

## Robert Vannoy, Deuteronomy, Lecture 9

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“3” was “Absence of a Historical Prologue.” “4” was “Absence of a Basic Stipulation.” Remember in the Hittite form the basic stipulation is that fundamental obligation of loyalty. It comes immediately after the prologue. The king says, “I’ve done this, and therefore, you should work to serve me, the suzerain.” Assyrian treaties don’t have basic stipulations, so that’s a second structural difference. The declaration of allegiance to the head partner by the vassal follows closely the historical prologue in the Hittite treaties. Now, of course, you don’t have a historical prologue in the Assyrian treaties, and so it follows that you don’t have that basic stipulation. So instead of that, the Assyrian treaties have an oath of allegiance. But you notice that is in quite a different context. Look what it’s enclosed in. It follows curses, and it’s followed by more curses. So the oath is taken in a context of fear rather than one of trust and loyalty. In the Hittite treaties you have the historical prologue followed by that basic stipulation which is “I’ve done this for you; now, on the basis of what I’ve done for you, serve me and be loyal to me.” So again it emphasizes the difference in the quality of the relationship between the two parties. Alright that’s four, “Absence of a Basic Stipulation.”

Five is, “Absence of Blessings.” There’s another structural difference in keeping with the harsh tone of the Assyrian treaties. There are no blessings enumerated for keeping the treaty stipulations. The Hittite treaties have curses and blessings; the Assyrian treaties have only curses and no blessings. Blessing is one of the permanent fixtures in the Hittite treaties. So I think we could say that its absence again is an important difference when you compare the two groups of treaties: not only from a standpoint of structure, but also from a standpoint of the relationship that is being established.

As for curses and blessings, if you look at Exodus 20, there’s only a hint of blessing and cursing in the Decalogue, the Ten Commandments. You get a hint of blessing in the command for honoring your parents. “Honor your father and mother so that you may live long on the land.” That would correspond to: if you do that you will be

blessed. You get a hint of a curse in “thou shalt not take the Lord’s name in vain; the Lord will not hold him guiltless who takes his name in vain.” But the blessing and curse elements are not well worked out. It’s not with every one of the commandments, but I think the element of cursing and blessing is there in the Ten Commandments. It certainly is much clearer in Deuteronomy.

Alright, that was number “5.” “6” is “The Stipulations of the Assyrian Treaties are One Sided.” The stipulations of the Assyrian treaties were aimed solely toward the minor partner, or vassal. In other words, the obligations of the minor partner are toward the great king. There is no hint of reciprocal responsibility of the king’s obligation to provide for and protect the vassal. That’s something that’s common in the Hittite treaties. In other words, in the Hittite treaties, not only is the great king saying, “Look, I want you to do this, this and this,” he also obligates himself to do certain things for the vassal. So there is a reciprocal relationship there that’s absent in the one-sided nature of Assyrian stipulations.

7. “The Assyrian Treaties are strictly Succession Treaties.” The subject matter of the Assyrian treaties is quite different from that of the Hittite. In the Assyrian treaty the whole thing is directed to a particular issue, and that is the issue of succession, the succession: of King Ashurbanipal from Esarhaddon. So when you compare that with the Hittite treaties, the Hittite treaties were not confined to merely one aspect of the relationship between the partners. They cover a wide range of topics of importance on both sides of the agreement.

So “8” is, “Conclusion.” It seems to me that we can say on the basis of these considerations that there are important differences between the treaties of Assyria and Esarhaddon and the Hittites. The structural pattern is different in the Assyrian treaties, and closely connected with that is a different spirit. So the relationship, instead of being one of mutual support, is one of harsh demand and threats by the Assyrian king placed on the vassal.

Now, on the basis of those kinds of considerations, it seems to me that Meredith Kline does have a reasonable basis for saying that the Assyrian treaties are different from

the earlier Hittite treaties. There is an evolution, or change, in the form of the treaties over that period of time. There's adequate reason for him to conclude that. Now, interestingly enough, Mendenhall, who wrote that article in 1954 that called the attention to the treaty and covenant material, as well as, W. F. Albright and John Bright, among others, are in agreement with Kline on that. Mendenhall, in his original article "Law and Covenant," says, "This covenant type is even more important as a starting point of the study of Israelite traditions because of the fact that it cannot be proven to have survived the downfall of the great empires of the late second millennium B.C. When empires arose again, notably Assyria, the structure of the covenant by which they bound their vassals is entirely different." That was Mendenhall's statement. He said you can't prove that the original Hittite treaties survived into the next millennium in the Assyrian treaties. It was an entirely different structure. He says further, "In all other materials we have the historical prologue missing that's is with the Assyrian treaties. And only the Assyrian deities are listed as witnesses. The entire pattern is also radically different. It is, of course, possible that the form survived elsewhere. But the writer has been able to find no evidence for it. We should also expect that even if it did survive, more or less, far reaching changes in form would have taken place."

Albright in *Stone Age to Christianity* agrees with Mendenhall and says "The structure of half a dozen Assyrian treaties which are found in Phoenician treaties that we know from the late eighth century B.C. and later, is quite different." This is similar to John Bright in his *History of Israel*.

So it puzzles me, given those considerations, why D. J. Wiseman as well as McCarthy say that the form was essentially the same. But both Wiseman, who published the Assyrian treaties, and McCarthy argue that the form is essentially the same. D. J. Wiseman in his publication of the treaties in comments on it, says, "The form of the treaties was already standardized by the time of the Hittite empire, and this text [that is the vassal treaty of Esarhaddon] shows that it remained basically unchanged through neo-Assyrian times." He speaks to the standardized Hittite form saying it's unchanged through the Assyrian times. Then McCarthy picks it up, supports Wiseman and says, "It

is said that the Assyrian and other treaties of the first millennium are comparatively different in structure from the Hittite form of the second millennium. It seems to me that the analysis just completed fails to bear this out.” And then more recently still, Moshe Weinfield in his book *Deuteronomy and the Deuteronomistic School*, 1972, says, “There is no justification for regarding the formulation of the Hittite treaties as being unique. Nor is there any basis for Mendenhall’s supposition that only Hittite treaties served as the model and archetype of the biblical covenant.” Now you can draw your own conclusions, but what you have is D. J. Wiseman, McCarthy and Weinfield, saying there is basically no difference between Assyrian and Hittite treaties. Whereas you have Kline, Albright, Bright, Mendenhall and others saying there is a radical change between Hittite form and the Assyrian form. Now there are certain elements that are similar, you have stipulations, you have curses, you have witnesses. True, you have some similarities, but in the midst similarities my point, and I think that Mendenhall’s point is there are some striking differences that are of enough significance that one cannot say that there are no modifications of the form.

This kind of treaty fits what’s known for Assyrian military techniques and strategies that we know they were very violent and ruthless. They forced themselves on other people with terror, and the Assyrian treaty form fits with that.

But what Weinfield does, and several others including McCarthy, is argue that there is the treaty covenant and the form is found in biblical materials, but it was taken from the Assyrians at a late date, around 600 or 700 B.C., which gets around the historical implications of the Mosaic origins. We can’t say that the Israelites got the treaty form from the Assyrians; it doesn’t fit that form nearly as closely as the Hittite treaties. That’s why this point is of such significance to Kline’s argument, but I’ll come back to that.

Let’s go on to D: “The Aramaic Treaties from Sefire Compared with the Vassal Treaties of Esarhaddon and with the Hittite Suzerainty Treaties.” First, some introductory remarks: There were Aramaic treaties called the Sefire treaties. They date from the eighth century B.C. They are a little bit earlier than the Assyrian treaties.

Assyrian treaties were 672 B.C.; Sefire treaties were eighth century, in the 700's B.C. They are generally referred to simply as "Sefire one," "two" and "three," as there are three treaty texts. Sefire Roman numeral I, II, and III. And they were found in Sefire in a place called Syria, about 60 years ago. But it wasn't until 1958 that they were published and have received some study. Two of them are in a Damascus, Syria museum, and the other one is in a museum in Beirut, Lebanon.

2. "A Brief Survey of the Form" – I have put an outline of the form there. Notice several parts: Title; gods who were witnesses; curses, with accompanying rights; sacred character of the treaty; stipulations; reminder for the future; blessings; curses.

Now that form is taken from the first Sefire text, Roman numeral I, which is a complete text. The others are quite fragmentary. But you have a title introducing the contracting parties. It says, "The treaty of the Virgayah [in a certain place] with Matiel, son of Upter Somas, the king of Farfad [and so on]." So you have the two partners of the treaty introduced. Now, it's the treaty of Virgayah. That individual is not known apart from this reference to him. There's no other reference known. The land of which he was king is also not been identified with certainty. The vassal Matiel is identified in another treaty of the Assyrians – the treaty of Asher-Mirrari, the fifth ruler of Assyria. Matiel is a ruler of Northern Syria between the Euphrates and the Mediterranean about 754 B.C.

I'm not going to go down through all of these sections, I think from the heading you can tell what type of material it is. But the curses with accompanying rights will have a section like this: "just as this wax is burned by fire, so shall Arpad be burned and her daughter cities." So it sounds like they were by burning wax demonstrating the curse.

The second Sefire text is very fragmentary. It was found in about a dozen pieces, and when the pieces were fitted together, you have portions of description that seem very similar to the structure of these texts. But it is not of great value for comparison to other treaties.

The third document is again fragmentary and it only has stipulations. It's the only section left within the third document; that's section number 6 in the form. But it has the most extensive collection of stipulations of any of these three texts. So you get an

extensive understanding of stipulations. They concern things like the surrender of plotters, the surrender of fugitives, freedom of passage, crossing of borders, vengeance to be taken in case of assassination, reciprocal return of fugitives, and various things of that sort. The stipulations, as far as they are preserved, are one-sided. They regulate the conduct of the vassal. They are not of a reciprocal nature with one exception, and that is the return of fugitives. So there is one exception, but generally they are one sided.

Let's go on to three: "Similarities of the Sefire Treaties to the Assyrian Treaties." If you look at the structure, you will find a similarity between the two in the absence of a historical prologue. Assyrian treaties have no historical prologue, and the Sefire treaties have no historical prologue. So in that sense, you can say that the Sefire treaties are closer to the Assyrian treaties than they are to the Hittite treaties. They don't have a historical prologue nor do they have the basic stipulation in either one.

Fitzmeyer says, "One element in particular is significantly absent, the historical prologue. Whatever reason may be assigned for the omission of this element in the Aramaic treaties, the absence of it constitutes a major difference between the Aramaic and Hittite treaties. This element is basic to the Hittite conception of the covenant. It constitutes a legal framework of the Hittite suzerainty treaties. Hittite suzerains recalled favors toward their vassals as well as those of their predecessors in order to establish the obligations for the vassal's service. Indeed, it is precisely this element that is absent from the covenants of the first millennium B.C. whether they be Aramaic or Assyrian." This qualification seems to be necessary in light of the comments made by Wiseman, that the covenant form remain basically unchanged through Neo-Assyrian times. You see we are back to that point of dispute. Fitzmeyer published the Aramaic inscriptions of Sefire; that's this volume. We can read the text and his comments on it.

Second, not only is the historical prologue and that basic stipulation missing, but also the stipulations are one-sided. I already mentioned that with the exception of return of the fugitives, they are one-sided. That again contrasts with the Hittite treaties. I mentioned that before in connection with the Assyrian treaties, which are also one-sided. You see, in the Hittite treaties you often have what are called "protection clauses" where

the great king commits himself to protecting the vassal. F.C. Fensham says, “One of the most humane stipulations in the Hittite treaty is the promise of protection of the vassal against enemies. This protection might have been promised to safeguard the head partner’s kingdom, but was still a most encouraging experience for the vassal. There was no enemy to fear. Under such conditions, small kingdoms could prosper at times of peaceful coexistence. There was no protection clause in the Assyrian treaties or in the Sefire treaties.”

Another difference is the placement of the witness section. In these Sefire treaties, the gods are called upon as witnesses right after the introductory paragraph, title, or preamble. Notice where the witnesses are in the Hittite treaty. It’s after the stipulations rather than before. So in this Sefire follows more closely the Assyrian form than it does the Hittite. The Assyrian form has gods as witnesses right after the preamble or title. There are certain similarities even though those differences we have just looked at. There are certain things where the Sefire treaties are closer to the Hittite treaties than they are for the Assyrian treaties, and you see that first of all in that gods of both partners are listed as witnesses. The gods of both the great king and vassal are cited in the Aramaic treaties. Similarly, in the Hittite treaties the gods of both partners are witnesses: the gods of the great king as well as of the vassal. But the Assyrian treaties name only the Assyrian deities. They don’t name the deities of the minor partners. So at point, the Sefire treaties are closer to the Hittite treaties than to the Assyrian treaties.

Third, the subject matter of the stipulations is broader than the Assyrian treaties. Assyrian treaties are concerned only with succession. The Sefire treaties are much broader in scope, and in that sense they are a lot closer to the Hittite treaties.

Then fourth, Fitzmeyer in his discussion of the Sefire treaties points out that the style of formulation of some of the stipulations is very close to the stipulations of the Hittite treaty formulation. There is a very close correspondence, so you can point that out, too.

That brings me to “5” “The Conclusion.” I think we can conclude that the treaties of Sefire exhibit some affinities with the earlier Hittite treaties, but at the same time, there

are important differences. In particular, the absence of a historical prologue, the basic stipulations, and the one-sided nature of the basic stipulations. So it seems like you have a progression. You have the classic Hittite form, then you get the Sefire treaties, and then the Esarhaddon Assyrian treaties. Sefire has more relation to the Hittite form than the Assyrian does. The Sefire treaties are somewhere halfway in-between, you could say, in terms of structure and content. There are some likenesses to the Assyrian treaties, some to the Hittite treaties. But it does seem like what Kline says, about an evolution of the development of the treaty form, is correct. The Sefire and the Assyrian treaties seem to be more based on fear whereas the Hittite was based more on trust and loyalty. The vassal had reason to respond with loyalty because of all the good things the great king had done for him.

A lot of these people are trying to get around the force of Kline's model by saying there is really not very much difference between the two types of treaties. If you look at them and look at that structure, Kline is justified in concluding that there is a real difference between the classic Hittite form and the later Assyrian or Aramaic Sefire form. We do have a parity treaty between Rameses II and the Hittite ruler, and we do have a copy of that. Since Egypt and the Hittites had relations, Moses may well have had knowledge of these types of documents.

Which brings me then to "C," "The Implications of the Treaty/Covenant Analogy for the Date of Deuteronomy." It seems to me that the evidence justifies the conclusion that the Hittite treaties can be said to represent a unique early form of the treaty that is not duplicated in later treaties, either those of Esarhaddon or Sefire. Closely connected with that is the different spirit reflected in the Hittite treaties rooted in the gratitude and respect of the vassal for the suzerain, or great king. The Assyrian treaties are of a different structure and have an entirely different spirit. The Sefire treaties have some similarities to the Hittite treaties, more so than the Assyrians do, but they also lack that important historical prologue and basic stipulation. So that I think that Kline speaks with good reason of the evolution of the documentary form of suzerainty treaties. He admits that the differences should not be exaggerated, that it is indeed one species that you meet through

Old Testament times. But he does find a discernable evolution. Then he says, “Deuteronomy corresponds more closely in structure and spirit to the earlier Hittite treaties than to either the Sefire treaties or the Assyrian treaties in the eighth and seventh centuries.” I think that Kline’s conclusion has a great deal of merit and deserves attention, more so than is received, particularly by some of these critical scholars.

Kline concludes on page 43 of his *Treaty of the Great King*, “While it is necessary to recognize the substantial continuity in matter between the earlier and later treaties, it is proper to distinguish the Hittite treaties of the second millennium B.C. as the classic form. Without any doubt, the book of Deuteronomy belongs to the classic stage of this documentary evolution. Here then is confirmation of the *prima facie* Mosaic origin of Deuteronomy as a treaty of the great king.” Well that’s the essence of his thesis. I think he is warranted in his conclusion.

Now, to go a bit beyond that, you’re reading J. Thompson in his Tyndale Commentary. He says on pages 51 and 52 that he has reservations about the strength of Kline’s argument. As you read Thompson, you’ll find he argues for a date of Deuteronomy in the 11<sup>th</sup> and 10<sup>th</sup> centuries B.C., roughly in the time of the United Monarchy during the reigns of David and Solomon. It is post-Mosaic, but early in terms of the kingdom. He sees Moses behind the heart of the book, but he thinks editorial processes have brought it to the present form and that is subsequent to the time of Moses. In other words, he doesn’t accept Kline’s thesis that this form supports a Mosaic date for the origin of Deuteronomy.

He suggests this with respect to Kline’s thesis: “Deuteronomy was put in the shape of a treaty form by someone writing long after Moses’ day.” In other words, he doesn’t deny the treaty/covenant analogy, but says the form could have been adopted later on. His view there is very similar to the view of R. Frankena. In his “The Vassal Treaties of Esarhaddon and the Dating of Deuteronomy,” Frankena looks at the Assyrian treaties and argues for Hebrew dependence on the Assyrian treaties, in particular the curse formulations in relation to Deuteronomy. He says, “They are closely related to the form of the Assyrian treaties,” so he is relating them now to this time.

As I already mentioned, Weinfield speaks of court scribes in the time of Hezekiah and Josiah being familiar with the Assyrian treaty form and bringing it into Israel. So from that mechanism, it was used with Deuteronomy. So that Thompson comments that, “The possibility must be allowed that Deuteronomy was cast in the shape of an ancient treaty by someone who wrote long after Moses’ day.” So that’s one thing he says.

Another thing he says is, “The historical prologue argument is not sound because the Assyrian or Aramaic treaties may have either assumed a prologue, or it may have been stated orally.” He doesn’t deny that it’s absent, but it says they may have assumed it or stated it orally, and therefore it’s not in the text. Therefore you cannot make much of its not having a historical prologue. In addition, he claims evidence of a seventh century treaty text with a historical prologue. The problem is that it is a disputed text; it is a very fragmented and broken text, and we’ve looked at people who have disputed whether there is a historical prologue or isn’t one. But in any case, Thompson attempts to weaken the case for the evolution of the treaty form by suggesting that the historical prologue is not a unique feature of the early Hittite treaties. So he concludes, “Hence the fact that Deuteronomy has a historical introduction is not necessarily an argument for a date in the second millennium, although it may be,” so he hedges there.

I guess my times about up. I can’t go on much longer, but I want to interact with Thompson, not only on those two arguments, that is, the historical prologue argument and the idea that it was put in the treaty form by someone later. I’ll comment on that, and then a couple other arguments, but we’ll have to do that at the beginning of next week before we discuss the centralization of worship. I think it is important to interact with Thompson because Thompson’s commentary is in the InterVarsity Tyndale series, which is an evangelical series. We might expect that Thompson would support a Mosaic date and would buy into Kline’s argument, yet he doesn’t.