

## Robert Vannoy, Exodus to Exile, Lecture 4A

### Exodus 21 and Following and the Covenant

#### Review

#### II. Israel in the Wilderness

##### D. At Sinai, Exodus 19 to Numbers 10:10

##### 1. The Establishment of the Sinai Covenant

##### e. The Book of the Covenant Exodus 20:22-23:33

Let's get back to where we left off last time, which was Roman numeral II, "Israel in the Wilderness," section D, "At Sinai, Exodus 19-Numbers 10:10," and under D, we were at 1e. One is "The Establishment of the Sinai Covenant" and e is "The Book of the Covenant – Exodus 20:22-23:33." Remember we talked about the Book of the Covenant being the application of the foundational role of the Ten Commandments to more specific types of legal cases. We looked at some examples of that. Toward the end of that discussion, I mentioned that there are other ancient Near Eastern law codes in existence that have been excavated, translated and published so that you can read these law codes – I've listed five of them there on slide 17 – all of which, you notice, predate the time of Moses. We talked about the date of the Exodus, which is really a way to get at the date of Moses, depending on whether you have a early date view or a late date view, Moses will be 1400–1200 B.C., and if you look at the dates of these law codes, they run down from 2000–1500 B.C. So there are five law codes that are demonstratively earlier in time than what you might call the Covenant Code in Exodus 20–23.

Then what we did last time: we looked at one example of a comparison of a law from the Covenant Code to one of the laws of Eshunna, in this matter of ox goring, particularly verse 35 of Exodus 21 compared with law 53 of the code of Eshunna. It is almost identical, the wording is a little bit different, but the way in which the problem of ox goring is treated is certainly similar. I mentioned that toward the end of our last session. It raises the question of what is the relationship between the formulation of the

law in the Covenant Code of Exodus 20-23 with the formulation of laws in the ancient Near Eastern Law codes.

Towards the end of the hour, I suggested that I don't think there's any reason to conclude that it's not possible that the Lord took up into the formulation of the laws of the Book of the Covenant Moses' awareness, knowledge and familiarity with the legal traditions of the time. If you go back, as I mentioned, to Exodus 18:16, where Moses meets his father-in-law Jethro in the wilderness, and Jethro gives him the advice to appoint judges over thousands, hundreds, tens, and so forth, only the hard cases were to come to Moses. We read in verse 16 of Exodus 18, Moses says, "Whenever they have a dispute, it is brought to me. I decide between the parties and inform them of God's decrees and laws." There's Moses informing Israel of God's decrees and laws before Sinai, and whatever way in which he did that, it is probably a similar thing to what is going on in the formulation of laws of the Book of the Covenant. So, when you read in Exodus 21:1, "These are the laws you are to set before them," it seems to me that what that is telling us is that these laws have divine sanction, and the Lord is giving them to Israel through Moses and, in that process, taking up into their formulation Moses' knowledge of the legal tradition of his time.

f. Contra Borrowing from ANE [Ancient Near Eastern] Law Codes: Differences

Now, having said that, that does not mean, as some attempt to argue, the biblical material simply borrowed from some of these other ancient law codes. I think if you look closely, there are a lot of differences between the Book of the Covenant and the ancient Near Eastern law codes. I want to go through some of those differences. If you look at your citations, on page 24, there are some paragraphs there from a volume called *Themes in Old Testament Theology* written by William Dyrness. In Dyrness' discussion of the Book of the Covenant he points out that there are many ways in which the literal material of the Book of the Covenant is far superior to what you find in these other ancient law codes. It is not only far superior, it is, in many ways, distinctly different, even though there are points of similarity, such as the ox goring rule. Notice that he says – this is page

24 of the citations – “The superficial resemblance of OT law to other law codes is undeniable, and it is instructive to ask what might be the relationship between them.

### God, not the King, as Lawgiver

We have already seen that in Israel it was God rather than the king who served as lawgiver. This put the idea of law in a unique perspective. In one sense all of OT law was religious. Israel had a keen sense of this difference: Moses asks in Deuteronomy 4:8, ‘What great nation is there, that has statutes and ordinances so righteous as all this law?’ They knew that God ‘has not dealt thus with any other nation’ (Psalm 147:20). But at the same time the similarities with neighboring law codes are also striking. These reflect not a wholesale borrowing, but,” and these are the words of Roland DeVaux, who was a French Old Testament scholar, “the influence of a single widespread customary law.” In other words, there was a very widespread kind of customary tradition of that period of time. “Let us examine the relationship in more detail.

#### 1. Idolatry Condemned

In the first place, because the law is to safeguard the covenant relationship, idolatry is severely condemned. Exodus 20:23.” Notice in Exodus 20:23, “Do not make any gods to be alongside of me. Do not make for yourselves gods of silver or gods of gold.” And in Exodus 22:20, “Whoever sacrifices to any god other than Yahweh must be destroyed.” So, idolatry is condemned.

#### 2. Life Is Respected

Secondly, life is respected. Look at what Dyrness says, “Moreover, life is seen to belong to God,’ – going back to Genesis 9:5, ‘Man is made in the image of God,’ that sets man in a unique way apart from other living creatures – ‘so that when an ox kills a man, its flesh may not be eaten, Exodus 21:28 and 32). As a result capital punishment is not nearly so common as it is in the case of the law code of Hammurabi. There a wife that does not guard her property is cast into the river; robbery is punishable by death as is

bearing false witness in a trial. Indeed, in general, the punishment stipulated in the OT shows a restraint of gross brutality.” So, that’s the second bullet under e, “life is respected.” Now, there were a fair number of offenses for which life was to be demanded, there were capital offenses in the Old Testament, but much less so than what you find in some other extra-biblical law codes.

### 3. Punishments Show Restraint

And thirdly, punishments show restraint. In general, there’s much more restraint in the biblical law codes than in the extra-biblical law codes, and something that particularly stands out in connection with that is that there’s no physical mutilation. If you look at Hammurabi’s code, Law 192 says, “If the adopted son of a chamberlain or the adopted son of a devotee has said to his foster father or foster mother, ‘You are not my father, you are not my mother,’” What shall they do? “They shall cut out his tongue.” Mutilation, that kind of tradition was still alive in some of the cultures of the Middle East. Law 193, “If the adopted son of a chamberlain or the adopted son of a devotee identifies his own parentage and comes to hate his foster father or foster mother, and goes off to his paternal home,” what shall they do? “They shall pluck out his eye.” Law 205, “If a senior slave has struck the chief of a member of the aristocracy, they shall cut off his ear.” Law 218, “If a physician has performed major surgery on a senior with a bronze lancet and has caused a senior’s death, or he has opened up the eye socket of the senior and destroyed the senior’s eye, they shall cut off his hand.” So, if you’re a surgeon and you’ve botched your job, you’re liable to lose your hand. But that sort of thing, physical mutilation, is pretty prominent in these ancient Near Eastern law codes. You don’t find that when you read biblical law codes.

### 4. Class Distinctions not Prominent – Equity

Fourthly, class distinctions are not prominent. On the middle of the page on page 24, Dyrness says, “The fact that all stood in the presence of God equally in the covenant relationship made it impossible for them to recognize a class distinction in their law.

There is not one law for the free and another for slaves. Indeed, slaves come in for particular protection in the law against cruel and demanding masters.” So, class distinctions are not prominent. They are prominent in these other law codes. In the biblical law codes slaves are protected against abuses. Again, as Dryness goes on to say, “By contrast, most of the Near Eastern law codes stipulate different punishments for a person dependent upon his station in life: ‘Hammurabi Code 203: If one of citizen status has struck the cheek of his equal, he shall pay one mina of silver.’” But notice the next law, “If the serf of a citizen has struck the cheek of one of citizen status, they shall cut off his ear.” So, you pay a fine if you’re of higher social standing; you lose your ear if you are of a lower social standing. So, slaves are protected against abuses in the biblical text.

#### 5. Immorality Punished: Marriage Protected

Immorality is punished severely, and in connection with that, marriages are protected or guarded. Dryness says, “Because marriage is particularly important in God’s sight and instituted by him, any infraction against chastity is severely punished. While promiscuity is punished in many ancient law codes, outside the OT there are exceptions that are authorized by the law. But in the OT if a slave is treated improperly, she is to be treated just as if she were a wife, Exodus 21:7-11. If a man seduces a virgin, she shall become his wife, Exodus 22:16. Otherwise, adultery and fornication are punishable by death. The careful instructions in Leviticus about proper relations between a man and a woman are preceded by the warning that they are not to do as was done in Egypt where they had been, nor as is done in Canaan where they were going.” You see, the practices of the Canaanites in the area of relationships between the sexes was radically different from what you find in Leviticus. “And the instructions close with the plea not to defile themselves by these practices for ‘I am the LORD your God’ (Leviticus 18:30). Ultimately, then, even human relationships were to reflect God’s character and therefore were never to be understood only in terms of expediency. Unfaithfulness throughout the OT was such an awful sin that God used it to illustrate the depths of Israel’s

unfaithfulness with him.

#### 6. WORA [Widows, Orphans, Resident Aliens] Protected [Vid. Harbin's videos]

And then finally, widows, fatherless and strangers are protected. The weak of society are protected very clearly, and as Dyrness says, "Specifically unique in the OT law are the numerous provisions for the stranger or alien, and for those who are handicapped in one way or another. There were instructions for the blind and deaf, for widows and the fatherless, and for the poor. Strangers were singled out for protection from oppression, for, it is explained, 'You should understand the heart of a stranger since you were strangers in Egypt.' God was especially concerned with the disadvantaged, of whom he says, 'If... they cry to me, I will surely hear their cry' (Exodus 22:23). One can almost hear Christ's words, 'Blessed are you poor, for yours is the kingdom of God' (Luke 6:20). Poverty is not considered a virtue in the OT, but it is recognized there how unjust the fallen order is, and those who are special victims of its injustice provide God's people with a heaven-sent opportunity to express the mercy of God himself." If you look at Exodus 22:21-22, just for an example, you read there, "Do not mistreat the alien, or oppress him, for you were aliens in Egypt. Do not take advantage of a widow or an orphan. If you do, and they cry out to me, I will certainly hear their cry, my anger will be aroused, and I will kill you with the sword, your wives will become widows, your children fatherless." So it was to be taken very seriously, the way widows, fatherless and strangers were to be protected.

#### 7. High Degree of Humanitarian Concern

You certainly can see the differences between the biblical law and the laws found in those other ancient Near Eastern law codes. We've looked at some of the specific differences. If you generalize, I think you can say there's a difference in religious spirit, there's a high degree of humanitarian concern, and the legal terminology, as well as order and content, differ. So, even though there are points in the Covenant Code where you see

a reflection of the legal tradition of that particular period of time and culture, these differences are so prominent that I think it's quite clear that there's no direct borrowing from the extra-biblical law codes that's involved in the composition of the Book of the Covenant or the formulation of the laws of the Book of the Covenant. There are many laws that do not find a parallel in the extra-biblical law codes.

#### 8. Indirect Rather Than Direct Relationship with the ANE Law Codes

So I think the conclusion to draw about this question of the relationship between the Book of the Covenant and other ancient Near Eastern law codes is that there is a relationship, but it's indirect rather than direct. I think the point of Exodus 21:1, "These are the laws you are to set before them," is that these are the laws that God desired his people to have at this particular point in time as they are being established as his covenant people. The Book of the Covenant is unique in its divine authority and in its plan. But at the same time, it's rooted in the legal concepts of the day in which it was written. I think that's what we find generally with the way in which God speaks to His people; He comes to them in the language, thought forms, ideas, institutions with which they are familiar, and these laws are no different in that respect than in any other institutions you may find in Israel.

I think the point that's being made is that the penalty for a given offense should be commensurate with the severity of the offense. In other words, there is to be an equality in the severity of the penalty with the severity of the offense, an eye for an eye, a tooth for a tooth. In Hammurabi's code when somebody does something insignificant, he loses his ear or his eye or his hand. There's a disparity between the penalty and the offense. Usually, even for an accidental death, there's no penalty for that. Accidental death is legislated in the biblical material. For accidental death, the death penalty would not be enforced. It's premeditated murder for which it is enforced. Generally, there would be some sort of a fine. Say somebody injured, well, somebody else's eye, we don't take it literally – they wouldn't take the other guy's eye from him. He'd pay a fine if he did

something, but that's it. But, there wouldn't be a physical mutilation.

f. The Covenant Formally Ratified – Exodus 24:1-11

Let's go on to f, "The covenant formally ratified – Exodus 24:1-11." After the presentation of this material, you read in verse 3, "When Moses went and told the people all the Lord's words and laws, they responded with one voice, 'Everything the Lord has said, we will do.' Moses then wrote down everything the Lord had said. He got up early the next morning, built an altar at the foot of the mountain, and set up twelve stone pillars representing the twelve tribes of Israel. Then he sent young, Israelite men, and they offered burnt offerings, sacrificed young bulls as fellowship offerings to the Lord. Moses took half of the blood and put it in bowls, and the other half he sprinkled on the altar. Then he took the Book of the Covenant,"—you ask why is this material from 20 to 23 called the Book of the Covenant, the title, or really, the label comes from this verse 7, "He took the Book of the Covenant," he took this legal material, "and read it to the people. They responded, 'We will do everything the Lord has said. We will obey.' Moses then took the blood, sprinkled it on the people, and said 'This is the blood of the Covenant that the Lord has made with you in accordance with all these works.' Moses and Aaron, Nadab and Abihu and the seventy elders of Israel went up and saw the God of Israel. Under his feet was something like a pavement made of sapphire, clear as the sky itself. But, God did not raise his hand against these leaders of the Israelites. They saw God, and they ate and they drank."

1. Key Elements of the Covenant

Now, this is covenant ratification, and you get key elements of a covenant ratification ceremony that appear in this description of Exodus 24:3-11. You have the covenant document mentioned in verse 4 and verse 7, "Moses wrote down everything the Lord said...he read it to the people." You have covenant stipulations referred to in verse 3, "He told the people all the Lord's words and laws." And, you have a covenant oath in



verse 3 and verse 7 where the people say, “Everything the Lord has said, we will do.” Notice that the oath is taken by the people. The oath is not taken by the Lord himself. The people are the ones who swear the oath. That brings up the difference that has been observed and often written about between what is called a promise covenant and a law covenant. I may have mentioned this earlier. In a promise covenant, such as the Abrahamic covenant or the Davidic covenant, God makes the promise and God makes the oath. If you go back to the ratification of the Abrahamic covenant, you have a description of that in Genesis 15. In that chapter, you have the smoking, fiery furnace that moves between the slain halves of the animals in which the Lord is taking, what Meredith Kline has called, a self-maledictory oath, “So be it unto me if I do not fulfil the promise that I have made with you.” In a law covenant, it’s the people who made the oath, and in this case, the Sinai covenant is a law covenant, and it’s the Israelites who swear to do all that the Lord has required of them.

## 2. Sprinkling of the Blood

The other thing I want to call your attention to here is the sprinkling of the blood. There are religious ceremonies, sacrifices and sprinkling of blood. Look at your citations, page 27, on the sprinkling of the blood. This is from J. A. Moyter. He said, “The blood moves first Godward in propitiation, but then, secondly, manward. ‘And he took the book of the covenant, and read in it the hearing of the people. And they said, “All that the LORD has spoken **we** will do, and be obedient.’ And Moses took the blood, and sprinkled it on the people.’ On what people did he sprinkle it? At what precise moment did that sprinkling of blood occur? At the moment when they committed themselves to a life of obedience. First comes the commitment to obedience according to the Lord God, ‘All that the LORD has said we will do, and we will be obedient,’ then the sprinkling of the blood manward. And what does that mean? It means that just as the blood of the covenant on the one hand establishes the relationship of peace with God by propitiation, so on the other hand the blood of the covenant maintains the relationship of peace with God for a people who are committed to walk in obedience. God knows that the people

are professing beyond their strength: 'They have well said in what they have said. O that there were such an heart in them, that they would... keep all my commandments always.' (Deuteronomy 5:28 and following) But they are professing beyond their ability. 'Very well,' says God, 'I will make a provision for them.' The same blood which has made peace with God will keep peace with God. As they walk in the way of obedience, the blood is available for a people committed to obey. As they stumble and fall, so the covenant blood will be available for them." So you get a covenant ratification ceremony here, including these elements that are characteristic of such covenant ratification ceremonies.

## 2. International Treaties Comparison

Let's go on to 2. This is sort of a parenthetical discussion that I'm inserting here because I think it's a fitting place to discuss it, and that is the subject of each of the ancient Near Eastern vassal treaties and the Sinai covenant. That is a rather large issue that has a lot of implications. So I want to work through it with you. The whole idea of comparing the biblical covenant material with ancient Near Eastern international treaties, which is something today that is quite common in the literature, was a new idea in 1954, when George Mendenhall published some articles in *The Biblical Archaeologist* entitled, "Law and Covenant in Israel and the Ancient Near East." That article is in your bibliography, if you look under this heading in your bibliography. The basic idea of Mendenhall's argument was that there were striking parallels to be observed between the literary genre of the biblical covenant and the literary genre of certain Near Eastern treaties, particularly those of the Hittite empire. That was a new idea. That article is one of these unusual kinds of articles that's seminal in the sense that it produced a whole field of study, and there are books and books, and articles and articles in the second half of the 20<sup>th</sup> century that came out of Mendenhall's calling attention to the literary, structural similarities between certain Hittite treaties and biblical covenant material. Those Hittite treaties had been around for years; they were uncovered in the early 1900s and many of

them were published in the 1920s – 1930s. People had looked at them, were aware of their contents, but nobody noticed the structural parallel between the Hittite treaties and the literary structure of the biblical covenant material. So, here was a new field of study.

#### a. The Hittite Treaties

Let's go to a, "The Hittite treaties." The Hittite treaties come from what's called the New Hittite Empire, and were documents formulated during the reigns of five kings. There are some interesting names there, listed on slide 22. The treaties can be divided into two groups or types. Some are called vassal treaties, and the others parity treaties. A vassal treaty, which is the most common form, is a treaty between a superior and an inferior party. Sometimes a vassal treaty is called a Suzerain treaty. The Suzerain was the great king of the Hittite empire, he was the superior partner through the treaty arrangements, while the vassal was the inferior partner. In a Suzerain, or vassal treaty, you have this disparity between the two partners to the treaty, it's only the inferior party who is bound by oath to the stipulations of the treaty agreement. So, the vassal takes the oath. As I said, the vassal or Suzerain treaty is the most common form of treaty found from this period of time.

But, there were a couple of examples of what's called a parity treaty. The best example is one between Rameses II and Hattusilas III. Now, Rameses II is that Rameses of the 19<sup>th</sup> dynasty of Egypt that we talked about matching with the late date of Exodus. Rameses took an army and fought with the Hittites way up in Syria on the Orontes River. There was a standoff. Neither one could really achieve a decisive victory, and what they did in the conclusion of that battle is sign a parity treaty as equals. In a parity treaty, both partners take the oath, and they agreed not to reengage in battle again. Egypt had its own area there to the south and the Hittites had their area to the north. They came to a non-aggression pact, that's really what it was.

#### b. Hittite Suzerain/Vassal Treaties and the Covenant Treaty

Now, it's with the Suzerain/vassal treaties that you find a parallel with the biblical

Covenant treaty. The purpose of a Suzerain or vassal treaty, according to Mendenhall in that article in 1954, was “to establish a firm relationship of mutual support between the two parties in which the interests of the Hittite sovereign were the primary and ultimate concern.” In other words, there’s a sense in which this treaty is an oath. The Hittite sovereign is the sovereign, and it’s really his interests that are being guarded and protected by the stipulations of this treaty. The treaty is what’s called “unilateral,” that is, it’s only the inferior partner that is bound by oath. Because of that, it meant that the vassal had to have a fairly large degree of trust in the Hittite Suzerain, that the Hittite Suzerain would do what he promised to do, and that the vassal would have the obligation to live up to the stipulations that the Suzerain had placed upon him. If you read these treaties, you find that this idea of trust between the vassals and the Hittite’s great kings was something that was common and it was not unfounded, because the Hittite great kings had done benevolent things for the vassal. In other words, the Hittite king had treated the vassal in positive ways and done good things for him. So, it wasn’t a blind trust, but a trust based on past experience of the protective and helpful hand of the Hittite ruler.

### c. Form of the Hittite Treaties: 6 Elements

Let’s go to the treaty form, as seen on slide 23. There are about 16 or 18 Hittite treaties that have been found, and if you look at the literary pattern that characterizes them, you will find that they follow a standard fixed pattern. There are six basic elements in the literary pattern of the Suzerain vassal treaties. I’m going to say something about each of these elements in a minute. There’s a preamble, a historical prologue, and then a basic stipulation, followed by detailed stipulations, followed by witnesses, and then blessings and curses.

#### 1. Preamble

Now, with the preamble, you have the names and the titles of the Hittite ruler. In other words, the preamble identifies the author of the treaty – the name and the titles of the Hittite ruler. That’s followed by a historical prologue, and I think we can say that the

historical prologue is probably the most significant element in the structure of the treaty form. The reason it is so important is that it sets the tone and the spirit for the treaty relationship.

## 2. Historical Prologue

What the historical prologue does is gives a résumé of the previous relationship between the great king and the vassal. What is emphasized are the benevolent works of the great king toward the vassal in the past. In other words, the Hittite king will say, “I’ve done this and this and this for you.” It becomes clear that this is not just some sort of stereotyped formula that’s just attached to all the treaties that all the great kings of the Hittite empire make, because all the historical prologues are different. They’re specific, and they’re regarded by people who have studied them as résumés that contain valid historical information. Some of them are very lengthy and detailed, some of them are very short, but they describe events in the past involving the two treaty partners. They perform the function of making the case for both gratitude and trust and sense of obligation for the vassal toward the great king.

In other words, the great king says, “I’ve done this and this for you,” and then when you move down into the stipulations, he then says, “This is what I expect of you.” The vassal has a reason to trust the great king because he has helped him in the past, but he also has an obligation toward the great king because of what the great king has done in the past. So that historical prologue has a very important function in setting up the spirit of the relationship between these two parties.

## 3. Basic Stipulations

This flows, quite naturally, into the third element of the treaty form. The third element is what is called the basic stipulation, sometimes called the statement of substance. That’s a rather brief, general clause that summarizes the obligation of loyalty on the part of the minor treaty partner towards the great king, the fundamental obligation of loyalty. In one of the treaties, after the historical prologue, this is a treaty from

Mursilis with a vassal, but that basic stipulation reads, “Now keep the oaths of the king and protect the power of the king.” There’s your obligation, there’s your fundamental obligations. “Keep these oaths, protect the power of the great king.” From another of the treaties also by Mursilis with another individual from Ugarit, he says “You, Nicknepa,” which is the name of the vassal king, “from now on, into the days of the future, you shall be faithful to the king of Hatti,” which is the king of the Hittites. “In days to come, keep this pact of friendship with the king of Hatti, the sons of the king, and with Hatti.” So, this is the statement of the fundamental obligation of loyalty on the part of the vassal toward the great king, which flows out of the historical prologue, where the beneficent and benevolent acts of the great king toward the vassal were enumerated.

#### 4. Detailed Stipulations

Then, that’s followed by the detailed stipulations in the fourth section of the treaty. And there, you get, rather than the general statement of obligation of loyalty, specific things that are expected of the vassal: prohibition of other foreign relationships, the vassal must not permit any evil words against the great king, the vassal is to appear before the Hittite king once a year bringing annual tribute, controversies between vassals are to be submitted to the great king for judgment, and on and on and on, detailed kinds of stipulations of the kinds of things that the great king expected from the vassal.

#### 5. Gods as Witnesses

That is followed by a listing of gods as witnesses. The gods who are enumerated are the gods of the Hittites, that is, of the great king, as well as the gods of the vassal, and usually these lists are quite lengthy; and, it’s the deities that will ensure that this is a binding document.

#### 6. Blessings and Curses

That flows naturally into number six, the blessings and the curses. If you obey your obligations, you will enjoy the blessings of these deities. If you disobey the

stipulations, both the basic and the detailed stipulations, you will then experience the curses of these various deities. So, the gods are the enforcers, you might say, of the curses and the blessings. Usually, the curses are given first, followed by the blessings. The curses include such things as sterility, poverty, plague, famine, misery, things of that sort. The blessings are continuity of a vassal's line – that was always an issue, who was going to succeed on the throne – health, prosperity, peace, things of that sort.

So, that's the structure of the Hittite treaties. Mendenhall, way back in 1954, when he wrote the original article that pointed this structure out, he also said that in some of the treaties – not in all of the treaties, where generally the structure is consistent – in some of the treaties, however, you have references to a few other additional features: a formal oath pledged by the vassal, a ratification ceremony, a form for procedure against the rebellious vassal, and fourth, provision for deposit of the treaty document in the vassal's sanctuary with a periodic public reading. In some of the treaties, you have references to some of those items as well.

### c. The Hittite Treaties of the Second Millennium Differ in Form from Later Treaties

Now, that is b, "The form of the vassal treaties." Lowercase c on your outline is "The Hittite treaties of the second millennium differ in form from later treaties." When I speak here of later treaties, I'm thinking particularly of 7<sup>th</sup> century Assyrian treaties from the time of Esarhaddon, and 8<sup>th</sup> century Aramaic treaties, which some call Sefire. So, the Hittite treaties have a different form from a body of treaties that come along in the 7<sup>th</sup> and 8<sup>th</sup> centuries B.C. When you look at the treaties here of the Sefire (that's the Aramaic treaties) and the Assyrian treaties of Esarhaddon – this chart on slide 28 is adapted from K. A. Kitchen's article in *Biblical Archaeology*. Here's the structure: title, witnesses, stipulations, and curses. Sefire treaties: title, witnesses, curses, and stipulations. You compare that with the Hittite treaty and the biblical covenant material, where you have title, prologue, stipulations, deposit, witnesses, blessings, curses.

You see there's a different structure, and the striking thing about both the Assyrian and the Aramaic treaties of the 7<sup>th</sup> and 8<sup>th</sup> centuries is that there is no historical prologue.

In the Hittite treaties, you have a historical prologue, but in the Assyrian and Sefire treaties there is none. You have the title, the author of the treaty, stipulations, the witnesses and curses. What that means is you have a very harsh tone, particularly in the Assyrian treaties. The wording is the ruthless imposition of Assyrian power over some vassal state. There's no hint of any benevolent or merciful actions on the part of the Assyrian ruler toward the vassal in the previous relationship. There's no basis for trust; there's nothing that would merit loyalty, thankfulness, gratitude toward the great king. What you find here is a declaration of obligations imposed on the vassal with horrible curses if the vassal doesn't obey those obligations. Then you notice there are no blessings, only curses. So you see, if you look at the Hittite structure, where you have that historical prologue that describes the benevolent actions of the great king towards the vassal, and that includes blessings as well as curses, you have an entirely different tone or spirit in the relationship between the treaty partners.

#### d. The Treaties and the Biblical Covenant

Now, having said that, let me go back; notice on your outline that c was "The Hittite treaties differ in form from these later treaties," but d is "The treaties and the biblical covenant." If you looked at that Hittite structure and then look at the biblical covenant materials – there are various evangelical scholars who have worked with this, and I don't want to spend a lot of time on this, so you can debate exactly how to weigh this out, but I've used here K. A. Kitchen and J. A. Thompson. You can look in your bibliographies for their writings. When you come to the biblical material, the covenant is, of course, established at Sinai, that's where we are in the book of Exodus; that covenant was renewed forty years later after the wilderness wanderings on the plains of Moab.

#### Covenant Renewal in Deuteronomy, Joshua 24 and 1 Samuel 11-12

The book of Deuteronomy is really a covenant renewal document. It seems that covenants being particularly concerned with succession in leadership were typically renewed at the point of a change in leadership. Moses is at the point of his death when he



comes to the plains of Moab. Therefore, part of the reason for the renewal of the covenant at that point in time was to provide for the transition of leadership from Moses to Joshua. You get there what some have called “dynastic succession.” When a vassal’s leader died and you had a succession, there would be a renewal of the treaty with the great king. So, here you have Moses and Joshua, and there’s a lot of attention given to that succession if you read carefully through Deuteronomy. It’s appropriate to have a covenant renewal ceremony. When you come to the end of the book of Joshua, Joshua chapter 24, Joshua’s at the point of death, and he gathers all Israel to Shechem, and there Israel again renews their allegiance to the Lord at a point of transition of leadership from Joshua into the period of the Judges. I think the purpose of these renewals was to provide for covenant continuity through a period of transition in leadership.

So you have the covenant established in Exodus, renewed in the book of Deuteronomy, and renewed in Joshua 24 at the point of the death of Joshua. The next covenant renewal is 1 Samuel 11 and 12, where there was at the time of the transition from the Judges to the monarchy – a major transition in the structure in the leadership of the theocracy. Kingship is established in the context of a covenant renewal ceremony held at Gilgal. So as you look at Exodus, you can look at Deuteronomy, you can look at Joshua 24, you can look at 1 Samuel 12, and what you find is that those elements of the Hittite treaty form appear rather clearly in all of those biblical materials. Now, what Kitchen and Thompson have done here on slide 25 is take those elements: preamble, Kitchen finds it in Exodus 21, for the Exodus passage, Thompson in Exodus 19:3 to 20:2a; in Deuteronomy, Deuteronomy 1:1-5, and in Joshua, Joshua 24:2, and so on with the historical prologue, the basic stipulation, the detailed stipulations, the witnesses, the curses and the blessings.

### Witnesses Differentiation

Notice with witnesses, a difference here is you don’t have deities as witnesses. In Exodus 24:4, “Moses wrote down everything the Lord said. He got up early the next morning, built an altar at the foot of the mountain, set up twelve stone pillars representing

the twelve tribes of Israel.” There were the witnesses, the twelve stone pillars. If you go to Joshua 24:27, for example, you read, “‘See,’ he said to all the people, ‘this stone will be a witness against us. It has heard all the words the Lord has said to you. It will be a witness against you if you are untrue to your God.’” In Deuteronomy, Moses calls heaven and earth as witness to the treaty that Israel has made with the Lord. So, you have witnesses, and you have curses and blessings.

### Meredith Kline’s *Treaty of the Great King*

So, to get back to Mendenhall’s original article, the thing that Mendenhall called attention to was the structure of the Hittite treaties, and then he reflects on very similar structures in biblical covenant material. Now, Meredith Kline, who is an evangelical who did a lot of work on the analogy between the Hittite treaty materials and biblical covenant materials, wrote a book called *The Treaty of the Great King*, and that book was a discussion of this analogy between the Hittite treaties and the biblical covenant materials, but at the same time, a commentary on the book of Deuteronomy. When he gives the title to that book *The Treaty of the Great King*, he is saying in essence that Deuteronomy is a covenant document. It is the treaty of the great king, and the great king is Yahweh. He outlines Deuteronomy, I think legitimately, in a way that reflects the treaty structure; you see there is a preamble, the historical prologue, stipulations, the Great Commandment, specific commandments, more detailed ones, sanctions, covenant ratifications, including blessings and curses. There is also a dynastic deposition covenant continuity – that’s the transition in leadership between Moses and Joshua. Kline, I think, did a good job in showing how Deuteronomy reflects the treaty form.

### Kline and Deuteronomy

Now, what Kline does beyond that in his book, *Treaty of the Great King*, is to point out some of the implications that flow from the similarity of the Hittite treaty form and the biblical covenant material. Look at your citations, page 28, paragraph A. He says, “The position to be advocated here is that Deuteronomy is a covenant renewal document

which in its total structure exhibits the classic legal form of the suzerainty treaties of the Mosaic age. In light of the evidence now surveyed, it would seem indisputable that the Book of Deuteronomy, not in the form of some imaginary original core but precisely in the integrity of its present form, the only one for which there is any objective evidence, exhibits the structure of the ancient suzerainty treaties in the unity and completeness of their classic pattern.” Now, you’ll notice he’s talking about Deuteronomy in its present form; in other words, in the structure of the entirety of the book, rather than in the form of some imaginary, original core. It’s been typical of critical scholars over the past century to say that Deuteronomy is a late composition, and that its original core was chapters 12 to 26, and then chapters 1-11 were added later, chapters 27-34 were added later still, and all of it was much later than the time of Moses. Now, you see what Kline is saying is, Deuteronomy reflects a literary structure in its total composition, not in some original core with added material at its beginning and its end, but as an original composition. He says, “That there should be a measure of oratorical and literary enrichment of the traditional legal form is natural, considering the caliber of the author and the grandeur of the occasion.

And, of course, there is the conceptual adaptation inevitable in the adoption of common formal media for the expression of the unique revelation of God in the Scriptures.” In other words, the Hittite treaty form is not just transposed in some kind of mechanical way into the material of Deuteronomy. There is certain freedom with which that form is used, and of course, there’s an enormous difference between some human king imposing a treaty on a vassal and God entering into a covenant relationship with his people, so there are some differences. But, the general structure is the same, and he concludes with the statement, “What is remarkable is the detailed extent to which God has utilized this legal instrument of human kingdoms for the definition and administration of his own redemptive reign over his people.” In other words, here’s another example of how God speaks in the legal forms of the time in which this revelation was given, with which the Covenant was established. He uses something that was familiar to the people of that time in order to structure the relationship between him and his people.

Now, Kline works out further some of the implications of this. The first is the implication for the date of Deuteronomy. Look at paragraph B at the bottom of page 28 in your citations. “The implication of the new evidence for the questions of the antiquity and authenticity of Deuteronomy must not be suppressed. The kind of document with which Deuteronomy has been identified did not originate in some recurring ritual situation. These treaties were of course prepared for particular historical occasions. It is necessary, therefore, to seek for an appropriate historical episode in the national life of Israel in order to account satisfactorily for the origin of the Deuteronomic treaty. Without now rehearsing all the data that make it perfectly apparent that the addressees were the recently founded theocratic nation, we would press only one question: Where, either in monarchic or pre-monarchic times, except in the very occasion to which Deuteronomy traces itself can an historical situation be found in which the twelve tribes would have been summoned to a covenantal engagement whose peculiar purpose was, as to the purpose of the Deuteronomic treaty demonstrably was, to guarantee the continuance of a (non-Davidic) dynasty over Israel?” In other words, this is the issue of dynastic succession from Moses to Joshua, and that’s an important element in the book of Deuteronomy. Where else would this fit, other than at the end of Moses’ life? So, he says that as an implication for the date.

#### Treaties and the Date of Deuteronomy

That next paragraph at the top of page 29, “Another index of the time of Deuteronomy’s composition is provided by the evolution of the documentary form of suzerainty treaties. Admittedly the available evidence is still quite limited and the differences among the extant treaties are not to be exaggerated. It is indeed one species that we meet throughout Old Testament times. Nevertheless, there is a discernible evolution. For example, where the beginning is preserved in the first millennium B.C. treaties of Sefire and Nimrud, it is not the opening *umma* of the second millennium B.C. Hittite treaties, or its equivalent. Also, in the Sefire treaties only a trace remains of the blessing sanctions which are prominent in the earlier treaties, and the sanctions in

Esarhaddon's treaties consist exclusively of curses. The most remarkable difference is that of the historical prologue, the distinctive second section of the second millennium treaties, is no longer found in the later texts.” We talked about that a minute ago.

So, in his next paragraph, he says, “Accordingly, while it is necessary to recognize a substantial continuity in pattern between the earlier and later treaties, it is proper to distinguish the Hittite treaties of the second millennium B.C. as the ‘classic’ form. And without any doubt the Book of Deuteronomy belongs to the classic stage in this documentary evolution. Here then is significant confirmation of the *prima facie* case for the Mosaic origin of the Deuteronomic treaty of the great King.” See, what he’s arguing there is if you look at this structure of treaties from the third millennium down to the first millennium, over two thousand years, the structure of the Hittite treaties, which he calls the classic form of the treaty, is what parallels the biblical treaty material. If you go back to the third millennium B.C., the structure is quite different. If you go earlier, it’s different; if you go later, it’s different. I think there are 16 or 18 Hittite treaties; there are about 85 treaties recovered over a period of two thousand years, and if you look at them, you’ll see the structures differ through time. The biblical material corresponds to the Hittite form; the Hittite form dates to the Mosaic era – 1400s or 1200s.

You go later – the traditional argument of critical scholars is that Deuteronomy was written in the 6<sup>th</sup> or 7<sup>th</sup> century, late in Israel’s history. Usually, the origin of Deuteronomy has been said to be the time of Josiah, 621 B.C., when the law book was found in the temple by Hilkiah the priest, who takes it to Josiah. The traditional critical view is that law book was Deuteronomy; it was represented as being Mosaic, but it was written by the religious leaders of Jerusalem for the purpose of centralizing worship in Jerusalem in the time of Josiah. So, that Deuteronomy dated late is an almost unanimous consensus among critical scholars. Deuteronomy is to be dated at 621 B.C. What Kline is saying is, if you look at the literary form of the book of Deuteronomy, that form is rooted back in the 1200-1400s, the time of Moses, the time of the Hittite great king, not at the time of the Esarhaddon treaties, in the 7<sup>th</sup> century B.C.

So, those are implications for date. I said then that there are also implications for the manner of transmission. We'll have to look at that next time.

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