

## **Old and New Covenant. A Post-exilic Discourse between the Pentateuch and the Book of Jeremiah. Also a Study of Quotations and Allusions in the Hebrew Bible**

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### ***ABSTRACT***

*In the late layers of the book of Jeremiah and the Pentateuch, covenant was under discussion. Jeremiah 31:31-34 reacted directly to the post-exilic Pentateuch and its theory of covenant and revelation. For the authors of the Pentateuch God's revelation had come to an end with Moses' death. Entirely different was the theory of revelation in the post-exilic circles of the prophetic literature. They were of the opinion that God's revelation went on until their days (continued into their times). This hermeneutical difference had a deep impact on their understanding of covenant. This paper reconstructs the complex discussions between the authors of the Pentateuch and the book of Jeremiah about the essence of covenant.*

In the late layers of the book of Jeremiah and the Pentateuch, covenant was under discussion. Jeremiah 31:31-34 reacted directly to the post-exilic Pentateuch and its theory of covenant and revelation, for the Pentateuch revelation of God had come to an end with Moses' death (Deut 34:10-12), so that there could be no other access to God's torah than by interpretation of this torah, which in Deuteronomy was already explained and applied to Israel's life in the promised land and then written down by Moses in the land of Moab (Deut 1:1-5; 31:9-13). In this sense Moses was, for the authors of the post-exilic Pentateuch, not only the last prophet<sup>1</sup> of YHWH's direct revelation but also the first scribe writing down the torah and the first exegete of it, which accompanied the people of Israel on their way into the promised land after Moses' death. In this sense one can say that for the priestly authors of the post-exilic Pentateuch, Moses' functions as prophet were resurrected into the written torah (Otto 2006:21).

Entirely different was the theory of revelation in post-exilic circles of prophetic literature. They were of the opinion that God's revelation went on until

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<sup>1</sup> The theory of prophetic revelation of the post-exilic and i.e. post-Deuteronomistic Pentateuch in Deut 34:10-12 differs fundamentally from the theory of the exilic-Deuteronomistic Deuteronomy in Deut 18:18.

their time although they used the same scribal techniques of exegesis as the priests but not only for the explanation of the mosaic torah but mainly of prophetic words. There were different prophetic schools of post-exilic “tradentent-prophetic” (Steck 1991:61-63.167-170) deriving themselves from different prophetic figures like Isaiah, Ezekiel or Jeremiah. Each of these schools reacted to a certain degree also to the priestly theories of revelation in the Pentateuch (cf. Sommer 1998:140-151), and in this matter the Jeremianic school was the most critical one (Otto 2006a). What united all these prophetic schools was their position in the post-exilic discussion between “theocracy” as the priestly position in the Pentateuch<sup>2</sup> (Achenbach 2003) and “eschatology” (cf. already Plöger 1959 and Hanson 1975:17-20.25-26). Jeremiah 31:31-34 contradicted the Pentateuchal-priestly theory that the divine revelation had come to an end with Moses’ death by the prophetic revelation announcing a New Covenant, and it also contradicted the Pentateuchal theory that the torah had been transcribed once and for all by Moses by the idea that the torah will be written not on tablets (cf. Deut 4:6.13.31; 31:9-13<sup>3</sup>) but on Israel’s hearts. The author of Jeremiah 31:31-34 combined the Pentateuchal theory of transcription in Exodus 24:12 with Ezekiel 11:19 (Otto 2000:196). The post-exilic Pentateuch installed a community of teaching and learning the torah but Jeremiah 31:34 claimed that there would be no more necessity for teaching the torah in the period of the New Covenant. The post-exilic priestly authors of the Pentateuch described Moses as the arch-prophet, who already predicted the exile as a consequence of Israel’s disobedience and God’s wrath: But YHWH would keep his covenant with the forefathers and restore his people (Lev 26:40-46).<sup>4</sup> There was – different from Jeremiah 31:31-34 – no room for the idea of a New Covenant. For the original version of Jeremiah 31:31-34 in the LXX (Jer 38:31-34) the divine covenant with the Exodus-generation was broken not only on Israel’s side (αὐτοὶ οὐκ ἐνέμειναν) but also given up by God (καὶ ἐγὼ ἠμέλησα αὐτῶν), so that the entire history of Israel from the Exodus until the days of the New Covenant should have been without any valid covenant (Schenker 2006:17-69). Jeremiah 31:31-34 MT already mediated between the book of Jeremiah and the Pentateuch by the idea that only Israel had broken the covenant (הִפְרוּ אֶת-בְּרִיתִי (הַקֶּה)), whereas YHWH kept it according to Leviticus 26:44. So there are good arguments that there existed an intensive discussion between the priestly and

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<sup>2</sup> For the priestly circles which were responsible for the redaction of the post-exilic Pentateuch cf. Otto 2004:1-49.

<sup>3</sup> For Deut 31:9-13 as part of the post-Deuteronomistic and post-exilic redaction of the Pentateuch cf. Otto, 2000:184-187. 196-198.

<sup>4</sup> For a discussion of the covenant-theology in Lev 26:40-44 cf. Steymans 1999:299-300, Davies 2003:82-86, Otto:2005:363-364. For Lev 26 as part of a post-exilic redaction of the Pentateuch cf. Otto 1999:172-182.

prophetic circles of the post-exilic period of the 5<sup>th</sup> century BCE, which was the period of the final formation of the Pentateuch<sup>5</sup> and the book of Jeremiah.

But did this discourse have a Deuteronomistic-exilic prehistory and of what kind were the directions of receptions between the Pentateuch and the book of Jeremiah? These questions lead us to the complex relations between Deuteronomy 4:29, 30:1-5\* and Jeremiah 29:13-14 as a corpus of paradigmatic texts, which can clarify the kind of literary processes between Pentateuchal and prophetic literature. Jeremiah 31:31-34 in its LXX- and MT-versions was part of a complex post-exilic discussion of the nature of God's covenant with his people. We can already detect the beginning of this discussion in the exilic-Deuteronomistic Deuteronomy. A first Deuteronomistic redaction of this book tells of a covenant at Horeb in Deuteronomy 26\*; 28\* connected with the promulgation of the Deuteronomic torah (Deut12-25) at this mountain and looking back at the revelation of the Decalogue (Deut 5\*) and the sin of the molten calf (Deut 9-10\*)<sup>6</sup> before the covenant was concluded (Deut 26:16-18). A second Deuteronomistic redaction of Deuteronomy introduced the Moab-covenant in Deuteronomy 29:1-14, 30:15.19.20abα and connected this Deuteronomistic Deuteronomy with the Deuteronomistic version of the book of Joshua. This Moab-redaction corrected the Horeb-version in several aspects: In Deuteronomy 29:4-5 the Moab-redaction omits the Horeb-events and corrects Deuteronomy 5:2-3 by Deuteronomy 29:13-14. For Deuteronomy 5:2-3, each generation should be identical with the Horeb generation. Deuteronomy 29:13-14 omits this generation again: The Moab-covenant should be valid only for the Moab-generation and each succeeding generation. The Horeb-generation, according to this redactor, had to die without knowing the Moab-covenant (Deut 1:39aβb). He wanted to demonstrate that only the second generation after the exodus got to know Deuteronomy in the land of Moab and only with this generation God concluded his covenant with his people, which would be valid for all the generations to come. But the Horeb-covenant was not only omitted by this Moab-author; by quoting Isaiah 6,9-10 he invalidated the Horeb-covenant on the side of this generation.

“Yet YHWH has not given you a heart to understand, and eyes to see, and ears to hear *until this day*” (Deut 29:3).

But on YHWH's side the validity of the Horeb-covenant was not called into question but it was still taken to be valid, so that the Moab-author did not cancel the narrative of the Horeb-covenant, but put it into brackets by the conception of the Moab-covenant. This Horeb-narrative included some traits which

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<sup>5</sup> For dating the formulation of the Pentateuch in the second half of the 5th century BCE cf. Otto 2000:196-211; for the book of Jeremiah see *ibid.* 153-154. 207-208 and *id.* 2006a.

<sup>6</sup> For the exegetical analysis of the Deuteronomistic and post-Deuteronomistic framework of Deuteronomy cf. Otto 2000:110-233.

were helpful for the Moab-conception, so the episode of the molten calf in Deuteronomy 9-10\*, which together with the episode of the emissaries (Deut 1:19-46), which was incorporated into the frame of Deuteronomy by the Moab-redactor,<sup>7</sup> demonstrated the obstinacy of this generation. The Deuteronomistic Horeb-redactor solved the problems of sin by his construction of the fable of the frame of Deuteronomy: The covenant was not yet concluded when the people broke the first commandment of the Decalogue (Deut 9-10\*), but only after the turning around of YHWH's heart the Deuteronomic law was promulgated and the covenant concluded (Deut 26:16-18). The second Deuteronomistic author of the Moab-redaction found a different solution, which remained relevant even for the post-Deuteronomistic redaction of the Pentateuch<sup>8</sup> and the correction of Jeremiah 31:31-34 (LXX) in the MT version of this text. The Moab-redactor of the second generation in exile intended to show that this second generation was not responsible for the sins of their fathers as the Moab-generation was not responsible for the Horeb-generation. Not with the generation of the forefathers JHWH had concluded his covenant except with them, the second generation, who would get back their land as the Moab-generation had crossed the river Jordan and taken the Promised Land.

The Deuteronomistic Deuteronomy of the Moab-redactor ended with Deuteronomy 30:15.19-20aβ, but between Deuteronomy 29:14 and Deuteronomy 30:15 several Deuteronomistic supplements in Deuteronomy 29:15-20.21-27, 30:1-10.<sup>9</sup>16-18 were incorporated, which represent an intensive post-exilic discourse of Deuteronomistic covenant-conceptions: Deuteronomy 29:15-20 announces curse and seclusion for those who separate themselves privately from the covenant. The Deuteronomistic curses (Deut 28) were individualized in that way that each one had to decide individually between blessing and curse. The category of individual retribution (Deut 24:16) of the Deuteronomic criminal law<sup>10</sup> was applied here to the Deuteronomistic covenant theology. Deuteronomy 29:21-27 intends to correct this tendency of individualization of the covenant theology, which started already with a individualistic interpretation of Deuteronomy 30:15. Deuteronomy 29:21-27 shows Moses as a prophet according to Deuteronomy 18:20-21 announcing that the land of the people will become like the overthrow of Sodom, Gomorrah, Admah and Zeboiim (cf. Hos 11:8), if the people will leave the covenant. The Moab-redactor tried to give

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<sup>7</sup> For the literary relations of Deut 1:19-46 to Numb 13-14 cf. Otto 2000:12-109.

<sup>8</sup> The post-Deuteronomistic redaction of the Pentateuch based its covenant-theology on that of the Deuteronomistic Deuteronomy. Although this post-exilic redaction of the Pentateuch incorporated the priestly code (P) mediating between P and Deuteronomy this post-exilic redactor did not take over the priestly conception of an unconditional covenant of grace (Gen 17), which already discussed the Deuteronomistic conception of a conditional covenant (Gen 17:10-14); cf. Stipp 2006:290-304.

<sup>9</sup> For Deut 29:28 and Deut 30:11-14 see below.

<sup>10</sup> For the literary and legal historical context of Deut 24:16 cf. Otto 1999a:292-293.

reasons why the second generation could not fail anymore like the generation of their fathers did, who did not know Deuteronomy yet, which was given only to the second generation. If this author belonged to the second generation in exile, the supplements in Deuteronomy 29:15-27 were already post-exilic. In the early post-exilic period the optimism of the Moab-author came under pressure and again the anxiety prevailed that the people could fail and be destroyed by God's wrath. Deuteronomy 30:1-5.(6-8).9-10<sup>11</sup> contradicts this pessimism: Each generation has got the chance to turn around. In the conception of the Moab-redactor a fateful determination prevailed. The Horeb-generation, even when they realized their failure, had no chance to change their fate dying in the desert (Deut 1:41-45). In Deuteronomy 30:9 each generation will get the chance to become even more prosperous than the generation of their fathers, if they return to JHWH (Deut 30:5). This way also the conception of the first redactor of the Deuteronomistic Deuteronomy, the Horeb-redactor, was corrected. For him Moses' intercession in Deuteronomy 9:18-21 was the reason for YHWH's "Herzensumsturz", changing of His heart, not Israel's repentance and return to JHWH.<sup>12</sup> But there was still one obstacle for the anthropological optimism of the author of Deuteronomy 30:1-10\*: The Moab-redactor had quoted Is 6:9-10 in Deuteronomy 29:3. If YHWH himself is preventing His people from hearing and seeing how can each generation have a chance to hear and return? So Deuteronomy 30:6-8, the motif of the circumcision of the hearts, was inserted.

This discourse was taken up in Jeremiah 30:1-3; 31:27-34. Deuteronomy 30:3 is quoted in Jeremiah 30:3.

Deuteronomy 30:3:

וְשָׁב יְהוָה אֱלֹהֶיךָ אֶת־שְׁבוּתְךָ וְרַחֲמֶךָ וְשָׁב וְקִבְּצֶךָ מִכָּל־הָעַמִּים אֲשֶׁר הִפְיָצֶךָ יְהוָה אֱלֹהֶיךָ  
שָׁמָּה

Jeremiah 30:3:

כִּי הִנֵּה יָמִים בָּאִים נְאֻם־יְהוָה וְשָׁבְתִי אֶת־שְׁבוּת עַמִּי יִשְׂרָאֵל וַיְהוּדָה אָמַר יְהוָה וְהִשְׁבַּתִּים  
אֶל־הָאָרֶץ אֲשֶׁר־נָתַתִּי לְאֲבוֹתָם וַיִּרְשׁוּהָ

Deuteronomy 30:3 and Jeremiah 30:3 announce a reversal for Israel using the term *šwb šbwt* related to JHWH as subject. Jeremiah 30:3b and Deuteronomy 30:5 formulate the motive of the land, which was given to the forefathers in a parallel way. The motive of an increase of animals and human beings in Deu-

<sup>11</sup> Deut 30:1-10 is for most scholars a Deuteronomistic addition to the Deuteronomistic Deuteronomy; cf. e. g. Braulik 1992:211, Nielsen 1995:269-270.

<sup>12</sup> That Deut 30:1-10 differs from the theology of Deut 4:45 - 28:68 was already proved by Vanoni 1981:65-98 pace Krašovec 1999:223-235, who interprets Deut 30:1-10 in the horizon of Deut 28.

teronomy 30:5.9 has its parallel in Jeremiah 31:7. But the redactional connection between Jeremiah 30:1-3 and Jeremiah 31:27-34 also clarifies the decisive change between Deuteronomy 30:1-10 and Jeremiah 30-31. Deuteronomy 30:3 connects YHWH's שָׁבוּתָהּ שׁוּב with the demand of Israel's return to JHWH as a condition, whereas in Jeremiah 30-31 this promise of YHWH's שָׁבוּתָהּ שׁוּב is given unconditionally. Deuteronomy 30:1-10 including the supplement in Deuteronomy 30:6-8 still remains in the horizon of a Deuteronomistic theology whereas Jeremiah 30-31 has already left this horizon, where also the return of the land is not bound to any condition different from Deuteronomy 30:1-10. But how close Jeremiah 30-31 comes to Deuteronomy 30:1-10 shows the identity of sequence of motives of circumcision of hearts in Deuteronomy 30:6-8 after the collection of the Diaspora and their return to the land in Deuteronomy 30:4-5. This sequence we also find in Jeremiah 30-31: The New Covenant with the torah written on His people's hearts follows the renewed establishing of the people in the land in Jeremiah 31:27-28. In Deuteronomy 29:15-20 the Deuteronomistic individualization of retribution was applied to the Deuteronomistic covenant theology. So in Jeremiah 31:29-30 the motive of individual retribution is placed between the promise of renewed life in the land in Jeremiah 31:27-28 and the New Covenant in Jeremiah 31:31-34. The final section of the Deuteronomistic Deuteronomy in Deuteronomy 29-30 with its discourses, how to understand God's covenant in relation to Israel's fate in exile, was not only a most important source for Jeremiah 30-31 but also delivered the "grammar" for its redaction. But the theological differences are important, too. In Jeremiah 30-31 not only the change of God, men and land is promised unconditionally, but even more decisive is the fact that Deuteronomy 29:21-27 and Deuteronomy 30:1-10 are related to the Moses-covenant in Moab in Deuteronomy 29:1-14; 30:15.19-20aba. This covenant is, theologically spoken, the precondition for Israel's disaster in exile but also for their turning around and return to JHWH, which is the precondition for YHWH's שָׁבוּתָהּ שׁוּב. In Jeremiah 30-31 not Moses' covenant is the preconditional horizon but God's unconditional turning around promising a New Covenant.

But the relations between the Pentateuch and the book of Jeremiah are even more complex. Deuteronomy 30:1-10 was not only adopted in Jeremiah 30-31 but also in Deuteronomy 4:1-40. Deuteronomy 4:1-40 is part of the post-Deuteronomistic redaction in the book of Deuteronomy as part of the Pentateuch (Otto 2000:157-175).<sup>13</sup> Deuteronomy 30:1-5 is taken over in Deuteronomy 4:27.29-32.34.38-40 (Vanoni 1995:396). There is a firm relation between Deuteronomy 4:29 and Deuteronomy 30:1\*.3\*.5\* on the one side and Jeremiah 29:13-14 on the other:

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<sup>13</sup> For the literary coherence of Deut 4:1-40 as a post-exilic text cf. also Holter 2003.

Deuteronomy 4:29:

וּבְקִשְׁתֶּם מִשֵּׁם אֱתֵיְהוָה אֱלֹהֵיךָ וּמִצִּאתָ כִּי תִדְרָשְׁנוּ בְּכָל־לְבָבְךָ וּבְכָל־נַפְשְׁךָ

Jeremiah 29:13.14α:

וּבְקִשְׁתֶּם אֹתִי וּמִצִּאתֶם כִּי תִדְרָשְׁנִי בְּכָל־לִבְבְּכֶם וְנִמְצָאתִי לְכֶם

Deuteronomy 30:1\*.3\*.5\* was adopted in Jeremiah 29:14aβb:

Jeremiah 29:14aβb:

וּקְבַצְתִּי אֶתְכֶם מִכָּל־הַגּוֹיִם וּמִכָּל־הַמְּקוֹמוֹת אֲשֶׁר הִדַּחְתִּי אֶתְכֶם שָׁם נֹאֲמֵי־יְהוָה וְהִשְׁבַּחְתִּי אֶתְכֶם אֱלֹהֵי־הַמְּקוֹם אֲשֶׁר־הִגְלִיתִי אֶתְכֶם מִשָּׁם

Deuteronomy 30:3\*:

וּקְבַצְךָ מִכָּל־הָעַמִּים אֲשֶׁר הִפִּיצְךָ יְהוָה אֱלֹהֵיךָ שָׁמָּה

Deuteronomy 30:1\*:

אֲשֶׁר הִדִּיחְךָ יְהוָה אֱלֹהֵיךָ שָׁמָּה

Deuteronomy 30:5\*:

וְהִבִּיאֲךָ יְהוָה אֱלֹהֵיךָ אֶל־הָאָרֶץ אֲשֶׁר־יָרְשׁוּ אֲבֹתֶיךָ

Jeremiah 29:14aβb is only part of the Masoretic version of Jeremiah and not of the LXX, which represents the more original text. Again as already in Jeremiah 31:31-34 we observe a tendency of the Masoretic version of Jeremiah to adjust the book to the Pentateuch.<sup>14</sup> The authors of the Hebrew supplement in Jeremiah 29:14aβb were correct in using Deuteronomy 30:1-5\* as a source for the interpretation because in Jeremiah 30-31 too Deuteronomy 30:1-10 functioned as a source. This falsifies the thesis of G. Braulik (1992:217) that Jeremiah 29:13.14 was the source for Deuteronomy 4:29 and Deuteronomy 30:3. G. Vanoni (1995:383-397) on the other side pleaded for the originality of Deuteronomy 4:29 which should have been adopted by Jeremiah 29:13.14α. Theoretically this direction of reception could be possible because Jeremiah 31:31-34 reacted already to the hermeneutics and covenant theology of the post-Deuteronomistic Pentateuch. The price G. Vanoni has to pay for this hypothesis is the reconstruction of a shorter version of the verse Jeremiah 29:13,

<sup>14</sup> The change from עַמִּים to גּוֹיִם in Jer 29:14 is a typical feature of these Masoretic supplements in Jeremiah. A change the other way round would be hard to explain. Also the fact that Jer 29:14aβb connects motives of different verses in Deut 30:1-5 underlines the direction of reception of Deut 30:1-5 in Jer 29:14a Jer 29:14aβb.

which should have been secondarily supplemented. But there is no necessity for such a literary critical operation, because Jeremiah 29:13.14a $\alpha$  is a coherent quotation of Deuteronomy 4:29. There are two observations, which underline the fact that the Pentateuch-redactor quoted Jeremiah 29:13.14a $\alpha$  in Deuteronomy 4:29 and not the other way round. Exactly there in Deuteronomy 4:29b, where the quotation starts, we find a “Numeruswechsel” from the 2nd pers. plur. to the 2nd pers. sing. No longer the collective of the people is addressed but the single person of the few who had survived the exile (Otto 2000:162-163).

Jeremiah 29:13.14a $\alpha$  and Deuteronomy 4:29 deal with the same topic, i. e. the return to the land for those who are searching for God with all their heart. But Deuteronomy 4:29 underlines the parenetic effect by transforming the plural version in Jeremiah 29:13.14a $\alpha$  into the singular of a direct address of the single individual. To explain why in Jeremiah 29:13.14a $\alpha$  the singular version of Deuteronomy 4:29 was changed into plural would be more difficult. But more decisive is another observation. In Jeremiah 29:10-12 (LXX) the promise is given unconditionally as those in Jeremiah 30-31:

Jeremiah 29:10-12 (LXX):

כִּי לִפִּי מְלֵאכֶת לְבַבְכֶם שְׁבַעִים שָׁנָה אֶפְקֹד אֶתְכֶם וְהִקְמֹתִי עֲלֵיכֶם אֶת־דְּבָרֵי  
 לְהָשִׁיב אֶתְכֶם אֶל־הַמָּקוֹם הַזֶּה כִּי אֲנִי חָשָׁב עֲלֵיכֶם מִחֲשֻׁבוֹת שְׁלוֹם  
 וְלֹא לְרָעָה לָחֵת לָכֶם אַחֲרַיִת וְהִתְפַּלְלֹתֶם אֵלַי וְשָׁמַעְתִּי אֲלֵיכֶם

Jeremiah 29:13.14a $\alpha$  differs fundamentally from Jeremiah 29:10-12 because the *ki*-sentence has to be interpreted as a conditional clause “if you search for me with all your heart”, because the identical sentence in Deuteronomy 4:29 is clearly a conditional clause, which has its horizon in Deuteronomy 4:23:

“Take heed to yourselves, lest you forget the covenant of JHWH your God, which he made with you.”<sup>15</sup>

As a consequence Jeremiah 29:13.14a $\alpha$  remains in a theologically and terminologically Deuteronomistic horizon, different from Jeremiah 29:10-12 (Carroll 1986:558-559), which represents already a post-Deuteronomistic version. The Deuteronomistic Jeremiah-tradition in Jeremiah 29:13.14a $\alpha$  was adopted in the post-Deuteronomistic chapter Deuteronomy 4:29 together with the Deuteronomistic supplement of Deuteronomy in Deuteronomy 30:1-10, which was adopted in the post-Deuteronomistic Jeremiah-texts of the LXX-

<sup>15</sup> But even if we interpret the *ki*-sentence in Jer 29:13.14a $\alpha$  as a causal clause, so Fischer (2006:99), a conditional meaning would be implied.



version in Jeremiah 30:1-3, 31:27-34,<sup>16</sup> that reacts to the post-Deuteronomistic covenant theology of the Pentateuch: Revelation will end with Moses' death and go on until the days of Jeremiah, the basis for overcoming the turmoil of Israel's presence will not be God's covenant at Mount Sinai with the first and in the land of Moab with the second generation in the days of Moses but YHWH's unconditional *שָׁבוּת שׁוּב* with the consequence of a New Covenant, because from the very beginning these covenants the Pentateuch is talking about were broken by the people and given up by JHWH (cf. LXX), so that there did not exist a valid covenant from the days of Moses until those of the New Covenant. Israel will not be a community of teaching and learning the torah, which was transcribed by Moses, but the torah will be written on everybody's heart, so that there will be no necessity for teaching and learning the torah. At last the reinterpretation of the book of Jeremiah in the Hebrew version intended to bridge the gap between this book and the Pentateuch. The radicalism of the covenant theology of Jeremiah 31:31-34 was reduced by the idea that only Israel had broken the covenant but JHWH had not given it up, so that the New Covenant of Jeremiah 31:31-34 became a renewal of Moses' covenants.

With the same intention Deuteronomy 30:1-5\* as the Masoretic correction in Jeremiah 31 was inserted into Jeremiah 29:13-14 in order to underline the conditional character of JHWH's promises of return according to the Pentateuchal theology. This last case demonstrates that terminology alone cannot be a reliable criterion for determining, if a text is Deuteronomistic or post-Deuteronomistic. Jeremiah 29:14aβb is a quotation of the Deuteronomistic text Deuteronomy 30:1-5\* in a very late post-Deuteronomistic context. More helpful is the differentiation of theological conceptions as we have seen in Deuteronomy 29-30 and Jeremiah 29-31.

But even these two criteria of language and theological conceptions do not suffice. In Jeremiah 29:14aβb a Deuteronomistic passage was adopted in a post-Deuteronomistic context of Hebrew supplements to the original book of Jeremiah, which cannot be older than the second or even more plausible the first century BCE. Far beyond Deuteronomistic circles of the sixth or perhaps even the fifth century BCE Jeremiah 29:14aβb was inserted in order to harmonize the theologies of the book of Jeremiah and the Pentateuch in a "Deuteronomistic" fashion. So we need reliable criteria for determining the directions of receptions of texts within the bible. Our paper delivered several of them. This leads us to the last problem in this context. Deuteronomy 29:28, 30:11-14 is a very late insertion into the post-exilic Pentateuch of the Pentateuch-redac-

<sup>16</sup> Pace M. Z. Brettler (1999:171-188), who interprets Deut 30:1-10 as a post-Deuteronomistic reaction to Jer 31:31-34. This interpretation contradicts the fact that the *kî*-sentence in Deut 30:10b represents a conditional and not a causal clause (cf. Gross 1991:111) and Deut 30:3 in relation to Deut 4:29 is the giving and not the taking text.

tion. Together with Moses' song in Deuteronomy 32 and its frame this author, whom we also find in Deuteronomy 6:6-9 and Deuteronomy 32:45-47, is forming a frame around the torah, which was written down by Moses (Deut 31:19.22.24) opposing the transcription-theory of Jeremiah 31:31-34 and underlining the proximity of this torah written down by Moses to Israel's hearts, refusing the hermeneutics of Jeremiah 31:31-34 by adjusting the Pentateuchal hermeneutics to it:

“For this commandment, which I command you today, is not too difficult for you, nor is it far off... but the word is very near you, in your mouth, and in your heart, so that you can do it” (Deut 30:11-14). Thus these late authors could say in allusion to Jeremiah 31:33 in Deuteronomy 6:6:

“These words which I command you today shall be on your heart”.

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