentioned in Dt 7:6, 14:2,21, but refers rather to the original announcement made<sup>(11)</sup> by God himself in the previous occasion.

(f) If we cannot connect באשר דבר-לה and באשר דבר (Dt 26:18,19) with the previous mention of the phrases (i.e. עם סגולה, עם-קרוש) in Dt 7:6, 14:2,21, we can safely connect them with the promises in Ex 19:5b-6 with (a) its nearly identical promises and (b) quite similar covenantal context (3.6.5.1).<sup>(12)</sup> Therefore, it is more natural to assume the dependence of Dt 26:17-19 on Ex 19:3-8 (at least 5b-6) than vice versa, unless the divine speech formulae (באשר דבר-לה) in Dt 26:18 and באשר דבר in Dt 26:19) were alien to Dt, which is unlikely considering the customary use of these formulae in Dt.<sup>(13)</sup> Further, if it is characteristic of Dt to replace גי by עם, the combination of the third promise (עם-קרוש) with the second promise (ממלכת כהנים) in the Sinai covenant does not fit.<sup>(14)</sup> This phenomenon might have led the author of Dt to choose other terms more suitable for the second promise. Or the author may be simply explaining fully the meaning of the unusual and therefore difficult phrase, ממלכת כהנים. These two possible factors seem to be the reason for the author to choose in the present clause in Dt 26:19a. עקיון, used otherwise

11. We have seen that ויהוה האמרוך should be interpreted not as *hif. causative* but as *hif. declarative*.

12. In Dt six cases are found which use the clause באשר (or אשר) + דבר (verb). In four cases (Dt 1:21,6:3,19:8b, 27:3) the promise to 'the fathers' (אבותיה) is the issue. Only Dt 2:18,19 does not refer to the fathers but directly to לה (26:18) or without anything (26:19). In the main divine speech formulae of Dt with the verb נשע we find the same idea that the oath is sworn to 'the fathers' (either with אבותיה or with the names of the fathers (about the land (e.g. Dt 1:8, 1:35, 6:10, 30:20, etc.), about the exodus (e.g. Dt 7:8), about the enlarging boundary (Dt 19:8a), about the increasing the numbers (Dt 13:18), about the covenant formulae (Dt 29:12)) or by mentioning only the names of the fathers (e.g. Dt 34:4), see further D.E. Skweres, 1979, 232ff.). This statistics enables us to conclude that Dt 26:18,19 without mentioning the fathers indicates clearly Israel's previous experience after the exodus. Also in some verses there is explicit mention to the difference between the fathers and the present generation (e.g. Dt 5:3 לא ל אבותינו כרת יהוה את-הברית הזאת). Therefore, the connection of this section (Dt 26:17-19) through this clause with the report of Ex 19:5b-6 becomes more plausible.

13. Pace L. Perlitt (1969, 17-174) who holds the dependence of Ex 19:5b-6 on Dt. See D. Patrick (1971, 155): 'Deuteronomy and its school could just as well be drawing on terminology coined by our author or the tradition behind the Covenant code Source.'

14. It is an interesting phenomenon that although dictionaries (*THATTWAT* at least) do mention the parallel use of ממלכת with גי but not with עם.



for the deity nearly in all cases (except in two cases in Dt (26:19,28) and Ps 89:28 when it is applied to a person), boldly emphasizes the privileged position of Israel among the nations.<sup>(15)</sup>

(g) We find another difference about the phrases of the promise itself. The first promise (Ex 19:5b) has only סְגָלָה compared with עַם סְגָלָה in Dt 26:18. Before examining this difference we want to point out an interesting issue in connection with this problem. Ex 22:30 (ET 22:31) we read וְאִנְשֵׁי-קָרֶשׁ תִּהְיוּ לִי and this clause is the paranetic reason for the prohibition of eating of the animal meat killed by wild beasts. Similar prohibition is found in Dt 14:21 (for the animal killed already) with a similar paranetic reason, כִּי עַם קָרֶשׁ אֱלֹהֶיךָ. The uniform appearance of עַם קָרֶשׁ in Dt (7:6, 14:2,14:21, 26:19, 28:9) shows the stability in its use and the concern to stress that Israel is *the people of God* against the Canaanites.<sup>(16)</sup> In the Moab covenant the regular use of the phrase stresses that Israel's unique covenant relationship with God is the antidote to assimilation by the Canaanites. The unique position of Israel in its covenant relationship with God is stressed compared with the Canaanites who are not chosen by God for such a relationship.

Finally, summarizing all these arguments, we consider the historical relationship between the two series of promises. The fact that the three promises are in the same order illustrates the strong connection between the two texts. Interestingly the divine speech formula is added only to the first and the third promises in Dt. This fact reveals the priority of the first promise and the connection between the second and the third promises. In any case these promises are one of the most clear examples which show the dependence of Dt on Ex. It becomes apparent in the first and the third promises with their unified use of עַם (עַם קָרֶשׁ / עַם סְגָלָה) in Dt, compared with irregular use in Ex (סְגָלָה / קָרֶשׁ / גֹּי קָרֶשׁ, cf. אִנְשֵׁי-קָרֶשׁ Ex 22:30 (ET 22:31)). A development from mixed use to the unified use is more plausible than the opposite one. And the second promise of Dt 26:19a (עֲלִיזוֹן), the revolutionary invention of Dt, seems to replace the second promise of Ex 19:6a (מִמְלַכֶּת פְּהַגִּים). This fact becomes apparent by the additional clause to Dt 26:19a, כָּל-הַגֹּיִם אֲשֶׁר עָשָׂה לְתַהֲלָה וְלִשְׂמָ וְלַתְּפֹאֲרוֹתָּהּ and further the use of the divine speech formula in Dt (כֹּה אָמַר יְהוָה / כֹּה אָמַר יְהוָה Dt 26:18,19), which is absent in Ex, is the decisive factor which enables us to conclude the dependence of Dt on Ex.<sup>(17)</sup>

### (3) The definition of the covenant relationship presented in the context

The most striking difference in these three promises of both covenants is the manner in which these promises are presented in the context. In Ex 19:3-8 the promises are suggested

15. In addition to this revolutionary word the author adds a clause (כָּל-הַגֹּיִם אֲשֶׁר עָשָׂה) with three phrases of the preposition לְ (לְתַהֲלָה וְלִשְׂמָ וְלַתְּפֹאֲרוֹתָּהּ Dt 26:19), and all of them match precisely with the new word and amplify its meaning.

16. G.von Rad (1929,10-14; 1973,18-22), O. Bächli (1962,141-142), W. Beyerlin (1961,22 = 1965,17).

17. Further the use of the three promises in the formation of the following sections (Dt 27-28, 36.55) shows clearly the high standard of literary composition in Dt and consequently the further development of Dt 26:17-19 from Ex 19:5b-6a.



by God and brought to the people indirectly through Moses. More precisely, Ex 19:3-8 gives a detailed picture of this transmission of God's proposal of the covenant relationship to the people : God - Moses - the elders - the people. And then the answer of the people is given through Moses to God (Ex 19:8). When we consider the people's answer is given through the expression of the people's own word<sup>(18)</sup>, we imagine that this answer is given in the opposite direction of God's proposal : the people - the elders - Moses - God. As we have seen (2.4.4.2.), Ex 19:3-8 follows the ordinary negotiation process for creating an official relationship between the two parties. Meanwhile, in Dt 26:17-19 all promises are spoken by Moses. It is quite natural to consider that this section belongs to the long discourse of Moses to the people.<sup>(19)</sup> And it is also natural because all components of the covenant renewal are rearranged according to the masterly independent mind of the author who stands behind Moses' word. Interestingly enough (3.1.1.2.), in the Moab covenant Moses is in charge of the *invariable* elements of covenant : the stipulations (the decalogue, *the Hauptgebot pericope*, the deuteronomic laws) and the definition of the covenant relationship (26:17-19). But the *variable* elements, the covenant renewal ceremony (Dt 27f.), are handed over to the leaders : the elders (3.7.1.) and the levitical priests (3.8.1.). In other words, the definition of the covenant relationship is spoken by Moses himself not the reporter's as in Ex 19:3-8. Although it would be possible for the author in Dt 26:17-19 to describe the covenant relationship from the standpoint of the stronger as in Ex 19:3-8, Moses who stands as the mediator between the two parties reports the bilateral pronouncement.

Another point related to this issue is that the function of the people in Ex 19:3-8 is simply to decide whether to accept the conditions set by God or not. They may give only a positive or negative answer to the proposal. However, in Dt 26:17-19 the action of both parties is expressed mutually : God's pronouncement towards Israel and the latter's pronouncement towards the first.<sup>(20)</sup>

As far as the historical relationship between two texts is concerned, this point does not prove directly that Ex is before Dt. The mutual declaration in Dt 26:17-19 does not show that it is older than Ex 19:5-6. This declaration is expressed by the mediator, Moses, who is not just a neutral scribe of the covenant relationship but the person who gives the strong admonition from the side of one party, God. In the ANE vassal treaties the document is written not neutrally but from the point of view of the suzerain, and this tendency corresponds with the style of Ex 19:3-8. Therefore, we conclude that the style of the Sinai covenant (Ex 19:3-8) is close to the stylistic conventions of the ANET but the style of the Moab covenant (Dt 26:17-19) is more theologically reflected. And therefore it is more plausible that Dt depends on Ex than vice versa, if the relationship between these

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18. We hold that **וְיָדָבְרוּ** in Ex 19:8 does not necessarily mean 'the unison' (i.e. the people have spoken this at the same time at the same voice) but 'with the one heart'.

19. G.W. Savran (1988,116)

20. D.J. McCarthy (1978,184).



two is admitted.

**(4) The position of these sections among other sections of both covenant**

Why does Dt put this section (Dt 26:17-19) of the definition of the covenant relationship in the later part of the Moab pericope (Dt 4:45-28:69), while a similar section (Ex 19:3-8) is put first in the Sinai pericope? It is easy to explain the initial position of Ex 19:3-8. The whole process of the covenant making follows the chronological order except for 19:19b-25 (2.7.). We have seen in our study of Dt 27:1-8 (3.7.6.) that heavy stress is laid on the law and the admonition to keep the law by *abridgement* of the cultic aspect (i.e. covenant ceremony). A similar pattern is found throughout the Moab pericope: the law sections are placed in the most prominent position: the decalogue (Dt 5:6-21), *the Hauptgebot pericope* (Dt 6-11), and the deuteronomic laws (Dt 12-26). Together with these legal sections the section of the definition of the covenant relationship belongs to the *invariable* elements of a covenant, and they stand as the first part of the Moab pericope. These *invariable* elements are prepared by Moses himself who cannot cross the Jordan. In this way Moses lays the foundation for the future fulfilment of the covenant renewal at Shechem. What Moses pronounces in Dt 26:17-19 is the backbone for the remaining sections of the Moab / Shechem covenant, the *variable* elements of a covenant which has to be performed in the future at Shechem (3.6.5.5.). In this way Moses' word is once again the foundation of the future events at Shechem.

Finally we consider the historical relationship of the two covenants in terms of this aspect. Ex 19:3-8 takes the present position within the Sinai pericope, because events are arranged in chronological order. But Dt 26:17-19 is put at the end of the invariable element (Dt 5-26:16) and at the beginning of the variable elements (Dt 27-28). Considering the function of the three promises of Dt 26:17-19 in the following sections (3.6.5.5.), we conclude that Dt 26:17-19 shows deep theological reflection, and therefore it is a further development of Ex 19:3-8, which contains historical raw materials.

**4.2.2. Comparison of the two covenants (II):**

**the meeting of the two covenant parties (Ex 19:9-25 - Dt 5)**

Ex 19:9-25 is usually considered as the description of a theophany. Therefore commentators do not explain why in both covenants the phenomenon of God's coming is accompanied by the proclamation of the decalogue. However, as we have seen, the main theme of Ex 19:9-25 is not just the coming of God but the meeting of the covenant parties, YHWH and Israel. This is important in creating an official covenant relationship between the two parties. Interestingly, since in the Moab covenant this aspect is much diminished, it is worth investigating the description of this aspect of covenant making. Four topics will be looked at:

- (1) the meeting of both parties,



- (2) the direct speech of God to the people,
- (3) the phenomenon of the theophany, the trembling of the people, and the request for a mediator,
- (4) the function of this meeting in both covenants.

### (1) Meeting of both parties face to face

In the Sinai covenant we have argued that the theme of Ex 19:16-19a, which has a concentric (chiastic) structure, is not the theophany but the meeting of both covenant parties (2.6.2). The direct encounter between the two parties is necessary to make the official relationship after the preliminary negotiation through the mediator. Because of the weakness of the weaker (Israel) YHWH (the stronger) orders Moses to prepare the people carefully to meet him (Ex 19:10-13). They must undergo a special preparation period for this meeting (Ex 19:14-15,21-23).

In the Moab covenant, however, the description of this meeting and the preparation for it is diminished, and therefore the aspect of the people's careful preparation to meet God is dropped out. This phenomenon is caused by Dt's own thematic structure, although there are still traces of it. In Dt 5:4 we read a clear sign of this event : פְּנִים בְּפָנִים דִּבֶּר יְהוָה : עִמָּכֶם. As we have seen (3.3.1.4.) the intention of Dt 5:4 is to mention not the content of God's word but its mode : the decalogue as God's direct speech to the people. The initial position of the emphatic adverbial phrase, פְּנִים בְּפָנִים, stresses the directness of the encounter between the two parties without the mediator.<sup>(21)</sup> It is meaningful that this report comes just after the fundamental statement of covenant making between God and Israel in 5:2-3 (3.3.1.2.). In other words, the first scene of the covenant making should be the report about the meeting of both parties. The fairly short clause of Dt 5:4 is overloaded by various adverbial phrases (בְּפָנִים בְּפָנִים, בְּרִרָה, בְּרִירָה, בְּרִירָה, בְּרִירָה). This means that the author wants to report the mode of God's word, God's direct speech to the people, rather than its content.

Therefore, we conclude that the two covenant reports adapt the same reporting style to their own requirement. The basic report is present in both covenants, although in the Moab covenant this aspect is much diminished just as several cultic elements (*the variable elements*) of the covenant making are *abridged* (e.g. Dt 27:1-8, 3.7.6.).

Concerning the historical relationship of this aspect between the two covenants it is hard to insist that the simple description of the Moab covenant is older than the detailed

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21. C.J. Labuschagne (*Dt, 1b, 25*). J.A. Thompson (*Dt, 113*) comments that this phrase suggests the covenant is made in the area of personal relationship rather than in purely legalistic areas. This phrase (cf. Ex 33:11, Num 14:14) seems to mean *in person*, that is, in the immediate personal contact. Dt 5:4 ('face-to-face') : cf. 'face-to-face meeting between God and Moses (אֵל-פְּנִים אֶל-פְּנִים Ex 33:11, Dt 34:10). If both Dt 34:10 and Ex 33:11 mention this event as unprecedented one, and therefore the authors have the clear intention to express that Moses has the divine authority, the direct meeting of the people with God has also a clear reason. This phenomenon cannot be explained without the consideration that here the covenant relationship is the subject-matter, because in making the covenant relationship between the two parties the direct encounter between them is indispensable.



one of the Sinai covenant. We have the impression that the author of Dt wants to describe the content of the meeting but not the phenomenon of the meeting itself. Therefore, he *abridges* the original description of the meeting and goes directly to the citation of the decalogue.

## (2) God's direct speech to the people

The meeting of the two parties and God's direct speech to the people are linked with each other in both covenants.

In the Sinai covenant the meeting itself is so important that within the section (Ex 19:16-19a) there is no direct hint about what is going on in this meeting. We infer what happens in that meeting from the previous section (Ex 19:3-8) and the following section (Ex 20:18-22). In Ex 19:3-8 the stipulations of the covenant (בְּרִיתִי / בְּקִלִּי Ex 19:5) is not yet given, because this section describes the initial negotiating stage of the relationship (2.4.3.3. & 2.8.2.1.,2). We expect that this condition will be given soon. And from the section after this meeting we easily grasp that the meeting is accompanied by the spoken word of God, which contains the stipulations of the covenant. In other words, the direct encounter of both covenant parties is for the direct giving and accepting the covenant stipulations without the mediator. Therefore, in the Sinai covenant what the people experience in their encounter with God is God's coming as well as God's direct speech to them. So the people ask for Moses to speak them (דַּבֵּר-אַתָּה עִמָּנוּ וְנִשְׁמָעָה) instead of God (וְאַל-יְדַבֵּר עִמָּנוּ אֱלֹהִים פֶּן-נָמוּת) in Ex 20:19).<sup>(22)</sup> But if God's coming were not accompanied by God's word, this request would be meaningless.

In the Moab covenant the connection of the theophany and God's word is easily grasped, because these two factors are compressed in one sentence (פָּנִים בְּפָנִים דָּבַר יְהוָה Dt 5:4). Further in Dt 5:22 we see the connection of these two factors : אֶת-הַדְּבָרִים : הָאֵלֶּה דָּבַר יְהוָה אֶל-כָּל-קְהֵלְכֶם בְּהַר סִינַי הָאֵשׁ הָעֹנֵן וְהָעֶרְפֶּל קוֹל גְּרוֹל אֶת-הַדְּבָרִים Since אֶת-הַדְּבָרִים stands at the head of the sentence just after the decalogue is pronounced (Dt 5:6-21), the intention of the author is very clear. A similar connection is found in Dt 5:23 (וְאֶת-קִלּוֹ שָׁמַעַתְּ מִתּוֹךְ הָאֵשׁ) and Dt 5:24 (אֶת-הַקּוֹל מִתּוֹךְ הַחֹשֶׁה).

The historical connection between the two texts cannot be judged easily, because each text has its own characteristics. The connection between the meeting of both parties and the direct law-giving is more easily expressed in the Moab covenant than in the Sinai covenant.

## (3) The awesome phenomenon of God's coming and the trembling of the people which lead to the people's request for a mediator

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22. The reason why in Ex 19:16-19a we cannot read the connection between God's magnificent coming and God's word seems to be the literary style of the author who wants to concentrate on one aspect of the covenant making (see 2.8.2.1.). In Ex 19:9-25 the main objective of the author is to describe the meeting of both parties as fully as possible as we see in the expanded explanation of this meeting in Ex 19:19b-25.



Three topics have to be considered in this section : (i) the phenomenon of God's coming, (ii) the immediate reaction of the people, (iii) their request.

(i) In the Sinai covenant we read three reports of God's coming :

Ex 19:16 קלת וברקים וענן כבוד על-ההר וקול שפיר חזק מאד

Ex 19:18 ויעל עשנו כעשן הכבשן ויגהר כלהתהדר מאד + באש + עשן כלו

Ex 20:18 את-הקולת ואת-הלפידים ואת קול השפיר ואת-ההדר עשן

In the Moab covenant we read the same reports of the phenomenon with new items compared with the Sinai covenant :

Dt 5:4 בתוה האש (Dt 5:5)

Dt 5:22 קול גרזל (Dt 5:22) בתוה האש הענן והשפיר קול גרזל (new but in Ex 20:21)<sup>(23)</sup>

Dt 5:23 והדר בשר באש + כששמעכם את-הקול בתוה החשה

Dt 5:24 הדרע יהוה אלהיך את-כבודו ואת-גרזלו (new)

את-קלו שמענו בתוה האש הזם הנה

ראינו כידבר אלהים את-האדם וחד (new)

Dt 5:26 מי כל-בשר אשר שמע קול אלהים חיים מדבר בתוה-האש כמעט ויהי

There is a similar item in both covenants :

(Dt 5:23) החשה - (Ex 19:18) ויעל עשנו כעשן הכבשן<sup>(24)</sup>

There are items missing from the Moab covenant compared with the Sinai covenant :

(a) קלת וברקים (Ex 19:16, 'thunder and lightning'),

(b) וענן כבוד על-ההדר (Ex 19:16),

(c) קול השפיר / ויהי קול השופר הזקה וחזק מאד / וקול שפיר חזק מאד (Ex 19:16,18, 20:18)

(d) ויגהר כלהתהדר מאד (Ex 19:18)

Specific points in the Moab covenant include

(a) the fire (בתוה האש 5:4,22,24,26 / 5:5,23),

(b) the close connection between the theophany phenomenon and God's direct word.

(ii) The immediate reaction of the people in both covenants is the fear of God : דא (Ex 20:19 - Dt 5:29, 6:2).<sup>(25)</sup> In the Moab covenant (3.4.2.) the fear of the people is described in an elaborated style (Dt 5:24-26) compared with the simple description in the Sinai covenant (Ex 20:19). This elaboration is the groundwork for the request of the people (Dt

23. קול גרזל (Dt 5:22) — קול שפיר חזק מאד / קול השפיר (Ex 19:16,19, 20:18) and קול גרזל (Dt 5:22) is correct, the phrases in Ex means the voice of God discernible by the people. In Dt 5:22 this loud voice is related to the proclamation of God's word to the congregation (את-הקברים האלה דבר יהוה אל-כל-קהלכם). In this case קול השפיר does not mean the sound made by שפיר but rather that is like the sound made by שפיר. In other words, שפיר is used metaphorically. This understanding helps us to verify our interpretation that the actual event in the meeting between God and the people in Ex 19:16-19a is God's word to the people.

24. We suppose these are in parallel because both are directly related to אש. This parallel seems right if we consider that עשנו goes upwards (עלה) like 'the cloud of the oven (or furnace) (כעשן הכבשן). Further the description of the holocaust at Sodom and Gomorah (Gen 19:28, קיטר הארץ בקיטר, (הכבשן) supports this understanding (G.E. Mendenhall, 1974,62). This עשן, usually translated into '(dense) smoke', does not stay above something but moves from below upwards. And the connection between עשן and אש seems more natural.

25. G. Braulik (Dt,53 : "Gottesfruchten" meint im Alten Orient jene Grundhaltung, die wir heute normalsprachlich als "Glauben" oder "Religion" bezeichnen).



5:27) and eventually for the introduction of the new element in the Moab covenant compared with the Sinai covenant, *the Hauptgebot pericope* (Dt 6-11). A new aspect in the Moab covenant is the prosperity (יָבֹב Dt 5:29, and also see 5:33, 6:3) which the people can enjoy if they obey the covenant conditions. This aspect is related to the emphasis on the obedience to the law in the Moab covenant and also to the many 'Segenhinweisen' throughout Dt 4:45-28:58.<sup>(26)</sup>

(iii) The fear of God leads the people to request the mediator in both covenants (Ex 20:19 - Dt 5:27). However, this last theme is further developed in the Moab covenant by adding *the Hauptgebot pericope* (Dt 6-11). This is a decisive difference between the two covenants. In other words, in the Sinai covenant there are two law systems, (a) the decalogue and (b) the Book of the Covenant, but in the Moab covenant there are three law systems, (a) the decalogue, (b) the deuteronomic laws, and (c) *the Hauptgebot pericope*. Moses' authority not only to be the transmitter (רַבֵּר Dt 5:28) of God's law but also to be its teacher (לַמֹּרֵר Dt 5:31, 6:1) is given through this process. We shall discuss this fully in 4.2.3.

Concerning the historical relationship between the two covenants, the detailed plea of Israel's leaders in Dt 5:23-27 contrasts clearly with the simple appeal of the people in Ex 20:19. This plea of the leaders in Dt 5:23-27 is the firm foundation for the steady building up of Moses' authority in Dt 5:1-6:3 : the people's request (Dt 5:23-27) - God's approval (Dt 5:28-31) - Moses' first and second admonitions (Dt 5:32-33, 6:1-3). Thus it is likely that Dt 5:23-27 is an elaboration of Ex 20:19.

#### (4) The role of these sections in both covenants

In the Sinai covenant we have noted the concentric (chiastic) structure in Ex 19:16-19a. In the centre of this structure we see both parties are set in parallel despite the great contrast of the magnificent coming of the stronger, YHWH, and the trembling approach of the weaker, Israel.

In the Moab covenant this aspect is less important than in the Sinai covenant. The meeting of the two parties is expressed tersely in Dt 5:4,22. Therefore in the present context this meeting *per se* is not a crucial component in the Moab covenant. The Moab covenant is not the initial covenant making but a covenant renewal of the first covenant, the Horeb covenant. In a covenant renewal the invariable elements of the initial covenant are presupposed. And as long as the covenant between YHWH and Israel lasts, one of the *invariable* elements, the covenantal conditions remain in effect. And this covenant condition was already given in the situation where both parties met directly. Therefore, in the Moab covenant where the obedience to the law is an important theme, the meeting of both parties is *abridged* just like other cultic aspects. However, this meeting is not totally

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26. N. Lohfink (1963a,305f).



neglected, because it stresses that the decalogue is delivered directly from God to the people.<sup>(27)</sup>

As far as the historical relationship between the two covenants is concerned, it is very possible that in Dt the aspect of meeting of both parties is *abridged* and used for the different objective of the author, to increase Moses' authority for bringing and teaching God's laws. This indicates that the account of the Moab covenant is later than that of the Sinai covenant.

#### 4.2.3. Comparison of the two covenants (III) : the authority of Moses to bring the laws from God to the people (Ex 19:9a,20ff., 20:18-21; Dt 5:23-6:3)

Because of the people's request Moses receives the authority as the mediator for the covenant between YHWH and Israel. Moses' immediate task is to bring the laws of God to the people. However, this has long-term consequences for the authority of Moses among the people. In this section we look at three points : (1) Moses' mediatorship, (2) the process through which Moses receives the authority as mediator(-teacher), (3) the dissolution of the gathering (Ex 20:21, Dt 5:30).

##### (1) Moses' mediatorship

In the Sinai covenant the position of Moses as the covenant mediator is carefully arranged through the *prophecy - fulfilment scheme* (2.7.1.1).<sup>(28)</sup> In other words, in Ex 19:9a God has already prophesied the profound effect on the people of their respect (יָדָן) for Moses when they hear the dialogue between God and Moses. This dialogue occurs in Ex 19:19b-23, although the real effect on the people in their increased respect for Moses is found in their request in Ex 20:18-21. This request for indirect law-giving through Moses means that Moses as the mediator is not only appointed by God but also demanded by the people. It is important to indicate that God prepares the strategy, not after but *before* the people's request, that his messenger will have popular authority.<sup>(29)</sup>

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27. D.J. McCarthy (1972c,31) hints slightly at the function of theophany within the covenant framework : 'Covenant meal, sacrifice, and especially the overpowering experience of the theophany presented in the cult were certainly elements connected with and integral to the covenant. The God who appears in Sinai, a God appearing in cultic circumstances, as all agree, is such that his mere appearance founds the relationship between him and the people and supplies a sufficient ground for the demands he puts upon them.'

28. G.von Rad (1958,192 = 1966,208f.) finds this pattern in the deuteronomic history as a major strategy : 'that system of prophetic prediction and its exactly observed fulfilment which pervades the whole work of this writer.'

29. N. Lohfink (1963a,146f.) realizes the importance of the authority of Moses in the Sinai covenant. It is so significant that God prepares a special plan to increase the authority of his servant Mose before the people. However, Lohfink (1963a,147) goes astray by insisting that 'der Sinaibund as eine Art Dreiecksbund zwischen Gott, Anführer Israels (Moses, TGS) und Israel gedacht wurde'. Although he depends upon K. Baltzer's formulation (1960,87, 'der Bund "zwischen Jahve und zwischen dem König und zwischen dem Volk"'), he does not realize that the key issue in this event is Moses' role as *the mediator* between God and the people, and in this respect it is clearly different from the role of the king in making a covenant. And in the vassal treaties the real parties are the suzerain and the vassal but not the vassal's people, although sometimes we read that people have sworn to the oath, because



In the Moab covenant there is no use of the prophecy - fulfilment scheme in God's speech.<sup>(30)</sup> However, Moses' mediatorship is mentioned shortly before the decalogue in Dt 5:5.<sup>(31)</sup> The structure in Dt 5:4ff. is :

- [a] 5:4 (giving of the Decalogue in the midst of the direct encounter between God and Israel)
- [b] 5:5 (the law-giving through Moses because of the people's fear of meeting God)
- [A] 5:6-21 (the decalogue)
- [a'] 5:22 (the direct encounter between God and the people)
- [b'] 5:23-27 (the request of the people to Moses to bring the law of God to them)
- [B] 6:4ff. (*the Hauptgebot pericope* and the deuteronomic laws given through Moses).

Although the position of Dt 5:5 looks awkward and does not follow *the prophecy - fulfilment scheme*, it has the same effect in the Moab covenant as Ex 19:9a has in the Sinai covenant :

(i) Like the prophecy in the Sinai covenant (Ex 19:9a) Dt 5:5 is short, and as the fulfilment of the Sinai covenant (Ex 20:18-21) is long, so the real description about the people's request is in detail (Dt 5:23-27).

(ii) Like Ex 19:9a, Dt 5:5 also appears before the decalogue.

G.W. Savran, listing the quotations whose potential sources exist in similar language outside the book, usually in Ex or Num<sup>(32)</sup>, asserts that on the fringe of this category are quotations like Dt 5:21-24 from Ex 20:18, and Dt 9:26-29 from Ex 32:11-13, both of which paraphrase the Exodus accounts to a greater extent and include some different materials as well. He interestingly points out that in Dt the verifiable quotations from other books in the OT are smaller than the unverifiable quotations. In this sense Dt is essentially self-referential, and the authenticity of its quotations depends *not* upon comparison with prior speech but upon the authoritative voice who quotes them, that is, Moses.

## (2) The process through which Moses receives authority as the mediator(-teacher)

We have seen (4.2.2.) that the detailed report about the people's preparation to meet God in the Sinai covenant (Ex 19:10-15) contrasts with the absence of concern about the

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there is no independent authority of the people about the treaty. The matter in the Sinai covenant is not the covenant between three parties (God, Moses, the people) but the covenant between the two parties (God, the people).

30. This difference is clearly pointed out by N. Lohfink (1963a,147).

31. We have seen (3.3.1.4.(2)) that Dt 5:5 is very difficult to be considered as a later addition but it is the vital component to constitute the meaningful structure of Dt 5.

32. (1988,115). For instance two verbatim repetitions (Dt 1:39b from Num 14:31; Dt 3:2 from Num 21:34). The majority shows some variation in language without a radical change of meaning (e.g. Dt 1:41 from Num 14:40; Dt 2:26 from Num 2:21, he lists also Dt 1:42 from Num 14:41-42, Dt 5:6-18 from Ex 20:1-14, Dt 9:12 from Ex 32:7-8).



preparation of the Moab covenant. However, the transition from direct law-giving to indirect law-giving through Moses is explained in more detail (nearly two times)<sup>33)</sup> in the Moab covenant than in the Sinai covenant. We divide this process into four stages according to the description of the Moab covenant :

	Ex	Dt
a. the request of the people	20:19	5:23-27
b. God's hearing about the request	no text	5:28
c. God's word to Moses	no text	5:28-31
d. Moses' word to the people	20:20	5:32ff.

(a) the request of the people (Ex 20:19 : Dt 5:23-27)

The description of the people's request is more detailed in the Moab covenant than the simple one in the Sinai covenant. However, in Ex 20:19 the present sentence order<sup>34)</sup> and the risk to life stress also the earnestness of their request.

And there are three components in the peoples' word in the Sinai covenant (Ex 20:19) : two requests, (1) God should not speak to them directly (אֶל-יְרֵבֶר עָמְנוּ אֱלֹהִים), (2) in his place Moses is requested to speak in the future for their sake (דַּבֵּר-אַתָּה עָמְנוּ וְנִשְׁמָעָה), and one reason for the request, (3) the threat to life (פְּוֹן-נַמּוּת). However, the two requests, (1) and (2), are expressed in the Moab covenant in one form (i.e. request to Moses only, but with two clauses, Dt 5:27), but in Dt 5:24-26 the reason of this request (3) is placed in front of this request and expanded greatly. In Dt 5:24-26 as in Dt 18:16ff. the author concentrates on one aspect only, either request to God or a request to Moses.

Further in Ex 20:18 the subject of this request is כָּל-הָעָם (or הָעָם 20:19), but in Dt 5:23 the subject is כָּל-רְאִשֵׁי שְׁבֵטֵיכֶם וְזִקְנֵיכֶם. However, if we consider the full process of message transmission in Ex 19:7f. (i.e. God - Moses - the elders - the people) it is highly possible that in the whole Sinai covenant the message has been transmitted through this process. And the specific mention of the subject in Dt 5:23 does not make a substantial difference.<sup>35)</sup> In both cases the point is clear : it is the wish of all the people to request Moses' mediatorship.

The expression of the people and the representatives is clearly different :

Ex 20:18f.	the people	: וְכָל-הָעָם
	the representative	: no text
Dt 5:22f.	the people	: כָּל-קְהָלְכֶם

33. G.von Rad (*ATD,Dt,44 = OTL,Dt,60*). Cf. L. Perlitt (1969,82 : 'Dtn 5:23ff. läßt sich am ehesten als dt Midrasch auf Ex 20:18-21 verstehen - wobei Mose wiederum 'größer' geworden ist').

34. אֶל-יְרֵבֶר עָמְנוּ אֱלֹהִים stands before דַּבֵּר-אַתָּה עָמְנוּ וְנִשְׁמָעָה.

35. Pace A.D.H. Meyes (*Dt,172*) who judges this phrase in Dt 5:23 is a late gloss, unsuitable in the context. These people in Dt mean that there is a new development in the society of Israel. The fact that its position is before וְזִקְנֵיכֶם and presumably כָּל- of כָּל-רְאִשֵׁי שְׁבֵטֵיכֶם is attached in front of וְזִקְנֵיכֶם suggests strongly the importance of this status in the contemporary Israel. This is more understandable considering the complex institution in 1:15, 29:9, and Jos 23:2, 24:1 which stands closely with Dt.



the representative : פְּלִיאֵי שְׁבִיטֵיכֶם וְקִנְיֵיכֶם

We have explained (3.4.1. פְּלִיאֵי שְׁבִיטֵיכֶם Dt 5:22) that the expression in Dt 5:22f. means that the people stand as the legal community and the action of the representatives of that community is legal one.

(b) God hears the request (no text in Ex : Dt 5:28)

The long and eloquent speech style in Dt 5:24-27 is quite different from the terse appeal in Ex 20:19. And this difference seems to parallel the next difference : in Ex we cannot find any response by God to this proposal, but Dt 5:28-31 relates God's direct approval of the people's request. This issue together with item (c), God's word to Moses, is unique in the Moab covenant. Both make the final goal of Dt 5:22-6:3 more logical and reasonable : Moses' authority to be the mediator is not only requested by the people but also allowed by God. As we have seen (3.4.2. & 3.5.1.), the two speeches (of the representatives of the people Dt 5:24-27 and of God Dt 5:28-31) seem to contrast with each other :

- (i) both are expressed with the direct citation form,
- (ii) one is the demand (the people) and the other is approval (God),
- (iii) each has its own structural framework corresponding with each other.

(c) God's word to Moses (no text in Ex : Dt 5:28-31)

Except for the connection of this item with item (b) we point out the change from item (c) to item (d). We have seen in the exegesis of Dt 5:31-6:3 (3.5.1.) that the author tries to make a gradual transition from the direct word of God to Moses' word. Through this process the author succeeds in establishing Moses' divine and popularly-demanded authority to bring and teach what God will tell him :

- 5:28-31 (God's word) -
- 5:32-33 (Moses' first admonition : bring God's word) -
- 6:1-3 (Moses' second admonition : teach God's word לַמֹּר) -
- 6:4ff. (Moses' command, actually his 'teaching').

We cannot find this subtle arrangement of the change in the Sinai pericope where we read only of Moses' direct confirmation without God's approval (Ex 20:20). This delicate process in the Moab covenant is provided in order to put a special emphasis on Moses' teaching (לַמֹּר) ministry in the Moab covenant. This is directly related to the introduction of the new element in the Moab covenant, *the Hauptgebot pericope* (Dt 6-11). In other words, to 'bring' (רָבַר) God's law is related to the deuteronomic laws, which can be compared with the Book of the Covenant in the Sinai covenant. But to 'teach' (לַמֹּר) God's law is related to the new element in the Moab covenant, *the Hauptgebot pericope*.

(d) Moses' word to the people (Ex 20:20 : Dt 5:32ff.)

Although in the Sinai covenant Moses functions as the messenger of God's law ('to



tell' or 'to report' (רָבַר Ex 20:19, סָפַר Ex 24:3) what God will tell), Moses has in the Moab covenant also the role of the teacher (לָמַר Dt 5:31, 6:1) of what God will tell.<sup>(36)</sup> This teaching aspect is a new theme in the Moab covenant compared with the Sinai covenant. Interestingly this *didactic* tendency is also found in the treaties of the ANE, and Dt seems to follow this treaty model in its educational imagery as in other features.<sup>(37)</sup>

Further the Sinai covenant reports that Moses with his own authority responds immediately to the people, but in Dt Moses exactly repeats God's approval for the people's request.<sup>(38)</sup> Two new features which cannot be found in the Sinai pericope are Moses' admonitional word and the blessing if Israel obeys the law. These are related to each other and both have the same reason to be mentioned in the Moab covenant. These reflect indirectly a certain experience of Israel, most probably the failure (from Israel's side) of the first covenant about which we read in Dt 9:7-29. Since there is no hint that the new covenant is made because of this nullified first covenant, we assume that a new covenant is necessary because of the change of situation. In this new covenant the reason for the failure of the first covenant is certainly to be considered. Therefore, the first new feature, the strong admonition is a reasonable reaction from the side of God and the mediator Moses, and it expresses concern to prevent future failure. The second new feature, the reward if Israel obeys the law, the blessing, encourages the people to keep the law. These two innovations are related to the general character of the Moab covenant, the stress on the obedience to the law.

### (3) The dissolution of the gathering (Ex 20:21 : Dt 5:30)

In Ex 20:21 there is no command for the people to disperse<sup>(39)</sup> but a simple report that the people stand afar (וַיִּעַמְדוּ הָעָם מֵרְחוֹק) from the mountain. Since this expression is also found in Ex 20:18, it describes the general idea of distancing rather than demobilization. However, in Dt 5:30b the command to disperse comes from God. Similarly in the Sinai covenant there is no special command from God for Moses to approach (Ex 20:21), but in the Moab covenant God gives a command to Moses to stand by after the command to disperse the people (Dt 5:31). Through this way all commands are regarded as given directly from God. In other words, Moses does not act on his own initiative.

This difference is connected with the next aspect of the covenant (making or renewal) :

36. The didactic aim of Dt is discussed widely. For example Y. Kaufman (1977), M. Weinfeld (1972,298ff).

37. M. Weinfeld (1972,298).

38. We suppose two interpretations : (1) There is a connection between Ex 19:9a (prophecy) and Ex 19:21ff, 20:19ff. (fulfilment) (see 2.7.1.1. & 2.10.2.2.). If this theme is so important, the role of messenger is also important, and therefore it cannot be decided by the messenger alone. On the other hand, we can also consider that the allowance of the mediatorship of Moses from the side of God is already given by God in 19:9a. (2) In Ex 19:7-8 we realize that the real process of giving and accepting the message between God and the people is God - Moses - the elders - the people. In Ex 19:7 we read the whole process of the proposal from God to the people, but in Ex 19:8 we read the shortened report the answer of the people : the people - (the elders) - Moses - God. We assume that in Ex 19:8 the elders also have the function just like in Ex 19:7. Therefore, in Ex 18:8 the process is reported shortly by omitting the elder's word.

39. C.J. Labuschagne (Dt,1b,64).



after Moses receives God's laws, he calls once again the whole people in Ex 24:3ff. to announce these laws. However, in Dt this is not mentioned. It is because this gathering (Ex 24:3ff.) is for the covenant ceremony. For the Moab/Shechem covenant this ceremony (the variable element of a covenant) is to be performed in the land of Canaan, and therefore we do not read of the ceremony in Horeb.

Finally we should consider the historical relationship between the two accounts. In both sections we find one of the important differences between the two covenants : the Sinai covenant has two legal corpora system (the decalogue, the Book of the Covenant) but the Moab covenant has three legal corpora system (the decalogue, *the Hauptgebot pericope*, the deuteronomic laws). The coming of the new element in the Moab covenant, *the Hauptgebot pericope*, is skilfully prepared in Dt 5:1-6:3. Therefore, it is most probable that Dt's account is later than Ex's account.<sup>(40)</sup>

#### 4.2.4. Comparison of the two covenants (IV) : the first covenant condition, the decalogue (Ex 20:2-17 : Dt 5:6-22)

In chs. 2 and 3 we have not dealt with the decalogue itself, because it is beyond the scope of this thesis. Therefore, what we want now to investigate in this section is not the content of the decalogue but the relationship between the decalogue and the surrounding context. The common aspect of both covenants is that the decalogue is pure citation.<sup>(41)</sup> This aspect is related to the priority of the decalogue over the legal corpora in Dt. In the Sinai covenant the priority of the decalogue is indirectly expressed by the use of the legal terms in Ex 24:3-8. We have seen (2.12.1.1.) that the phrase (כָּל-דִּבְרֵי יְהוָה 24:3a,3b,4a,7b,8), which means the decalogue<sup>(42)</sup>, represents not only the decalogue but also the Book of the Covenant (כָּל-דִּבְרֵי הַשְּׁפָטִים 24:3a, 21:1).

The Moab covenant has something similar. In Dt 5:22 we read 'he added nothing' (וְלֹא הֵוָה מוֹסֵף). Firstly, this clause seems to shed important light on Dt's understanding of the decalogue. The intention of the clause seems that the decalogue as the direct law-giving is given definitely and nothing more can be added into the category of the direct law-giving (3.4.1.). And several recent studies on the structure of the legal section in Dt seem to support the intention contained in this clause : the deuteronomic laws are structured according to the order of the decalogue.<sup>(43)</sup> If the new element in the Moab covenant, *the*

40. See J. Becker (1965,95ff.).

41. N. Lohfink (1963a,148) : 'Er (the decalogue, TGS) ist reines Zitat und duldet keine Akkomodation an eine Umgebung.' However, the fact that the decalogue is the citation of each covenant does not mean that it is irrelevant to the context.

42. Cf. the decalogue (דִּבְרֵי יְהוָה Ex 20:1, 24:3ff., cf. דִּבְרֵי 20:1,19, 24:3 ; דִּבְרֵי יְהוָה Dt 5:22).

43. S.A. Kaufman (1979), G. Braulik (1985), C.J. Labuschagne (Dt,II). Well before these commentators this fact was pointed out, e.g. A.C. Welch (1932,20 : 'The need for further revelation (i.e. the deuteronomic laws, TGS) was obvious. It rested in the character of the Decalogue which had thus been made the norm of the people's religion.' Recently it is also argued that the Book of the Covenant develops the



*Hauptgebot pericope*, is the admonition based on the first two commandments among the decalogue, the central function of the decalogue is apparent.

Concerning the historical relationship between both sections it is hard to decide the priority within the scope of this thesis.

#### 4.2.5. Comparison of the two covenants (V) : the second covenant condition (Ex 20:23-23:19 : Dt 6:4-11:25, 12:1-26:15)

The thesis of N. Lohfink about *the Hauptgebot pericope*<sup>(44)</sup> is crucial for further studies of Dt. This pericope, Dt 6-11, is totally absent in the Sinai covenant. It corresponds with the new role of Moses in the Moab covenant as the teacher of the law (למד). In this *Hauptgebot pericope* we find the distinctive Dt style and emphasis.<sup>(45)</sup> Before N. Lohfink it was usually devalued as the 'Vorreden' in connection with the deuteronomic laws in Dt 12-26. However, this pericope is not merely 'ein langatmiges Rahmenwerk.' This is introduced on the occasion when Moses receives the legitimate authority, the divine and popularly-demanded authority, to be as the mediator-teacher of God's law. It is important to point out that in the structure of the whole Dt the teaching aspect (למד Dt 5:31, 6:1) seems to be the direct cause of the existence of *the Hauptgebot pericope*. It seems legitimate to connect these two new aspects in Dt : the emphasis on 'teaching' and *the Hauptgebot pericope* (Dt 6-11), because otherwise we cannot explain the reason for the introduction of the teaching aspect in the Moab covenant. If *the Hauptgebot pericope* (Dt 6-11) is related to the first and second commandments in the decalogue<sup>(46)</sup>, and if the deuteronomic laws (Dt 12-26) are arranged according to the order of the decalogue, the author seems to make a bridge between the decalogue (Dt 5:5-21, the direct law-giving) and the deuteronomic laws (Dt 12-26, the indirect law-giving) through teaching (למד) of *the Hauptgebot pericope* (Dt 6-11).

The fact that *the Hauptgebot pericope* and the deuteronomic laws are related to the decalogue in their contents suggests that the divine authority of the decalogue has already been acknowledged by the reader / listener. All these facts illustrate the intention of the author to stress the deuteronomic laws.

As far as the historical relationship between the legal corpora of both covenants is concerned, we may claim the three corpora system of the Moab covenant is younger than the two corpora system of the Sinai covenant. Future study should clarify whether the content of both decalogues (Ex 20, Dt 5) and the Book of the Covenant (Ex 20:22-23:33) and the deuteronomic laws (Dt 12-26) also point in the same direction.

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central values of the decalogue (e.g. N. Ararat, 1990-91, 65-73).

44. (1963).

45. N. Lohfink (1965, 32).

46. N. Lohfink (1963a, 98ff).



**4.2.6. Comparison of the two covenants (VI) : covenant ceremony (Ex 24:1-11, Dt 27, 28:3-6,16-19, cf. blessing / curse Ex 23:20-33, Dt 11:8-28, Dt 28)**

DJ. McCarthy<sup>(47)</sup> points out that

the ceremony in Dt 27 is 'not entirely unlike something found in the Sinai narratives : Ex 24:3-8. ... In the two we find much the same actions in much the same sequence.'

In this section we elaborate this comment of DJ. McCarthy further. There are six topics to be considered here : (1) writing down the covenant document (Ex 24:4a,8a : Dt 27:2-4,8, cf. Jos 8:32), (2) witness (Ex 24:4bb : cf. Dt 4:26, 30:19, 31:28, 32:1), (3) covenant offering (Ex 24:4ba,5 : Dt 27:5-7), (4) blessing and curse (Ex 23:20-33 : Dt 27:11-13, 28:3-6, 16-19), (5) oath (Ex 24:6-8 : Dt 27:14-26), (6) audience with God and the covenant meal (Ex 24:9-11 : Dt 27:7b)

**(1) Writing down the covenant document (Ex 24:4a,8a : Dt 27:2-4,8, cf. Jos 8:32)**

In the Sinai covenant we read the covenant document is written (נִיבְתָב Ex 24:4a) by Moses and is called with a special name (סֵפֶר הַבְּרִית Ex 24:7a).<sup>(48)</sup> We have seen (2.12.1.4.(3-i)) that this special name reveals the covenant character of this action and it is in fact *the covenant document*.

In the Moab covenant an action with the same objective is mentioned in Dt 27:2-4,8. However, there are some differences in the Moab covenant : (i) the material (אֲבָנִים גְּרֵלוֹת), on which the document is recorded, is mentioned, and (ii) above all the careful preparation for the writing action has to be noticed, e.g. the surface of those stones is coated with plaster (vv. 2,4) and the document is written 'clearly' (בְּאֵר הַיָּטִב, v. 8). These two differences parallel the general tenor of the Moab covenant : the emphasis on the obedience to the laws. This is clearly advocated by the structure of Dt 27:1-8, which shows that heavy emphasis is laid on the writing God's law rather than on the cultic elements of the covenant ceremony (3.7.6). In other words, the emphasis on the writing aspect in Dt 27:1-8<sup>(49)</sup> is in perfect parallel with the intention of the author who stresses the law of God in the whole of Dt (3.10.).

Furthermore, each covenant ceremony has two major building activities, מִזְבֵּחַ and מַצֵּבָה in the Sinai covenant (Ex 24:4), and אֲבָנִים גְּרֵלוֹת (Dt 27:2) and מִזְבֵּחַ (Dt 27:5) in the Moab covenant. An interesting point in this regard is that the building order is reversed : in the Sinai covenant the altar precedes מַצֵּבָה, while in the Moab covenant the altar

47. (1978,296) and the comparative sequence in (*ibid.*,n.40).

48. Undoubtedly, in the present context the object of the action in Ex 24:4a is סֵפֶר הַבְּרִית (Ex 24:7a).

49. The emphasis on writing פְּלִי-הַדְּבָרִי הַתּוֹרָה הַזֹּאת of the Moab covenant (Dt 27:3,8, i.e. the law) is another difference compared with the Sinai covenant.



follows אֲבָנִים גְּרִלוֹת<sup>(50)</sup> This change of order parallels the next point : the abundant description of the activity around the altar in the Sinai covenant and of other aspects of the covenant ritual contrasts with the terse description of the altar in the Moab covenant. As we have seen (3.7.6.), we read in the Moab covenant on the one hand the simple description on the cultic activity around the altar but on the other hand the repetitive expression with a clear guidance (בְּאֵר הַיָּבֹב ! Dt 27:8b) on the writing of כָּל-דְּבַר הַתּוֹרָה הַזֹּאת.

(2) The witness of the covenant (Ex 24:4bb : cf. Dt 4:26, 30:19, 31:28, 32:1)

We have seen (2.12.1.2.(3)) that the clause in Ex 24:4bb (וַשְׁתִּים עֲשָׂרָה מִצְבֵּה לְשָׁנִים עֶשֶׂר) (שְׁבֹטֵי יִשְׂרָאֵל) may be translated into 'the sacred object made by twelve stones symbolizing twelve tribes of Israel'. And מִצְבֵּה seems to function as the witness of the Sinai covenant (cf. Gen 31:45, Is 19:19, Jos 24:26).

In the Moab covenant there is no concept like this within the central part of Dt (Dt 4:45-28:69) only outside that pericope (e.g. Dt 4:26, 30:19, 31:28, cf. 32:1), but there it is not stones<sup>(51)</sup> but other objects (הַשָּׁמַיִם וְהָאָרֶץ).<sup>(52)</sup> The absence of the stone's function as the witness in the Moab covenant<sup>(53)</sup> is presumably related to the phenomenon in the Sinai covenant about this issue. In the Sinai covenant the witness aspect is weakly expressed (e.g. without the normal term עֲרָה) with a short clause explaining the witness aspect of מִצְבֵּה (Ex 24:4, 2.12.1.2.(3)). However, in the Moab covenant we realize that the ritual aspect of the covenant ceremony is *abridged* in order to strengthen Dt's main theme : the emphasis on the law and the need to obey it. It is probable that for this reason the Moab covenant omits one ritual element, the witness of the covenant. In return, however, the author seems to reuse the material of this element (i.e. the stones), which is used for the witness in the Sinai covenant for a different purpose, writing God's law (3.7.3.). We have already pointed out an interesting fact that the building order of the Moab covenant (אֲבָנִים גְּרִלוֹת Dt 27:2 and the altar Dt 27:5) is different from that of the Sinai covenant (the altar and מִצְבֵּה, Ex 24:4). With the fact that אֲבָנִים גְּרִלוֹת takes the initial position, the function of אֲבָנִים גְּרִלוֹת is changed from witness into law code.<sup>(54)</sup>

50. Cf. M. Weinfeld (1972,166).

51. We have seen (3.7.3.) that the great stones (אֲבָנִים גְּרִלוֹת) in Dt 27:2 do not function as witness but they serve to record the document (D.J. McCarthy, 1978,196). In Ex 24:4 the verb, בָּנָה, is used for both the altar and מִצְבֵּה. While in Dt 27 בָּנָה is used only for the altar (v. 5), but קוּם hi. is used for אֲבָנִים גְּרִלוֹת (v. 2).

52. However, it is clearly outside the limit of this thesis to investigate following point related to this fact. What is the exact relationship between (i) the emphasis on the writing of God's law on the stones in place of the stone's function as witness, and (ii) the appearance of הַשָּׁמַיִם וְהָאָרֶץ as the witness in the whole Dt ?

53. Pace R.P. Merendino (1980,198 : 'daß es sich in Dt 27,2-3a8 um die Aufrichtung eines steinernen Denkmals handelt zum Zeugnis-').

54. We do not need to think there was originally a kind of theological tension between the two independent traditions (ritualistic on the one hand and dt / dtr on the other hand, pace J. Gamberoni, TWAT, IV,1070). It is because in Ex 24:3-8 the aspect of writing the covenant document, which is law, is not forgotten at all (וַיִּכְתֹּב Ex 24:4, סֵפֶר הַבְּרִית Ex 24:7) likewise in Dt 27:1-8.



### (3) The covenant offerings (Ex 24:4ba,5 : Dt 27:5-7)

We have seen (2.12.1.3.(1)) that the offerers of the Sinai covenant, נְעָרֵי בְּנֵי יִשְׂרָאֵל (Ex 24:5), represent one party of the covenant as *the junior Israelites*. And they can be compared with אֲצִילֵי בְּנֵי יִשְׂרָאֵל (Ex 24:11), *the senior Israelites* who as other representatives of Israel pay tribute to אֱלֹהֵי יִשְׂרָאֵל. The offering of these young men of Israel enacts the covenant.

In the Moab covenant (3.7.1.) that the participation of the elders (זְקֵנֵי יִשְׂרָאֵל) in the admonition of Moses (Dt 27:1) means that they will be in charge of the performance of some parts of the covenant ceremony (Dt 27:1-8) in Shechem, when Israel will cross the Jordan. In this regard their participation in the admonition is similar to that of the levitical priests (Dt 27:9) who are in charge of other parts of the covenant ceremony (Dt 27:11-26) in Shechem.<sup>(55)</sup>

Therefore, we conclude that in both covenants the offering is offered not by the leader, but by the responsible party of the covenant, the Israelites, although they are represented by some members. In each covenant two groups are responsible for the performance of the covenant ceremony, in the Sinai covenant (the junior Israelites and the senior Israelites) and in the Moab covenant (the elders and the levitical priests).

### (4) The blessing and curse (Dt 11:29, 27:11-13, 28:3-6,16-19, cf. Ex 23:20-33, Dt 11:8-28, Dt 28:20ff.)

In the Sinai covenant we cannot find a proper section of blessing and curse in the covenant ceremony which is an important component in ANE documents creating official relationships. However, in the Sinai pericope we read the blessing only (Ex 23:20-33) which is before the section of the covenant ceremony. The fact that there is not curse but only blessing is related to the contextual position of the Sinai pericope. The Sinai pericope establishes the covenant relationship between God and Israel in the larger context of Ex (2.1.2.). Therefore, the sins committed before Ex 19 are not punished but similar sins after Ex 24 are punished without exception. This explains the reason why there is no mention about curse in the Sinai pericope. Since this Sinai covenant is the first covenant made between YHWH and Israel, there is no direct threat of curse. There is only the solemn aspect of the oath (Ex 24:6-8) where the blood clearly symbolizes that the covenant is a matter of life and death. In this symbol the threat aspect is immanent when one party betrays the covenant condition. Therefore, the explicit threat of curse is not necessary at

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55. In the parallel text of Jos 8:30-35, although the preparation of the altar and writing the law are done by Joshua, the offering is performed by 'them', the Israelites.



this stage of the first covenant but only the encouragement and the blessings<sup>(56)</sup>, which are mentioned in Ex 23:20-33.<sup>(57)</sup>

In the Moab covenant we read two kinds of blessing and curse : (i) the blessing and curse which are delivered by Moses in the present situation (Moab, e.g. Dt 11:8-28, 28:20ff.), (ii) those which will be pronounced in the future (Shechem, Dt 11:29, 27:11-13, 28:3-6,16-19). The first kind of blessing and curse, Moses' admonition of blessing and curse, is found in many places throughout the central pericope of Dt (4:45-28:69).<sup>(58)</sup> This may be called the admonitional application of the blessing and curse theme, rather than the pronouncement of the blessing and curse itself. This admonition, which is expressed with the I - you style (Moses and the people), is an application of Moses' authority to teach (למד) the people (3.5.1). However, the second kind of blessing and curse (Dt 11:29, 27:11-13, 28:3-6,16-19) does not have the characteristic of personal admonition but that of official declaration. This declaration will be made at Shechem by the levitical priests (3.9.5). All these aspects of the blessing and curse of the Moab covenant are strikingly different from the blessing of the Sinai covenant.<sup>(59)</sup> This is caused by the experience of the failure of the first covenant, which is mentioned also in Dt (Dt 9). This tendency is directly related to the general tenor of the central pericope of Dt, the Moab pericope (4:45-28:69), the emphasis on the law and the obedience to the law. And this tendency is further developed in the outer circle of Dt, Dt 4 and Dt 29-30, which express the depth of punishment as curse and revival as blessing after that.

#### (5) Oath (Ex 24:6-8 : Dt 27:14-26)

We have seen (2.12.1.4.) that the blood ritual in Ex 24:6-8 is equivalent to the oath. The sprinkling on the altar (Ex 24:6) symbolizes the oath of God and the sprinkling on the people (Ex 24:8) means their oath accompanied by their spoken word. Two interpretations are connected with each other because the same blood is divided into two portions. If the latter is an oath, which is usually acknowledged, the first has to be also oath from God's side.

Meanwhile, in the Moab covenant we cannot find the oath from God's side. When we define Dt 27:15-26 as the oath (3.9.6.2.), it means the oath by all the people.<sup>(60)</sup> In this oath two aspects are to be considered : (i) the omission of the suzerain's oath in the ANE

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56. This blessing aspect is visible in the conditional clause in Ex 23:22. And in Ex 23:33 we read a strong warning against making a covenant with the Canaanites, but it cannot be considered as curse.

57. And this section (Ex 23:20-33) is attached not into the covenant ceremony section (Ex 24) but into the law section, because its admonishing character fits in with the present position after the law section (Ex 20:22-23:19).

58. See N. Lohfink (1963a,305f)'s Tabelle V.

59. M.G. Kline (1963,124) interprets the connection between Ex 23:20-33 and Dt 11:8-28, but he does not investigate this issue further.

60. We have already pointed out the difference between 27:11-13 and 27:14-26. The former is the official pronouncement of the blessing and curse by the priests when the people are divided into two groups. And the texts of this occasion are in Dt 28:3-6, 16-19. And the latter is the oath which is consisted of the solemn pronouncement of the priests and the people's spoken reaction for the acceptance of the oath.



treaties, (ii) the character of the Moab covenant.

(i) Where there is an oath in the treaties, it is usually done by the vassal. Recent study has revealed that suzerain has in a few cases also participated in oath, especially when suzerain grants a certain benefit to vassal. A similar phenomenon is found in the Sinai covenant. However, it is undeniable that the majority of oaths were performed by the inferior, vassal, and it is not strange that there is no oath from the side of the superior, suzerain. This is true of the Moab covenant where we cannot find the oath of the superior, God. It is also understandable when we consider that Dt alludes strongly to the experience that the first covenant was broken by the failure of the inferior, Israel. Although Dt shows that the broken covenant was already restored and there is no tension caused by the absence of the covenant in Dt or by the not-yet-restored covenant, the past experience of Israel's failure makes a clear difference in making the procedure of the covenant. In this situation, it is quite natural that the oath of the inferior is emphasized but the oath of the superior is omitted.<sup>(61)</sup>

(ii) In the Moab covenant some specific features are emphasized because of its own theological theme, especially its concern with the law. Since Israel failed to keep the first covenant in Horeb, it is quite natural that obedience to the law is stressed. In Dt the author expresses the importance of the law in many ways. Firstly there are various terms of law in Dt compared with the simple term of law (הַמִּשְׁפָּטִים Ex 21:1, 24:3) in Ex. Secondly *the Hauptgebot pericope* is a striking feature, and this long pericope (Dt 6-11) is the outcome of God's commission for Moses to teach (לִמֵּר) the people. Thirdly the arrangement of the individual laws in Dt 12-26 according to the order of the decalogue reveals the divine character of the individual laws. This stress on the law seems to be a reason why in the Moab covenant there is only the oath by the people. And this stress is also the reason why the oath is not vague or general but it contains specific law items (Dt 27:15-26).

#### (6) Audience with God and covenant meal (Ex 24:9-11 : Dt 27:7b)

In the Sinai covenant although there is no direct textual connection between Ex 24:3-8 and Ex 24:9-11, it is likely that both sections illustrate the covenant ceremony (2.13.2.2.), the first as the covenant ratification ritual and the latter as the audience of the inferior with the superior for the ratified covenant.<sup>(62)</sup> The audience (Ex 24:9-11) is explained in the most detailed way. Ex 24:9-11 has chiasmic structure (2.13.2.3.) which reveals that there is mutual action and reaction of both covenant parties. These features of Ex 24:9-11 can be compared with the detailed description of the first meeting of the two parties in Ex

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61. This fact corresponds with the difference of the 1st mil. treaties which usually do not have the section of the blessing in contrast with the emphasis on the curse. It is because the international politics has experienced many betrayals, and therefore the necessity of the blessing in case of obedience to the condition is more and more diminishing, and meanwhile the necessity to stress curse is increasing.

62. The relationship between the offering and meal is considered by M.G. Kline (1963,122).



19:9-25, which has also a chiasmic structure (Ex 19:16-19a).<sup>(63)</sup> The meal in Ex 24:11 is the joyful event which celebrates making an official relationship between the two parties.

In the Moab covenant the audience and the meal are described very shortly (Dt 27:7). It is not clear who should partake in the meal before God, the elders or the whole people. And the audience is treated very shortly with one phrase, וְשָׂמַחְתָּ לְפָנַי יְהוָה אֱלֹהֶיךָ (Dt 27:7b), compared with the long description of it in the Sinai covenant (Ex 24:9-11).<sup>(64)</sup> This seems to be related to the fact that in Dt 5 the meeting of both parties is not expressed so neatly through the structural pattern as in Ex 19:16-19a (2.6.2). These phenomena seem to be the result of the diminished concern with the cultic aspect in the Moab covenant compared with the law aspect which is strongly stressed. Further the diminished concern with the cultic activity is also found in the parallel text of Dt 27, Jos 8:30-34, where the aspect of meal and audience has totally disappeared. However this teaches us to look at the text according to the context. All aspects of the covenant ceremony do not receive equal attention from the authors, and they decide to choose and to rearrange the materials which are suitable to their own themes.

In the Moab covenant the connection between the peace offering and the meal becomes clear, because of the common use of the phrase יְהוָה אֱלֹהֶיךָ (i) after the altar building (Dt 27:5), (ii) after the burnt offering (Dt 27:6), and (iii) after the peace offering and the meal (Dt 27:7). This fact shows that the peace offering and the meal are connected with each other, i.e. the meal comes from the peace offering. If this is true, it means that there is a connection between the covenant ceremony and the joyful festival.

Finally we have to consider the historical relationship between the two sections of both covenants. Here the account of the Sinai pericope is clearly older than that of the Moab pericope. Firstly the witness is not mentioned in the Moab pericope. The stones which are used for the witness in the Sinai covenant, are used for the different purpose in the Moab covenant, writing the laws. This is a great transformation of the original covenant form. Secondly the order of building activities in the Moab covenant (the stones and the altar) is different from that in the Sinai covenant (the altar and מִצְבֵּה). And in the Moab covenant emphasis is laid on the stones and on these stones the laws are written. This is another example of the transformation of the Moab covenant. Thirdly in the Sinai covenant there is no mention of curse, while in the Moab covenant blessing and curse coexist. In this case it is hard to insist that the Sinai covenant is later than the Moab covenant. Fourthly in the Moab covenant there is no oath of the superior, YHWH, compared with the Sinai covenant where we find the oaths of both parties. YHWH's oath

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63. We have seen that the peaceful confrontation in this section contrasts to the solemn meeting of both parties, which is accompanied by the awesome phenomenon of God's coming (2.13.2.1).

64. R.P. Merendino (1980,199) interestingly compares the role of the elders in the Moab covenant with that of the seventy elders in the Sinai covenant (Ex 24:19), although his interpretation of the grammatical problem in Dt 27:1 is not right.



in the Sinai covenant is similar to the oath of suzerain who grants the benefit to vassal in the ANE treaties. And the absence of YHWH's oath in the Moab covenant is similar to the absence of oath in many vassal treaties. All these facts suggest that the account of the Sinai covenant is older than that of the Moab covenant.

### 4.3. Summary and Conclusions of Chapter 4

In this chapter we have compared the two covenants at five points :

- (1) the definition of the covenant relationship (Ex 19:3-8 : Dt 26:17-19),
- (2) the meeting of the covenant parties (Ex 19:9-25 : Dt 5:1-5,22),
- (3) Moses' authority (Ex 19:9a,20ff., 20:18-21 : Dt 5:23-6:3),
- (4) the covenant conditions (I. the decalogue Ex 20:1-17 : Dt 5:6-22; II. Ex 20:23-23:19 : Dt 6:3-11:7, 12:1-26:15),
- (5) the covenant ceremony (promise and the blessing and curse Ex 23:20-23 : Dt 28 ; the covenant ceremony (offering / oath) Ex 24:3-8 : Dt 27:6-7a,14-26 ; the celebration of the covenant Ex 24:9-11 : Dt 27:7b).

The two covenants parallel each other at many points. Some of the differences between them are not obviously explicable, but on the whole it seems that the Sinai covenant is the more primitive and concerns with chronological sequence. The Moab covenant is more theologically reflective and concerns with insisting on Moses' authority to bring (רבר) and teach (למד) the law and the need to obey that teaching. It, therefore, seems likely that the Moab covenant is conscious of the Sinai covenant and is transforming it according to its own theological concerns.



## CONCLUSIONS

This thesis has discussed two important texts in the Pentateuch : the Sinai pericope (Ex 19:1-24:11) and the Moab/Shechem pericope (Dt 4:45-28:69). Since the analytical, historical attitude to text was prevalent for a long time in OT study, both pericopes have not been considered as meaningful wholes but as mixtures of various sources and redactions. However, recently OT scholars have become more aware of the philosophical presuppositions of the methodologies which have been dominant in biblical study since the Renaissance. In the study of western literature literary absolutism was severely challenged by the revolutionary movement, modernism, which began at the beginning of this century. Regardless of how we evaluate modernism, we cannot deny the importance of its contribution to literary theory in that it casts valid doubt on accepted western literary ideology since the Renaissance. OT study also needs now to re-examine the validity of the conventional methods of exegesis, source criticism, form criticism, and their derivatives.

In Ch. 1 it was argued that the western presuppositions of literary study, which has Greco-Roman literature as its ideal, has deeply influenced on the OT study after Renaissance. And these presuppositions should be relativized and *the otherness* of the OT should be recognized (1.1. & 1.2.). The important point of this otherness is that it is necessary to start our investigation from a text as it stands and later to proceed to the study of historical aspect of the text if necessary and if possible (1.3.). Synchronic study stands before diachronic study. Before digging up a hill in order to know whether it is an ANE *tell* which has grown over a long period or an ordinary hill without any historical layers, we have to make a map of the present form of the hill. Until now commentators have decided firstly the historical layers (source criticism) and then tried to draw the map of the present text (redaction criticism). We have to reverse the order of our investigation. Further it is necessary to acknowledge the priority of analogies from the ANE over that of our own literature. One of the important ANE analogies is the treaty, which is relevant to our two pericopes. Beside treaties, marriage, social and commercial contracts are good examples of making official relationships between two parties. Both pericopes studied in this thesis, the Sinai pericope (Ex 19:1-24:11) and the Moab pericope (Dt 4:45-28:69), are best explained on the analogy of such official relationship making.

The general conclusion of Ch. 2 is that the theme of the Sinai pericope (Ex 19:1-24:11) is the first covenant making between YHWH and Israel at Sinai. This contradicts some conventional analytical understandings of this pericope, which hold that the Sinai pericope in its present form is a mixture of various theological sources and traditions. According to these understandings, therefore, it is very difficult to find a coherent theological theme throughout the Sinai pericope. Furthermore, they tend to separate each section from each



other and fail to explain the relationship between sections. However, Ch. 2 shows that each section functions as part of an organic whole so that all sections contribute to the distinctive theme of the pericope, the covenant making between YHWH and Israel. This fact is illustrated in two ways, thematically as well as literarily or stylistically. Thematically each section functions as an individual stage of the whole covenant making process<sup>(1)</sup> Literarily or stylistically each section has its own mode of expression to suit the individual theme of each stage.

This first covenant making is set within the whole context of Ex. This is clearly illustrated by the following facts. Thematically the context demands clearly the existence of the covenant making from Ex 19-24, because before Ex 19 we read the concept of *no covenant, no sin and punishment* (2.1.2.1). And all events before Ex 19 culminate in the most important event in the history of Israel, the Sinai event (2.1.2.2., 2.1.2.3., 2.1.2.4.). Stylistically the introductory section (Ex 19:1-2) of the repetitive journey report (level [A] in Ex 19:1 and level [B] in 19:2), twice as long as the ordinary journey report in Ex, emphasizes the pivotal position of the Sinai event in the whole Ex (2.3.2.). Further Moses' 'going up to God' in Ex 19:3a (N.B. not 'to the mountain' but 'to God') without an explicit command from God shows that Moses' action follows naturally from the several predictions before Ex 19 (2.4.1.1.).<sup>(2)</sup>

The theme of the first section of the Sinai pericope (Ex 19:3b-8) is neither the imposition of a relationship by God nor the so-called covenantal Gattung *per se*<sup>(3)</sup>, rather this section follows the classic pattern of the first stage of negotiations in making a relationship with the aid of a mediator.<sup>(4)</sup> Therefore, we define this section as *God's preliminary proposal of the covenant relationship between YHWH and Israel and the people's preliminary acceptance* (2.4.4.). Stylistically, this theme of the section is expressed practically from the standpoint of the superior, YHWH (2.4.3.2.). And this fact does not simply illustrate the legalistic attitude of deuteronomic or priestly redactor(s) but shows a great similarity to the practical style of the ANE vassal treaties which are written from the standpoint of view of the suzerain (2.4.1.1.).

In many cases commentators do not accept the connection between the first section (Ex 19:3-8) and the second one (Ex 19:9-25), which looks rather loose. However, we have argued that this is caused by the typical style of the author who concentrates on one topic in each section throughout the Sinai pericope. He links the two sections through *the transitional technique* in Ex 19:8b-10a (*inverted hinge form*, 2.4.6.).

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1. Ex 19:3-8 (the first stage : the preliminary negotiation between two parties through the mediator), Ex 19:9-25 (the second stage : the direct encounter of both parties), Ex 20-23 (the third stage : the giving of the covenant conditions), Ex 24:3-8 (the fourth stage : the covenant ratification ceremony), Ex 24:9-11 (the fifth stage : the celebration for the ratified covenant).

2. Eg. עָבַר Ex 4:23,7:16, זָבַח Ex 3:18,5:3, וָיָגַע 5:1, וַיֵּלֶךְ אֵלֵיהֶם ה' חֲרִיב, Ex 3:1,17:6,18:5,19:2).

3. Namely the self-sufficient genre of covenant. However, it is not independent self-sufficient section. Rather it functions together with other sections of the Sinai pericope to express the whole process of the covenant making.

4. S.A. Meier (1988) and J.T. Greene (1989). See also DJ. McCarthy (1978,77).



The theme of Ex 19:16-19a has usually been understood as (*bare*) theophany. However, this is superficial, because there is not only God's awesome coming down but also the thorough preparation of and fearful going up of the people. This content is more clearly expressed by a stylistical device, *the concentric (chiastic) structure* of this passage (2.6.2). Therefore, the theme of this section is *the direct encounter of both parties*, which is necessary to make an official relationship between the two parties. This direct encounter of both parties is common in official relationship making in the ANE as well as in the modern times. This understanding corresponds with our definition of the first section (Ex 19:3-8, cf. 2.4.5.). In other words, first the preliminary negotiation (Ex 19:3-8) is performed through the mediator and then the real encounter of both parties follows (Ex 19:16-19a).

The next short passage, Ex 19:19b-25, is not a different tradition of the theophany, as many commentators believe. We have tried to show that thematically it describes the preparation for the direct meeting of both parties and at the same time it is the fulfilment of the sub-theme, predicted in Ex 19:9a, *the dialogue between God and Moses* (2.7.1.1). Literarily the author uses a appropriate scheme, *the prediction (Ex 19:9a) - fulfilment (Ex 19:19b-25) scheme* is used, although the full achievement of that prediction is not found till Ex 20:18ff. Another *prediction - fulfilment scheme* is found within this small section, Ex 19:24 (2.7.3.). This prediction is ultimately achieved through Ex 24:1 in Ex 24:9-11. The three texts are connected with each other by *the macroscopic - semi-microscopic - microscopic point of view*. Through this process the section (Ex 19) before the law corpora is connected with the section (Ex 24) after the law corpora (2.8.1.).

The relationship between Ex 19 and Ex 20 looks loose and again both are often ascribed to different hands. However, we have argued that there is an intimate thematic connection between them (2.8.2.2.). We have seen that Ex 19:16-19a is not about *bare theophany* but about the direct encounter of both parties. Through that encounter YHWH, the superior, directly declares the covenant stipulations to the people (the decalogue). This is already hinted at in Ex 19:5a (קָלִי / פְּרִי־תִי). And more stipulations (Ex 20:22-23:33) follow the decalogue. Stylistically we find the structural signal at the beginning and the end of the decalogue, אֱלֹהִים + רַבֵּר (20:1 *start marker*, 20:19 *end marker*). A similar structural signal is found at the beginning and the end of the Book of the Covenant, הַשְּׁפָטִים (21:1 *start marker*, 24:3 *end marker*, 2.9.1.). In this way the decalogue functions as *quotation* within the narrative, which is quite appropriate, because it is directly declared by the superior of the covenant relationship, YHWH, to the inferior, Israel.

Commentators do not agree about the position of Ex 20:18-21 within Ex 19-20. However, we have argued that this short section reflects the typical style of the author who concentrates on one topic in each section. The theme of this section is *the active demand of the inferior*, Israel, who was passive in the initial stage of the covenant making (2.10.2.2.). This is an example of a dynamic process of relationship building between the two parties. This request reflects the effect of the awesome phenomenon of YHWH's



coming and his word. The people realize with whom they make a covenant relationship and they fear further direct encounter with YHWH and his direct law-giving. And therefore they seek to receive the further stipulations through the mediator whom they trust. This is similar to the terrible experience of a vassal, who pays tribute or is captured, when he confronts a suzerain or a conqueror. Therefore, Moses' work as mediator is not merely divinely appointed but also popularly demanded. This process is the theological foundation for receiving the Book of the Covenant (Ex 20:22-23:33).

Ex 24:1-2 is again awkward for many commentators, who do not appreciate the present composition of this text and its function within the whole Sinai pericope. However, we have argued that this short section serves as *the transitional passage* which connects the previous sections and the following sections and pericope (2.11). In other words, Ex 24:1 (Moses, Aaron, Nadab and Abihu, the seventy elders of Israel, *semi-microscopic*) directly relates back to Ex 19:24 (Moses and Aaron only, *macroscopic*) and also forward to Ex 24:9-11 (the detailed activity of the representatives, *microscopic*). Similarly Ex 24:2 (Moses only, *macroscopic*) is related to the further law-giving in Ex 24:12ff. (Moses and Joshua, *microscopic*, 2.11.1). In this way the Sinai pericope is not only connected with the previous pericope before Ex 19, but it also lays the foundation for the further law-giving about the cultic institutions.

The main theme of Ex 24:3-8 is also controversial. This section is defined differently when the unity of the section is contested. Those who depend on source-critical analysis tend to deny the unity of this section and consequently any substantial idea of covenant in this section. However, we have proposed that this section reflects a later stage in the ordinary negotiation process of the ANE, *the covenant ratification ceremony* (2.12.2). This involves drafting *the covenant document* (סֵפֶר הַבְּרִית Ex 24:7) which contains the conditions of the covenant relationship, which Moses has received from God (2.12.1.4). This process also involves reading the conditions of one party (Ex 24:3a) and then the response of the other party accepting them (Ex 24:3b, 2.12.1.1) and finally writing down the covenant document (Ex 24:4a, 2.12.1.2). Moses then prepares the altar and מִצְבֵּה, the witness of the covenant which consists of twelve stones (Ex 24:4b). Although Moses works as the covenant mediator, which is similar to the function of a priest who stands between God and man, the offerings are offered not by Moses but by 'the young men of Israel' (נְעָרֵי בְּנֵי יִשְׂרָאֵל Ex 24:5) who function as *the junior Israelites* like voluntary offerers in a non-public offering (2.12.1.3). They represent Israel in the covenant offering just as 'the nobles of Israel' (אֲצִילֵי בְּנֵי יִשְׂרָאֵל *the senior Israelites* Ex 24:11) as the other representatives of Israel pay an audience with 'God of Israel' (אֱלֹהֵי יִשְׂרָאֵל) after the covenant is ratified (2.13.1.2). However, the main concern of this ceremony is the blood ritual (Ex 24:6-8, 2.12.1.4). The blood, which is divided into two portions, is sprinkled not only on the altar (Ex 24:6) but also on the people (Ex 24:8). Each sprinkling represents the oath of one party toward the other, the oath ratifying the covenant relationship. Between the first sprinkling (Ex 24:6) and the second (Ex 24:8) the document, which has already



been written (Ex 24:4a), is read once again (Ex 24:7a) and is accepted once again by the people (Ex 24:7b). This double check, reading - accepting - writing (Ex 24:3-4a) and reading - accepting (Ex 24:7), is quite normal in the ordinary relationship-making process. Therefore, the blood is 'the covenant blood' (דַּם־הַבְּרִית Ex 24:8) and the document is 'the covenant document' (סֵפֶר הַבְּרִית Ex 24:7a).

The final section, Ex 24:9-11, is often held to be unconnected with the previous sections (Ex 24:1-2, 24:3-8). However, we have argued that it is the final stage of the covenant making process, *the joyful celebration of the established covenant relationship* (2.13.2.2). This is the second meeting between the two parties. The difference between this second joyful meeting and the first awesome one (Ex 19:16-19a) is apparent : the second meeting is bright and there is no threat of danger to the inferior, Israel. It is an audience of the inferior with the superior, which has already been commanded (Ex 24:1 הִשְׁתַּחֲוִיתֶם, cf. Ex 19:24, 2.13.1.1). In this audience 'the nobles of Israel' (אֲצִילֵי בְּנֵי יִשְׂרָאֵל Ex 24:11) meet 'the God of Israel' (אֱלֹהֵי יִשְׂרָאֵל Ex 24:10), and both phrases underline that the covenant relationship has been established.

In Ch. 3 we studied the Moab pericope (Dt 4:45-28:69). Although many commentators hold that Dt has a covenant structure, their exegeses are usually rough. Although comparison with the ANE treaties sheds light on several issues, it is very difficult to find a coherent explanation of the present text of Dt in modern commentaries. We have tried to solve various problems in this pericope : e.g. the function of each section within the covenant-renewing process, the relationship between the past Horeb covenant with the present covenant, the reason for the appearance of several places (Horeb, Moab, and Ebal/Gerizim (Shechem)) for the ceremony. The most important of these problems is the function of Dt 27 within the narrow context (Dt 26-28) and within the wider context (Dt 5-28).

Ch. 3 concludes that here too as in the Sinai pericope the main theme is the covenant making, but in this case *the covenant renewal in Moab/Shechem*. The covenant renewal is achieved through renewing the *cultic* aspect of or the *variable* elements of a covenant (3.1.1.2). The *legal* aspect of or the *invariable* elements of the first covenant at Horeb continue as long as the relationship lasts. This covenant renewal has to be performed in two different places (Moab / Shechem) at two different times (present / future, 3.6.5.5.). In Moab (present), because the great leader, Moses, may not cross the Jordan and cannot lead the covenant ceremony there. Therefore, he reminds the people of God's covenant conditions, God's law, which is a *legal* aspect of or an *invariable* element of the covenant. And in Shechem (future), because the covenant renewal has to be performed in the promised land, where only the *cultic* aspect of or the *variable* elements of the covenant will be performed by the leadership of the elders (Dt 27:1-8) and the levitical priests (Dt 27:9ff.). However, this covenantal theme is thoroughly rearranged to fit in with the theological scheme of the author. Therefore, it has its own order and emphasis, and



further the Moab pericope (Dt 4:45-28:69 *the heading* in Dt 4:45 and *its colophon* in Dt 28:69, ET 29:1) functions within the whole structure of Dt (3.1.).

The first section of the Moab pericope (Dt 4:45-49), is usually regarded as redundant, because other historical and geographical informations are given elsewhere (e.g. Dt 1:2-4). However, we have argued that this section *synchronizes* the time of exodus with the time of Horeb and further with the present situation in the Moab plain (3.2.1.). This stylistic preparation makes it possible to define adequately the theme of the author. Through this synchronization process the author is able to recall the important theme of the following sections, the *invariable* elements of the Horeb covenant (i.e. the law codes (the decalogue in Dt 5, *the Hauptgebot pericope* in Dt 6-11, the deuteronomic laws in Dt 12-26)) in the initial part of the Moab pericope. Therefore, this initial historical and geographical section is necessary for the interpretation of the rest of the pericope (3.2.2.).

The legal part (Dt 5:1-26:16) is stylistically marked by *the structural signal*, חֲקִים וּמִשְׁפָּטִים (Dt 5:1, 11:32, 12:1, 26:16, 3.1.2.1.(5)). The *synchronization* in Dt 4:45-49 is more substantially expressed in Dt 5:2-3, where Moses strongly suggests the covenant made at Horeb is not with 'our fathers' but with 'us who are now in the Moab plain'. The objective of Dt 5:2-3 achieved through these stylistic devices is not the actualization of the covenant by cultic activity or preaching but *the covenant renewal*, which is achieved by the reuse of the *invariable* elements, the *legal* aspect of the previous covenant (3.3.1.3.). The author already starts to express Moses' mediatorship from Dt 5:4-5, where the direct law-giving is reported and at the same time Moses' role as the receiver of the subsequent law is mentioned (3.3.1.4.). This mediatorship is fully explained after listing the decalogue (Dt 5:6-21).

Dt 5:22-6:3 has often been considered as an untidy section, and therefore commentators have not been concerned with its present position between the decalogue (Dt 5:6-21) and *the Hauptgebot pericope* (Dt 6:4-11:32). However, we have argued that in this section the author proceeds steadily to build up Moses' authority 'to bring' (רָבַר Dt 5:27) the covenant condition, God's laws as well as 'to teach' (לָמַר Dt 5:31, 6:1) those laws (Excursus (1)). Stylistically the author makes this objective clearer by putting the word 'to teach' (לָמַר) in God's word (Dt 5:31) as well as Moses's words (Dt 6:2, 3.5.1.3.). In this way Moses' authority as the covenant mediator receives divine support as well as being popularly demanded. All the detailed descriptions in Dt 5:22-6:3 serve this objective : the people's request (Dt 5:23-27), God's answer (Dt 5:28-31), Moses' first admonition (Dt 5:32-33), and Moses' second admonition (Dt 6:1-3). The result is that Moses' authority to teach *the Hauptgebot pericope* (Dt 6-11) is firmly established. One of the important findings of this thesis is that the command 'to teach' (לָמַר Dt 5:31, 6:1) is the direct cause of the existence of *the Hauptgebot pericope*, which is in fact Moses' admonition using the first two commandments of the decalogue. In this way *the Hauptgebot pericope* makes the bridge between the decalogue and the deuteronomic laws. This is the revolutionary transformation by the author of the conventional covenant structure.



Dt 27 is one of the cruxes of Dt. The function of this chapter within the context is mysterious, and therefore this section has usually been considered as the orphan within Dt, either a remainder of early material or later insertion. However, we have argued that this chapter has a substantial function within the context (Dt 26-28) as well as within the Moab pericope (Dt 4:45-28:69). The solution is to be found in its relationship to the preceding section (Dt 26:17-19), which is the thematic and structural foundation of the following sections (3.6.5.5).

Although the importance of Dt 26:17-19, which stands between the legal elements of the covenant (Dt 5-26) and the cultic elements of the covenant (Dt 27f.), has widely been recognized by commentators, its structural importance for the following sections and for the whole Moab pericope has not been noticed (3.6.5.1). However, we have argued that the theme of Dt 26:17-19 is *the definition of the covenant relationship* (Dt 26:17-29, 3.6.4.). And this is another *invariable* element of the covenant, because the covenant relationship itself lasts regardless of the change of situation. Here the covenant relationship is mutually declared (אָמַר hi. *declarative*, Dt 26:17,18) : the people to YHWH (Dt 26:17) and YHWH to the people (Dt 26:18-19). This section provides the framework for the arrangement of the *cultic* aspect, the *variable* elements of the covenant (3.6.5.5.). In other words, the three promises in God's declaration function as the frame for the following section :

עַם סְנֵלָה (Dt 26:18)	-	בְּהַיְיָתָ לְעַם לְיְהוָה אֱלֹהֶיךָ (Dt 27:9)
עֲלִיז (Dt 26:19a)	-	עֲלִיז (Dt 28:1)
עַם-קָרַטֵשׁ (Dt 26:19b)	-	עַם-קָרַטֵשׁ (Dt 28:9)

This arrangement enables the author to bind the two places and times of the covenant ceremony, Moab / Shechem (present / future), together :

- (1) Dt 26:16-19 : Moab (present, הַיּוֹם, the three promises)
- (2) Dt 27:1-8 : Shechem (future)
- (3) Dt 27:9-10 : Moab (present, הַיּוֹם, the first promise)
- (4) Dt 27:11-26 : Shechem (future)
- (5) Dt 28:1-2 : Moab (present, הַיּוֹם, the second promise)
- (6) Dt 28:3-6 : Shechem (future)
- (7) Dt 28:7-15 : Moab (present, הַיּוֹם, the third promise)
- (8) Dt 28:16-19 : Shechem (future)
- (9) Dt 28:20ff. : Moab (present).

The primary purpose of this zigzag formation is to stress the unity of this covenant renewal, although it happens in two different places at two different times.

The first section of the cultic aspect (Dt 27:1-8) has been considered as a mixture of various traditions. However, we have suggested the structural pattern of this section (i.e. repetition) serves very well the theological purpose of the author (3.7.6.). The repetition of the command to write the thora, emphasizes the law and the obedience to it. The consequence of this emphasis (Dt 27:1-4,8) is that the *cultic* aspect, the offering and meal (Dt 27:5-7), is *abridged*. The participation of the elders in Moses' admonition (Dt 27:1)



means that they are in charge of the performance of some aspects of the covenant ceremony described in this section (Dt 27:1-8), offering and meal (3.7.1). Similarly the participation of the levitical priests in Moses' admonition in the next section (Dt 27:9, 3.8.1.) shows that the levitical priests are in charge of some aspects of the covenant ceremony described in Dt 27:11-26, the pronouncement of the blessing and curse (Dt 28:3-6,16-19) and of the oath formula (Dt 27:15-26). In this way both sections, Dt 27:1-8, 9ff., function as the vital components of the covenant renewal ceremony.

This understanding solves two vexing problems : the definition of the curse formula (Dt 27:15-26) and the *Sitz im Leben* of the formulae of blessing and curse (Dt 28:3-6, 16-19). In other words, the relationship between the blessing and curse in Dt 27:11-14 and the curse formulae in Dt 27:15-26 has been inexplicable (3.9.6.2.). And the highly poetic and succinct parallel formulae of blessing and curse (Dt 28:3-6,16-19, 3.10.) are apparently different from the surrounding text, Moses' admonition with the theme of blessing and curse (Dt 28:7-15, 20-68, 3.10.3.1.). However, we have argued that these parallel formulae have to be pronounced by the levitical priests in Shechem, when the people stand before the two mounts, Ebal and Gerizim (Dt 27:12-23, 3.10.3.4.). And the curse series in Dt 27:15-26 is in fact the oath formula which has to be pronounced in Shechem by the levitical priests and the people have to respond with Amen.

In this way each section of the Moab pericope has its own function to express that the central theme of the pericope is *the covenant renewal at Moab/Shechem*. Various literary or stylistical devices are used to express this theme. However, the components which are necessary for the covenant renewal process are significantly rearranged to fit the author's own theological scheme : *the unprecedented emphasis on God's law and the importance of obedience to it*

In Ch. 4 we compared the two covenants with each other. Despite the importance of synoptic studies in the NT and to a lesser extent in the comparison of Chronicles and Kings, very little work on the comparison of Dt and Ex has been done. And although the laws in both books have been compared well, the comparative study of the overall structure of both pericopes which contain the laws has not been done. We have proposed that both pericopes have the same theme and structure and they are strongly related with each other. There are four points to be compared.

First, the definition of the covenant relationship (Ex 19:3-8 : Dt 26:17-19, 4.2.1.). The most striking similarity is that the three promises of each section are the same and all three are mentioned in the same order. However, although in the Sinai pericope this section is mentioned first where it fits chronologically, in the Moab pericope this item is placed after the long law pericope (Dt 5-26) and like the law pericope this section belongs to the *invariable* element of the covenant between YHWH and Israel. Further this section (Dt 26:17-19) provides the framework of the following cultic section (Dt 27-28). And in the Sinai covenant the covenant relationship is expressed from the superior's point of view



as in the vassal treaties. Whereas in the Moab covenant this relationship is described from the point of view of the mediator, Moses whose position is exalted throughout Dt. There are some points which indicate the influence of Ex 19:3-8 on Dt 26:17-19 : the unified use of אָמַר in Dt 26:18f. and in other parts of Dt, revolutionary invention of the second promise, עָלֶיךָ (Dt 26:19a), the use of the three promises in the formation of the following sections (Dt 27-28), and decisively the use of the divine speech formula (בְּאִשְׁרֵי / בְּאִשְׁרֵי דְבַר דְּבַר Dt 26:18,19), which is absent in Ex. This interpretation of the relationship between the two sections (Ex 19:3-8, Dt 26:17-19) can be further supported by the fact in that the description of Ex 19:5a is practical and simple but that of Dt 26:17 is more theologically reflected and more complex.

Second, the meeting of both parties (Ex 19:9-25,20:18-21 : Dt 5, 4.2.2., 4.2.3.). In the Sinai covenant we read the full description of the event : the preparations (Ex 19:10-15, 19:19b-25), the event (Ex 19:16-19a), and the consequence (Ex 20:18-21). And the importance of this meeting is clearly expressed by the double preparation, Ex 19:10-15 (of the people) and Ex 19:19b-25 (of the mount). The meeting itself is described through the structural framework (concentric pattern) in Ex 19:16-19a. Another topic of the larger context of Ex, the authority of Moses (cf. Ex 19:9a, 19b-25, 20:18-21), is mingled with the covenant theme in this section. However, in the Moab covenant there are three differences : there is no mention of the preparation of the people, a very short expression of the direct encounter of both parties (Dt 5:4), and no structural pattern of this theme. Whereas the consequence of this meeting is greatly expanded (Dt 5:23-6:3) in order to prepare for the important innovation of Dt, *the Hauptgebot pericope* (Dt 6-11) which is in fact Moses admonition. The people's request for the mediator lays the foundation of Moses' popularly-demanded authority, which is common with the Sinai covenant. A new aspect of the Moab covenant is God's authorization of Moses 'to teach' (לְמַד Dt 5:31 (in God's word), 6:1 (in Moses' word)) the people. This authority is the theological foundation of *the Hauptgebot pericope*, which is Moses' admonition using the first two commandments of the decalogue. Since it is argued that the section of the deuteronomic laws (Dt 12-26) has the structure of the decalogue, the connection between the three law corpora (the decalogue, *the Hauptgebot pericope*, the deuteronomic law) is apparent. The decalogue gives the major structure of these corpora. When the author of the Moab pericope wants to emphasize the practical legal code, the deuteronomic laws, he appeals to the decalogue and further he makes a bridge between these two codes with Moses' admonition, *the Hauptgebot pericope*. It is hard to insist that the simple description of the Moab covenant (Dt 5:4) is older than the detailed one of the Sinai covenant (Ex 19:9-25). The simplicity here is due to the style of the author who wants to describe the content of the meeting but not the phenomenon of the meeting itself. Therefore, he abridges the original description only with the necessary ingredients to inform the meeting and goes directly to the citation of the decalogue. Meanwhile, the detailed plea of Israel's leaders in Dt 5:23-27 contrasts clearly with the simple appeal in Ex 20:19. In this case it is very plausible that Dt 5:23-27



is a further elaboration of Ex 20:19. Therefore the account of Dt 5:23-6:4 appears to be a later elaboration of that of Ex 19:9-25, 20:18-21.

Third, the two covenant stipulations (the decalogue, Ex 20:1-17 : Dt 5:6-21; the Book of the Covenant Ex 20:22-23:33 : the deuteronomistic laws Dt 12-26, 4.2.4, 4.2.5.) show the same basic structure : God's direct law-giving and the indirect law-giving through Moses. The legal sections of both covenants are signalled by the structural markers, *the start maker* and *the end marker* of the decalogue (אֱלֹהִים without article + רַב־ר, Ex 20:1,19) and of the Book of the Covenant (הַמִּשְׁפָּטִים, Ex 21:1, 24:3), and the structural signal in the Moab covenant (וְהַמִּשְׁפָּטִים וְהַחֻקִּים Dt 5:1, 11:32, 21:1, 26:16). However, the unique feature of the Moab covenant is the existence of *the Hauptgebot pericope*, which is not God's word but Moses' admonition. This is quite natural when we consider the importance of Moses who has the authority to teach (לִמַּר Dt 5:31, 6:1) the people. Moreover, all three law corpora in the Moab covenant are more systematically united with the leading role of the decalogue. This difference between the legal sections of both covenants seems to be caused by Israel's failure to keep the first covenant (Dt 9:7-29, Ex 32-34), and therefore the importance of the law and the obedience to it is unceasingly emphasized throughout the Moab pericope as well as in the whole Dt. This fact parallels the fact that we find abundant materials of the admonition in the Moab pericope, which have the theme of the blessing and curse, because blessing and curse are directly related to Israel's attitude to the law. The new element in the Moab covenant, *the Hauptgebot pericope*, suggests that Dt's account is probably later than Ex's account.

Fourth, the covenant ceremony sections (Ex 24:1-11 : Dt 27-28, 11:29ff., 4.2.6.). Through both ceremonies the covenants are ratified. The major components of covenant ceremony are found in both texts, the offering, the meal, the blessing (and curse), the oath, and the joyful celebration after the ratification. However, there are important differences. The Sinai covenant is more concerned with the cultic event itself, especially the blood ritual and the joyful audience after the ratification. Both parts are described with much elaboration (Ex 24:6-8, Ex 24:9-11). Whereas in the Moab covenant the legal aspect (i.e. the law and the obedience to it) is emphasized at the expense of the cultic aspect. The importance of the legal aspect is found in three areas : the repeated command about writing the law (Dt 27:1-4,8), the blessing and curse pronouncement by the levitical priests (Dt 28:3-6,16-19), and the oath, the curse series containing twelve legal items (Dt 27:15-26). Meanwhile, the cultic aspect is *abridged* (Dt 27:5-7) and in this short text the author reports concisely about building of the altar, the offerings, the meal in front of God. There are four points which suggest that the Sinai covenant ritual is older than the Moab covenant ritual : the great transformation in the Moab covenant (no witness concept in the Moab pericope and in place of it the stones are used for writing the laws), the different order of building activities in the Moab covenant (the stones and the altar) from that in the Sinai covenant (the altar and מִצְבֵּה), no mention of curse in the Sinai covenant, no oath of the superior, YHWH, in the Moab covenant.



Summarizing the conclusions, this thesis makes three major contributions to the study of these pericopes :

Firstly the theme of each pericope is the covenant (making or renewal) between YHWH and Israel and the structure of each pericope supports this theme. Each section in both pericopes precisely functions as a stage within the covenant making or renewing process. The covenant concept is not borrowed from several sources or inserted into both pericopes later by editor(s) or redactor(s), but it is intrinsic to them.

Secondly since both pericopes have basically the same structure and deal with the covenant-making or renewing process, our interpretation of one pericope tends to support our interpretation of the other. In future then, exegesis of one text should bear in mind the exegesis of the other especially if a different theme or structure of either pericope is proposed.

Thirdly one of the most solid methods in diachronic study is the comparison of synoptic texts. The comparative study of both pericopes proves the fruitfulness of this method. Our study shows that the Moab pericope is a later elaboration of the Sinai pericope with its own theological theme and interests, and that the differences between the pericopes in their presentation of the covenant making process is striking. Therefore, the argument that the deuteronomic writer has influenced the Sinai pericope cannot stand.



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