

The Book of Deuteronomy

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1. Introduction

Not only do biblical scholars not agree on many aspects of the formation of the Pentateuch, but many disagree about whether one can say anything reliable on that subject or what difference it would make if we could.¹

Biblical scholarship about the origins of the Old Testament is thoroughly influenced by liberal scepticism. Even in commentaries titled ‘conservative’ one finds himself confronted with the implications of the so-called ‘Documentary Hypothesis.’² According to the Westminster Study Edition of the Bible, the oldest body of Israelite literature is the J-source from about 900 BC, before the E-document was made in about 750 BC. And “when in 621 BC the great reform under Josiah took place ... a group of men in Judah ... compiled this document (now referred to as ‘D’).”³

With such statements in mind, we feel it is of utmost importance to defend the evangelical standpoint. In the second chapter we compare and discuss the liberal and evangelical theories about the origins of the Pentateuch and in particular Deuteronomy. In the third chapter we include Jeremiah into the discussion, a contemporary of Josiah and his reform. We finally conclude with confidence that Deuteronomy was given through Moses as the inspired Word of God.

¹ David M. Carr, “Controversy and Convergence in Recent Studies of the Formation of the Pentateuch,” *Religious Studies Review* 23 (January 1997): 22.

² *Ibid.*, 128.

³ Cited by Joseph P. Free, “Archaeology and Biblical Criticism: Part I – Is Rationalistic Biblical Criticism Dead?,” *Bibliotheca Sacra* 113 (April 1956): 129.

2. Date and Origin of Deuteronomy

a. Documentary Hypothesis

In essence, most liberal scholars advocate that Deuteronomy was written when Josiah was king of Judah.⁴ (640-609 BC) Some develop the concept of ‘Proto-Deuteronomy’ to signify an edition of Deuteronomy heard by Jeremiah before further editing⁵ and associated with the book found in Josiah’s eighteenth year of reign “most scholars assume to have been similar to the book of Deuteronomy.”⁶ The ‘Documentary Hypothesis’ then claims that the late edition of Deuteronomy was added to the Pentateuch together with some other ‘sources’:⁷

J – ninth or tenth century Judean proto-Pentateuch (*Jahwist*)

E – later, independent Northern Pentateuch (*Elohist*)

D – largely the book of Deuteronomy (*Deuteronomist*)

P – exilic or post-exilic pentateuchal source (*Priest-Codex*)

The classification is based on literary criticism of the Pentateuch. One approach is to seek for sections where different names are used for God, e.g. ‘Elohim’

⁴ Roger Dalman, *Yahweh’s Song: A Handbook for Understanding Old Testament Historical Theology* (Trinity Online Learning Center, 2006), 335.

⁵ E.g. William L. Holladay, “Elusive Deuteronomists, Jeremiah, and Proto-Deuteronomy,” *Catholic Biblical Quarterly* 66 (January 2004): 59ff.

⁶ S. Daniel Breslauer, “Scripture and Authority: Two Views of the Josianic Reformation,” *Perspectives in Religious Studies* 10 (Summer 1983): 136.

⁷ See David M. Carr, “Formation of the Pentateuch,” 22.

and ‘Yahweh-Elohim’ in Gen 1 and Gen 2-3. Together with other examples it seems as if blocks of material were used. Sections that use the name ‘Elohim’ were attributed to an ‘E’-source, while sections that use the name ‘Yahweh’ were attributed to a ‘J’-source. Evangelicals question this pattern (see arguments below).

However, scholars even continue to divide these sources in further ‘sub-sources’ or ‘layers’ and assign some texts to other sources than traditionally. Besides, another point of debate is the assumption of dependencies within the biblical work. Scholars disagree about the relation between one passage to another and its place within the formation of the Pentateuch. Part of this issue is the relationship of Deuteronomy to other sources. Whereas some claim to see ‘post-deuteronomistic’ links to the ‘deuteronomistic tradition’, others view Deuteronomy as a more independent work. In any case, liberals tend to conclude that the Pentateuch reflects “an accidental fact of history ... of merely superficial importance.”⁸

The idea of the Documentary Hypothesis was for the most part brought up by Julius Wellhausen.⁹ He followed Graf who claimed that the law ‘evolved’ after (!) the prophets. It is said that the Mosaic Law is no literary unit but emerged from different sources. Furthermore Wellhausen sees Joshua as the literary ending of the

⁸ Christoph Levin, *Der Jahwist*, (Göttingen: Vandenhoeck & Ruprecht, 1993), 441; quoted in David M. Carr, “Formation of the Pentateuch,” 26.

⁹ See Julius Wellhausen, *Prolegomena to the History of Israel*, trans. J. Sutherland Black and Allan Menzies (Project Gutenberg EBook, 2003).

patriarchal history and prefers to speak of the 'Hexateuch' instead of the Pentateuch. Deuteronomy and the Elohist source are best distinguished out of the whole, he says, although 'D' is seen to be dependent on 'J.' In his view, the date of the Priest-Codex is unsure, probably it was canonized under Ezra. The Israelite religion developed from simple to formal and ritualistic with increasing influence of the priesthood. In his work Wellhausen addresses the place of worship, the sacrifice rituals and the festivals, and the priesthood itself to illustrate his point. Wellhausen expresses his position about the origins of P and the other 'sources' as follows:

It was according to the mode furnished by it that the Jews under Ezra ordered their sacred community, and upon it are formed our conceptions of the Mosaic theocracy, with the tabernacle at its centre, the high priest at its head, the priests and Levites as its organs, the legitimate cultus as its regular function. It is precisely this Law, so called par excellence, that creates the difficulties out of which our problem rises, and it is only in connection with it that the great difference of opinion exists as to date. With regard to the Jehovistic document, all are happily agreed that, substantially at all events, in language, horizon, and other features, it dates from the golden age of Hebrew literature, to which the finest parts of Judges, Samuel, and Kings, and the oldest extant prophetic writings also belong,--the period of the kings and prophets which preceded the dissolution of the two Israelite kingdoms by the Assyrians. About the origin of Deuteronomy there is still less dispute; in all circles where appreciation of scientific results can be looked for at all, it is recognised that it was composed in the same age as that in which it was discovered, and that it was made the rule of Josiah's reformation, which took place about a generation before the destruction of Jerusalem by the Chaldeans. It is only in the case of the Priestly Code that opinions differ widely...¹⁰

¹⁰ Ibid., 9.

To sum up, Wellhausen in agreement with others firmly established a late dating of the Pentateuch writings. Deuteronomy assumingly was composed when Josiah was king of Judah. Following this approach, Wellhausen's perspective is post-exilic. Contrary, the pre-exilic setting of the so-called Priestly material is well defended by "evidence regarding history and law, archaic expressions, allusions by pre-exilic writers" and the explicit witness of the biblical text itself.¹¹ Wellhausen, though, favours to date P even after the other – assumingly post-exilic – sources.¹²

The other liberal concept of 'Deuteronomistic History' is largely based on the 'Documentary Hypothesis.' The theory says that the historical record is anchored in Deuteronomy and comprises the narratives at the beginning and the end of Deuteronomy as well as the books of Joshua, Judges, 1 & 2 Samuel and 1 & 2 Kings. Martin Noth claimed that one single author composed all these books as one work in order to explain the failure of most of the kings and the fall of the northern and southern kingdom in light of the book of Deuteronomy. The rulers were judged according to their attitude towards the monotheism that king Josiah 'introduced'.¹³

¹¹ David R. Hildebrand, "A Summary of Recent Findings in Support of an Early Date for the so-called Priestly Material of the Pentateuch," *Journal of the Evangelical Theological Society* 29 (June 1986): 129-138.

¹² See also Douglas A. Knight, "Wellhausen and the Interpretation of Israel's Literature," *Semeia* 25 (1982): 22.

¹³ Martin Noth, *Überlieferungsgeschichtliche Studien* (Tübingen: Max Niemeyer Verlag, 1957), 1-110.

Like with the Pentateuch, scholars again see dependencies between the ‘deuteronomistic’ books of the Bible and also compare them with extrabiblical texts. Delamarter well illustrates this concept of ‘Vorlage’ when he discusses the existing accounts about Josiah’s death.¹⁴ In regard to content, he struggles with the core problem: “how could such a noble king experience such an ignoble death?”¹⁵ The account of Josiah is one of the many examples that do not really fit the strict deuteronomistic pattern of good/evil and reward/punishment that is more or less implicitly assumed by the advocates of the Deuteronomistic History. A similar discussion arises when we arrive at the study of Jeremiah.

b. Evangelical Standpoint

The starting-point of the evangelical view in this debate is the biblical witness. According to Exodus, the Mosaic Law was given to Moses at Sinai as one literary unit long before the monarchy and exile, even before Israel entered Palestine. Deuteronomy was given through Moses at the end of Israel’s journey in the wilderness. Evangelicals say the Pentateuch was written early and is in literary unity that cannot be torn into sources. They argue with the following points:

¹⁴ Steve Delamarter, “The Death of Josiah in Scripture and Tradition: Wrestling with the Problem of Evil?” *Vetus Testamentum* 54 (2004): 29-60.

¹⁵ *Ibid.*, 29.

(1) Literacy in the 2nd millennium BC

(2) Literary unity of the Pentateuch

(3) 2nd millennium treaty parallels

(1) Liberals claim that the history of Israel for the most part was preserved by oral traditions since the people were not really literate at that time or at least preferred the oral transmission of stories instead of writings.¹⁶ Contrary, Kitchen has reasonably shown that “for transmission of anything important to posterity, the Ancient Orient insistently resorted to written rather than oral transmission.”¹⁷ The Bible itself supports this view. In Exodus 17:14, God commanded Moses to “write this ... in the book.” We can conclude that a certain book of sacred importance became the center of the people’s life even at this early stage. More references are internal hints that the Pentateuch was written by Moses and not some centuries later by any ‘editor.’ (cf. Numb 33:2; Deut 31:9.19.26; Josh 1:8)

Stearns provides archaeological findings that show the literacy of Moses’ age.¹⁸ The Ras Shamra tablets were written about this time and show that the Ugarit

¹⁶ Douglas A. Knight, “Wellhausen and the Interpretation of Israel’s Literature,” 30f.

¹⁷ Kenneth A. Kitchen, *Ancient Orient and Old Testament* (London: Inter-Varsity Press, 1966), 136.

¹⁸ Miner Brodhead Stearns, “Biblical Archaeology and the Higher Criticism,” *Bibliotheca Sacra* 96 (July 1939): 309ff.

sacrificial rituals resembled that of the Israelite records.¹⁹ Wellhausen's proposal that Israel's religion slowly 'evolved' is thus disproved. Similar terminology between the texts refutes the idea of an 'oral tradition.' Deuteronomy was not written late. Yamauchi, too, provides further examples of literacy in the second millennium BC.²⁰ Joseph P. Free refers to the Nuzi tablets that demonstrate the historical reality of the recorded social institutions of the patriarchs.²¹ In short, the authenticity of the accounts has been confirmed by archaeological discoveries.²² Feinberg concludes that "the picture drawn by Wellhausen of the development of the Hebrew people has been proved erroneous almost point by point."²³ Why are the Old Testament texts historically accurate if its content was preserved by oral traditions even for centuries? On what factual basis can the biblical record be dismissed as mere legend or fiction?

(2) The Documentary Hypothesis divides the Pentateuch into literary pieces. Since the emergence of the theory conservatives are at pains to point to evidence of literary unity. Outstanding examples are Robert Dick Wilson²⁴ and William Green.²⁵

¹⁹ See also David R. Hildebrand, "A Summary of Recent Findings", 131.

²⁰ Cf. Edwin M. Yamauchi, "Documents from Old Testament Times: A Survey of Recent Discoveries," *Westminster Theological Journal* (Fall 1978): 1-32.

²¹ Cf. Joseph P. Free, "Archaeology and Biblical Criticism: Part V – Archaeology and Neo-Orthodoxy," *Bibliotheca Sacra* 114 (April 1957): 129.

²² Cf. Charles Lee Feinberg, "The Relation of Archaeology to Biblical Criticism," *Bibliotheca Sacra* 104 (April 1947): 170-181.

²³ *Ibid.*, 177.

²⁴ Robert Dick Wilson, *A Scientific Investigation of the Old Testament* (Philadelphia: The Sunday School Times Company, 1929).

Others reject Wellhausen on the basis of discourse-oriented analysis which explains textual phenomena in terms of literary functions instead of dividing the text into sources.²⁶ Yet another book with arguments is provided by Kikawada and Quinn, who end their work with the conclusion: “One thing, if anything, we are certain of: the documentary hypothesis at present is woefully overextended.”²⁷

Dalman disproves the theory that certain sections use distinct names for God: ‘El’ appears not before Genesis 14 but is then scattered through the rest of the book. There is also little relationship between the divisions and the context of the book.²⁸ Radday et al. examined Genesis with the help of computer analysis and concluded that the ‘Documentary Hypothesis’ cannot be maintained.²⁹ Portney and Petersen countered with an article that rejects the assumptions of their approach as wrong and defend the thesis with a different approach.³⁰ In conclusion the reader is led to

²⁵ William H. Green, *The Unity of the Book of Genesis* (New York: Charles Scribner’s Sons, 1895).

²⁶ Cf. Joe M. Sprinkle, “Literary Approaches to the Old Testament: A Survey of Recent Scholarship,” *Journal of the Evangelical Theological Society* 32 (September 1989): 309.

²⁷ Isaac M. Kikawada and Arthur Quinn, *Before Abraham Was* (Nashville: Abingdon Press, 1985), 144; quoted in E. H. Merrill, “Before Abraham Was,” *Bibliotheca Sacra* 142 (October 1985): 375.

²⁸ Cf. Roger Dalman, *Old Testament History* (Trinity Online Learning Center, 2006), cassette no. 4, side B.

²⁹ Y.T. Radday et al., *Genesis: An Authorship Study in Computer-Assisted Statistical Linguistics* (Rome: Biblical Institute Press, 1985).

³⁰ Stephen Portnoy and David L. Petersen, “Statistical Differences among Documentary Sources: Comments on ‘Genesis: An Authorship Study’,” *Journal for*

understand that the results of such statistical examinations are more or less determined by the dogmatic expectations of the authors.

Whatever the assumptions, it is simply difficult if not impossible to evaluate the 'evolution' of a written work by using only evidence gathered from within the final document without reference to external data. It is therefore especially noteworthy that no manuscripts of earlier sources or editions of the Pentateuch exist.³¹ Tigay's attempt to prove the thesis by comparison of Deuteronomy, Exodus and the Samaritan version is not compelling. He tears the texts into pieces and searches for inclusions, omissions and combinations.³² The resulted 'patchwork' does not prove an evolution of the Pentateuch out of different sources and editions. He rather merely compares different texts that contain certain similarities. However, neither text can be classified to any certain stage of editing.

Wenham investigates the reasons hold by critics that the flood story was composed of P and J. He concludes that "none of the criteria discussed, divine names, internal discrepancies and repetition, points individually to the source analysis being any more than possible."³³ For example, "J uses Elohim in Gen. iii 1-5, and E often

the Study of the Old Testament 50 (June 1991): 3-14.

³¹ David M. Carr, "Formation of the Pentateuch," 22.

³² Jeffrey H. Tigay, "An Empirical Basis for the Documentary Hypothesis," *Journal of Biblical Literature* 94 (September 1975): 329-342.

³³ Gordon J. Wenham, "Method in Pentateuchal Source Criticism," *Vetus Testamentum* 41 (January 1991): 102.

uses Yahweh after Exod iii.”³⁴ Second, repetition might rather be a literary tool to underline the significance of an event rather than pointing to multiple sources.

Thus the Documentary Hypothesis or any theory derived from it remains unconvincing. Those studies proving the literary unity of the Pentateuch (and beyond) provide evidence to reject the liberal view and to uphold the doctrine of inspiration and inerrancy of the Holy Scriptures.

(3) The book of Deuteronomy is formed very similar to an ancient treaty text. It is “the biblical document par excellence of the covenant. No book of the Old Testament is so penetrated in every stage of its formation by the literary form which we know goes back as far as the vassal treaties of the second millennium.”³⁵ Mendenhall mentions that “references to international (i.e. inter city-state) covenants occur already in old Sumerian texts of the third millennium BC.”³⁶ It can therefore be expected that we find parallels between Deuteronomy and extrabiblical treaty texts. The evangelical view is supported by parallels to the Hittite texts (1450-1200 BC), whereas those who advocate the liberal view that Deuteronomy was written not in the second but in the first millennium BC compare the book to later Assyrian treaty texts.

³⁴ Ibid., 86.

³⁵ William L. Moran, “The Ancient Near Eastern Background of the Love of God in Deuteronomy,” *Catholic Biblical Quarterly* 25 (1963): 82.

³⁶ George E. Mendenhall, “Covenant Forms in Israelite Tradition,” *Biblical Archaeologist* 17 (September 1954): 52f.

Mendenhall has identified the six elements of Hittite treaty texts as follows:³⁷

1. Preamble formula “Thus saith...”
2. Historical prologue about past benefits
3. Stipulations of the vassal’s loyalty
4. Provision for deposit and public reading
5. List of gods as witnesses
6. Curses and blessings formula

A similar structure can be found in Deuteronomy. The author is identified as Moses in the preamble (Deut 1:1-5). Moses the mediator refers to God and continues with an historical prologue that shows the relationship that Israel had with his God in the past. Particularly, God gave victory and land. (Deut 1:6-4:49) The stipulations refer back to the covenant at Mt. Horeb and again focus on the loyalty of Israel to Yahweh. (Deut 5:1-26:19) Jesus himself pointed to the core: “Love the LORD your God with all your heart and with all your soul and with all your strength.” (Deut 6:5; Mt 22:37) Moran has shown that the love command is a command of loyalty. Here, love is defined by and pledged in the covenant. It is a love that can be commanded.³⁸ Dalman also points out that ‘love’ is in this sense a typical term used in ancient treaties.³⁹

³⁷ Ibid., 58-60.

³⁸ William L. Moran, “The Love of God in Deuteronomy,” 78.

³⁹ Roger Dalman, *Yahweh’s Song*, 218.

Provisions for preserving the treaty documents and for reading them periodically are found in Deut 31:1-34:12. Due to the monotheism of Israel's religion a list of gods who witness the treaty is naturally missing. However, Mendenhall refers to Moses' words in Deut 32:1 in this context. Here and elsewhere Moses calls heaven and earth as witnesses against Israel. (e.g. Deut 30:19) The blessings and curses of the treaty are found in Deut 27:1-30:20. According to Moran, such a long list of curses is unknown in treaties of the second millennium.⁴⁰ Though, regardless its extent, the passage fits well into the overall structure of the Hittite treaty texts.⁴¹

In comparison, the 7th century treaties of the brutal Assyrians were different in structure and language. Notably there is no 'historical prologue' in the Assyrian texts that refer to any past benefits the vassal received from the king.⁴² The brutal nature of the Assyrian reign might well have excluded the option anyway. It is therefore not surprising that liberals like Weinfeld focus on the long passage of curses when compared to the Assyrian treaties.⁴³ Parallels, however, might also have derived from the earlier common West Semitic tradition of curses.⁴⁴

⁴⁰ William L. Moran, "The Love of God in Deuteronomy," 83.

⁴¹ See also Kenneth A. Kitchen, *On the Reliability of the Old Testament* (Grand Rapids: Eerdmans, 2003), 283ff.

⁴² George E. Mendenhall, "Covenant Forms in Israelite Tradition," 56.

⁴³ Moshe Weinfeld, "Traces of Assyrian Treaty Formulae in Deuteronomy," *Biblica* 46 (1965): 417-427.

⁴⁴ Kenneth A. Kitchen, *On the Reliability of the Old Testament*, 291.

Most significantly, the book of Deuteronomy seen as a treaty text does not only command loyalty and then threatens with curses. The book refers to the love of God as shown in history and provides promises of love for the future. Such love for the vassal was unknown in Assyria.⁴⁵ In light of the noted differences, Deuteronomy rather resembles the second millennium BC treaty texts and was thus written early.

3. Jeremiah's Message

a. Deuteronomistic Influence

Jeremiah was a contemporary of Josiah. Even more, Jeremiah was the 'son of Hilkiyah' (Jer 1:1) who is most probably the one who found the "Book of the Law" that most scholars today relate to Deuteronomy.⁴⁶ (cf. 2 Ki 22:8; 2 Chr 34:14) Thus it is not surprising that "one of the most persistent and intractable historical-critical question in OT study is that of the literary relation between Jeremiah and Deuteronomy. The assumption of a Deuteronomistic edition of Jeremiah is widespread..."⁴⁷ Literary critics compare phrases in Jeremiah with those in

⁴⁵ Listen also to Roger Dalman, *Old Testament History*, cassette no. 5, side B.

⁴⁶ Jack R. Lundbom, "The Lawbook of the Josianic Reform," *Catholic Biblical Quarterly* 38 (July 1976): 293-302; Lundbom suggests that the Song of Moses in Deut 32 was found.

⁴⁷ William L. Holladay, "Elusive Deuteronomists," 55; cf. Robert M. Paterson, "Reinterpretation in the Book of Jeremiah," *Journal for the Study of the Old Testament* 28 (February 1984): 37-46.

Deuteronomy and draw their own conclusions, implying that “there has been borrowing in both directions between Jeremiah and Deuteronomy.”⁴⁸

However, it is not really certain whether the “Book of the Law of the LORD that had been given through Moses” (2 Chr 34:14) is confined to Deuteronomy. Kaiser suggests a progressive formation and canonization of the Old Testament, “that each fresh addition to the canon was immediately deposited in the sanctuary and thereby given its sacred and canonical status.”⁴⁹ If he is right, one has to assume that not only Deuteronomy but even some of the other books that were progressively added until Josiah’s time were included in this finding. Yet we agree that Josiah’s reform was centered on the Law itself, ‘given through Moses’ at Sinai and recalled in the territory of Moab, and so it is not crucial to know exactly which books were actually found. The liberal view challenges us to consider Deuteronomy first. Washburn suggests that the ‘Book of the Law’ which Moses placed beside the ark is in view here.⁵⁰ (cf. Deut 31:26) If all other copies indeed disappeared during the reigns of Manasseh and Amon, an unexpected discovery would account for the recorded excitement among the priests. This would also significantly heighten the

⁴⁸ Ibid., 59.

⁴⁹ Walter C. Kaiser Jr., *Toward Rediscovering the Old Testament* (Grand Rapids: Academie Books, 1987), 40.

⁵⁰ Cf. David L. Washburn, “Perspective and Purpose: Understanding the Josiah Story,” *Trinity Journal* 12 (Spring 1991): 75, n. 56.

importance of the finding for Josiah's reform. Jeremiah then had been privileged to study the Law that was lost before but discovered again by his father.

Like with the Pentateuch, scholars divide Jeremiah into sources and editions.⁵¹ Again, no clear development can be traced. At least, however, one would expect that Jeremiah grew up under the influence of the deuteronomistic teaching that revived under Josiah's reform and that this teaching did shape his words. And indeed, many verses refer to the law and seem to fit well the proposed deuteronomistic view. (Jer 2:8; 6:19; 8:8; 9:13; 11:10; 16:11; 26:4; 44:10.23) Scalise has counted 111 occurrences in Jeremiah where "God's judgment is described in terms found in the list of curses in Deut 28:18-65."⁵² Most explicit among them is Jer 11:10-11.

In contrast, many passages in Jeremiah do not consistently fit the strict deuteronomistic pattern introduced by the critics. When Jeremiah wrote his letter to the exiles, he preached to be loyal to the foreign powers. In response, he was discredited as a false prophet based on Deut 13:1-6. He was vindicated not before the final fall of Jerusalem in 587 BC. Until then he was regarded as "spoken presumptuously."⁵³ (Deut 18:22) Besides, though Applegate says that Jeremiah's

⁵¹ E.g. Dalit Rom-Shiloni, "The Prophecy for 'Everlasting Covenant' (Jeremiah XXXII 36-41): An Exilic Addition or a Deuteronomistic Redaction?" *Vetus Testamentum* 53 (2003): 201-223.

⁵² Pamela J. Scalise, "The Logic of Covenant and the Logic of Lament in the Book of Jeremiah," *Perspectives in Religious Studies* 28 (Winter 2001): 397.

⁵³ Cf. R. Davidson, "Orthodoxy and the Prophetic Word," *Vetus Testamentum*

attitude to the kings fits well to the 'Deuteronomistic History' he at the same time points to the exception of Zedekiah's fate.⁵⁴ This king is portrayed both as disobedient and righteous but eventually fails. According to Applegate, his story provides "space for a theology of Yahweh's initiative and grace."⁵⁵ Another passage hotly debated in this context is Jeremiah's prophecy of the New Covenant.

b. New Covenant Prophecy

Jeremiah's new covenant prophecy confronts the liberal scholar with the 'problem of source.'⁵⁶ Jer 31:31-34 does not fit the deuteronomistic tradition of reward and punishment as the liberal is taught to expect. The 'new covenant' proclaims grace and salvation. Despite the fact that Israel had broken the Sinai covenant, God "will forgive their wickedness and will remember their sins no more." (Jer 31:34) This is contrary to the 'Deuteronomistic History' that explains failure and exile in light of the broken covenant. In result, some arrive at the conclusion that the passage is a 'counter-proclamation' that abrogates Deuteronomy.⁵⁷

Potter somehow agrees to see these verses as a 'deliberate contrast to

13 (October 1964): 407-416.

⁵⁴ Cf. John Applegate, "The Fate of Zedekiah: Redactional Debate in the Book of Jeremiah," *Vetus Testamentum* 48 (July 1998): 301ff.

⁵⁵ *Ibid.*, 303.

⁵⁶ Cf. William L. Holladay, "Elusive Deuteronomists," 70.

⁵⁷ *Ibid.*, 73.

Deuteronomy' but only insofar as it rejects the conception of a Deuteronomistic literary-religious activity that resulted in the failure of Josiah's reform. On the other hand, Jeremiah does not introduce a new Law different from that of the Sinai covenant. The difference lies in the new reception of the Law. Whereas the Law was formerly written merely on stone and administered by the scribes, the new covenant implants the Law in a man's heart and the scribe's ministry is rendered superfluous.⁵⁸ Rhymer likewise points to the historical context of the passage.⁵⁹ In those days the scribes were responsible for reading and interpretation of the Law. In Jer 31:34 this religious practice is challenged: "No longer will a man teach his neighbour."

Yet Wallis⁶⁰ rightly points out that even the theme of the law in the heart is not really new in the Old Testament. Psalm 37 says of the righteous that "the law of his God is in his heart." (Ps 37:31; cf. Ps 40:8) In Deuteronomy the decree is given: "These commandments that I give you today are to be upon your hearts." (Deut 6:6) Even the theme of forgiveness in Jer 31:34 is consistent with other Old Testament passages. (e.g. Ex 34:7; Ps 103:12) Jeremiah's prophetic challenge does not address the theology of the Pentateuch but the religious practice of that time. Along with

⁵⁸ Cf. Harry D. Potter, "The New Covenant in Jeremiah 31:31-34," *Vetus Testamentum* 33 (July 1983): 350ff.

⁵⁹ Cf. David Rhymer, "Jeremiah 31:31-34," *Interpretation* 59 (July 2005): 294.

⁶⁰ Cf. Wilber B. Wallis, "Irony in Jeremiah's Prophecy of a New Covenant," *Journal of the Evangelical Theological Society* 12 (Spring 1969): 107-110.

Wallis, Walter C. Kaiser convincingly shows that “almost all of the items mentioned in Jeremiah’s new covenant are but a repetition of some aspect of the promise doctrine already known in the Old Testament.”⁶¹ God’s promise is the unifying theme throughout the Bible that binds the biblical books into one organic whole. Kaiser says the Abrahamic covenant, the Davidic covenant and the New Covenant are highlights of this one promise. The New Covenant is actually not ‘new’ but rather ‘renewed.’⁶²

Thus the true meaning of Jer 31:31-34 is only found in its canonical setting. It neither abrogates Deuteronomy nor does it strictly fit the deuteronomistic thought world of the liberal critics, but opens the door to God’s grace and salvation as many Old Testament passages did before. Significantly, the text proves that the idea about an edition of a ‘Deuteronomistic Jeremiah’ is futile.

Jeremiah’s prophecy is genuine. Indeed, “the word of the LORD came to Jeremiah.” (Jer 32:26) Moreover, his words were also not preserved by ‘oral tradition’ but immediately written down. (Jer 25:13; 30:2; 36:2ff.; 45:1)

⁶¹ Walter C. Kaiser Jr., “The Old Promise and the New Covenant: Jeremiah 31:31-34,” *Journal of the Evangelical Theological Society* 15 (Winter 1972): 19.

⁶² *Ibid.*, 16ff.

4. Conclusion

The author maintains that neither the ‘Documentary Hypothesis’ nor the ‘Deuteronomistic History’ theory can be proved. Rather, sufficient arguments were presented and various books referred to that lead the interested reader to a positive conclusion towards the biblical record. The Bible is inspired and inerrant. Jeremiah did speak the Word of God, and such prophecy was in no need of any revised editions. Likewise with Deuteronomy, “the Law of the LORD is perfect.” (Ps 19:7) It was given through Moses, written down in the second millennium BC.

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