

*Covenant in the
Persian Period*

From Genesis to Chronicles

Edited by

RICHARD J. BAUTCH and GARY N. KNOPPERS

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“The Unwritten Text of the Covenant”

Torah in the Mouth of the Prophets

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Three Versions of Mediation at the Mountain of God / Horeb

In the Pentateuch, we have three or even four versions of the account of God’s encounter with the Israelites at the Mountain of God.¹ According to the oldest version in Exodus 20, the theophany was so frightening for the people that they fled from the mountain (Exod 20:18, 21a).² The Deuteronomist in Deuteronomy 5 connects this concept with the concept of YHWH’s voice that was heard from the Mountain Horeb, when he pronounced the (Deuteronomistic) Decalogue (Deut 5:22–25), and launches Moses as the mediator of the divine revelation of the laws of Deuteronomy (Deut 5:28, 31–32).³ A post-Deuteronomistic redactor who accepted the

1. See table 1.

2. The traditional documentary hypotheses from Wellhausen to Zenger found parts of E (the Elohist) in the text, according to the assumption that the Decalogue was an Elohist composition, but after M. Noth’s commentary many scholars assumed that parts of the narrative belonged to a redactional layer that included the Covenant Code (B = Bundesbuch) into the account. For an overview, see E. Zenger 1971: 212–13. If the core of the narrative was an account on a theophany, the motif of the people’s fright may have been an original part of it. For further discussion of the issue, see T. B. Dozeman 2009: 470–72. Dozeman’s conclusion is that the pre-P account of Exodus 19–24 did not include a version of the Decalogue (2009: 472).

3. The Decalogue was composed by authors who followed the teachings of the Deuteronomists. The problem underlying the exegetical discussion is that the older version referred to in the Deuteronomistic account of Deuteronomy 5 was used by the later redactor of Exodus for a combination of the Sabbath-Commandment with the perspectives of P. L. Perlitt (1969: 78–99) has shown the Deuteronomistic character of the Decalogue already in the basic version of Exodus 20. F. L. Hossfeld (1982) has confirmed the arguments for a Deuteronomistic origin of the composition. He was right when he stated that the version in Deuteronomy 5 was older than the version in Exodus 20, because Exodus 20 is already reworked by an author who knew P. But there are still strong arguments that the Deuteronomists in Deuteronomy 5 referred to an older version (as they themselves let Moses pretend to do) and that this older version

Covenant Code as a canonical text in line with Deuteronomy reciprocally added this concept in Exod 20:19–20, 21b in order to introduce the Covenant Code together with the Decalogue.⁴ The same narrative is used again to launch a third corpus of revelation, the *Corpus propheticum*, especially with the book of Jeremiah (Achenbach 2011). Deut 18:16 states that at the day of the assembly at Horeb the people had asked for a mediator in general (לא אסף לשמע את־קול יהוה אלהי). This impulse had given reason to YHWH to promise to raise a prophet “from the midst of their brothers.” God did not promise to raise a *king* “from the midst of the brothers” (cf. Deut 17:15)!

The “law on the prophets” is connected to the “law of the kings” in that respect. It is obvious that the author of the so-called “King’s law” in Deut 17:14–20 does not consider it necessary that Israel has a monarchic constitution, but he renders the idea that in any case Israel would have needed a Mosaic institution of mediatorship in order to receive the divine word.⁵ Thus, the author of the “law on the prophets” seems to know the view of 2 Kgs 17:13–14: the prophets as servants of YHWH (2 Kgs 17:23) were sent by God throughout the history of Israel and Judah to warn the people to turn from their ways and to observe the commandments, based on the revelation given to the forefathers. Deuteronomy 18 expands this

has been used also by the redactor of Exodus 20 and thus is part of Exodus 20. See C. Levin 1985; R. Achenbach 1991; 2005: 132–34.

4. It is widely acknowledged that the literary core and composition of the Book of the Covenant is older than Deuteronomy, but those who introduced this composition into the Sinai pericope in Exodus 20–23 already referred to the Deuteronomistic frame of Deuteronomy (compare Exod 23:20–33 with Deuteronomy 7), the Deuteronomistic Decalogue (compare Exod 20:23 with Deut 5:7–9), and the Deuteronomistic version of Kings (compare Exod 20:23 with Exod 32:1–6, and especially Exod 32:4b with 1 Kgs 12:28). Some explanation may be helpful. Exod 20:23 reflects already the combination of the first commandment not to have other gods with the prohibition of making idols in the Decalogue. Granted that the Deuteronomistic version of the Decalogue seems to be the most ancient complete version we have (Hossfeld 1982), I think that Exod 20:23 develops the combination into a polemical new formulation (“You shall not make gods from silver or gold!”). This means, according to my view, that Exod 20:23 was introduced into the Covenant Code by the redactor who combined it with the Decalogue in Exodus 20. The same redaction seems to draw the parallel in Exod 32:4 with 1 Kgs 12:28 and thus, by rewriting, reprojects the story of the golden calf onto the mountain of God and covenant story of Exodus 20–24, 32–34*. The writer of Exod 20:23 was aware of this combination, and the formulation of Exod 20:23 is a link among Exodus 20, Exodus 32, and the Deuteronomistic text of 1 Kgs 12:28. The redactional rewriting of the Covenant Code within the frame of this story is the reason for the composition of the beginning of the Covenant Code in Exod 20:22–23.

5. For the late-Deuteronomistic or even post-Deuteronomistic features of Deut 17:14–20, see R. Achenbach 2009: 216–33.

Table 1. God's Encounter with the Israelites at the Mountain of God

Deuteronomy 18:16-19	Deuteronomy 5	Exodus 20
<p>16 This is just what you asked of YHWH your God at Horeb, on the day of the assembly (הקהל), saying: "Let me not hear the voice (הקול) of YHWH my God any longer or see his wondrous fire any more, lest I die!" 17 And YHWH said to me: "They did well who spoke thus. 18 I will raise up a prophet for them from the midst of their brothers, like yourself: I will put my words into his mouth, and he will speak to them all that I command him. 19 And if anybody fails to heed the words he speaks in my name, I myself will call him to account."</p>	<p>2 YHWH our God made a covenant with us at Horeb. 22 YHWH spoke those words to your whole assembly (הקהל) . . . 23 And when you heard the voice (הקול) out of the darkness, and the mountain was ablaze with fire, you came close to me, all your tribal heads and elders, 24 and you said: "YHWH our God has shown us his glorious presence (כבוד) . . . 22 . . . if we hear the voice of YHWH our God any longer, we shall die. 27 You go closer and hear all that YHWH our God says, and then you tell us everything that YHWH our God tells you, and we will willingly do it." 28 And YHWH heard the voice of your words, you spoke to me, and YHWH said to me: ". . . they all did well who spoke thus. . . . 31 You stay here with me, and I will give you the whole instruction . . ." 32 Be careful to do as YHWH our God has commanded you!</p>	<p>18 And all the people saw the thunder (הקולות) and the lightning and the blare of the shofar and the mountain smoking; and when the people saw it, they fell back and stood at a distance. 19 And they said to Moses: "You speak to us, and we will obey, but let not Elohim speak to us, lest we die!" 20 And Moses answered the people: "Be not afraid! For the God has come only in order to test you, and in order that the fear of Him may be with you, so that you do not go astray." 21 So the people remained at a distance, while Moses approached the darkness, where the God was.</p>

view, saying that the sending of the prophets was part and parcel of the original promises delivered from Mount Horeb so that they would continue the task of Mosaic mediatorship. Thus, the measure of authorized and unauthorized prophecy spoken *in the name of* YHWH (ידבר הנביא בשם יהוה) must stand in a continuous tradition with the words of Moses. This theory gives room to the scribes of the Second Temple period, who passed down the scrolls with the prophetic oracles contained within them, to trace this promise in their scrolls and to underline the message of conversion

and renewal in the prophetic books so that later readers or listeners, when the scrolls were read out for them, could remember the fate of Israel and Israel's disobedience on the one hand and decide to dedicate their own lives fully to the torah of YHWH on the other. It is now worthwhile to note that the formula of "*speaking in the name of YHWH*" (דבר בשם יהוה) among the prophets appears only in Jer 26:16; 44:16; 1 Chr 21:19; 2 Chr 18:15; 33:18, beside the formula "*to prophesy in the name of YHWH*" (נבא בשם יהוה; Jer 26:9, 20)!⁶

Deut 18:15–18 thus opens the gate for covenantal texts that were not yet written but could be written by the scribes of prophetic scrolls in the future. Deut 18:15–18 is the gate to the new world of the unwritten message of the covenant based on oral torah teaching. The message of this covenant is, of course, in line with the covenantal message of the Deuteronomistic Deuteronomy, the message of Moses. The true prophet will call to turn to the word of this covenant, and his message for the future will be: if you listen to the voice of YHWH and observe his commands, YHWH will fulfill all his promises he has given to the fathers. But if you do not obey this message, then YHWH will punish you, and you are going to be removed from his presence, respectively. YHWH will call everybody to account who does not obey the words of his prophet (Deut 18:19: **אנכי אדרש** (מעמרו)). The false prophet will say the opposite. And, of course, YHWH will ensure that the message of the true prophets is fulfilled (Deut 18:20–21).

The Prophet Jeremiah as Mediator of the Word of YHWH

The Deuteronomistic Historians who wrote the books of Samuel and Kings did not even mention prophets such as Hosea, Amos, Micah, or Jeremiah! There was a gap in their concept, and this gap was filled in several steps. The first step was to collect the prophetic scrolls and to introduce texts that interpreted the prophetic messages in line with the teachings of the Deuteronomists. The second step was to interpret the role of the prophets with respect to the fall of the Northern Kingdom in 2 Kgs 17:13–15, 22–23*:

YHWH warned Israel and Judah⁷ through all his prophets⁸ and seers:

6. With respect to Jer 26:16 and 44:16, see also Zech 13:3 ("telling lies").

7. A sermon directed by the prophets to "Judah and Israel" is mentioned in Hos 2:2; Jer 3:18, 33:7, 42:15; Mic 5:1; Zech 2:2, 8:13, 11:14; Mal 2:11. With the exception of Jer 3:18, these passages contain oracles of salvation.

8. All his prophets: 1 Kgs 22:22–23; 2 Kgs 17:13 (2 Chr 18:21); of Baal: 2 Kgs 10:19; all his servants, the prophets: 2 Kgs 17:23; Jer 7:25, 25:4, 35:15, 44:4. There is a very strong link between 2 Kgs 17:13–23 and Jeremiah.

“Turn⁹ from your evil ways and observe my commands and decrees, in accordance with the entire Torah that I commanded your fathers to obey and that I delivered to you through my servants, the prophets.” But they did not listen and were as stiff-necked as their fathers, who did not believe in YHWH, their God. They rejected his decrees and the covenant he had made with their fathers, and the warnings he had given them. . . . and the Israelites persisted in all the sins that Jeroboam had committed, they did not depart from them. In the end, YHWH removed Israel from His presence, as He had warned them through all His servants the prophets. So the Israelites were deported from their land to Assyria, as is still the case.

The third step was the reworking of some of the prophetic scrolls introducing a “theology of return“ (*Umkehrtheologie*) in accordance with the concept of the prophet as a servant of God who calls the people to turn from their evil ways (e.g., Hos 2:9; 3:5; 5:15; 6:1), stating that the people’s unwillingness and inability to convert (Hos 5:4, 15; 7:16; 8, 13) and their resulting need to bear the consequences and suffer the punishment (Hos 8:13; 9:3; 11:5) leaves the conversion and the return to the holy land to the coming generations (Hos 12:3, 7, 10, 15; 14:2, 3, 5, 8). Similar observations can be made in Amos (4:9–11). The impossibility of conversion is stressed in Isa 6:10; thus, Proto-Isaiah seems to reflect an ending “point of no return.” But in Jeremiah the theme is reflected intensely (Jer 2:24, 35; 3:1, 7, 10, 12, 14, 19, 22; 4:1, 8, 28; 5:3, 8:4–6, 11:10, 12:15, 15:7, 19; 16:15, 18:8, 11, 23:22, 25:5, 26:3, 29:14, 35:15, 36:3, 44:5, 14; and so on).

In Jeremiah, the historical view of 2 Kgs 17:13 is attested several times. Jer 18:11 applies the words of the conversion sermon that was directed to Israel first and secondarily to Judah in one of Jeremiah’s sermons to the people of Judah and Jerusalem. The account in Jer 35:15 repeats the words of 2 Kgs 17:13 with respect to the same group (Jer 35:12; for parallels, see table 2).

In addition, we can observe in Jeremiah that the concept of Deut 18:15–22 is applied systematically. Most scholars have seen connections between Deuteronomistic Deuteronomy and Jeremiah especially in Jeremiah 1; 7; 11; 17; 26; 31; and 34.¹⁰ After the Deuteronomists in Deut

9. The prophetic call to return can be found in Isa 31:6, but mostly and most closely in 2 Kgs 17:13 and in Jer 3:14, 22; 18:11. Jer 25:5, 35:15 are very close to 2 Kgs 17:13 (see also Ezek 14:6, 18:30, 33:11; Hos 14:3; Joel 2:12, 14; Zech 1:3, 4, 9, 12; Mal 3:7).

10. See Thiel 1973, 1981; Levin 1985; Stipp 1992, 1998; Schmid 1996; and Maier 2002. The implication of the use of paradigms and formulas from the Deuteronomistic Deuteronomy or from the redactional layers of Joshua–Kings does not, of course,

Table 2. Parallels in Conversion Sermons to Judah

2 Kings 17:13	Jeremiah 18:11; 35:15
<p>ויעד יהוה בישראל וביהודה ביד כל־נביאו כל־חזה לאמר שבו מדרכיכם הרעים ושמרו מצותי חקותי ככל־התורה אשר צויתי את־ אבותיכם ואשר שלחתי אליכם ביד עבדי הנביאים</p>	<p>ועתה אמר־נא אל־איש־יהודה ועל־יושבי ירושלם שובו נא איש מדרכו הרעה והיטיבו דרכיכם ומעלליכם ואשלח אליכם את־כל־עבדי הנבאים השכים ושלח לאמר שבו־נא איש מדרכו הרעה והיטיבו מעלליכם</p>

18:9–14 had forbidden all sorts of divination and Jeremiah had suffered conflicts with controversial prophetic announcements, Deut 18:15–22 attempts to connect a selected variety of prophetic tradition with a divine revelation rooted in the Mosaic revelations. It thus subsumes the prophecy under the measures of scribal erudition and interpretation. At several places in the book of Jeremiah, we can observe now that this theory is applied together with the historical theory mentioned in 2 Kgs 17:13. This means that the book of Jeremiah has been largely reworked by scribes, who are not simply “Deuteronomists” in the sense of the authors of the Deuteronomistic versions of Deuteronomy, but the history of rewritings and reworkings in Jeremiah are part of a post-Deuteronomistic development, where the historical views of 2 Kings 17 and the lately introduced theological theory on the revelation of the *word* of God from Deuteronomy 18 are combined. The scribes responsible for this assumed another source of divine revelation beside the Torah of Moses in the Prophets.

Now, let us look at some examples. In Jeremiah 11, the prophet announces the new words of a covenant.

The word that came to Jeremiah from YHWH¹¹, saying: “Listen¹² to the words of this covenant¹³ and tell them to each citizen of Judah and over

imply that the authors are the same. The redactional concepts of the rewritings in Jeremiah go far beyond the Deuteronomistic views of the Deuteronomistic Historians. See Römer 2009: 168–83; Otto 2007a: 134–82, 2009: 515–60, 2007b: 171–84; Achenbach 2007: 26–71.

11. The formula *יהוה לאמר אשר היה אל־ירמיהו מאת יהוה* is obviously part of a redactional composition and appears several times in the book (Jer 11:1, 18:1, 21:1 [25:1], 30:1, 32:1, 34:1, 8; 35:1, 40:1).

12. *שמעו דבר יהוה / שמעי / שמע*; cf. Jer 2:4, 7:2, 10:1 (11:10; 13:10), 17:20, 21:11, 22:2, (22:29), (29:19) 20, 31:10, 42:15; *שמעו את־דברי הברית הזאת*; Jer 11:2, 6, 7; *שמעו בקול יהוה*; Jer 7:23, 28; 32:23; (see also 42:6, 13); 42:21, 44:23; *שמעו בקולי*; Jer 7:23, 11:7).

13. *דברי הברית* refers to: (a) the Decalogue in Exod 34:28; (b) the covenant of Moab (= the Deuteronomic laws) in Deut 28:69 (except the Decalogue; cf. Deut 5:2);

all those who dwell in Jerusalem!¹⁴ Tell them: Thus says YHWH, the God of Israel: Cursed¹⁵ is the man who does not listen¹⁶ to the words of this covenant, that I commanded your forefathers on the day that I brought them out of the land of Egypt, from the smelting furnace,¹⁷ saying: Listen to my voice and do everything, I command you, then you will be my people and I will be your God,¹⁸ that I will fulfill the oath that I have sworn to your forefathers, to give them a land flowing with milk and honey, the land you possess today!” And I answered, saying: “Amen,¹⁹ YHWH!” (Jer 11:1–5)

The language is peculiar to a systematic structuring edition of Jeremiah, as we can see from the parallels to v. 1. The “words of the covenant,” according to Exod 34:28, are the words of the Decalogue written on the second tablets by YHWH himself (Exod 34:1). According to the redactional shape of the Deuteronomistic frame in Deuteronomy, except from the words of the covenant at Mount Horeb, YHWH had commanded Moses to write down in Moab the words of a covenant that Moses had to make with the Israelites (Deut 28:69). According to Deut 29:8 the generation of the conquest receives the command from Moses, “*to keep to the words of this covenant.*” Jer 11:8 confirms the covenantal theology and message of Deuteronomy:

They would not listen or give ear, but they all followed the willfulness of their evil hearts; so I have brought upon them all the words of this covenant, because they did not do what I commanded them to do!

29:9; (c) the scroll read out by Josiah, 2 Kgs 23:(2), 3 (//2 Chr 34:[30], 31); (c) the law proclaimed at the time of the Exodus, Jer 11:2, 3, 6, 8; 34:18. The concept of Jeremiah 11 thus already refers to a combined Hexateuch including Exodus 20–34* and Deuteronomy.

14. אִישׁ יְהוּדָה יֹשֵׁב יְרוּשָׁלַם 2 Kgs 23:2 (cf. 2 Chr 34:30); Jer 4: (3), 4; 11:2, 9; 17:25, 18:11, 32:32, 35:13. Even the parallelism in addressing Judean men and the citizens of Jerusalem is, with the exception of these texts, mentioned only in Dan 9:7. The references of Jeremiah thus clearly go back to the concept of an ideal representation of Israel within the realm of Jerusalem and Judah.

15. The curse of Jeremiah (אָרוּר הָאִישׁ) echoes the curses of Deut 27:15–26 (אָרוּר הָאִישׁ; cf. v. 15); literarily, it is linked with Deut 29:9–12 and Josh 8:30–35, a text that refers not only to Deuteronomy but also to the Covenant Code (Josh 8:31; cf. Exod 20:25). The picture of Jeremiah resembles a Hexateuchal narrative that is not confined to Deuteronomistic writings.

16. Deut 28:1.

17. For the metaphor, see Deut 4:20 and 1 Kgs 8:51, texts that are additions with respect to their Deuteronomistic surroundings.

18. Deut 29:12; cf. Deut 28:1.

19. Again, the prophetic text takes up an element from the fictional rite described in Deut 27:15–26.

The obligation to listen to the voice of YHWH and to do what he says (שמע בקולו ועשה) is the way that the authors of late layers in Deuteronomy express the idea of obedience (Exod 23:22 [Lev 26:14]; Deut 5:27, 6:3, 26:14, 30:8, 12, 13 [2 Kgs 18:12 neg.]; and Jer 11:4).

At the day of the promulgation the whole people enters into the covenant accepting its obligations and the oath taken on them (Deut 28:11). At the same time, they are declared to be the people of YHWH, and YHWH is proclaimed as the God of the whole nation (Deut 29:12; cf. 26:16–19). As in Deut 5:2–3, the generation of the covenant at Mt. Horeb and the generation at the border of the promised land are subsumed under the obligations of the first covenant; in Deut 29:13–14 covenant with the generation at the strands of the Jordan is declared to refer to the generations to come. Jeremiah 11 takes up this structure: Jeremiah is expected to speak to the generation at the time before the exile, proclaiming words of a covenant on the citizens of Judah and Jerusalem. His “prophetic message” is close to Deut 27:15–26: the prophet is laying the curse on those who do not obey the voice of YHWH.

What in Deuteronomy 27 refers to the generation of the conquest is now part of an obligation promulgated by the prophet Jeremiah. YHWH repeats the promise of the land to the last preexilic generation, knowing perfectly well that at this time the land already was lost for Israel and had gone over into the possession of the heathen Babylonians. Jeremiah applies the covenantal texts and theology of Deuteronomy to this generation in danger and confirms that this generation has the possibility to become the people of YHWH again in a full sense of the word, when their members are prepared to obey the laws of Horeb and of Deuteronomy. The author of Jeremiah 11 thus states that the promise of YHWH to Moses at Mt. Horeb mentioned in Deut 18:15–18 was fulfilled in Jeremiah. He was the prophet to repeat the words of YHWH that he already had put into the mouth of Moses, because YHWH had put his words also into the mouth of Jeremiah (Jer 1:9). The redactor of Jeremiah 11 applies the same paradigm as that created in Deuteronomy 18. The contents of Jeremiah’s message is formulated in accordance with the contents of the Mosaic kerygma and covenantal theology. But—different from Deuteronomy 27—the covenantal proclamation is answered *not* by the people but by Jeremiah himself only: “And I answered: Amen, YHWH!” The people do not listen to the prophet’s covenantal message. Jer 11:6–8 illustrates the resume of 2 Kgs 17:13–17 and fulfills the prophecy of Deut 18:18. Although this text seems to refer to a series of prophets and “seers” (Isa 1:1 and passim), the divine warning through the prophets is mentioned *only* in Jer 11:7:

Table 3. The Message of Jeremiah and Canonization in 2 Kings 17:13–15a

Jeremiah 11:6–8	2 Kings 17:13–15a
<p>ויאמר יהוה אלי קרא את־כל־הדברים האלה בערי יהודה ובחצות ירושלם לאמר שמעו את־דברי הברית הזאת ועשיתם אותם כי העד העדתי באבותיכם ביום העלותי אותם מארץ מצרים ועד־היום הזה השכם והעד לאמר שמעו בקולי ולא שמעו ולא־הטן את־אזנם וילכו איש בשׁויריות לבם הרע ואביא עליהם את־כל־דברי הברית־הזאת אשר־צויתי לעשות ולא עשו</p>	<p>ויעד יהוה בישראל וביהודה ביד כל־נביאו כל־חזה לאמר שבו מדרכיכם הרעים ושמרו מצוותי חקותי ככל־התורה אשר צויתי את־אבותיכם ואשר שלחתי אליכם ביד עבדי הנביאים ולא שמעו ויקשו את־ערפם כערף אבותם אשר לא האמינו ביהוה אלהיהם ומאסו את־חקיו ואת־בריתו אשר כרת את־אבותם ואת עדותיו אשר העיד במ</p>

כי העד העדתי באבותיכם ביום העלותי אותם מארץ מצרים ועד־היום הזה השכם והעד לאמר שמעו בקולי

For I earnestly *warned* your fathers in the day that I brought them up out of the land of Egypt, even unto this day, rising early and warning, saying: “Obey my voice!”

The sermon of Jeremiah is a sermon delivered among the citizens of Judah and Jerusalem, calling them (v. 6) to “listen to the words of this covenant and do them!” Scholars have observed the so-called Deuteronomistic influence on the redactions of some of the Twelve Prophets and on Isaiah. However, the systematization of the teaching attached to Deuteronomy in Deut 18:15–18 is improved only by the scribes who were responsible for handing down and editing the scroll of Jeremiah and Baruch. Jer 11:6–8 takes up the concept of canonization from Deuteronomy 18 and interprets the message of Jeremiah in accordance with 2 Kgs 17:13 (see table 3).

2 Kings 17²⁰ stresses the rejection to obey the commandments, while Jeremiah 11 refers to the covenantal aspect of the demand. Both texts—Jeremiah 11 and 2 Kings 17—go back to the times of the forefathers: Jeremiah reminds the listeners of the role of the fathers, while the text illustrates in the form of a sermon the theory of 2 Kings 17. The Jeremiah text takes up the motif of **האמינו** that we find in Isa 7:9, but also in Deut 1:32 and in the redactional interpretation found in Exod 14:31. The Jeremianic scroll intentionally takes up the covenant aspect from Deuteronomy that is also mentioned in 2 Kgs 17:15. The sermon of conversion of Jeremiah is written with intentional reference to Deuteronomy 18 and 2 Kings 17. The covenant theology of Jeremiah 11 corresponds to Deuteronomy 18.

20. For the problem of diachronic stratification in 2 Kgs 17:7–20, see Blanco Wissmann 2008: 148–61.

The text represents a very young state of text tradition;²¹ vv. 7–8 are missing in the LXX, which means that it was lost in the Alexandrian textual version (H.-J. Stipp 1994: 60–61) or that it had been left out by the scribes (C. Levin 1985b: 74).

Jer 11:9–13 gives reason for the disaster afflicting Judah. In Jer 11:10, we read: “They have returned to the sins of their forefathers, who refused to listen to my words. They have followed other gods to serve them. Both the house of Israel and the house of Judah have broken the covenant I made with their forefathers!” It is obvious that there are several links between Deuteronomy 18 and the book of Jeremiah (Deut 18:18; cf. Jer 1:9). Jeremiah is the prophet from whom we know that God “put his words into his mouth,” as announced in Deut 18:18, in order “*to speak in the name of the YHWH*” (cf. Deut 18:19). In the narrative about the lawsuit against Jeremiah, the השרים and the people speak to the priests and prophets (Jer 26:16: *אין־לאיש הזה משפט־מות כי בשם יהוה אלהינו דבר* (אלינו). The people and its leaders are witnesses of the truth of the Mosaic prophecy: he is the prophet, whom YHWH has raised “to speak his words in his name” (*דברי אשר ידבר בשמי*), as in Deut 18:19. It is mainly the book of Jeremiah where we find this formula, to speak or to prophecy “in the name of YHWH” (see also Jer 11:21; 20:9 [26:9]; 44:16), and the prophet complains about this task and wants to end it but has to bear his sufferings (Jer 20:9: *ואמרתי לא־אזכרנו ולא־אדבר עוד בשמו*).

Whereas Deut 17:8–13 relates to the *written torah* that stands under the auspices of levitical priests who “serve in the name of the YHWH” (Deut 10:8; 18:5), Deut 18:16–18 develops the perspective of an *oral torah* under the control of scribes who follow the prophet who “speaks in the name of the YHWH.” Thus, the non-Mosaic oral torah of the Prophets becomes *the unwritten Text of the Covenant*.

False Prophecy

The false prophets prophesy falsely in the name of God (e.g., Jer 14:14–15; 23:25; 27:15; 29:21). The sermon against false prophets in Jer 23:16–22 follows the measures of 2 Kgs 17:13. According to this text, the content of a sermon sent by YHWH is the call to conversion (*שבו מדרכיכם* (הרעים)). Jer 23:22 stresses: “If they had stood in my council, they would have proclaimed my words to my people and would have turned them from their evil ways (*וישבום מדרכם הרע*).” The false prophets recount only “the visions from their own hearts, not what comes from the mouth of

21. See Levin 1985b: 74; Wanke 1995: 121; Maier 2002: 175–76.

YHWH,” Jer 23:16 (חזון לבם ידברו לא מפי יהוה). They are no better than the prophets of Samaria, who prophesy the messages of Baal. In the account on the confrontation between Hananiah and Jeremiah in Jer 28:9, the redactional narrator says (Jer 28:9): “The prophet who prophesies peace will be recognized as one truly sent by YHWH only if his prediction comes true”:

בבא דבר הנביא יודע הנביא אשר־שלוהו יהוה באמת

The law of the prophets in Deut 18:15–22 draws the consequences of these interpretive views of the late history of the kingdoms and introduces clear measures for the fraud of false prophecy:

- (1) When they speak words in the name of YHWH that have not been commanded by YHWH, they act presumptuously and blasphemously (Deut 18:20; יזיד), and they have to die (Jer 23:33).
- (2) When they speak words in the name of other gods (Jer 23:13), they have to die.
- (3) The truth of a prophecy is confirmed when the event announced takes place and becomes true (יהיה יבוא הוא; Deut 18:22) and vice versa.

Jeremiah 26 and 31

The account in Jer 26:2 reports a commandment from YHWH to Jeremiah to tell the people from the cities of Judah who come to the temple in Jerusalem “all the words that I (=YHWH) commanded you to tell them” (כל־הדברים אשר צויתך לדבר אליהם), and not to subtract one word (אל־תגרע דבר). The prophet thus has a similar role to Moses’, teaching all the commandments that YHWH commanded (cf. Deut 1:1; 6:1) and not adding or subtracting a word (Deut 4:2). The deity hopes that the people will turn from their evil ways (Jer 26:3: וישבו איש מדרכו הרעה) so that God may “repent” and refrain from bringing a disaster upon them (Jer 26:3: אנכי חשב לעשות להם מפני רע מעלליהם). The latter motif is reminiscent of Moses’ prayer (Exod 32:9–14) that leads to the repentance of God (וינחם).²² The former resembles the motif of

22. The repentance of God is a frequent motif in Jeremiah, aside from the appearance of the motif in P: Gen 6:6, 7; redactionally in Exod 32:12, 14; 2 Sam 24:16; and in some prophetic Scriptures: Ezek 24:14; Joel 2:13, 14; Amos 7:3, 6; Jonah 3:9, 10. Cf. Jer 4:28; 18:8, 10; 20:16; 26:13, 19; 42:10. In speaking of Exod 32:12, 14 as redactional, I mean that it is doubtful that the text is Deuteronomistic. The prayer in Exod 32:11–14 is an insertion made by a redactor after an older version of this text had been quoted in Deut 9:12–14[15]. On this, see Aurelius 1988. The text provides

the prophetic sermon, according to 2 Kgs 17:13: שבו מדרכיכם הרעים ושמרו: מצותי חקותי ככל-התורה.

The message of Jeremiah, according to Jer 26:4–5, combines the idea of the obedience to the torah (v. 4: אמ-לא תשמעו אלי ללכת בתורתי אשר; נתתי לפניכם לשמע על-דברי עבדי הנבאים אשר אנכי: שלח אליכם וזאת: 4:44). The first formula is reminiscent of Deuteronomy (4:44: וזאת: 4:44), the second of 2 Kgs 17:13: ככל-התורה אשר צויתי את-אבותיכם ואשר שלחתי אליכם ביד עבדי הנביאים: 17:13). The torah revealed to the fathers with the mediation of Moses stands in a single line with the torah revealed to the “present” generation with the help of the prophets. In Jer 26:16, the leaders of the people declare that in contrast to all the priests and prophets of Judah (v. 7) it is Jeremiah who has spoken “in the Name of YHWH” in accordance with Deuteronomy 18.

The scribal redactional concept of the correlation between the Mosaic and the prophetic torah in Deut 18:15–22, 2 Kgs 17:13–15 and Jeremiah 26 is consistently the same. This means that the second part of the law on the prophets in Deuteronomy 18 was written with respect to the canonization of the prophetic torah in Jeremiah (and perhaps also in other books, as indicated by the mentioning of Micah in Jeremiah 26). The covenantal theology in Jeremiah 11 and the torah theology in Jeremiah 26 is integrating the message of the book of Jeremiah with the message of Deuteronomy.

A further development is represented by Jer 31:31–34: the covenant of the fathers as referred to in Jer 3:14 and Jeremiah 11 will be replaced by a new covenant of a general religious renewal of the people of Israel and Judah, filling their “inner consciousness with the torah” and with God’s word written on “their hearts” (Jer 31:33). We see a culture of torah obedience rooted in the oral tradition of the prophets as formulated by the scribes of their scrolls: this seems to be the force of the unwritten covenant announced in Deut 18:15–18.

a new condition for the narrative about the punishment of Israel, because YHWH already repents and withdraws his decision to destroy his people before Moses enacts the punishment of those responsible for the idolatry. Thus, the redactor prepares the (enlarged) narrative of the covenant-renewal in Exod 34:5–7 (compare Deut 10:1–5). According to my view, this redactor was the one who gave the Hexateuch its compositional ground-shape (*Grundgestalt*). With respect to the Deuteronomistic theology of retribution, this redactor stresses the preponderance of grace. The idea seems to come from P. The language connects to that of the Decalogue and the thoughts of those in the Deuteronomistic school. The concept reappears in 2 Sam 24:16 in a form in which the legend contains the new teaching in an almost dogmatic paradigm.

The historical and theological concept established by the late redaction of Deuteronomy and Jeremiah has been reflected in the prayer of Neh 9:26–34. Here, the spiritual background is expressed in Neh 9:30: “By your spirit you admonished them through your prophets!” (וַתַּעַד בָּם בְּרוּחְךָ (בִּיד-נְבִיאִךְ). In the memorial of Neh 13:15, Nehemiah takes the role of the warning and testifying prophet (“I warned them against selling food on that day (Sabbath)!”) (וְאָעִיד בְּיוֹם מְכָרָם צִיד); see also v. 21). The reform of Nehemiah may be the impulse to launch the sermon on the Sabbath in Jer 17:19–27 (cf. Jer 17:21; Neh 13:19).

The redactional activity we observe in Deut 18:15–18, 20–22 is not part of a Deuteronomistic reform or restoration program, but it is a part of a redactional effort of scribes in the process of the postexilic canonization of prophetic scriptures. The non-Mosaic oral torah is interpreted as the “unwritten text of the Covenant.” As with the oral commandments of the Achaemenid great king, the authoritative legitimacy of these oral commandments is not doubted. They have to be considered as true and valid as the word of God himself. As a means of control, the text of the written covenant can be compared to their message; if the prophetic message will fail, this failure will lead to the conclusion according to the written torah in Deut 18:21–22.

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