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## **DEUTERONOMY 28, 69 - SUPERSCRIPIT OR SUBSCRIPT?**

Should Deut 28, 69 (MT) be regarded as a subscript to the preceding section of the book or as a superscript for the following section? The general opinion is currently that it is a superscript, in conjunction with Deut 29, 1.<sup>1</sup> It is, however, possible to re-evaluate the current position by using a semantic approach. The verse consists of one sentence with a core - *'lh dbry hbryt* - and a subordinate clause (a relative clause) defining the *bryt*. The method employed is to study all the occurrences of the expression to define the referential meaning of the expression in these cases. With this semantic information as starting point, a new look can be taken at Deut 28, 69.

The expression *dbry hbryt* occurs in Deut 28, 69; 29,8; II Reg 23, 3 = II Chr 34, 31; Jer 11, 2.3.6.8; 34, 18; Ex 34, 28. The related expression *dbry spr hbryt* occurs in II Reg 23,2 + II Chr 34, 30.

The only instance where the expression occurs in a nominal sentence is in Deut 28, 69. In all the other instances the expression is the object (or part of the object) of a verb. In a number of the instances the expression is qualified by an adjectival phrase or clause, qualifying either one of the constituents of the expression or the expression as a whole. This syntagmatic information can be used to clarify the references of the expression.

### *Verbs used with dbry hbryt as object*

#### *Deut 29,8*

In Deut 29,8 the expression occurs as object of the verb *šmr* - *wšmrtn* -, with the perfect with consecutive *waw* being employed for a command loosely dependent on the preceding statement, in which deeds

1 G. Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium*, BWANT 5.13. (Stuttgart, Kohlhammer 1971), 25; G. von Rad, *Deuteronomium*<sup>2</sup>, ATD 8. (Göttingen, Vandenhoeck und Ruprecht, 1968), 128; A. Cholewinski, "Zur theologischen Deutung des Moabbundes", *Biblica* 66 (1985); G. Braulik, "Die Ausdrücke für 'Gesetz' im Buch Deuteronomium", *Biblica* 51 (1970), 43ff. The other view still appears occasionally, cf. P.C. Craigie, *The book of Deuteronomy*, NICOT. (Grand Rapids, Eerdmans, 1976), 353 and E. Kutsch, *Verheissung und Gesetz. Untersuchungen zum sogenannten "Bund" in Alten Testament*, BZAW 131, (Berlin, De Gruyter, 1973), 138ff.

of Yahweh on behalf of the people are expounded.<sup>2</sup> *dbry hbryt* in this context refer to things that must be done, to stipulations that must be observed. This reference is also made clear by the following sentence. The first part of the verse consists of two sentences connected by consecutive *waw*: *wšmrtm 't-dbry hbryt wšytm 'tm*. The object of *šh* is indicated by a pronominal suffix to the *nota accusativi*, referring to *dbry hbryt*. *šh* refers in this context to something that must be done upon Yahweh's command.<sup>3</sup>

#### Jer 11

The expression occurs three times as object of the verb *šm<sup>c</sup>* in Jeremiah 11. In some of these instances the verb is used to denote obedience of a command, law or stipulation.<sup>4</sup> Jer 11, 2 reads: *šm<sup>c</sup>w 't-dbry hbryt hz't wdbrtm 'l-yš yhwdh w'l yšby yršlm*. In this instance the verb *šm<sup>c</sup>* is used to denote the physical activity of acoustic perception.<sup>5</sup> This can also be deduced from the use of the verb *dbr* with reference to *dbry hbryt* in the following sentence.<sup>6</sup> *dbry hbryt* are something that can be communicated to people in this instance. Their character is made clear by the use of the expression in the next verse: *'rwr h'yš 'šr l' yšm<sup>c</sup> 't-dbry hbryt hz't*. It is evident that *šm<sup>c</sup>* denotes obedience of a command, law or stipulation in this instance, with judgement for the one who disobeys it. This interpretation is supported by the use of the verbs *šwh* and *šh* in a relative clause pertaining to the expression in the following verse. The same use of the expression occurs in Jer 11, 6 as can again be seen in the parallel usage of *šm<sup>c</sup>* and *šh*: *šm<sup>c</sup>w 't-dbry hbryt hz't wšytm 'tm*.

The use of the expression in Jer 11, 8 differs from those discussed above: *wl' šm<sup>c</sup>w wl'-h'w 't-znm wykkw 'yš bšryrwt lbm hr<sup>c</sup> w'by' 'lyhm 't-kl-dbry hbryt hz't 'šr šwyty l'šwt wl' šw*. In this instance the expression *dbry hbryt* does not denote things that can be done, but rather things that can be brought over people, that can be done to them. This can be seen from the verb (*bw'* Hiphil) that is used with *dbry hbryt* as object, denoting curses that can be brought upon people.<sup>7</sup> In this sense it is parallel to *'lwt hbryt* (Deut 29:20).<sup>8</sup> It therefore denotes punishments deserved by those who did not keep

2 GKC, par. 112x and aa.

3 THAT II, 365f.

4 THAT II, 976.

5 THAT II, 976.

6 Cf. for this use of *dbr*, THAT I, 436.

7 For this usage of *bw'* Hiphil, cf THAT I, 543f.

8 THAT I, 158f and TWAT I, 282f.

the stipulations of the *bryt*.<sup>9</sup> The relative clause qualifies the *bryt* as something that people were commanded to keep. This command was, however, disobeyed. The conclusion drawn from the discussion above is that the use of the expression in Jeremiah 11 has two facets. It can denote stipulations laid upon people and also punishments (or curses) pronounced upon those who disobey these stipulations.<sup>10</sup>

#### Jer 34

The Hiphil of *qwm* occurs in Jer 34, 18: *l' hqymw 't-dbry hbryt 'šr krtw l'pny*. The Hiphil of *qwm* with *dbr* as object is used with reference to the acts of people that are loyal to the stipulations of the *bryt* and who are keeping the commandments.<sup>11</sup> It can also be used to denote the self-obligation to keep the covenant.<sup>12</sup> In this instance *dbry hbryt* also refers to stipulations, and specifically stipulations dealing with conduct towards Hebrew slaves (cf Ex 21, 2-6 and Deut 15, 12-18).

#### II Reg 23, 3 and 11 Chr 34, 31

The expression also denotes the keeping of stipulations in II Reg 23, 3, again in conjunction with the Hiphil of *qwm*: *lhqym 't-dbry hbryt*. This was clearly the interpretation of the chronicler, substituting *l'šwt* for *lhqym* in the parallel passage (11 Chr 34, 31).

#### Ex 34, 28

The expression occurs as the object of *ktb* in Ex 34, 28: *wyktb 'l-hlhw 't-dbry hbryt 'šrt hdbrym*. The appositional qualification of *dbry hbryt* as the Decalogue is probably a deuteronomic interpretation.<sup>13</sup> The expression also refers to the contents of the stipulations laid upon Israel in this instance.<sup>14</sup>

Taking into consideration the verbs which have *dbry hbryt* as object, it can be concluded that the expression is used to denote stipulations and in one instance punishments or curses (Jer 11, 8). The related ex-

9 It is quite remarkable that there is only one reference to Jer 11, 8 in the important work of Kutsch on *bryt*: *Verheissung*, 177. This reference is connected to the translation of the word in the LXX and not to the meaning of the word in the context of Jer 11. This is an important omission in that work, seeing that the word does not refer to some kind of stipulation in this context.

10 Cf. H.F. van Rooy "bryt" in Jeremiah 11", *OTWSA* 24 (1981), 93-102, for a discussion of the occurrences of the expression in Jeremiah 11.

11 THAT II, 640.

12 Cf Kutsch, *Verheissung*, 165.

13 Cf Kutsch, *Verheissung*, 80-81.

14 Cf Kutsch, *Verheissung*, 81-82.

pression *dbry spr hbryt* agrees with respect to the first usage. It refers to stipulations that were proclaimed unto the people (II Reg 32,2 11 Chr 34, 30).

#### *Adjectival phrases or clauses defining dbry hbryt*

In a number of instances the expression is defined by an adjectival phrase or clause pertaining to one of the constituents of the expression or to the expression as a whole.

The adjectival phrase used in II Reg 23,3 and 2 Chr 34, 31 defines *dbry* as *hktbrym 'l-hspr hzh*. These *dbrym* were written down in a book, proclaimed to the people, and were stipulations undertaken by the people. This is substantiated by the reference to *dbry spr hbryt* in the preceding verse in both passages. It is also possible that these *dbrym* included curses, as can be deduced from II Reg 22, 16 where *dbry hspr* included *rch*, evil (curses) pronounced on those that forsook God. The word *rch* is also used in Jer 11, 11 to denote the evil (curses) pronounced over the sinful people. In 11 Chr 34, 24 the *dbry hspr* is expanded to *h'lw' hktwbwt 'l-hspr*, making the reference to curses explicit.

In the relative clause in Deut 28, 69 information is given pertaining to the *bryt*. The Lord commanded Moses to make the *bryt* with the people of Israel in Moab, and reference is also made of the *bryt* at Horeb.

It is quite clear that the relative clause in Jer 11, 8 defines the *bryt* and not *dbry*, or the expression as a whole. The *bryt* is qualified as something that the people were instructed to do but did not do. As *dbry* refers to curses in these instances, as demonstrated above, the relative clause can only be qualifying *bryt*. Also in Jer 34, 18 the relative clause is qualifying the *bryt*, in this instance as something made by the people.

The expression *dbry hbryt* in Jer 11, 3 is qualified by a long relative clause in Jer 11, 4f. The relative clause refers indeed to stipulations (cf. *šwyty*, *šm'w*, *w'šytm*, *'šwh*), but also to the special relationship between God and Israel issuing from obedience and resulting in blessings. It seems better, therefore, to regard the relative clause as pertaining to the expression *dbry hbryt* as a whole.

#### *The semantic field of dbry hbryt*

Taking all the evidence into consideration, two aspects can be defined in the semantic field of this expression. The two aspects or facets are related but still distinguishable. The one facet has to do with something that can be obeyed or disobeyed, that is a commandment to the people to keep and obey, that can be written down and can be read. This can also include a self-obligation undertaken by the people to obey these stipulations laid down by God. Obedience will result in a

special relationship with God, resulting in blessings. The expression is used with this broad reference to stipulations or commandments in all the instances, except Jer 11, 8. In Jer 11, 8 the other facet occurs, with a reference to curses or punishments meant for the person who does not obey *dbry hbryt*, as in the first facet.<sup>15</sup>

Both these facets are related to the relationship between God and his people. The stipulations and the curses are both laid down by God. The stipulations are, however, laid down for the people to do. If they fail to do it God will execute the curses to the detriment of the people. The first facet is used in conjunction with verbs like *šwh*, *'šh* and *hqym* while the second is used with *bw'* in the Hiphil and parallel to *rch*.

#### *Deut 28, 29 and its relation to the preceding and following sections*

To determine whether the semantic data can help settle the question posed by Deut 28, 69 and its relation to the preceding and following sections, the contents of these sections must be analysed. An important consideration in this respect is the scope of these sections. The idea of an important division in the book between Deut 28 and 29 is not unanimously accepted, but it has gained wide support since Lohfink's important study on Deut 28, 69 - 32, 47.<sup>16</sup> Lohfink accepts a four-fold division in Deut, namely 1, 1-4, 43; 4, 44 - 28, 68; 28, 69 - 32, 52 and 33, 1-34, 12.<sup>17</sup> According to this division Deut 4, 44 - 28, 68 must be regarded as the section preceding 28, 69 and 29, 1-32, 52 as the section following it. As regards the latter, Seitz concludes<sup>18</sup>, concurring with Von Rad<sup>19</sup>, that 28, 69, which he regards as a superscript, covers only the section up to 30:20, with a new section starting at 31, 1. This is in agreement with Noth's view<sup>20</sup> that Deut 31-34 and 1-4 must be regarded as part of the deuteronomistic history.<sup>21</sup> It is in any case clear that Deut 29 and 30 must be part of the section of which Deut 28, 69 could be a superscript and the contents of Deut 29 and 30

15 This second facet of the expression has implications for the view of Kutsch that *bryt* can only refer to obligations, cf *Verheissung* and his article on *bryt* in *THAT* I, 339-352.

16 N. Lohfink, "Der Bundesschluss im Land Moab. Redaktionsgeschichtliches zu Dt 28, 69-32, 47", *BZ* 6 (1962), 32-56.

17 Lohfink, "Bundesschluss", 32ff.

18 Seitz, *Deuteronomium*, 33-35.

19 Von Rad, *Deuteronomium*, 128.

20 M. Noth, *Ueberlieferungsgeschichtliche Studien*, (Tübingen, Max Niemeyer, 1957), 14, 40.

21 Cf also Von Rad, *Deuteronomium*, 7.

should be of decisive importance to the question whether Deut 28, 69 should be regarded as a superscript.

If Deut 28, 69 should be regarded as a subscript, the question must be posed whether it should be linked to the introduction at the beginning of the book (1, 1-5) or to the superscript to the law corpus (4, 44 - 5, 1a). Again the question is not that important, because the section starting at 4, 44 is included in the preceding section in both cases, and this section should again be of decisive importance to the problem at hand. Taking the semantic field of *dbry hbryt* into consideration, it is quite evident that Deut 28, 69 can function as a subscript to the preceding section. Deut 12, 1 -26, 15 comprises of stipulations and Deut 27, 22-28, 68 a long series of curses (as well as blessings). These correspond to the two facets of the expression *dbry hbryt*.

On the other hand, the prevailing opinion favours the view that Deut 28, 69 must be seen as a superscript to the following section. It is therefore quite important to take a close look at the contents of Deut 29 and 30 to evaluate its relation to Deut 28, 69 as a possible superscript. If it is a superscript "müsste mindestens ein repräsentativer Teil dieses Textblocks (29-32, H.F.v.R.) 'die Worte des Bundes' enthalten, 'den mit den Söhnen Israels im Lande Moab zu schliessen, Jahwe Moses befahl'".<sup>22</sup> This is indeed Lohfink's view: "Die 'Worte' eines Bundesschlusses werden angekündigt, in Anlehnung an eine Bundesschluss - oder Bundeserneuerungsliturgie werden entsprechende Texte gebracht".<sup>23</sup> It seems that he does not relate *dbry hbryt* to the contents of a covenant - stipulations and curses according to the two facets of this expression - but to a liturgical covenantal ceremony or a ceremony pertaining to the renewal of the covenant, *dbry hbryt* never, however, refers to any kind of a ceremony. Lohfink distinguishes the following elements in Deut 29f.<sup>24</sup>:

I Vorgeschichte (29, 1-8)

II Protokoll des Bundesschlusses (29, 9-14)

III (warnende) Predigt (29, 15-20)

IV anknüpfender Fluchabschluss und Segen in exilischer Weiterentwicklung (29, 21-30, 10)

V (empfehlende) Predigt (30, 11-14)

VI Segen, Fluch, Zeugenanrufung und Schlussparänese (30, 15-20)

He finds the key to the unity of Deut 29f in the Covenant formulary (Bundesformular), following Baltzer.<sup>25</sup> The pattern of the Covenant

22 Lohfink, "Bundesschluss", 35.

23 Lohfink, "Bundesschluss", 44f.

24 Lohfink, "Bundesschluss", 43.

25 Lohfink, "Bundesschluss", 36.

formulary as a whole was not, however, copied in the structure of these two chapters, as the declaration of loyalty (Hauptgebot) and the individual stipulations (Einzelbestimmungen) are lacking.<sup>26</sup> Especially the latter is of decisive importance in this instance. *dbry hbryt* refers predominantly to stipulations, and since stipulations are lacking in these two chapters, the contents of 28, 69 and of 29 and 30 do not coincide.<sup>27</sup> Deut 29 and 30 do not deal with the contents of the *bryt* as such. That contents is taken for granted as a presupposition for the real matter at stake in these two chapters - cf. 29, 8<sup>28</sup>. 20.26; 30, 10, 16. All these instances refer to obligations laid upon the people, but what the obligations are is not stated at all.<sup>29</sup> Deut 29 and 30 can be regarded as an exhortation stressing, against the backdrop of the historical situation (Deut 29, 1-7), the keeping of the *bryt* (29, 8-20), the danger and consequences of not keeping the *bryt* (29, 21-28) and the possibility of repentance in the case of apostasy (30, 1-10) and pointing to the nature and aim of the *bryt* (30, 11-20). It is probably related to a covenantal ceremony, but does not contain *dbry hbryt*.<sup>30</sup> As *dbry hbryt* is the main thrust of Deut 28, 69, it can not be linked to the following chapter. The conclusion is therefore that it must be regarded as a subscript to the preceding section.

26 Lohfink, "Bundesschluss", 43.

27 Kutsch, *Verheissung*, 140 reaches a similar conclusion, but with a different set of arguments. His main thesis is that *bryt* does not refer to some kind of a covenant, but only to obligations. This view has been rejected elsewhere, cf Van Rooy, "bryt in Jeremiah 11."

28 Cf Kutsch, *Verheissung*, 140f.

29 This is in disagreement with the comment of Seitz, *Deuteronomium*, 25, who uses the five references to *bryt* in Deut 29 as an argument in favour of taking Deut 28, 69 as a superscript.

30 Even the recent study of Cholewinski, "Deutung des Moabbundes", 96-111, proceeding from Lohfink's "Bundesschluss", does not convincingly demonstrate that Deut 29 and 30 contain the contents of the covenant in Moab. He has to refer to the preceding section for the contents of the covenant. Braulik, "Gesetz im Deuteronomium", 44f is of the opinion that *bryt* refers to an oath in Deut 28, 69; 29, 8, 11, 13, 20. In 29,8 the accent is on the contents of the stipulation. In 28, 69 the expression announces the covenant ceremony and all the words related to it, including stipulations, conditional curses and other words. He would like to translate *dbry hbryt* as the ritual words of the oath. Although it is quite true that *bryt* is used as a parallel to oath, the expression *dbry hbryt* does not refer to an oath as such. Braulik's thesis corresponds to that of Lohfink in many respects. It also does not take into account the fact that the stipulations as such are lacking from Deut 29f.

*Deut 28, 69 in relation to 1, 1-5 and 4, 44-5, 1a*

When this conclusion has been accepted, the next problem to be answered is the relation between Deut 28, 69 and 1, 1-5 and 4, 44-5, 1a. Does 28, 69 function as a subscript to the whole of Deut 1-28, or only to the important section 4, 44 - 28, 69? To answer this question, the subscript must be compared to the two superscripts.

In 28, 69 the subject referred to is denoted by the deictic pronoun *'lh* and defined as *dbry hbryt*. It is also stated that Moses received a command from the Lord to make this *bryt*, that it happened in Moab and that this *bryt* was something different to the *bryt* at Horeb.

In 4, 44 the subject is denoted by the deictic particle *z't* and defined as *htwrh*. In 4, 45 *'lh* is used with *h<sup>c</sup>dwt h<sup>h</sup>qym* and *hmšptym*. The speech is located as *b<sup>c</sup>br hyrdn* and the locality is defined with a reference to Sihon and Og, the Amorite kings. No reference is made to Moab, Horeb and a command of the Lord to Moses. The word *bryt* is not used in this superscript.

In 1, 1-5 *'lh* and *hdbrym* are used to denote the subject. The locality is also defined as *b<sup>c</sup>br hyrdn*, as in 4, 44-5, 1a and reference is also made to Sihon and Og (1, 4). This agrees with 4, 44-5, 1a. On the other hand reference is made to Moab, (1, 5) and to Horeb (1, 3). The word *bryt* is not used in this superscript either.

What is common to the three passages is the fact that Moses and Israel were involved in the matter. The two superscripts have the reference to the locality *b<sup>c</sup>br hyrdn* and the Amorite kings Og and Sihon in common. The reference to the involvement of Moses and Israel is the only common factor between 4, 44-5, 1a and 28, 69. Common to 1, 1-5 and 28, 69 are the use of *'lh hdbrym/dbry*, and the references to Horeb, Moab and the command of the Lord. The correspondence is such that 28, 69 can be regarded as a summary of 1, 1-5, with the only new element the introduction of the word *bryt* with reference to the events at Horeb and in Moab. 4, 44-5, 1a is also linked to 1, 1-5, but emphasises the stipulations that follow in the next section.

The conclusion is that Deut 28, 69 as a subscript must be linked to 1, 1-5 and that 1, 1-28, 69 must be regarded as an important unity of the book as a whole.

## REVIEWS

William L. Moran, *Les lettres d'El-Amarna*, 1987, pp. 627, Littératures Anciennes du Proche-Orient 13, Les Editions du Cerf, Paris. N.P.

In collaboration with V. Haas and G. Wilhelm Prof. William Moran has prepared this outstanding translation of the Amarna Correspondence. (This book is translated into French by Dominique Collon and the notes by Henri Cazelles). But it is more than a mere translation. The book is furnished with a very important introduction (pp. 13-56) in which various topics are discussed in light of the latest research. Although J.A. Knudtzon's edition in collaboration with O. Weber and E. Ebeling in *VAB2* in 1907-1915 is still valuable, the study of this correspondence has advanced considerably, especially after the Second World War. And one of the important contributors in this regard is William Moran. After Knudtzon's edition new material is discovered and conveniently published by A. Rainey, cf. *AOAT* 8 (1970), second edition in 1978. Most of the latest research is published in a wide variety of journals and monographs. It is, thus, necessary to have the latest views in one publication compiled, and this is precisely what M. has done. It is not a mere compilation, but accompanied by a penetrating discussion, in many instances with the necessary criticism. Our knowledge since Knudtzon's edition has advanced in many ways. The author draws our attention to this straight through his study, e.g. in the reading of cuneiform signs and the schools of writers associated with that, the advancement of grammatical methodology and our knowledge of semantic values of terms (the Ugaritic texts were discovered after the Knudtzon edition!), the historical background and the international relationship by treaty, the vassal's relationship with his overlord etc., etc. One is impressed by the author's lucid translation and his balanced views on the problems involved. And there are problems! This is admitted by the author. There is still much to be done to understand certain passages of this correspondence, sometimes due to the broken state of the tablets and sometimes by difficult expressions and terms used. But the author has advanced our knowledge considerably.

The policy of the publishers of this French series is to give a translation in French with notes on the difficult passages. What one desires, is that in the tradition of Knudtzon's edition a transcribed text is a necessity, or even with photo-copies of the tablets like e.g. A. Herdner's edition of the Ugaritic tablets. This is a tall order, but one could wish that William Moran with his excellent expertise would move in the direction of publishing a transcription of the correspondence with his outstanding translation.

This book is further very useful because of the indices at the back. I want to draw the attention especially to the list of personal names and the translation thereof, also the place names and their situation.

One can heartily recommend this outstanding work for further study.

F.C. Fensham