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THE FORM OF THE NEW COVENANT IN MATTHEW

George R. Law*

When one is seeking gold or diamonds, finding such treasure is easier if one can recognize the geological signs pointing to the treasure's location. Likewise, locating the record of an ancient covenant, such as the Old Covenant, becomes easier when one can recognize the elements comprising its form.

God promised to make a new covenant¹ because the Israelites had broken the Old Covenant. Sound evidence that the New Covenant does exist is provided by the single fact that the second "half" of the Bible, consisting of the writings of Christ's disciples, is called the "New Testament."² Furthermore, the author of the book of Hebrews demonstrates that Christ did, in fact, mediate the "better" New Covenant. The author compares Christ with Moses, Christ's better priesthood with the Levite priesthood, and Christ's new commands with the Old Covenant Law. Also, a literal reading of many other New Testament texts indicates that Christ initiated the New Covenant's blessings, gave new commandments to His disciples, and ratified the New Covenant with His blood. The question begging to be answered is "Where is the formal record of this New Covenant?"

Since there is ample evidence that the New Covenant does exist, what might one expect concerning its form? The Old Covenant exhibits elements and a literary form similar to other ancient covenants. Is it reasonable to expect that a record of the New Covenant would also exhibit literary characteristics similar to other ancient covenants? Interestingly, over fifteen years ago, Carl B. Hoch Jr. suggested that the New Covenant would be a suzerainty-type covenant with elements similar to those found in the Old Covenant.³ The purpose of this article is to suggest that the New Covenant is recorded in the Gospel of Matthew and can be identified because, like the Old Covenant, the New Covenant exhibits covenant elements and a form similar to other ancient covenants.

The records of the Old Covenant may provide a key to help in the identification of the record of the New Covenant. "The law ha[s] a shadow of good things to come" (Heb 10:1 AV; cf. Heb 7:5; Col 2:17). Thus, the shadow of the Old might present a rough "outline" or "sketch"⁴ of the New. More generally, Paul taught concerning the records and events of the Old Testament that "these things happened to them as an example, and they were written for our instruction" (1 Cor 10:11 NASB; cf. Rom 15:4). These Old Testament examples

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¹ Initial capital letters will be used when referring to the "New Covenant" and the "Old Covenant" as written documents.

² The Greek word διαθήκη ("testament") is used in the Septuagint as an equivalent for the Hebrew word ברית ("covenant").

³ Carl B. Hoch Jr., *All Things New* (Grand Rapids, MI: Baker, 1995), 93. Also see Carl B. Hoch Jr., "The New Covenant: Its Problems, Certainties and Some Proposals," *Reformation and Revival* 6 (Summer 1997): 65.

⁴ Carl Ludwig Wilibald Grimm, Joseph Henry Thayer, and Christian Gottlob Wilke, *A Greek-English Lexicon of the New Testament, Being Grimm's Wilke's Clavis Novi Testamenti* (New York: American Book Co, 1889), 578.

provide “types” or “patterns”⁵ to help New Testament believers understand God’s Word and His will for them. Therefore, if the Old Covenant examples can instruct one concerning the question of the New Covenant, then the elements and form of the Old Covenant should help one to locate and identify the elements, form, and the record of the New Covenant.

Early Church

Without much explanation, the New Testament authors made passing comments concerning the New Covenant, the Law of Christ, and His commandments. Their comments seem to indicate that their original audience was familiar with this information which, at that time, was well-known to the early church and required little explanation. Quite the opposite, the modern audience of the New Testament is unfamiliar with many aspects of ancient covenants, and thus cannot so easily recognize the form of the New Covenant or understand its implications.

The New Testament speaks plainly concerning many aspects of the New Covenant currently in effect. Christ was born to be king (Mt 1:1; 2:2-11; 27:11, 37; 28:18; Mk 15:2, 26; Lu 23:3, 38; Jn 18:33-37; 19:19; Acts 2:36; 17:7; Col 1:13; Heb 1:8). Christ has mediated the New Covenant (Heb 8:6; 9:15), has given new commandments which constitute His Law (1 Cor 9:21; Gal 6:2), and has ratified the New Covenant with His blood (Heb 9:14-26; 12:24). Christ instituted the Lord’s Supper as a memorial of His blood sacrifice which ratified the New Covenant, stating, “This cup which is poured out for you is the new covenant in My blood” (Lu 22:17-20 NASB; cf. Mt 26:26-29; Mk 14:22-25).⁶ Christ’s disciples are to obey His new commandments, memorialize His New Covenant, and serve Him as ministers of the New Covenant (Jn 14:15, 21; 15:10; 1 Cor 11:24-26; 14:37; 2 Cor 3:6; 1 Thes 4:2).

Other authors in the early church also wrote concerning the New Covenant, Christ’s new Law, and His new commandments. For example, the author of *Barnabas* (AD 90-110) indicated that God had abolished the Jewish feast laws so “that the new law of our Lord Jesus Christ, which is without the yoke of necessity, might have a human oblation” (*Barn*, 2).

Justin Martyr is another author who further reveals the understanding of the early church concerning the New Covenant and the Law of Christ. Justin declared that Christ was a Lawgiver who handed down the New Covenant and His new Law. In his *Dialogue with Trypho* (AD 150-160), Justin was responding to Trypho, a Jew who criticized Christians because of their new manner of life and their apparent disregard for the Law of Moses. Trypho protested that, while the “precepts [of Christ] are so wonderful and so great,” they are impossible to attain (*Dialogue*, 10).⁷ Justin responded by explaining that Christians follow a new Law given by Christ, “even as the new Lawgiver commanded us” (*Dialogue*, 18). Justin described the final Covenant and Law of Christ:

I have read that there shall be a final law, and a covenant, the chiefest of all, which is now incumbent upon all men to observe, as many as are seeking after the inheritance

⁵ Grimm, *Greek-English Lexicon*, 632.

⁶ The phrase “blood of the covenant” was used when Moses ratified the Old Covenant (Ex 24:8).

⁷ All quotations of Justin Martyr’s *Dialogue with Trypho* were translated by Marcus Dods and George Reith (*Ante-Nicene Fathers*, Vol. 1. edited by Alexander Roberts, James Donaldson, and A. Cleveland Coxe Buffalo, NY: Christian Literature, 1885).

of God. For the law promulgated on Horeb is now old, and belongs to yourselves [the Jews] alone, but this [final law] is for all universally. Now, law placed against law has abrogated that which is before it, and a covenant which comes after in like manner has put an end to the previous one; and an eternal and final law—namely, Christ—has been given to us, and the covenant is trustworthy, after which there shall be no law, no commandment, no ordinance (*Dialogue*, 11).

Other prominent authors throughout Church history have acknowledged that, with the arrival of the New Covenant, a new Law has replaced the Law of Moses.⁸

Modern Authors

Some modern authors have also recognized that with the New Covenant Christ gave His disciples a new Law, and they have suggested that the principles of the Law of Christ are found in what is commonly called “the Sermon on the Mount” (Mt 5-7).

For example, J. Oswald Dykes surveyed Christ’s new Law for His kingdom in the second book of his trilogy, *The Laws of the Kingdom* (1873).⁹ Leo Tolstoy provided his assessment of the new commandments of the Law of Christ in his book, *What I Believe* (1902).¹⁰ In *The Sermon on the Mount: Its Literary Structure and Didactic Purpose* (1902), Benjamin W. Bacon provided a thorough analysis of Christ’s discourse in Matthew 5-7. Bacon’s assessment was that the purpose of Matthew 5-7 was to present “what Paul calls ‘the Law of Christ.’”¹¹ Bacon concluded, “There was a real sermon, a Sermon on the Mount, a discourse of Jesus to his disciples, worthy to be called the New Torah of the kingdom of God.”¹² In 1927, E. L. Hamilton presented Christ’s ten new laws in his book, *The Laws of the Kingdom: as Contained in the Sermon on the Mount*.¹³ Recently, in *The Law of Christ: God’s Will for New Testament Believers*,

⁸ Femi Adeyemi provides a thorough treatment of this subject including the views of these prominent authors: Justin Martyr, Irenaeus, Tertullian, Augustine, Aquinas, and Luther (*The New Covenant Torah in Jeremiah and the Law of Christ in Paul*, New York: Lang, 2006, 21-35).

⁹ J. Oswald Dykes, *The Beatitudes of the Kingdom*. (London: James Nisbet, 1873); *The Laws of the Kingdom* (New York: R. Carter, 1873); *The Relations of the Kingdom to the World* (New York: R. Carter, 1874).

¹⁰ Leo Tolstoy, *What I Believe: “My Religion”* (Christchurch, Hants: The Free Age Press, 1902), 66-100.

¹¹ The full quotation from Bacon is the following: “That gospel, which, as we saw, most clearly reflects the standpoint of Jesus’ own age and people, distinctly gives expression to this conception, not merely in its repeated citation of Jesus’ teachings to this effect, but by the fact that it begins the entire story of his public career by the great discourse we are to study, conspicuously placing the Mount of Beatitudes over against the Mount of the Law, and by the whole arrangement of the material indicating that this is to be considered what Paul calls the ‘Law of Christ,’ what James, that other Hebrew of the Hebrews among New Testament writers, speaks of as ‘the perfect law,’ a mirror of moral perfection, ‘the law of liberty,’ ‘the royal law,’ that is, the law of those who are children of the King.” Benjamin W. Bacon, *The Sermon on the Mount: Its Literary Structure and Didactic Purpose* (New York: The MacMillian Company, 1902), 7; cf. 79.

¹² Bacon, *The Sermon on the Mount*, 35. He also stated: “In this sense Christ was called in Jewish Christian circles the ‘true Prophet,’ the second Moses (So in *Clem. Homilies and Recognitions, passim*)” (Bacon, 46).

¹³ E. L. Hamilton, *The Laws of the Kingdom* (London: Pickering & Inglis, 1957). In his preface, Hamilton explained the importance of the Law which Christ gave in Matthew 5-7: “I believe, together with many of God’s children, that our Lord will return very shortly for His Church, and then come and

the present author has identified what he believes is Christ's New Covenant Law including His new Ten Commandments.¹⁴ Although each of these authors has defined the number and content of Christ's commandments somewhat differently, it is significant that each has recognized that Christ presented His new Law during the Sermon on the Mount.¹⁵

Example of the Old Covenant

Conveniently, the Old Testament provides some excellent examples of covenant agreements which illuminate the principles of ancient covenant formation and might help one to recognize the form of the New Covenant. Two formal records of the Old Covenant have been identified in the Old Testament: the Covenant in Exodus 20-25 made at Mount Sinai and the updated Covenant in Deuteronomy mediated with the second generation of Israelites. Renewals of the Old Covenant are recorded in Joshua 24 and Nehemiah 7-10.

Scholars have recognized that the Old Covenant exhibits a literary form similar to the form of other ancient Near Eastern covenants.¹⁶ They have demonstrated that the Old

set up His Kingdom upon the earth. These Laws, now applicable to individuals in the Kingdom, will then be the Laws by which the world is governed. God's purpose is that His children shall be judges and rulers in that Kingdom. St. Paul says, 'Do ye not know that the saints shall judge the world?' (1 Cor. 6:2). If, then, we are to administer these Laws during the Millennium, it behooves us to learn how to carry them out now" (5-6).

¹⁴ George R. Law, *The Law of Christ: God's Will for New Testament Believers* (Pfafftown, NC: Ready Scribe Press, 2011), xi, 113-210.

¹⁵ Dykes presented five commandments from Matthew 5 and one commandment from Matthew 6. Tolstoy saw five new commandments (*What I Believe*, 67). Bacon saw only the two "great commandments" being illustrated by Christ (*Sermon on the Mount*, 111-113). Hamilton listed ten new laws (*Laws of the Kingdom*, 7).

¹⁶ In 1934, Viktor Korošec recognized that the Hittite treaty was the prevalent literary form for covenants used in the ancient Near East during the second half of the second millennium BC (*Hethitische Saatsverträge*. Leipzig, 1931). In January of 1948, Donald J. Wiseman observed the parallels between the Old Covenant and the Hittite treaty form when he read a paper before the Society for Old Testament Studies. Meredith Kline has noted Wiseman's contribution (*Treaty of the Great King: the Covenant Structure of Deuteronomy*. Grand Rapids, MI: Eerdmans, 1963, 13, n. 2). In 1954, George E. Mendenhall recognized similarities between this Hittite treaty form and the Old Covenant and demonstrated the resemblance of their literary form (*Law and Covenant in Israel and the Ancient Near East*. Pittsburgh, 1955, reprint of two articles in *BA* 17.2, .3 [1954]: 26-46, 49-76). Dennis J. McCarthy called Mendenhall a "pioneer" and his work "still [the] fundamental study" (*Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament*, Rome: Pontifical Biblical Institute, 1963, 5). Mendenhall (p. 36 n. 26) credited Elias J. Bickerman with previously pointing out the similarity of the Old Covenant to Hittite treaties in Bickerman's work, "Couper une alliance" (*Archives d'Histoire du Droit Oriental* 5 [1950]: [133-156], 153-154). Meredith Kline extensively discussed the structure and purpose of the Old Covenant in Deuteronomy, showing how it exhibits the form of a late second-millennium BC Hittite suzerainty treaty (*Treaty of the Great King: The Covenant Structure of Deuteronomy*. Grand Rapids, MI: Eerdmans, 1963). Also see, John A. Thompson, *The Ancient Near Eastern Treaties and the Old Testament* (London: Tyndale, 1964); Kenneth A. Kitchen, *Ancient Orient and Old Testament* (London, 1966); Kenneth A. Kitchen, *The Bible in its World* (Exeter, 1977); Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and early Christian writings*, trans. David E. Green, (Philadelphia, PA: Fortress, 1971); Peter C. Craigie, *The Book of Deuteronomy* (London: Hodder and Stoughton, 1976); Eugene H Merrill, *Deuteronomy* (Nashville, TN: Broadman & Holman, 1994); Raymond B. Dillard and Tremper Longman, *An Introduction to the Old Testament* (Grand Rapids, MI: Zondervan, 1994); and John

Covenant includes elements commonly found in ancient Hittite covenants and is a good example of the “pattern” used to make ancient covenants.¹⁷

Concerning the variations of the covenant form, John A. Thompson explained: “The Old Testament preserves the particular form of the pattern which was current in Israel.”¹⁸ Paul indicated that God’s covenants were fashioned “after the manner of men...[and] man’s covenant[s]” (Gal 3:15 AV). As a general rule, throughout human history, most legal documents have followed the literary form appropriate to their distinct time periods. When the Hittite empire rose to prominence in the middle of the second millennium BC, the Hittite covenant treaty became the prevalent Near Eastern literary form for international covenant treaties. It is not surprising that Moses, with his royal education “in all the learning of the Egyptians” (Acts 7:22), was aware of the literary form of contemporary covenant treaties and would use standard covenant elements to fashion the Old Covenant.

Form of the Hittite Covenant

Until recently, the Hittites, their civilization, and covenants had largely been forgotten.¹⁹ From 1500 BC until the fall of their empire soon after 1200 BC, the Hittites exerted their international influence into parts of Mesopotamia and northern Africa, making covenant treaties with neighboring nations.²⁰ An analysis of extant Hittite treaties reveals two basic types of international treaties: parity covenants and suzerainty covenants. Parity covenants were made between Hittite kings and kings of other nations of equal power and stature. Suzerainty-vassal covenants²¹ were made between “Great Kings”²² and lesser vassal kings.

Certain covenant elements appear to be characteristic of particular variations of the Near Eastern covenant form during different time periods. Amnon Altman explained that during the second half of the second millennium BC these treaties normally included the following three standard covenant elements:

H. Walton, *Ancient Israelite Literature in Its Cultural Context: A Survey of Parallels between Biblical and Ancient Near Eastern Texts* (Grand Rapids, MI: Regency Reference Library, 1990). This last source provides a list of many extant Hittite treaties and where their translations can be found (95-101).

¹⁷ Klaus Baltzer admitted “Some literary units [elements], however, can still be identified” and acknowledged that Deuteronomy “provides a good illustration of the literary form we have been studying” (*Covenant Formulary*, 31).

¹⁸ Thompson, *Ancient Near Eastern Treaties*, 7-8.

¹⁹ Ira Price wrote, “The Hittites are often mentioned in the Old Testament. Otherwise they were a forgotten people until the second half of the nineteenth century. The lack of extra extra-biblical testimony to their existence led some scholars about half a century ago to deny their historicity. They scoffed at the idea of...such an unhistorical people as the Hittites” (*The Monuments and the Old Testament; Evidence from Ancient Records* [Chicago: Christian Culture Press, 1900], 75-76); see also William Wright, A. H. Sayce, Charles William Wilson, C. R. Conder; and W. Harry Rylands, *The Empire of the Hittites* (New York: Scribner & Welford, 1884). In this book Wright traced the initial archaeological discoveries which re-established the Hittites’ place in history.

²⁰ Louis L. Orlin, *Life and Thought in the Ancient Near East* (Ann Arbor: University of Michigan Press, 2008), 90.

²¹ Examples of these Hittite treaties can be found in James B. Pritchard, *Ancient Near Eastern Texts* (Princeton, NJ: Princeton University, 1955): 203-205.

²² The title “Great King” was regularly used to identify the suzerain of the covenant and has its origin in the ancient theories of kingship (McCarthy, *Treaty and Covenant*, 29, 85).

1. a preamble,
2. stipulations, and
3. curses.²³

Altman suggested that if the treaty was a parity covenant the following three covenant elements might be added:

4. a prologue (proclaiming peace and brotherhood),
5. divine witnesses, and
6. blessings.

However, if the treaty was a subordination (suzerainty) covenant, all six elements would be included, with the following changes:

- a. the prologue would give the treaty’s historical background, and
- b. another element, giving instructions for the deposit of the covenant document, might be added.²⁴

	Date BC:	3rd Mill.		2nd Mill.			1st Mill.
				Early	Mid	Late	
Old Covenant		<u>Ebla</u>	<u>Mari</u>	<u>Mid-Hittite</u>	<u>Late Hittite</u>	<u>Assyrian</u>	
	<u>Elements</u>						
1	Preamble			1	1	1	1
2	Prologue	1			2		
3	Stipulations	3	3	3	3	3	3
4	Blessings				6		
5	Curses	2 & 4	4	5	7	4	4
6	Witnesses		1	2	5	2	2
7	Deposit of Doc.				4		
	Oath		2	4			

Table 1.1 Comparison of Ancient Treaty Form to the Old Covenant²⁵

A specific set of six or seven covenant elements seems to be standard in the classic form of a late second-millennium BC Hittite covenant treaty.²⁶ On the other hand, the form of

²³ Amnon Altman, “How Many Treaty Traditions existed in the Ancient Near East?” in Yoram Cohen, Amir Gilan, Jared L. Miller, and Itamar Singer, *Pax Hethitica: Studies on the Hittites and Their Neighbours in Honour of Itamar Singer* (Wiesbaden: Harrassowitz, 2010): [17-36] 25.

²⁴ Altman, “How Many Treaty Traditions existed in the Ancient Near East?” 25-27.

²⁵ The above table is adapted from information provided in Kitchen, *On the Reliability of the Old Testament* (Grand Rapids, Mich: W.B. Eerdmans, 2003), 286-288. *Using the appearance of the elements in the Old Covenant as a standard of comparison, the numbers in each column indicate the order of appearance of the elements in that particular covenant. Thus, the best match for the form of the Old Covenant in Deuteronomy is the latter half of the second millennium BC.*

²⁶ Mendenhall’s analysis of Korošec in *Law and Covenant*, 32-35; Kline, *Treaty of the Great King*, 28; Thompson, *Ancient Near Eastern Treaties*, 13-14; Baltzer, *Covenant Formulary*, 10-15. Some such as Craigie

first-millennium BC Assyrian covenant treaty was reduced to only four standard elements.²⁷ Table 1.1 (above) shows the changing pattern of the ancient covenant form and the elements regularly included from the third millennium to the first millennium BC. Commenting on identifying the variations of the ancient covenant form, Dennis J. McCarthy suggested that “only the combination of several elements characteristic of the treaties gives us reasonable certainty that the form is being used.”²⁸

The historical prologue is a sufficiently consistent element, by itself, to clearly distinguish the late second-millennium BC Hittite form from the first-millennium BC Assyrian form.²⁹ A reluctant Moshe Weinfeld wrote: “we must admit that Deuteronomy includes the ‘historical prologue’ which is not found in the treaties of the first millennium.”³⁰

Another significant distinction of this Hittite form is evident in the covenant sanctions. Ernest Lucas noted that, while the covenant sanctions of the late Hittite form consistently included both blessings and curses, the sanctions of the first-millennium BC Assyrian form listed curses, but its blessings were almost non-existent.³¹

Form of the Old Covenant

The form of the Old Covenant is most similar to the form of these Hittite covenants. Most likely, God used this familiar literary form to help communicate His intentions to His people. Their understanding of the implications of a suzerainty covenant would help their comprehension of such a covenant from God. In such covenants, the primary concerns were the covenant loyalty and obedience owed to the Great King (suzerain) and the land rights the covenant granted to the vassal. The Great King expressed his will in the covenant stipulations which were required of the vassal.³² To encourage the vassal to be loyal and

do not include the deposit of the document in his list of elements included in the classic form (*Book of Deuteronomy*, 22-23). Kenneth Kitchen confirmed the fact that in many covenants the order of some of the covenant elements simply varied; see *Ancient Orient and Old Testament* (London, 1966), 90-102. Also see Kenneth A. Kitchen, *The Bible in its World* (Exeter, 1977), 79-85; and Andrew D. H. Mayes, *Deuteronomy in New Century Bible*; London: Oliphants, 1979), 31-33.

²⁷ John H. Walton explained how certain basic elements distinguish the Hittite group from the other categories. There are at least two basic, identifiable subgroups: (1) the Hittite family of treaties is characterized by the use of historical prologue to an extent not found elsewhere; (2) the treaties from Syria and Assyria show a much greater emphasis on the curses that are used to enforce the treaty (see *Ancient Israelite Literature in Its Cultural Context: A Survey of Parallels between Biblical and Ancient Near Eastern Texts* [Grand Rapids, MI: Regency Reference Library, 1990], 101).

²⁸ McCarthy, *Treaty and Covenant*, 6.

²⁹ Delbert Hillers noted that the change over the centuries is “most noticeable with respect to the historical prologue” (*Covenant: The History of a Biblical Idea*, Baltimore, MD: Johns Hopkins, 1969, 69). Gary Beckman confirmed the prologue’s importance: “A striking peculiarity of the Hittite documents, however, is the routine presence of a substantial historical prologue, a feature seldom found elsewhere” (“Hittite Treaties and the Development of cuneiform Treaty Tradition,” in Witte, Markus. *Die deuteronomistischen Geschichtswerke redaktions- und religionsgeschichtliche Perspektiven zur "Deuteronomismus" - Diskussion in Tora und vorderen Propheten* [Berlin: de Gruyter, 2006]: [279-301] 298).

³⁰ Weinfeld, *Deuteronomy*, 67.

³¹ Ernest C. Lucas, “Covenant, Treaty, and Prophecy,” *Themelios* 8.1 (September 1982): [19-23] 20.

³² Cleon L. Rogers Jr. explained this relative to the Old Covenant: “This means the Law or Covenant stipulations were a reflection of God’s will” (“*The Covenant with Moses and its Historical Setting*” *JETS* 14 [1971]: [141-55] 155).

obedient to the Great King, the covenant sanctions described blessings to come on those who were loyal and obedient as well as curses to come upon those who were rebellious.

Table 1.2 (below) displays the covenant elements found in the scriptural records of the Old Covenant. Although ordered a little differently than the standard Hittite covenant, the structured elements of these Old Covenant records support the sound conclusion of Meredith Kline and other scholars that the Old Covenant “exhibits the classic legal form of the suzerainty treaties of the Mosaic age.”³³

1. Preamble	Ex 20:1	Dt 1:1-5
2. Historical prologue	Ex 20:2	Dt 1:6-3:29
3. Stipulations		
a. General	Ex 20:3-17	Dt 4, 5-11
b. Specific	Ex 21-23, 25-31	Dt 12-26
4. Blessings and Curses	(Lev 26:3-41)	Dt 28:1-68
5. Witnesses (Divine)	Ex 24:4	Dt 30-32
6. Deposit of Covenant	Ex 25:16	Dt 31:10-26

Table 1.2 Covenant Elements in Records of the Old Covenant³⁴

However, sometimes a particular covenant treaty does not exactly follow the standard literary form; it might leave out typical elements or change their expected order.³⁵ This is the case with the Old Covenant: although it includes elements similar to those commonly found in a late second-millennium BC Hittite suzerainty treaty, these elements and their expected order have been modified. Noting that “More than forty years of scholarship has reached a near consensus about the essential elements of standard Hittite treaty texts,” Eugene Merrill further explained the adaptation of covenant elements in the Old Covenant: “Deuteronomy...expands upon these [elements] by adding unique covenant elements such as covenant recapitulation and other material of a hortatory or narrative nature.”³⁶

Thus it seems that Moses, under the Holy Spirit’s direction, modified the standard covenant form and adapted its elements to meet his needs. The following outline provides a summary of the standard elements of the Old Covenant and their order in Deuteronomy.

³³ Kline, *Treaty of the Great King*, 28. The following conclusion of Raymond Dillard and Tremper Longman is held by many conservative scholars: “Because of its strong affinities with the structure of second-millennium treaties as opposed to the structure of treaties known from the first millennium, Kline’s argument provided a prima facie case for the date of Deuteronomy close to the period of Moses instead of at a later time such as the seventh century” (*Introduction to the Old Testament*, 98).

³⁴ This table presents Kitchen’s view of the covenant elements in these two records of the Old Covenant; found in Kenneth A. Kitchen, “The Fall and Rise of *Covenant, Law and Treaty*,” *TNB* 40 (1989): [118-135] 124-125. Others, including the present author, might divide these texts differently, but the standard elements of the covenantal form would still be evident.

³⁵ Mendenhall, *Law and Covenant*, 32.

³⁶ Merrill, *Deuteronomy*, 29-30.

1. *Preamble* (Dt 1:1-5). According to George E. Mendenhall, its typical formula is simple: “thus says X.”³⁷ The preamble of the Old Covenant identifies Jehovah God as the Suzerain, the children of Israel as the vassal, and Moses as God’s mediator, who “spoke to the children of Israel according to all that the LORD had given him as commandments to them” (Dt 1:3).

2. *Historical prologue* (Dt 1:6-4:49). According to Mendenhall, the prologue provides a historical synopsis of the “previous relations between the two [parties].”³⁸ It includes God’s renewed offer of the Old Covenant to the Israelites and the Promised Land for their inheritance.

3. *Stipulations* (Dt 5:1-26:19). According to Mendenhall, the general and specific stipulations detail “the obligations imposed on and accepted by the vassal.”³⁹ The Old Covenant stipulations are the Torah (law) and provide the legal principles of the covenant.

The general stipulations (Dt 5:1-11:32) begin with a slightly modified restatement of the Ten Commandments (Dt 5:7-21; cf. Ex 20:3-17). God promised that, if the Israelites would obey His commands, they would live, their lives would go well, and their days prolonged in the Promised Land (Dt 5:33; 6:2-3).

The specific stipulations (Dt 12:1-26:19) follow the general stipulations and expound on the proper application of these general principles to the various circumstances the Israelites would face in the Promised Land. In the Old Covenant the specific stipulations include both casuistic law⁴⁰ (often called “judgments,” משפטים) and apodictic law (often called “statutes,” חוקים).

4. *Sanctions*⁴¹ (Dt 27:1-30:20). Normally the sixth standard element in a Hittite covenant, the sanctions of the Old Covenant include both negative consequences (curses) for those who were disloyal and failed to obey God’s covenant commands and positive consequences (blessings) for those who were loyal to God and obeyed His commands.

5. *Witnesses* (Dt 30:19; 31:28, 30; 32:1-47). In pagan covenants, this element lists the local deities who were to enforce the covenant’s sanctions (curses and blessings). Instead of calling on false deities to be witnesses for the Old Covenant, Moses modified this element,

³⁷ Mendenhall, *Law and Covenant*, 32.

³⁸ Ibid. These events might be interpreted as providing an apology justifying the covenant. Joshua Berman explained the main purpose of the prologue: “There is a single underlying principle that girds the argument of these historical prologues: Moral and legal obligation on the part of the subordinate for the favor bestowed upon him by the sovereign” (Joshua A. Berman, “God’s Alliance with Man,” *Azure* 25 [Summer 2006]: 79-113). To support his point, Berman cited Amnon Altman, *The Historical Prologue of the Hittite Vassal Treaties* (Ramat Gan: Bar-Ilan, 2004), 27; and George E. Mendenhall and Gary A. Herion, “Covenant,” in Gary A. Herion, Astrid B. Beck, and David Noel Freedman, *The Anchor Bible Dictionary, Vol. 1* (New York: Doubleday, 1992), 1181.

³⁹ Ibid, 33.

⁴⁰ The casuistic formula for judgments is “If X is done, then you shall do Y.”

⁴¹ Kline used the term “sanctions” because it includes both the negative and positive consequences (*Treaty of the Great King*, 49, 121-134). Moshe Weinfeld also used the term “sanctions” to describe the curses and blessing, explaining, “Sanctions of this kind were included not only in treaty texts but in all types of official legal settlements” (*Deuteronomy*, 61). McCarthy also used the term “sanctions” (*Treaty and Covenant*, 93-94, 132, 148-149, 159).

calling on heaven and earth to be witnesses against Israel (Dt 30:19; 31:28). Also, he composed a song to witness to their hearts (Dt 31:30; 32:1-47). Further, instead of placing this element in its expected position before the sanctions, he placed it after them.

6. *Deposit of document*⁴² (Dt 31:9, 24-26). Normally the fourth standard element in a Hittite covenant, Moses placed this element concerning the deposit of the document last in the Old Covenant. Moses delivered the written record of the Old Covenant and its Law to the priests (Dt 31:9) and directed them to preserve this record of the Old Covenant in the Ark of the Covenant (Dt 31:24-26).

In spite of these legalities, the Old Covenant did not reduce the relationship between God and Israel into a mere legal arrangement. In fact, the basis for their relationship was the grace which God had shown to Abraham and had extended to them as Abraham's descendants.⁴³ Even after the Israelites broke the Old Covenant and were being judged with its curses, God continued to deal graciously with them as His covenant people and even promised to make a new covenant with them (Jer 31:31-34).

Record of the New Covenant

Since God promised to make a new covenant with the houses of Israel and Judah (Jer 31:31), it is reasonable that standard covenant elements would be found in the New Covenant in much the same way that such elements were used to fashion the Old Covenant. As previously mentioned, Carl B. Hoch Jr. suggested that the form of the New Covenant might be similar to that of the Old Covenant.⁴⁴ If standard covenant elements commonly found in other ancient covenants can be identified in Matthew (the Gospel written to the Jews), these covenant elements might, in fulfillment of God's promise, comprise the formal record of the New Covenant.

The form of the New Covenant, as with any covenant, would be identified based on the covenant elements it includes.⁴⁵ The New Covenant does not have to exactly imitate the form of other covenants. Any identifiable covenant elements which are apparent in its record will reveal its form and the degree to which it is like or unlike other ancient covenants. In what is called "the Sermon on the Mount" (Mt 5-7), it seems that Christ adapted covenant elements to suit His desires, and these covenant elements were presented so that His audience would be able to identify the form, and thus the record, of the New Covenant.

⁴² McCarthy suggested, "the document clause appears so rarely that it is difficult to consider it a fixed part of the scheme" (*Treaty and Covenant*, 41). Baltzer mentions the deposit of the document but does not include it as a standard element (*Covenant Formulary*, 15-18).

⁴³ The Torah of the Old Covenant should be understood in light of the underlying relationship which already existed between God and His people. John Milton explained: "the Torah must be seen first of all as the positive instruction of a loving God in a way that is good. It was given as 'a rule of life' for a redeemed people. It was given 'for our good always'...(Deut 6:24; cf. 10:12-13)" (*God's Covenant of Blessing*, Rock Island, IL: Augustana, 1961, 162).

⁴⁴ Carl B. Hoch Jr., *All Things New*, 93. Also see Carl B. Hoch Jr., "The New Covenant: Its Problems, Certainties and Some Proposals," 65.

⁴⁵ Many ancient texts in the centuries before and after Christ were written according to the covenant formula. Klaus Baltzer traced the "covenant formulary" in intertestamental Jewish literature and early Christian literature (*Covenant Formulary*, 97-136).

Form of the New Covenant

One would expect the form of the New Covenant to include elements common to the ancient covenant form. Ancient Near Eastern covenants commonly consisted of three to seven standard covenant elements.⁴⁶ The following three elements seem to be most basic:⁴⁷

1. an introductory preamble or title,
2. covenant stipulations, and
3. covenant sanctions.

In Matthew 5-7, five covenant elements can be identified: besides the three most basic covenant elements listed above, a prologue follows the preamble, and an epilogue follows the sanctions. The following outline details the identifiable elements of the New Covenant:

Outline of Elements in Mt 5-7

- I. Preamble: (5:1-2)
- II. Prologue: [Beatitudes] –benefits of the law-code (5:3-16)
- III. Covenant Stipulations (5:17-7:12)
 - A. General –Christ’s Ten Commandments (5:17-6:34)
 - B. Specific (7:1-7:12)
- IV. Covenant Sanctions (7:13-23)
- V. Epilogue: Personal Ratification (7:24-27).

Just as the covenant elements of the Hittite covenant form helped Mendenhall and other scholars to recognize the formal outline of the Old Covenant in Exodus and Deuteronomy, the covenant elements identified in Matthew 5-7 can help modern readers to recognize the formal outline of the New Covenant. The three basic elements of the New Covenant help to identify the location of the New Covenant’s record. Its two additional covenant elements, a prologue which enumerates some of the covenant’s benefits and an epilogue which exhorts a radical decision,⁴⁸ distinguish this covenant form from other ancient covenants.

⁴⁶ See Table 1.1 above.

⁴⁷ Baltzer provided the covenant formulary’s “most simple form”: 1) a prologue, antecedent history, 2) stipulations, general and specific, and 3) sanctions (*Covenant Formulary*, 97). Early treaties (third millennium BC) from Ebla provide examples of covenants with only a few elements, usually having some sort of introduction, stipulations, curses, and witnesses. Amnon Altman identifies only three elements in a treaty of Naram-Sin with an Elamite king of Awan, and in another earlier Eblaite treaty he identifies only three elements: an introduction, stipulations, and curses (“How Many Treaty Traditions existed in the Ancient Near East?” 19-20).

⁴⁸ Kline explained this covenant element which calls for a radical decision (*Treaty of the Great King*, 133-134).

These words of Christ were crafted to exhibit the following covenant elements:

1. *Preamble* (Mt 5:1-2). The preamble of the New Covenant identifies Christ as the one “speaking the words,” detailing the New Covenant. The Jewish multitudes following Christ (Mt 4:25) are the people to whom Christ initially offered the New Covenant. The New Covenant preamble in Matthew’s record is similar to the preambles of the Old Covenant records in Exodus and Deuteronomy:

And seeing the multitudes, He went up on a mountain, and when He was seated His disciples came to Him. Then He opened His mouth and taught them, saying (Mt 5:1-2 NKJV).

So Moses went down to the people and spoke to them. And God spoke all these words, saying (Ex 19:25-20:1 AV).

These are the words which Moses spoke to all Israel...Moses spoke to the children of Israel according to all that the LORD had given him as commandments to them (Dt 1:1-3 NKJV).

2. *Prologue* (Mt 5:3-16). The prologue of the New Covenant is not historical for good reasons. First of all, fashioning a historical prologue (distinctive of Hittite covenants in the late second millennium BC) might lead to some confusion concerning the date of the New Covenant. Secondly, a historical prologue would be inappropriate because the New Covenant was not a renewal of the broken Old Covenant. According to Jeremiah’s prophecy, the New Covenant was to be of a “fresh” (שֶׁנֶּחָדָשׁ) nature and “not like” (לֹא כִּי) the Old Covenant:

“Behold, the days are coming,” says the LORD, “when I will make a new covenant with the house of Israel and with the house of Judah—not according to the covenant that I made with their fathers in the day that I took them by the hand to lead them out of the land of Egypt, My covenant which they broke, though I was a husband to them,” says the LORD (Jer 31:31-32 NKJV).

Instead of providing a historical synopsis, the New Covenant’s prologue enumerates prospective blessings which the Great King will bestow on His covenant people. More like a prologue which introduces a law-code, it emphasizes the benefits (blessings) which will come to those under the authority of the Lawgiver.⁴⁹ The beneficial character of this prologue is also reminiscent of the kind of prologue found in a parity covenant treaty, such as the one between Hattusili III of Hatti and Ramses II of Egypt, which, according to Altman, declared “their intention to create ‘great peace and brotherhood between them forever.’”⁵⁰

However, in a significant way the New Covenant’s prologue is still like the typical Hittite prologue in that it proclaims the rights of the covenant people to the land which the Great King is granting them: “theirs is the kingdom of heaven” (Mt 5:3,10); “they shall inherit the

⁴⁹ Richard Abbott has observed that if a covenant’s purpose was to present a law-code, its prologue might enumerate the present or future benefits of its laws and the virtues of its lawgiver (“Old Testament Covenants and Law-codes—Deuteronomy” [accessed Jan 8, 2011], available on the internet at <http://www.oldtestamentstudies.net/sojourn/covenantsdeut.asp?item=2&variant=1>).

⁵⁰ Altman, “How Many Treaty Traditions existed in the Ancient Near East?” 25.

earth” (Mt 5:5); and “great is [one’s] reward in heaven” (Mt 5:12). Weinfeld explained that “the historical prologue generally ends with a declaration granting land and rule to the vassal.”⁵¹ Thus, the prologue of the New Covenant looks to the future instead of the past: it proclaims a fresh start for this covenant people, granting those under its authority specific blessings, an inheritance, and rewards in the kingdom of heaven.

3. *Stipulations* (Mt 5:17-7:12). The stipulations of the New Covenant include, as expected, two types: general and specific.

The general stipulations (Mt 5:17-6:34) which Christ handed down in the New Covenant consisted of Ten Commandments reminiscent of the Ten Commandments found in the Old Law of Moses. Christ’s new Ten Commandments are the general principles of the New Covenant Law. However, this New Covenant Torah is not one which condemns like the Old Torah; instead, it offers believers the opportunity to become godly. Just as the Old Law specified God’s will for the Israelites, the New Covenant Law specifies His will for New Testament believers.⁵²

The specific stipulations (Mt 7:1-7:12) of the New Covenant provide for the proper application of the general principles of the New Covenant Law. In the Old Covenant, the specific stipulations were introduced as “judgments”: “Now these are the judgments which you shall set before them” (Ex 21:1 NKJV; cf. Dt 12:1). Imitating the example of the Old Covenant, the New Covenant signals the introduction of its specific stipulations with the concept of “judgment”: “Judge not, that you be not judged. For with what judgment you judge, you will be judged” (Mt 7:1-2 NKJV).

4. *Sanctions* (Mt 7:13-23). Since many of the New Covenant’s blessings were already specified in its prologue, the sanctions of the New Covenant are mostly negative. However, one should notice that these sanctions are not curses like those found in the Old Covenant; instead they are warnings similar to the sanctions commonly found in other testamentary covenants.

According to Klaus Baltzer, the nature of certain elements included in testamentary covenants were modified; specifically, “the original element of ‘blessings and curses’ undergoes the most far-reaching transformations.”⁵³ Baltzer further clarified that, when a covenant is used as a testament, the curses are transformed into warnings: “Within the formulary there is an important change: blessings and curses become promises and threats.”⁵⁴

Baltzer’s explanation of the use of sanctions in a testamentary covenant fits the overall testamentary purpose of Christ’s New Covenant (Heb 9:16). Christ did not fashion the New

⁵¹ Weinfeld, *Deuteronomy*, 71.

⁵² For a list of Christ’s new Ten Commandments, see George R. Law, *Law of Christ*, xi.

⁵³ Baltzer, *Covenant Formulary*, 180. In ancient covenants various optional elements would be added or subtracted from the covenant form based on its author’s purpose. Baltzer explained that, in analyzing the process of transformation in the covenant form, it is sometimes difficult to determine in a particular covenant “what is a mark of the literary type, [and] what is a peculiarity of the text at hand” (*Covenant Formulary*, 98).

⁵⁴ Baltzer, *Covenant Formulary*, 137.

Covenant's negative sanctions to be curses.⁵⁵ Instead, He changed them into warnings of ruin and directed these warnings to those who might become disloyal and fail to obey His New Covenant commands. If a believer is disobedient and acts "lawlessly," he reveals his lack of commitment to this covenant made with the Great King. Such "lawless" works reveal that he does not "intimately know" (in covenant terms) the Great King (1 Jn 2:3-6). Jesus warned that He will respond to a believer's rejection of His Covenant by reciprocating his lack of covenantal intimacy and will say to him: "I have never been in approving connection with you"⁵⁶ (Mt 7:23; cf. Mt 10:32-33).

5. *Epilogue* (Mt 7:24-27). The epilogue of the New Covenant in Matthew exhibits an element which is found in other testamentary covenants, specifically, an appeal to the members of the covenant community to choose and act wisely.⁵⁷ In this conclusion to the New Covenant, Christ set forth a vital choice: to obey His Law and be like a wise man or to disobey His Law and be like a foolish man. This radical decision⁵⁸ is also reminiscent of the choice presented to the Israelites before they entered the Promised Land:

See, I have set before you today life and good, death and evil, in that I command you today to love the LORD your God, to walk in His ways, and to keep His commandments, His statutes, and His judgments, that you may live and multiply; and the LORD your God will bless you in the land which you go to possess (Dt 30:15-16 NKJV).

In the renewal of the Old Covenant before his death, Joshua presented a similar choice to the Israelites:

Choose for yourselves this day whom you will serve, whether the gods which your fathers served that were on the other side of the River, or the gods of the Amorites, in whose land you dwell. But as for me and my house, we will serve the LORD (Josh 24:15 NKJV).

In the epilogue of the New Covenant, Christ presented His servants with a similar choice between good and evil, obedience and disobedience. Those who wisely hear and obey Him build a secure house (stewardship) on the Rock; but those who foolishly disobey Him build an unstable house on sand, and their work will be ruined in the coming judgment (Mt 7:24-27).

Table 1.3 (below) compares the form of the New Covenant with the form of earlier covenants. The New Covenant has four elements in common with the second-millennium Hittite covenant form and thus also in common with the Old Covenant. The New Covenant has three elements in common with the first-millennium Assyrian covenant form. Furthermore, the Epilogue of the New Covenant, which calls on the wise to make a radical decision, clearly imitates a covenant element common to other testamentary covenants around the time of Christ. Therefore, the New Covenant show a progression of the

⁵⁵ Christ was "made a curse for us" (Gal 3:13 AV).

⁵⁶ W. E. Vine, *An Expository Dictionary of New Testament Words with their Precise Meanings for English Readers*, 4 vols. in 1 (Old Tappan: Fleming H. Revell Company, 1966), s.v. "Know."

⁵⁷ Baltzer, *Covenant Formulary*, 108.

⁵⁸ Kline, *Treaty of the Great King*, 133-134.

covenant form, going from the Hittite form, beyond an imitation of the first-millennium Assyrian form, to become a new, testamentary covenant form.

<u>Elements</u>	2 nd mill. BC		1 st mill. BC	1 st century AD
	<u>Old Covenant</u>	<u>Hittite</u>	<u>Assyrian</u>	<u>New Covenant</u>
Preamble	1	1	1	1
Prologue	2	2		2
Stipulations: Gen & Spec	3	3	3	3
Sanctions: Blessings	4	6		
Curses/Warnings	5	7	4	4
Witnesses	6	5	2	
Deposition of Document	7	4		
Epilogue				5

Table 1.3 Variations in the Ancient Covenant Form⁵⁹

Renewals of the New Covenant

The covenant form has also been identified in other documents created immediately before and after Christ’s lifetime.⁶⁰ Interestingly, William Shea presented his identification of the covenant form in each of Christ’s letters to the Seven Churches (Rev 2-3).⁶¹ Shea carefully explained that the variations within this covenant form were intentional and that “ancient covenant statements did not slavishly follow exactly the same order in every instance.”⁶² Highly significant to this discussion is Shea’s suggestion that these covenant letters to the Seven Churches can be understood as “providing for a renewal of the more original covenant of the suzerain in each of the seven instances.”⁶³ A renewal of the New Covenant necessitates the prior existence of the New Covenant. Although Shea did not identify the record of “the more original covenant of the suzerain,” certainly, he must have been referring to the New Covenant mediated by Jesus Christ. Thus in Matthew, the first book of the New Testament, Christ presented the New Covenant to His first disciples in Galilee; and in Revelation, the final book of the New Testament, Christ renewed His New Covenant with His disciples scattered throughout the Roman world.

Conclusion

The form for ancient covenants has gradually changed over the millennia. Although a few standard elements are consistently found in almost all covenants, some covenant

⁵⁹ The numerals indicate the element’s order of occurrence in the particular covenant form.

⁶⁰ Baltzer has identified the covenant form in two Jewish and several early Christian writings. Probably written the century before Christ, *The Manual of Discipline* (also known as *Rule of the Community*, Dead Sea manuscript 1QS) exhibits the covenant form, as does the *Damascus Document* (150 BC) (*Covenant Formulary*, 99-122). Among the early Christian writings, Baltzer has identified the covenant form in *Barnabas*, *The Didache*, and *The Second Epistle of Clement* (*Covenant Formulary*, 123-136).

⁶¹ William Shea, “The Covenant Form of the Letters to the Seven Churches,” *Andrews University Seminary Studies* 21.1 (1983): 71-84.

⁶² *Ibid*, 82-83.

⁶³ *Ibid*, 83.

elements are optional, while others might be used only for a limited time (e.g. the historical prologue of the Hittite form). Variations in the covenant form seem to arise from the changing needs of the particular covenant parties who modify and adapt the covenant elements to meet their requirements. These variations in the covenant form are helpful to the modern scholar since they enable the identification of particular covenants and their approximate dates.

Modern scholars were able to identify the form and records of the Old Covenant because they recognized that it included standard covenant elements similar to those found in second-millennium BC Hittite covenants. Standard covenant elements can also be recognized in Matthew's record of Christ's first discourse to His disciples (Mt 5-7).

Christ chose the three most basic covenant elements and two other elements consistent with the testamentary nature of the New Covenant. He adapted these elements to suit His purposes. He modified the prologue to look forward and encourage the believer's future hope of inheriting the kingdom and reigning with Him. He used warnings instead of curses to instruct believers concerning the dangers of ignoring His commands. In the New Covenant's conclusion, He exhorted believers to be wise, presenting them with a radical choice: obey or disobey, serve God or serve self, build a secure stewardship or reap the ruin of vain labor. Since covenant elements and the covenant form are evident in Christ's words addressed to His disciples on a mountain in Galilee, Christ's first discourse in the Gospel of Matthew can be recognized as the formal record of the New Covenant.