

CANON AND COVENANT

Part II

MEREDITH G. KLINE

II. ALL SCRIPTURE COVENANTAL

GRANTED that biblical canonicity is in its beginnings covenantal, what of the Old Testament beyond the original Mosaic documents which are clearly couched in the classic treaty form? And what of the New Testament? Can the conclusions we have reached concerning the covenantal identity of biblical canon in its origins be justifiably extended to the whole Bible? Are all the Scriptures covenantal?

It is, of course, the common Christian practice to refer to each of the two main divisions of the Bible as a "testament." In the case of the Old Testament there is ancient, even biblical, precedent. The apostle Paul speaks of the Israelites' reading of their Scriptures as a reading of "the old covenant" (II Cor. 3:14). Whether he had in view the Pentateuch only or the entire Old Testament,³⁸ he plainly identifies Scripture in an extensive sense with covenant. Similarly, in a passage in I Maccabees, where the Scriptures collectively are called "the books of the law,"³⁹ an individual book of the Scriptures is referred to as "a book of the covenant" (1:56 f.).

The aptness of the broad identification of the pre-messianic Scriptures as "the covenant" or "the old covenant" will be perceived if the Old Testament's comprehensive witness to

³⁸ In the context (verse 15) Paul uses "Moses" apparently as an equivalent of "the old covenant," but "Moses" here, like "law" elsewhere, possibly denotes the entire Old Testament.

³⁹ For the comprehensive use of "law" to cover the whole Old Testament see I Cor. 14:21 and Jn. 10:34; 12:34; 15:25. For the use of "the law and the prophets" in the New Testament and Qumran texts as a designation for the entire Old Testament see R. L. Harris, "Was the Law and the Prophets Two-Thirds of the Old Testament Canon?," *Bulletin of the Evangelical Theological Society*, 9 (1966), 163-171. The categories of law and prophets themselves had definitely covenantal connotation.

itself is accepted at face value. The human dimensions of the Old Testament are to be duly appreciated, but it is supremely important that we apprehend in faith the Old Testament's claim that God is its primary author. If we do, we will see the Old Testament as more than an anthology of various types of literature produced by a series of authors across a span of centuries. We will understand that it all issued ultimately from the throne room of Israel's heavenly King and that all its literary forms possess a functional unity as instruments of Yahweh's ongoing covenantal oversight of the conduct and faith of his vassal people.

We may come to the same understanding of the Old Testament by viewing it not directly in its ultimate issuance from its invisible heavenly source but in its immediate earthly derivation from the Israelite community. For all Israel's life, cult and culture, the latter in both the private-family and public-kingdom spheres, stood under the covenant rule of Yahweh. A peculiar significance was imparted to the whole by Yahweh's presence in the midst as God-King. His covenantal dominion exercised from the nation's cultic center, the royal site of the theophanic presence, claimed Israel's life to its full circumference. And because the cultic and cultural structures of Israel which were the immediate *Sitz im Leben* of the various parts of the Old Testament were thus so thoroughly covenantalized, it follows that all the inspired literature deriving from and related to that cult (like ritual legislation and hymns) and associated with that culture (like civil law, national history, diplomatic messages of prophets, and instruction of sages) served the covenant and inevitably bore its stamp.

Examination will further show, we believe, that the particular covenantal functions performed by the various parts of the Old Testament canon within the life of Israel stand in close relationship to one or another element in the Mosaic treaty documents. The several major kinds of literature — history, law and wisdom, prophecy and praise — as they are employed in the Old Testament all function as extensions (free and creative to be sure) of some main section or feature of the foundational treaties. The functional extension may be by way of administrative or judicial application or by way

of didactic or confessional elaboration. But in each case a special relationship can be traced between the function and a particular element of the treaty documents, and thus a literary dimension is added to the functional in our identification of the Old Testament in all its parts as a covenantal corpus.

Our thesis is then that whatever the individual names of the several major literary genres of the Old Testament, as adopted in the Old Testament their common surname is Covenant. To display this fully would be the task of the discipline of Old Testament canonicity. We need here present only a brief survey of some of the most salient data.

1. *Law*: With regard to the legal material in the Old Testament, Noth observes that "it is not really self-evident that in a document of the faith, such as the Old Testament — a Holy Writ — there should stand laws which deal not only with cultic affairs but also with everyday social life."⁴⁰ And yet, while the problem of the origin of the law has been thoroughly discussed, the question concerning "the grounds and circumstances of the very presence of the law within the Old Testament at all" has received scant attention.⁴¹ Whatever the merit of Noth's answer, it is to his credit that he insists that there is here a question which must be faced.

On the understanding of the Old Testament as a covenantal corpus, the presence of its legal materials is readily explained; for the stipulations imposed by the suzerain were a central element in ancient treaties. Those Old Testament laws contained in documentary units like the Decalogue and Deuteronomy which have the treaty form obviously find their explanation as treaty stipulations. But the other Pentateuchal laws are also set in a covenantal context. This context may be rejected as secondary in modern subjective reconstructions, but in the objective Pentateuchal setting in which they come to us these laws are presented as elaborations of the treaty obligations laid upon Israel as Yahweh continued to speak to them through the covenant mediator Moses.

The laws recorded in Exodus 20:22–23:33 are specifically identified as "the book of the covenant" (Exod. 24:7). The

⁴⁰ *Op. cit.*, p. 10.

⁴¹ *Ibid.*

fact that this covenantal collection of laws deals with matters moral and ceremonial, civil and cultic,⁴² individual and corporate is indicative of how all Israel's life fell within the purview and under the regulation of Yahweh's covenant with them. If the recognition that the Old Testament is a covenantal body of literature accounts for the presence of laws in it, the comprehensive scope of Yahweh's covenantal interest and claims will explain the wide variety of those laws, regulating as they do Israel's life in all its spheres and dimensions.

The distinctly covenantal orientation of the sizeable segment of laws dealing with the cultus becomes evident when it is observed that in Israel the cultus absorbed various vital features of covenantal administration which elsewhere were not cultic but matters of state. The uniquely religious nature of the Yahweh-Israel covenant naturally and necessarily transformed the political into the cultic. Though adapted from the model of man-with-man covenants, this was a covenant of God with men. The international treaties were indeed conceived of as having sacred sanction; the gods were involved as witnesses and enforcers of the covenants, the documents of which were accordingly deposited in their sanctuaries. But in Yahweh, God of Israel, the role of divine witness-avenger merges with that of covenant overlord. Yahweh is Israel's covenant suzerain; Israel's covenant lord is the Lord God.⁴³

Hence, in the world of this covenant the palace of the great king is one and the same as the sanctuary of the vassal's God. Hence too the covenant ratification rites coalesced with the system of cultic sacrifice.⁴⁴ The customary annual appearances before the suzerain to fulfill the tributary obligations of

⁴² Note especially the interweaving of cultic with moral obligations; e. g., Exod. 22:20, 29 ff.; 23:12 ff. Another explicitly covenantal promulgation of cultic-ritual law is found in Exod. 34:10 ff. These laws are not to be equated with the text of the covenant tablets whose renewal is recorded in this context (Exod. 34:1 ff., 28) and then regarded as a "cultic decalogue," but they are set forth as the words of God's covenant (Exod. 34:10, 27).

⁴³ Cf. TGGK, pp. 19 f.; BOC, p. 92 with note 14.

⁴⁴ Cf. BOC, p. 18. The peace offerings gave expression to cordial relationship in the covenant bond. Cf. R. Schmid, *Das Bundesopfer in Israel* (Munich, 1964). See also Beyerlin, *op. cit.*, pp. 65 ff.; commenting on the ratification of the Sinaitic covenant, he speaks of "the covenant-cult."

the treaty took the cultic form in Israel of the three required annual pilgrimages to Yahweh's sanctuary-throne to present offerings.⁴⁵ The covenantal character of these festivals is accented by the Deuteronomic stipulation that the treaty be read every seventh year at one of them, the feast of Tabernacles. This periodic public reading of the text, which is a vassal obligation found in the international treaties too, was assigned in Israel to cultic officials (Deut. 31:9 ff.).⁴⁶ Another example of an elsewhere non-cultic area of vassal obligation that becomes cultic in Israel is the requirement to render military assistance to the suzerain. This duty is heavily stressed in ancient treaties, and it assumes a place of considerable prominence in Yahweh's covenant with Israel (cf., e. g., Exod. 23:23 f., 32 f.; 34:11 ff.). It takes on here the urgency of a mandate to engage forthwith in a program of conquest in the name of their Lord. It is a war of Yahweh, Israel's God, and therefore a holy war. Its object, according to the explicit emphasis in the Mosaic treaties, is the obliteration of the cultic installations and devotees of the idol-gods of Canaan and the establishment of Yahweh's cult in the midst of his sanctuary-kingdom.⁴⁷

Stipulations regulating the conduct of one vassal in relation to another are not common in the political treaties. We do, however, find the general principle that the vassal was to be a friend to the suzerain's friends (particularly then to fellow vassals) as well as an enemy to his enemies.⁴⁸ The vassal's

⁴⁵ Cf. TGGK, p. 92, and D. R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore, 1969), p. 76.

⁴⁶ Cf. TGGK, pp. 20, 135 ff.; and Baltzer, *Das Bundesformular* (Neukirchen, 1964), pp. 91 ff.

⁴⁷ Cf. TGGK, p. 32. Further considerations might be adduced in support of the covenant-cult idea: the sacrificial system of the cult was a means of making amends for offences against the treaty stipulations; infractions of cultic-ceremonial requirements were grounds for excommunication from the covenant community (e. g., Lev. 17:4); etc. The covenantal nature of Israel's cult gives a peculiar significance to the depositing of Yahweh's treaty at that cultic center, so that the presence of the tables of the covenant in the ark in Israel's sanctuary may be said to epitomize the coalescence of covenant and cult in Israel.

⁴⁸ Of special interest here is the series of identical treaties of Mursilis II with three of his vassals forbidding each to fall out with the others. Cf. Gen. 12:3; 27:29; Num. 24:9.

conduct in this inter-vassal area was thus an aspect of his covenantal relation to his suzerain. Agreeably, in the biblical laws governing the relationship of the Israelite to his neighbor there are indications that these obligations are related to the Israelite's vertical-personal involvement with Yahweh, his God, and that they are, therefore, to be classified not with the usual law collections of the other nations but with covenantal stipulations.⁴⁹ These indications may be of various kinds: for example, the familiar enforcement of the obligation to show kindness to servants and the needy by appeal to Yahweh's deliverance of Israel from bondage⁵⁰ or by the reminder that Yahweh is the avenger of the oppressed poor;⁵¹ or the grounding of the demand for holiness on the principle of following after Yahweh, who is holy.⁵²

Another important way in which Old Testament law differs from the ancient law collections and exhibits its covenantal nature is that it legislates for the corporate life of Israel. The treaties were of course concerned with the vassal kingdom corporately. Their stipulations dealt with the vassal kingdom's dynasty and boundaries, with its national policy in war and peace, and appended to them were sanctions national in scope. So also Pentateuchal law prescribes for the Israelite community a system of government with priests and judges, kings and prophets. It allots to Israel a territory, and for a national program assigns the conquest of that land (as previously noted) with a view to the establishment there of Yahweh's cult and rule. It deals with offenses of the whole community⁵³ and imposes sanctions which are matters of national weal and woe.⁵⁴ Its negative aspect expressed in prohibition and excommunication serves a corporate function, fashioning by its exclusive limits the shape of the community.⁵⁵ This com-

⁴⁹ Cf. *TGK*, pp. 17 with note 12; 25 ff.

⁵⁰ See, e. g., Deut. 5:15; 15:15; 24:18, 22.

⁵¹ See, e. g., Exod. 22:27; 23:7; Lev. 19:14.

⁵² See, e. g., Lev. 11:44 f.; 19:2; 20:7, 26.

⁵³ See, e. g., Lev. 4:13.

⁵⁴ The presence of national penalties to be executed by God alongside penalties to be imposed by human authorities further distinguishes Pentateuchal law from the extra-biblical law collections.

⁵⁵ Cf. von Rad, *Old Testament Theology* (translation by D. M. G. Stalker, New York, 1965), II, 391 f.

munity-structuring or constitutional character of Old Testament law in general, which shows it to be plainly an extension of the stipulations section of the foundational treaties, will be found to have special importance when it comes to the question of the essential function of biblical canon.

There are also certain stylistic features of Old Testament laws that help to identify them as treaty stipulations. Among these are the combination of apodictic and case laws and the hortatory reinforcement of the stipulations, the exhortations tying Israel's obligations in with the history of Yahweh's covenant mercies to the nation.

2. *History*: Historical narrative constitutes a major part of the Old Testament canon. A prominent feature of the historical materials in the Pentateuch is that they are interwoven with legislation. This literary combination is a formal indication of the covenantal nature of the Pentateuchal narratives and legislation alike. For this unusual union of history and law was distinctive of the treaties. In the treaties of the second millennium B. C., in particular, an historical prologue was introductory to the section on obligations. Agreeably, in recognized covenantal units in the Pentateuch like the Decalogue and Deuteronomy, the laws are preceded by an historical review of Yahweh's relationship to Israel. If the Pentateuch is viewed as a unified corpus with God's covenant with the exodus generation of Israel as its nucleus, the narratives of Genesis and the first part of Exodus assume the character of an historical prologue tracing that covenantal relationship to its historical roots in Yahweh's past dealings with the chosen people and their patriarchal ancestors.⁵⁶

In addition to serving as a prologue to the treaty law, historical narrative might appear within the treaty stipulations as a special setting for a particular obligation, indicating

⁵⁶ The opening chapters of Genesis, more particularly chapters 2 and 3 by their striking combination of Yahweh and Elohim with reference to God, effectively perform the function of a treaty preamble. They identify the suzerain. They proclaim that Yahweh, covenant Lord of Israel, is the almighty Creator of heaven and earth and all their hosts. In making these observations, our contention is not, of course, that the Pentateuch as such is a treaty in form.

the circumstances out of which it arose. Thus, in the midst of the stipulations of the treaty of Tudhaliyas IV and Ulmi-Teshub the suzerain inserts an account of how the provision concerning the vassal's military support had originated.⁵⁷ It is related that in preparing a supplementary treaty tablet on this subject on an earlier occasion the suzerain had observed that the vassal nation's previous obligation had been excessive and he had accordingly modified it. The revised form of the stipulation on the tablet prepared on that occasion was prefaced by this historical explanation so that that tablet as well as the text of the present treaty with Ulmi-Teshub contained the feature of history used as a framework for a particular law. So too in the Pentateuch, historical narrative serves as a special setting for individual covenantal stipulations.⁵⁸

The post-Pentateuchal historical narratives no longer perform the same formal literary role as prologue and framework for treaty laws. Thematically, however, they are seen to be nothing other than an extension of the historical prologues of the foundational Mosaic treaties in the Pentateuch. For their theme is first and last Yahweh's relationship to Israel as their covenant Lord.⁵⁹ The narratives rehearse the continuing benefits bestowed by Yahweh as faithful Protector of his vassal kingdom. They tell how he graciously intervened for their preservation and enrichment, championing their cause in conflict, even as of old he brought them out of the

⁵⁷ Cf. McCarthy, *op. cit.*, pp. 183 f., for a translation of this treaty.

⁵⁸ See, e. g., passages like Num. 27:1 ff. and 36:1 ff. Compare the interweaving of history and related cultic stipulations in Exod. 12.

⁵⁹ On the basis of links between Assyrian annals and letters to the gods, plus the testimony of art, the Assyrian historiography may be interpreted as having been originally designed to magnify the gods. The gods' guidance by means of omens and their valorous involvement in military campaigns were the ultimate explanation of success. Entailed in this was a broadly theocratic view of national history, which comes to expression in the interpretation of calamities as retribution for offenses against the gods. An example of such offense is the violation of international treaties sworn by the gods, and in such a case the retribution might be described in the annals in the language of treaty curses. See E. A. Speiser's treatment of Mesopotamia in *The Idea of History in the Ancient Near East* (editor, R. C. Dentan, New Haven, 1955), pp. 64 ff.

iron furnace of Egypt to the covenantal communion table at Sinai. They relate how he staffed their ranks with judges and kings, priests and prophets, for the development of the kingdom after the pattern that had been prescribed in the constitutional stipulations of the Pentateuch. At the same time Old Testament historiography pursues the countertheme of Israel's repeated covenant-breaking and the consequent infliction on them of the evils delineated beforehand in the curse sanctions of the Mosaic treaties, particularly, in Deuteronomy.⁶⁰

Indeed, the covenantal orientation controls the entire disposition of these narratives, the arrangement as well as the selection of the materials. Thus, episodes of covenant-making and of covenant reaffirmation and renewal after Israel's lapse and Yahweh's judgments provide the climactic literary high points; for example, Joshua 8:30 ff.; 23 and 24; I Samuel 12; II Samuel 7; II Kings 11:17 ff.; 22 and 23; II Chronicles 15:8 ff.; 34 and 35; Ezra 9 and 10; Nehemiah 9 and 10.⁶¹

There is a virtual acknowledgment of this essentially covenantal nature of Old Testament historiography in the currently popular higher critical theory that the material in Joshua through II Kings was shaped by an alleged Deuteronomistic school. On this approach, the Book of Deuteronomy is thought to have been produced as a programmatic introduction for the following history work, the latter being then understood as an interpretation of the life of Israel in terms of the theology of history expressed in Deuteronomy. Though unacceptable as an account of the origin of the literature in question,⁶² this view is not mistaken when it finds the distinctive trait of these narratives to be their historical demonstration of the theological principles spelled out in the

⁶⁰ Noth observes that the narrative tradition of the history of Israel was preserved along with the law "as a collection of historical examples of the attitude of man to the law and its consequences" (*op. cit.*, p. 87).

⁶¹ See Baltzer, *op. cit.*, pp. 48-87. It has also been observed that the narratives in Deut. — II Kgs. are marked by a series of interpretive speeches and essays in a pattern of covenantal program and fulfillment; cf. D. J. McCarthy, *Kings and Prophets* (Milwaukee, 1968).

⁶² Cf. TGG, pp. 30 ff.

Book of Deuteronomy. And that is in effect to say that this historical treatment is covenantal, for Deuteronomy is precisely the treaty document given by Yahweh through Moses to be the canonical foundation of Israel's life in covenant relationship to himself. It may be added that modern higher critical studies of Chronicles, Ezra, and Nehemiah point to their covenantal orientation too. They are often seen as the product of the "Chronicler"; but whatever their origins, the selection of data for narration reveals their primary and pervasive interest in the cultic and dynastic institutions by which the covenant relationship of Yahweh with Israel was maintained.

While the history beyond the Pentateuch is thus to be identified as an extension of the historical prologues of the Mosaic treaties, its close connection with the prophets and the prophetic literature of the Old Testament is also to be noted. This interrelationship is another mark of the covenantal nature of the history, for the prophets pursued a distinctly covenantal vocation.

The Chronicler's references to historical sources composed by prophets⁶³ and the tradition of the prophetic authorship of the history of post-Mosaic times in Joshua through II Kings⁶⁴ attest to the activity of prophets in recording the history of Yahweh's covenant people. The missions of various prophets are related in these narratives, certain of them being prominently featured. Also, it has often been observed that the Old Testament historical narratives are complementary to the prophetic writings known as "the latter prophets," providing the necessary framework to understand them. The design of the history, however, went beyond the merely literary function of providing a background for the interpretation of the prophetic messages. The historical documents were suitable for legal service in the administration of the covenant. They constituted the official record witnessing to Yahweh's fidelity and to the vassal people's continual non-compliance with his commandments. In them the prophets

⁶³ See I Chron. 29:29; II Chron. 9:29; 12:15; 13:22; 20:34; 26:22; 32:32; 33:19. Cf. also Isa. 36-39.

⁶⁴ Hence these books are called the "former prophets."

had in hand documentary testimony substantiating their case in their mission as agents of Yahweh's covenant lawsuit against Israel.⁶⁵

In brief, we have now seen that Old Testament historical records, Pentateuchal and post-Pentateuchal, are extensions of the treaty prologues. They stand linked to both law and prophecy, and on both scores served as an instrument of covenant administration.

3. *Prophecy*: The question of the covenantal nature of the Old Testament documents known as "the latter prophets" may be approached through the office of their authors. Those who fulfilled the prophetic office were Yahweh's messengers, not only in the general sense that they were inspired agents of revelation (though they, along with others, were of course that),⁶⁶ but in the particular sense that they performed a distinctive diplomatic function. They were the representatives of Yahweh in the administration of his covenant over Israel to declare his claims and enforce his will through effective proclamation.

The establishment of the prophetic office was itself a matter of treaty stipulation. Moses, prophet-mediator of the old covenant, arranged in the Deuteronomic treaty for his covenantal task to be furthered by a succession of prophets like unto himself (Deut. 18:15 ff.; cf. Exod. 4:16; 7:1 f.).⁶⁷

⁶⁵ See further below.

⁶⁶ The label "prophet" was employed in a more general sense and the entire Old Testament revelation might be viewed as a revelation through God's prophets (cf. Heb. 1:1). It is, however, methodologically unsound to appeal to this broader, charismatic usage to obscure the difference between the revelatory gift and the administrative office and so to deny the existence of the prophetic office, as some do (cf. R. L. Harris in the *Bulletin of the Evangelical Theological Society*, 10, 1(1967), 21 ff.). Adequate procedure requires that word study be conjoined with sociological analysis, and such analysis plainly discloses the presence of a specific prophetic function and office in Israel.

⁶⁷ In his study, *Prophecy and Covenant* (Naperville, 1965), R. E. Clements states that "the distinctiveness of the canonical prophets . . . lay in their particular relationship to, and concern with, the covenant between Yahweh and Israel" (p. 127) as they "actualized the covenant tradition in a situation of crisis, in which the old order had fallen into decay" (p. 123). He presents this thesis in connection with the more general acknowledgment

The peculiarly prophetic task was the elaboration and application of the ancient covenant sanctions. In actual practice this meant that their diplomatic mission to Israel was by and large one of prosecuting Yahweh's patient covenant lawsuit with his incurably wayward vassal people.⁶⁸ The documentary legacy of their mission reveals them confronting Israel with judgment. These writings mirror the several sections of the original treaty pattern — preamble, historical prologue, stipulations, and sanctions — in new configurations suitable to the prophets' distinctive function. They proclaim the sovereign name of the covenant Lord — Yahweh, Creator, God of hosts. They rehearse the gracious acts of his reign through the history of his relationship with Israel.⁶⁹ They reiterate interpretively the obligations his treaty has imposed,⁷⁰ calling into review Israel's rebellious ways, and they confront the sinful nation with the curses threatened in treaty text and ratificatory rite, while renewing promises of unquenchable grace. Manifestly, then, these writings of the prophets are extensions of the covenantal documents of Moses. They summon Israel to remember the law covenant of Moses commanded at Horeb (Mal. 4:4) and to behold the eschatological future whose outlines were already sketched in the Mosaic curse and blessing sanctions, particularly in the covenant renewal in Moab (Deut. 28 ff.).⁷¹

In various more specific ways the language⁷² and literary form of these prophetic writings reflect the covenantal nature of their authors' office and message. The formulary for the prosecution of treaty violators can be reconstructed from

that "the controlling factor" in the development of the several literary traditions in the Old Testament was Israel's knowledge of covenant relationship to Yahweh (pp. 23 f.).

⁶⁸ Cf. *BOC*, pp. 51 ff.

⁶⁹ See also what was said above about the role of the prophets in recording the history of the covenant relationship.

⁷⁰ Cf. *Ezra* 9:11; *Dan.* 9:10.

⁷¹ Cf. *TGK*, pp. 34, 124 ff., and 132 f.

⁷² Illustrating by the prophets' use of the word "know" in the technical meanings which it has in the international treaties, Hillers observes that though "the word 'covenant' is not prominently on display in their writings, the complex of ideas associated with covenant is present as an invisible framework" (*Covenant*, pp. 123 f.).

ancient royal correspondence, and it has been found that the form of the prophetic indictment of Israel repeatedly follows this pattern of the covenant lawsuit.⁷³ One frequently noted element in this form is the prophets' appeal to heaven and earth to serve as witnesses.⁷⁴ Another important area of correspondence with the treaties is the prophets' threats of judgment. Numerous close parallels have been pointed out between the specific kinds of evil threatened by the prophets, including the accompanying terminology and imagery, and the curses in the sanctions section of the state treaties.⁷⁵ The prophetic office was modelled after that of covenant emissaries, and their message is accordingly found to be cast in significant respects in the traditional categories and conventional language of covenant diplomacy.

4. *Praise*: What the relationship of the Psalter was to the cult has been the subject of much discussion. Whatever may be concluded about the cultic origins of the various *Gattungen* represented in the Psalter or of the individual psalms themselves, certainly many psalms were employed in Israel's cult, even if the definition of cult were to be restricted to the service of worship in the immediate charge of the Levitical ministry. And since the temple was the sacramental focal point of the prayers of Israel from locales domestic and foreign (cf. I Kings 8:29 ff.), it may be said that the psalms in general are cultically oriented. This means that the covenant is the Psalter's sphere of existence.⁷⁶

⁷³ Cf. *TGK*, p. 35, note 26, and p. 139.

⁷⁴ On this see J. R. Boston, "The Wisdom Influence upon the Song of Moses," *Journal of Biblical Literature*, 87, 2 (1968), 198 f.

⁷⁵ See especially Hillers, *Treaty-Curses and the Old Testament Prophets and Covenant*, pp. 131 ff. Many of the parallels occur in prophetic oracles on foreign nations. The meaning of that must be related to the fundamental fact that the blessing of God's people has as its corollary the subjugation of their enemies. It is not just that Israel's curses and blessings are mirror-images of each other (as often in the treaties), but that whichever Israel receives, her foes receive the other. If one is head, the other is tail (cf. Deut. 28:7, 13, 25). For in establishing the Abrahamic community as his protectorate, God promised to curse those who cursed his people (Gen. 12:3).

⁷⁶ See the remarks above on cult, and notice further how the temple dedication prayer of Solomon, which gives classic expression to the practice

The psalms of praise, whether magnifying the majesty of Yahweh's person or the wonder of his ways in creation or redemption, were a part of Israel's tributary obligations; they were the spiritual sacrifices of the lips offered to the Great King. As vehicles of private and public devotion they were a continual resounding of Israel's "Amen" of covenant ratification. Psalms that rehearsed the course of covenant history⁷⁷ were confessional responses of acknowledgment to the surveys of Yahweh's mighty acts in Israel's behalf which were contained in the historical prologues of the treaties, responses suitable for recitation in ceremonies of covenant reaffirmation where those acts were memorialized.⁷⁸ In the use of the psalms extolling the law of God, Israel submitted anew to the stipulations of the covenant. Plaint and penitential psalms might find a place in interaction with the prophetic indictment of Israel in the process of the covenant lawsuit. Thus, the case for the covenantal function of the Psalter does not depend on a theory (like Weiser's) that would assign much in the Psalter a role in some one annual covenant renewal festival, speculatively reconstructed. Rather, the Psalter served broadly as a cultic instrument in the maintenance of a proper covenantal relationship with Yahweh.

The Psalter's function in covenantal confession suggests that it may be regarded as an extension of the vassal's ratification response which is found in certain biblical as well as extra-biblical covenants as part of the treaty text.⁷⁹ There are other aspects to the literary relation of the Psalter to the treaty form. Muilenburg remarks on "the degree to which the covenant terminology and form was adopted for use in worship" in Israel, noting Psalms like 50, 81, 89, 132 and extra-Psalter prayers like Solomon's at the dedication of the temple.⁸⁰ Analysis of the structure of various types of psalms may be fruitfully pursued by comparison with the thematic

of directing prayer towards the Jerusalem temple, is concerned from first to last with the covenant situation, its promises and its curse sanctions.

⁷⁷ See, e. g., Pss. 78, 105-106, and 135-136.

⁷⁸ Cf. Deut. 26:1 ff.; Josh. 24:16-18.

⁷⁹ Cf. *TGK*, p. 29, and see further below.

⁸⁰ See his "The Form and Structure of the Covenant Formulation" in *Vetus Testamentum*, 9 (1959), 356, with notes 2 and 3.

sequence of the treaties. Baltzer traces the influence of the covenant form in the liturgy of later Judaism, including Qumran texts, and early Christianity.⁸¹ How completely appropriate then that the Psalter opens with an echo of the treaty blessings and curses and the declaration that judgment hinges on man's attitude towards the law of the covenant.⁸²

5. *Wisdom*: The central thesis of the wisdom books is that wisdom begins with the fear of Yahweh, which is to say that the way of wisdom is the way of the covenant. In the Deuteronomic treaty Moses affirms that Israel received wisdom as an objective gift from Yahweh when he set before the nation the righteous statutes of his covenant and that Israel's subjective possession of wisdom was to be made manifest in their keeping the covenant (Deut. 4:6-8; cf. Jer. 8:8).

Accordingly, the function of the wisdom literature of the Old Testament is the explication of the covenant. One way it performs this is by translating the covenant stipulations into maxims and instructions regulative of conduct in the different areas of life and under its varying conditions. But the wisdom books are equally concerned with the outworking of the covenant sanctions in human experience. This association of wisdom with the revelation of the covenantal sanctions is already prominent in the Mosaic treaties. The Song of Witness in Deuteronomy 32:1-43 is a remarkably complete formulation of the covenant lawsuit, prophetically promulgated at the ratification of the Deuteronomic treaty. It anticipates Israel's subsequent rebelliousness and announces beforehand how Yahweh, stirred to jealousy, would heap upon them the evils so fully portrayed in the sanctions section of the treaty. And Moses introduces this Song as his "teaching," so identifying it by terminology common for instruction in the wisdom literature.⁸³

⁸¹ *Op. cit.*, pp. 171 ff.

⁸² Psalm 1 uses the terms "walk" and "know" in the technical treaty sense. Notice too the mirror-image relation of the similes employed in this psalm to depict the dual sanctions.

⁸³ Cf. *TGK*, p. 139. The extensive use of wisdom motifs in the Song is traced by Boston (*op. cit.*). On Deuteronomy and wisdom literature, cf. J. Malfroy, "Sagesse et loi dans le Deuteronomie," *Vetus Testamentum*, 15 (1965), 49 ff.

Thus to the knowledge of what God requires, Old Testament wisdom is concerned to add understanding of how God deals with individuals,⁸⁴ sovereignly meting out prosperity and adversity in his government of a fallen world in process of redemption. Or better, Old Testament wisdom sets forth the general order of divine providence and gives instruction as to the life stance appropriate to Yahweh's servants living within that world order regulated by his covenants. The exposition of this topic inevitably leads to a pondering of the mystery of the sufferings of God's servants. In the present connection it need only be noted that it is the Old Testament wisdom literature's function of interpreting the sanctions of Yahweh's covenants that explains the intensity of its involvement with the question of theodicy.

There are close links between the wisdom books and Israel's covenantal institutions, royal, prophetic, and cultic.⁸⁵ Not a little of the canonical wisdom is attributable to king Solomon, who also figures as royal patron of the wisdom enterprise in general. The interrelationship of the wisdom and prophetic movements is observable in shared literary themes and techniques. We have seen above that the covenant lawsuit, the prosecution of which looms so large in the prophetic mission, is cast in the form of wisdom instruction in Deuteronomy 32. The allied theme of theodicy⁸⁶ prominently treated in the wisdom literature is also a prophetic theme. Thus, Lamentations might be regarded as a prophetic wisdom book; it applies the wisdom motif of theodicy to the peculiarly prophetic province of the corporate history of Israel under the Mosaic covenant.

An important point of contact between Old Testament wisdom and the treaties, biblical and extra-biblical, is their common concern that their precepts be transmitted to suc-

⁸⁴ It is characteristic of the wisdom books that they analyze the situation of the individual rather than the corporate community and that their scope extends beyond the individual covenant servant within the context of the peculiar sanction guarantees given to the theocratic nation Israel.

⁸⁵ D. A. Hubbard surveys these matters in "The Wisdom Movement and Israel's Covenant Faith," *Tyndale Bulletin*, 17 (1966), 3-33, especially pp. 7-15.

⁸⁶ The condemnation of the vassal is in view in the lawsuit, the justification of Yahweh is the aim in theodicy; but lawsuit has theodicy as its corollary.

cessive generations through parental instruction of children. The parallel is strikingly reinforced by the coupling of this theme with the insistence that obedience be rendered with the whole heart and also with the provision that obedience be prompted by binding the precepts to the body as signs. For examples of this interesting complex of ideas see, on the wisdom side, Proverbs 3:1 ff.; 6:20 f.; and 7:1 ff. and, on the treaty side, Deuteronomy 4 (a passage which closely combines the treaty document clause and an identification of the covenant way with wisdom, verses 2-8); 6:1 ff.; and 11:13 ff.⁸⁷ The appearance of Yahweh's covenantal words in the wisdom form of parental instruction reminds us that the covenantal and family models offer complementary understandings of God's relationship to man. The Lord of the covenant is also the Father of his people.⁸⁸

From the foregoing sampling of the data it can be seen that the foundational treaty form which was adopted in the Mosaic covenants anticipated in its composite pattern the subsequent development of the Old Testament.⁸⁹ The treaty form was a remarkable documentary epitome of the whole covenant relationship. In it we see a corolla of petals tightly compacted, while in the Old Testament canon as a whole we see this covenant corolla unfolded in flower. In this process of organic extension there was combined with the Pentateuchal record of the establishment of the covenant a centuries-spanning documentary witness to the continuing relationship, consisting in historical accounts, documents of the prophetic

⁸⁷ See also Jer. 31:31 ff. (cf. Prov. 3:3; 7:3), and for these features in the extra-biblical covenants see, for example, Esarhaddon's Nimrud treaty (lines 283 ff. and 385 ff.). Cf. too my "Abram's Amen," *Westminster Theological Journal*, 31, 1 (1968), 11, and note 26.

⁸⁸ See Deut. 1:31; 8:5; 14:1; 32:5 ff.; I Cor. 8:5 f. Cf. D. J. McCarthy, "Notes on the Love of God in Deuteronomy and the Father-Son Relationship between Yahweh and Israel," *Catholic Biblical Quarterly*, 27, 2 (1965), 144-147.

⁸⁹ This is not, of course, to claim that all the literary variegation disclosed by form-critical analysis of the Old Testament was present in the treaty form, nor even that particular features common to, say, the prophetic or wisdom books and the treaties were peculiar to the treaties in extra-biblical literature or even had their ultimate source in them. The relationships of the various forms, even in their employment within the Old Testament limits, were intricately interdependent.

emissaries of the Lord, and literary deposits of other aspects of covenant life. The Old Testament which was thus produced represents an adaptation of the treaty form which is as much creative as it is imitative. Hence, the Old Testament is a covenantal corpus which is not only materially but formally *sui generis*. But it is indeed as a whole a *covenantal* corpus.

For the sake of obtaining a total biblical picture something must be said about the identity of the New Testament too as a covenantal corpus. Here, however, we must be content with little more than a bare statement of our thesis, looking hopefully to colleagues whose specialization is in this area to develop the matter in detail.

The identity of the various parts of the New Testament as in a distinct, functional-literary sense covenantal will be more readily discerned if we have first arrived at a covenantal assessment of the New Testament as a whole. And the latter follows quite clearly once our conclusions concerning the covenantal nature of the Old Testament are accepted. For the historical relationship sustained by the new covenant to the old covenant and the place occupied by the New Testament as the divine documentation of the new covenant compel us to understand the New Testament as a resumption of that documentary mode of covenant administration represented by the Old Testament.

The New Testament belongs to that pattern of renewing covenants by the issuance of new treaty documents which is already found in the inner history of old covenant administration.⁹⁰ Thus, for example, the Deuteronomic treaty documented the renewal of the covenant contained in the Sinaitic tables. This feature of the process of covenant administration constitutes another of the many parallels between biblical and extra-biblical covenants. In the case of the latter, not only might changing circumstances result in the altering of treaty provisions (as illustrated in the example dealing with military provisions noted above), but total renewals of the covenant relationship took place, especially on the occasion of changing leadership, whether on the suzerain or vassal side. And these

⁹⁰ The consummatory nature of *the* new covenant must be recognized, but the point made above remains valid. Cf. *BOC*, pp. 75 f. and note 26.

changes and renewals were witnessed to by the preparation of new treaty documents.⁹¹

It is apparent how suitable a model for the Scriptural revelation was supplied by such a series of treaties documenting the continuing renewal of a covenant relationship. For the redemptive history with which the Scriptures were organically connected proceeded by means of a succession of renewals of God's covenantal relationship to his people. The dynamics of eschatological progress in this renewal movement of redemptive history are unique. Nevertheless, the comprehensive schema of this history as it is reflected in the Scriptural documentation, especially in the Scriptures' major division into old, pre-messianic and new, messianic testaments, clearly reproduces the formal ancient pattern of treaty-documented covenant renewal. The covenant model with its mode of administrative continuity thus accounts for the overall structure of Scripture as Old and New Testaments, and hence it also accounts in particular for the New Testament as a whole, standing in literary relationship to the Old Testament.⁹²

In the case of the New Testament as in that of the Old Testament, acceptance of its own claims as to its primary divine authorship leads to recognition of its pervasively covenantal nature and purpose. For the New Testament so received will be understood as the word of the ascended Lord of the new covenant, by which he structures the community of the new covenant and orders the faith and life of his servant people in their consecrated relationship to him. And then the human authors of the New Testament books, authorized by their Lord to speak his word, will be seen to function as his "ministers of the new covenant" (*cf.* II Cor. 3:6). With respect to immediate as well as ultimate provenance, the

⁹¹ See Baltzer's analysis of the occasions of covenant reaffirmation and renewal in the Old Testament (*op. cit.*, pp. 59 ff., 71 ff.). In the historical prologues of the Hittite treaties references are found to previous treaty transactions with the vassal or his predecessors, occasions being mentioned when renewal of the covenant had been called for by circumstances like change in the dynastic succession or restoration of the vassal after violation of the treaty. *Cf.* *TGK*, pp. 36 ff.

⁹² At the same time, this case for the covenantal understanding of the relation of the two testaments in the overall structure of Scripture supports the position affirmed above concerning the covenantal identification of the Old Testament as a whole and in its several major divisions.

Sitz im Leben of the New Testament books is fundamentally covenantal. They all arise out of a covenantal source of authority and all address themselves to the covenant community.

The several literary genres represented by the individual books of the New Testament are not the same as the major Old Testament genres. But, as in the case of the latter, their covenantal functions can be readily related to particular sections of the foundational treaty form. Each one is rather transparently a specialized adaptation of one petal or another of the treaty corolla. Once again, therefore, there is a literary as well as functional aspect to the covenantal identification of these biblical books.

It will be the task of New Testament canonics to elaborate this thesis, but the main outlines are obvious enough at once. From the Gospels and Acts the lines can be traced back through the Old Testament historical narratives to the Pentateuchal records of the founding of the old covenant, with the Genesis prologue thereto, and thus back to the historical prologue section of the Mosaic treaties.⁹³ Like the covenant narrative in the Pentateuch, that in the Gospels is chiefly concerned with the establishment of the covenant order. It is particularly in their dominant interest in the sacrificial death of Christ, the covenant mediator, that the Gospels show themselves to be primarily testimonies to the ratification of God's covenant.⁹⁴ What precedes the passion narratives in the Gospels serves a prologue function (like that of the Book of Genesis in connection with the Sinaitic covenant), relating the background of previous covenant history. What follows the Gospel records of the ratification of the new covenant, that is, the history in the Book of Acts,⁹⁵ corresponds to the post-Sinai

⁹³ The Gospels and Acts also performed the function of the treaty preambles by introducing the messianic Lord of the covenant and identifying him through various witnesses as the divine King of Israel, son of David, and eternal Word.

⁹⁴ As frequently observed, the Gospels are not strictly biographies of Jesus. The interpretation of the Gospel form as covenant ratification witness or, more generally, as covenant record should provide a helpful clue in dealing with questions of the selection and disposition of the Gospel materials, matters which a biographical approach would often leave problematic.

⁹⁵ The Luke-Acts unity indicates that the primary character of the Gospels as covenantal records must apply to Acts too.

narratives of the Old Testament as an account of the effective founding of the covenant community in its historical role and mission.⁹⁶

From the New Testament epistles the lines can be traced back primarily through the prophets, but also through the Old Testament books of wisdom and worship, to the law of the Mosaic treaties, both stipulations and sanctions, particularly to the element of parenesis there. The kind of structural parallelism with the treaties that Baltzer notes in early Christian literature like the Epistle of Barnabas, the Didache, and II Clement⁹⁷ is also present in the New Testament epistles. One aspect of the covenantal mission of Israel's prophets which finds an illuminating counterpart in the letters of the apostle Paul is that of the prosecution of Yahweh's covenant lawsuit. Although this is not as prominent in the first generation mission of the apostolic minister of the new covenant, arresting evidence of such a function is found in a recurring motif in Paul's letters that has been called "the apostolic parousia."⁹⁸ The epistle itself was an anticipatory surrogate for the apostle's presence in disciplinary power.⁹⁹

Once again from the New Testament Apocalypse the lines can be traced through the Old Testament prophets to the eschatological curses and blessings of the sanction section of the treaties. The Book of Revelation is replete with treaty analogues from its opening preamble-like identification of the awesome Lord Christ; through the letters to the churches, administering Christ's covenantal lordship after the manner of the ancient lawsuit; on through the elaborately expounded prophetic sanctions which constitute the major part of the book; and down to the closing documentary clause and canonical curse.

⁹⁶ Some further analysis of this will be necessary under a subsequent discussion of canonical norms. The function of the Book of Acts in providing an historical framework for the epistolary portion of the New Testament canon parallels that of the Former Prophets in relation to the Latter Prophets.

⁹⁷ *Op. cit.*, pp. 128 ff.

⁹⁸ See Robert W. Funk, "The Apostolic 'Parousia': Form and Significance" in *Christian History and Interpretation* (ed. W. R. Farmer, C. F. D. Moule, R. R. Niebuhr; Cambridge, 1967), pp. 249-268.

⁹⁹ Another aspect of the apostolic parousia short of the apostle's personal presence was the representative apostolic emissary.

It is then within the framework of covenant institution, administration, and documentation that the particular canonical functions of the several distinct literary sections of the New Testament come to proper focus.

Conclusion: Our traditional designations "Old Testament" and "New Testament" have been all the while more precisely appropriate than we have realized. According to the common understanding this nomenclature merely reflects the close association of the biblical books with the history of the covenants, or it provides a very succinct table of contents of the Bible. But "testament," or "covenant," denotes more than a prominent element in the contents of the Bible. The documents which combine to form the Bible are in their very nature — a legal sort of nature, it turns out — covenantal. In short, the Bible *is* the old and the new covenants.

We are now in a position to apply what we have earlier concluded concerning biblical canonicity in its treaty origins to the whole of the Old Testament and, indeed, to the entire Scriptures. Because the Bible *is* the old and new covenants and because canon is inherent in covenant of the biblical type, canonicity is inherent in the very form and identity of Scripture as the Old Testament and the New Testament. The canonical authority of the Bible is in a class by itself because its covenantal words are the words of God. Yet because Scripture is covenant, biblical canonicity, from beginning to end, belongs at the formal literary level to the more broadly attested category of authoritative treaty words. All Scripture is covenantal and the canonicity of all the Scripture is covenantal.¹⁰⁰ Biblical canon is covenantal canon.

(to be continued)

¹⁰⁰ Was it out of an awareness of this that *ἐνδιαθήκος*, "covenantal," was used in the early church instead of *κανών* to express the canonical character of Scripture? Cf. the usage of Origen and Eusebius in the latter's *Church History*, III, 3, i and iii; III, 25, vi; VI, 25, i.