

THE  
ANCIENT NEAR EASTERN TREATIES  
AND THE  
OLD TESTAMENT

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## ABBREVIATIONS

A.f.O.	<i>Archiv für Orientforschung.</i>
A.R.A.B.	<i>Ancient Records of Assyria and Babylonia.</i>
A.R.M.	<i>Archives Royales de Mari.</i>
A.T.	<i>Alalakh Tablet.</i>
B.A.	<i>Biblical Archaeologist.</i>
B.A.S.O.R.	<i>Bulletin of the American Schools of Oriental Research.</i>
B.H.3	<i>Biblia Hebraica, 3rd edition.</i>
B.J.R.L.	<i>Bulletin of the John Rylands Library.</i>
Bo. St.	<i>Boghazköi Studien.</i>
B.W.A.N.T.	<i>Beiträge zur Wissenschaft vom Alten und Neuen Testament.</i>
C.A.H.	<i>Cambridge Ancient History.</i>
C.B.Q.	<i>Catholic Biblical Quarterly.</i>
E.T.	<i>English Translation.</i>
H.U.C.A.	<i>Hebrew Union College Annual.</i>
J.B.L.	<i>Journal of Biblical Literature.</i>
J.C.S.	<i>Journal of Cuneiform Studies.</i>
LXX	<i>Septuagint.</i>
M.V.A.G.	<i>Mitteilungen der Vorderasiatisch-Aegyptischen Gesellschaft.</i>
R.A.	<i>Revue d'Assyriologie.</i>
R.H.R.	<i>Revue de l'Histoire des Religions.</i>
V.T.	<i>Vetus Testamentum.</i>
V.T. Supp.	<i>Vetus Testamentum Supplement.</i>
W.T.J.	<i>Westminster Theological Journal.</i>
Z.A.W.	<i>Zeitschrift für alttestamentliche Wissenschaft.</i>

# THE ANCIENT NEAR EASTERN TREATIES AND THE OLD TESTAMENT

## INTRODUCTION

**E**XCAVATIONS in ancient Near Eastern sites have made available to scholars a wide range of literature from the ancient world. This has provided the Old Testament scholar in particular with important comparative material. To some extent, indeed, the prospect of discovering such literature has been the stimulus for archaeological work in Bible lands,<sup>1</sup> for the writers of the Old Testament were using the literary forms of their own age, and much can be learned by studying other examples of the same forms. Thus the structure and subject-matter of some of the Psalms can be paralleled in the literature of Ugarit;<sup>2</sup> the wisdom literature of the Old Testament has numerous parallels in the ancient Near East;<sup>3</sup> many of the laws of the Pentateuch have parallels in the Hammurabi Code and elsewhere;<sup>4</sup> the Old Testament story of the Flood has certain points of contact with the Babylonian flood stories;<sup>5</sup> indeed, examples could be multiplied.

In recent years, yet another point of contact between the Old Testament and the literature of the ancient Near East has been noticed, namely, that in many of the passages in the Old Testament which describe the establishment or the renewal of the covenant between Yahweh and Israel, there is a literary pattern which closely follows that found in the treaties of the ancient Near East. There seems to have been something of a standard covenant or treaty *Gattung* all over the ancient Near East. The

<sup>1</sup> W. F. Albright, *The Archaeology of Palestine*, 1960, Cp. 1, gives several examples. Note also the commission of the Palestine Exploration Fund founded in 1865 — 'A society for the accurate and systematic investigation of the archaeology, the topography, the geology, and physical geography, the manners and customs of the Holy Land for biblical illustration'.

<sup>2</sup> W. F. Albright, *C.B.Q.*, VII, 1945, pp. 5-31; H. L. Ginsberg, *J.B.L.*, LXII, 1943, pp. 109-115; W. F. Albright, *Studies in Old Testament Prophecy* (Ed. H. H. Rowley), 1950, pp. 1-18; *H.U.C.A.*, XXIII, 1950/51, I, pp. 1-39.

<sup>3</sup> M. Noth and D. Winton Thomas (Eds.), *Wisdom in Israel and in the Ancient Near East*, essays presented to H. H. Rowley, *V.T. Supp.* III, 1955.

<sup>4</sup> H. Cazelles, *Études sur le Code de l'Alliance*, 1946; H. H. Rowley, *B.J.R.L.*, 34, 1951, pp. 81-118.

<sup>5</sup> A. Heidel, *The Gilgamesh Epic and Old Testament Parallels*, 1949.

Old Testament preserves the particular form of the pattern which was current in Israel.

The aim of the present lecture is to give a brief outline of the range of treaties that is now available for study, to indicate the more important features of their literary structure and language, to compare a number of Old Testament passages with the Near Eastern treaty form, and finally to indicate the importance of these Near Eastern treaties for the study of the Old Testament.<sup>6</sup>

<sup>6</sup> See too D. J. McCarthy, *Treaty and Covenant*, 1963, which was published after this lecture was given.

## I. THE ANCIENT NEAR EASTERN TREATIES

### a. *The treaties available for study*

Treaty documents are now available for study from many different ancient sites, extending in area from Babylonia to Asia Minor and Palestine, and in time, from the third millennium BC to the middle of the eighth century BC.

The earliest extant document in which details of a treaty are given is probably the so-called Stele of Vultures, which records a treaty made between Eannatum of Lagash and the nearby city state of Umma c. 2500 BC. In this treaty certain conditions were imposed by Eannatum on a defeated Umma.<sup>7</sup> Some decades later a treaty of friendship was concluded between two independent princes of the towns of Lagash and Uruk.<sup>8</sup> A third treaty between Naram-Sin of Agade (c. 2291-2255 BC) and the Elamite king of Awan, his vassal, though badly preserved, contains a list of divine witnesses, a number of the treaty obligations including the assertion 'Naram-Sin's enemy is my enemy; Naram-Sin's friend is my friend', and references to a religious ceremony associated with the signing of a treaty.<sup>9</sup>

These three treaties from the latter half of the third millennium BC suggest that among the Sumerian states of lower Mesopotamia there were, at an early date, two kinds of treaty possible between states: (i) a kind of parity treaty between states of more or less equal status, and (ii) a treaty imposed by a victorious ruler on a defeated enemy, a kind of suzerainty treaty.

In the course of the second millennium BC the conclusion of international treaties, both between great kings on a parity basis, and between powerful kings and lesser kings on a suzerain-vassal basis, was common all over the Near East.

Documents discovered during the excavation of Mari on the middle Euphrates show that treaties of friendship between small states of tribal groups were common in this area c. 1750-1700 BC.

<sup>7</sup> F. Thureau-Dangin, *Die Sumerischen und Akkadischen Königsinschriften*, 1907, pp. 10-21.

<sup>8</sup> C. J. Gadd, R.A., XXVII, 1930, pp. 25ff.

<sup>9</sup> V. Scheil, *Mémoires de la délégation en Perse*, XI, Paris, 1900-1912, pp. 1-11; W. Hinz, 'Persia, c. 2400-1000 BC.', *C.A.H.*, 2nd Ed., 1963, pp. 9f. The phrase here quoted was common in the later Hittite treaties. See J. Nougayrol, *Le Palais Royal d'Ugarit*, IV, pp. 89, 13, 91, 12, etc.

Detailed treaty documents are, alas, lacking.<sup>1</sup> Excavations at Alalakh, a little to the east of modern Antioch, provided information about inter-state treaties in that area. One important treaty dates to the eighteenth century BC. It is of some interest that details of this treaty seem to be recorded on more than one tablet.<sup>2</sup> Two other treaties come from the fifteenth century BC.<sup>3</sup> Sufficient detail has been preserved in these documents to enable us to form some idea of the literary structure of such treaties. It seems clear that at Alalakh the treaty documents contained historical information, a list of treaty stipulations, and some references to divine guarantors, curses, an oath of acceptance, and a religious ceremony. Again, Assyrian kings were already making treaties with their neighbours during the second millennium BC. During the eighteenth century BC they were entering into agreements with the rulers of Mari<sup>4</sup> and during the fifteenth century BC they were making treaties with the rulers of Babylonia.<sup>5</sup> In neither of these cases, unfortunately, is there any clear picture of the exact content of the treaty documents, although in the brief extant reference to the treaty between Aššur-bel-nišešu (c. 1417-1409 BC) king of Assyria with Karaindaš of Babylon two of the essential features of the Near Eastern treaty are mentioned, namely, the *riksu* or 'bond', and the *māmītu* or 'oath'. Both of these items are mentioned also in the fifteenth century treaty from Alalakh.<sup>6</sup>

Further to the west, in Palestine, the Egyptian Pharaohs were requiring their vassals in western Asia to undertake vassal treaties in the fourteenth century BC. Evidence of these comes from the Amarna correspondence, although no formal treaty documents are available. Something of the contents of the treaties may, however, be conjectured from the letters themselves.<sup>7</sup>

By far the most significant of all the second millennium treaties for the present purpose are those of the Hittite rulers with their vassals. A considerable number of these have been

<sup>1</sup> *Archives Royales de Mari* (A.R.M.), I, 3. 24-27; IV, 20. 21-26; cf. J. M. Munn-Rankin, *Iraq*, XVIII, 1, pp. 84-95.

<sup>2</sup> D. J. Wiseman, *The Alalakh Tablets*, 1953; Tablet AT 1 gives historical background and some of the curses and divine guarantors, AT 126 and AT 127 refer to the offering of gifts to the temple, and AT 456 gives treaty provisions and describes the oath taking ceremony. For the latter text see D. J. Wiseman, *J.C.S.*, XII, 4, 1958, pp. 124-129.

<sup>3</sup> D. J. Wiseman, *The Alalakh Tablets*, pp. 26-32.

<sup>4</sup> A.R.M., I, 3. 9f.; IV, 20. 21-26.

<sup>5</sup> *The Synchronistic History, Cuneiform Texts from the Babylonian Tablets in the British Museum*, XXXIV, pl. 38, col. I, lines 1-4.

<sup>6</sup> See AT 2 from c. 1460 BC, and AT 3 from c. 1480 BC.

<sup>7</sup> J. A. Knudtzon, *Die El-Amarna Tafeln*, 1907-1915.

discovered in recent years among the contents of two important archives, one at the ancient Hittite capital Hattušaš, near the modern village of Boghazköi,<sup>8</sup> and the other at the ancient Canaanite town of Ugarit, the modern Ras Shamra on the Syrian coast.<sup>9</sup> They derive for the most part from the reigns of the Hittite rulers Šuppiluliumaš (c. 1380-1340 BC), Muršiliš (c. 1339-1306 BC), Muwatalliš (c. 1306-1282 BC), Hattušiliš III (c. 1275-1250 BC), and Tudhaliyaš IV (c. 1250-1220 BC), although one important document probably dates from the days of Zidantas II early in the fifteenth century BC.<sup>1</sup> Some of these documents are more or less complete treaties, while others relate to certain aspects of the vassals' obligations to their overlords. Moreover, for the most part these texts are concerned with suzerainty treaties rather than with parity treaties, although what is probably the most famous of all parity treaties from the ancient world was found at Hattušaš, namely that between Hattušiliš III (c. 1275-1250 BC) and Rameses II of Egypt (c. 1290-1224 BC) formulated after the battle of Qadesh in 1285 BC.<sup>2</sup>

With the invasion of Western Asia by the Sea Peoples towards the end of the thirteenth century BC international politics were disrupted and for well-nigh five hundred years no great power in the Near East was in a position to impose a suzerainty treaty. It may be suspected, however, that both parity treaties and suzerainty treaties of a lesser kind were being drawn up. Certainly the biblical records suggest that King David imposed vassal treaties on the nations round about Israel, while Solomon entered into a parity treaty with Hiram of Tyre.<sup>3</sup> With the rise of the Neo-Assyrian Empire in the early centuries of the first millennium BC there came a new activity in the making of vassal treaties. The great independent states of former years, Egypt and the land of the Hittites, gave place to Assyria whose rulers, at their height, controlled far more than their predecessors. Ordinary diplomatic activity was at a minimum,<sup>4</sup> for Assyria was imposing

<sup>8</sup> E. F. Weidner, 'Politische Dokumente aus Kleinasien', *Boghazköi Studien*, 8-9, 1923; J. Friedrich, 'Staatsverträge des Hatti-Reiches in hethitischer Sprache', *M.V.A.G.*, 31, 1926; 34, 1930.

<sup>9</sup> J. Nougayrol, *op. cit.*, 1956. <sup>1</sup> H. Otten, *J.C.S.*, V, 1951, pp. 129f.

<sup>2</sup> See E. F. Weidner, *Bo. St.*, 9, pp. 112-123; J. B. Pritchard, Ed., *Ancient Near Eastern Texts*, 1955, pp. 201-203. A copy of the same text in Egyptian is preserved on the walls of Amon at Karnak in Egypt. See J. B. Pritchard, *op. cit.*, pp. 199-201.

<sup>3</sup> 2 Sa. 8: 6, 14; 10: 19; 1 Ki. 4: 21; 5: 12.

<sup>4</sup> The badly preserved treaty of Samši-Adad V (c. 823-810 BC) of Assyria and Marduk-zakir-sum I of Babylonia may have been something of a parity treaty. See *A.f.O.*, VIII, 1932-3, pp. 27-29. However, the inscription on the carved throne base of Shalmaneser III (859-824 BC) suggests that Marduk-zakir-sum

her vassal treaties on peoples all over the East. Such treaty documents as we have indicate that the suzerain-vassal treaty was the order of the day. Of these, the most important<sup>5</sup> are the treaty of Aššur-nirari V (c. 754-745 BC) with Mati'ilu of Bīt-agusi in Syria,<sup>6</sup> and the treaties of Esarhaddon (c. 681-669 BC) with Ba'alu of Tyre<sup>7</sup> and with a group of princes in Media.<sup>8</sup>

In addition to these Assyrian treaties, there is extant in three recensions an important Aramaic treaty between Mati'ilu of Arpad and Bar-ga'ayah of KTK, discovered near the market town of Sefiré, south-east of Aleppo, by some local tribes-people.<sup>9</sup> The treaty dates to the middle of the eighth century BC.

These then constitute the basic material for a study of the relationship between the ancient Near Eastern treaties and the Old Testament.

#### *b. Some characteristics of the Near Eastern treaties*

The Near Eastern treaties fall into two broad classes, the parity treaties and the suzerainty treaties. Each of these has its own peculiar features. The parity treaties were, in effect, two treaties in opposite directions in which two kings of more or less equal importance bound each other to identical obligations.<sup>1</sup> The suzerainty treaties, on the other hand, were imposed by powerful kings on their vassals. An inferior ruler was bound to obey stipulations imposed on him by his suzerain. Examples of both types of treaty are now available for the whole period from c. 2500 BC to c. 750 BC. The suzerainty treaties are the more numerous, at least as far as extant documents are concerned.

It is the suzerainty treaty that is of the greater significance for Old Testament study, although there were so many common elements in all treaties that every treaty text is of some significance for the study of vocabulary and the rites of administration. However, it is the typical suzerain-vassal relationship which

may have been more of a vassal than an independent ruler since Shalmaneser 'established him on the throne of his father'. See P. Hulin, 'The inscriptions on the carved throne-base of Shalmaneser III', *Iraq*, XXV, 1, 1963, pp. 47-69, especially lines 45-46.

<sup>5</sup> There are several fragmentary treaty texts, e.g. R. F. Harper, *Assyrian and Babylonian Letters*, 1105, 1239; E. F. Weidner, *A.f.O.*, XIII, p. 215, n. 69.

<sup>6</sup> E. F. Weidner, *A.f.O.*, XIII, pp. 17-27; D. D. Luckenbill, *A.R.A.B.*, I, 1926, pp. 265f.

<sup>7</sup> R. Borger, 'Die Inschriften Asarhaddons', *A.f.O.*, Beiheft, 1956, art. 69, pp. 107ff.

<sup>8</sup> D. J. Wiseman, *The Vassal Treaties of Esarhaddon*, 1958.

<sup>9</sup> P. S. Ronzevalle, *Mélanges de l'Université Saint-Joseph*, XV, 1931, pp. 235-260; A. Dupont-Sommer, *Bulletin de Musée de Beyrouth*, 1956, pp. 23-41; *Les Inscriptions Araméennes de Sefiré*, 1958.

<sup>1</sup> See p. 11, n. 2 for the most famous of these.

bears a close resemblance to the relationship which existed between Yahweh and His people Israel, and hence the suzerain treaty texts are of particular interest for the present study.

The primary purpose of all suzerain treaties was to secure the interests of the great king and to guarantee the allegiance and, if need be, the economic and military support of the vassal. In general, these were unilateral in nature, although the Hittites seem to have given at least some semblance of choice to the vassal by writing into the treaty document a historical justification for inviting the vassal to make the treaty, and by giving promises of help in time of danger and of blessings from the gods for loyal service. Presumably it was open for any vassal to reject the proposal of the great king, although this would have had dire consequences for him. The case was somewhat different with the Assyrians who held out no such promises but depended on intimidation and threat of divine visitations with curses in case of infidelity.<sup>2</sup>

As regards the treaty stipulations it would seem that these were the invention of the suzerain alone, without any consulting with the vassal who was merely bound by oath to render obedience. There is no evidence that the suzerain bound himself by any kind of oath, although, no doubt, the treaty relationship was intended to protect the vassal from capricious attack by the suzerain.

The best preserved of all the suzerain treaties from the ancient Near East are the Hittite treaties. There is enough comparative evidence to indicate that the pattern of the Hittite treaties was a fairly standard one all over the Near East. Hence, it is reasonable to take this as representing the standard literary structure of the normal suzerainty treaty in these lands. Since there are many resemblances between this literary pattern and the literary structure of a number of important passages in the Old Testament which deal with the covenant between Yahweh and Israel, it is important to understand the structure of the normal Near Eastern vassal treaty document.

The following elements were regularly present in a Hittite treaty text:<sup>3</sup> (a) the preamble, which identifies the author of the treaty and gives his titles and attributes; (b) the historical prologue of the treaty, in which the benevolent deeds of the Hittite

<sup>2</sup> V. Korošec, *Romanitas*, III, Rio de Janiero, Brazil, 1961, pp. 274f.

<sup>3</sup> V. Korošec, *Hethitische Staatsverträge*, 1931, pp. 12ff.; G. E. Mendenhall, 'Covenant Forms in Israelite Tradition', B.A., 1954, pp. 49-76. Note pp. 31-35 of the separate volume *Law and Covenant in Israel and the Ancient Near East*.

king on behalf of the vassal are recounted, and made the ground of the suzerain's appeal to the vassal to render future obedience in gratitude for past benefits; (c) the treaty stipulations — (i) general clauses, which were the principles on which future relations were to be based, and (ii) specific stipulations; (d) the divine witnesses and guarantors of the treaty;<sup>4</sup> (e) the maledictions or curses, and the benedictions or blessings. In addition to these standard elements, there was normally some provision for depositing the treaty documents in the sanctuary, for a periodic public reading of the treaty document, for an oath of acceptance of the treaty by the vassal, and for a religious ceremony, often with blood sacrifices, in which the treaty was ratified.<sup>5</sup>

The historical prologue was of special significance. Whereas it was normally brief in the parity treaties, perhaps for the reason that the previous relations between the parties were not very happy, in the suzerainty treaties it was often of considerable length. It seems clear that it was regarded as a vital element in the whole, for it provided the *raison d'être* for the establishment of the treaty. It was on the basis of favours extended to the vassal and his subjects by the great king and his predecessors that the suzerain founded his claim to the acceptance of the treaty by the vassal, and also to his loyal service in future days.

Some degree of uncertainty remains as to whether the Assyrian treaties of the first millennium BC, and others like the Sefiré Aramaic treaty which was modelled on the Assyrian pattern, did in fact have a historical prologue. It was certainly a strong feature of the Hittite treaties in the general period 1400-1250 BC. It is not possible to say whether it was present in the third millennium BC treaties. It seems to have been lacking in the earliest extant Hittite treaty which dates from c. 1480-1470 BC.<sup>6</sup> There is some indication that it was included in the Alalah treaty from the eighteenth century BC,<sup>7</sup> although it is not clearly a part of the fifteenth-century treaties from Alalah.<sup>8</sup> It is certainly lacking in the extant Assyrian treaty documents,<sup>9</sup> although there remains some doubt as to whether it was present in the Aramaic treaty.<sup>1</sup> The total picture is by no means clear. It is not possible to

<sup>4</sup> In Hittite treaties the gods of both parties were listed, whereas in Assyrian treaties only the Assyrian-Babylonian gods were given. Aramaean treaties seem to have followed the Hittite model.

<sup>5</sup> D. J. Wiseman, *The Vassal Treaties of Esarhaddon*, p. 28.

<sup>6</sup> See p. 11, n. 1 above.

<sup>7</sup> AT 1, lines 1-8.

<sup>8</sup> See AT 2 and AT 3.

<sup>9</sup> D. J. Wiseman, *The Vassal Treaties of Esarhaddon*, pp. 29-30; W. L. Moran, *Biblica*, 41, 1960, pp. 297-299.

<sup>1</sup> The beginning of the document is lacking.

state categorically that the historical prologue was originally lacking even from those treaties where it is not now preserved, since there is some evidence that the complete documentation of a treaty was not necessarily confined to a single document. Thus the treaty between Abban of Alalah and Iarimlim of Iamhad in the eighteenth century BC was written on two, or perhaps three, documents.<sup>2</sup> It is not, indeed, impossible that the historical prologue may have been declared orally and not committed to writing.<sup>3</sup> It is even conceivable that at all periods the historical prologue was both orally declared and recorded in writing. The fact that some of the treaty documents do not have the historical prologue today may be due merely to the accidents of transmission.

Whatever the final answer to this question may be, it remains true that the Hittite documents of c. 1400-1250 BC do preserve a historical introduction as one of their strongly developed features.

It should be noted, further, that in the Hittite treaties the treaty *Gattung* was not a rigid one.<sup>4</sup> There was a considerable variation possible both in the order in which the elements occurred, and in the wording of each section. In some cases elements were omitted, whether deliberately or by accident it is difficult to say. This allowance for variation permitted the treaty *Gattung* to be adapted to a particular situation. Nevertheless, by and large, the standard elements were present in every treaty document, so that it is, in fact, possible to speak of a standard Near Eastern treaty *Gattung*. This feature of variation inside a broadly fixed pattern is significant in the study of the covenant *Gattung* in the Old Testament, since it suggests that rigidity of literary form should not be expected, although it is normal for most of the elements of the pattern to be represented somewhere in a given passage.

In order that the reader may have before him a general outline of a typical Hittite suzerain-vassal treaty we shall include at this point in our discussion extracts from the treaty between Muršiliš II (c. 1339-1306 BC) and Duppi-Tešsub of Amurru.<sup>5</sup>

<sup>2</sup> See p. 10, n. 2 above.

<sup>3</sup> In general it would seem unlikely that there would be no reference whatever to the preceding historical situation when a treaty was presented to an assembly of vassals or even to a particular vassal. Certainly in the Old Testament we gather the impression that the preceding acts of Yahweh were declared orally and then committed to writing.

<sup>4</sup> The same is true of all treaties, whether parity or suzerain.

<sup>5</sup> J. B. Pritchard, *op. cit.*, pp. 203-205.

*Preamble*

These are the words of the Sun Mursilis, the great king, the king of the Hatti land, the valiant, the favourite of the Storm-god, the son of Suppiluliumas, the great king, the king of the Hatti land, the valiant.

*Historical introduction*

Aziras was the grandfather of you, Duppi-Tessub. He rebelled against my father, but submitted again to my father. When the kings of Nuhasi land and the kings of Kinza rebelled against my father, Aziras did not rebel. As he was bound by treaty, he remained bound by treaty. As my father fought against his enemies, in the same manner fought Aziras. Aziras remained loyal toward my father and did not incite my father's anger. My father was loyal toward Aziras and his country. . . .

When my father became god and I seated myself on the throne of my father, Aziras behaved toward me just as he had behaved toward my father. . . .

When your father died, in accordance with your father's word I did not drop you. Since your father had mentioned to me your name with great praise, I sought after you. To be sure, you were sick and ailing, but though you were ailing, I, the Sun, put you in the place of your father and took your brothers and sisters and the Amurru land in oath for you.

*General principles for future conduct*

. . . So honour the oath (of loyalty) to the king and the king's kin. And I, the king, will be loyal toward you, Duppi-Tessub. When you take a wife, and when you beget an heir, he shall be king in the Amurru land likewise. And just as I shall be loyal toward you, even so shall I be loyal toward your son. But you, Duppi-Tessub remain loyal towards the king of the Hatti land. . . . Do not turn your eyes to anyone else.

*Specific stipulations*

With my friend you shall be friend, and with my enemy you shall be enemy. . . .

As I, the Sun, am loyal toward you, do you extend military help to the Sun and the Hatti land. . . .

If anyone should press you hard, Duppi-Tessub, or if anyone should revolt against you, if you then write to the king of Hatti land and the king of Hatti land dispatches foot soldiers and charioteers to your aid — and (if you treat them in an unfair manner), you act in disregard of your oath.

If anyone of the deportees from the Nuhasi land . . . escapes and comes to you, if you do not seize him and turn him back to the king of the Hatti land . . . you act in disregard of your oath.

If anyone utters words unfriendly toward the king of Hatti land before you Duppi-Tessub, you shall not withhold his name from the king.

If a fugitive comes to your country seize him . . . etc.

*Divine witnesses*

The Storm-god of Heaven, the Sun-goddess of Arinna, the Storm-god of Heaven, the Hattian Storm-god, Seris and Hurris, Mount Nanni and Mount Hazzi. . . .

The Patron-god, the Hattian Patron-god, Zithariyas, Hapantalliyas, the

Patron-god of Karahna, the Patron-god of the shield, Ea, Allatum, Telepinus of Durmitta. . .

Sin, lord of the oath, Ishara, queen of the oath, Hebat, queen of heaven, Ishtar, Ishtar of the battlefield, Ishtar of Nineveh. . . .

Hantidassus of Hurma, Abaras of Samuhas, Katahhas of Ankuwa, the Queen of Katapa, Ammammas of Tahrpa, . . . the gods and goddesses of the Hatti land, the gods and goddesses of Amurru land, all the olden gods, Naras, Napsaras, Minki, Tuhusi, Ammunki, Ammizadu, Allalu, Anu, Antu, Apantu, Allil, Ninlil, the mountains, the rivers, the springs, the great Sea, heaven and earth, the winds and the clouds — let these be witnesses to this treaty and to the oath.

#### *Curses and blessings*

The words of the treaty and the oath that are inscribed on this tablet — should Duppi-Tessub not honour these words of the treaty and the oath, may these gods of the oath destroy Duppi-Tessub together with his person, his wife, his son, his grandson, his house, his land, and together with everything that he owns.

But if Duppi-Tessub honours these words of the treaty and the oath that are inscribed on this tablet, may these gods of the oath protect him together with his person, his wife, his son, his grandson, his house and his country.

## II. TREATIES, AND THE NEAR EASTERN TREATY PATTERN IN THE OLD TESTAMENT

### *a. The treaties of the Old Testament*

Since the Old Testament world was one in which treaties of one kind or another were part of the common life of rulers and tribal chiefs, it is not surprising to discover many references to such treaties in the pages of the Old Testament. The one Hebrew word *b'erit* 'covenant' is used to cover all such agreements. Details are seldom given, and the nature of a particular covenant can only be inferred by comparison with similar agreements in the ancient Near East. The importance of the Near Eastern treaties of all kinds is thus self-evident.

The patriarchal records refer to several intertribal covenants. Abraham entered into such arrangements both with his confederate chiefs in the Dead Sea area,<sup>6</sup> and with Abimelech, the Philistine governor.<sup>7</sup> The covenants of Isaac with Abimelech,<sup>8</sup> and of Laban with Jacob<sup>9</sup> were of the same general type. Near Eastern parallels should probably be sought in the intertribal agreements which were made in the neighbourhood of Mari in the eighteenth century BC.<sup>1</sup> The Mari practice of receiving neighbouring tribal groups into a relationship of peace (*ana salimim*)<sup>2</sup> may provide an explanation of the acceptance by Joshua of the men of Gibeon,<sup>3</sup> or of David by Achish, king of Gath.<sup>4</sup> In these cases obligations of service, whether military or of some other kind, seem to be implied in the text, so that the arrangements entered into were in the nature of miniature vassal treaties.<sup>5</sup>

Parity treaties of an interstate character may be seen in those between Solomon and Hiram of Tyre,<sup>6</sup> between Baasha and Ben-hadad of Damascus,<sup>7</sup> and between Ahab and Ben-hadad.<sup>8</sup> The treaty between Solomon and Hiram was in part a trade treaty,<sup>9</sup>

<sup>6</sup> Gn. 14: 13.      <sup>7</sup> Gn. 21: 22-34.      <sup>8</sup> Gn. 26: 26-32.      <sup>9</sup> Gn. 31: 44-55.

<sup>1</sup> A.R.M., I, 8, 6, 8; II, 37, 6, etc. In this latter case the killing of an ass's foal on the conclusion of a treaty was common. In the light of this fact it has been conjectured that the Bene Hamor (lit. sons of the ass) in Gn. 33: 19 may have been a confederacy of tribes.

<sup>2</sup> A.R.M., III, 50, 15.      <sup>3</sup> Jos. 9: 15.      <sup>4</sup> 1 Sa. 27.

<sup>5</sup> The promise of the Gibeonites to be 'servants' suggests this. See Jos. 9: 8, 11, 23-27.

<sup>6</sup> 1 Ki. 5: 12 (Heb. 5: 26).      <sup>7</sup> 1 Ki. 15: 19.

<sup>8</sup> 1 Ki. 20: 34. This may actually have been something of a suzerainty treaty since Ben-hadad was a defeated foe.

<sup>9</sup> 1 Ki. 5: 10ff. (Heb. 5: 24ff.).

while his exchange of border cities with Hiram, perhaps in settlement of a debt, is strongly reminiscent of the interstate treaties in the region of Alalah where the exchange of cities between states was evidently quite common.<sup>1</sup>

Examples of vassal treaties may be seen in the case of David's arrangements with the defeated Aramaean states, and also with Moab, Ammon, and Edom.<sup>2</sup> Such a state of affairs continued into the days of Solomon 'who reigned over all kingdoms from the river unto the land of the Philistines and unto the border of Egypt'.<sup>3</sup> Again, when Omri conquered Moab<sup>4</sup> he must have imposed a vassal treaty on her king to judge from the fact that Mesha, king of Moab, was still paying a considerable annual tribute to the king of Israel when he decided to rebel.<sup>5</sup> The rebellion of Mesha invited the military invasion of his land by Jehoram, king of Israel. Although the campaign was abortive in one sense, it nevertheless resulted in a great deal of destruction which could readily be understood by Mesha as the inevitable result of a breach of covenant. It was, in fact, the outworking of the 'curses' of the covenant. What the contents of these vassal treaties of David, Solomon and Omri were may be imagined from a study of other vassal treaties in the Near East. Such details as tribute, boundaries, limitation of military forces, extradition of refugees, and the prohibition of other alliances would have been normal features of such treaties.

During the ninth century BC the people of Israel began to feel the first effects of Assyrian expansion. Ahab had joined with Ben-hadad and ten other kings in opposing Shalmaneser III at Qarqar in 853 BC. Before many years Jehu, the king of Israel, submitted docilely as a vassal of Shalmaneser following the invasion of the territories of Hazael of Damascus by the Assyrians in 841 BC. Details of this vassal treaty are not extant, although the picture of Jehu or his representative which appears on the black obelisk of Shalmaneser in the British Museum is associated with a list of the tribute which he brought.<sup>6</sup> By the close of the ninth century Jehu's son Joahaz (c. 815-801 BC) was a vassal of Aram.<sup>7</sup> It was, however, in the eighth century that Israel began to feel the full weight of Assyrian aggression. During the closing years of Israel's independent existence, her kings were successively

<sup>1</sup> D. J. Wiseman, *The Alalakh Tablets*, pp. 24ff. (AT 1); *J.C.S.*, XII, 1958, pp. 124-129.

<sup>2</sup> 2 Sa. 8: 6, 14; 10: 19. The terms 'serve', 'servants' imply this.

<sup>3</sup> 1 Ki. 4: 21 (Heb. 5: 1). <sup>4</sup> J. B. Pritchard, *op. cit.*, pp. 320-321.

<sup>5</sup> 2 Ki. 3: 4. <sup>6</sup> J. B. Pritchard, *op. cit.*, p. 281a. <sup>7</sup> 2 Ki. 13: 3, 7.

vassals to Tiglath-pileser III,<sup>8</sup> Shalmaneser,<sup>9</sup> and Sargon. This latter king claimed to have destroyed Israel finally and to have turned the last remaining part of her territory into an Assyrian province.<sup>1</sup>

Judah, too, became a vassal of Assyria, first to Tiglath-pileser III,<sup>2</sup> and then to Sennacherib,<sup>3</sup> Esarhaddon,<sup>4</sup> and Assurbanipal. It was during the reign of this latter king that Josiah broke free from Assyria, but before long Judah was vassal to Pharaoh Nechoh.<sup>5</sup> Finally, in the days of Jehoiakim, Jehoiachin and Zedekiah, she was vassal to Babylon.<sup>6</sup> It was when Zedekiah broke the covenant and despised the curses of the covenant<sup>7</sup> that Judah was finally destroyed by Nebuchadrezzar.

The nature of the Assyrian and Babylonian vassal treaties may be understood by comparison with the extant Assyrian vassal treaties with contemporary peoples. The ruthless punishment meted out to both Israel and Judah when they rebelled was but the outworking of the curses written into the treaty documents, and involved the destruction of their towns and villages and the exile of their inhabitants. The removal of Jehoiachin to Babylon by Nebuchadrezzar may be regarded as both a punishment on Judah for the rebellion of his father Jehoiakim, and as a means of securing a valuable hostage to guarantee the loyalty of Zedekiah.<sup>8</sup>

It is clear, then, that the Near Eastern treaties, whether parity or vassal, whether intertribal, interstate, or international, are of great importance for a proper understanding of the character of the wide variety of agreements undertaken, either by individuals in Israel, or by the nation as a whole.

### *b. The Near Eastern treaty pattern in the Old Testament*

It is not surprising that, with so much evidence of Israel's involvement in treaties with her neighbours, there should be abundant evidence of the Near Eastern treaty pattern in the literature of the Old Testament. Such elements as a historical introduction to a covenant, a list of stipulations, some reference to curses and blessings, an oath, and a religious ceremony, are to be found in several treaty or covenant contexts in the Old Testament.<sup>9</sup>

<sup>8</sup> 2 Ki. 15: 19f., 29f.      <sup>9</sup> 2 Ki. 17: 3f.      <sup>1</sup> J. B. Pritchard, *op. cit.*, pp. 284f.

<sup>2</sup> 2 Ki. 16: 7-10.      <sup>3</sup> 2 Ki. 18: 19.      <sup>4</sup> 2 Ch. 33: 11ff.

<sup>5</sup> 2 Ki. 23: 29-35.      <sup>6</sup> 2 Ki. 24: 1, 10-17.      <sup>7</sup> Ezk. 17: 13-21.

<sup>8</sup> 2 Ki. 24: 8-17. The custom was an ancient one. See W. Hinz, *op. cit.*, p. 10 and the reference to hostages taken by Naram-Sin from the Elamite king in the twenty-third century BC.

<sup>9</sup> Gn. 31; 1 Ki. 5: 1-12 (Heb. 5: 15-26), etc. See p. 18, notes 7-9, 3.

In particular, it has recently been observed by G. E. Mendenhall<sup>1</sup> that the literary pattern which was used by the Hittites in their suzerainty treaties may be discerned in Old Testament passages dealing with the covenant between Yahweh and Israel. Thus the brief pericope in Exodus 19: 3-8 may be set out as follows:

*Preamble:* Moses went up unto God, and Yahweh called unto him out of the mountain, saying, Thus shalt thou say to the house of Jacob, and tell the children of Israel (verse 3).

*Historical prologue:* Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself (verse 4).

*Statement of general principles:* Now therefore, if ye will obey my voice indeed, and keep my covenant (verse 5a).

*Blessings:* Then ye shall be a peculiar treasure unto me from among all peoples . . . and ye shall be unto me a kingdom of priests, and an holy nation (verse 5b, 6a).

Then Moses came and called for the elders of the people and set before them all these words which Yahweh commanded him. And all the people answered together and said:

*Oath:* All that Yahweh hath spoken we will do (verse 8).

Again, in Exodus 20: 1-17 we may discern the following elements:

*Preamble:* I am Yahweh thy God (verse 2a).

*Historical prologue:* Which brought thee out of the land of Egypt, out of the house of bondage (verse 2b).

*General principles:* Thou shalt have none other gods before me (verse 3).

*Specific stipulations:* The Decalogue, listed in verses 4-17; although the fundamental principle of verse 3 normally appears as the first of the commandments.

*Curses:* I Yahweh thy God am a jealous God, visiting the iniquity of the fathers upon the children, upon the third and upon the fourth generation of them that hate me (verse 5b). Yahweh will not hold him guiltless that taketh his name in vain (verse 7b).

*Blessings:* Showing mercy unto thousands, of them that love me and keep my commandments (verse 6). That thy days may be long upon the land which Yahweh thy God giveth thee (verse 12b).

<sup>1</sup> G. E. Mendenhall, *op. cit.*; cf. J. Muilenburg, *V.T.*, IX, 1959, pp. 347-365; W. Beyerlin, *Herkunft und Geschichte der ältesten Sinaitraditionen*, 1961; K. Baltzer, *Das Bundesformular*, 1960.

When Exodus 24: 3-8 is analysed in a similar way it is possible to discover a reference to covenant stipulations (verse 3), the covenant document (verse 4), the oath (verse 7), and the religious ceremony of ratification in which sacrifices were offered (verses 4-6, 8). Indeed, a combination of the details in the three passages Exodus 19: 3-8, 20: 1-17 and 24: 3-8 gives a remarkably complete picture of a typical Near Eastern treaty ceremony. There is good reason to read these three passages together as part of one whole.

A particularly striking example of the literary pattern we are considering occurs in Joshua 24. This may be schematized as follows:

- Preamble*: Verse 2a.
- Historical introduction*: Verses 2b-13.
- General principles*: Verse 14.
- Specific stipulations*: Verse 25.
- Oath*: Verses 16, 21, 24.
- Witnesses*: Verses 22, 27.
- Covenant document*: Verse 26.

The book of Deuteronomy provides an illustration on a large scale of the way in which this literary pattern occurs, not merely in short passages, but in the book as a whole.<sup>2</sup> Thus Deuteronomy 1-4 is a historical introduction, 5-11 a statement of general principles, 12-26 a statement of specific stipulations, 27-30 a presentation of the curses and blessings, and 31-34 a setting forth of the provisions for the recognition of Moses' successor and for the continuity of the covenant after his death.

But the Near Eastern treaty pattern occurs in many other passages besides these. Sometimes only certain aspects of the pattern occur, as in Leviticus 26 with its list of curses and blessings, or in Joshua 8: 30-35 with its reference to the law, the altar and sacrifices, the curses and the blessings, and the covenant document. In these cases the passages in question should probably be regarded as part of a more complete whole, the separation of the various elements being due to editorial processes. In a number of cases the Near Eastern treaty pattern is woven into the narrative in which the transfer of national authority is described as in the case of the transfer of authority from Samuel to Saul<sup>3</sup> or of David to Solomon.<sup>4</sup> Again, narratives which deal

<sup>2</sup> M. G. Kline, *W.T.J.*, XXIII, 1, 1960, pp. 1-15; *The Treaty of the Great King*, 1963; G. von Rad, 'Das formgeschichtliche Problem des Hexateuch', *B.W.A.N.T.*, IV, 26, 1938, and *Gesammelte Studien*, 1958, pp. 9-86.

<sup>3</sup> 1 Sa. 12. See J. Mulenburgh, *op. cit.*, pp. 360-364.

<sup>4</sup> 1 Ch. 22 - 23: 2; 28; 29.

with occasions of national covenant renewal contain significant elements of the standard covenant pattern.<sup>5</sup> Overtones of the same pattern may be detected also in the covenant law-suits in which Yahweh entered into judgment with those who broke His covenant and neglected His law. On such occasions Yahweh called on heaven and earth as witnesses of the original treaty oath, to testify against Israel. Then He pronounced judgment on the offenders, that is He authorized the execution of the curses of the covenant.<sup>6</sup>

In all these passages, and in others besides, Yahweh, the covenant God of Israel, was given a position which, on the formal and legal level, is reminiscent of the position of the Near Eastern suzerain. He was Israel's sovereign who had performed saving acts on her behalf in times past, and had appealed to her on the basis of these to enter into covenant with Him and to render Him undivided allegiance and loyal service. He too had His covenant stipulations. In obedience to these Israel would find blessing, but in rejection of them or in disobedience to them lay evil consequences and maledictions. Israel too was bound by an oath of which Yahweh Himself was the witness and guarantor. There was also a covenant document which was to be lodged in the sanctuary and which was to be read to succeeding generations.<sup>7</sup> Israel was bound to renew her covenant oath from time to time,<sup>8</sup> especially on the occasion of a change of leadership in the nation,<sup>9</sup> or of national renewal after a period of neglect.<sup>1</sup>

It seems clear that the Near Eastern covenant idea provided Israel with a significant metaphor for the exposition of the relationship which existed between Yahweh and herself. Not that the idea as it existed in the secular environment of the day was completely adequate to expound the many-sided aspects of the divine covenant between Yahweh and His people. But this concept borrowed from the realm of international law, and given special theological application, gave concrete expression to the deeper concept of divine election. The Near Eastern treaties, and in particular the Hittite suzerainty treaty, in their literary structure, in their vocabulary, in their historical setting and, in some measure, in their general spirit, have considerable significance, therefore, for Old Testament studies.

<sup>5</sup> Ex. 34; 2 Ki. 11; Ezr. 9; 10; Ne. 9; 10.

<sup>6</sup> See below, section III. c, pp. 29ff.

<sup>7</sup> Dt. 6: 20f.; 27: 5-8; Jos. 8: 30-35. Cf. Dt. 17: 14-20.

<sup>8</sup> Dt. 29; Jos. 24; 1 Sa. 12; 2 Ki. 11; 23; Ne. 9; 10.

<sup>9</sup> See p. 22, notes 3, 4. <sup>1</sup> 2 Ki. 11; 23; Ezr. 9; 10; Ne. 9; 10.

### III. THE SIGNIFICANCE OF THE NEAR EASTERN TREATIES FOR OLD TESTAMENT STUDIES

Since the publication of Mendenhall's paper in 1955<sup>2</sup> a whole new area of Old Testament investigation has been opened up. The relevance of the earlier work of Korošec<sup>3</sup> has been underlined again and again, and a considerable variety of scholarly discussions have appeared in learned books and journals.<sup>4</sup> Some indication of the significance of these Near Eastern treaties in a number of areas of Old Testament study will now be given.

#### *a. Some aspects of the treaties and covenants of the Old Testament*

Attention has already been drawn to the fact that the extant Near Eastern treaties provide evidence of the exact content of the many 'secular' treaties in the Old Testament. Unfortunately the contents of the treaties mentioned in the Old Testament are almost completely lacking, but where evidence has been preserved, comparison with contemporary or nearly contemporary treaties among Israel's neighbours provides external, objective evidence that the kind of situation depicted in the Old Testament did, in fact, obtain in the contemporary non-Israelite scene; and therefore there is every reason to accept the Old Testament picture as authentic. Moreover, the exact nature of Israel's treaties may now be understood by comparison with their non-Israelite counterparts. While this point has already been made in this paper,<sup>5</sup> it is evident that the total impression gained by such a comparison is that the Old Testament picture is consistent with what obtained in the contemporary scene, whether the treaty in question was a simple intertribal agreement like those of the patriarchs, or a suzerain-vassal treaty such as those imposed by David, Solomon and Omri on their vassals, or those imposed by the great powers Assyria and Babylon on Israel or Judah.

In matters of detail, also, a comparison of the Old Testament with the Near Eastern treaty documents shows a remarkable consistency of procedure. Details in the making of treaties and

<sup>2</sup> G. E. Mendenhall, *op. cit.*      <sup>3</sup> V. Korošec, *op. cit.* See p. 13, n. 2.

<sup>4</sup> Notable contributions have been made by W. Beyerlin, *op. cit.*, K. Baltzer, *op. cit.*, M. G. Kline, *op. cit.*, J. Muilenburg, *op. cit.*, and several others referred to in these footnotes.

<sup>5</sup> See section II. a, pp. 18ff.

covenants in the lands surrounding Israel were standard, as we have seen, and included the recitation of the stipulations, the preparation of the treaty document, the calling of witnesses, the taking of the oath, and the ratification of the treaty by a religious ceremony. The presence of such elements in the Old Testament covenants is, therefore, only to be expected.

One of the most interesting and most persistent of the details of the treaty and covenant ratification ceremonies was the sacrificial or ritual slaying of a beast. The significance of this act may have varied from country to country and from century to century, although there seems to be a fairly consistent interpretation of the act as a kind of self-imprecation, as though the participants in the treaty would say, 'If I break the treaty may this happen to me'. In the Old Testament the practice is clearly described in several passages,<sup>6</sup> and may be inferred in others.<sup>7</sup> In the ancient Near East it was certainly in use in the eighteenth century BC at Mari and Alalāḥ,<sup>8</sup> while in the first millennium BC it is attested among the Aramaeans in the eighth century<sup>9</sup> and among the Assyrians in the eighth<sup>1</sup> and seventh centuries.<sup>2</sup> These later non-Israelite examples should be compared with what seems to have been the practice in Judah in the days of Jeremiah, towards the end of the seventh century. The prophet took the men of Judah to task for their wanton rejection of a covenant they had entered into with Yahweh. His words are of considerable significance for the interpretation of a type of formula which also occurs in non-biblical texts — 'And the men who transgressed my covenant and did not keep the terms of the covenant which they made before me, I will make like the calf which they cut in two and passed between its parts' (RSV).<sup>3</sup> A formula from the eighteenth century BC treaty between Abban of Alalāḥ and Iarimlim of Iamḥad seems to reflect the same kind of thinking. When Abban placed himself under oath to Iarimlim he cut the throat of a sheep and declared '(Let me so die) if I take back that which I gave thee'.<sup>4</sup>

<sup>6</sup> Gn. 15: 9-18; Ex. 24: 4-8; Je. 34: 18.

<sup>7</sup> Gn. 26: 30; 31: 54; Jos. 8: 31.

<sup>8</sup> D. J. Wiseman, *J.C.S.*, XII, 1958, pp. 126, 129, lines 40-42; C. F. Jean, *A.R.M.*, II, 37, 6-14; G. Dossin, *Syria*, XIX, pp. 108ff.; *Mélanges Syriens*, II, pp. 981ff.

<sup>9</sup> A. Dupont-Sommer, *op. cit.*, Sefiré Stele Ia, lines 7, 40.

<sup>1</sup> E. F. Weidner, *A.f.O.*, VIII, pp. 17-27, obv. I, lines 13f.

<sup>2</sup> D. J. Wiseman, *The Vassal Treaties of Esarhaddon*, lines 551ff. It is possible, however, that this example may not have to do specifically with the oath-taking ceremony in such a definite way. It is part of a series of imprecations, not a solemn act.

<sup>3</sup> Je. 34: 18.      <sup>4</sup> D. J. Wiseman, *J.C.S.*, XII, p. 129, lines 40ff.

It is evident, therefore, that a practice which is known in treaty ceremonies in the ancient Near East at least as early as the eighteenth century BC and which was still in use in the seventh century BC had its counterpart in Israel's covenant ceremonies. Our understanding of the significance of the ritual sacrifices in these treaty and covenant ceremonies is dependent on the total evidence. While it is important for the Old Testament student to take note of the place of the ritual sacrifice in the Near Eastern 'secular' treaties, it is equally important to realize that the Old Testament sometimes throws light on the Near Eastern procedures. The passages in Jeremiah and elsewhere in the Old Testament may well provide the true interpretation of the meaning of the ritual sacrifice in treaties and covenants all over the ancient Near East.<sup>5</sup>

Again, there is some evidence that the standard Old Testament expression for 'make a covenant', *kārat berît*, had its counterpart in the lands around Israel. Important documents from Qatna, dating to the fourteenth century BC and referring to agreements entered into by two distinct groups of men to undertake some kind of service in consideration of certain remuneration, commence with the expression *TAR berîti*, that is *parāsu berîti*, the Akkadian expression for 'cut a *berît*'.<sup>6</sup> It may be conjectured that the origin of the expression is to be sought in the practice of cutting up a beast in order to ratify a treaty.

#### b. *The origin of the covenant idea in Israel*

The opinion of J. Wellhausen<sup>7</sup> in the latter part of the nineteenth century that the idea of the covenant arose rather late in the course of Israel's religious development, chiefly under the influence of the eighth-century prophets, must now be questioned. Quite apart from the metaphor of the suzerain-vassal relationship, Israel's ancestors were aware of a deep personal relationship existing between their God and themselves at an early date. But, in fact, the relationship between a vassal and his overlord was, in some respects, akin to that between a man and his deity. Illustrations of the lord-servant relationship in religion are avail-

<sup>5</sup> A combination of Gn. 15: 8-10, 17 and Je. 34: 18 gives a good deal of evidence about exact procedures. It is not without interest that similar practices obtained among the Greeks and Romans, to judge from the expressions *horkia temnein* (Gk. to cut an oath), and *foedus icere, percutere, ferire* (Lat. to strike, cut, smite a league or treaty).

<sup>6</sup> W. F. Albright, B.A.S.O.R., 121, 1951, pp. 21ff.

<sup>7</sup> J. Wellhausen, *Prolegomena to the History of Israel*, E.T. 1885, p. 417.

able from the early second millennium BC.<sup>8</sup> The onomastica of the ancient Near East, as well as of the Old Testament, show that it was common for a clan chief to be associated in an intimate personal way with a deity and even to have his own name for the deity.<sup>9</sup> Such expressions as 'God of Abraham', 'the Fear of Isaac',<sup>1</sup> 'the Champion of Jacob', indicate that the same sense of a close personal tie between the patriarchs and their God obtained among the ancestors of Israel.<sup>2</sup> When such men entered into a covenant they took their oath calling on the name of their God.<sup>3</sup> The same close association between a clan and its deity is to be seen in the names compounded with the elements 'ab', 'ah, and 'am.<sup>4</sup> Such simple pairs as Abiezer-Eliezer and Abimelech-Elimelech show that these elements could be interchanged with El or with other divine elements indicating that the deity was the 'father', 'brother', or 'kinsman' of the tribe.<sup>5</sup> There was, however, no sense of familiarity in this recognition of relationship for names compounded with *Sûr*, (rock), *Shaddai* (mountain), and 'El (God) suggest that deity was conceived in terms of grandeur, dignity, and even of awe. Further, peoples in the ancient Near East looked to their gods to secure for them a home to live in, and descendants to inherit their land of promise. So vital were these two elements that the treaty documents list them both among the 'blessings' and 'curses' of the treaty.<sup>6</sup> The promise of both a 'land' and a 'seed' was a simple concomitant of the close relationship that existed between a clan and its god.<sup>7</sup>

<sup>8</sup> The use of the common Semitic noun 'bd in theophoric names provides abundant evidence of the fact. See W. W. G. Baudissin, *Kurios als Gottesname*, III, pp. 196ff., 228ff., 524ff., 532ff.

<sup>9</sup> A. Alt, *Der Gott der Väter*, 1929. This work was based largely on Aramaean societies in the early Christian centuries but good evidence from much earlier is now available. See J. Lewy, *R.H.R.*, 110, 1934, pp. 29-65, especially pp. 50-64 where examples are given from the Cappadocian tablets of c. 1900 BC. See also W. F. Albright, *From the Stone Age to Christianity*, 2nd Ed., 1957, p. 243.

<sup>1</sup> W. F. Albright, *ibid.*, p. 248, translates 'kinsman' following Ugaritic, Hebrew, Aramaic, and Hebrew words that are related in their root meaning.

<sup>2</sup> Gn. 28: 13; 31: 42; 31: 53; 49: 24; Ex. 3: 6.

<sup>3</sup> Gn. 31: 44-55. Each swore in the name of the God of his father's clan.

<sup>4</sup> J. Bright, *A History of Israel*, 1960, pp. 89f. gives a long list of such names from the Old Testament and claims that this type of name is rare after the tenth century but common until then.

<sup>5</sup> These names may be taken as having some such meaning as 'My (divine) Father/Brother is (my) king', etc.

<sup>6</sup> J. B. Pritchard, *op. cit.*, p. 205, where both the lists of blessings and curses contain references to 'family' and 'lands'.

<sup>7</sup> The attempt of J. Hoftijzer, *Die Verheissungen an die drei Erzväter*, 1956, to relegate to a later date a good deal of the material which relates to the patriarchal promises is vigorously opposed by M. Noth in *V.T.*, VII, 1957, pp. 430-433.

With a background of beliefs similar to these, the essential core of the tribes that eventually made up Israel was already conditioned to receive a new concept which had sufficient in common with these older beliefs to make the newer idea acceptable. The migration of these tribal groups to Egypt and their remarkable, nay miraculous, deliverance from bondage after hundreds of years, provided their leader, Moses, with opportunity to declare that their Deliverer was none other than the God of their fathers, now to be known by the name Yahweh.<sup>8</sup> He was not, however, merely their Father, Brother, and Head of their tribes, but also their King, who, out of His own sovereign will, now intended to grant them a 'land' both for the 'seed' that had come into being during the days of bondage, and for the 'seed' that was yet to be. He as their King was now inviting them to enter into a covenant with Him and to undertake obligations of a most demanding kind. Here was a *Sitz im Leben* which was not unlike that in which the Hittite kings took their vassals into treaty relationship.

Nor was the idea completely foreign to Israel's forebears. Their ancestors in Northern Mesopotamia must have been thrown against stronger powers and perhaps forced to undertake local treaties like the people in the neighbourhood of Mari. After their arrival in Palestine they seem to have undertaken minor treaties.<sup>9</sup> Then, from the days of the Hyksos rulers, c. 1720-1550 BC, and on into the period of Egyptian rule under the eighteenth and nineteenth dynasties the feudal system prevailed in Palestine. There was, indeed, hardly a time when the ancestors of Israel were out of contact with the suzerain-vassal idea. Hence, when Israel was finally born as a nation shortly after 1300 BC she was heir to a wealth of past experience of covenant relationships of one kind and another which she could bring to the service of her faith. It required a Moses to provide a new focus for all her past experience. The metaphor of the suzerain-vassal treaty lay ready to hand.

The fact that the Near Eastern treaty pattern features so strongly in the Exodus-Sinai sequence of events has been taken, and not without good reason, as evidence of the fact that it was Moses who first made use of the suzerain-vassal metaphor to express the idea of Yahweh's sovereignty over Israel.<sup>1</sup> The set-

<sup>8</sup> Ex. 6: 3-8. The question of whether the name was more ancient than the Exodus need not be raised here. Certainly, after the Exodus the name of Israel's covenant God was Yahweh.

<sup>9</sup> Gn. 14: 13; 21: 22-32; 26: 26-31.

<sup>1</sup> G. E. Mendenhall, *op. cit.*, pp. 35-41.

ting forth of a historical prelude in which the benevolent acts of Yahweh on behalf of His people were made the ground of His appeal to them to enter into covenant with Him was quite in keeping with Near Eastern practice in the second millennium BC and was widely current in the days of Moses. Far from there being any problem in seeing a historical continuity between the Exodus and the Sinai events,<sup>2</sup> the Exodus event was a necessary prelude to the Sinai event in which Yahweh presented Israel with His covenant stipulations. Nor is there any serious reason to propose any other historical prelude than the Exodus as the ground for the Mosaic covenant. Certainly, no other is offered in the pages of the Old Testament documents. There are strong grounds for accepting the picture in Exodus as authentic.

*c. The interpretation of certain aspects of the teaching of the prophets*

It is not possible to say, finally, to what extent the teaching of the prophets was original. It would seem more likely, in general, that the prophets were not innovators, but rather reformers who constantly recalled Israel back to her ancient faith.<sup>3</sup>

There is considerable evidence that the prophets were influenced, either directly or indirectly, by lines of thinking associated with the Near Eastern treaty concept. Thus in their interpretation of the historical events of their day they appear to have had recourse time and again to the simple formula 'Obedience to Yahweh's covenant results in "blessing", while disobedience results in "cursing"'.<sup>4</sup> It may be, of course, that even the Near Eastern treaties were dependent on viewpoints that had a much wider reference, so that the prophetic thinking stemmed from a wider background still. Yet there are indications that the prophets may have had in mind the picture of a people under obligation to their King whose laws were neglected at the people's peril. The view of history expounded in Joshua-2 Kings is based on some such understanding of the nature of Yahweh's covenant. When Israel did evil in the sight of Yahweh, forgot His laws and served other gods she suffered evil consequences for her

<sup>2</sup> Both M. Noth and G. von Rad find difficulty in such a continuity and give expression to it in their writings. See M. Noth, *A History of Israel*, pp. 133ff., for example.

<sup>3</sup> N. W. Porteous, 'The Prophets and the Problem of Continuity', *Israel's Prophetic Heritage*, Essays in honour of J. Muilenburg, 1962, pp. 11-25.

<sup>4</sup> Am. 3: 10, 11; Ho. 6: 7-11; Is. 1: 19, 20; Mi. 2: 1-4; Je. 11: 3-5; Mal. 3: 5, 6, 16-18.

rebellion.<sup>5</sup> The following extract from 2 Kings 17 will illustrate the standard approach to divine judgment: 'And it was so, because the children of Israel had sinned against the Lord their God, which brought them up out of the land of Egypt from under the hand of Pharaoh . . . , and had feared other gods, and walked in the statutes of the nations, . . . and rejected his statutes, and his covenant that he made with their fathers, . . . and made them molten images, even two calves, and made an Asherah, and worshipped all the host of heaven, and served Baal. . . . Therefore the Lord was very angry with Israel, and removed them out of his sight'.<sup>6</sup> While the final editor of the block of literature Joshua-2 Kings is not known, the prophetic influence on his thinking seems to be clear.

If some doubt remains about the influence of the Near Eastern treaty concept on such thinking it would seem that the many references in the prophets to a covenant law-suit point to the influence of the treaty idea. It has been cogently argued recently that there is, in the law-suits in the prophets, a fusion of actual court procedures and the Near Eastern treaty pattern.<sup>7</sup> According to H. B. Huffmon<sup>8</sup> the law-suit in the prophets follows a fairly standard literary form consisting of an introduction in which the scene of the judgment is described; an address by the plaintiff, who is also the judge, in the form of questions which actually list the accusations to which the accused has no adequate reply;<sup>9</sup> a résumé of the past benevolent acts of the plaintiff and the ingratitude of the accused;<sup>1</sup> and finally, the indictment of the accused.<sup>2</sup> This latter feature is sometimes presented in the form of an exact judgment and sometimes in the form of a warning concerning the evil results of a breach of covenant. In a number of cases witnesses are called to attest that the covenant has been broken. Heaven and earth are commonly called, no doubt in view of their permanence and reliability.<sup>3</sup> In some passages the

<sup>5</sup> Jos. 7; Jdg. 2: 1-20; 2 Ki. 17: 7-23. It is of some interest to note that there are cases in the Near Eastern treaty documents where the vassals are accused of 'forgetting' the kindness of their overlord. See W. L. Moran, *Biblica*, 44, 2, 1963, p. 219.

<sup>6</sup> 2 Ki. 17: 7, 8, 15, 16, 18.

<sup>7</sup> H. B. Huffmon, 'The Covenant Lawsuit in the Prophets', *J.B.L.*, LXXVIII, 1959, pp. 285-295. Cf. G. E. Wright, 'The Lawsuit of God: A Form-Critical Study of Deuteronomy 32' in *Israel's Prophetic Heritage*, 1962, pp. 26-67.

<sup>8</sup> In his discussion Huffmon follows the earlier work of H. Gunkel and J. Begrich, *Einleitung in die Psalmen*, 1933.

<sup>9</sup> Is. 1: 11, 12; Mi. 6: 3; Je. 2: 5, 6.      <sup>1</sup> Is. 1: 2, 3; Mi. 6: 4, 5; Je. 2: 7-28.

<sup>2</sup> Is. 1: 16-20; Mi. 6: 8; Je. 2: 31-37; Ps. 50: 22, 23.

<sup>3</sup> Dt. 32: 1, 2; Je. 2: 12; Ps. 50: 1-7.

futility of ritual acts or of trust in other gods is declared.<sup>4</sup>

The picture in these law-suits is well known in the context of the Near Eastern vassal treaties. Great kings sent their agents or messengers to rebel vassals to point out to them the futility of trust in other helpers or in other gods in case of rebellion. Moreover, the consequences of rebellion were quite regularly declared in such cases. It would seem that the law-suit was a means by which a suzerain either declared war on a rebellious vassal, or issued an ultimatum to one who was beginning to show signs of rebellion. Both in the Old Testament and in contemporary Near Eastern literature we have evidence of these two kinds of law-suit.<sup>5</sup>

The threats of divine judgment which occur so often in the prophetic writings and in other parts of the Old Testament should be understood against the background of covenant breach. It is of some interest to note that among the curses written into the Near Eastern treaties at an early date were siege, warfare, famine, fire, exile, and destruction of life, family, cities, houses, and lands. The presence of such elements in the threats uttered by the pre-exilic prophets should not lead commentators to the conclusion that these were inserted among the genuine utterances of the pre-exilic prophets only after the exile had taken place. Similar curses were certainly to be found in Near Eastern treaty texts a thousand years and more before the pre-exilic prophets began to preach. For the same reason there would seem to be no necessity to assign similar lists in Leviticus and Deuteronomy to post-exilic editors.<sup>6</sup>

#### *d. The worship of Israel*

There is evidence in the pages of the Old Testament that in at least some areas of her worship Israel made use of the literary *schema* of the Near Eastern treaty.

To some extent, of course, the great national occasions of covenant renewal were also occasions of worship, for Israel 'stood before Yahweh' to engage in such ceremonies. It is not difficult to discern the Near Eastern treaty pattern behind some of the narratives which describe such ceremonies.<sup>7</sup>

<sup>4</sup> Is. 1: 13-15; Mi. 6: 6, 7; Je. 2: 26-28; Ps. 50: 8-13.

<sup>5</sup> J. Harvey, 'Le "RIB-pattern" réquisitoire prophétique sur la rupture de l'alliance', *Biblica*, 43, 2, 1962, pp. 172-196, especially pp. 180-188.

<sup>6</sup> Lv. 26: 14-43; Dt. 27: 15-26; 28: 15-68. Cf. F. C. Fensham, 'Malediction and Benediction in the ancient Near Eastern treaties and in the Old Testament', *Z.A.W.*, 1962, pp. 1-9.

<sup>7</sup> Dt. 29; Jos. 23; 24; 2 Ki. 23: 1-3. The phrase 'stood before Yahweh' is not always used, but see Jos. 24: 1; 1 Sa. 12: 7; Ezr. 10: 1; Ne. 9: 3. Cf. Ex. 19: 3.

But in areas that were more specifically concerned with worship, certain aspects of the Near Eastern treaty pattern are quite prominent. Even in the simple annual Passover ceremony there was a recounting of the delivering acts of Yahweh and an appeal to Israel on that ground to obey His commandments.<sup>8</sup>

It is the Psalter, however, which provides the best insight into the worship of Israel. There is, to be sure, no detailed setting forth of Israel's temple liturgies. But the association of worship with the covenant is quite clear. The focal point of worship in the temple was the 'ark of the covenant' which was the throne of Yahweh and which housed the two tables of stone whereon were written the covenant stipulations.<sup>9</sup> In worship, the 'righteous acts of Yahweh' were declared,<sup>1</sup> His will, as expressed in His commandments, was set before the people, and their obedience was commanded. Yahweh's status as King is referred to in many passages.<sup>2</sup> As Israel's sovereign He could command her total allegiance and require her to depart from every other allegiance.<sup>3</sup> Psalm 81 is typical of many others. Here the people are invited to sing God's praises on the solemn feast day. God's acts of deliverance in Egypt were recalled (verse 10), reference was made to the fact that God had declared His will for His people (verses 9, 11, 13), and the people were reminded that blessing would attend obedience (verses 14-16), and judgment disobedience (verses 11, 12).<sup>4</sup>

Such glimpses as we are able to gain from the Psalter suggest a certain parallelism between the shape and content of some aspects of the temple liturgy and the Near Eastern treaty pattern, although it is not possible to say whether this was deliberate and direct, or unconscious and indirect. It might be argued that the shape of the liturgy was determined, in part, by the shape of the original Sinai covenant event,<sup>5</sup> and that once fixed it was followed without conscious thought about its origin in many cases. Some scholars have, indeed, suggested that in Israel there was an annual covenant renewal festival.<sup>6</sup> Be that as it may,

<sup>8</sup> Ex. 13: 3, 8, 9, 14; Dt. 6: 20-24; 2 Ki. 23: 1-3, 21.

<sup>9</sup> Ex. 30: 6, 36; 25: 22; 29: 42f.; cf. 1 Ki. 12: 26ff.; 2 Ki. 11: 4, 12, 17; 23: 1-3.

<sup>1</sup> Pss. 78; 105 (especially verses 12-41); 106; 107; etc.

<sup>2</sup> Pss. 47; 93; 96; 97; 98; 99. <sup>3</sup> Pss. 40: 4; 92: 9, 10; 96: 10; 99: if., etc.

<sup>4</sup> Cf. the blessings in Ps. 132: 12-18, and the curses in Ps. 95: 8-11.

<sup>5</sup> In the Christian Church the shape of the Easter liturgies is determined in large part by the order in which the events of the Passion took place. Cf. the great musical compositions, such as Handel's *Messiah*, which follow a historical order, and are, in a sense, liturgical in nature.

<sup>6</sup> S. Mowinckel, *The Psalms in Israel's Worship*, E.T. 1962, pp. 157-164. Some forms of this theory are associated with the idea of an annual enthronement

and it is by no means unlikely, the tremendous importance of the covenant in Israel is made very clear in the Psalter, both from the numerous specific references to it, and also from the constant appeal to Israel to bring her obedience and her worship to Yahweh in response to all His gracious activity on her behalf.<sup>7</sup> The extent to which the Near Eastern treaty pattern influenced the liturgies of Israel merits a good deal of investigation.

*e. The Near Eastern treaty pattern and literary criticism*

The Near Eastern treaty *Gattung* was, as we have seen, a well-defined literary form both as a complete unit and also in many of its details. The pattern had, moreover, been fairly standard for a considerable time before Israel emerged as a nation sometime in the thirteenth century BC. The recognition of this fact is important for some areas of Old Testament literary criticism.

It would seem reasonable that where elements of the standard Near Eastern treaty pattern occur in close proximity in a given passage they ought to be regarded as essential to the passage and ought not to be eliminated as they have been by some commentators in the past century. While editorial activities certainly went on, it should not be assumed that these were such as to obscure an original pattern, but rather, where such a pattern forms the framework of a given passage, the elements ought not to be disturbed.

Thus if the protasis of the conditional sentence in Exodus 19 : 5 is eliminated, as it is by some writers,<sup>8</sup> an essential feature of many covenants both in the Old Testament and in ancient Near Eastern texts is destroyed, while this particular passage is robbed of much of its force. Again, the elimination of significant elements from Exodus 34 disturbs the covenant pattern.<sup>9</sup> A close study of this passage reveals that it contains a historical prologue

festival of Yahweh, much in the style of the enthronement festivals for some of the gods of the Near East. Such a view has been firmly rejected by many scholars. However, the need for constant covenant renewal in Israel may well have given rise to an annual covenant renewal ceremony, conducted, of course, in the presence of Yahweh.

<sup>7</sup> The Hebrew verb for 'worship' is closely related to an Ugaritic verb form with the meaning 'bow oneself down, stoop'. The verb is particularly common in the Psalter. See Pss. 5 : 7; 22 : 27, 29; 29 : 2; 45 : 11; 66 : 4; 81 : 9; 86 : 9; 95 : 6; etc. The use of such a verb provides a link with the suzerain-vassal milieu in which a vassal prostrated himself before his suzerain as a mark of acknowledgement, obedience and allegiance.

<sup>8</sup> M. Buber, *Moses*, 1946, p. 101. For other occurrences of the covenant conditional in the Old Testament see Ex. 15 : 26f.; Lv. 26 : 3ff., 14ff., 21ff.; Nu. 32 : 20f.; Dt. 28 : 1ff.; 1 Ki. 3 : 14; 11 : 38; etc.

<sup>9</sup> According to some writers this chapter has to be divided among the various documentary sources. See S. R. Driver, *An Introduction to the Literature of the Old Testament*, 1913, pp. 39f.; R. H. Pfeiffer, *Introduction to the Old*

(verses 10f.), a statement of general principles (verses 11a, 14), and in particular the prohibition of other allegiances (verses 12a, 15a), a list of specific stipulations (verses 17-26), and a reference to a covenant document. The passage is, moreover, set in a wider context in which the narrator tells how an original covenant was broken and the covenant document smashed (chapter 31), so that a new document was required, together with a renewal of Israel's allegiance to Yahweh in a new covenant ceremony. All of these factors are thoroughly in keeping with what might be found in a Hittite treaty document in the period 1400-1250 BC. In addition, such features as the change in person (verses 10, 14), the exhortation to appear three times annually before Yahweh as the suzerain of Israel (verse 23), and the double covenant ceremony in which first Moses<sup>1</sup> and then the people entered into a covenant with Yahweh, are well known in the Hittite texts. In the light of this close correspondence, both in the general picture and also in its details, between Exodus 34 and the Near Eastern treaty pattern, the elimination of some sections of this chapter on grounds that these are due merely to editorial activity should not be too quickly undertaken.<sup>2</sup>

Another illustration comes from Joshua 24, which, as we have already seen, contains a number of parallels to the Near Eastern treaty pattern.<sup>3</sup> To be sure, the passage is not set out in formal fashion like a Hittite treaty, and it differs from such a treaty in that no pantheon of divine witnesses appears. Nor is Yahweh a great earthly monarch. But the parallels between Joshua 24 and the Hittite treaties are too close to permit the elimination of any element that is essential to the complete *Gattung* without far stronger reasons than have generally been offered.<sup>4</sup>

*Testament*, 1953, pp. 221-226; J. C. Rylaarsdam, *Interpreter's Bible*, Vol. 1, pp. 1076-1077. Unless it be agreed that editors preserved an original pattern there is a grave danger when such an attempt is made to divide the material of Ex. 34 between several documents, that some parts of the pattern may be regarded as intrusive.

<sup>1</sup> The LXX and Peshitta versions suggest that in Ex. 34: 10 the original text read 'I make a covenant with thee'. See *B.H.* 3, *in loc.*

<sup>2</sup> M. Noth, *Exodus*, E.T. 1962, p. 260; G. Beer, *Exodus*, pp. 159-163. The so-called ritual Decalogue in this chapter is by no means easy to identify, as a study of various commentators will show. But ritual stipulations were to be found among the general stipulations in the Near Eastern documents and would not be out of place in Yahweh's covenant document. They served to stress the sovereignty of Yahweh.

<sup>3</sup> See section II, b, pp. 20ff.

<sup>4</sup> M. Noth, *Das Buch Josua*, 1938, pp. 105-110, gives a typical treatment. Note that the resemblance between Jos. 24: 13 and Dt. 6: 10f. does not point to a dependence of one on the other. Similar lists occur in texts from Ugarit. See J. Nougayrol, *op. cit.*, documents 17.340, 17.62.

One final illustration may be taken from Genesis 31: 44-55, which describes a simple intertribal agreement. The standard documentary hypothesis divides the material in this passage between the J and E documents. Yet it may be fairly stated that neither the J nor the E material gives the complete picture. When the two strata are combined a total picture emerges which contains several of the standard elements of the covenant pattern. It would seem to be more likely that there was an original covenant pattern which later editorial processes failed to obscure. Perhaps, in fact, the attempt to divide the existing narrative into two strata is artificial.<sup>5</sup>

Many other passages in the Old Testament can be subjected to a similar investigation, both those which deal with the covenant between Yahweh and Israel, and those which refer to intertribal covenants. It would seem to be a reasonable assumption that wherever the elements of the standard Near Eastern treaty pattern occur in a passage dealing with a covenant, there are good grounds for accepting their originality. Further, where such passages contain such details as a change in subject, a description of lands, an injunction to appear at regular intervals before Yahweh, etc., these details should also be regarded as, very likely, original.

#### f. *The vocabulary of covenant*

The Near Eastern treaties of the second and first millennia BC provide valuable information about the language used to express the relationship between a suzerain and his vassal in the lands surrounding Israel. A comparison of the terms used in the Near Eastern treaty texts with those used in the Old Testament reveals many points of similarity.

In the first place there are a number of terms that are etymological equivalents. The Near Eastern treaties are written for the most part in Akkadian and Aramaic, languages that are cognate with Hebrew.<sup>6</sup> Thus the Hebrew noun *segullah* which is used to describe Israel as Yahweh's 'treasured possession' in several passages in the Old Testament<sup>7</sup> is a strict etymological equivalent of the Akkadian *sikiltu* which occurs on a treaty seal from Alalah to describe the king as a 'treasured possession' of

<sup>5</sup> J. A. Thompson, 'The "Deuteronomic" Editors and the Covenant *Gattung* in the Old Testament', *The Theological Students' Fellowship Bulletin*, No. 37, Autumn 1963, pp. 5-9; 'The significance of the Ancient Near Eastern Treaty Pattern', *The Tyndale House Bulletin*, No. 13, Oct. 1963, pp. 3f.

<sup>6</sup> There are versions of the Hittite treaties in the Hittite language. See above, p. 11, n. 8.

<sup>7</sup> Ex. 19: 5; Dt. 7: 6; 14: 2; 26: 18; Ps. 135: 4.

the god. Again the terms *yāšār*, *mēšarīm* and *mīšōr*, all of which are used in the Old Testament to define the quality of 'rightness' or 'straightness' in reference to the requirements of Yahweh's covenant, have a close etymological equivalent in the Akkadian term *mēšarum* which also defined 'rightness' in numerous Akkadian documents. And again, the verb *ḥaṭû* and the noun *ḥiṭu*, both meaning literally 'sin', were commonly used in treaty documents to define an act of rebellion. They are exactly equivalent to the Hebrew verb *ḥātā'* and the noun *ḥaṭṭā'th*, both of which define rebellion against Yahweh, Israel's covenant Lord.

In the Aramaic Sefiré documents the verb *šm'* means 'obey', literally 'hear'. The same verb is used in Hebrew although it is there regularly construed with the preposition *b* so that the phrase means literally 'hear into', a vivid expression for that deliberate attention to the words of a king that results in obedience. The Sefiré texts also make use of the verb *šqr* 'lie', 'act falsely' to describe an act of rebellion. The same usage is found occasionally in covenant contexts in the Old Testament.<sup>8</sup>

Apart from etymological equivalents, there are numerous semantic equivalents to Near Eastern terms in the Old Testament. Thus the Hebrew expression *'ābhar berīt*, 'transgress a covenant'<sup>9</sup> is an exact semantic equivalent to the Akkadian expression *māmīt/niš ilāni etēqu*, 'transgress the oath of the gods'. Further, a number of individual terms in the Near Eastern treaty documents have semantic equivalents in Old Testament covenant contexts. Thus the Akkadian *awāte* and the Hebrew *deḥārīm* both mean literally 'words', and both define the covenant stipulations; the Akkadian *šēbu* and the Hebrew *'ēd* both denote 'witness'; the Akkadian *māmītu* and the Hebrew *šebū'āh* both denote 'oath'; the Akkadian *arratu* and the Hebrew *'ālāh* both mean 'curse'. In each case the terms are regularly used in treaty or covenant contexts.

These equivalents make it clear that certain aspects of the Old Testament covenant language were rooted in the wider Near Eastern environment. Indeed, it is true to say that the formal and legal elements of the covenant between Yahweh and Israel were expressed in terms which were very similar to those used in the Near Eastern treaties. Even such a term as 'love' which

<sup>8</sup> Gn. 21: 23; Is. 63: 8; Pss. 44: 18; 89: 35. There are many other virtually synonymous expressions for 'lie', 'deceive', etc., which describe Israel's rebellion against Yahweh.

<sup>9</sup> Dt. 17: 2; Jos. 7: 11, 15; 23: 16; Jdg. 2: 20; 2 Ki. 18: 12; Ho. 6: 7; 8: 1.

has always seemed to be unique in the covenant between Yahweh and Israel is now known to have a semantic equivalent in the treaty texts of the Near East.<sup>1</sup> Both suzerains and vassals were expected to show some measure of devotion to one another, at least in a formal way.

In general, both in the Old Testament and in the Near Eastern treaties the parties were described as 'king' or 'lord' on the one hand, and 'servant' on the other. The covenant stipulations were known as 'words' or 'commandments'. All treaties and covenants had 'witnesses' to the 'oath' that was taken. The verbs 'rule', 'love', 'serve', 'bless', 'curse', 'obey', 'swear', 'cause to swear', 'call as witness', and others besides, all belong to the same general *Sitz im Leben*, namely to the suzerain-vassal society which gave rise to the Near Eastern treaties, and which provided a pregnant metaphor for the expression of the covenant between Yahweh and Israel.

Clearly the covenant between Yahweh and His people Israel could not find full expression in such legal and formal terms, even if these were important aspects of the covenant. There were deeper ranges to Yahweh's covenant with His people which was, of course, a religious and not a political covenant. It may be difficult to isolate a completely unique set of verbs and nouns which may be described as Israel's special covenant vocabulary, but it seems clear that there was, in fact, a group of terms which may be regarded as giving definition in a special way to the covenant between Yahweh and His people.

Thus whereas the great kings of the East were at pains to describe their acts of deliverance on behalf of their vassals, it may be fairly claimed that Yahweh's acts of deliverance reached beyond the physical and extended to the moral, the spiritual and the eschatological realms. The verbs *hiššîl*, *hôšî'a*, *gā'al*, and *pāqāh* define not merely deliverance from physical enemies, but also from such enemies as 'fear', 'troubles', 'death', 'sin', and 'transgression'. In their widest connotation they describe Yahweh's ultimate deliverance of His people in the eschatological age from every foe so that at last they enjoy the life of complete well-being.<sup>2</sup>

<sup>1</sup> The Akkadian verb *rāmu* occurs frequently in the Amarna letters of the fourteenth century BC to express the relationship between the Pharaoh and his vassals. See W. L. Moran, 'The Ancient Near Eastern background of the love of God in Deuteronomy', C.B.Q., XXV, 1, 1963, pp. 77-87.

<sup>2</sup> Hebrew *šālôm* defines the totality of well-being, physical, moral, social, religious, political, etc. Ezk. 34: 25; 37: 26 refer to the eschatological 'covenant of peace'.

Again, there does not seem to be an exact equivalent in the treaty texts to the Hebrew *hesed* which may be defined as 'covenant loyalty' or 'covenant faithfulness'. In Israel the term denoted a depth of personal commitment in a covenant relationship which involved the participants in obligations extending far beyond what could be set down formally as covenant stipulations.

Further, while there were instances of vassals in the Near East who 'returned' to their suzerain after rebellion with a genuine 'repentance', the whole concept of 'turning', whether away from evil to Yahweh, or away from Yahweh to evil, became a prominent feature of Israel's covenant language.<sup>3</sup> The idea of 'turning' was closely connected in Israel with either judgment or forgiveness. But whereas there was no guarantee that a repentant vassal would be forgiven by his Near Eastern suzerain, it was of the very nature of Yahweh to exercise His royal prerogative and display the quality of mercy towards one who repented. The nouns 'forgiveness', 'mercy' and 'favour' feature strongly in Israel's covenant vocabulary. They define the character of Yahweh in terms that are almost unique in the feudal society of the Near East, although it must be granted that at times Near Eastern suzerains did exercise their royal prerogative to extend forgiveness, mercy and favour to rebel vassals.

Again, while there were formal covenant stipulations in the covenant between Yahweh and Israel, the obligations laid on Israel could never be defined in terms of a list of specific requirements. The range of Israel's obligations could only be defined in the broadest of terms. Hence great ethical concepts which were expressed in terms of the derivatives of the roots 'mn, šdq, špt, and yšr were taken up and such nouns as 'truth', 'faithfulness', 'right doing', 'righteousness', 'justice', and 'right' feature again and again in covenant contexts in the Old Testament.

A comparative study of the total vocabulary of the Near Eastern treaty texts and the Old Testament covenant contexts will indicate that Israel had her own emphases in describing the covenant between Yahweh and herself. There is a sense, therefore, in which Israel had to make use of a special covenant vocabulary alongside the standard Near Eastern treaty vocabulary in order to give adequate expression to her own unique covenant with Yahweh her God.

<sup>3</sup> W. L. Holladay, *The root ŠUBH in the Old Testament*, 1958, pp. 116-157.

## CONCLUSION

The significance of the Near Eastern treaties for some aspects of Old Testament studies is clear. It would seem, however, that a great deal more work remains to be done before their value for Old Testament research has been exhausted. In any case, there is every possibility that, with continuing archaeological work in the Near East, yet other treaty documents will come to light to increase our present knowledge of the nature of these treaties. Among the topics that require investigation are the identification and study of unexplored areas in the Old Testament where the covenant *Gattung* occurs; the form-critical investigation of many passages in the Old Testament with the aid of the Near Eastern treaty pattern; the exploration of many aspects of the covenant vocabulary; the study of the prophetic 'controversies' with Israel for her breach of covenant in the light of Near Eastern parallels; the influence of the Near Eastern treaty pattern on many areas of Israel's worship; the nature and significance of the covenant *Gattung* in the later literature of Israel such as that which was current in the Qumran community; and the significance of the Near Eastern treaty pattern for New Testament studies. Progress in similar investigations in the last decade has been considerable and gives hope of a great deal more in the future.