

## ***On the Commonalities of Deuteronomy 13 with Ancient Near Eastern Treaties***

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*This article evaluates the numerous potential influences upon Deut 13 from ancient Near Eastern treaties. After assessing both the features Deut 13 shares with Hittite, Aramean, and neo-Assyrian treaties and the ways in which Deut 13 is distinct from them, it will become apparent that this biblical text shares some significant literary traits with these ANE treaties, but the degree to which it differs from them does not enable us to confirm literary dependence, a claim many scholars have asserted. Rather, Deut 13 expresses a uniquely Israelite treaty style within a general ancient Near Eastern treaty tradition.*

KEYWORDS: *Deuteronomy 13, ancient Near Eastern treaties, comparative analysis, date of composition*

### INTRODUCTION

Scholars have long recognized that Deut 13 shares common features with ancient Near Eastern treaties, particularly those from the neo-Assyrian and Hittite kingdoms. What has been vigorously debated, however, is the nature of this relationship. In other words, the primary question is whether or not Deut 13 is *directly* influenced by either of these treaty traditions. To aver a direct relationship with neo-Assyrian treaties is to situate this text in the eighth-to-seventh centuries B.C.E, and thus potentially affirm the enduring argument of a Josianic redaction of Deut 12–26, the legal core of the text.<sup>1</sup> On the other hand, to argue for a direct

1. Scholars and works representative of this view include the following: Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Winona Lake, IN: Eisenbrauns, 1992); Paul E. Dion, “Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel during the Late Monarchical Period,” in *Law and Ideology in Monarchic Israel*, ed. Baruch Halpern and Deborah W. Hopson, JSOTSup (Sheffield: Sheffield Academic,

relationship with Hittite treaties is to see this text in the temporal context of its narrative, the Late Bronze Age.<sup>2</sup> Other scholars, however, posit no direct relationship between Deut 13 and these treaties and envision the text as an exilic or post-exilic composition.<sup>3</sup>

Like the last of these, this paper claims that there is no direct influence upon Deut 13 from either the neo-Assyrian or Hittite treaties. Contrary to scholars of this persuasion, however, I argue that what we find in this chapter is a uniquely Israelite treaty composed in the preexilic period. It is a treaty that has resonance with its ancient Near Eastern counterparts simply because it was composed in the ancient Near Eastern cultural milieu. The similarities with other treaties are neither numerous nor close enough, and they constitute only the cultural husk which we may peel away to determine that Israel has composed here a treaty in its own style as an expression of loyalty to its god, YHWH.

The methodology I will employ is comparative; however, some interaction with the historical-critical method will be necessary in order to address the prevalent issue of the dating of this passage. I will look to Deut 13's resonance with neo-Assyrian, Hittite, and Aramaic treaties by

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1991), 147–216; Bernard M. Levinson, *The Right Chorale: Studies in Biblical Law and Interpretation* (Tübingen: Mohr Siebeck, 2008); Bernard M. Levinson, “Esarhaddon’s Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1,” *JAOS* 130 (2011): 337–47; Jeffrey Stackert and Bernard M. Levinson, “The Limitations of ‘Resonance’ A Response to Joshua Berman on Historical and Comparative Method,” *JJS* 130 (2014): 1–140; Bernard M. Levinson and Jeffrey Stackert, “Between the Covenant Code and Esarhaddon’s Succession Treaty. Deuteronomy 13 and the Composition of Deuteronomy,” *JAJ* 3 (2012): 123–40; Jeffrey Stackert, “The Syntax of Deuteronomy 13:2-3 and the Conventions of Ancient Near Eastern Prophecy,” *JANER* 10 (2010): 2–3; Eckart Otto, “Political Theology in Judah and Assyria: The Beginning of the Hebrew Bible as Literature,” *SEA* (2000): 167–84.

2. For this perspective, see the following: Meredith G. Kline, *Treaty of the Great King: The Covenant Structure of Deuteronomy: Studies and Commentary* (Grand Rapids: Eerdmans, 1963); Joshua Berman, “CTH 133 and the Hittite Provenance of Deuteronomy 13,” *JBL* 130 (2011): 25–44.

3. For this perspective, see the following: Timo Veijola, “Warheit Und Intoleranz Nach Deuteronomium 13,” *ZTK* 92 (1995): 287–314; Juha Pakkala, *Intolerant Monolatry in the Deuteronomistic History* (Göttingen: Vandenhoeck & Ruprecht, 1999); Juha Pakkala, “The Date of the Oldest Edition of Deuteronomy,” *ZAW* 121 (2009): 56–65; Christoph Koch, *Vertrag, Treueid Und Bund*, BZAW 383 (Berlin: DeGruyter, 2008); Martti Nissinen, “Prophecy against the King in Neo-Assyrian Sources,” in *“Lasset Uns Brücken Bauen”*: *Collected Communications to the XVth Congress of the International Organization for the Study of the Old Testament, Cambridge 1995*, ed. K.-D. Schunck and M. Augustin, BEATAJ 42 (Frankfurt am Main, 1998), 157–70.

paralleling the relevant aspects of these treaties to the Israelite source. I will examine the commonalities between them in terms of thematic, phraseological, and lexical coherence. In each of these I will also address the historical plausibility of Deut 13’s composition in light of these treaties. Ultimately, I shall show that the other Near Eastern treaties share common features with Deut 13, but that there is no evidence for direct influence from any of them.

COMMONALITIES WITH NEO-ASSYRIAN TREATIES

Since Rintje Frankena’s 1965 article presenting the parallels between Deuteronomy 13 and the Esarhaddon’s Succession Treaty (henceforth known as “EST”),<sup>4</sup> the majority of commentators on Deuteronomy have posited a direct relationship between EST and Deut 13.<sup>5</sup> These have built upon Frankena’s work by suggesting that the relationship between them is one of subversion in which the author of Deut 13 is responding to EST by claiming Israelite allegiance to YHWH, particularly against loyalty to the neo-Assyrian king.

Indeed, the parallels between EST and Deut 13 are striking. For one, the introduction to chapter 13, found in verse 1, displays a reversal of §4, lines 57–61, of EST. This is seen in the table below:

Figure 1

<b>EST §4, line 57-61<sup>6</sup></b>	<b>Deuteronomy 13:1<sup>7</sup></b>
tu-še-šab-a-ni šum-ma a-bu-t’u šâ <sup>m</sup> aš-šur-PAB-AŠ MAN KUR- aššur.KI te-na-a-ni- tu-šâ-an-na-a-	את כל־הדבר אשר אנכי מצוה אתכם אתו תשמרו לעשות לא־תספ עליו ולא תגרע ממנו

4. Rintje Frankena, “The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy,” *OWN* 25 (1965): 122–54. Recently, many scholars have preferred this term against the traditional designation, “Vassal Treaty of Esarhaddon,” or “VTE” for short. This is because this treaty specifically concerns Esarhaddon’s desire to secure his succession more than the more general idea expressed in the traditional term that Esarhaddon is establishing a relationship with his vassals. See footnote 1 in Joshua Berman, “CTH 133 and the Hittite Provenance of Deuteronomy 13,” *JBL* 130 1 (2011): 25.

5. See note 1 above.

6. All EST references are transcribed from Simo Parpola and Kazuko Watanabe, “Esarhaddon’s Succession Treaty,” *State Archives of Assyria Online*, 1988, <http://oracc.museum.upenn.edu/saao/corpus>.

7. All OT citations appear from the Masoretic Text and translations are my own.

ni šum-ma <sup>m</sup> aš-šur-DU- A DUMU- MAN GAL-u ša Ē-UŠ-ti ša <sup>m</sup> aš-šur-PAB-AŠ MAN KUR-aš-šur.KI.EN-ku-un [ũ]-kal-lim-ka-un-ni ḥa-an-un-um- ma la to-da-gal-a-ni	
<b>A.</b> You shall neither change nor alter the word of Esarhaddon, king of Assyria, <b>B.</b> but serve this very Assurbanipal, the great crown prince designate whom Esarhaddon, king of Assyria, your lord, has presented to you, and he shall exercise the kingship and dominion over you.	<b>B’.</b> Every word which I am commanding you, it you shall carefully keep <b>A’.</b> Do not add to it and do not take away from it

Bernard Levinson sees here a direct citation of EST, since this reversal of the order of this so-called covenant formula conforms to the requirements of a citation in Seidel’s Law, in which one text cites another by reversing the order of its elements.<sup>8</sup> Also, there is a strong correlation between the people groups presented in Deut 13 and those listed in both EST and the Zakutu Treaty. The following chart displays this and the other pertinent sections between these three treaties:<sup>9</sup>

Figure 2

<u>EST §10 Lines 108-122<sup>10</sup></u>	<u>Zakutu Lines 18-27<sup>11</sup></u>	<u>Deuteronomy 13</u>
Šum-ma a-bu-tū la DŪG.GA-tū la de-iq-	ũ šum-ma at-tu-nu ta- šam-ma-a-ni tu-da-a-	כִּי־יִקוּם בְּקִרְבְּךָ נְבִיא אוֹ חֵלֶם חֵלֶם וְנָתַן אֵלֶיךָ אוֹת

8. Levinson, “Esarhaddon’s Succession Treaty.”

9. This is seen most forcefully in Levinson., *Right Chorale*, 138–44, 184–93.

10. It should be noted that §12 of EST also retains similarities to Deut 13. However, §12 mostly repeats the material of §10, so for the sake of brevity I have only included §10.

11. Transliteration and translation from Simo Parpola and Kazuko Watanabe, “Zakutu Treaty,” *State Archives of Assyria Online*, 1988, <http://oracc.museum.upenn.edu/saao/corpus>.

<p>tū la ba-ni-tū ina UGU<sup>m</sup> aš-šur-DU-A DUMU-MAN GAL ša E-UŠ-ti DUMU<sup>m</sup> aš-šur-PAB-AŠ MAN KUR-aš-šur EN-ku-nu la tar ša-at-u-ni la ṭa-bat-u-ni lu-u ina pi-I LU.KUR-šu lu-u ina pi-I sal-me-šu lu ina pi-I ŠEŠ-MEŠ-šū ŠEŠ-MEŠ-AD-MEŠ-šu DUMU-ŠEŠ-MEŠ-AD-MEŠ-šū qin-ni-šu NUMUN E-AD-šu lu-u ina pi-I ŠEŠ-MEŠ-ku-nu DUMU-MEŠ-ku-nu DUMU.MI-MEŠ-ku-nu lu ina pi-I LU.ra-gi-me LU.maḥ-ḥe-e DUMU šā-‘i-li a-mat DINGIR lu-u ina pi-I nap-ḥar ṣal-mat-SAG.DU mal ba-šū-u ta-šam-ma-a-ni tu-pa-za-ra-a-ni la ta-lak-a-ni-ni a-na<sup>m</sup> aš-šur-DU-A DUMU-MAN GAL-u šā E-US-te DUMU<sup>m</sup> aš-šur-PAB-AŠ MAN KUR-aš-šur la ta-qab-ba-a-ni</p>	<p>ni ma –a ERIM-MEŠ mu-šam-ḥi-iš-ṣu-u-te mu-šad-bi-bu-u-te ina bir-tuk-ku-nu lu-u ina LU.šā-ziq-ni lu-u ina LU.Sag-MEŠ lu-u ina PAB-MEŠ-šū lu-u ina NUMUN MAN lu-u PAB-MEŠ-ku-nu-lu lu-u EN ṭa-ba-te-ku-nu [lu-u] ina UN-MEŠ KUR gab-bu ta-šam-ma-a-ni [tu-da-a-ni] la ta-ṣab-ba-ta-nin-ni [la ta-du-ka-ni ina] UGU MI.za-ku-te [AMA-šū ū ina UGU<sup>m</sup> aš-šur-DU]-A [MAN KUR-aš] [be-li-ku-nu la tu-bal]-a-nin-[ni]</p>	<p>או מופת  7 כי יסיתך אחיך בן־אמך או־בנך או־בתך או אשת חיקך או רעך אשר כנפשו בסתר לאמר נלכה ונעבדה אלהים אחרים אשר לא ידעת אתה ואבתיך  13 כִּי־תשמע באחת עריך אשר יהוה נתן לך לשבת שם לאמר</p>
<p>If you hear any evil, improper, or ugly word which is not seemly nor good to Assurbanipal, the great crown prince designate, son of Esarhaddon, king of Assyria, your lord, either <b>A.</b> from the</p>	<p>And if you hear and know that there are men instigating armed rebellion or fomenting conspiracy in your midst, <b>A.</b> be they bearded or eunuchs or his brother or of royal line <b>B.</b> of your brothers or friends <b>D.</b></p>	<p><b>C.’</b> <sup>2</sup>If there arises in your midst a prophet, or dreamer of dreams, and he gives to you a sign or wonder...  <b>B’.</b> <sup>7</sup> If your brother, the son of your mother, or your son, or your daughter, or</p>

<p>mouth of his enemy or from the mouth of his ally, or from the mouth of his brothers or from the mouth of his uncles, his cousins, his family, members of his father's line, <b>B</b>. or from the mouth of your brothers, your sons, your daughters, <b>C</b>. or from the mouth of a prophet, an ecstatic, an inquirer of oracles, or from the mouth of any human being at all, you shall not conceal it but come and report it to Assurbanipal, the great crown prince designate, son of Esarhaddon, king of Assyria.</p>	<p>or any one in the entire nation- should you hear and [know] (this), you shall seize and [kill] them and bring them to Zakutu [his mother and to Assurbani]pal, [king of Assyria, your lord.]</p>	<p>the wife of your lap, or your friend whose soul is as yours, incites you in secret, saying, "Let us walk and let us serve other gods whom you have not known, you or your fathers..."</p> <p><b>D'</b>. <sup>13</sup>If you hear in one of your cities which the LORD, your God, is giving to you to live there, saying...</p>
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In these examples, **A** corresponds to those close to monarch, **B** to family and friends of the vassal, **C** to diviners, and **D** to citizens of the land. While **A** is unique to EST, **B** is shared by all three treaties, **C** is only shared between EST and Deut 13,<sup>12</sup> and **D** is common only to Zakutu and Deut 13. These are certainly close thematic parallels between the treaties. Furthermore, both Deut 13 and Zakutu share the phrase "in your midst." Finally, EST and Deut 13 share a cognate expression in the phrase "to speak defection or rebellion."<sup>13</sup>

Historically, Deuteronomy's use of neo-Assyrian treaties has been deemed plausible because neo-Assyrian records indicate that the

12. On this, see especially Weinfeld, *Deuteronomy*, 97.

13. *Ibid.*, 98.

Judean king Manasseh paid tribute to Esarhaddon in the late-eighth to early-seventh centuries B.C.E.<sup>14</sup> The implication here is that Judah would have had on file a treaty from the neo-Assyrians similar to what we find in EST. Then Judean scribes just a few generations later, when the neo-Assyrian empire began to crumble, would respond to this document they received from their suzerain king by transforming “the obligation of loyalty to the Assyrian king to YHWH’s claim of absolute veneration . . .”<sup>15</sup> Eckhart Otto goes so far as to date the translation of a neo-Assyrian treaty into Hebrew in the year 672 B.C.E.<sup>16</sup>

To view Deut 13 in this historical context, of course, assumes the Josianic composition of Deuteronomy. Strong affinities between this chapter and the neo-Assyrian treaties point to a shared temporal context, and this case can be easily made for other reasons. First, there are several Deuteronomic phrases that link this chapter. This includes the following: v. 4b, where Israel is encouraged to “love YHWH, your God, with all your heart and with all your soul”; v. 5, which states, “You shall walk after YHWH, your God, and it is him you shall fear, and it is his commandments you shall observe, and it is his voice you shall listen to, and it is him you shall serve, and to him you shall cleave”; and v.8 , “From the gods of the peoples who are around you, the ones near you or far from you, from the ends of the earth and unto the ends of the earth.”<sup>17</sup> Moreover, the command to stone the offender from 13:11 is also found in 19:22 and 22:21, but in those places the command is for the elders. Dion correctly notes that the punishment of chapter 13 is on such a massive scale (i.e., the eradication of an entire city), that a king can be the only one to carry out such a punishment.<sup>18</sup> Thus, the time of the monarchy provides our context here. Also, while detractors to this theory have posited that EST would not have been available to sixth-century Judean scribes,<sup>19</sup> recent scholarship has become less sure of this. For one,

14. *ANET* 294

15. Otto, “Political Theology,” 63.

16. *Ibid.*, 64–65.

17. Cf. Dion, “Deuteronomy 13,” 188–92. Dion adds more examples, but the ones listed here are the ones I find most convincing.

18. *Ibid.*, 193.

19. For the most recent example, see Markus Zehnder, “Building on Stone? Deuteronomy and Esarhaddon’s Loyalty Oaths. (part 1), Some Preliminary Observations,” *BBR* 19

the discovery of a copy of EST at Tell Tayinat has confirmed that neo-Assyrians composed vassal treaties west of Mesopotamia.<sup>20</sup> Also, Shawn Z. Aster's research into the symbols and rhetoric of the neo-Assyrian empire has definitively exhibited the pervasiveness of neo-Assyria's hegemonic expressions, particularly for its vassal states.<sup>21</sup> These studies have shown that neo-Assyrian influence in sixth-century Judah was more pervasive than some scholars are willing to admit, buttressing Dion's claim that, ". . . [T]he closer to 672BC one places the composition of Deuteronomy 13, the easier to understand are its precise contacts with the vassal treaties of Esarhaddon."<sup>22</sup>

Although the literary and historical factors we have examined thus far point to a close resonance between Deut 13 and neo-Assyrian treaties, we should not posit a direct correlation between the two. While the historical reasons to assert neo-Assyrian influence are valid, and at the very least difficult to prove otherwise, the literary coherence between Deut 13 and the neo-Assyrian treaties falls short.

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(2009): 358. See also William S. Morrow, "Cuneiform Literacy and Deuteronomic Composition," *BO* 62 (2005): 204–14.

20. Jacob Lauinger, "Esarhaddon's Succession Treaty at Tell Tayinat: Text and Commentary," *JCS* 64 (2012): 87–123.

21. Shawn Zelig Aster, "Transmission of Neo-Assyrian Claims of Empire to Judah in the Late Eighth Century BCE," *HUCA* 78 (2007): 1–44.

22. Dion, "Deuteronomy 13," 204–205. This is contrary to the arguments of scholars like Pakkala and Nissinen, who argue for an exilic or postexilic dating of Deuteronomy. Pakkala holds that the monarchy is not in focus in Deuteronomy, and thus the setting must be in the Babylonian or Persian periods. In this light, he believes that Deut 13 was composed on the basis of Babylonian and/or Persian treaties. See Juha Pakkala, *Intolerant Monolatry*, 41–50; Juha Pakkala, "Oldest Edition," 56–65. I believe Dion's arguments concerning the monarchy mentioned above to be more methodologically sound. Further, there is the simple fact that Israel's concern in Deuteronomy was with its relationship with YHWH, not the monarch. And, as Weinfeld (*Deuteronomy*, 100) has demonstrated, Israel's political life was wrapped up in its deity's in a way their neighbors were not. Thus, we would not expect the monarch to play as great a role in these texts as he or she would in other ancient Near Eastern texts. Nissinen ("Prophecy," 162) argues that the theologizing of treaties would have taken time. Yet, this argument is unsubstantiated and the logic is circular. Thomas Römer, who argues for a Josianic date of the first edition of Deuteronomy, concurs with Dion here. He asserts "literary dependency" of the Judean scribe upon EST. In also demonstrating parallels between EST and Deuteronomy 28, Römer concludes that "a copy of this treaty was available in Jerusalem, which strongly influenced the first edition of Deuteronomy." See Thomas Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T & T Clark, 2007), 74–78.



First, although it has been argued, neither of the three treaties we have examined is a direct citation of another.<sup>23</sup> Seidel's Law does not hold true for these treaties. The closest to Deut 13 appears to be EST on the basis of both the chiasmic citation of EST's covenant formula and the reverse ordering of **B** and **C** in figure 2 above. Nevertheless, the lack of **A** detracts from a direct citation. A difficulty for Levinson's contention of the citation of the canon formula between EST and Deut 13:1 loses its force if this verse belongs to the previous chapter, as the Septuagint has it. Moreover against Levinson's point, the superscription of Deuteronomy 13:1 is not identical to the superscription of EST, which reads rather,

The treaty of Esarhaddon, (king of the world), king of Assyria, son of Sennacherib, (likewise king of the world), king of Assyria, with Humbareš, city-ruler of Nahšimarti (etc.), his sons, his grandsons, with all the Nahšimartians (etc.), the men in his hands young and old, as many as there are from sunrise to sunset, all those over whom Esarhaddon, king of Assyria, exercises kingship and lordship, (with) you, your sons and your grandsons who will be born in days to come after this treaty.<sup>24</sup>

Thus, the focus of the superscription in EST is the identity of Esarhaddon, the suzerain, and the focus of the superscription of Deut 13 (v.1) is the integrity of the treaty. While this is certainly present in EST, it is not in an identical location. Furthermore, the superscription of EST does not have a parallel in Deut 13.

Second, while Deut 13 devotes whole paragraphs to the three potential inciters, EST and Zakutu mention them in list form only. The remaining content after the headings (vv. 2, 7, and 13) of the paragraphs in Deut 13 is found elsewhere in the neo-Assyrian treaties. Specifically, the command concerning one's reaction to the inciter (vv. 3 and 8) is found at the end of the neo-Assyrian treaty paragraphs. Similarly, the command to investigate and kill the offender is near the end of the final paragraph in Deut 13 (vv. 13–17) with one verse remaining, while the parallel command in EST and Zakutu are found at the extreme end of those pertinent paragraphs. Note also that this command is omitted in the

23. Although Levinson (*Chorale*, 140–41) attempts to see a chiasm here, he admits that the warnings against the royal family are not present in Deut 13.

24. Simo Parpola and Kazuko Watanabe, "Esarhaddon's Succession Treaty," *State Archives of Assyria Online*, 1988, [oracc.museum.upenn.edu/saao/corpus](http://oracc.museum.upenn.edu/saao/corpus).

first two paragraphs of Deut 13. The positive command of obedience to YHWH in Deut 13 found in two of its three paragraphs (vv. 4 and 18) is not found anywhere in the sections from the neo-Assyrian treaties we have examined, although it is present elsewhere.

In addition, though the groups of listed peoples are similar thematically between Deut 13 and the neo-Assyrian treaties, there is no exact correspondence lemmatically or phraseologically between them. The list of family members (**B**) is more extensive than in either of the neo-Assyrian treaties, the list of diviners (**C**) contains three such persons in EST and only two in Deut 13,<sup>25</sup> and the stress of the most general command (**D**) in Deut 13 is on “one of your cities” while it is on “the whole nation” in Zakutu.

Another literary distinction is how the reader learns of the insurrection. Deuteronomy 13 poses the problem in three different ways, noting “if there arises in your midst . . .” in v. 2, “if (your family member) incites you” in v. 7, and “if you hear . . .” in v.13. While the last of these parallels how one hears of insurrection in EST, EST notes that what you will hear is an “evil, improper, or ugly word,” and Deut 13 instead lists the speech content. Further, the emphasis in EST is on the “word” or the “mouth” of the inciter. Zakutu stresses not only hearing the word of insurrection, but “knowing” it.

Further, the length of the neo-Assyrian treaties provides a glaring contrast to Deut 13. EST is 106 sections long, including 644 lines. Deuteronomy 13, by contrast, is three paragraphs (or sections) of nineteen verses. Zakutu, however, is close in length to Deut13, as it is comprised of two sections and twenty-seven lines. Yet, as we have seen, the closest parallel to Deut 13 between the neo-Assyrian treaties is EST, and the form of Zakutu does not parallel that of Deut 13.

On a similar point regarding EST, this treaty is highly repetitive, whereas Deut 13 is more concise in its composition. The clause concerning sedition is repeated several times throughout EST in various places with modified verbiage (with §§10 and 12 providing the closest parallel to what we find in Deut 13). Deuteronomy 13, on the other hand, does not present recapitulation of this sort. Rather, it repeats the command to root out insurrection a mere three times in consecutive paragraphs with a focus on sedition arising from a different people group each time.

25. Furthermore, the terms here are not cognate, as Berman (“CTH 133,” 40) has shown.

These literary relationships I have thus far demonstrated point to no more than a common scribal tradition between the neo-Assyrian treaties and Deut 13. If we were to argue for direct literary dependence, we would expect closer lemmatic and syntactic parallels as well as more proximate thematic order.<sup>26</sup> Carly L. Crouch rightly contends that an author must utilize identifiable, specific signals to the reader in order to indicate the sort of literary dependence often argued for here.<sup>27</sup> Instead, the parallels between the neo-Assyrian treaties and Deut 13 exhibit nothing more than a loose correlation.

Finally, I note that both of the neo-Assyrian treaties are of a different literary genre than Deut 13. The neo-Assyrian treaties belong to the broad genre of political vassal treaties between a suzerain and a vassal, who are both indicated in the third and second person, respectively. Deuteronomy 13, by contrast, is first a character speech. While it has features of a treaty, it is a speech by Moses (12:1), who is an explicit third party to the contract between YHWH and Israel. This speech is couched within a larger paraenesis and the entire narrative sweep of Deuteronomy. There is no overt third party in the neo-Assyrian texts, and no other material with which it is connected. One could posit with Otto that Deut 13, along with Deut 28, existed independently as a treaty, but Römer is correct to point out that the traces of neo-Assyrian influence outside of these chapters suggest that these chapters belong to a larger, more coherent body of text composed in the sixth century.<sup>28</sup> Again, we cannot deny that Deuteronomy has treaty elements within it, but the reader must keep these elements in mind of its broader literary context and the figure who proclaims them.

These factors lead us to proceed with caution when trying to ascertain a close relationship between neo-Assyrian treaties and Deut 13. Although there are some strong thematic links between them, there is insufficient evidence to link the neo-Assyrian texts and Deut 13 at a lemmatic or phraseological level. As we have seen, the author does not signal to the reader clearly enough that a literary relationship is present. Indeed, we must concur with Crouch, who writes that the similarities

26. This is the principle behind Seidel's Law. However, this law, nor any other demonstration of close literary dependency can be proven here.

27. See C L Crouch, *Israel and The Assyrians*, Ancient Near Eastern Monographs 8 (Atlanta: SBL, 2014), 23.

28. Otto, "Political Theology," 65; Römer, *The So-Called Deuteronomistic History*, 78. I argue here that the neo-Assyrian influence Römer asserts is part of a more general shared scribal tradition and style as opposed to direct literary borrowing.

“are not specific or distinctive enough to support the claim that Deuteronomy is using VTE material with the intention of signaling a relationship with VTE.”<sup>29</sup>

### COMMONALITIES WITH HITTITE TREATIES

Rivaling the resonance of Deut 13 with neo-Assyrian treaties, some scholars posit that this chapter finds its closest relative in Hittite vassal-suzerain treaties. Some in this camp see the closeness between Deut 13 and Hittite treaties as evidence of Deuteronomy’s composition in its literary setting, the Late Bronze Age.<sup>30</sup> Others, remaining cautious of setting this text at such an early date, still assert that the Hittite treaties provide the greatest influence upon Deut 13.<sup>31</sup>

The Hittite text upon which those of this persuasion have focused is the Ismirika Treaty (also known as CTH133), which offers close formal and thematic resonance with Deut 13. Like all of the treaties we have seen thus far, it warns of insurrection against the suzerain king. The king in this case, Arnuwandas I, establishes a treaty with the people of Ismirika to ensure their loyalty to him and to provide military relief when necessary. The passages concerning insurrection are presented in parallel with its similar passages in Deut 13 in figure 3 below.

Figure 3

<u>Ismirika Treaty</u> <sup>32</sup>	<u>Deuteronomy 13</u>
§3 nu-uš-ša-an A-NA LUGAL SAL.LUGAL [DUMU <sup>MES</sup> .LUGAL]	7 כי יסיתך אחיך בן-אמך או-בנך או אשת חיקך או רעך אשר כנפשך בסתר

29. Crouch, *Israel and The Assyrians*, 84. Regarding the use of the phrase “VTE,” see note 4 above.

30. The first to explicitly offer this voice was Kline in Kline, *Treaty*. For many years following, the parallels with neo-Assyrian treaties received more attention and a large majority of scholars become less inclined to view Deuteronomy as a LBA composition. However, this notion has gained attention again by Berman. See Berman, “CTH 133.”

31. This was shown most recently by Zehnder, “Building on Stone? (part 1)”; and idem., “Building on Stone? Deuteronomy and Esarhaddon’s Loyalty Oaths. (part 2), Some Additional Observations,” *BBR*. 19 (2009): 511–35.

32. Transliteration and translation adapted from Kenneth A. Kitchen and Paul J. N. Lawrence, “Arnuwandi I of Hatti and People of Ismirika,” in *Treaty, Law, and Covenant in the Ancient Near East: Part I: The Texts* (Wiesbaden: Harrassowitz, 2012), 53.

p[a-r]a-a ḥa-an-da-a-an-ni ZI-ni [...] [i-d]a-lu-ma-aš-ša-an le-e ku-iš-ki [...] [i-da]-a-lu tāk-ki-eš-zi na-an ki-e [NI-IŠ DINGIR<sup>LIM</sup>] [...] QA-DU E-ŠU A.ŠA<sup>HLA</sup>-ŠU GI<sup>Š</sup>SAR.GEŠTIN<sup>HLA</sup>-ŠU [...] a-pi-e-el ŠUM-ŠU NUMIN-ŠU [...] [...] ḥar-ni-in-kân-[...-du] §4 [...] LUGAL-ma SAL.LUGAL DUMU<sup>MEŠ</sup>.LUGAL[...] [...] -na-aš na-aš-ma-aš-ši [...] [...] le-e ku-iš-ki ša-an-[aḥ-zi...] [...] QA-D]U DAM-ŠU DUMU<sup>ME</sup>[Š-ŠU ḥar-ni-in-kân-du]. §10 ma-a-an-ša-ma-[aš]-kân i-da-lu-ma ut-tar ku-iš-ki pi-ra-an [te]-iz-zi na-aš-ma EN MAT-KAL-TI [...] na-aš-ma-aš ap-pi-iz-zi-ia-aš na-aš-ma-aš LU KUR<sup>URU</sup>Ḥa-at-[ti n]a-aš-ma-aš LU KUR<sup>URU</sup>Ki-ia-zu-wa-at-[ni...] na-aš-ma-aš an-tu-uḥ-ši A-BU-SU AMA-ŠU NIN-Š[u n]a-aš-ma DUMU-ŠU ga-e-na-aš-[...] un ku-iš ut-tar me-ma-i na-an le-e ku-iš-ki mu-u[n-na]-a-iz-zi e-ep-du-an na-an te-ek-ku-u[š-ša-un-us-du]. §11 ma-an-kân KUR-IA-ma iš-tar-na-1 URU<sup>LUM</sup> wa-aš-d[a-a-i LU]<sup>MEŠ</sup> KUR<sup>URU</sup>Išmi-ri-ka an-da a-ar-te-ni L[U? . . .] IŠ-TU LU<sup>MEŠ</sup> ku-en-te-en NAM.RA-ma MA-ḤAR<sup>D</sup>U[TU<sup>ŠI</sup> ũ-wa-t]e=et-ten GUD<sup>HLA</sup>-ma-za UDU<sup>HLA</sup> šu-um-me-e-eš [da-a-at-ten] ma-a-an-kân A-NA URU<sup>LIM</sup>-ma iš-tar-na 1 E<sup>TUM</sup> w[a-aš-da-a-i] a-pa-a-at E-ir LU<sup>MEŠ</sup> it a-ku SA[G.GEME.IR<sup>MEŠ</sup>] ũ-wa-te-et-ten GUD<sup>HLA</sup>-ma-zu UDU<sup>HLA</sup> šu-me-e-eš d[a-at-ten ma-a-an] 1 EN LU-ma-wa-aš-da-a-i n[a...] §17 [...] LU<sup>MEŠ URU</sup>]Iš-mi-ri-ga a-ar-te-ni un-za DAM<sup>MEŠ</sup> KU-NU DUMU<sup>MEŠ</sup>-KU-NU<sup>L[M]</sup> [...] [ki-e-d]a-ni li-in-ki-ia te—et-ta-nu-ut-te-en, nu ḥu-u-m[a...] §18 [...] NI-EŠ D]INGIR<sup>MEŠ</sup> šar-ra-at-ta na-an ki-e NI-EŠ DINGIR<sup>ME</sup>[Š...]

לאמר נלכה ונעבדה אלהים אחרים אשר לא ידעתי עתה ואבתיך<sup>8</sup> מאלהי העמים אשר סביבתיכם הקרבים אליך או הרחקים ממך מקצה הארץ ועד־קצה הארץ<sup>9</sup> ולא־תאבה לו ולא תשמע אליו ולא־תחס עינך עליו ולא־תחמל ולא־תכסה עליו<sup>10</sup> כי הרג תהרגנו ידך תהיה־בו בראשונה להמיתו ויד כלה־עם באחרונה<sup>11</sup> וסקלתו באבנים ומת כי בקש להדיחך מעל יהוה אלהיך המוציאך מארץ מצרים מבית עבדים<sup>12</sup> וכל־ישראל ישמעו ויראון ולא־יוספו לעשות כדבר הרע הזה בקרבך<sup>13</sup> פ־י־תשמע באחת עריך אשר יהוה אלהיך נתן לך לשבת שם לאמר<sup>14</sup> יצאו אנשים בני־בליעל מקרבך וידיחו את־י־שבי עירם לאמר נלכה ונעבדה אלהים אחרים אשר לא־ידעתם<sup>15</sup> ודרשת וחקרת ושאלת היטב והגה אמת נכון הדבר נעשתה התועבה הזאת בקרבך<sup>16</sup> הכה תכה את־י־שבי העיר ההוא לגי־חרב החרב אתה ואת־כל־אשר־בה ואת־בהמתה לפי־חרב<sup>17</sup> את־כל־שללה תקבץ אל־תוך רחבה ושרפת באש את־העיר ואת־כל־שללה כליל ליהוה אלהיך והיתה תל עולם לא תבנה עוד<sup>18</sup> ולא־ידבק בידך מאומה מן־החרם למען ישוב יהוה מחרון אפו ונתן־לך רחמים ורחמך והרבך כאשר נשבע לאבתיך<sup>19</sup> כי תשמע בקול יהוה אלהים לשמר את־כל־מצותיו אשר אנכי מצוך היום לעשות הישר בעיני יהוה אלהים

<p>[...Q]A-DU E-ŠU A.ŠA-ŠU  <sup>GIŠ</sup>SAR.GEŠTIN-ŠU[...]  <b>§19</b> [...]-ŠU ša-an-ḥu-wa-an-du [...]</p>	
<p><b>§3</b> Now, for the King, Queen, [and princes] [?may they be led] by divine direction(?)[...] [Wick]edness let nobody [commit, but who(ever) may] commit [wicked]ness, him shall these divine oaths seize;[and him], with his house, fields, [vineyard]. [together with] his name and his offspring [...] [...], they shall destroy!  <b>§4</b> But [...] the King, Queen, and the princes, [...] [...] ... or him [...] wickedness against them] [shall no]body plo[t; but who(ever) (does so), [such a one, along with] his wife and children [shall they] destroy!  <b>§10</b> If anyone says something (which is) bad in your presence, whether it be a border commander [...] or] a commoner, be he a man of Hatti, or be he a man of Kizzuwat[na...], or to a man (so speaks) his (own) father, his mother his brother, his sister, his son, (or his) in-law [...] who(ever) says such a thing, this person shall nobody conceal, (but) he shall seize him and [bring (him)] to account.  <b>§11</b> If a town in the midst of my land does wro[ng], then shall you, people of Ismirika, go in, [and this town] with (its) men shall you destroy; the ordinary deportees, to the Sun-King you shall send, but the cattle and sheep you shall [take] for yourselves. If within a town, (just) one house does wr[ong, th]is house and its men shall die, (and) the domestics be sent on [to the Sun-king], but the cattle and the sheep you take. [If] (just) on man does</p>	<p><sup>7</sup>If your brother, your mother, or your son, or your daughter, or the wife of your lap, or your friend, whose soul is as yours, instigates you in secret, saying, ‘Let us go and serve other gods who you did not know, you and your fathers.’  <sup>8</sup>From the gods of the peoples who are around you, the ones in the midst of you, or far away from you from the ends of the earth and until the end of the earth.  <sup>9</sup>You shall not desire it and, you shall not listen to him, and your eyes shall not have pity upon him, and you shall not spare him, and you shall not conceal him.  <sup>10</sup>For your hand shall slay him, it will be against him first to kill him and the hand of the people thereafter.  <sup>11</sup>And you shall stone him with stones and he shall die, for he sought to scatter you against the LORD, your God, the one who brought you out from the land of Egypt, from the house of slavery.  <sup>12</sup>And all Israel shall hear, and they shall fear, and they shall not continue to do as the word of this evil one in your midst.  <sup>13</sup>If you hear in one of your cities which the LORD, your God, is giving to you to dwell</p>

wrong, (then) so shall [the man die!]  
§17 [Now, for the oath-taking], you people of Ismirika, come! And (likewise) your wives, children, and a[ssocaites shall come for this]. You shall put yourselves [under th]is oath, and all swear together!

§18 [But whoever] breaks the sacr[ed oath], that (person) shall this sacred oath [seize!] [That one, wi]th his house, his field(s), and his vineyard shall it destroy!

§19 [...] his [...] shall they roast! [...]

there, saying,

<sup>14</sup>Let men, sons of worthlessness, go out from your midst, and let them scatter the inhabitants of the cities saying, ‘Let us go and let us serve other gods who you did not know.’”

<sup>15</sup>And you shall seek, and you shall search out, and you shall ask well, and right then the truth shall be firmly established, the word of a deed of this abomination in your midst.

<sup>16</sup>You shall absolutely strike the inhabitants of that city before the sword. You shall ban it, everything in it, and its cattle before the sword.

<sup>17</sup>And all its booty you shall collect to the midst of its town square, and you shall burn with fire the city and all its booty a whole offering to the LORD, your God, and it will be a ruin heap eternally and you shall not rebuild it.

<sup>18</sup>And nothing from the ban shall cling to your hand because it shall return to the LORD from his anger, and he shall give compassion to you, and he shall love you, and he shall make you great as he swore to your fathers.

<sup>19</sup>If you listen to the voice of the LORD, your God, to observe all his commandments which I am commanding you today, to do the right in the eyes of the LORD, your God.

From this table we see that the concerns of CTH133 are similar to the texts we have encountered thus far, the neo-Assyrian treaties and Deut 13. It expresses the wish of a suzerain king to root out insurrection among the vassal people by reporting it and killing the offender(s). On this general thematic level, all of our texts agree.

However, a few other factors reveal the coherence between CTH133 and Deut 13 and distinguish it from EST and Zakutu. For one, the form of CTH133 is closest to that of Deut 13. This is seen especially in §§10–11, which closely parallels the form of the second and third paragraphs of Deut 13 (vv. 7–12 and 13–19, respectively). The earlier section of each describes insurrection among family members, and the later section describes insurrection in one of the vassal towns. In both texts, each of these sections receives an introduction to the scope of the insurrection (i.e., family or towns) followed by detailed information as to how to proceed in punishing such an offender. This stands in contrast to the neo-Assyrian treaties, in which the scope of insurrection was merely listed. Moreover, as we have seen regarding part **D** from figure 2 above, the emphasis in Zakutu is on the entire land as opposed to individual cities.<sup>33</sup>

Despite the fact that the Hebrew and Hittite treaties were composed in languages of wholly different language families, there are some phraseological equivalents, if not cognates, between these texts. For one, the phrase “a town in the midst of my land” found in §10 of CTH133 and the phrase “in your midst” seen in vv. 2 and 13 of Deut 13 reveal a shared concern for sedition arising from within the vassal nation.<sup>34</sup> Likewise, §11 of CTH133 and Deut 13:17–18 include directives regarding the booty of the seditious city, also not found in the neo-Assyrian treaties.<sup>35</sup> These sections also witness a close parallel in that the seditious cities are to be burned.<sup>36</sup> Berman includes mention of another Hittite text, the Hittite Instructions for Functionaries, in which there is a call to switch allegiances similar to the “let us go and . . .” phrases of

33. See also Zehnder, “Building on Stone? (part 2),” 528.

34. Berman, “CTH 133,” 40.

35. *Ibid.*, 32.

36. *Ibid.*, 32–33.



Deut 13:2, 7, and 14.<sup>37</sup> Again, EST only notes the “word” of the potential usurper, not the content of his speech. Similarly, it is the “word” that one must not conceal in EST, not the actual rebel himself, as in Deut 13 and CTH133.<sup>38</sup> However, it must be acknowledged that the disclosure of the offender himself is present in Zakutu.

In addition, unlike the neo-Assyrian treaties, CTH133 and Deut 13 share similar parties to the treaty. Both are contracts between the suzerain king and vassal people, as opposed to the king as the treaty party of the vassal like we find in neo-Assyrian texts.<sup>39</sup> Berman also notes that the relationship of the suzerain toward the vassal in both texts is one of compassion and mutuality. The faithful vassal is rewarded with blessing.<sup>40</sup> By contrast, neo-Assyrian treaties are characterized by the suzerain’s assumption of the vassal’s subservience with no promise of blessing. Indeed, this is indicated by CTH133 in the sections presented in figure 4 below. Moreover, like §§13–14 of CTH133, we see commands expressed in a positive form in Deut 13: 5 and 19 (“After the LORD, your God, you shall follow . . .” and “If you obey the voice of the LORD, your God, by keeping . . .” respectively). Contrarily, the pertinent sections of EST show only negative commands.

Figure 4

§1 UM-MA <sup>m</sup>Ar-nu-[wa-an-da LUGAL.GAL LUGAL.KUR  
<sup>URU</sup>Ḫa-at-ti]  
 §2a [ka-a-ša A-NA LU<sup>MEŠ</sup> KUR <sup>URU</sup>Iš-me-ri-ga ki-e ud-da-a-ar]  
 ŠA-PAL NI-IŠ DINGIR<sup>L[IM]</sup> te-eḫ-ḫu-un A-NA LUGAL  
 SAL.LUGAL DUMU<sup>MEŠ</sup> LUGAL] U A-NA KUR <sup>URU</sup>Ḫa-[at-ti, aš-  
 šu-li pa-aḫ-ḫa-aš-un-ut-te-ni]. Nu ka-a-ša LI-I[M DINGIR<sup>MEŠ</sup> tu-li-  
 ia- ḫal-zi-ũ-en na-at A-NA- NI-IŠ DINGIR<sup>LIM]</sup> ku-ut-ru-ũ-e-ni-i[š  
 a-ša-an-du]  
 §13 un-za ka-a-ša šu-me-eš LU<sup>MEŠ</sup> KUR <sup>URU</sup>Iš-mi-ri-ka ḫu-ma-an-  
 te-eš IT-[TI UTU I]i-[in]-ki-ia-aš-ša-aš nu LUGAL SAL.LUGAL  
 DUMU<sup>MEŠ</sup> [LUGAL] U KUR <sup>URU</sup>Ḫa-at-ti EGIR.UD<sup>KAM</sup> pa-aḫ-ḫa-  
 aš-te-en kat-ta-ma šu-me-i[n-za-an DUMU<sup>MEŠ</sup> IT]-TI  
 DUMU<sup>MEŠ</sup> .LUGAL li-in-ki-ia-aš-ša-[aš] DUMU.DUMU<sup>MEŠ</sup> KU-

37. *Ibid.*, 39.

38. *Ibid.*, 35.

39. *Ibid.*, 29.

40. *Ibid.*, 36–37.

UN-ma-aš-ma-aš IT-TI DUMU.DUMU<sup>MES</sup> LUGAL li-in-ki-aš-pât  
 un-u[š-ma-aš ne-pi-i]š a-ra-u-wa-an kat-ta-an-ma-aš [...] [te-e-kân  
 a-ra-u-wa-an un A-NA EGIR.UD<sup>KAM</sup> LUGAL SAL.LUGAL  
 DUMU<sup>MES</sup>.LUGAL [kat]-ta ḥ[a-aš-ša ḥa-a]n-za-aš-ša pa-aḥ-ḥa-aš-  
 ten.

§14a [šu-me]-eša LU<sup>MES</sup> KUR<sup>URU</sup> Iš-mi-ri-ka ḥu-u-ma-an-te-eš li-  
 in-ki-ia ar-du-ma-at...

§1 Thus speaks Arnu[wandas (I), Great King, King of the Hatti-  
 land]

§2a [Thus, for the people of the land of Ismirika, this matter] under  
 oath [have I laid. For the King, Queen, and princes], and for the  
 Hat[ti-land, you shall offer friendly protection!] Now see, the  
 thou[sand gods we have called into judgment session; and for (this)  
 oath [they shall be] witnesses: . . .

§13 Now see, all you people of  
 Ismirika, you are oath-bound allies t[o  
 the Sun-king. So you shall protect the  
 King, the Queen, the [prin]ces, and the  
 land of Hatti. Thereafter [shall] yo[ur  
 so]ns be oath-bound allies to the  
 King's sons, and equally your  
 grandsons be oath-bound allies to the  
 King's grandsons. Now, for [you, the  
 s]ky (above) is free, and below, for  
 you, the earth is free; - so ever after,  
 you shall protect the King, the Queen  
 and their distant descendants.

§14 All you people of Ismirika, you must stand by the oath! . . .

A final point of resonance between these treaties regards their length. The extant portions of CTH133 reveal twenty-nine lines, which is much closer to the nineteen verses of Deut 13 than the 664 lines of EST. I must note that Zakutu is also close to Deut 13 here in that it contains twenty-seven lines, but this treaty again has been seen as less comparable to Deut 13 than EST among the neo-Assyrian treaties.

In light of the evidence presented above, CTH133 presents some unique similarities to Deut 13 when compared with neo-Assyrian treaties. Nevertheless, there are several points of disparity between CTH133 and Deut 13 as well, which we now consider.

Textually, the first paragraph of Deut 13 dealing with the “prophet or dreamer” does not have a parallel in the Hittite text. As mentioned above, this is a considerable point of similarity between EST and Deut 13. Also, there are several portions of CTH133 which have no parallel in Deut 13. These include the following: §2b, which lists the deities as witnesses to the treaty; §§15–16, which lists the peoples under the purview of the treaty; §6, which includes instructions for foreign envoys; §§7 and 12, which includes military provisions; and §§8–9, which presents directives regarding fugitives. While §§2b and 6 would be understandably left out of a treaty between a single deity and his people, as opposed to a treaty between nations, the remaining sections are certainly plausible options for Deut 13 and are not included. If the author of Deut 13 were directly using this treaty, we would see parallel sections within it. Also, the list of friends in Deut 13 omits mention of the father or relative in-law as potential instigators like we find in CTH133, while CTH133 omits mention of the daughter, wife, and friend like we find in Deut 13. Once more, we would expect a closer literary relationship here if the authors of Deuteronomy were borrowing directly from a Hittite treaty.

There are also factors CTH133 shares with the neo-Assyrian treaties that are not found in Deut 13. For one, CTH133 and the neo-Assyrian treaties are independent documents while Deut 13 is embedded with a character speech. While Zehnder notes that the first-person reference to the suzerain is present in both Deuteronomy and Hittite treaties to the exclusion of neo-Assyrian treaties, this is not the case in chapter 13.<sup>41</sup> The first-person reference in Deut 13 is Moses, not YHWH, as Moses enters this text as a third party. Also, CTH133 and the neo-Assyrian treaties share an introduction, including the treaty party and the presence of the gods as witnesses. These factors, in combination with the shared features of the Hittite and neo-Assyrian treaties each exclusively share with Deut 13, suggest that there are traditional elements to treaties that are found across geographic and temporal expanses in the ancient Near East.

While the Hittite treaties, and CTH133 in particular, provide us with further similarities to the material of Deut 13, we must conclude that the evidence does not point to a direct dependence of Deut 13 upon Hittite treaties. While the theme, form, and some phraseological similarities exist, there are nonetheless too many incongruences between these texts to assert direct borrowing. There are no specific literary

41. Zehnder, “Building on Stone? (part 2),” 524.

signals to detect direct borrowing, and we must still contend with similarities to later, neo-Assyrian treaties.

#### COMMONALITIES WITH ARAMAIC TREATIES

Thus far we have witnessed treaties from Assyria and Hatti that have revealed close, though not exact, parallels to the treaty-like material in Deut 13. Another text that scholars have mentioned, albeit without extended explication, as also having affinities with Deut 13 is Sefire III, an Aramaic treaty from the eighth century BCE. The opening of this inscription, as opposed to other sections of the treaty, has the tightest correlation to the material in Deut 13. It is seen in the figure below in parallel with the pertinent material from Deut 13.

Figure 5

<p>או אל ברך או אל עקרך או אל חד מלכי ארפד וי[מל]ל [ע]לי או על ברי או על בר ברי או על עקרי כים כל גבר זי יבעה רוח אפוח וימלל מלך לתית לעלי [את ל]תקה מליא מן ידה הסכר תהדכרהם בידי וברך יהסכר לברי ועקרך יסכר לעקרי ועקר [חד מ]לכי ארפד יהסכרן לי מה טב בעיני אעבד להם</p>
<p>. . . or to your son or to your descendants or to one of the kings of Arpad and will speak against me, or against my son, or against the son of my son, or my descendants, or if any man who inquires a breath then he speaks a word against me, you must not accept the word from his hand. You must hand him over to my hand, and your son must hand over to my son, and your descendants must hand over to my descendants, and one of the kings of Arpad must hand over to me. Whatever is good in my eyes I will do to them.</p>

Here we see again the general similarities between an ancient Near Eastern treaty and Deut 13 regarding the theme of potential sedition. As with all of the treaties we have encountered, there is a warning against someone who utters a hurtful word against the king. This is expressed in a unique fashion, as it is in all of the treaties we have seen. In other words, although the theme is the same, it is articulated differently. None of the treaties we have reviewed is exactly parallel. In the case of this extant section of Sefire, the concern is that the addressee's family members must report to the corresponding family member of the king.

This treaty is significant, not because of its similarities to Deut 13 (of which there are only general thematic correlations), but because it reveals how common this type of treaty was in the ancient Near East and

how unique the conventions of the individual treaties could be. Aram, just like Hatti and neo-Assyria, utilized some of its own vassal treaty conventions and borrowed some from its neighbors. Among the treaties we have seen, Sefire finds its closest relative in EST, since the emphasis is on reporting the instigation, as opposed to the vassal taking justice upon himself or bringing the instigator before the suzerain. However, like Hittite treaties, this treaty mentions the suzerain in the first-person singular form. This commonality and its general thematic resonance with the treaties of Hatti, a nation temporally (if not as much geographically) distant from eighth-century Aram, shows, on the one hand, how stable some features of treaties could be. Yet, on the other hand, it has its own unique manner of expressing its treaty. This reveals the conclusion of Noel Weeks that in the ancient Near East, “the whole area had inherited the notion of relationships bound by oaths before God/gods. Each developed that in accord with the socio-political structure of the country.”<sup>42</sup> This is indeed what we have witnessed with the treaties we have examined thus far.

#### PROPOSING A UNIQUE ISRAELITE TREATY

The above has shown that Deut 13 shares many features of other ancient Near Eastern treaties. Regarding neo-Assyrian treaties, Deut 13 shares a covenant formula with §4 of EST, and it exhibits concern that diviners, family members, and anyone within the nation may stir up revolt against the suzerain. There is one cognate phrase with the expression “speaking a lie.” With respect to Hittite treaties, Deut 13 shares even more features in common. These include the closeness in form between them, phraseological similarities, similar parties to the treaties, and length of the treaties. Sefire shows a similar general concern to Deut 13, although there are no close literary parallels.

The issue for biblical interpreters, however, is the vast difference between Deut 13 and all of these treaties. Between these treaties, there are varying structures, expressions of how sedition is reported, and explanations of how justice is to be executed. Most striking of all is that there is only one direct, cognate lexical similarity between Deut 13 and these texts (“to speak defection or rebellion”). The most we can say about Deut 13 in light of the other ancient Near Eastern treaties we have examined is that it stands in the same general thematic tradition of warnings against sedition with them. Indeed, several scholars have noted

42. Noel K. Weeks, “The Ambiguity of Biblical ‘Background,’” *WTJ*: 72 (2010), 225.

that there are parallels across treaties from Hatti to neo-Assyria, thus pointing to a larger shared tradition in the ancient Near East.<sup>43</sup> Veijola even argues that the conventions of ancient Near Eastern treaties extend all the way to the Greco-Roman period.<sup>44</sup> The fact that no two ancient Near Eastern treaties from different nations share the exact same form points to this common practice in the ancient Near East, namely that each nation has expressed its warnings against sedition in a different manner.

Moreover, there are other features of the Israelite text that are inexplicable by means of borrowing from any of the extant ancient Near Eastern treaties. These include the command to stone the offender, the unique lists of family members as potential inciters and booty to be destroyed in a seditious city, the order in which the would-be rebels are presented, the placement of this treaty form within a character speech, and the divinity as the suzerain. The last of these is a distinct feature of this text, and of Israelite religion as a whole, that places Deut 13 in a wholly other literary category from the treaties of Israel's neighbors. Nowhere else in the literature of the ancient Near East, and particularly in the treaty literature, do we see a divinity bound to its people in this manner. In Deut 13 the deity is no mere witness but rather a treaty partner. A summary comparing the features of the texts we have examined may be found in the chart below:<sup>45</sup>

Figure 6

<u>Treaty Feature</u>	<u>Deut</u> <u>13</u>	<u>EST</u> <u>§§4,</u> <u>10,</u> <u>and 12</u>	<u>Zakutu</u>	<u>CTH</u> <u>133</u>	<u>Sefire III</u> <u>Introducti</u> <u>on</u>

43. Markus Zehnder, "Building on Stone? (part 2): 511–22; Berman, "CTH 133," 39.

44. Veijola, "Warheit," 310. Sharing a similar sentiment are the following: Pakkala, *Intolerant Monolatry*, 389; Koch, *Vertrag, Treueid Und Bund*, 289; Nissinen, "Prophecy," 162.

45. This chart displays the shared treaty conventions between the treaties we have examined in this paper. The "+" sign in a box indicates that a particular feature is present in the treaty; a "-" sign designates that the feature is absent; and N/A means that there is not enough extant text to make a sound judgment. For the sake of convenience, I have attempted to arrange the features from the most general features to the most specific. The chart is not exhaustive of all of the features of these texts, but only those illustrative of this paper's argument, namely that Deut 13 participates in the larger treaty tradition of the ancient Near East but also witnesses to its own unique features.

General Warning against Sedition	+	+	+	+	+
Command to Report Sedition	-	+	-	-	-
Treaty between Suzerain King and Vassal King	-	+	+	-	+
Treaty between Suzerain King and Vassal People	+	-	-	+	-
Author an Explicit Third Party	+	-	-	-	-
Inciters Detailed in Own Paragraph	+	-	-	+	N/A
Redundant/Lengthy	-	+	-	-	-
Inciters Appear in List Form	-	+	+	-	N/A
Command to Bring Inciter to the Suzerain	-	-	+	+	+
Command to Kill the Offender	+	+	+(?)	+	-
Positive Command Regarding the Suzerain	+	- (appears in other sections)	-	+	N/A
Mention of Family Members	+	+	+	+	+
Family Members as Potential Inciters	+	+	+	+	-
Seditious Cities	+	-	+(?)	+	-
The King's	-	+	-	-	-

Court as Potential Inciters					
Diviners as Potential Inciters	+	-	-	-	+
Command to Stone the Offender	+	-	-	-	-
Command to Burn a Seditious City	+	-	-	+	N/A
Command to Ignore Malicious Words	+	-	-	-	+
Covenant Formula	+	+	-	-	-
Specific Command to Not Conceal	-	+	-	+	-
Lexical Similarity of “Speaking a Lie” (דבר סרה)	+	+	-	-	-
Lexical Similarity of “In Your Midst”	+	-	+	+	-
Lexical Similarity in “Let Us Go And”	+	-	-	+	-
Emphasis on the “Word” of Insurrection	-	+	-	-	-
Emphasis on the Person Leading Insurrection	+	-	+	+	+

This uniqueness extends throughout ancient Israel’s literature. Many of the conventions of Deut 13 we have noted thus far appear in



treaties made within the Deuteronomic corpus. For one, the positive command to love YHWH, which only finds a parallel in the Ismirika Treaty, is present in Rahab's treaty with the Israelite spies (Josh 2:8–14, 17–21). Also, the sedition of Achan (Josh 7) reveals how Israel lived out the command to stone someone who rebels against the commands and lordship of YHWH, a marked feature of Deut 13. We must conclude then that Israel had its own approach to the treaty tradition of the ancient Near East. While this included sharing some features with its neighbors, such as the positive command we find in Josh 2, there were also some conventions that were unique to Israel, such as the punishment of stoning.

As for the historical plausibility of this text's composition in a specific period of time, the idea that this text eludes a direct relationship with any ancient Near Eastern text provides us little assistance. The fact that there are pronounced similarities to neo-Assyrian treaties and no resonances with extant neo-Babylonian or Persian documents suggests that we may place a *terminus ad quem* for the composition of Deut 13 in the late sixth century, before the exile. Despite this, no date is certain. Rather, the preceding has shown that the text was composed in a larger stream of ancient Near Eastern scribal tradition. As William F. Morrow expresses the ambiguity present here when he writes,

It is possible that a 7<sup>th</sup> century loyalty oath in Judah followed the NA model in form as well as content. But, so far as Deuteronomy resembles an ancient Near Eastern Treaty, its structure also has similarities to Second Millenium Treaties of the so-called Hittite pattern.<sup>46</sup>

Regardless, the text itself resists dating to a particular point on the basis of treaty forms alone. It witnesses instead to Israel's attempt to create its own treaty. On this point, I agree with Morrow that Deut 13 can be best described as uniquely Israelite. Nevertheless, although Morrow argues that Deut 13 is based upon an Israelite treaty after the succession in the reign of Manasseh, this argument is speculative. Juha Pakkala has noted the minor role of the king throughout Deuteronomy, and this is certainly true.<sup>47</sup> However, unlike Pakkala, I do not believe this points to a later date for Deuteronomy. Rather, it points to the repeated insistence in

46. Morrow, "Cuneiform Literacy," 213.

47. Pakkala, "Oldest Edition," 392.

Israel's literature that the king is subservient to YHWH, who is the suzerain of the "treaty" between Israel and the people.<sup>48</sup> This means that Deut 13 expresses Israel's wish to remain loyal only to YHWH alone, a distinct voice among its Near Eastern neighbors, whose texts instead exhibited popular loyalty to a human monarch. This undergirds the reason for one of Israel's divergent treaty features while also remaining faithful to the larger witness of Israel's sacred texts.

#### CONCLUSION

In sum, we cannot confirm that Deut 13 draws directly from a particular treaty. Rather, this text witnesses to a unique Israelite treaty that exhibits its own particular conventions while still participating in a larger ancient Near Eastern genre of composing treaties that warn against sedition. This investigation may not be satisfying to interpreters who wish to place Deut 13, and all of Ur-Deuteronomium for that matter, in a specific temporal context or to those who wish to read this chapter as a subversive reaction to neo-Assyrian oppression. However, the evidence points to another conclusion. That is, Israel wished here to express their devotion to YHWH using a genre typical of their contemporaries but in their own unique manner. This does not place the text in a particular historical setting but rather exalts it as a command for the faithful people of YHWH within the broader literary context of the ancient Near East.

48. Cf. 1 Sam 8; 2 Chr 6; Ps 21:9; etc. See also Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 141.