

## The Origins of Biblical Covenant Theology

The main task for Old Testament research is to uncover the origins of Judaism. Which are the religio-historical conditions and the historical circumstances, that made an universal religion, not based on royal institutions, emerge from an Ancient Near Eastern background? This type of religion organized itself as cult community, passed on its traditions through the family, and was based on confession and education. In Persian and Hellenistic time Judaism spread itself out through the whole of the ancient world, with its ideal center in Jerusalem. Its customs and regulations were codified in written tradition, which through the course of time more definitely became the basis of religious and ethical observance, and the tie to bind the scattered congregations throughout the ancient world. Just as this religion itself focused on the worship of one god, it eventually developed the conviction that the divine itself can only be one. The more participation depended on obedience, the more the religious practice became a matter of the individual. This also meant that religion became universal. For Judaism, the one God is the ruler of humankind as a whole. As a result, each other person potentially holds the same relationship to God as I do: he becomes my nearest relation *sub specie Dei*. This means that ethics become universal. We are speaking about “ethical monotheism”.

The biblical account gives the impression that this religion was in existence since the creation of the world, or since the call of Abraham, or at the latest since the revelation which Moses received on mount Sinai. The exegesis of the eighteenth and nineteenth centuries gradually discovered that this historical picture does not mirror Israel’s history as it really was. Rather, it is a projection back, in which the Judaism of the Second Temple period shaped its pre-history through the eyes of faith. The growing knowledge of the religious history of the Ancient Near East, which arose from the written sources of Mesopotamia, Syria and Egypt as well as from the archaeological discoveries, have confirmed the findings of literary history and made them indisputable. Today the *fact* of a religio-historical change is no longer seriously debated. In question is rather *when* it happened. Many exegetes favour the eighth or seventh centuries. However, there is strong evidence that the change presupposes the end of the monarchy in Judah. This means that it took place at the end of the sixth century, when the Persian era began. We still do not really

know the reasons that made this change happen, which so much influenced the history of religion, and whose effects still determine Judaism as well as Christianity of the present day.

### The Starting Point

According to the oldest textual layers of the Bible, which critical exegesis is able to detect, during the era of the monarchy the Yahweh religion of Israel and Judah was a court religion. This is quite in line with what we know about from the other monarchies in Israel's surroundings. The Bible gives no complete picture of the religious situation in the Iron Age. About the worship and piety as it was exercised in the villages and families, there are only a few records. The written sources represent the cultural and religious level of the monarchy. This is because the writer worked at the court and at the temple. These are the only places where the existence of an archive can be assumed. However, this deficiency matters amazingly little. The reason is that the editors and theologians of the Second Temple period also stood within the tradition of the court religion. The religio-historical change came about, in large part, as a reinterpretation of the written religious traditions received from the older times. The new type of religion emerged out of the interpretation of the records of the old one. Anyhow, that is how we can grasp it.

The biblical narrative puts in front of the history of the monarchy an era in which the people of God existed without kingship. This era extends over no less than the first seven books of the Bible. We know today, that this presentation cannot be used as a historical source in the proper sense. Read critically, the Bible tells us something totally different: Israel was born out of the Iron Age monarchy and could not conceive of itself without a king for a long time. The best proof is to be seen in the purpose of the Deuteronomistic History. There is sure evidence that this historical work was not written during the Judean monarchy of the seventh century, but rather in the sixth century after the destruction of Jerusalem and the loss of kingship<sup>1</sup> – of course on the basis of older sources.<sup>2</sup> Timo Veijola has shown that the first edition of the Deuteronomistic History did not fundamentally criticize the monarchy, as Martin Noth thought, but emphatically campaigns for its restoration.<sup>3</sup> Only under the condition of the monarchy the rebuilding of the temple and a

<sup>1</sup> Martin Noth, *The Deuteronomistic History* (trans. J. Doull et al.; JSOTSup 15; Sheffield: Sheffield Academic Press, 1981; German original 1943).

<sup>2</sup> See, e.g., Christoph Levin, "The Synchronistic Excerpt from the Annals of the Kings of Israel and Judah," above 165–75.

<sup>3</sup> Timo Veijola, *Das Königtum in der Beurteilung der deuteronomistischen Historiographie: Eine redaktionsgeschichtliche Untersuchung* (AASF B 198; Helsinki: Suomalainen Tiedeakatemia, 1977).

religiously and socially well-ordered life was conceivable. The idea that Israel agreed with the institution of the monarchy only under the pressure of external need, and that kingship for the people of God remained strange throughout its history, has since been disproved.

The cult of the god Yahweh also dates to the monarchy. It does not stem from the beginnings. The name "Israel" is related to El, not to Yahweh. We do not exactly know, whom the first kings worshipped. Among Saul's sons there is Jonathan (1 Sam 14) who was named by a Yahweh-name, but also Ishbaal (2 Sam 2:8; 1 Chr 8:33) and Merib-baal (2 Sam 21:8) who bore Baal-names, and Jonathan's son again was called Merib-baal (2 Sam 4:4; 1 Chr 8:34). Also Baasha, the third king of the northern kingdom, bore a Baal-name (1 Kgs 15:33). Only from the middle of the ninth century onwards, when the Omrides came to power, was the court cult definitely bound to Yahweh. Ahab's sons Ahaziah (1 Kgs 22:52) and Jehoram (2 Kgs 3:1) are the first ruling kings of Israel with Yahweh-related personal names, and from then on, it became a rule. The same applies for Judah since Jehoshaphat (1 Kgs 22:41), who followed the Omrides as a close ally.

The Iron Age monarchy of the ninth century gave expression to its strengthening self-awareness, which we observe from the Assyrian inscriptions as well as from the impressive archaeological remains, by concentrating the royal cult on the god Yahweh, who was no other than the regional shape the Syrian weather god gained on the Israelite mountains.<sup>4</sup> We can trace the same religio-historical development also with Israel's neighbouring kingdoms: with the god Milcom of the Ammonite kings, the god Chemosh in Moab, and later the god Qaus in Edom. The central position of the king, which creates its counterpart in the religion, leads to a decline of power for the other gods of the Canaanite pantheon. One can basically speak about *de facto Monolatry*, when discussing the court religion of this era. This does not rule out that other gods remain in play, for example the hunting and war goddess Anath, who according to the Ugaritic Baal Cycle supports the weather god in his struggle for kingship.<sup>5</sup>

The harsh changes of the seasons in Syria-Palestine did not lead one to comprehend the divine as a single unity. The weather god showed his power during the period of the vegetation only. From this arose the concept of a periodical struggle of the gods for the ruling power. The most powerful rival of the weather god was the sea god, through whom the winter storms on the Levantine coast won a mythical face. The sea god embodied the life-

<sup>4</sup> See Reinhard Müller, *Jahwe als Wettergott: Studien zur althebräischen Kultlyrik anhand ausgewählter Psalmen* (BZAW 387; Berlin: de Gruyter, 2008).

<sup>5</sup> See Peggy L. Day, "Anat," *DDD*: 36–43. Evidence for the goddess Anath in Israel/Judah is to be found in place names like Anathoth as well as in the figure of the goddess Anath-Jahu and Anath-Bethel in the Elephantine papyri (CAP No. 22,125 and 44,3).

threatening chaos. In the inner country this myth was an import. It served the kings to legitimize their political power through religion. At the beginning of the year in autumn the theophany was performed in the cult. Riding on clouds like the Baal, Yahweh appeared in thunderstorms, defeated the sea god, and demonstrated, in the return of the vegetation cycle, his awoken blessing power. In cultic practice the theophany resulted in the ascent to the throne: “Yahweh has become king!” (Ps 93:1; 97:1). In the mythical conception it is not contradictory that Yahweh has always been king and nevertheless wins his kingdom anew every year, and does this every year for all future time. The liturgy imitated the king’s ritual. With god’s ascent to the throne, the king celebrated his own power. He presented himself as “servant of Yahweh”, who was committed by the deity, to preserve the world order in his realm. The enthronement hymns, which have been passed down, sing of the king as the of one Yahweh uses to establish “justice and righteousness.” (Ps 72:1; 97:2 a.o.).

From the last third of the eighth century onwards the Judean tradition shows a significant Assyrian influence alongside the Phoenician. Just as Judah crept out of the shadows after the fall of the northern kingdom and developed an importance of its own, the king was the vassal of the Assyrians and was under the cultural impression of the imperial world power. The relationship of the king to the dynastic god is thought in terms of vassallity. Old Testament statements that oblige loyalty to Yahweh have close parallels in Assyrian vassal treaties. The same pattern was used between the Judean king and his ministers and military officers. We can suspect, that the appointment formula: “I will be your Lord, and you shall be my servant,” was widely disseminated. It is also occasionally placed in the mouth of Yahweh as an adoption formula for the King: “I will be your father, and you shall be my son” (2 Sam 7:14; Ps 2:7; 89:27–28). In the liturgical sequence of (1) lament (e.g., Ps 13; 26:1–7; 61; 70), (2) oracle of salvation (e.g., Isa 41:8–13; 43:1–7), (3) song of trust (e.g., Ps 27:1–6; 118:6–13), and – after the victory over the enemies – (4) song of thanksgiving (e.g., Ps 30:2–4, 12–13; 118:5, 14, 17–19, 21, 28) we are able to follow the cultic performance of the king’s relationship to god. These forms, which have been received in the tradition, operate in the common Near Eastern way, which above all is testified with many examples in Assyria.<sup>6</sup>

### Factors of Transition

Judah and Israel differed from their neighbouring kingdoms in one important respect: Since the rise of the royal Yahweh cult in the ninth century, the god Yahweh was worshipped in two neighbouring kingdoms contemporaneously.

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<sup>6</sup> For a more detailed outline of the Judean ritual as well as of its Assyrian model see “Old Testament Religion: Conflict and Peace,” above 165–81.

This became crucial when the peaceful agreement between the dynasty of Omri and the dynasty of David fell down after the violent end of the Omrides by the hand of Jehu (2 Kgs 9–10). Once Israel and Judah politically and militarily challenged one another, Yahweh the god of Israel stood against Yahweh the god of Judah.<sup>7</sup> So, it could happen that the Judean court prophet Isaiah, during the Syro-Ephraimite war in the years 734–33 when the kings of Israel and of Aram united against the king of Judah (2 Kgs 16:5), could announce the downfall of the kingdoms of Israel and Aram by the hand of the Assyrians in the name of Yahweh (Isa 8:1–4). The book of Hosea agrees with this prediction. Referring to the “blood of Jezreel” (Hos 1:4), i.e., the murder of the Davidides by Jehu (that is recorded in 2 Kgs 9:27; 10:13–14), Yahweh hurls against the “house of Israel”: “You are not my people and I am not your God” (Hos 1:9). In this way the appointment formula is used in order to revoke Yahweh’s vassal relationship with the northern kingdom. The Judean prophet Amos, who actually belongs to the same time,<sup>8</sup> lets Yahweh declare: “The end has come upon my people Israel” (Amos 8:2).

The so-described contrast of northern and southern kingdoms won a special significance when the kingdom of Israel had fallen down under the Assyrians. The archaeology of settlement shows that not a few people became refugees to Judah before the Assyrian deportation. The records as preserved in the Old Testament also prove that the same is true for part of the royal archives, which must have been brought safely to the south. The refugees were aliens in Judah, which probably led to social tensions.<sup>9</sup> They brought along their religious traditions, and these were gradually integrated in Judah.

When in the last third of the seventh century, the power of the kings of Assyria declined, the king of Judah probably took the possibility to enlarge his territory towards the north into the former Assyrian province of Samerina. Following the example of the personal union under David, he claimed for the kingdom of Judah to be “Israel.” The clearest proof of this is the synchronistic scheme transmitted in the book of Kings, which combines an excerpt of the annals of the kings of Israel and of the kings of Judah in order to tell the history of both monarchies as a twofold unity from Judean perspective.<sup>10</sup> The

<sup>7</sup> A conflict of this kind is recorded in 2 Kgs 14:8–14 between Amaziah of Judah (805–776[?]) and Joash of Israel (805–790).

<sup>8</sup> The dating that associates the prophet Amos with king Jeroboam II. in the middle of the eighth century is an (inner-biblical) mistake, see Christoph Levin, “Amos und Jerobeam I.,” *VT* 45 (1995): 307–17, repr. in: *Fortschreibungen: Gesammelte Studien zum Alten Testament* (BZAW 316; Berlin: de Gruyter, 2003), 256–64.

<sup>9</sup> This may be mirrored in the patriarchal narratives of the book of Genesis. The patriarchs and their families are drawn as foreigners within the land.

<sup>10</sup> See “The Synchronistic Excerpt from the Annals of the Kings of Israel and Judah,” above 183–93.

fact that the Yahweh-cult was common to north and south provided the religious foundation: “Hear, O Israel, Yahweh is our God, Yahweh is a single one!” (Deut 6:4). For the meaning of this highly disputed phrase the number  $\text{אֶחָד}$  “one” is decisive.<sup>11</sup> It claims that the “Yahweh from Samaria” and the “Yahweh from Jerusalem” is one and the same Yahweh. This *programmatic mono-Yahwism* was meant to overcome the fact that north and south were both next-to and in opposition to one another, in religious terms. Consequently the uniqueness of the place of worship corresponded to the unity of the deity. In Deuteronomy the Yahweh-cult outside of Jerusalem was prohibited (Deut 12). The programmatic mono-Yahwism was one of the preconditions, which allowed the Yahweh-religion in the sixth century to overcome the end of the Davidic dynasty as well as the destruction of the temple by the Babylonians. However, the religio-historical change reached very much deeper.

### The Crisis

After the conquest of Jerusalem, the first and most urgent need was to get back the former living conditions. One experienced the lack of public security as the biggest loss. Therefore the Davidic dynasty had to be reestablished as soon as possible to ensure “justice and righteousness” in the land. And because the living conditions were understood as dependend on the regular worship of the deity, who was watching over the welfare of the land, the king should resume the official Yahweh-cult and build up the temple again. This longing found its literary shape in the “Deuteronomistic History,” which on the basis of the preserved archival material created a history of the Israelite and Judean monarchies, and at the same time set the standards for the future: a united Israel from the north and the south under the Davidic king, faithful to Yahweh and concentrating on the cult at the temple in Jerusalem.

The Deuteronomistic History puts in front of the history of the monarchy a fictitious pre-monarchic era. In the cyclical pattern of defeat and salvation, which gives the book of Judges its rhythm, the experiences of the eighth to sixth centuries are depicted, when Israel and Judah again and again suffered from foreign oppression. Out of every crisis which affected the Israelites, they were rescued by the saviour whom Yahweh raised,<sup>12</sup> until finally during the hard oppression of the Philistines, the kingdom was established (1 Sam 8:1, 3–5, 6b–7a, 22aβb; 10:17, 20–24). If Yahweh regularly had raised saviours in the past, he would do so in the present as well. Remarkable is how, in this

<sup>11</sup> See Erik Aurelius, “Der Ursprung des Ersten Gebots,” *ZTK* 100 (2003): 1–21, esp. 7.

<sup>12</sup> See esp. the episode in Judg 3:7–11 about the judge and saviour Othniel. It serves the editor to tell the reader the point of the following stories and their scaffolding.

historical outline, the early history becomes a model of Gods action hoped for in the time to come. From this time onwards, the “memory of the future” becomes a mark of the Old Testament. History itself gets prophetic power.

The hope deceived. When the Babylonian empire was surprisingly quick to crumble, the Persians entered in its place, who by their system of satrapies established an effective administration, which did not allow the provinces more than limited sovereignty. Henceforth the Yahweh religion would have to manage without the mediatory role, which the king took on in the relationship with god. The Persians only made possible the rebuilding of the temple at some time which we do not exactly know.

Before one’s eyes, the ruins of the temple showed the impotence of the god Yahweh, who had at the same time lost his politico-religious purpose. It would have been a matter of course to abandon the Yahweh-religion. But this was not what happened. Instead there was a new beginning. The main reason for that is to be seen with the prophets. In fact the transmitted collections of prophetic utterances contributed the most. They now became eloquent in a new, unforeseen way. Since Judah claimed to be “Israel”, that allowed the message, which Isaiah, Hosea, and Amos uttered against the hostile Israel in the eighth century, to be understood in a new light: The god Yahweh had turned against his own people and announced the downfall to them. Now the destruction of Jerusalem got a new religious meaning: It was the punishment which the Judeans experienced through Yahweh himself.

And at the same time it showed, that the prophetic prognoses were truth. They proved to be the genuine word of God. In hindsight the Judean court prophecy became the Old Testament prophecy of judgment. The message thus understood, goes far beyond the statements that a god is upset with his land or his dynasty, which one finds occasionally with Israel’s neighbours.<sup>13</sup> It denies the relationship with God itself: “You are not my people!” Under this condition the catastrophe of Jerusalem received a surprising reason: The downfall of the dynasty and the temple were authored by Yahweh himself. It was his sentence. We can gather this meaning in the additional scenic framework at the beginning of the book of Jeremiah. There the vision of Amos: “The end has come upon my people Israel” is quoted and modified in order to become synonymous with the end of Judah.<sup>14</sup> We may call this crucial step, which we observe within the history of religion, a religious-historical irony.

The penalty calls to question the guilt: “What is the sin that we have committed against Yahweh, our God?” “Because your fathers have forsaken

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<sup>13</sup> See, e.g., the anger of the god Cemosh with his land Moab, told on the Moabite Stone by king Mesha, line 5–6, *ANET*, 320 (W. F. Albright); *COS* 2.23 (K. A. D. Smelik).

<sup>14</sup> For this re-interpretation see “The ‘Word of Yahweh’ in the Book of Jeremiah,” above 221–43, esp. 226–28.

me, says Yahweh, and have gone after other gods and have served and worshipped them” (Jer 16:10–11). Yahweh terminated his relationship with Israel and Judah and punished them, because they had broken with him and had become apostates. This reproach uses the traditional categories of the vassal–king relationship, but it also marks the fundamental change, which then occurred. This is because the reproach is doubly absurd. Firstly in an institutional respect: The vassal–king relationship with the divine did not apply to the people, but to the king; secondly, in a religio-historical respect: until the very end the Judeans had no reason to turn their back to their god Yahweh. In extreme distress one does not throw away his religious identity. But as soon as the temple lay in ruins, “other gods” became a real alternative.

### The Religio-Historical Turn

Only after the end of the monarchy could the people themselves become the counterpart to the divine, marking a new beginning. The commitment to loyalty applied henceforth to everyone. The “you” that formerly addressed the king as the guarantor of divine world-order, shifted to the Judeans and in the later times to each individual.

The turn is tangible in the strange double meaning of the book of Deuteronomy. In its original shape that was conceived in the seventh century the law propagated only the unity of the place of worship and the unity of the god Yahweh. However, in its current form it reads as the normative basis for Israel’s relationship to God. It became subject to a loyalty oath.<sup>15</sup>

We know this genre from the Assyrian vassal treaties. A closer parallel is the oath, by which the servants of the king would be bound to loyalty to the newly enthroned king, so as to guarantee the continuity of rulership. For this we have examples from Syria, dating to the mid-eighth century, namely the inscriptions of Bar-Ga’yah and Mati’el found at Sefire,<sup>16</sup> and the Hadad inscription of Panamuwa found near Zenjirli.<sup>17</sup> In this very sense the *Shema*, as the introduction of Deuteronomy, was eventually enlarged: “You shall love Yahweh your God with all your heart, and with all your soul, and with all your

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<sup>15</sup> See for this fundamental change Timo Veijola, “Bundestheologische Redaktion des Deuteronomiums,” in *Das Deuteronomium und seine Querbeziehungen* (ed. T. Veijola; SEJS 62; Helsinki: Finnische Exegetische Gesellschaft, and Göttingen: Vandenhoeck & Ruprecht, 1996), 242–76, repr. in idem, *Moses Erben: Studien zum Dekalog, zum Deuteronomismus und zum Schriftgelehrtentum* (BWANT 149; Stuttgart: Kohlhammer, 2000), 153–75.

<sup>16</sup> COS 2.82 (Joseph A. Fitzmyer).

<sup>17</sup> COS 2.36 (K. Lawson Younger).



might” (Deut 6:5).<sup>18</sup> The programmatic mono-yahwism turned itself to *programmatic monolatry*.

To the corpus of the Deuteronomic law, a treaty scene was added. Its subject is the relationship between Israel and Yahweh as immediate counterparts: “You have let Yahweh declare this day that he will be your God, and to walk in his ways, and to keep his statutes and his commandments and his ordinances, and to obey his voice; and Yahweh has let you declare this day that you shall be his people of his possession, as he has promised you, and that you are to keep all his commandments” (Deut 26:17–18). The scene is clearly secondary when compared to the older parts of Deuteronomy, because the reciprocal declaration was inserted in the form of a soliloquy of Moses. Therefore the Hebrew became fairly difficult. The use of אָמַר *hiphil* is unique. The relationship of both partners is not balanced: on Yahweh’s side the divine choice dominates, on Israel’s side the commitment to loyalty and obedience is underlined. However, this is in accordance with the huge difference in authority and power between God and the human. In fact, the covenant between Israel and Yahweh should have occurred only through a unilateral declaration of Yahweh. The application to the religious matter changes the given genre of the vassal treaty.

The commitment scene also adapts the genre of Deuteronomy. The law, as it is transmitted, becomes the subject of a loyalty oath. To this genre belongs the threat in the case of breaking the treaty. Therefore, Deuteronomy now like a treaty closes with the a conditioned blessing, and moreover with a long curse (Deut 28:1a, 2a, 3–6, 15–19). The law gains a specific religious meaning, which it until now had not possessed. The obedience to the law becomes the expression of the relationship with god.

It has been proposed that the covenant scene be taken out of the context of the Deuteronomic speech of Moses and understood as a reflection of an actual historical event. Norbert Lohfink combines it with a more or less regular covenant renewal, which possibly was celebrated at the investiture of the Davidic king.<sup>19</sup> Rudolf Smend proposed as the background the covenant that was closed under Josiah.<sup>20</sup> But the scene in 2 Kgs 23:1–3 is clearly a literary reflection of Deut 6 and 26 and cannot apply as a historical event. Such

<sup>18</sup> See Timo Veijola, “Das Bekenntnis Israels: Beobachtungen zu Geschichte und Aussage von Dtn 6,4–9” (1992), in *Moses Erben*, 76–93, esp. 80–81; idem, *Das fünfte Buch Mose: Deuteronomium Kapitel 1,1–16,17* (ATD 8.1; Göttingen: Vandenhoeck & Ruprecht, 2004), 177 and 188–89.

<sup>19</sup> Norbert Lohfink, “Dt 26,17–19 und die ‘Bundesformel’,” *ZKT* 91 (1969): 517–53, repr. in *Studien zum Deuteronomium und zur deuteronomischen Literatur*, vol. 1 (SBAB 8; Stuttgart: Katholisches Bibelwerk, 1990), 211–62.

<sup>20</sup> Rudolf Smend, *Die Bundesformel* (ThSt 68; Zurich: EVZ-Verlag, 1963), 4–10, repr. in *Die Mitte des Alten Testaments: Exegetische Aufsätze* (Tübingen: Mohr Siebeck, 2002), 1–29, esp. 4–7.

proposals imply that the relationship between God and Israel existed so-to-say on a treaty basis. This is absurd, religio-historically speaking. None of the many covenant scenes related in the Old Testament can reflect real history. The notion of the covenant with god, seen historically, can only be a theological theory that serves to conceive the relationship to god and to give to it the fundamental position for which it can claim.

This brings up a further key scene: the covenant closed under Joshua in Shechem (Josh 24). Lothar Peritt has made evident the fictional character of the story.<sup>21</sup> Again it does not relate a real historical event. Rather it concerns Israel's fundamental consciousness of its relationship to its God. The scene is transferred at the end of the conquest of the land, but has as a goal the shaping of this relationship in the present postexilic time. In theological terms, the scene goes ahead of the covenant closing scene in Deut 26:17–18.

In Shechem, the Israelites select Yahweh as their God by free choice. No doubt, such a presentation cannot mirror the religio-historical reality. Religion history does not work like that. In history Israel could not have had the free choice, and theologically it should not have that choice. The sacrifice trial of Elijah (1 Kgs 18:21–40) teaches how the choice for a God possibly runs. By such an occasion the freedom of choice between Yahweh and other gods is not admitted, but rather destroyed.

In Josh 24 therefore the election was performed as a non-election. This cannot be called "election" (hebr. בַּחֵר), but it is. Israel commits itself *not to leave* Yahweh, so as to serve other gods: "Far be it from us that we should forsake Yahweh, to serve other gods. ... We will serve *Yahweh*, for he *is our god*" (Josh 24:16, 18). Using these words the people quotes and transmits the creed in the form of the *Shema*: "Yahweh is our God!" Obviously the strange procedure of a non-election was not to be avoided. What was the reason?

The tension arises from the use of a paradigm created for a different occasion. The election of a god is based upon the model of *the election of the king*. This shows itself in the details.<sup>22</sup> The convening of the representatives of the people follows the same procedure as on occasion of the election of Saul as king in 1 Sam 10:17. In 1 Sam 10 as in Josh 24 it is "all the tribes of Israel", who assemble and appear before God (צַבּוֹת לְפָנָי *hitp.*). The order in which the representatives put themselves has its precise meaning for the election procedure in 1 Sam 10, whereas in Josh 24 it is rather strange. The setting is transferred to Shechem, because there the kings Abimelech (Judg 9:6) and Jeroboam I. (1 Kgs 12:20) were made kings – a fact later condemned

<sup>21</sup> Lothar Peritt, *Bundestheologie im Alten Testament* (WMANT 36; Neukirchen-Vluyn: Neukirchener Verlag, 1969), 239–47.

<sup>22</sup> See the thorough analysis by Reinhard Müller, *Königtum und Gottesherrschaft: Untersuchungen zur alttestamentlichen Monarchiekritik* (FAT II 3; Tübingen: Mohr Siebeck, 2004), 215–31.

by the theologians. After the decision of the people, Joshua mediates a covenant (בְּרִית), in which the paradigm of a the treaty with the king can be recognized. After the political function of the בְּרִית disappeared with the end of the Davidides, it became possible to transfer it into religion. The Second Temple community overcame the desire of the restitution of the monarchy with the notion that Yahweh himself was the king over Israel. They could build on the widespread concept of divine kingship in the Ancient Near East, as it was shared in pre-exilic Judah also. This concept however fundamentally changed its character, becoming the direct relationship of the people with the deity without the royal mediator. Henceforth, to introduce the institution of the monarchy was seen as a sin, that awfully confused the relationship of God to his people.

The change, which took place at this time, is well to be observed at the term אֱלֹהִים אֲחֵרִים “other gods”. This term cannot originate from religious practice; for idolatry always happens in the worship of individual gods. The cult does never address an anonymous divine collective. Though widespread in the Old Testament, the term “other gods” is only explicable when it arises *a priori* as a contrast: “Not Yahweh, but other gods.” Originally, there are three possibilities for the use: (1) the commitment, as in Josh 24:16: “Far be it from us that we should forsake Yahweh to serve *other gods*”; (2) the polemics: “You go after *other gods* that you have not known” (Jer 7:9);<sup>23</sup> (3) and as a variant of the obligation, the rule: “I am Yahweh your God. You shall have no *other gods* before me” (Exod 20:2–3).

The latter, known most famously as the *First Commandment*, shows in itself the fundamental religio-historical change, which had taken place. Until then, there was no harm in the worship of other gods. In the frame of national religious practice it was usually self-defeating through its uselessness. But here it is explicitly and strictly prohibited: “I am Yahweh your God, who brought you out of the land of Egypt, out of the house of bondage. You shall have no other gods before me” (Exod 20:2–3; Deut 5:6–7). Formerly the worship of Yahweh was simply a given fact. Henceforth it became a matter of conscious and personal decision. The programmatic mono-Yahwism changed into *the exclusive monolatry*. In this form it now determines large parts of the prophetic tradition, the historical presentations and the Torah.

It is remarkable that the form, which this obligation has got in the First Commandment, again reminds one of the pattern of vassalage. It is the exclusive relationship of the divine lord and his the royal servant, that provides the model. The “you” addressed by the deity originally was the king. The duty impressed on him is the faithful loyalty of the vassal, i.e., to have no other overlord besides the one. From now on this concept was used not for the

<sup>23</sup> This has a variant in the justification of the catastrophe, which was quoted above: “Your fathers have forsaken me and have gone after other gods” (Jer 16:11).

kings position in the cult, but to shape the relationship of the people of God towards Yahweh: “no other gods.” The obligation binds every single member of the congregation. By this transformation religion radically changed its nature.

The decision for loyalty against Yahweh was conceived as answering to Yahweh’s saving care, which is called to mind with the words of the traditional creed: “Yahweh led Israel out of Egypt.” The idea, that Israel as a people stood in a covenant relationship with the god Yahweh, took hold of the tradition. So the covenant was moved back to Sinai (Exod 24:3–8; 34:10) and to Shechem (Josh 24:25). So the present conditions of post-exilic Judaism were in a bold anachronism transferred to the beginnings of history. To recognize this anachronism, was and is a major task for Old Testament scholarship.

The ideals and hopes also got their place there. As a result even the Torah moved to Sinai, in which the covenant relationship received its binding norms. The Decalogue stands in prime place. In the fundamental encounter between Moses and God on the mountain of God, it was proclaimed as the most essential law. In its original form the Decalogue took its contents from the ethical demands proclaimed by the prophets, which we know from the polemics of Hos 4:2 and Jer 7:9: “stealing, killing, committing adultery, swearing falsely, burning incense to Baal, and going after other gods that you do not know.”<sup>24</sup> After Moses’ descending from the mountain, in Exod 24:3–7, the obligation to obedience of the Decalogue is put on stage in the framework of a sacrifice ceremony. It is the Decalogue that forms the “Book of the Covenant” (סֵפֶר הַבְּרִית) read by Moses during the ceremony.<sup>25</sup> After the reading the people agreed: “All that Yahweh has spoken we will do, and we will obey.” Since then the covenant concept is closely connected with the obedience to the law. This dominates throughout the Old Testament. Finally Torah and covenant might as well be one and the same.

### The Application on History

With the commitment to covenant and law on Sinai just as with the election of Yahweh as the God of Israel in Shechem, a scale is inserted by which history can henceforth be measured. From here the fatal end of Israel’s history in the destruction of Jerusalem allows itself to be understood as the result of the disobedience. The catastrophe is attributed to the breaking of the covenant. To

<sup>24</sup> See Frank-Lothar Hossfeld, *Der Dekalog: Seine späten Fassungen, die originale Komposition und seine Vorstufen* (OBO 45; Bonn: Hanstein, 1982), 81–82.

<sup>25</sup> See Christoph Levin, “Der Dekalog am Sinai,” *VT* 35 (1985): 165–91, esp. 180–83, repr. in *Fortschreibungen*, 60–80, esp. 71–73.

speak in the categories of the vassal relationship: Israel had rebelled against Yahweh as their lord: “The house of Israel and the house of Judah have broken my covenant, which I made with their fathers. Therefore, behold, I am bringing evil upon them which they cannot escape” (Jer 11:10–11).

However, the linking of meaning of the history and coping of the future led to the insight, that the future could no longer remain dependent on the behaviour of the covenant partners on the human side. Once the historical disaster was ascribed to the cause that Israel had abandoned their loyalty to Yahweh and had broken the covenant, it was no longer sufficient to base the relationship with God on the call to loyalty and obedience. A covenant, which should not bear in itself the germ of new failure, could only be a unilateral act of forgiving love, which had its base and its continuing endurance on God’s side only. From this theological reflection grew the promise of an unconditional “new covenant” in Jer 31:31–32, 33b–34: “Behold, days are coming, says Yahweh, when I will make a new covenant with the house of Israel and the house of Judah, not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my covenant which they broke. But I myself, I am the lord of them, says Yahweh, [...] and will be their God, and they shall be my people. And no longer shall each man teach his neighbour and each his brother, saying, Know Yahweh, for they shall all know me, from the least of them to the greatest, says Yahweh; for I will forgive their iniquity, and I will remember their sin no more.”<sup>26</sup> At this place the Old Testament covenant theology gains its greatest width and openness. It reveals how strong its religious capability is.

This can be pursued in the Old Testament salvation prophecy. The promise of the new covenant was repeated and exposed several times within the Bible. In the book of Jeremiah it is especially applied to the fate of the Babylonian Golah and of the Jewish diaspora.<sup>27</sup> It was from the book of Jeremiah, that the book of Ezekiel took over the concept of the covenant of Yahweh with Israel. This is best observed in the literal takeover of Jer 32:37–41 in Ezek 11:14–20.<sup>28</sup> In the book of Ezekiel the concept of divine covenant gains such a weight that it becomes almost identical with the promise as such. A genre of salvation prophecy developed that we may call “covenant proclamation”. Each one of the respective textual units culminates in the formula: “I will be their God, and they shall be my people” with some slight modifications (Ezek 11:20; 34:24, 30; 36:28; 37:27).

<sup>26</sup> For a detailed analysis of Jer 31:31–34 see Christoph Levin, *Die Verheißung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang ausgelegt* (FRLANT 137; Göttingen: Vandenhoeck & Ruprecht, 1985), esp. 132–46.

<sup>27</sup> This is due to conflict between the Babylonian Golah and the Jewish community in Jerusalem during the end of the sixth and the fifth centuries, see “The Empty Land in Kings,” above 195–220, esp. 196–97.

<sup>28</sup> See Levin, *Die Verheißung des neuen Bundes*, 205–9.

In the book of Ezekiel as in the book of Jeremiah one also feels, that the concept of the covenant serves to recover with new awareness the relationship to Yahweh, that was previously taken for granted, but is now broken. One can say: At the moment in the history of Israelite religion when the concept of the divine covenant arises and is applied to the relationship with God, it is already a “new covenant” that serves to regain the lost relationship with God—which formerly was not named by this term, because it was a fact that went without saying. In former days it was not comprehended and not named. But now it was necessary to recover it at a conscious level. Because of this, the concept of the covenant was developed from the concept of the king as vassal of the deity.

This is to be seen in Ezek 16:60, the promise for the whorish Jerusalem when Yahweh shall have forgiven all of her sins: “I will remember my covenant with you in the days of your youth, and I will raise for you an everlasting covenant.” The Hebrew *בָּרִית הַקִּיָּם* means “to re-erect the fallen stela whereon a broken treaty was written,” that is: to renew the covenant. It is remarkable that this exact phrase is alluded to in the covenant with Noah, the first instance where the concept of covenant is mentioned in the narrative sequence of the Bible: “God blessed Noah and his sons, and said to them: Be fruitful and multiply, and fill the earth. [...] As for me, I raise my covenant with you and with your descendants after you [...] that never again shall there be a flood to destroy the earth” (Gen 9:1, 9, 11b).

The Priestly Code put the concept of covenant-prophecy, which was developed in the book of Ezekiel, into a fictitious narrative of early history of God and his people. The form of covenant proclamation is taken from the book of Ezekiel and is repeated four times: with Noah (Gen 9:1, 9, 11b), with Abraham (Gen 17:1b, 5–6a, 7),<sup>29</sup> with Moses in Egypt (Exod 6:2–3, 5–7), and again with Moses at Mount Sinai (Exod 25:1–2a, 8; 29:43–44a, 45–46). The first of these covenants is the renewal of the relationship between God and humankind after the flood. The second is the election of Abraham and his descendants and the promise of the land. The third is the promise of the deliverance from slavery in Egypt. The climax in which the narrative culminates is the erection of the sanctuary. In the shrine, the covenant gains its cultic reality. The covenant now means what is promised in Ezek 37:26–27: “I will make a covenant of peace with them and will set my sanctuary in the midst of them for evermore and will be their God, and they shall be my people.”

<sup>29</sup> The famous covenant scene with Abraham in Gen 15 is still later. It already presupposes the Priestly Code, see Christoph Levin, “Jahwe und Abraham im Dialog: Genesis 15,” in *Gott und Mensch im Dialog: Festschrift für Otto Kaiser* (ed. M. Witte; BZAW 345/I; Berlin: de Gruyter, 2004), 237–57, repr. in *Verheißung und Rechtfertigung: Gesammelte Studien zum Alten Testament*, vol. 2 (BZAW 431; Berlin: de Gruyter, 2013), 80–102.

## The Application on the Performance of the Cult

After the temple was rebuilt, the temple cult had to continue without the king. In Deutero-Isaiah the people of God are granted their new cultic role in the king's place. Again the concept of the vassal relationship is effective, as can be seen by the fact that Israel is addressed as the chosen "servant of God." The traditional proclamation of salvation is modified respectively: "But you, Israel, my servant, Jacob, whom I have chosen, fear not, for I am with you, be not dismayed, for I am your God; I will strengthen you, I will help you, I will uphold you with my victorious right hand" (Isa 41:8a, 10–11). This address follows the genre of the oracle of salvation, of which we have many examples in form of the Neo-Assyrian prophecies for the kings Esarhaddon and Assurbanipal.<sup>30</sup> The task of the vassal of the deity, i.e., to preserve the world order, is now transferred to the people of God. Israel itself has become the vassal of Yahweh, chosen to convey the divine world order to the nations: "Behold, my servant, whom I uphold, my chosen, in whom my soul delights: [...] he will bring forth justice to the nations, [...] and the coastlands wait for his instruction" (Isa 42:1a, bβ, 4b). Yahweh himself has been elevated to be not only the God of Israel, but the God of all the earth: "Who has measured the ocean in the hollow of his hand and marked the heavens with a measure, [...] and weighed the mountains in scales and the hills in a balance? [...] I am Yahweh, the first and with the last, I am he" (Isa 40:12α, b; 41:4). With this impressive imagination Judaism of the Second Temple period reached the summit of its religious self-understanding and at the same time went on to exceed beyond its limitations. The next step would be to invite all nations to participate in the worship of its God.

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<sup>30</sup> See "Old Testament Religion: Conflict and Peace," above 177–78.