Covenant in the Persian Period

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COVENANT IN THE PERSIAN PERIOD

EDITED BY STEVEN SCHWEITZER

Editors' note: In the following essays, full bibliographical information is provided for the book under review when it is referenced for the first time. Further references to the book, including references to specific chapters, use the abbreviated title: *Covenant in the Persian Period*.

INTRODUCTION TO REVIEW ESSAYS

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The following essays reflect scholarly interactions in a panel review session of the Chronicles–Ezra–Nehemiah Section of the Society of Biblical Literature at its annual meeting in November 2016 in San Antonio, Texas. The recent publication, *Covenant in the Persian Period: From Genesis to Chronicles*, edited by Richard J. Bautch and Gary N. Knoppers (Winona Lake, IN: Eisenbrauns, 2015), contains 22 essays on the topic of covenant within various Hebrew Bible texts. These essays were distributed among four reviewers, each with expertise in that particular material. The two editors of the volume offered responses. The session was lively, with rich discussion and conversation. The order here reflects the sequence in which they were presented.

As one of the co-chairs of the Chronicles–Ezra–Nehemiah Section, it was my privilege to help organize and then to preside at the session. It has been an additional honor to edit these presentations for publication. Thanks to Christophe Nihan and Anna Angelini with the *Journal of Hebrew Scriptures* for their support. However, it is the four panel reviewers and two respondents who deserve the greatest thanks for insightful comments and probing ideas: Thomas B. Dozeman, Sean Burt, Melody D. Knowles, Thomas Römer, Richard J. Bautch, and Gary N. Knoppers. This volume of essays is an important contribution to the field of biblical studies and the critical reviews here only enhance its value in the future for those working on the topic of covenant and on these various texts in the Hebrew Bible.

ESSAYS ON THE PENTATEUCH AND JEREMIAH

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The volume, *Covenant in the Persian Period*, explores the transformation of covenant in the postexilic period as a vehicle for Judean identity.[1] The editors note that the long history of research on covenant in the earlier periods of ancient Israel often left the Persian period unexplored, hence the need for the present volume.[2] They explain further that the function of covenant in the Persian period is intended to establish the unique relationship between Yahweh and Israel, which required clarification concerning the past relationship of Yahweh with the ancestors, as well as Israel's present relationships *externally* with foreign nations and *internally* among the diverse Israelite communities.

I will review two bodies of literature that reflect the active role of covenant in the Persian period: the Pentateuch and the book of Jeremiah. Three issues in particular are highlighted in the Introduction as central for understanding covenant: (1) how covenant is conceived in the Persian period; (2) the influence of Persian ideology on the formation of covenant; and (3) the criteria required for interpreting covenant in the Hebrew Bible, especially whether study should be limited to the occurrences of the Hebrew word ברית, or expanded to include larger themes that exceed the specific use of the term ברית.[3] My review will follow this three-part structure.

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[1] R.J. Bautch and G.N. Knoppers (eds.), *Covenant in the Persian Period: From Genesis to Chronicles* (Winona Lake, IN: Eisenbrauns, 2015).

[2] See, for example, the classical studies by K. Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, trans. D.E. Green (Minneapolis: Fortress, 1971); D.R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: Johns Hopkins University Press, 1969); G. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh: Presbyterian Board of Colportage of Western Pennsylvania, 1955); D. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents*, 2nd ed. (AnBib, 21a; Rome: Pontifical Biblical Institute, 1978); and M. Weinfeld, "The Covenant of Grant in the Old Testament and in the Ancient Near East," *JAOS* 90 (1970), 184–93.

[3] R.J. Bautch and G.N. Knoppers, "Introduction," in Bautch and Knoppers, *Covenant in the Persian Period*, 1–19 (4–7).

MEANING OF COVENANT

COVENANT IN THE PENTATEUCH

The four contributions on the Pentateuch examine both the Priestly and the non-Priestly conceptions of covenant in the Persian period. Jakob Wöhrle[4] and Andreas Schüle[5] explore the meaning of the "eternal covenant" in Priestly literature in general; Thomas Hieke[6] narrows the scope of study to the Holiness Code and the meaning of covenant in Lev 26; and Wolfgang Oswald provides a summary of the changing meaning of the revelation at Sinai in non-Priestly literature when the theme of covenant is introduced by Deuteronomistic redactors.[7]

Wöhrle and Schüle note the strong influence of Walter Zimmerli in the interpretation of covenant within Priestly literature.[8] Zimmerli emphasized the unilateral and unconditional nature of covenant in the Priestly account of Noah (Gen 9) and in the covenant with Abraham (Gen 17). These covenants of pure grace are similar in content, according to Zimmerli, and their unconditional character is strengthened by the absence of covenant at Sinai in Priestly literature.

Both Wöhrle and Schüle qualify the interpretation of Zimmerli. Wöhrle argues that the content of covenant in Priestly literature provides a more nuanced interpretation of what the author intended in using the term "everlasting covenant." He notes a progression in the content of covenant from Noah (Gen 9), which underscores that all of humanity will inhabit the earth, to the covenant with Abraham (Gen 17), which introduces difference among the nations (and thus identity) when it states that Abraham and his descendants will occupy the land of Canaan.[9] Schüle qualifies Zimmerli's additional conclusion that covenant is absent at Sinai, noting the central role of Sabbath as an "eternal covenant" (Exod 31:16), which he argues is part of the Priestly source.[10] The inclusion of covenant at Sinai challenges the assumption that the Priestly literature did not contain a

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[4] J. Wöhrle, "Abraham amidst the Nations: The Priestly Concept of Covenant and the Persian Imperial Ideology," in Bautch and Knoppers, *Covenant in the Persian Period*, 23–39.

[5] A. Schüle, "The 'Eternal Covenant' in the Priestly Pentateuch and the Major Prophets," in Bautch and Knoppers, *Covenant in the Persian Period*, 41–58.

[6] T. Hieke, "The Covenant in Leviticus 26: A Concept of Admonition and Redemption," in Bautch and Knoppers, *Covenant in the Persian Period*, 75–89.

[7] W. Oswald, "Correlating the Covenants in Exodus 24 and Exodus 34," in Bautch and Knoppers, *Covenant in the Persian Period*, 59–73.

[8] W. Zimmerli, "Sinaibund und Abrahambund: Ein Beitrag zum Verständnis der Priesterschrift," *TZ* 16 (1960), 268–80; see also idem, *Gottes Offenbarung: Gesammelte Aufsätze* (TB, 9; München: Kaiser, 1963).

[9] Wöhrle, "Abraham amidst the Nations," 24–30.

[10] The identification of Exod 31:12–17 as part of the Priestly source is

version of the covenant at Sinai and that it lacked covenantal conditions. Schüle explores a more complex relationship between divine promise and human obligation in the Priestly understanding of covenant. He argues that the Priestly author separated the *concept* of the "eternal covenant" to Noah (Gen 9), Abraham (Gen 17), and Israel at Sinai (Exod 31) from *specific laws*, which reflects a similar trend in exilic prophetic discourse, such as Ezekiel, Second Isaiah, and Jeremiah.[11] The result is that the covenant can be "eternal" because it defines the relationship between God and all humanity (Gen 9) and Israel (Gen 17; Exod 31); it does not include the "human response to it." Human obligation retains a role in covenant; it allows Israel to observe Sabbath as a means of "holding on to the eternal covenant."[12]

Hieke describes the same complex relationships within covenant in the Holiness Code, where divine promise and human obligation form a dynamic relationship in Lev 26. He too separates covenant from specific legislation as Schüle, using the metaphor of the suzerain. Covenant for Hieke represents the authority of Yahweh as the suzerain who decides the fate of subjects when laws are broken.[13] For this reason, particular legal actions of Israel do not determine the fate of the covenant relationship—only the suzerain has this power. During the breakdown of the covenant relationship from the Neo-Babylonian exile, Hieke underscores the developing power of Israel to confess sins through penitential prayers, which prompts God to "remember" covenant even at times when Israel breaks it.[14] The interplay of penitential prayer and the divine memory of covenant create the possibility for the redemption of Israel in the Persian period.

Oswald traces the conception of covenant in the revelation at Sinai. He concludes that covenant is not part of the pre-Deuteronomistic version of Exod 18–24, which represents a postmonarchic account of theophany and the revelation of law including the Decalogue and the Book of the Covenant.[15] The theme of covenant is introduced in the Deuteronomistic expansion of the narrative (e.g., Exod 19:5), which also transforms the identity of Israel into a "treasured" (19:5) and "holy" (19:6) people. The related cluster of motifs indicates the importance of covenant and identity in the Deuteronomistic expansion.[16] The insertion of covenant is also meant to rein-

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debated, with many interpreters assigning the text to later additions to the Priestly source. See the review of the literary arguments to support different views of composition as well as Schüle's reasons for assigning the text to the Priestly source (Schüle, "The 'Eternal Covenant'," 43–47).

[11] Schüle, "The 'Eternal Covenant'," 48–53.

[12] Ibid., 56.

[13] Hieke, "The Covenant in Leviticus 26," 78.

[14] Ibid., 78–83.

[15] Oswald, "Correlating the Covenants in Exodus," 60–65.

[16] Ibid., 65–69.

force the event of law-giving at Sinai, while at the same time subordinating law to the concept of the covenant, echoing the separation of covenant and law in the research of Schüle and Hieke. The subordination of law to covenant allows for change after failure, creating the possibility of a future relationship with Yahweh in the theological reflection of postexilic Israel. The flexibility of covenant beyond the obedience or disobedience to specific laws is evident in the present form of the Sinai narrative, which is structured into the sequence of revelation of law (Exod 19–24); breaking of law (Exod 32); and second covenant (Exod 34).

COVENANT IN JEREMIAH

The two contributions on Jeremiah explore a wide range of debates within the present form of the book about the meaning of covenant in the Neo-Babylonian and Persian periods. Dalit Rom-Shiloni explores political and marriage metaphors of covenant throughout the book of Jeremiah;[17] while Matthew Sjöberg examines the reinterpretation of the Davidic covenant so that it is directed to Jerusalem and Levitical priests in the redaction of Jer 33:14–26.[18]

Rom-Shiloni builds on the research of Saul M. Olyan who identified "intra-communal debates" over the meaning of covenant in the exilic and postexilic periods.[19] Rom-Shiloni summarizes a range of political metaphors on covenant modeled on treaties and grants; the distinct interpretations of covenant state that (1) the covenant relationship between God-Israel endures in spite of the exile (Jer 31:35–36); (2) the covenant is suspended during the exile but will be reinstituted as a "new covenant" (31:31–34); and (3) the covenant will be reinstituted with the exiles upon their return to the homeland (Jer 32:36–41). Rom-Shiloni adds two additional metaphors of covenant from the setting of the family, including (1) covenant as marriage (Jer 2–3) and (2) covenant as adoption (Jer 3:19–25).[20]

Rom-Shiloni argues that the political metaphors for covenant provide the overarching conception of the God-people relationship in the book of Jeremiah. The covenant as grant emphasizes the power of the sovereign to continue the covenant relationship in spite

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[17] D. Rom-Shiloni, "The Covenant in the Book of Jeremiah: On the Employment of Family and Political Metaphors," in Bautch and Knoppers, *Covenant in the Persian Period*, 153–74.

[18] M. Sjöberg, "Inner-Biblical Interpretation in the Redaction of Jeremiah 33.14–26," in Bautch and Knoppers, *Covenant in the Persian Period*, 174–93.

[19] S.M. Olyan, "The Status of Covenant during the Exile," in I. Kottsieper, R. Schmitt, and J. Wöhle (eds), *Berührungspunkte: Studien zur Sozial- und Religionsgeschichte Israels und seiner Umwelt. Festschrift für Rainer Albertz zu seinem 65. Geburstgag* (AOAT, 350; Münster: Ugarit Verlag, 2008), 333–44.

[20] Rom-Shiloni, "The Covenant in the Book of Jeremiah," 159–61.

of disobedience (e.g., 31:35–36), while the emphasis on treaty underscores the obligation of the people to obey (e.g., 31:31–34).[21] The focus of Rom-Shiloni's study is to explore the important role of family metaphors of covenant in relationship to the political metaphors. The interpretation of covenant as marriage (Jer 2–3) is interpreted negatively in the book. The inner-biblical interpretation of Deut 24:1–4 in Jer 3:15 underscores the inability of God and Israel to remarry.[22] Jer 3:19–25 provides for a future covenant relationship between God and the people by separating the family metaphors of covenant between marriage and adoption. Unlike the marriage metaphor, which emphasizes the termination of covenant, the metaphor of adoption allows for the possibility of repentance and a "future of hope for reinstituting the God-people relationship."[23] The blending of adoption and political metaphors for covenant in Jeremiah became the basis for exploring the future relationship between God and the people during the Persian period.

Sjöberg focuses narrowly on the MT version of Jer 33:14–26. Comparison indicates the priority of the LXX and the late redactional revision of the MT Jer 33:14–26.[24] The MT expansions of the LXX accentuate the redactor's interpretation of covenant in the late postexilic period. Sjöberg clarifies two changes in the MT of Jer 33:14–26. The first is the promise of the Davidic sprout, which shifts from focusing on the monarch to Jerusalem as the place of restoration for the exiles (33:14–17).[25] The second reinterpretation is the extension of the "eternal covenant" with the Davidic king to include the Levitical priesthood (33:17–18).[26] The result is a reinterpretation of covenant as a form of national identity beyond the monarchy to include also temple and the Levitical priesthood.

COVENANT AND PERSIAN IDEOLOGY

The exile looms large in the background of each essay on covenant in the Pentateuch and in the book of Jeremiah. Oswald underscores the absence of the monarch in the pre-Deuteronomistic version of Exod 18–24 and the polity of the people as a semi-autonomous citizen-state as the basis for locating the composition in the exile; while the more complex Deuteronomistic version of covenant represents an advanced state of institutionalization in the Persian period.[27] The prominent role of penitential prayer in the exilic period also prompts Hieke to locate the covenant theology of Lev 26 in the

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[21] Ibid., 155–59.
[22] Ibid., 161–67.
[23] Ibid., 167–69.
[24] Sjöberg, "Redaction of Jeremiah 33:14–26," 176–80.
[25] Ibid., 180–83.
[26] Ibid.,183–88.
[27] Oswald, "Correlating the Covenants in Exodus," 70.

exile and later.[28] The Priestly conception of covenant has traditionally been located in the late Neo-Babylonian and Persian periods, which is also assumed in the research of Wöhrle and Schüle. Wöhrle in particular builds on this consensus to argue that the concept of covenant in the Priestly literature actually mirrors the Persian ideology of governance. The progression in Genesis from the universal promise to Noah that all nations will inhabit the earth together (Gen 9), to the more geographically specific promise to Abraham that he will reside in the land of Canaan, mirrors the Persian ideology of governance, in which the nations are structured into their respective countries in order to coexist on earth.[29]

Rom-Shiloni locates the intra-communal debates on covenant in the exilic period at the earliest, while concluding that the blending of adoption and political metaphors for covenant in Jeremiah flourished in the early Persian period in the Jeremiah tradition as well as in other prophetic literature (e.g., Isa 63:7–64:11, esp. 63:16–19; 64:7–8).[30] Sjöberg is more specific in relating the MT redaction of Jer 33:14–26 to the postexilic period. He notes that the expansion of the Davidic promise to the priesthood reflects the early postexilic period when Davidic and priestly material were closely associated (e.g., Zech 6:9–13); while the emphasis on multiplying the seed of the Levites may represent a time when there was a shortage of Levites, as reflected for example in Ezra (2:40; 8:15–19) and Nehemiah (7:43).[31]

SCOPE OF STUDY

The studies of covenant in Priestly literature and the Holiness Code are restricted to the occurrences of the word ברית; the same restriction on the scope of study is evident in the research on Jeremiah by Rom-Shiloni and Sjöberg. But the study of Oswald on the Deuteronomistic re-reading of the revelation at Sinai opens a door into the interpretation of covenant that extends beyond the limits of the word ברית. Oswald argues that the Deuteronomistic restructuring of the revelation at Sinai into the sequence of covenant (Exod 19–24), covenant breaking (Exod 32), and second covenant (Exod 34) should not be interpreted as though the focus were on Exod 34 as a new or second covenant. He argues instead that the hermeneutical strategy is much broader and that the Deuteronomistic oriented law in Exod 34 is actually intended to signal the transfer of the legal basis of covenant from the Book of the Covenant to the book of Deuteronomy.[32] In this case, the scope for studying covenant in the non-Priestly version of the Pentateuch branches out beyond the occurrences of the word ברית in Exod 34 to include the entire book

[28] Heike, "The Covenant in Leviticus 26," 83.
[29] Wöhrle, "Abraham amidst the Nations," 32–34.
[30] Rom-Shiloni, "The Covenant in the Book of Jeremiah," 169–71.
[31] Sjöberg, "Redaction of Jeremiah 33:14–26," 188–91.
[32] Oswald, "Correlating the Covenants in Exodus," 67–70.

of Deuteronomy as the basis of covenant. The study of covenant in this case is no longer restricted to the specific texts in which the word appears, but now encompasses at the very least the book of Deuteronomy if not also the Deuteronomistic version of the revelation of law at Sinai.

The editors Bautch and Knoppers along with the contributors must be congratulated for producing this rich volume of essays. The previous writing on covenant in the mid-20th century provided a catalyst for research on the social and theological formation of early ancient Israel that endured for decades. The shift in dating the literature of the Hebrew Bible from the early monarchy to the exilic and postexilic periods left a void in the research on covenant that is now being filled with the wide variety of essays in *Covenant in the Persian Period*. This volume will provide a helpful starting point for any future research on the important topic of covenant as the means to describe the unique relationship between Yahweh and Israel, between Israel and foreign nations, and among the diverse Israelite communities.

ESSAYS ON ISAIAH 24–27, HAGGAI, ZECHARIAH, AND MALACHI

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Among the literature that emerged in the Persian period, prophetic texts offer some of the most complex and enigmatic explorations of covenant. Whether the visionary texts of Deutero-Zechariah and the Isaiah Apocalypse or the rhetorical polemics of Haggai and Malachi, these dense, allusive literary texts respond to, build on, and transform Israelite covenant traditions with great creativity. This section of our review of *Covenant in the Persian Period*[1] will engage with chapters devoted to prophetic texts: one essay on Isa 24–27 by James T. Hibbard and four essays on Haggai, Zechariah, and/or Malachi by John Kessler, Richard J. Bautch, Christine Mitchell and Elie Assis. This collection of essays displays a range of scholarly approaches to prophetic literature. This range, further, is an indication that *Covenant in the Persian Period* presents readers not with a programmatic view of the topic but a field of possibilities over which covenant can be explored, not the least among them the relationship between prophetic language about covenant and the social and religious status of covenant in Persian period communities. The following essays on Persian period prophetic literature hint at the many ways in which covenant imagery serves as a powerful and flexible resource for resolving ideological problems in the Persian period.

First, Hibbard, in "Breaking an Eternal Covenant: Isaiah 24:5 and Persian-Period Discourse about the Covenant," offers a study on Isa 24–27, particularly the curious note in Isa 24:5 that the earth has been polluted because inhabitants have "broken the perpetual covenant" (ברית עולם).[2] Hibbard builds on the scholarly consensus that Isa 24–27 is a dense work in conversation with a number of Persian period sources, including Gen 6–9 and other Pentateuchal traditions.[3] In this essay, Hibbard focuses on tracing an "inter-Isaianic" conversation among Persian period Isaiah traditions on the image of covenant. He notes that two other Isaiah texts, Isa 55:3 and

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[1] R.J. Bautch and G.N. Knoppers (eds.), *Covenant in the Persian Period: From Genesis to Chronicles* (Winona Lake, IN: Eisenbrauns, 2015).

[2] J.T. Hibbard, "Breaking an Eternal Covenant: Isaiah 24:5 and Persian-Period Discourse about the Covenant," in Bautch and Knoppers, *Covenant in the Persian Period*, 195–209.

[3] Hibbard cites D. Polaski, *Authorizing an End: The Isaiah Apocalypse and Intertextuality* (Leiden: Brill, 2001).

Isa 61:8, which are themselves closely intertwined with one another, also make reference to an eternal covenant. These two passages, however, speak of the ברית עולם in a markedly more positive manner than does Isa 24:5. Hibbard's approach is to draw a link between 55/61 and Isa 24. Though Isa 24 does not share lexical links with 55/61, he locates thematic connections in images related to the restoration of the city of Jerusalem and its temple. As a result, Hibbard argues that Isa 24 "tempers the enthusiasm about" the eternal covenant and shows that "the establishment of the perpetual covenant must be balanced by the possibility of its abrogation."[4] The idea of a covenant, in this view, presumes the prospect that it can be broken.[5] In sum, Isa 24:5 represents a rethinking of that covenant in light of the "the worldwide or international dimension of covenant discourse in the Persian Period."[6] The invitation of the entire world to enter into the covenant also thus presumes that the entire world is subject to the violable conditions of that covenant.

Another treatment of Persian period rethinking of covenant, in this case the Sinai covenant, appears in Kessler's discussion of Haggai. In "Curse, Covenant, and Temple in the Book of Haggai," Kessler addresses an interpretive difficulty in Haggai about the relationship between temple construction and covenant. In other words, the language in Haggai 1 describing the consequences of failing to build the temple strongly resembles covenant violation language, yet temple construction is not elsewhere identified as a covenant obligation. To solve this problem, interpreters have chosen to argue either that Haggai presumes that the temple reconstruction has become part of the covenant or that the curse language is "borrowed from a covenantal matrix"[7] and not intended to describe an actual covenant. Kessler finds both of these positions dissatisfying and, in a modification of his earlier published view,[8] makes a case that synthesizes the two positions. In his view, the numerous links between Hag 1 and other covenant curse texts (Deut 28, Lev 26, Mic 6, Amos 4), means that the Sinai covenant is controlling in Hag 1, that the curse-like language is not "mere rhetorical device."[9] Yet, Kessler wishes to take seriously the significance of the absence of references to temple construction in other Sinai covenant texts. As a result, he argues that Haggai presumes the Sinai covenant but does not in fact imagine that the people of Jerusalem have abrogated the covenant. In order to join these positions, he draws a distinction between two kinds of

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[4] Hibbard, "Breaking an Eternal Covenant," 203.

[5] Ibid., 205.

[6] Ibid., 206. See also C.L. Meyers and E.M. Meyers, *Zechariah 9–14* (AB, 25C; Garden City, NY: Doubleday, 1993), 505.

[7] J. Kessler, "Curse, Covenant, and Temple in the Book of Haggai," in Bautch and Knoppers, *Covenant in the Persian Period*, 229–54 (235).

[8] J. Kessler, *The Book of Haggai: Prophecy and Society in Early Persian Yehud* (VTSup, 91; Leiden: Brill, 2002).

[9] Kessler, "Curse, Covenant and Temple," 240.

covenant violation: 1) acts that represent violations *of* covenant, which abrogate the covenant, and 2) acts that represent violations *in* covenant, which do not abrogate it. As a parallel, Kessler appeals to 1 Kgs 8, which describes communal transgressions that are worthy of criticism but take place in the "ongoing life of the . . . nation"[10] and do not entail covenant violation. Thus, the failure to build the temple becomes for Haggai a violation in covenant that does not rise to the level of a violation of covenant.

Another essay that seeks to detangle an example of complex covenant language in prophetic literature is the contribution by Bautch, "Zechariah 11 and the Shepherd's Broken Covenant." Zech 11 speaks of a shepherd who breaks a staff named Favor (נעם), and thereby "breaks the covenant I made with all the peoples." Among the many curious aspects of this notoriously difficult passage is the fact that its perspective on covenant is pessimistic, in contrast to other passages in Deutero-Zechariah, particularly Zech 9:11 and 13:7–9 (in this way, the problem with Zech 11 resembles the questions that Hibbard raises with respect to Deutero-Isaiah). To make sense of this text, Bautch conducts a subtle argument that searches for intertextual links with other biblical passages that can contextualize Zech 11. Observing that the phrase "breaking the covenant I made with" also occurs in contexts in Jeremiah and Deuteronomy, Bautch argues that the underlying covenant is Mosaic. Within those parameters, though, Zech 11 envisions the rupture of a particular variant of covenant, the Sinai covenant "with a certain innovation added,"[11] an added covenant between the leader (shepherd) and the people, with additional responsibilities given to the shepherd. He makes this case by linking the passage of the shepherd's staff (11:4–17) to the seemingly unrelated preceding material on the fall of the cedars (11:1–3), by means of a complex network of allusions. Specifically, the verb for breaking the staffs in 11:10 and 11:14 (גדע) also appears in Isa 10:33–34, which parallels trees being "cut down" with a reference to the "glorious" (אדיר) being brought low. Similar terms occur with slight variations in both Zech 11:2 (אדרים) and 11:3 (אדרתם). Additionally, and crucially for Bautch's argument, the term אדיריהם also appears in another passage in which covenant-related language is central, Neh 10:30. In Neh 10, the text offers what Bautch characterizes as a twofold covenant: a re-iteration of the underlying Sinai covenant with an addition of a specialized sub-covenant, so to speak, the "agreement" (אמנה). In Neh 10, this אמנה stipulates additional duties not otherwise mentioned in the Sinai covenant (such as, for example, the wood offering) that are addressed to a subset of the community. Bautch analogizes Zech 11 with Neh 10, so that Zech 11 becomes an allusion to a specialized sub-covenant between the shepherd and the people. As a result, the curious

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[10] Ibid., 242.

[11] R.J. Bautch, "Zechariah 11 and the Shepherd's Broken Covenant," in Bautch and Knoppers, *Covenant in the Persian Period*, 255–69 (257).

presence of a negative evaluation of covenant sandwiched between positive evaluations in Zech 9 and 13 can be explained as the abrogation of a specialized covenant replaced by hope for a renewal of new covenant in Zech 13.

Also on the subject of Haggai–Malachi, but otherwise in a very different vein, is Mitchell's "Achaemenid Persian Concepts Pertaining to Covenant and Haggai, Zechariah, and Malachi." In this chapter, Mitchell seeks to approach the topic of covenant in Persian period prophetic literature by exploring the possibilities of Achaemenid Persian influence on prophetic texts from this period. Noting that there is no evidence of suzerain treaties in Achaemenid Persia, Mitchell instead points to the Old Persian term *bandaka*, the special relationship between king and satrap or, more importantly, between deity and king. She expands on Manfred Oeming's suggestion that the term עבד in Neh 9:36–37 refers to a *bandaka* relationship, pointing to key prophetic texts where עבד may also may indicate a relationship of loyalty. Both Zerubbabel in Hag 2:23 and "Sprout" (צמח) in Zech 3:8 are designated as "my servant" (עבדי). Furthermore, Hag 2:23 also indicates that YHWH "chose" (בחר) Zerubbabel, which in Mitchell's view echoes Ahuramazda's choice of Xerxes in a Persian royal inscription (XPf). These suggestive passages strengthen Oeming's proposal that Hebrew עבד can indicate a relationship of loyalty that bears strong resemblance to the Persian *bandaka* relationship. Beyond this observation, Mitchell offers several other possible connections between Persian motifs and ideology and Haggai-Malachi: she observes that the seven-eyed stone and the "guilt" of the land in Zech 3 may resemble the "seven men" mentioned in Bisitun and the Persian concept of "The Lie" (*drauga*), respectively. Also, Mitchell, explores how the concept of the covenant with Levi in Mal 2 may be a subtle "repudiation of Achaemenid forms of covenant," insofar as it echoes Isa 42 and 49, yet implies that Levi replaces Cyrus.[12] Mitchell mentions that this essay is a part of a larger project on Persian influence on Haggai and Zechariah. Some of these suggestions in this essay perhaps await fuller explication in that project, but this essay is bursting with innovative ideas, and I look forward to the appearance of the expanded treatment.

In the final of the five essays that are the subject of this review, Assis's "The Reproach of the Priests (Malachi 1:6–2:9) within Malachi's Conception of Covenant" addresses the oracle against priests in Mal 1:6–2:9.[13] Assis makes the case that this passage is made up of two sections, 1:6–14 and 2:1–9, that illustrate two sides of the same coin: the failure of reciprocity. The priests are charged, in other

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[12] C. Mitchell, "Achaemenid Persian Concepts Pertaining to Covenant and Haggai, Zechariah, and Malachi," in Bautch and Knoppers, *Covenant in the Persian Period*, 291–306 (301).

[13] E. Assis, "The Reproach of the Priests (Malachi 1:6–2:9) within Malachi's Conception of Covenant," in Bautch and Knoppers, *Covenant in the Persian Period*, 271–90.

words, with a bipartite critique. They failed both to be the representative of the people before God (by offering polluted sacrifices; 1:6–14) and to be the representative of God to the people (by failing to give proper instruction; 2:1–9). As a result of this double failure, the covenantal relationship between God and the people eroded, causing, in Assis's judgment, the people to embrace "universalism" and "doubt their identity as God's people."[14] This implicit focus on the relationship between God and people (as mediated by priests) is for Assis an indication that "the foundation on which the book of Malachi is built is the principle of covenant."[15] Yet, the only mentions of ברית in this oracle (Mal 1:6–2:9) come in appeals to the "covenant of Levi" (Mal 2:2, 5, 8), a term that Assis takes to be not a tradition or a "concept formulated in Malachi, but rather as an associative term used for rhetorical purposes."[16] In other words, the absence of any explicit discussion of ברית is no barrier to characterizing a text as shaped by covenant, while the presence in the text of the term ברית does not ensure that the text is concerned with covenant.

I would like to linger on this intriguing question of the connection between covenant *terminology* and covenants proper, in order to move toward a discussion of this collection of essays as a whole. While reading these essays I began to consider what might be the controls that shape how we discuss covenant in the literary texts from the Persian period. Even more, what are we talking about when we speak of covenant? An essay elsewhere in the volume on Joel by James Nogalski outlines some reasonable guidelines for when and why it is justifiable to speak of covenant in a text, like Joel, that does not include the lexeme ברית.[17] Given both the wide range of literary techniques and the denseness of tradition in many texts of the Persian period, the notion that subtle allusions to and interpretations of covenant can be found in these texts is exceedingly plausible. I would like to raise a question about the other side of the issue: what methodological controls do we have to determine whether usages of covenant language indicate a religious/sociological or conceptual object? In other words, if the absence of covenant language is not necessarily an obstacle to finding covenant in a text (and I agree that it is not), is the presence of covenant language necessarily an indication that the text is characterizing an actual covenant?

As I hope this brief tour of only a small part of the present volume has shown, Persian period prophetic texts use covenant language in a way that displays a high degree of creativity, denseness, and complexity. Yet, to what extent is each different formulation of covenant-related language in each text or layer of a text a reflection

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[14] Ibid., 279.

[15] Ibid., 280.

[16] Ibid., 282.

[17] J. Nogalski, "Presumptions of 'Covenant' in Joel," in Bautch and Knoppers, *Covenant in the Persian Period*, 211–28.

of a conceptual, let alone religious/sociological, reality? How many covenants can one discern in these texts? To give a short recap, some of the possibilities suggested—beyond just the Sinai and Davidic covenants—are:

- an eternal, global covenant that is violable (Isa 24, Hibbard)
- a variant of the Sinai covenant that can tolerate violations of offenses that do not entail abrogation but nevertheless trigger covenantal curses (Haggai, Kessler)
- specialized sub-covenants that bind smaller groups within the polity with additional stipulations (Zech 11 and Neh 10, Bautch)
- and a covenant with Levi (Malachi, envisioned as an active covenant by Mitchell but not by Assis).

Is this a proliferation of covenants? Because the subject of this review is a volume with different individual contributors, I do not wish to suggest that a reader should expect a univocal, systematic treatment of covenant. The larger question in my mind is to what extent we choose to link covenant (and related) language in a text to existing (even if only conceptually) covenants. If covenant language is by the time of the Persian period already mixed and complex, as perhaps evidenced in the Holiness Code or Ezekiel—and Kessler suggests as much when he takes note of the "widely acknowledged merging of positions current in the [Persian] period"[18]—perhaps Persian period literature is operating in a world where covenant-related language has become, among other things, a set of malleable literary resources for various writers to employ.

As a scholar of Ezra–Nehemiah, particularly the Nehemiah Memoir, I would like to illustrate my suggestion via a covenant-related text in Nehemiah. As above, an important parallel text for Bautch's thesis that Zech 11 presents a specialized sub-covenant is Neh 10, the passage in which the people make a written "agreement" (אמנה). One difficulty with understanding this text as a covenantal relationship, however, is that it is most likely an interpretive creation based on the prior texts of Neh 5 and 13 (passages that deal with Nehemiah's "domestic achievements"). As observed by several scholars, each of the stipulations to this agreement, even non-Penta-teuchal requirements such as the wood offering, recall the very par-ticular deeds of Nehemiah in Neh 5 and 13.[19] Furthermore, the notion that the writers of Neh 10 would recast Nehemiah's deeds as the stipulations of a communal agreement corresponds with the

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[18] Kessler, "Curse, Covenant, and Temple," 240.

[19] See D.J. Clines, "Nehemiah 10 as an Example of Early Jewish Biblical Exegesis," *JSOT* 6 (1981), 111–17. The following argument is also explored in S. Burt, *The Courtier and the Governor: Transformations of Genre in the Nehemiah Memoir* (Journal of Ancient Judaism Supplements, 17; Göttingen: Vandenhoeck & Ruprecht, 2014), 174–78.

larger thematic goals of the book of Ezra–Nehemiah—that is, the elevation of the community as a whole over individual leaders, as argued by Tamara C. Eskenazi.[20] In short, Neh 10's use of covenant language can be read as a *literary strategy* used to make Nehemiah's story conform to the larger literary aims of the book.[21]

What, then, requires Neh 10 to be a text *about* covenant? The literary history and purposes of this text make it unlikely that the scene *as described in Neh 10* records a historically located sociological/religious phenomenon. Neh 10 strongly resembles, in a number of ways, the literary form of "covenant," in that it contains a list of signatories/witnesses and as set of stipulations. Yet, if this form of literature cannot be securely presumed to be speaking of actually existing covenants, what do we make of the much more allusive and enigmatic prophetic texts? In his essay in this volume, Nogalski draws attention to readings of the book of Joel that characterize this book as "an artful, thematic literary construction not an experiential representation of reality."[22] Prophetic texts walk a fine line between the imaginative and the mimetic. To build on an observation in Mitchell's essay that "we should not presume that . . . origins [of a term] account for all [its] meaning,"[23] is it possible that to read covenant language primarily as descriptions of existing covenants is to overemphasize the weight of the pre-Persian covenant traditions (not to mention the weight of the modern scholarly tradition) over against the texts' own internal, literary logic?

Kessler, for one, rejects the notion that the curse language in Haggai could be imaginative rather than descriptive—that it could be but "mere rhetoric." Yet, to treat covenant as a malleable literary resource is not necessarily to reduce it to inessentiality. For the creators of Persian-period prophetic literature, "covenant" appears to be a particularly potent toolkit. The complex of multifaceted covenant images, already blended in multiform ways by the time of the Persian period, are able to help make sense of a number of dilemmas that faced Persian period communities. Covenant can express security while offering explanations for insecurity, it can give shape to community identity in an expanding and changing world, and it can construct communal coherence in times of division. Perhaps, there-

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[20] T.C. Eskenazi, *In an Age of Prose: A Literary Approach to Ezra–Nehemiah* (SBLMS, 36; Atlanta, GA: Scholars Press, 1988).

[21] I acknowledge here that I am presenting a reading of Neh 10 that differs from Bautch's own as it appears in his monograph R.J. Bautch, *Glory and Power, Ritual and Relationship: The Sinai Covenant in the Postexilic Period* (LHBOTS, 471; London: T&T Clark, 2009), 109–14.

[22] Nogalski, "Presumptions of 'Covenant' in Joel," 215 n. 7, citing F.E. Deist, "Parallels and Reinterpretation in the Book of Joel: A Theology of Yom Yahweh," in W.T. Claassen (ed.), *Text and Context: Old Testament and Semitic Studies for F.C. Fensham* (JSOTSup, 48; Sheffield: JSOT Press, 1988), 63–79.

[23] Mitchell, "Achaemenid Persian Concepts," 299.

fore, it is no surprise that Persian period prophetic literature—a corpus that grapples with loss, unfulfilled (or partially fulfilled) hope, and nostalgia—finds the image of covenant to be particularly protean and vital. Among numerous other things, the contributions on prophetic literature in this volume amply show that covenant imagery is vibrant, flexible, and, most importantly, a site of great imaginative power.

ESSAYS ON PSALMS, WISDOM LITERATURE, AND JOEL

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Any study on covenant in the Persian period that incorporates the *entire* canon of the Hebrew Bible must deal with certain issues that arise in particular books. Sometimes this concerns the date of the book in view—does it, or at least parts of it, stem from the Persian period, and thus do the claims that it makes about covenant relate to this specific historical context? Other times this concerns prior claims made about the book in the history of scholarship—what assumptions need to be reevaluated as new evidence and new thinking emerges? Finally, certain books are particularly thorny because they include so little vocabulary that relates to the concept of covenant itself (i.e., ברית, etc.)—what are the possibilities for investigating ideas about covenant in play within the book even when explicit vocabulary is absent?

In *Covenant in the Persian Period: From Genesis to Chronicles,*[1] the several essays on Qohelet, Job, Psalms, and the book of Joel all wrestle with these issues. The essays are all thoughtful, creative, and informative. On their own, they make valuable contributions to their focused field of study. Read together with the other essays in the book, they illuminate a key feature of the religious and intellectual milieu of the Persian period.

In his essay, "The Psalms, Covenant, and the Persian Period," William H. Bellinger Jr. considers four communal laments from the middle of the Psalter which he argues likely relate to the fall of Jerusalem in the 6th century BCE: Pss 44, 74, 79, and 89.[2] On the whole, these four texts are complaints (or "You laments"), with God both held responsible for the destruction and promoted as the source of future restoration. In terms of explicit evidence for covenantal assumptions, the text asserts at times that the pressing problem is that God is breaking an agreement. Thus, the charge in Ps 89:39 that God has "cancelled the covenant with your servant," the plea that

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[1] R.J. Bautch and G.N. Knoppers (eds.), *Covenant in the Persian Period: From Genesis to Chronicles* (Winona Lake, IN: Eisenbrauns, 2015).

[2] Bellinger does not cite any specific data from the Psalms under examination, noting that the dating of the Psalms is difficult and concluding that it is "likely" that the texts date to the Babylonian or Persian Period (W.H. Bellinger Jr., "The Psalms, Covenant, and the Persian Period," in Bautch and Knoppers, *Covenant in the Persian Period*, 310).

God "remember the covenant" in 74:20, and the counter-claim that "we haven't forgotten you or broken your covenant" in 44:17.

All of these assertions are not simply descriptive; rhetorically, they function to motivate God to restore what has been lost. The driving sense of the text is that because of an earlier promise, God will surely move to make things right and enact divine faithfulness. Bellinger is right to assert that this very assumption, that God will make things right, puts covenant at the heart of the genre of lament and complaint itself. As he puts it, the genre relates to a "covenant exchange," in which God is held accountable to prior promises, it is "the human side of the covenant dialogue."[3]

This seems exactly right, and a helpful way to consider lament, especially *vis-à-vis* the motivations for the deity to intervene. But this does not exhaust the range of interpretive possibilities for the texts. Thus, for example, in Ps 74 we have in addition to the explicit cry that God "have regard for your covenant" (74:20), a lengthy description of the temple's destruction—five long verses in which are represented the axes, fire, and taunts of the enemy. Bellinger briefly points to the possibility that these punishments are related to the curses in Deut 28 and 1 Kgs 9:6–9, and this might be so. But the slow-motion depiction of abjection, similar in a way to Ps 22, might also be aimed to evoke God's pity. And perhaps the recitation of God's past acts of power in Pss 44 and 89 ("you planted our ancestors, you crushed all the peoples . . . you saved us from our foes" Ps 44:2, 7) function to remind God that he has the requisite resources to put things right. This does not contradict Bellinger, but simply reminds us that, as much as the texts in view could be seen to motivate God to restore Jerusalem via God's past promises, these can also be supported by additional motivations such as divine pity and past shows of strength.

So, what are the dimensions of covenant within Persian period psalms in Bellinger's construction? I have highlighted the strategic role that he points to in the genre of lament itself, especially complaint. Thus, in the context of the Persian period, these prayers rely more on God's faithfulness than on the people's obedience, in a context where God's faithfulness is not explicitly on display within the text. Humanity is insufficiently powerful either to sin or to put things right, and, although God at least looks like the guilty party in breaking past agreements, God is nevertheless implored as the only entity capable of putting things right.

Bellinger also concludes that the response to the fall of Jerusalem appears earlier in the context of the Psalms than perhaps expected. This theme is usually emphasized in studies of Books IV–V, but he points out its presence in Book III in Pss 74, 79, and 89, and, with Ps 44, in Book II as well.

After reading the essay, I admit to being surprised, given the focus on the fall of Jerusalem especially in Book III, to the lack of

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[3] Bellinger, "The Psalms, Covenant, and the Persian Period," 311.

consideration of Ps 78. Bellinger purposively limits his study to Psalms that can be plausibly dated to the Neo-Babylonian or Persian period so perhaps this choice is prudent. But it is possible to argue for a later date for this psalm, citing archaisms and some late forms. And even if it were only later stitched into Book III, surely a scholar with shape and shaping commitments investigating the topic of covenant would count inclusion of this text in the very near vicinity of Pss 74 and especially 79 a significant move. Covenant terminology and concepts riddle the text. In the introduction, the Psalm motivates what follows with covenant keeping: v. 7 claims to retell the story of the nation "so that they might keep God's commandments," urging the reader to make different choices than the Ephraimites who "did not keep God's covenant" (78:10), and the ancestors who "were not faithful to God's covenant" (78:37). And near the end of the text we read that God, surprisingly maybe, sometimes acted faithlessly: God abandoned the Shiloh sanctuary (78:60), rejected Joseph and did not choose Ephraim (78:67) but rather chose Judah, Zion, and David. Ps 78 is an entreaty to the people (or perhaps a threat to the people) that they line up their loyalties with God's current plan, and thus falls out of Bellinger's group of complaint Psalms. But the text makes significant claims about God's past promises to places and peoples, with particular resonance in the Persian period where the longevity and trustworthiness of such promises comes into view.

In the following essay, "Poems, Prayers, and Promises: The Psalms and Israel's Three Covenants," Carol Dempsey moves the study of Psalms into Books IV and V with Pss 103, 105, 106, and 132—all thanksgivings or hymns that largely function, she argues, as reminders to the people of God's faithfulness.[4] Thus, in contrast to a study of divine obligations that Bellinger presents, Dempsey highlights texts and features within the texts aimed at the human community to encourage their faithfulness.

What is particularly striking in her study is the interplay that she marks between the various covenants themselves within single psalms. Thus Ps 105 repeats God's promise to Abraham ("To you I will give the land of Canaan as your portion for an inheritance;" 105:11), and follows this with a retelling of the exodus traditions (namely, Joseph in vv. 16–22, the plagues in vv. 26–36, the exodus in vv. 37–38, and the sustenance in the wilderness in vv. 39–41). God's miracles are then related back to Abraham: "For he remembered his holy promise and Abraham his servant" (Ps 105:42) The ultimate point of God's faithfulness is not only people's preservation and conquest of the land, but the people's own obedience: "So he brought his people out with joy . . . so that they might keep his stat-

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[4] C. Dempsey, "Poems, Prayers, and Promises: The Psalms and Israel's Three Covenants," in Bautch and Knoppers, *Covenant in the Persian Period*, 323–38.

utes and observe his laws" (Ps 105:43, 45). So the Abrahamic covenant sets the stage for the exodus traditions, which are themselves related back to the Abrahamic covenant in order to inspire the people's faithfulness. That is, Abraham fuses with exodus, and the settlement fuses with Sinai to motivate the people's law keeping.

Dempsey asserts a similar mix of traditions and functions in the additional texts but I am not quite as convinced that either Ps 106 or 132 aim to promote the people's faithfulness. In her reading, Ps 106 "calls the people to remember the graciousness and compassion of their God who has entered into covenant with them,"[5] and Ps 132 reminds "the community that everything has already been established . . . and is continuing to unfold in their midst."[6] But I think that the main audience for both texts is better construed as God, and that the purpose is to motivate grace. Ps 106 begins and ends with a plea that God save the people. And although it might be a surprising move to scaffold a plea for salvation onto a parade of horribles listing the people's sins from their time in Egypt thru the settlement in the land, the list is also an inventory reminding God of the usual response of grace when confronted with humanity's deficiencies—the call that God "save!" is issued in the context of a recitation of God's past acts of salvation. Similarly, Ps 132 is best understood as a plea to God for help. It opens by asking God to "remember on behalf of David . . .", an expression used to ask God for deliverance based on earlier covenantal promises made to prior generations (see Ps 18:3 = 2 Sam 22:3).[7] Then the text recites the divine oracles to remind God that David's faithfulness once inspired divine promises. Ps 132 is a request that God remember and deliver based on God's prior covenantal promises. Like the texts that Bellinger has in view, on my reading Pss 106 and 132 intend to motivate the divine audience.

The next two essays discuss Wisdom Literature more strictly defined, a genre that has a special relationship in the conversation about covenant. Jamie A. Grant's essay on Job[8] and Thomas M. Bolin's on Qoheleth[9] both start out questioning the assumption that Wisdom Literature is extra-historical. Thus, they argue, it is not concerned with the history of the relationship between God and Israel, and consequently is not interested in covenant (as argued in earlier works by Zimmerli, Eichrodt, von Rad, Murphy, and Crenshaw).

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[5] Ibid., 332.

[6] Ibid., 336.

[7] C.L. Seow, *Myth, Drama, and the Politics of David's Dance* (HSM, 44; Atlanta, GA: Scholars Press, 1989), 197.

[8] J.A. Grant, " 'When the Friendship of God Was upon My Tent': Covenant as Essential Background to Lament in the Wisdom Literature," in Bautch and Knoppers, *Covenant in the Persian Period*, 339–55.

[9] T.M. Bolin, "Qohelet and the Covenant: Some Preliminary Observations," in Bautch and Knoppers, *Covenant in the Persian Period*, 357–67.

Both Grant and Bolin highlight the central significance of the relationship between humanity and God, even when covenantal vocabulary is absent, and claim that it is upon the assumptions about this relationship that all the Wisdom Literature is built.

Thus, in Grant's reading of Job, he points to the clear covenantal expectations in the text, namely the assumption that divine justice will surely re-emerge, as well as the lament that the relationship has been broken somehow—the sadness and surprise that God has withdrawn. The assumptions of this relationship are clear right at the beginning with the Satan's question: "Does Job fear God for nothing?" (Job 1:9). When trouble comes, will Job disaffiliate with God, or is the relationship stronger than the benefits it currently provides? Within the poetic speech cycles as well, the question is not whether, but how Job will maintain a relationship with someone who appears to have turned against him. Job keeps addressing God, and the chief cause of his lament is not loss of possessions or even family but the seeming loss of their relationship (Job 29:1–6). And in the divine response, God never speaks of this loss, but rather affirms that Job's plight came as the consequence of his good standing with God. And indeed, Job now knows this relationship to be deepened: "Before I had heard of you by the hearing of the ear, but now my eye sees you" (Job 42:5). In Grant's reading, the reinstatement of Job commends his speaking *to* God in distinction from the friends: as he writes, "Of all the human protagonists in the book, Job is the only one to address God directly and this commitment to relationship is recognized by God in the epilogue."[10]

What Grant does, thus, is highlight the assumptions necessary for theodicy. For this particular genre to work, certain expectations must be in place. And here Grant is helpful in discussing the ancient texts that are frequently compared to Job, which do not, in his reading at least, have these expectations. So, for example, the Sumerian text *Man and his God* assumes that serious illness indicates God's rejection, and the recourse is not an appeal to divine justice but rather constant prayer. Change comes from the divine hand as a result of simply tiring the deity, the "hassle factor" as Grant puts it: "pray long and hard and hope that your god finally hears and relents."[11] And in the Akkadian text *Ludlu bel nemeqi*, the pious one undergoing suffering claims not innocence but rather ignorance: according to the text, "Marduk caused the wind to carry away my trespass." (Admittedly, some of this rests on the significance that the reader puts on a particular reconstruction of a lacuna.) Unlike Job, this text includes no assertions of innocence or requests to be restored within the context of a relationship. Here the gods are distant and uninterested, and the goal is the removal of suffering. Grant also considers the Sumerian *Lament over Sumer and Ur* prayed by the local deity to lament the work of the storm god Enlil, as indicative

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[10] Grant, " 'When the Friendship of God Was upon My Tent'," 352.
[11] Ibid., 343–44.

of how laments work in general and the expectations that humans have of the divine world. Within these prayers, the cause of destruction seems petty, spiteful, and insignificant—it was "in hate" that Enlil acted in response to the nuisance that humanity had become. And the purpose of the laments is not to restore a relationship, but rather to deflect divine wrath and remove suffering.

Of course, one could point to the large chasm of time and geography between Job and the texts that Grant marshals as comparisons. But the differences to which he points are instructive because they bring the assumptions underlying theodicy into relief. Like the complaints that Bellinger studies, the lament in Job depends upon a relationship that assumes past promises and present expectations.

In his chapter on Qoheleth, Bolin supplements an initial discussion on the role of covenantal assumptions in Wisdom Literature with particular aspects of how these emerge specifically in the text. He first of all points to the role and assumptions about creation as an arena for covenant. Stemming from the Noahic covenant, creation in Qoheleth evinces a certain stability—the sun rises and sets each day, the wind blows, and the streams flow to the sea, all as human generations come and go (Qoh 1:4–7). At the same time, creation is also the stage for God's miraculous interventions seen in the *magnalia Dei* of the Exodus—everything "under the sun" (including both nature as well as human history) is "subject to the will of God."[12]

Bolin then examines the covenantal underpinnings of the text *vis-à-vis* Achaemenid royal ideology. In his reading, Qoheleth presents the divine-human relationship as similar to that of kings and subjects in ancient Persia. Following and expanding on some of Choon L. Seow's earlier conclusions,[13] God in Qoheleth acts like a Persian monarch: granting portions (sometimes arbitrarily) that compel the receiver to toil and sometimes enjoy the fruits of this toil; obligating the recipients but never obligated to the recipient; all-seeing but unseen. This is why the righteous do not always prosper either in the Persian empire or in Qoheleth: God and the king hold all of the cards, and neither is obligated by the pious acts of humanity.

Finally, and moving out of Wisdom Literature into the prophets, James Nogalski considers the role of covenant in Joel, specifically highlighting the possible relationships between the threats and promises in the text with the covenantal curses and blessings specified in other biblical texts.[14] In Nogalski's reading, the enemy attack described in the book (consuming the land's grain, wine, oil, flocks), the drought that empties the storehouse, the locusts and other

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[12] Bolin, "Qohelet and the Covenant," 361.

[13] C.L. Seow, *Job 1–21: Interpretation and Commentary* (Illuminations; Grand Rapids, MI: Eerdmans, 2013).

[14] J. Nogalski, "Presumptions of 'Covenant' in Joel," in Bautch and Knoppers, *Covenant in the Persian Period*, 211–28.

insects that destroy the produce of the land, and the absence of joy and gladness, are all enactments of Deut 28–32 and portents of God's wrath regarding covenant disobedience. Nogalski also considers the link of Joel 1 with the dedication prayer of Solomon in 1 Kgs 8, depending on a cause-and-effect relationship between human sin and divine punishment. Thus, the devastation in Joel 1 is not random bad luck, but an actualization of covenant curses.

Helpfully, even as he points to the relationship and shared assumptions between the biblical texts regarding covenant fidelity, Nogalski also points to their different literary contexts and purposes. Both Deuteronomy and Kings anticipate the future breaking of the covenant, but in the literary context of Deuteronomy this is before the people enter the land, and Kings frames it with the dedication of the temple. That is, both Deuteronomy and Kings participate in a literary foreshadowing of coming destruction, but at different points in the historical narrative. Joel, on the other hand, presumes that the covenant curse is currently in effect. In Joel, the people are guilty in the present and must repent before God can remove the curses.

Seen as a whole, this collection makes important contributions to understanding the religious and intellectual life in the Persian period. It is significant that, as a collection of essays, the work preserves serious distinctions across the texts even as they all highlight covenantal assumptions. For example, Qohelet's distant but all-powerful God who sees all and controls the lives of his subjects stands in distinction to Job's God who waits to see if Job will reject their covenantal relationship. And both of these theological constructions stand apart from the God of the complaint Psalms, who is construed as one who will surely move to enact faithfulness to the covenant, even when this evidence is currently not in view. Often, the unsystematic feel of a collection of essays written by different scholars at different times is distracting—here, the genre works well to indicate the wealth of perspectives and possibilities at play during the Persian period.

The essays all share the problem of having a lack of explicit, sustained vocabulary of covenant. Most authors point this out explicitly, but also argue that this should not prohibit the inquiry. As Nogalski puts it, saying that a book like Joel does not include the term ברית is saying something "both obvious and insufficient."[15] As he and others assert, covenantal assumptions can still be present, indeed core to understanding the text, even when related terminology is largely absent.

This is one of the key and most helpful claims of this collection, and part of the challenge for future study will be to continue the exercise of recognizing covenant when it is not explicitly named. But I would also add that another challenge will be in recognizing *which* covenantal traditions *in particular* are in play in the absence of specific vocabulary. Nogalski argues that the covenant assumed in Joel is

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[15] Nogalski, "Presumptions of 'Covenant' in Joel," 211.

Mosaic, not Noachic or Abrahamic or Davidic, and I think he is right. But what happens when the evidence is not as clear? Consider, for example, the two essays on the Psalms. According to Dempsey, when the people cry that God have regard for the covenant at the end of the Psalm 106, the covenant in play is Abrahamic. But I confess that I do not see this so clearly: Abraham is never mentioned in the psalm, although Moses is mentioned several times. At points, Bellinger runs into this problem as well. He claims that it is the Mosaic covenant in Pss 44, 74, 79, 89, but I do not see it in such clear relief.[16] Both Bellinger and Dempsey might be right in their identifications, but I am lifting this up as a study in the difficulty in pinning down the specifics of the covenantal tradition in view at times especially in poetic texts. At points there is a fluid or amorphous presentation of the covenant.[17] As scholars continue to unpack the theme of covenant in the future, I will be interested in seeing if there is any progress to be made in determining a more specific profile for some of these fuzzier examples—which precise covenant is being alluded to when only allusions are present? Or, to take the opposite tack, what significance might be attached to a somewhat non-descript and amorphous presentation of different covenants?

Finally, all of the essays also wrestle with securing a date for the text in view. In the likelihood that linguistic markers will rarely be completely adequate to confirm a secure date, then I think that it is certainly legitimate to explore what it would mean if we located certain texts in the Persian period. But I would caution that we make our claims clear and modest because it is easy to tip over into asserting that the evidence is stronger than it really is. Sometimes I wonder whether assertions about the literary activity of Israel's sages coming to prominence in the Persian period emerge because of actual evidence or, more likely I am afraid, because of the lack of evidence. So I would commend the kind of scholarship that we see in Dempsey's article, specifically her footnote 11, where she clearly lays out various contexts into which the crisis depicted in Ps 106 might be lodged: a preexilic response to the destruction of the Northern kingdom, or an exilic depiction of the only partial return, or a postexilic representation of a worshipping community where scripture is central.[18] Given that major features of this period are still emerging in the archaeological record, careful and clearly articulated claims are much to be admired.

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[16] Bellinger, "The Psalms, Covenant, and the Persian Period," 319.

[17] This is something that Richard J. Bautch identifies: in the Persian period "features and dimensions of the Sinai covenant interact and fuse rather than separate and distinguish themselves" (R.J. Bautch, *Glory and Power, Ritual and Relationship: The Sinai Covenant in the Postexilic Period* [LHBOTS, 471; London: T&T Clark, 2009], 115; quoted by Bellinger, "The Psalms, Covenant, and the Persian Period," 320).

[18] Dempsey, "Poems, Prayers, and Promises," 331 n. 11.

Many who use this collection will simply read the essays that relate to their narrow areas of study, but this would relinquish so much of the possible contributions of this text. At many points the individual essays focusing on a single biblical book have a significant purchase on other parts of the canon. For example, and just taking the possibility for Psalms studies, how might the assumptions about the royal ideology that Bolin outlines in the context of Qohelet be brought to bear on psalms about kings and kingship such as Ps 72? And what might God's covenant with creation as seen in this same essay by Bolin also mean within the Psalter?[19] Ehud Ben Zvi's article on the broken covenant in 1 Sam 2:30 is helpful in unpacking a key movement in Ps 78 when God rejects the Shiloh cult.[20] And what might the Naqsh-i Rustam inscription (DNa) discussed by Jacob Wöhrle in the context of Gen 9 and 17, conveying assumptions of cosmic order in that the earth was created as a place of wellbeing for humanity and nations peaceably residing in their own territories, mean for "Psalms of orientation" such as Pss 8 and 146–50?[21] Many additional connections are possible. Even as these very fine essays all stand on their own as contributions to their own field, they are well used beyond these narrow confines. I commend the reader to explore this entire volume, rich with insight and possibilities. We are in debt to the vision and thoughtful work of the authors and editors.

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[19] Bolin, "Qohelet and the Covenant," 357–67.

[20] E. Ben Zvi, "A Balancing Act: Settling and Unsettling Issues Concerning Past Divine Promises in Historiographical Texts Shaping Social Memory in the Late Persian Period," in Bautch and Knoppers, *Covenant in the Persian Period*, 109–29.

[21] J. Wöhrle, "Abraham amidst the Nations: The Priestly Concept of Covenant and the Persian Imperial Ideology," in Bautch and Knoppers, *Covenant in the Persian Period*, 23–39.

ESSAYS ON THE HISTORICAL BOOKS (DEUTERONOMISTIC HISTORY) AND CHRONICLES, EZRA, AND NEHEMIAH[1]

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As Cynthia Edenburg puts it in the beginning of her article, "covenant is one of those terms in 'biblical English' that evades precise definition" (131), or as I would say a term that can be used and understood in very different ways. And as Louis C. Jonker reminds us, this term has been at the heart of many Protestant "theologies of the Old Testament." In these theologies, the term became the central concept of the Hebrew Bible, a notion that made the theologians happy, because it offered them a concept of unity and coherence among the diversity of theological or ideological options gathered in the Bible.[2] This is not the place to discuss some still popular ideas that differentiate between the "conditional" dtr concept of covenant and the "unconditional" covenant in the Priestly texts, which many (Christian) commentators still call a "covenant of grace."[3] I have the

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[1] This article presents a review of the following articles gathered in the volume, R.J. Bautch and G.N. Knoppers (eds.), *Covenant in the Persian Period: From Genesis to Chronicles* (Winona Lake, IN: Eisenbrauns, 2015); R. Achenbach, " 'The Unwritten Torah of the Covenant': Torah in the Mouth of the Prophets," 93–107; E. Ben Zvi, "A Balancing Act: Settling and Unsettling Issues Concerning Past Divine Promises in Historiographical Texts Shaping Social Memory in the Late Persian Period," 109–29; C. Edenburg, "Form Covenant to Connubium: Persian Period Developments in the Perception of Covenant in the Deuteronomistic History," 131–49; D.E. Nykolaishen: "Ezra 10:3: Solemn Oath? Renewed Covenant? New Covenant?" 371–89; M.J. Boda, "Reenvisioning the Relationship: Covenant in Chronicles," 391–407; and L.C. Jonker, " 'The Ark of the Covenant of the Lord': The Place of Covenant in the Chronicler's Theology," 409–29.

[2] For a short overview about the history of "theologies of the Old Testament," and the importance of covenant in these Christian approaches to the Hebrew Bible see E.-J. Waschke, "Theologie des Alten Testaments," http://www.bibelwissenschaft.de/de/stichwort/33374/.

[3] See for instance, W. Zimmerli, "Sinaibund und Abrahambund: Ein Beitrag zum Verständnis der Priesterschrift," *TZ* 16 (1960), 268–80; see also idem, *Gottes Offenbarung: Gesammelte Aufsätze* (TB, 9; München: Kaiser, 1963), 205–16 (215).

impression that those distinctions often reflect theological wishful thinking and do not acknowledge the complex usages of the term ברית.

The six articles in the volume that I was asked to review converge by pointing out the equivocality of the concept of covenant. They also underline different usages in various literary corpora that can be dated to the Persian period. Some reflect the heritage of an older discourse; others apparently propose new developments related to the socio-historical context of the Persian period.

First, I will briefly summarize the main themes or conclusions of each article. Then, I will try to bring the articles into conversation, and also ask some questions.

COVENANT DISCOURSES IN THE CONTEXT OF THE FORMER PROPHETS AND EZRA–NEHEMIAH AND CHRONICLES

Reinhard Achenbach's contribution ("The Unwritten Text of the Covenant") explores the relation between the deuteronomistic (dtr) covenant in the books of Deuteronomy to Kings and the discourses about covenant in the book of Jeremiah. He argues that the text in Deut 18:16–19, which constructs Moses as a proto-prophet, should be understood as a post-dtr rewriting of the dtr passage about the Horeb covenant in Deut 5, whose aim is to suggest that the ברית between Yhwh and Israel includes the sending of prophets. Deut 18 is related to the idea that Yhwh has constantly sent his servants the prophets in order to exhort the people to return to the divine law and the covenant (this is clearly expressed in the comment of the fall of Samaria in 2 Kgs 17). The concept of Deut 18 is especially applied to the prophet Jeremiah, who, in the so-called dtr texts of the book that use his name (texts considered as post-dtr by Achenbach), is constructed as a "second Moses."[4]

The text of Jer 11 opens with an appeal to listen to the words of the covenant, which, according to Exod 34:1, are the words of the second edition of the Decalogue written by Yhwh himself. In Jer 11, this covenant is used to admonish the generation facing the siege of Jerusalem. If it listens to the covenant, this generation can become

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[4] For the discussion about the "dtr" texts in Jeremiah see T. Römer, "Is There A Deuteronomistic Redaction in the Book of Jeremiah?" in A. de Pury, T. Römer, and J.-D. Macchi (eds.), *Israel Constructs its History: Deuteronomistic Historiography in Recent Research* (JSOTSup, 306; Sheffield: Sheffield Academic, 2000), 399–421; and the recent discussion between C.M. Maier, "The Nature of Deutero-Jeremianic Texts, " in H. Najman and K. Schmid (eds.), *Jeremiah's Scriptures: Production, Reception, Interaction and Transformation* (JSJSup, 173; Leiden: Brill, 2016), 103–23; and T. Römer, "The 'Deuteronomistic' Character of the Book of Jeremiah: A Response to Christl M. Maier" in H. Najman and K. Schmid (eds.), *Jeremiah's Scriptures: Production, Reception, Interaction and Transformation* (JSJSup, 173; Leiden: Brill, 2016), 124–31.

the people of Yhwh again. Yet, interestingly, only the prophet answers ("Amen," v. 5), and not the addressees. Therefore, the second part of this speech, in a manner very similar to 2 Kgs 17, accuses the audience of not listening to the covenant. And v. 8, missing in LXX, along with v.7, even states that the "words of the covenant" have been "brought on the generation of the Exodus," which however did not listen to them. Therefore, v. 10 asserts that Yhwh's covenant, concluded at the time of the Exodus, has been broken by the houses of Israel and of Judah. In the light of 2 Kgs 17, this statement probably alludes to the fall of Samaria and the fall of Judah (my explanation, not Achenbach's) and paves the way toward the promise of a new covenant in Jer 31, one of the latest developments in the book of Jeremiah, according to Achenbach. Still according to Achenbach, this new covenant represents a concept of "Torah obedience rooted in the oral tradition of the prophets." The formation of the book of Jeremiah thus reflects, if we follow Achenbach, the transformation of the prophetic discourse, presented as an oral development of the Mosaic Torah, into a new "unwritten" Covenant. If I understood Achenbach correctly, we would find here the origins of the concept of an oral Torah, which would have been combined with the idea of an "oral covenant."

Ehud Ben Zvi ("A Balancing Act. Settling and Unsettling Issues Concerning Past Divine Promises in Historiographical Texts Shaping Social Memory in the Late Persian period") takes quite a different stance. In contrast to Achenbach, who tries to retrace a diachronic and ideological evolution inside the books of Deuteronomy, Kings and Jeremiah, Ben Zvi states from the very beginning that the books of Deuteronomy and of the Former Prophets, books that he labels "Deuteronomistic Historical Collection," are products from the Late Persian period. Their aim, much like the book of Chronicles, would be to negotiate "core promises" from "pre-exilic" times in the context of the Persian period. For Ben Zvi, there is not really a difference between covenant and divine promises, because "many of these divine promises," he states, "were remembered in terms of ברית, even in cases in which central texts encoding these memories do not explicitly contain the term ברית" (109). According to Ben Zvi, these "core promises" concern the land, in the book of Joshua, the king or the divine promises to David, especially in 2 Sam 7, and, in the books of Chronicles, divine promises to Levi, ancestor of the Levites. According to Ben Zvi, remembering these divine promises can give hope for restoration, yet it is also possible, as in the case of David for example, to interpret the divine promises to him as being cancelled. This may be the case in the books of Kings. Nevertheless, in prophetic texts from the Persian period, oracles of restoration often contain the idea of an ideal Davidic king. The "negotiations" of divine promises are made on the basis of two ideological constructions shared by all members of what Ben Zvi calls "the community" (125). These two constructions are (a) the ברית between Yhwh and Israel and (b) the metaphor of the marriage

between Yhwh and his wife Israel (125). These foundations of Yhwh's choice of Israel were accepted by all addressees of the scribes' (or "literati") discourses, from the late Persian period, contrary to the promise of an everlasting Davidic line made to David.

In contrast to Ben Zvi, Edenburg ("From Covenant to Connubium: Persian Period Developments in the Perception of Covenant in the Deuteronomistic History") takes a diachronic approach of the Dtr literature. For her, it starts in the Neo-Assyrian period as a reaction to Assyrian discourses about power and treaties. The Assyrian Deuteronomy takes over the idea of an Assyrian "covenant" or treaty. In the Babylonian period, the Dtr ideology of ברית was used however in order to explain the destruction of Judah and Jerusalem (the curse of Deut 28:62–68 is indeed fulfilled in 2 Kgs 25).

The Persian period introduces a new political system: there are no more loyalty oaths; instead, one finds the idea that all nations are part of one empire ruled by the Persian king. The situation of an ongoing Diaspora also contributes to ideas of maintaining self-identity, and sharpens conflicting interests between repatriated Judeans and the remaining Judeans, as well as Samarians. These changes lead to applying the concept of covenant to connubium and marital relations (137). This is especially clear in Exod 23:20–33; 34:1–10; and Deut 7:1–6*.

These texts redefine or, to use Edenburg's terminology, "overwrite" the *ḥerem* ideology of the covenant rhetoric found in neo-Assyrian and Neo-Babylonian periods. There is no longer an exhortation to annihilate the "enemies" or the "people of the land," rather the addressees are asked not to conclude a ברית with them. In the above quoted texts, and especially in Deut 7:1–6, which certainly was composed in the Persian period,[5] the ברית is reinterpreted as an alliance by connubium. This exclusionist discourse may reflect a conflict between the repatriated and those who remained in the land. Dtr ideology of ברית in Persian period texts therefore serves to foster separatism and bolster an elitist identity (144).

Douglas E. Nykolaishen's contribution ("Ezra 10:3: Solemn Oath? Renewed Covenant? New Covenant?") offers interesting parallels to Edenburg's topic. He starts with a rather precise question: how to understand the expression נכרת ברית used in Ezra 10:3 in a context where an otherwise unknown Shecaniah suggests that Ezra should "conclude a covenant" "before God" (with the preposition "*le-*", meaning probably a commitment before Yhwh) and send away, and separate from, the "foreign" women and their children. As in Deut 7 (discussed by Edenburg), the content of this covenant is the

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[5] F. Bianchi, " 'La semence sacrée': la polémique sur les mariages mixtes dans les textes bibliques d'époque achéménide et hellénistique, " *Transeu* 29 (2005), 83–102. R. Ebach, *Das Fremde und das Eigene: die Fremdendarstellungen des Deuteronomiums im Kontext israelitischer Identitätskonstruktionen* (BZAW, 471; Berlin: de Gruyter, 2014), 201–47, distinguishes 3 layers: 7:1–2, 6; v. 3; vv. 4–5. All these layers reflect the situation of the Persian period.

refusal of "mixed marriages." Whereas Deut 7 prohibits connubium in the future, Ezra 10 exhorts those who are living in a "mixed marriage" to divorce. Nykolaishen shows that, if Ezra 10 does not reflect a covenant renewal, it can neither be understood as the fulfillment of Jer 31, according to which everybody will know Yhwh's Torah by heart, without needing teaching. Furthermore, the author of Ezra 10 is borrowing notions from texts of covenant renewal, as well as expressing the idea that Shecaniah's proposal could be confirming the realization of the new covenant, at least partially. But above all, the "covenant" in Ezra 10 is an agreement concerning the returned exiles, which, similarly to Deut 7, narrows the content of ברית to an exclusionist position.

Mark J. Boda ("Reeinvisioning the Relationship: Covenant in Chronicles") insists on the relative paucity of references to the covenant in Chronicles (403). In his article, he studies the uses of ברית in the post-Solomonic period of the Chronicler's history. It occurs in relationship to four kings: Asa, Jehoash, Hezekiah, and Josiah. In these texts, covenant is not the most important idea. Asa's covenant is described in liturgical fashion, and more important than covenant rhetoric, are expressions like "to seek Yhwh" (דרש), who allows to be "found" (מצא). In the story of Athalia and Jehoash, the priest Jehoiada is the initiator of the covenant, and Yhwh is not explicitly designated as being a party in it (399). Again, the covenant is closely related to cultic renewal. The same holds true for Hezekiah and Josiah. In the Chronicler's version of Josiah's reform, abundant material pertaining to the destruction of illegitimate cult symbols is left out. The emphasis is on the restoration of the "orthodox" cult of Yhwh. "Renewal of worship is the key result of covenant agreement" (402). According to Boda, this removal of covenant terminology in the book of Chronicles must be seen in the context of a shift away from a focus on the Sinai covenant towards a kinship and genealogical structure symbolized by the Patriarchal traditions. This shift to a "clan structure" may also reflect the sociological reality of the Persian period and an emphasis on genealogical identity.

Jonker (" 'The Ark of the Covenant of the Lord'. The place of the Covenant in the Chronicler's Theology") comes to somewhat different conclusions than Boda. He analyzes the expression "ark of *the covenant of* Yhwh," frequently used in Chronicles. The Chronicler often seems to add ברית when his sources only speak of the "ark of Yhwh" or the "ark of the god of Israel." This cannot be mere coincidence, but should be understood as the Chronicler's deliberate attempt to foster the idea of a "covenant." For example, one can take a closer look at 1 Chr 15, that depends on the ark account found in 2 Sam 6, but inserts into this account *Sondergut* mainly dedicated to the Levites and their cultic responsibilities. Interestingly, the Chronicler adds a hymn sung by the Levites. This piece is a combination of three Psalms (105, 91, 106), in which the Patriarchs are presented as the covenant's initial receivers. We may have here an

attempt to link the Ark of the Covenant with the Patriarchal cove-
nant. At the same time, the Ark of the Covenant is a confirmation
of Yhwh's election of David and Jerusalem. In addition, Solomon
clearly appears in a positive light, in contrast to a more ambiguous
portrait in the book of Kings. Finally, the Levites play an essential
role as custodians of Yhwh's covenant, since they carry the ark and
bring it to Jerusalem. Like Ben Zvi, Jonker speaks about "identity
negotiation" on two levels: the legitimization of the Second Temple's
cult, and an appeal to "seek" Yhwh, to remain loyal in the context of
the Persian empire where this concept is no longer something given
(427).

　　These six contributions provide interesting insight concerning
the use of the concept of covenant in the Persian period. Let us now
try to evaluate these insights and indicate elements that could require
further discussion. I will deal with four points: 1) the question of the
function and the evolution of "covenant" in the dtr milieu; 2) differ-
ent covenants and identity negotiations in the Persian period; 3)
Patriarchal and "Exodus" covenants in Ezra–Nehemiah and Chron-
icles; and 4) Covenant discourse in Jerusalem and Samaria.

(1) THE QUESTION OF THE FUNCTION AND THE EVOLUTION OF "COVENANT" IN THE DTR MILIEU

I do not have the time nor the energy for reopening the discussion
about what "deuteronomistic" or "Dtr History" means or should
mean.[6] My assumption is that Deuteronomy, the Former Prophets,
and partially also the book of Jeremiah are related to each other by a
common vocabulary and a common ideology.[7] Thus we can, if we
want to be cautious, adopt Ben Zvi's expression of a "dtr historical
collection," or just speak of a "dtr library."[8] Edenburg's and
Achenbach's essays show that it is possible, and in my view neces-
sary, to undertake a diachronic analysis of the dtr concept of cove-
nant. In the 7th and 6th centuries BCE, ברית was probably under-
stood as an equivalent of the Assyrian oaths that the vassals had to
swear. At this time, the dtr ברית should not be described as a "prom-
ise," as Ben Zvi does for the Persian period. In texts from the 7th
and 6th centuries BCE, as Edenburg has shown, covenant, in the dtr
context, means a vassal treaty to which Israel has to submit. The fall
of Israel and Judah can, in this context, be easily explained with the

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[6] See the useful summary and discussion in C. Nihan,
" 'Deutéronomiste' et 'deutéronomisme': Quelques remarques de méthode
en lien avec le débat actuel," in M. Nissinen (ed.), *Congress Volume: Helsinki
2010* (VTSup, 148; Leiden: Brill, 2012), 409–41.

[7] T. Römer, "The Current Discussion on the so-called Deuteronomistic
History: Literary Criticism and Theological Consequences," *Humanities 46*
(2015), 43–66.

[8] See for details T. Römer, *The So-Called Deuteronomistic History: A Socio-
logical, Historical and Literary Introduction* (London: T&T Clark, 2005), 45–9.

idea that Israel and Judah, and especially most of their kings, did not respect the clauses of Yhwh's treaty consigned in Deuteronomy.

2 Kgs 17, a text frequently quoted by Achenbach, states in verse 15: "They despised his statutes, and his covenant that he had made with their fathers, and the testimonies that he had given them." This covenant refers back to the book of Deuteronomy, which anchors its prescriptions in the "Horeb covenant." In the same context of 2 Kgs 17, the prophets, who are now preachers of the covenant appear: "Yet Yhwh warned Israel and Judah by every prophet and every seer, saying, 'Turn from your evil ways and keep my commandments and my statutes, in accordance with all the law that I commanded your fathers and that I sent to you by my servants the prophets'."

Is this law, which Yhwh sends to Israel, an "oral prophetic Torah," as Achenbach argues? I am not sure about this assumption. It seems more likely to me that we have here, as in other places, a dtr attempt to transform the Prophets into the guardians of the Torah. This happens especially in the last chapters of 2 Kings, where, starting with 2 Kgs 17, an anonymous group of prophets appears, characterized as Yhwh's servants. They announce the imminent fall of Israel and Judah due to the failure of the people and the kings to respect *torah* (2 Kgs 17:23; 21:10–12; 24:2). These passages prepare for the idea of Yhwh's continuous sending of prophets, who are rejected by his people, an idea that is prominent in the book of Jeremiah (Jer 7:25–26; 25:4; 26:5; 29:19; 35:15; 44:4). In the context of the Persian period, this new function given to the prophets can be understood as an attempt to redefine prophetic activity after the events of 587 BCE. The fall of Jerusalem and the destruction of the Temple were understood as the fulfillment of prophecies of doom and raised the question of the function of the prophets after the judgment had happened. Therefore, I wonder whether the passages in Jer 11 and Jer 34:13, which speak of Israel's failure to keep the covenant, should not be understood as referring to the dtr "Horeb covenant": "They have returned back to the sin of their 'first' fathers, who refused to listen to my words; they have gone after other gods to serve them; the house of Israel and the house of Judah have broken the covenant that I made with their fathers" (Jer 11:10). This statement reflects the dtr idea that the destruction of Jerusalem is the consequence of Judah's refusal to respect the clauses of Yhwh's covenant (see also Jer 22:9).

The promise of a new covenant in Jer 31:31–34 builds on Jer 11,[9] but Jer 31:31–34 may indeed, as Achenbach argues, be a late development in the book of Jeremiah.[10] The author of this passage,

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[9] T. Römer, "Les 'anciens' pères (Jér 11,10) et la 'nouvelle' alliance (Jér 31,31)," *BN* 59 (1991), 23–7.

[10] See already C. Levin, *Die Verheissung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang ausgelegt* (FRLANT, 137; Göttingen: Vandenhoeck & Ruprecht, 1985).

like the author of Ezek 16:60–62, 34:25, 37:26, probably tries to overcome the dtr idea of Israel's failure to live accordingly to Yhwh's covenant.

Deut 7:1–6, which has parallels in Deut 12:2–7, belongs to the latest layers of Deuteronomy, as Edenburgh and others have pointed out.[11] The reduction of the concept of covenant to a warning against connubium prepares Ezra 10, or belongs perhaps even to the same chronological context. Read in the light of Edenburg's investigation, one may ask whether Ezra 10:3, analyzed by Nykolaishen, is taking up Deut 7. In Deut 7:2 "covenant" applies to the relation with the "other nations," whereas Ezra 10:3 speaks of a covenant that grounds the rejection of "mixed marriages." However, the ideology of both passages is the same, so that the books of Ezra and Nehemiah can be understood as pursuing the ideology of the latest layers of the book of Deuteronomy in the second half of the Persian period.

(2) COVENANT AND IDENTITY NEGOTIATION

As especially Ben Zvi and Jonker have underlined, the revision of older texts or the writing of new ones during the Persian era, like for instance Chronicles, also reflect a process of "identity negotiation." Whereas the books of Kings end enigmatically with the release of king Jehoiachin out of his prison, 2 Chronicles provides another ending. The speech of the Persian king, inviting the exiles to return to Jerusalem and to rebuild the temple (2 Chr 36), materialize the steadiness of Yhwh's covenant, understood in Chronicles differently than in the dtr texts. Further discussion is needed in order to clarify the contradictory statements of Boda and Jonker. Boda observes in Chronicles a "general shift away from covenant as the operative system for articulating the relationship between Yahweh and his people" (403). Jonker, however, underlines the importance of the use of ברית in Chronicles in order to demonstrate Yhwh's election of the Davidic line, the legitimacy of Second Temple cult as well as the importance of the Levites. Apparently, sometimes, our appraisal of the importance of covenant terminology in Persian period texts is also a matter of a more general understanding of a book, like Chronicles, or even of a broader literary unit, such as the Former Prophets.

This brings me back to Ben Zvi's article about the different perspectives on divine promises in the Persian period. I am a bit unhappy with his equation of covenant with promises. In the dtr context at least, I think that "covenant" is something else than a "promise." It is a divine obligation. In regard to David, Ben Zvi asserts: "the promise of David was much negotiated." Interestingly, the text that creates the concept of an everlasting Davidic dynasty in 2 Sam 7 avoids the term of "covenant,"[12] which however appears in

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[11] See footnote 5 above.
[12] For this text see J. Rückl, *A Sure House: Studies on the Dynastic Promise to David in the Books of Samuel and Kings* (OBO, 281; Göttingen: Vandenhoeck

Ps 89:4 (3 in ET), where God says: "I have made a covenant [כרת ברית] with my chosen one, I have sworn to my servant David: I will establish your descendants forever, and build your throne for all generations." Does this mean that Ps 89 is a later interpretation of 2 Sam 7 in terms of covenant? Or does the author of 2 Sam 7 not want to apply the term ברית to Yhwh's promise to David? Ben Zvi reminds us of the very interesting text of Isa 55:3 which transfers the Davidic covenant to the people: "I will make with you an everlasting covenant, my steadfast, sure love for David." The strategy of this verse can only work if there was a strong tradition of a covenant with David, even if the term cannot be found in 2 Sam 7. Isa 55 contributes to the discussion of a restoration of the Davidic kingship, a major concern in texts from the Persian period.[13]

(3) PATRIARCHAL AND "EXODUS" COVENANTS IN THE BOOKS OF CHRONICLES AND EZRA–NEHEMIAH

Jonker states that the "main impetus" for the Chronicler's theology and covenant terminology "came from the deuteronomic-Deuteronomistic tradition" (425). This is true of course for the narrative material that the Chronicler shares with the books of Samuel and Kings (interestingly none of the authors engage with Graeme Auld's idea that Samuel–Kings and Chronicles may have been written all at the same time on the basis of a shorter *Vorlage*[14]), but the Chronicler's ideology does not sound "dtr" to me, in contrast to the books of Ezra–Nehemiah, as we have already seen when it comes to the exclusionist attitude towards "mixed marriages." As Philippe Abadie and others have noticed, the book of Ezra–Nehemiah takes over the dtr Exodus theology and constructs Ezra as a new Moses who brings the people (back) in his land and is confronted to a hostile autochthonous population that must be fought.[15] Consequently, the covenant in Neh 1:5 alludes to the dtr Sinai covenant: "O Yhwh God of heaven, the great and awesome God who keeps covenant and steadfast love with those who love him and keep his commandments."

The Patriarchal traditions do not play a role in Ezra–Nehemiah (except in the very late prayer of Neh 9[16]). In contrast to this ideology, the book of Chronicles is centered much more on genealogical

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& Ruprecht, 2016), who points out that this text dissociates the promise of an "eternal dynasty" and the existence of the temple.

[13] R. Albertz, "Loskauf umsonst? Die Befreiungsvorstellung bei Deuterojesaja," in C. Hardmeier, R. Kessler, and A. Ruwe (eds.), *Freiheit und Recht: Festschrift für Frank Crüsemann zum 65. Geburtstag* (Güterslog: Gütersloher Verlagshaus, 2003), 360–79.

[14] A.G. Auld, *Kings Without Privilege: David and Moses in the Story of the Bible's Kings* (Edinburgh: T&T Clark, 1994); and also idem, *Life in Kings: Reshaping the Royal Story in the Hebrew Bible* (AIL, 30; Atlanta, GA: SBL Press, 2017).

[15] P. Abadie, "Le livre d'Esdras: un midrash de l'Exode?", *Transeu* 14 (1998), 19–31.

[16] M. Oeming, " 'See, we are serving today' (Nehemiah 9:36): Nehemiah

identity, as Boda has reminded us. In the genealogical summary that runs from Adam to David, the Chronicler skips the Exodus so that one gets the impression of an autochthonous Israel.[17] And these observations fit with Boda's statement about the Chronicler shifting away from the Sinai covenant to covenants associated with the Patriarchs or the post-Sinaitic Davidic monarchy (403); this statement can be related to Jonker's observation about the Patriarchs as "initial receivers of the covenant which should be remembered forever" (423). Chronicles and Ezra–Nehemiah should then be understood, following Sara Japhet[18] and many others[19], as quite different contributions in the construction of the identity of the Persian era addressees.

(4) COVENANT RHETORIC IN JERUSALEM AND SAMARIA?

Let me conclude with a general observation about one missing text in the volume about "Covenant in the Persian period." In my view, the covenant that Joshua concludes with Israel at Shechem in Josh 24:25 needs to be included into the discussion. As has often been observed, Joshua is depicted in this chapter as a "second Moses," who enacts the law, concludes a ברית, and writes a "book of the Torah of God." Josh 24 should be part of the discussion for two reasons. First, there is growing tendency, and in European scholarship almost a consensus, to admit that Josh 24 was written or at least revised in its final form during the Persian period.[20] Second, there is a new interest in the question about a Samaritan implication in the compilation of the Hexateuch or Pentateuch. The Northern, "Samaritan," location of Josh 24 can hardly be a Judean "invention."[21] This is also shown by the LXX, which reads Shiloh instead

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9 as a theological interpretation of the Persian period," in O. Lipschits and M. Oeming (eds.), *Judah and the Judeans in the Persian Period* (Winona Lake, IN: Eisenbrauns, 2006), 571–88.

[17] P. Abadie, "Israël, entre frontière réelle et frontière symbolique," *Transeu* 36 (2008), 11–23.

[18] S. Japhet, "Postexilic Historiography: How and Why?", in A. de Pury, T. Römer, and J.-D. Macchi (eds.), *Israel Constructs its History: Deuteronomistic Historiography in Recent Research* (JSOTSup, 306; Sheffield: Sheffield Academic, 2000), 144–73.

[19] H.G.M. Williamson, *Israel in the Books of Chronicles* (Cambridge: Cambridge University Press, 1977); C. Karrer, *Ringen um die Verfassung Judas: eine Studie zu den theologisch-politischen Vorstellungen im Esra-Nehemia-Buch* (BZAW, 308; Berlin: de Gruyter, 2001), 49–57.

[20] M. Anbar, *Josué et l'alliance de Sichem : Josué 24:1–28* (BBET, 25; Berlin: Lang, 1992); T. Römer and M.Z. Brettler, "Deuteronomy 34 and the Case for a Persian Hexateuch," *JBL* 119 (2000), 401–19; K. Schmid, *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible* (Siphrut: Literature and Theology of the Hebrew Scriptures, 3; Winona Lake, IN: Eisenbrauns, 2010), 224–36. On Joshua 24, see also the thematic volume edited by T.B. Dozeman, *HBAI* 6 (2017), 145–258.

[21] C. Nihan, "The Torah between Samaria and Judah: Shechem and

of Shechem and reflects a Hebrew text from the 2nd or 1st century presupposing the so-called "schism" between Judeans and Samarians after the destruction of the sanctuary of Gerizim.[22] Therefore, we should probably see Josh 24 as a co-production of Samaritans and Judeans, if not a pure Samaritan version. In this context it would be interesting to investigate the meaning of the covenant that Joshua concludes with or for the people (-כרת ל) in Josh 24:25. Is this a covenant different than Moses's covenant? Or is this an attempt to affirm the validity of Moses's covenant in Samaria? This example shows that although the book under review allows us to better understand the concept of covenant in the Persian period, further work remains to be done.

Gerizim in Deuteronomy and Joshua," in G.N. Knoppers and B.M. Levinson (eds.), *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (Winona Lake, IN: Eisenbrauns, 2007), 187–223.

[22] *Pace* E.A. Knauf, *Josua* (ZBK, 6; Zürich: Theologischer Verlag, 2008), 22, who considers that "Shiloh" is the original reading.

A Response and Further Thoughts

Richard J. Bautch
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I would like to thank Sean Burt, Steven Schweitzer, and John Wright for organizing the SBL session to review *Covenant in the Persian Period: From Genesis to Chronicles*[1]; both Gary N. Knoppers and I have a long association with the Chronicles–Ezra–Nehemiah section of the SBL, and it is an honor to have our book reviewed in this venue. I thank the reviewers for their comments and questions that keep the discussion of covenant in the Persian period moving forward. My gratitude extends, as well, to the colleagues who contributed to the volume; they are the authors, and it is their expertise in a given biblical book that has led to these cogent studies of covenant.

This response has two parts. First, I will take up a few of the points that the reviewers have made, and I will necessarily be selective. Second, I will suggest where we go from here in terms of studying covenant in the Persian period and beyond. Covenant is a significant trajectory in Second Temple Judaism, from postexilic times to and including the 1st century BCE. The trajectory of covenant encompasses the Persian, Hellenistic, and Roman periods. I will return to that trajectory in my concluding remarks.

Thomas B. Dozeman makes several salient points in his review. That which struck me most is how in several Pentateuchal texts, the biblical authors employ covenant to reinforce the event of law-giving at Sinai, while at the same time they subordinate law to the concept of the covenant, thereby separating covenant and law.[2] This separating is like an uncoupling. The two elements are no longer linked tightly, but they are still in some proximate relationship to one another. Why this uncoupling or subordination? The subordination of law to covenant, Dozeman notes, allows for change after failure, creating the possibility of a future relationship with Yahweh in the theological reflection of postexilic Israel. Dozeman tracks this development, the separation of covenant and law, in the studies of Wolfgang Oswald, Andreas Schüle and Thomas Hieke.[3] All three identify

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[1] R.J. Bautch and G.N. Knoppers (eds.), *Covenant in the Persian Period: From Genesis to Chronicles* (Winona Lake, IN: Eisenbrauns, 2015).

[2] See T.B. Dozeman's article in this issue of *JHS*.

[3] W. Oswald, "Correlating the Covenants in Exodus 24 and Exodus 34," in Bautch and Knoppers, *Covenant in the Persian Period*, 59–73; A. Schüle, "The 'Eternal Covenant' in the Priestly Pentateuch and the Major Prophets," in Bautch and Knoppers, *Covenant in the Persian Period*, 41–58; T.

how in the Persian period covenant is a universal and immutable conceptualization of God's relationship to humanity and simultane-ously it is the vehicle by which particular laws are developed and articulated. Such a bipartite structure of covenant is attested else-where, outside the Pentateuch, and I will return to this as well in my concluding remarks.

Burt suggests that in the Persian Period, covenant-related lan-guage has become a set of malleable literary and theological resources for various writers to employ.[4] I find this suggestion intri-guing in the best sense of the word. I agree with Burt that the cove-nants in Zech 11 or Neh 10 may be understood as interpretive crea-tions, and that they are no direct reflection of any historical episode. I prefer to think of them as refracting the history of Yehud. I appre-ciate Burt's pressing the question of whether these really are "exist-ing" covenants or "actual" covenants; elsewhere he offers that they are "only conceptually" covenants. The direction of his thought is, as I said, intriguing. I would like, however, to push back and highlight two features of Neh 10 that, to me at least, indicate its covenantal orientation. First, the lists of priests, Levites and heads of the people found in this chapter reveal a kinship ethos. In monarchic times and no less in the Persian Period, there were symbiotic relationships between kinship and covenant, the particulars of which are well doc-umented.[5] For additional insights into kinship as a datum of cove-nant, see the contribution by Dalit Rom-Shiloni on Jeremiah's use of familial metaphors to signal covenant as well as Cynthia Edenburg's work on covenant and connubium.[6] Second, the three lists are sec-ondary, in some manner or degree, so that in their absence the אמנה in 10:1a continues directly in 10:30 and would read: "We make this pledge and take an oath with sanctions to follow the teaching of God, given through Moses, the servant of God and to observe all the commandments of the Lord our Lord, his rules and laws." Neh 10:1a joined to 10:30 clearly puts us in the realm of covenant, and there we must stay, at least for now. Yet here is an analogy to con-sider. Modernism, that is the modern culture that defined the 20th

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Hieke, "The Covenant in Leviticus 26: A Concept of Admonition and Redemption," in Bautch and Knoppers, *Covenant in the Persian Period*, 75–89.

[4] See S. Burt's article in this issue of *JHS*.

[5] See F. Fechter, *Die Familie in der Nachexilszeit: Untersuchungen zur Bedeutung der Verwandtschaft in ausgewählten Texten des Alten Testaments* (BZAW, 264; Berlin/New York: de Gruyter, 1998); J.D. Schloen, *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East* (Studies in the Archaeology and History of the Levant, 2; Winona Lake, IN: Eisenbrauns, 2001).

[6] D. Rom-Shiloni, "The Covenant in the Book of Jeremiah: On the Em-ployment of Family and Political Metaphors," in Bautch and Knoppers, *Covenant in the Persian Period*, 153–74; C. Edenburg, "From Covenant to Con-nubium: Persian Period Developments in the Perception of Covenant in the Deuteronomistic History," in Bautch and Knoppers, *Covenant in the Per-sian Period*, 131–49.

century in the west, has been supplanted, and after modernism we
have postmodernism, because what we actually have is not yet
definable. Or rather, it is full of modernist elements juxtaposed with
other cultural expressions of orientation and function. Perhaps with
the Persian period we are entering a post-covenant phase. Post-cov-
enant in the sense that your parents' covenant no longer exists, and
these texts present fuller expressions of covenant within which are
juxtaposed aspects of social identity and traditions related to Moses
as well as other scriptural points of reference.

Thomas Römer discusses covenant in the Deuteronomistic mi-
lieu after reading several of the volumes' chapters in light of one
another, thereby putting respective authors in dialogue. He notes
that the latest layers to the book of Deuteronomy were set in place
during the Persian period. From this time, covenant in Deut 7:2
applies to the relation with the "other nations," whereas Ezra 10:3
speaks of a covenant that grounds the rejection of "mixed mar-
riages."[7] However, the ideology of both passages is the same, so that
the books of Ezra and Nehemiah can be understood as pursuing the
ideology of the latest layers of the book of Deuteronomy in the late
Persian period. Exclusivism is the common denominator in this ide-
ology. Römer also notes that the concept of the prophet is trans-
formed in the Deuteronomistic texts. The prophet becomes a guard-
ian of Torah and covenant so that the disaster of exile may be viewed
as a massive failure to heed the prophets. The Deuteronomists here
too create an ideology, stemming from the charge that the people
not simply resisted the prophets but rejected them and killed them.
It is noteworthy that both aspects of the late Persian period Deuter-
onomism, exclusivism and making the prophets into martyrs, are
expressed in the covenantally-informed penitential prayers of Ezra 9
and Neh 9.[8] The prayer in Nehemiah contains the charge of murder-
ing prophets (9:26), and the infamous covenant to expel foreign
wives and their children is anticipated in Ezra 9:10–12 and then
articulated in Ezra 10:3.

Römer suggests that we should see Josh 24 as a covenant text
from the Persian period, and as a co-production of Samaritans and
Judeans, if not a pure Samaritan version. In this context, he observes,
it would be interesting to investigate the meaning of the covenant
that Joshua concludes with or for the people in Josh 24:25. I find
this line of thought most intriguing, and would want to pursue it
alongside and in tandem with another issue, namely the Hexateuch.

Josh 24:24 reads: "The LORD our God we will serve and
obey." The verse is an echo of Exod 24:3, 7: "All that the Lord has
commanded we will do." In Joshua, immediately after the people's
response "The LORD our God we will serve and obey," Joshua
makes for them a covenant (24:25), presumably a reissue of that

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[7] See T. Römer's article in this issue of *JHS*.

[8] See R.J. Bautch, *Developments in Genre between Postexilic Penitential Prayers
and the Psalms of Communal Lament* (AcBib, 7; Leiden: Brill, 2003), 82, 117.

made at Sinai, and he "places before them a statute and a law." The two legal references, a statute and a law, both in the singular, are somewhat conspicuous. Römer, in a previous study, relates the legal expressions in Josh 24:25 to Exod 15:25, where Moses turns the bitter waters of Marah sweet so that the thirsty people may drink.[9] Thereupon Moses "places before them a statute and a law," language identical to Josh 24:25, and Moses proceeds to explain one of the basic principles of Deuteronomistic theology: If you follow the law of the LORD, you will not be cursed. While the verses in Exod 15 anticipate the Sinai pericope, which begins in chapter 19, Römer and others observe a redactional unity between the two references to "placing before them a statute and a law." The appearance of this expression in both texts lends credence to a postexilic dating of Josh 24, and it leads us to consider further connections between Josh 24, the Sinai covenant in Exodus and the unity of the Hexateuch. It also returns us to the role of the Samaritans in these compositions, especially Josh 24. It is wholly plausible that a northern hand would compose a covenant text featuring Shechem to parallel the Sinai pericope. The Shechem covenant *could be* a co-production of Samaritans and Judeans, given the correspondences between Josh 24 and Exodus.

My second focus is the arc of the Second Temple period and the development of the concept of covenant throughout this era. I think of covenant as a trajectory that spans the Second Temple period, even though scholars do not always see it this way. In fact, one impetus for the volume *Covenant in the Persian Period* was an edited volume appearing in 2004 under the title *The Concept of Covenant in the Second Temple Period*.[10] The book deals sparingly with the Hebrew Bible and focuses largely on covenant in the Dead Sea Scrolls, in the Pseudepigrapha, and in the New Testament. There is clearly a lacuna; the first several centuries of the Second Temple period and the Jewish literature from this time need be brought to light. It is important not simply to bridge the lacuna, but to study how developments in covenant during the Persian period continue to unfold during the latter part of the Second Temple period, in the Hellenistic and Roman contexts. There are, in fact, various trajectories of covenantal thinking that help to define the Second Temple period in its entirety. An obvious example is the new covenant attested in exilic or postexilic Jeremiah and then invoked in the Dead Sea Scrolls and the Gospels. Another example, and one to explore here, is covenant as the basis of group identity, for various groups within ancient Judaism.

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[9] T. Römer, "Das doppelte Ende des Josuabuches: einige Anmerkungen zur aktuellen Diskussion um 'deuteronomistisches Geschichtswerk' und 'Hexateuch'," *ZAW* 118 (2006), 523–48 (543).

[10] S.E. Porter and J.C. de Roo (eds.), *The Concept of the Covenant in the Second Temple Period* (JSJSup, 71; Leiden: Brill, 2003).

In Yehud, the bonds that covenant had long indicated between humans and the deity find a complement in specific bonds formed among human parties. We can note this phenomenon as early as the covenant of Josiah (2 Kgs 23:1–3), where the people's worship followed God's law *and lawful worship in turn bonded them together in human community.* Delbert R. Hillers held that associating sociological functions with covenant degraded it and undercut its primary function, which was to exemplify the divine-human relationship theologically.[11] Hillers differentiated sharply between preexilic theological covenants and postexilic sociological covenants. Interestingly, some scholars today follow Hillers's bipartite line of thought while others argue for a model of covenant in the Persian period that integrates the sociological and theological functions. Through such integrations, we begin clarifying how covenant can express the dynamics of group identity within Judean society as well as a "national" identity for Judeans who are subjects of the Persian Empire. In this, we touch upon both the complexity of covenant in the Persian period that Burt observed and the bipartite nature of covenant that Dozeman noted.

Let us consider how proto-sectarian groups employed covenant to form group identity at the beginning of the Second Temple period. At this time, there were segments within society that defined themselves around issues such as intermarriage, circumcision, Sabbath observance, and celebrating festivals. Typically, the groups maintained a sharply drawn, single-issue profile but tempered any exclusivism and tried to keep within the mainstream of greater Israel (as a tradition, no longer a political entity). The members of the groups in question at times made an agreement among themselves not to waver on their single issue, such as opposition to intermarriage in the case of those responsible for Ezra 9–10. This group, and others like it, often spoke of its internal agreement as a covenant that they linked to the broader covenant that God gave to Israel through Moses on Mount Sinai (Ezra 10:3). The covenant thus ran in two correlative directions; it ensured right conduct on the issue of utmost concern as it offered the prospects of broad unity to all the peoples entering the pact started by this group. Similarly, Neh 10 features a covenantal agreement to perform certain commandments related to intermarriage and the Sabbath (10:30, 33) to suggest that a Judean group has been energized around a few select issues. The same group, however, simultaneously understood itself more globally and projected its covenant broadly; recall how in Neh 10:1a joined to Neh 10:30, the group members bind themselves together in a pact to follow *all the laws of Moses* (emphasis added). To summarize, in the first half of the Second Temple period, covenant expresses the

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[11] D.R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: Johns Hopkins University Press, 1969), 146–48.

dynamics of group identity within Judean society as well as a universally theological identity for Judeans who are subjects of the Persian Empire.

Following the trajectory of this development, one sees that the Dead Sea Scrolls reflect the phenomenon highlighted in Ezra and Nehemiah. In the scrolls too one observes a group's covenant aligned with particular issues and generating interest in Israelite identity. In the Damascus Document (CD), covenant ensures right conduct on a group's key issue while at the same time offering the prospects of broad unity to all who would enter the group's pact. Maxine L. Grossman notes that a certain claim in CD 3:13 is repeated several times in the text; the claim is that "God's new covenant with this community is a covenant with Israel forever."[12] Her analysis of this language identifies "an overlay of two covenants upon one another. The first is the covenant at Sinai, which the people of Israel swore to uphold. The second is the covenant of the community, which causes the people to engage in proper Torah practices."[13] The ancient reader of CD, however, apprehends a single covenant, "the special possession of the community described in the text and also fundamentally tied to the Sinai experience of the people of Israel."[14] An isolated group's covenant claims to embrace all of Israel. The Dead Sea Scrolls provide other examples of this effect, for example the covenant in 1QSa (1:1–5) which points toward both the priestly sect with which it originated and Israel at the eschaton.

At both the beginning and toward the end of the Second Temple period, covenants articulated in particular language to reflect one social group's proclivities also express an identification with Israel and its legacies. Political and theological, this type of covenant formed a trajectory through the Second Temple period. As the biblical writers themselves might put it, covenant in the Persian period begat covenants in the Hellenistic and Roman periods. I hope that in ten years we will be discussing this and other such trajectories of covenant *across* the time of the Second Temple.

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[12] M.L. Grossman, *Reading for History in the Damascus Document* (STDJ, 45; Leiden: Brill, 2002), 63–64.
[13] Ibid.
[14] Ibid.

THE END OF ISRAELITE RELIGION?
A RESPONSE

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Though I unpitied: League with you I seek, [375]
And mutual amity so strait, so close,
That I with you must dwell, or you with me
Henceforth; my dwelling haply may not please
Like this fair Paradise, your sense, yet such
Accept your Maker's work; he gave it me, [380]
Which I as freely give; Hell shall unfold,
To entertain you two, her widest Gates,
And send forth all her Kings; there will be room,
Not like these narrow limits, to receive
Your numerous offspring; if no better place, [385]
Thank him who puts me loath to this revenge
On you who wrong me not for him who wrong'd.
And should I at your harmless innocence
Melt, as I do, yet public reason just,
Honour and Empire with revenge enlarg'd, [390]
By conquering this new World, compels me now
To do what else though damn'd I should abhor.[1]

In this soliloquy delivered by the figure of Satan in Book 4 of John Milton's *Paradise Lost*, Satan proposes the establishment of a covenant between him and the first man and woman. By luring the first couple out of the league they already enjoy with God, the fallen archangel proposes to "conquer this new world" and condemn Adam, Eve, and their "numerous offspring" to divine judgment and Hell. In Book 4 of *Paradise Lost*, Milton ingeniously introduces covenantal terminology to his retelling of Gen 3 to lend gravity both to the nature of the first human couple's relationship with God and to the serpent's intentions in dealing with that couple. Rather than portraying a random act undertaken by an innocent couple, which has tremendous ramifications for the history of humanity in traditional Christian theology, Milton redefines divine and human relationships

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[1] J. Milton, *Complete Poems and Major Prose*, ed. M.Y. Hughes (New York: Macmillan, 1957), 287–88.

to present these relationships as self-conscious and deliberative undertakings. Because Adam and Eve are already parties to a divine covenant and are warned by the angel Raphael about Satan's sinister intentions, their positive response to Satan's blandishments violate the terms of their league with God. For his part, Satan never publicly announces or enacts a pact with Adam and Eve. For his purposes, it is enough to convince the first couple to abandon their covenant with their Creator.

Although Milton's *Paradise Lost* is among the most famous classics of English literature, his imaginative strategy of appropriating covenantal concepts to retell biblical stories participates in a millennia long tradition of literary imitation or mimesis.[2] Milton's project of massively and creatively rewriting the early chapters of Genesis was anticipated by a number of earlier literary works, dating back to antiquity. Indeed, as scholars have come to recognize, such reinterpretations and expansive rewritings have an extensive pedigree within the Hebrew Bible itself.

One of the goals of our co-edited book, *Covenant in the Persian Period*, was to call attention to the reworking of older sources, employing covenantal language and covenantal concepts in new literary settings.[3] Our belief was that the issue of covenant in late writings had been neglected for a variety of reasons, some well understood and others not so well understood. One factor has to do with long-held stereotype of the Persian period as a "time of small things," when the formative concept of covenant in ancient Israel had run its course or had been reduced to ritual observances and legalistic formulations. Indeed, some scholars, as we note, opined that late formulations of covenant mark the end of Israelite religion.

A second reason has to do with the emphasis on covenant as the overarching rubric in twentieth-century biblical theology to organize the disparate legal, historical, hymnic, and sapiential streams of thought in the Hebrew Bible. Negative reactions against such a totalizing and simplistic approach are completely understandable. A third factor has to do with fundamental disagreements among scholars about what a covenant precisely is and what the history of covenantal thinking in ancient Israel comes to. Assuming that a covenant is fundamentally a bilateral agreement, whether between equals or between unequals, some scholars traced the rise of such an understanding in the premonarchic and monarchic periods and its demise, however defined, in the exilic and postexilic periods. Assuming to the contrary that a covenant is a unilateral and unconditional promise or a self-obligation undertaken by one party on behalf of another party, other scholars traced the rise of such an understanding to the

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[2] J. Van Seters, "Creative Imitation in the Hebrew Bible," *SR* 29 (2000), 395–409; G.N. Knoppers, "The Synoptic Problem: An Old Testament Perspective," *BBR* 19 (2009), 11–34.

[3] R.J. Bautch and G.N. Knoppers (eds.), *Covenant in the Persian Period: From Genesis to Chronicles* (Winona Lake, IN: Eisenbrauns, 2015).

premonarchic and early monarchic period and its demise into trans-
actional forms in the late monarchic and exilic periods.

Ironically, what these two influential but diametrically opposed
typologies hold in common is a relative lack of interest in covenant
during the postmonarchic period. Whether this neglect has to do
with a perceived legalistic tendency in the postmonarchic period or
a perceived mixing of older unsullied forms depends to a large extent
on individual reconstructions. In any event, it is not surprising that
many scholars gave up on the covenantal enterprise altogether, given
the profound disagreement among scholars about what a ברית is and
what its historical development entails.

When Richard J. Bautch and I planned the present collection
of essays, we sought to rebalance the discussion. While respecting
past views, we sought out scholars, who were interested in breaking
with past models of exegesis and in pursuing new directions. Little
did we realize at the time the extent to which the scholars we asked
to contribute to the "Covenant in the Persian Period" section of the
SBL would produce such a far-reaching, creative, and insightful
rethinking of covenant, dealing with a range of topics, such as the
universal dimensions of the Abrahamic covenant, the various rewrit-
ings of the Davidic covenant, Sabbath observance as a condition in
P's eternal covenant, divine promise and Israelite obligation in the
Holiness Code, the nature of the covenant with Levi, covenantal
promises and social memory, covenant and connubium, covenant
and adoption, covenant and kinship, covenant and community iden-
tity formation, global covenants, specialized sub-covenants, cove-
nantal concepts in wisdom literature, covenants in the Psalms, cov-
enant in Deutero-Zechariah, covenant curses in Joel, covenant vio-
lation and covenant abrogation in Haggai, treaty and grant in Jere-
miah, the redefinition of the divine-Israelite relationship in light of
Persian-period international diplomatic arrangements, the relation-
ship between Persia as a colonizing empire and Yehud as one target
of imperialistic policies, covenant in non-ברית texts and non-cove-
nant in ברית texts, the oral *torah* in Jeremiah's new covenant, and the
relationship between penitential prayer and covenant renewal.[4]
Rather than reflecting the end of Israelite religion, covenant
becomes, as Sean Burt observes, a malleable literary resource and a
"particularly potent toolkit" in the postmonarchic era.[5]

I would like to thank Jim Eisenbraun and the highly competent
staff at Eisenbrauns Press for their very positive reception to our
project and for their first-rate editing of the diverse array of essays
in our volume. I would also like to thank the organizers of the
Chronicles–Ezra–Nehemiah section, in particular Sean Burt, John

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[4] G.N. Knoppers, "Changing History: Nathan's Dynastic Oracle and
the Structure of the Davidic Monarchy in Chronicles," in M. Bar-Asher et
al. (eds.), *Shai le-Sara Japhet: Studies in the Bible, Its Exegesis, and Its Language*
(Jerusalem: Bialik Institute, 2007), 99–123, in Hebrew.

[5] See S. Burt's article in this issue of *JHS*.

Wright, and Steven Schweitzer, for their kind initiative in calling attention to our project and in organizing a special SBL review session. Finally, I would also like to express my appreciation to the fine group of panelists—Sean Burt, Thomas B. Dozeman, Melody D. Knowles, and Thomas Römer—for their careful, judicious, and lucid reviews of the essays found in our volume. Time and space constraints do not allow me to respond to all of their insightful comments and questions. Instead, I shall selectively focus on a few questions raised by their essays.

First, a number of contributors refer to God's covenant with Levi in late prophetic texts, such as MT Jer 33:14–26 (not found in the LXX) and Mal 2:4–5, and the concern with the Levites in late writings, such as Chronicles.[6] What are we to make of the assertions of Levi's divine election and of Yhwh's covenant with Levi? Are we supposed to construe the divine covenant with Levi as an attempt to reify an existing arrangement for the Levites in the cultic service of the Second Temple?[7] Or, does covenant discourse represent a literary attempt to elevate the Levites, who only held a subsidiary status? Or is covenant discourse employed, as it is in Milton's *Paradise Lost*, to underscore the responsibilities and liabilities of the beneficiaries of covenantal status? Or, yet again, does the covenant with Levi belong to what Ehud Ben Zvi argues is a cluster of core divine promises, such as the divine promises to Israel and to the temple, that were well recognized and accepted by Persian period literati?[8] Yet, if so, why belabor the point?

Second, a number of contributors discuss what they discern as a social or cultic stress in late covenantal texts, such as the solemn agreement (אמנה) enacted in Nehemiah (10), the proposed covenant proposed to divorce foreign wives in Ezra (10:3), the stress on covenant in the ark narrative of Chronicles, the covenants enacted under King Asa, the priest Jehoiada, and Kings Hezekiah and Josiah in Chronicles. Decades ago, Hillers recognized a similar phenomenon in Josiah's covenant portrayed in Kings (2 Kgs 23:1–3).[9] There, the covenant the king ratifies with the priests, prophets, and the people

[6] For an argument that the use of covenant in Mal 2:4–5 is associative in nature, see E. Assis, "The Reproach of the Priests (Malachi 1:6–2:9) within Malachi's Conception of Covenant," in Bautch and Knoppers, *Covenant in the Persian Period*, 271–89.

[7] In many reconstructions, this elevation in Levitical status represents a late development in postexilic times. See, e.g., J. Schaper, *Priester und Leviten im achämenidischen Juda* (FAT, 31; Tübingen: Mohr Siebeck, 2000).

[8] E. Ben Zvi, "A Balancing Act: Settling and Unsettling Issues Concerning Past Divine Promises in Historiographical Texts Shaping Social Memory in the Late Persian Period," in Bautch and Knoppers, *Covenant in the Persian Period*, 109–29.

[9] D.R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: Johns Hopkins University Press, 1969), 143–46. In Hillers's understanding, the bonds between Israelites and Yhwh find a complement in the specific bonds the Israelites form among themselves.

of Judah binds the community together to follow the ספר הברית discovered in the temple. This covenant is ratified "before (לפני) Yhwh" (2 Kgs 23:3), but Yhwh is not listed as a party in the covenant. Does the emphasis on the sociological functions of the covenant reflect a "general shift away from covenant as the operative system for articulating the relationship between Yahweh and his people" as Mark J. Boda proposes?[10] Or does such a social and cultic emphasis reflect a transformation of covenant as the operative system for articulating the relationship between Yhwh and his people? In such a system, Yhwh might be conceived as a silent partner or witness to the pact ratified among human parties or the covenant enacted might be designed to reinforce or to reengage public commitment to the primary covenant structuring the people's relationship to God. Or, yet again, does the shift reflect the fact that Judeans were gradually adjusting to being a subjugated people living both in the homeland and in the diaspora under imperial rule? In such an arrangement, the concern with genealogy, blood, and kinship relations may reflect the changed setting in which Israelites lived during Neo-Babylonian, Persian, and Hellenistic times. In other words, is covenant still an operative system, but one that highlights social and cultic matters as areas in which Judeans retained limited self-autonomy under foreign rule?

Third, I would like to echo a question that Römer raises in his review essay, namely how the relationship between Persian period Judah and Samaria might affect our understanding of covenants in the literature written or edited during this time. If, as seems likely, both Judah and Samaria possessed copies of the Pentateuch in the late Persian and Hellenistic periods, how are we to understand the different iterations of covenant in the Torah? Moreover, what are we to make of a text, such as the pan-Israelite covenant enacted at Shechem in MT Josh 24?[11] Römer suggests that this narrative might be a Samarian creation, a co-production of Judeans and Samarians, or an attempt to affirm the validity of the national covenant in Samaria. Or, yet again, might the formulation of this story represent a Judean or a Judean-Samarian attempt to create a common Hexateuch? The matter bears further study.[12]

Finally, it may be suggested that the scholarly analysis of covenant in late biblical works, the Deutero-Canon (or Apocrypha), the

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[10] M.J. Boda, "Reenvisioning the Relationship: Covenant in Chronicles," in Bautch and Knoppers, *Covenant in the Persian Period*, 391–407 (403).

[11] Reading Shechem in Josh 24:1, 25 with the MT. The LXX reads Shiloh in both cases. Interestingly, whereas Joshua writes down "these words" in a scroll of the instruction of God (בספר תרת אלהים) and takes a great stone and places it "there" under the terebinth, which was "at/in the sanctuary of (במקדש) Yhwh," in the LXX he does so "before the Lord" (Josh 24:26).

[12] The composition, character, and function of Josh 24 are the topic of the thematic volume edited by T.B. Dozeman, *HBAI* 6 (2017), 145–258.

Dead Sea Scrolls, early Judaism, and early Christianity warrants much closer investigation.[13] Does the state of covenant in the late Second Temple period represent the triumph of legalism and the contamination of older forms, as some influential theories have suggested? Or does it signal the flourishing of new theological models and the confluence of complex social concepts? Or, again, does it represent something else altogether? Even if one were to grant the traditional view, for the sake of argument, that transformations in the understanding of covenant may mark something as momentous as the end of Israelite religion and the beginning of early Judaism, one should still maintain that such a transition is worthy of intensive scholarly analysis, rather than of scholarly neglect. If the dawn of the late Second Temple age marks a new era in the development of covenant, is this not all the more reason to study it?

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[13] Richard J. Bautch and I hope to pursue this matter in the years ahead.