

Robert Vannoy, Deuteronomy, Lecture 5B

© 2011, Dr. Robert Vannoy, Dr. Perry Phillips and Ted Hildebrandt

Kline's Treaty of the Great King and Responses

3. Kline's Treaty of the Great King – Deuteronomy as Covenant Renewal Document

Now we'll have to look at Kline's thesis. I'll try to get at the essence of it without getting too bogged down in the details. You will be reading his Treaty of the Great King which presents this. What I'm doing here is basically what you will read, but perhaps pulling out some of the central points. First of all, Kline's thesis is that Deuteronomy is a covenant renewal document that in its total structure exhibits the classic legal form of the suzerainty treaty of the Mosaic age. Now most of you know that "suzerainty treaty" is known as among the international treaties discovered from ancient times. Basically there are two types: the parity treaty, an arrangement between equal parties; and the suzerainty treaty, where you have a great king, or suzerain, and a subordinate, or vassal, state. The suzerainty treaty is where you have the great king of the Hittite empire who is primarily making a treaty relationship with subordinate smaller city states. The structure of those treaty documents is very similar to the structure of Deuteronomy. So Kline says the book of Deuteronomy is a covenant renewal document. Deuteronomy is a covenant renewal document that is structured according to the legal structure of the suzerainty treaties of the Mosaic age. Now luckily, the Hittite treaties date from about 1400 to 1200 B.C. and those of you know from Old Testament class know that reflects the parameters within the Mosaic era depending on whether you date the Exodus early or late.

4. Kline's Outline of Deuteronomy

Number 2 under Kline's basic approach: "His Outline of the Book." There is a detailed outline, but basically you have a preamble 1:1-5; second, the historical prologue 1:6-4:29; stipulations in chapters 5-26; curses and blessings and covenant ratification in chapters 27-30; succession arrangement of the terms of loyalty in chapters 31-34. The

parts of the treaty are: preamble, historical prologue, stipulations, curses and blessings, covenant ratification, and succession arrangement and confirmation.

Now, we should perhaps in order to get the connection with the treaty form go through the structure of the standardized form: First is the preamble, or title. The first section introduces the one who is making the treaty: the great king. Second, is the historical prologue. Third, are the stipulations. These are divided into two categories--basic and detailed stipulations--and that's important. In the treaty you get usually some sort of general statement that sort of sums up the obligations of the vassal towards the suzerain in broad general terms, presenting the essence of the stipulations. Then you get the detailed stipulations that are detailed provisions concerning the responsibilities of the vassals. In some treaties there are other elements, such as provision for deposit of a copy of the document in the sanctuary of the great king as well as in that of the vassal, and provision for periodic reading. These elements of the treaty document are apparent, and the parallel to Deuteronomy is clear.

a. Deuteronomy as Libretto of Covenant Ceremony

First, as far as Kline's thesis, Kline says that "to take Deuteronomy as a covenant renewal document is not incompatible with the book's own representation of a series of addresses by Moses to the people on the plains of Moab." Kline says on page 29 in *Treaty of the Great King*, "To analyze Deuteronomy in terms of a documentary pattern is not incompatible with the obvious facts that the book in its own representation consists almost entirely as a series of addresses. The specific kind of document in view would be orally proclaimed to the vassal at the covenant ceremony." So he takes Deuteronomy as the libretto of the covenant ceremony, sometimes including the response of the vassal as well as the declarations of the suzerain. In other words, here you have a ceremony, a covenant renewal, and Deuteronomy records what went on there. You have the address of Moses to the people, and you have the response of the vassals. So he says, "When, therefore, we identify Deuteronomy as a treaty text, we are

also recognizing it as the ceremonial words of Moses. It's the libretto of the covenant ceremony, as we said."

You obviously find in the book of Deuteronomy a series of addresses. That is not incompatible with finding the structure of the book and what is happening is a renewal of the covenant on this occasion. So you have a ceremony involved here. We have the text of it, the words which were spoken and embodied in the book of Deuteronomy.

b. Document Behind Deuteronomy?

Student Question: Then would Kline feel that there was another document behind Deuteronomy?

Vannoy: The other document behind Deuteronomy is what would come from Sinai as the covenant was initially established at Sinai. At Sinai, as far as the document is concerned, primarily, you get the Ten Commandments and the law. The pattern in Exodus is not as easy to see, but when we take Exodus 19 and 24, you have a ratification ceremony and establishment of the covenant at Sinai in which almost all these treaty elements are present. So you can find these elements at the establishment back there at Sinai, but it becomes much clearer though in structure in Deuteronomy and in the renewal of the relationship that had already been established. In all this you don't have any slavish copying of some Hittite treaty by Moses, but you have a pattern, or a form, that was familiar to the people in the world of that time. And it seems that when God spoke to Moses and structured his relationship to his people and entered into a covenant with his people, that was first done in a pattern that was familiar of what went on in establishing relationships--in a political realm--between a great king and the vassal that, of course, was at a different level and different content, but those formal elements you find are reflected in the covenant material. So you have to allow for great latitude and difference.

I don't think that the procedure is so much to start with the Hittite treaty and try to force the pattern I think it is far more significant to start with the biblical material and you pretty soon become aware that in the covenantal sections of the Old Testament, you

find those elements constantly used: preamble, historical prologue, cursings and blessings, stipulations, etc. You have what I would call a “covenant form” within the Old Testament that is discernible and you can delineate it whether you ever even knew about the covenant form or not. But then to have this covenant form document I think prompts you to ask the questions: What is the origin of this? Where did it come from? What is its background? It becomes useful but more in that direction than in trying to force the form on Deuteronomy.

c. Oral or Written

Student question: Was it given orally and then written down?

Vannoy: Well, probably the great king would draw up a treaty and send his representatives to read that before the people whom he was including in the treaty. So you'd have it both the oral and written. Now with Moses, I think that you could say at Sinai, of course, he read all those laws to the people, but it was also written. So you have the oral and the written. When you come to Deuteronomy and covenant renewal, there are certain modifications and updates. You're in a new situation: They have been through the wilderness and are going to enter the land of Canaan. Moses is going to die, and there is transition of leadership involved and the final focus is on the transition of leadership. Really, the focal point is the covenant renewal ceremony in the plains of Moab. Moses, so to speak, was the representative of the great king before the people, and Moses now is going to disappear. Succession becomes involved, and when succession was involved in the treaty relationship in the political realm, frequently it was evident you updated and renewed the treaty arrangement in a ceremony to make sure that along with the transition in leadership, there was also a transition in the relationship. So that succession becomes an important element and you get the treaty and update it at that point.

5. Cultic Ceremonial Background: Von Rad and Kline

Number 5: just a brief note at this point; we'll discuss this in more detail later, too. Kline says that Deuteronomy is a covenant renewal document, and that is not incompatible with the book's own representation of a series of addresses by Moses. We speak then of Deuteronomy as the ceremonial words of Moses. There is a formal similarity between Kline's approach and von Rad's approach. A formal similarity: In other words, von Rad also says that there is a ceremonial background to the structure of Deuteronomy; and if you remember, we discussed that, and we'll come back to that. Von Rad sees the structure of Deuteronomy, but what's the reason for it? There is a ceremonial, cultic background to that. The book is a reflection of a cultic ceremony of some sort. Well Kline is, in a sense, saying the same thing. You have the covenant renewal in the plains of Moab. The structure of the addresses and the flow of thought, and so forth, from that covenant renewal ceremony is reflected in the structure in the book of Deuteronomy, and that in turn reflects this treaty structure. So there is a similarity in von Rad and Kline's argument; however, there is an important difference. Von Rad does not honor the integrity of the book because von Rad hypothetically proposes that the structure of the book comes out of some sort of periodic covenant renewal ceremony held at Shechem in the Northern Kingdom and so dates it later. He doesn't find any basis for Mosaic authorship in this structure.

Now remember, I'm still talking still about von Rad in 1938. Von Rad saw the structure before anyone knew anything about the Hittite treaties and the relationship between the treaty structure to Deuteronomy. Von Rad saw structure in the book and attributed it to the ceremonial cultic background for the book. He then hypothetically proposed a covenant renewal festival that he proposed was periodically held at Shechem, and the book relates to that--it's non-Mosaic. Now, of course, von Rad has in recent years related his previous ideas to the new material on the Hittite treaty that we haven't discussed yet.

Mendenhall's article started all this in 1954, yet von Rad wrote in 1938, so he's years earlier. Mendenhall's article initiated a whole area of study. It took ten years after 1954 before it really got going. Kline's work came out in early 1963. Kline was pretty

much in at the beginning of this discussion in 1963 and continues to today. There is a twenty year period of time from Mendenhall's initial article, but it hasn't worked its way down and out.

Kline's work is usually dismissed. But I want to discuss that, too, because there are a number of men that look at the data and come up with different conclusions, and we'll look at how they do that. There are a couple flies in the ointment. I think Kline is on the right track. I think that the implications of that are so momentous for these people schooled in this critical thinking that they can't accept it. So there is a strong relationship between the documents and a way of understanding this. You can't ever speak in terms of proof or anything like that. You can just give argumentation. But I do think you can create a model that suggests a way of development, and you can put it over against the other models. In short, you can compare Kline's thesis with other models. Ultimately, the integrity of the book is based on the book itself as Scripture, and you have to weigh all these things. But I think this line of argumentation is a forceful line of argumentation, which supports the integrity of Deuteronomy linking it back to Moses.

You see, there may come a change, but presently anything goes in Europe. There is a whole different world of thought out there. Anything that is written in England or America, particularly America, is almost disqualified from the start. If some American wrote that, they would hardly look at it. Of course, that is hardly objective, but it is significant. There may be some German national pride in that rejection that may be involved in that, too. But that's sort of what you're up against.

Kline has an interesting comment on that basis of the analogy between the suzerainty treaty of the Hittites and the book of Deuteronomy. We had gotten down to point 5. The fifth one being, "There is a certain formal similarity between Kline's idea and von Rad's, in that von Rad spoke of the unity and structure of the book, and elements composing the structure of the book are roughly the same as Kline's. But von Rad hypothesizes some sort of cultic setting as the origin of the form. Kline would propose that the origin of the form comes from the Mosaic covenant and from the

Mosaic era as the Lord entered into covenant with his people at Sinai. Then for a very real reason that covenant was renewed in the plains of Moab. The book of Deuteronomy reflects that covenant renewal ceremony. We're going to come back to von Rad later, but at this moment I just make that point.

6. Deuteronomy Begins as did the Ancient Treaties

Now number 6 to give you just a few of the details that Kline works out. You'll read Kline, so I need not dwell on this at great length. Number 6: "Deuteronomy begins as did the ancient treaties." Page 30 in *Treaty of the Great King* Kline says, "Deuteronomy begins precisely as the ancient treaties began, 'These are the words of.' That is the expression the treaties open with." You have very similar expressions in the treaty documents. So you have that formal similarity. "Deuteronomy begins as did the ancient treaties."

Moses is speaking for God; that becomes very clear. In that sense, the Lord is speaking, "These are the words that Moses spoke unto all Israel." Moses is the theocratic representative, and it is precisely the issue that Moses is facing: that theocratic representative, the representative of the great king. His leadership is going to be terminated by death. So there is need for renewal, so that the continuity of the leadership can be recognized and prepared for and perpetuated. We will come to that shortly. Moses, then, in a sense, is a representative of the great king. Again, these similarities you cannot push to any sort of identical kind of derivation. It is using a similar form, a similar structure, adapted for quite different reasons, purposes, and with quite different content. You don't want to force artificially the treaty form onto the biblical material. It is much better to treat the biblical material with its own integrity but, on the other hand, to see there is a certain relationship.

7. Kline's Approach Resolves the Two Introduction Problem

Number 7: "Kline's approach resolves the two introduction problem." We discussed that earlier. Various critics in their analysis have come to the conclusion that

there are two introductions, and the book is not a unity for that reason. Also on page 30 Kline says, "A major problem concerning the unity of Deuteronomy has been the presence of two introductions, chapters 1-4 and chapters 5-11. And it has often been said that neither needs the other. They seem to be independent of each other." I mentioned to you what Noth tried to do taking the first of those two introductions as the introduction to the Deuteronomistic history as a whole running from Deuteronomy to 2 Kings, and the second introduction is the introduction to the book of Deuteronomy itself.

He says on page 31, "But Noth's view and every attempt to separate Deuteronomy 1-4 from its original core is contradicted, and the supposed problem of the two introductions is obviated and the real structure is further clarified by these facts. An historical prologue regularly follows the preamble and precedes the stipulations in the suzerainty treaties. Deuteronomy 1:5-4:49 qualifies admirably as a historical prologue." When covenants were renewed, the history was brought up to date. Agreeably Moses takes up the narrative of Yahweh's previous rule at Sinai where the covenant was originally made, and he carries that history up into the present emphasizing the most recent events: the trans-Jordanian conquest and its consequence. In other words, the historical prologue is updated at the time of renewal.

8. Stipulations

Now, if you look at the suzerain treaty structure, you have the preamble, the historical prologue, and third is the stipulations. Remember those stipulations were divided into basic, fundamental obligations; summary, or generalized stipulations; and then the specific, more detailed stipulations. In the third division were the stipulations, and this is the reason that the third division in Deuteronomy can be identified with chapters 5-26. Von Rad has noted the above included 5-11, which comes before as a historical survey--it's the introduction. Others separating chapters 5-11 from 1-4 take 5-11 as the introduction to chapters 12-26. Kline's thesis is, "Deuteronomy 5-11 must be recognized as expounding the covenant way of life just as do chapters 12-26. Together

they declare the suzerain's demands. The difference is between Deuteronomy 5-11 and 12-26 represents differing treatment of this one theme. The former section, chapters 5-11, presents in more general and comprehensive terms the primary demands of the Lord, both its principle and program. The later section adds the more specific requirements between Deuteronomy and the treaty in more detailed points, and that can open up new insights into the meaning of certain words and concepts that you find in the book of Deuteronomy." The correspondence between the treaty form and the book of Deuteronomy, in specific words used and certain concepts portrayed is also an area where there is a lot of possible study to be done.

Kline points out a few things of that sort. One illustration, page 24, "increased emphasis on the covenantal concepts of the law." The law is that central element in Deuteronomy chapters 5-26--the stipulations. "Increased emphasis on the covenantal context of the law underscores the essential continuity in the function of the law in the Old and New Testament."

Now I think there is a point that should be elaborated there. But in the structure of the treaty you have the great king who does certain beneficent acts for the vassal with gracious acts involved. The vassal's response is to be one of thanksgiving, which would be one of the demands of the stipulations. I suppose there are also certain sanctions that reinforce that obligation. But you might say grace precedes law in the sense that in Deuteronomy God has chosen his certain people; he has redeemed his people, brought them out of Egypt, and cared for them in the wilderness. Now here are your obligations. Those obligations are to be performed, by the way, with a sense of thanksgiving and love to the great king who has done so much for them. To quote a New Testament idea, "If you love me, keep my commandments," as Christ said. There is a certain fundamental unity in context of the obligations in the law that is underscored by this understanding of the structure of Deuteronomy and of the nature of the covenant.

9. Love ('ahav) of God in Deuteronomy as Duty Toward the Suzerain

This leads me right into the next point. There's been an article written on the covenantal use of the term 'ahav [love], "Love of God in the Book of Deuteronomy." I think I have listed that in your bibliography under "Deuteronomy and the Treaty Form," W. L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," in the Catholic Biblical Quarterly, 25, in 1963. D. J. McCarthy, "Notes on the love of God in the Father/Son relationship in Deuteronomy between Yahweh and Israel," in the Catholic Biblical Quarterly 27, 1965. It is a very interesting article.

In this book, D. R. Hillers, *Covenant: The history of a Biblical Ideal*, he summarizes some of that material on page 152: "The love of God is the peculiar stress of Deuteronomy, and it is still more remarkable the book conserves some of the old covenantal ideas." Now Hillers idea is not so much the Mosaic argument; he focuses on its structure and finds the language interesting. He says, "Love is used in such a variety of ways in Western history, and considerable scholarly interest is in discriminating the various species of affection to which the term has been applied.

Deuteronomy's brand of love is an especially interesting one for two reasons: it represents a type of love that is different from most recent conceptions, and it is the mother-load of much other influential biblical teaching about love for God. Love in Deuteronomy can be commanded. Chapter 6, verse 5: 'You shall love Yahweh your God with all your heart, with all your soul, and with all your might.' This means living in a relation of worship and service to the deity. That's 11:1: 'You shall love Yahweh your God keep his observances, his statutes and his commandments for all time.' The whole commandment, 11:22, can be summed up thus: 'Love Yahweh your God walk in all his ways to please him.' Deuteronomy 11:13 'to love Yahweh' is linked inseparable with 'to serve him.' We have heard these words so often that their doctrine does not seem surprising, but we need to remember that one theory of love--a very potent influence--holds that duty and love are incompatible. Here they are nearly identical."

Hillers continues, "It is W. L. Moran [that is the article we turned to] "who has identified the language of treaties and covenants as the same sort of conception as the love of God, although there may be earlier examples. The first common use of love in

the language of diplomacy is found in the language of El Amarna in the relation that exists between brothers as equal partners in a treaty is love.” In treaty texts you get arrangements between brothers, or equal partners, and the relationship is one of love. “May my brother preserve love toward me ten times more than did his father; we will go on loving my brother fervently,” from the Amarna letters.” This love is not only a feeling between equal partners, however, but it is the way that Pharaoh regards his vassal. That’s also in the Amarna letters. “If the king, my lord, loves his faithful servant, let him send back the three men,” now that’s from some vassal. “Above all it is the way the vassals were to consider their lord. To love is equal to being a servant. ‘My lord, just as I love the king my lord, so does the king Hapi, all these kings are servants of my lord.’”

In Esarhaddon’s treaty love is commanded as a duty toward the suzerain: “You will love Ashurbanipal as yourself.” I won’t go through a lot of the rest of the material; you can read the article, but what it boils down to is love in the treaty texts becomes synonymous with obedience. When you love the Lord, you obey the stipulations. So that love can be commanded then. You are to love the Lord. You are to obey the stipulations where your love is demonstrated in that.

There are many illustrations of that sort of thing where you find similar use of words in treaty documents that give you some insight into a lot of the biblical material. Now again you don’t want to read all the biblical material under the total control of extra-biblical material, but extra-biblical material--as far as thought forms and those sort of things that were extant in the time the documents originated--help you understand connotations of the meaning that we find in the biblical material. There are many similarities in language, in concept, and in specific points that can be pointed to in treaty texts and found also in Deuteronomy. Now, you’ll notice more of that as we progress through the course. But that is another area where there is a great deal of work that has been done already and a great deal more work which can be done.

D. The Covenant Form in the Old Testament and Its Historical Implication

1. The Sitz im Leben [Situation in Life] of the Covenant Form and the Historical Implications of the Setting

I'd like to move on now to a new heading, "C, just to review; to get continuity: "Meredith Kline making use of a form critical approach which honors the integrity of the book put a new perspective on the nature of structure on Deuteronomy, which in turn had implications for interpretation and date." We looked at what his basic thesis was and what the fundamental ideas of it were. Now "D:" "The covenant form in the Old Testament and its historical implication—the present state of affairs in the Deuteronomy debate." Number 1 under D: I'll use this technical term, "The sitz im leben [situation in life] of the covenant form and the historical implications of the setting." There is widespread agreement, pretty much across the board, that the covenant form is a discernable and important literary feature of the Old Testament. That has come up over the last ten to fifteen years, but there is general agreement that it is discernable and it is present in the Old Testament. The treaty-covenant nexus can be found with no debate in Exodus 24 at Sinai and there is currently universal agreement that it is found in Deuteronomy. It's found in Joshua 24 and in numerous other passages. So there is this large scale agreement of the covenant form and that it is an important literary feature of the Old Testament. There is, however, no corresponding agreement concerning the origin of this phenomenon and, therefore, in the historical implications that may or may not be drawn from its presence. It's admitted that it's there, but there is no corresponding agreement on the origin of the form and therefore on the historical implications that can be drawn from its presence. There is an attempt made, for example, by Kline and others to draw historical implications from the presence of the form. They know it exists, but what are we going to do with it? What conclusions can you draw from that?

a. C. Baltzer

Some resist drawing historical conclusions from this acknowledged presence of the form. For example, it is not so important, but I just want to give you an idea of the

various positions. There is a book called *The Covenant Formulary* by Claus Baltzer. It is a book that traces the occurrence covenant form throughout the Old Testament passage by passage. In that book, page 49, he comments on the original article by Mendenhall. Remember Mendenhall is the one initiating this whole discussion his article on “Law and the Covenant and the Ancient Near East.” Mendenhall started this whole discussion. After commenting on Mendenhall’s article, Baltzer says of Mendenhall, “He’s more interested in historical questions than the present work which limits itself to the form critical approach. No doubt further conclusions in the historical sphere can be drawn on the basis of this form, but I consider it methodologically dangerous to bring both sets of questions together prematurely.” He resists moving toward historical conclusions drawn from the presence of the form. A Roman Catholic scholar reviewing Baltzer’s work, *The Covenant Formulary*, says: “Baltzer insists throughout on the separation between the form critical investigation and the historicity of the episode’s narrator. He is reserve in matters historical. In this way Baltzer avoids hasty conclusions.” It is disappointing that Baltzer refuses to make historical conclusions. Baltzer is not willing to proffer a definite time or conclusions in relation to the origin of this form.

b. D. J. McCarthy

D. J. McCarthy, in an article reviewing a German book, says of this treaty-covenant analogy: “No doubt too much has been claimed for the analogy, and especially illegitimate historical conclusions have been drawn from it.” He says, “Still this does not invalidate the evidence that there is an analogy.” The analogy is there but he refuses to make any historical conclusions. The point I’m trying to make at this juncture is that they resist drawing any historical conclusions on the basis of literary forms.

Caution should be used in utilizing the form critical method to draw historically reliable conclusions because it is precisely in this area that there has been such wild theories opposed to the origin of the covenant form, and there is an enormous subjectivity that can become involved in that whole process. So caution is in order here.

However, the presence of a certain form, and its elements, presupposes a historical setting that has given rise to the form in question. If you have a literary form of a particular definable type, that form presupposes a certain setting that has given rise to the form in question.

c. Literary Forms and Historical Settings

You have an advertisement, for example. You know where that comes from because of that kind of literature that utilizes it. So literary forms do presuppose certain kinds of historical settings. And it is easy locate the form, but can one determine the historical setting that lies behind it? So the judicious attempt to delineate a setting for a particular form can be a useful endeavor. And I think in the case of the covenant form, you have this form in the Old Testament, and the question of when and how it was adopted in Israel is a matter of fundamental significance. If you avoid that question of when and how it came into Israel, you impoverish the study of the form. Perhaps one can look for indications of the significance of the form if you don't know where it came from. So the question of origin is certainly in order and has a great deal of significance. The origin of and the adoption of this form in Israel is significant.

In many instances the destination of the situation is to find a particular form purely hypothetically based on the imagination of a particular scholar with no evidence. That is wrong since it is based on little evidence and is totally hypothetical. I think you have to be very leery of that. But on the other hand, given the form and its palpable presence in the text, Where did that form come from? What's the explanation of the origin? What situation in life is the best explanation for its adoption? When in Israel's history would there be a situation that would give rise to such a form that had such an enormous influence in the whole history of the nation? It is an interesting area of study and there is a lot of evidence in the Bible itself as well as the extra-biblical data.

a. The Nature of the Covenant Form and Its Origin

Under this question then, “1,” “The sitz im leben [situation in life] of the covenant form and the historical implications of the setting.” Small “a,” “The nature of the covenant form and its origin.” The question arises: Is it cultic or prophetic in terms of its origin? That becomes a significant question, especially if you look at von Rad who sees it as cultic and ceremonial. Well, our time is up, we’ll pick up there next time.

Transcribed by Ted Hildebrandt

Edited by Dr. Perry Phillips

Re-narrated by Dr. Perry Phillips