

A Prototypical Definition of ברית, ‘covenant’ in Biblical Hebrew

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ABSTRACT

*This article proposes a prototypical definition of the biblical Hebrew term ברית, ‘covenant’ in its ancient Near Eastern context as: 1) a **chosen** 2) **relationship** of 3) **mutual obligation** 4) **guaranteed by oath sanctions**. This is the background within which attempts to translate ברית, ‘covenant’ in specific texts from biblical Hebrew into other languages must move and by which they may be evaluated. ‘Sworn commitment’ is a reasonable approximation in contemporary English.*

A INTRODUCTION

This article proposes a prototypical definition of the biblical Hebrew term ברית, ‘covenant’ in its ancient Near Eastern context as: 1) a chosen 2) relationship of 3) mutual obligation 4) guaranteed by oath sanctions. The basic concept is what Cross calls ‘kinship-in-law’ (1998:6-7). Despite the prominence of treaty forms, both in the Old Testament and in scholarship, they are a subset of this larger concept. Covenant was a means of making people who were unrelated effectively family. This is the background within which attempts to translate ברית, ‘covenant’ in specific texts from biblical Hebrew into contemporary languages must move and by which they may be evaluated.

Defining and translating ברית, ‘covenant’ generates debate for at least two major reasons: impact and cultural distance.

- The term’s powerful structuring role in the canonical text gives it tremendous theological and ideological impact, to be adopted, adapted and rejected as interpreters see fit. It is hard to ignore comfortably.
- The term derives from and alludes to widespread customs of the ancient Near East (ANE) which are alien to most cultures now. Any translation evokes current cultural realities in the receptor language. When these are far from those of the source language, problems are inevitable and debates can be helpful.

The present article avoids the (fascinating) first area of debate¹ to concentrate on the (no less fascinating) second. Buis states the problem succinctly: ‘il n’existe dans le monde actuel aucune réalité juridique que recouvre le champ sémantique de *berit* en son entier’ (1976:45).²

The definition proposed is in substance though not in words that developed by Hugenberger (1998:167-215): ‘The predominant sense of *bryt* in Biblical Hebrew is an elected, as opposed to natural, relationship of obligation established under divine sanction’ (171). The discussion that follows is indebted to his thorough treatment (cf. also Foster 2005:16-23).

B APPROACH

Methodologically, this discussion moves from the general to the particular, from broad ANE cultural patterns towards usages in the biblical text. It takes the prominent use of ברית, ‘covenant’ in biblical Hebrew, for Yahweh’s relationships with people, as a special case which gives the term a distinctive shape and impact. That special case is best appreciated in contrast to its larger context and not when used as a starting point. In the approach used here, broad cultural background is given priority over the case by case analysis of texts. Good examples of a complementary approach which carefully builds up conclusions from specific texts are those of McConville (1997:747-755) in NIDOTTE, and of Buis, in French (1976:15-44). This is also the approach of Linington (2002, 2003).

The prototypical approach to a definition used here is informed by an understanding of the contextual nature of communication. ‘Meaning is not merely decoded from the text, but is inferred from the dynamic interplay of text and context’ (Hill 2003:2; cf. also Wilt 2002:145; Katan 1999:2, 243; Munday 2001:127, 182; Gutt 2000:104; Heimerdinger 1999:37-41). Speakers and hearers bring massive assumptions to a message which they use to understand it. This attempt to define ברית, ‘covenant’ in its ANE context seeks to make explicit some of the assumptions ancient users of biblical Hebrew would have brought to the term. For many terms in biblical Hebrew there are simply not enough background data for this approach to work. ברית, ‘covenant’ is an exception.

¹ The present author’s contributions to this debate are found especially in Foster 2005:70-102.

² ‘There does not exist in the world today any legal reality which covers the semantic field of *berit* in its entirety’; (author’s translation).

C LIMITATIONS

This definition is limited to the biblical Hebrew term, ברית, ‘covenant’ in its ancient Near Eastern context. It does not consider the theological development of the translation ‘covenant,’ prominent in Reformed theology (even though the positive or negative connotations of that theology for a contemporary audience may influence reactions to ברית, ‘covenant’ in the OT). The conventional English translation *covenant* is used for convenience in the present work, not defended as an ideal translation. A chief benefit may be that its meaning is quite vague to ordinary English-speakers.³

This discussion does not attempt to follow the development of the term through time or to analyze dialect differences (cf. Hugenberger 1998:171). The data are quite limited for firm conclusions of such a nature. Taking biblical Hebrew as a whole implies a potential loss of nuance, but does permit the delineation of the semantic field within which particular occurrences must be placed.

This study recognizes that the whole definition, the prototypical sense of the term, is not necessarily involved in each instance where the term is used. In particular passages, the literary contexts or context make much narrower denotations relevant. Hugenberger notes (1998:173-4): a commitment to a particular course of action (Ezra 10:3), a document witnessing to a commitment (1 Kgs 8:21), an oath sign that seals a relationship (Gen 17:3), and a specific stipulation in the context of mutual obligations (Lev 24:8). This phenomenon has led some to define the term too simply, as, in essence, bond, relationship, or oath. The definition given here includes these, but gives greater precision than any one of them. Not just any obligation, relationship or oath is covenantal.

D BACKGROUND

It is a fallacy that etymology controls meaning (cf. Cotterell and Turner 1989:132-3) and it is generally accepted that the etymology of ברית, ‘covenant’ is too obscure for any confident conclusions (McConville 1997:747; cf. also Barr 1977:23-38 and Nicholson 1986:99-103). Tadmor’s comment is that etymology is in this case irrelevant: ברית, ‘covenant’ is ‘an old, frozen form whose original meaning had already been forgotten in the first millennium’ (1982:138). It is far more fruitful to acknowledge that ברית, ‘covenant’ is the most prominent of several terms in biblical Hebrew referring to a complex of customs widespread throughout cultures of the ANE. The cultural pattern of covenant-making to which it refers was broad and well-established. Wiseman comments: ‘The covenant idea and its

³ Linington’s discussion (2002:710) is weakened by her assumption that *covenant* in English has a clear, specific meaning.

terminology has been shown to form the warp and woof of the fabric of ancient society' (1982:311; cf. Weinfeld 1990). There was a standardized ANE terminology (Weinfeld 1973:190-7), of which ברית, 'covenant' in biblical Hebrew is just one part, attested from the fourth millennium down to the Hellenistic and Roman periods (Wiseman 1982:311). It is quite possible to refer to this reality in biblical Hebrew without using this specific term.⁴ To focus exclusively on the single term ברית, 'covenant' would in fact be a distortion. It is simply the most common word that gives entry to a broad semantic field. This broad cultural background is decisive for an adequate definition.

E DEFINITION: A (1) CHOSEN (2) RELATIONSHIP OF (3) MUTUAL OBLIGATION (4) GUARANTEED BY OATH SANCTIONS

(1) Chosen

A ברית, 'covenant' is **chosen**. It creates the relationship. Those who are family members by birth do not make a ברית, 'covenant'. The possible biblical exception of Jacob and Laban is in fact a confirmation (Gen 31:43-55). The (perhaps covenantal) marriage relationships of Jacob with Laban's daughters do not automatically link Jacob with Laban. Indeed, Laban claims that Leah and Rachel and their children are his, but says nothing of the kind about Jacob (Gen 31:43).

This aspect of choice is apparent in the verbs associated with ברית, 'covenant'. Covenants are made, established, given, or entered into (Hugenberger 1998:180). They do not just happen.

Of course, this does not exclude the (frequent) renewal of ברית, 'covenant' to maintain or restore a relationship. It also does not imply that the two parties had no previous contact with each other.⁵ Rather, because of the ברית, 'covenant' they now relate as family. This tie is not natural, but made, analogous in some cultures to adoption and marriage. The choice is, of course, not necessarily a free or equal one by both parties.

(2) Relationship

A ברית, 'covenant' establishes a **relationship**, analogous to kinship. This family relationship aspect is highlighted by the conventions of ANE treaty-literature. Whatever the political and military circumstances leading to the making of a ברית, 'covenant' between an overlord and a possibly reluctant

⁴ For an extensive survey of such language, see Kalluveetil (1982:17-91).

⁵ The historical prologues of many ANE treaties emphasize ongoing relationship (Craigie 1976:22-3, 39-40).

vassal, they would address each other in this context as father and son. In a parity treaty, the two parties are brothers. There are a few examples in biblical Hebrew of exceptions, of covenants with impersonal entities, such as Job's with his eyes (Job 31:1), but these best make sense as anthropomorphic, figurative language (Hugenberger 1998:177). Characteristic covenant rituals such as the handshake, the shared meal and the grasped robe symbolize this point of relationship (Kalluveetil 1982:20-27). As noted above, the relationship may not be the primary focus of ברית, 'covenant' in a given context. Perhaps a commitment to action is prominent. But the relationship is the underlying reality. McCarthy is emphatic: 'it seems impossible that *berit* not acquire an association with ideas of relationship. ...It is relational' (1986:84).

Thus ברית, 'covenant' is closely linked with strongly relational words in both biblical Hebrew and the ANE treaty-literature. On אהב, 'love' Els summarizes: 'the concept of the covenant is itself an expression, in judicial terms, of the experience of the love of God' (1997:280). Moran shows that love belonged to the terminology of international relations at the Amarna period and was required of covenant partners, whether equals or vassal and suzerain (1963:79,82). The term שלם, 'peace, well-being' can function with ברית, 'covenant' as a hendiadys (Weinfeld 1973:191-2; cf. Num 25:12; Isa 54:7-8; Ezek 34:5, 37:26). Another word with strong covenantal associations is חסד, 'loyalty, kindness' defined in a thorough study as 'deep and enduring' bilateral commitment given practical expression (Clark 1993:217).

One further example is negative. The use of ריב, 'quarrel, grievance' in the prophetic books of the Old Testament to describe the strained relationship between Yahweh and his people has led scholars to speak of a 'covenant lawsuit' genre. However, De Roche has challenged this, accusing scholars of 'importing modern precision,' without warrant (1983:564) into a situation of elders gathered at the city gate. The point is well taken. De Roche then goes on to challenge the links with covenantal language on the grounds that specific treaty parallels are limited and ambiguous (1983:573). His conclusion, however, betrays his own inadequate concept of covenant: 'The quarrel between Yahweh and Israel remains on a personal, bilateral level' (1983:574). In fact, it is not thereby less covenantal, but illustrates the contention being made in this study that relational, kinship language is primary in biblical Hebrew covenant concepts.⁶

(3) Mutual obligation

A family-type relationship involves **mutual obligations**. These may be radically unequal, as in the relationship between mother and small child, but they are

⁶ See Foster 2000:17-23; for further examples, cf. Burden 1970:61-111.

inescapable. Sometimes the commitments are specified in detail, as when covenant concepts are appropriated for international treaties. Sometimes the obligations are more general, as in Jacob and Laban's commitment not to harm each other (Gen 31:52). In many cases, cultural convention means that conditions do not even need to be specified (McCarthy 1972:3).

The importance of obligations in a covenant relationship is widely acknowledged. Hugenberger speaks of that rare thing, 'a scholarly consensus' (1998:181), and notes that obligations are implied in 263 out of 283 biblical Hebrew references to ברית, 'covenant' (1998:169). The element of obligation is such that in biblical Hebrew a ברית, 'covenant' can be commanded. Note צוה אשר בריתו אשר, 'his covenant which he commanded' in Deut 4:13 (cf. Judg 2:20, Psa 111:9). In Psa 103:18 לשמרי בריתו, 'to those keeping his covenant' parallels ולזכרי פקדיו לעשותם, 'to those remembering to do his orders.' Also ברית, 'covenant' and חק 'statute' function as synonyms in Psa 50:16 and Isa 24:5. Kalluveetil develops further examples (1982:30 ff).

It has been argued that covenant obligations were not always mutual. Weinfeld argues for a 'covenant of grant' which is one-sided, with nothing required of the recipient (1970:184-203), but this ignores the relational context and the category has not withstood further scrutiny (Hugenberger 1998:181). The fact that covenant obligations are in the context of a relationship makes them mutual, however unequal and whatever the emphasis in a specific context (where one party's obligations may drown out the other's, cf. Milgrom 2001:2340). Some have argued against the mutuality of covenant obligations (e.g. Mendenhall 1962:715), perhaps in a theologically driven attempt to defend God's sovereign grace when ברית, 'covenant' is applied to the relationship between Yahweh and Israel. It is helpful to distinguish between the creation of the ברית, 'covenant,' not necessarily based on the prior good behaviour of the parties, and the behaviour demanded once the ברית, 'covenant' has been instituted.

(4) Guaranteed by oath sanctions

This commitment is **guaranteed by oath sanctions**. Whether in words or symbols, whether explicitly or implicitly, the gods are summoned to enforce the commitment made. Frequently the oath is self-maledictory in form: 'May I die (= may they kill me) if I do not keep my commitment.' The appeal to divine authority and intervention is intrinsic to ANE covenant-making. The prominence of blessings and curses in the ANE treaty-literature is a clear illustration of the expected divine enforcement of a ברית, 'covenant'. Oath is not simply symbolic words and ritual.

In many contexts, oath and covenant can be synonymous and interchangeable (Tadmor 1982:132). The word ברית, ‘covenant’ is widely associated with the language of oaths and curses (Hugenberger 1998:183-4; cf. Brichto 1963:27-38). Instead of ‘cutting a covenant,’ we find in one place ‘to cut oath/curse,’ כרת + אלה (Deut 29:11 [ET12]). Instead of the idiom, ‘swear an oath/curse,’ נשבע + אלה it is possible to ‘swear covenant,’ ברית + נשבע (Deut 4:31, 7:12, 8:18). On אלה, ‘swear, curse’ Gordon explains that it is ‘properly a curse by which a person is bound to an obligation.... Covenantal associations are frequently prominent’ (Gordon 1997:403).

The phrase כרת ברית, ‘cut covenant’ occurs 86 times in biblical Hebrew,⁷ and its cognates are well-established in Sumerian and the Semitic languages (Carpenter 1997:729-31). It is the stereotyped phrase for the process of entering into a covenant relationship and is usually rendered simply ‘make a covenant’ in English translations (NASB, NIV, NLT, NRSV, REB, etc.). It alludes to the oath ritual invoking divine enforcement of the covenant commitments.

This ritual is alluded to in three widely-spaced Old Testament contexts: Gen 15:9-21, Exod 24:3-8⁸ and Jer 34:1-20 (cf. also Psa 50:5). In each case, sacrificial animals are killed. An extra-biblical treaty parallel illustrates the point: ‘This head is not the head of a lamb, it is the head of Mati’ilu, it is the head of his sons, his officials, and the people of his land’ (Tadmor 1982:135). In Jeremiah 34, the elite of Jerusalem, besieged by Nebuchadnezzar (34:1-7), had made a covenant to free their Hebrew slaves (34:8-10), then reneged on their commitment (34:11). Yahweh, through Jeremiah, passes sentence, decreeing a punishment that fits the crime, an ironic ‘freedom’ (34:17). And those who swore covenant will be like ‘the calf which they cut in two and passed between its pieces’ (34:18b). Wordplay adds to the impact of this verse. The verb עבר, ‘pass’ is used both for passing between the pieces of the animal and for trespassing covenant obligations. Both calf and covenant are כרת, ‘cut.’ Passing between the pieces of the sacrificial animal is reiterated in the next verse (34:19). The covenant-making elite had participated in a stereotyped ritual, but Yahweh is taking it literally.

These examples show that ‘to cut covenant’ implies to make a ritual self-curse by cutting up sacrificial animals, to declare in effect: ‘May I become like these sacrificial animals if I do not keep my commitment’ (cf. Weinfeld 1970:196-7). It is not legitimate to insist on this full sense wherever the phrase כרת ברית, ‘cut covenant’ occurs. The full ritual may or may not have occurred in any given case when no further detail is given. Moreover, the emphasis is frequently on the result and not the process. Still, the fact that this becomes the stereotyped expression for covenant-making in biblical Hebrew highlights the

⁷ Sixty times כרת precedes ברית, and 26 times it follows.

⁸ Compare, however, Nicholson 1982.

role of oaths and self-cursing in covenants. Tadmor's summary sees 'the oath containing the self-curse as the essential—if not the most potent—component of the treaty' (Tadmor 1982:132-3; cf. McCarthy 1972:34).

One clarification may be necessary about the role of blood in covenant-making. The phenomenon of 'blood brotherhood' is widely attested in ethnographic literature (Tegnaeus 1954) and, following Smith (1901:313-320), analogies have been drawn with biblical covenant-making by Mulago, among others (Mulago 1957; Asomogha 1997; Healey and Sybertz 1997:257-8). Typically, rites involve the mixing of blood by two parties to symbolize the creation of family ties between them. Though the function is clearly similar to that of ברית, 'covenant' in biblical Hebrew, the blood rites have a distinct role. Many cultures do not use blood as a metaphor for family relationship and this is the case in biblical Hebrew. The analogue in biblical Hebrew to the English phrase 'flesh and blood' is *עצם + בשר* (Gen 2:23; 2 Sam 5:1), 'flesh and bone' (cf. Brueggemann 1970). In the context of ANE covenant-making, blood rites do not symbolize family ties, but imply animal sacrifices, oath-taking and life or death commitment.

F OTHERS' DEFINITIONS

Others' definitions highlight some, but not all of the four elements of Hugenberg's definition. Williamson speaks of 'a solemn commitment guaranteeing promises or obligations undertaken by one or both covenanting parties' (2003:139, citing Hugenberg), which puts the weight on obligations over relationship. The article by McConville in *NIDOTTE* lists four related English terms: treaty, agreement, alliance, and covenant (1997:747), all of which are rather too narrowly political or commercial to be equivalents for ברית, 'covenant.' McConville explains after a survey of OT usage that ברית, 'covenant' consistently involves 'mutual commitment' (1997:752). Robertson defines the term as 'a bond in blood, sovereignly administered' (1980:4-15), emphasizing relationship, life and death commitment (implied by oath), and an absence of negotiation or bargaining. Mendenhall defines ברית, 'covenant' as 'a solemn promise made binding by an oath, which may be either a verbal formula or a symbolic oath/action' (1962:714). This makes obligations, commitment to a course of action more prominent than commitment to a relationship. By contrast, Smith puts the emphasis squarely on relationship, though not oath: 'Primarily the covenant is not a special engagement to this or that particular effect, but a bond of truth and life-fellowship to all the effects for which kinsmen are permanently bound together' (1901:315-316). Kline does not highlight the fact that ברית, 'covenant' creates the relationship, but otherwise his definition fits with that used here: 'a sanction-sealed commitment to maintain a particular relationship or follow a stipulated course of action. In general, then a covenant may be defined as a relationship under sanctions' (1968:16). Similarly, Newman: it is a 'formal relationship of

obligation between two parties, normally resulting from some prior common experience and sealed by a solemn oath or cultic rite' (1975:120). Kalluveettil states: 'Covenant is relational, in one way or other it creates unity, community' (1982:51), and 'this implies a quasi-familial bond which makes sons and brothers' (1982:212). Smick (1980:128-130) emphasizes relational context in defining ברית, 'covenant.' Between nations, it is a treaty or alliance, between individuals, a pledge or agreement, between monarch and subjects, a constitution.

It should be noted that one prominent term is excluded from these definitions. A ברית, 'covenant' is never a testament, an authoritative document disposing of someone's property after death. The Greek term διαθήκη used to translate ברית, 'covenant' in the LXX, and hence prominent in the NT, had this as one meaning, whence it came into English and other European languages, most prominently as the titles of the two parts of the Bible, the Old and New Testaments (cf. Robertson 1980:12-13). Given the dominant OT/LXX background of the term, it is doubtful that διαθήκη should ever be translated 'testament' in the New Testament.⁹

G DEFINITION SUMMARY

Covenant was a means of making people who were unrelated effectively family. Though cultures define the detailed obligations of family relationships very differently, though family membership is defined by very differing criteria, though family values may well be disregarded in actual practice, nonetheless all cultures have some sense of committed natural relationships with mutual obligations. Covenant created an analogue, then strengthened it by invoking supernatural enforcement.

This was the complex of metaphor themes used in the Old Testament to describe the relationship of Yahweh with his people. It should be noted that within the ANE context, people made a ברית, 'covenant' with other people, not with gods. The gods were deeply involved, but as witnesses and enforcers, not parties. Thus the most prominent use of ברית, 'covenant' in the Old Testament, for Yahweh's relationship with his people, is exceptional and demands explanation. But that is part of the debate this article avoids.

How should ברית, 'covenant' be translated into English? The four-part definition defended here (a chosen relationship of mutual obligation guaranteed by oath sanctions) may serve for a footnote or a glossary entry. It would probably be a bit cumbersome in the body of a biblical text. The option of

⁹ Many translations (NIV, RSV, NRSV, TEV, REB, NAB, NJB, NLT – but see footnote ad loc., Biblia Version Popular – Spanish; Boa Nova-Portuguese) make an exception for Heb 9:16ff. However, this is not the best understanding of that passage, cf. Lane (1991, ad loc.), Hughes (1979) and Westcott (1979).

translating *treaty, agreement, promise, bond*, etc. according to the specific literary context of each passage would obscure an important element of thematic unity throughout the Old Testament as well as much of the term's impact. *Covenant* has tradition on its side and serves as a technical term, but is archaic and remote from common language. *Sworn commitment* may be best, though even this misses the semantic fields of relationships and kinship. It would need to be supplemented.

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