Perspectives on the Treaty Framework of Deuteronomy

Cynthia Edenburg and Reinhard Müller
Editorial Introduction: Perspectives on the Treaty Framework of Deuteronomy

Jacob Lauinger
Literary Connections and Social Contexts: Approaches to Deuteronomy in Light of the Assyrian adê-Tradition

Hans Ulrich Steymans
Deuteronomy 13 in Comparison with Hittite, Aramaic and Assyrian Treaties

William Morrow
Have Attempts to Establish the Dependency of Deuteronomy on the Esarhaddon Succession Treaty (EST) Failed?

Juha Pakkala
The Influence of Treaties on Deuteronomy, Exclusive Monolatry, and Covenant Theology

Silvia Schroer and Patrick Wyssmann
The imagery of Palestine/Israel between East and West. A history of religion based on pictures from the Persian to the Hellenistic period
Juha Pakkala

The Influence of Treaties on Deuteronomy, Exclusive Monolatry, and Covenant Theology

The influence of political and loyalty treaties on Deuteronomy is uncontested, but the exact nature and date of this influence is controversial. Esarhaddon’s Succession Treaty contains many parallels, but Deuteronomy’s relationship with the treaties seems to be more extensive and complicated than a direct borrowing from one treaty. Although the clearest parallels can be dated to the monarchic period, the influence of the treaties on Deuteronomy can only be post-monarchic in origin. The influence of treaties is especially evident in covenant theology and exclusive monolatry. These ideas were introduced into Deuteronomy rather suddenly without a gradual Fortschreibung. It is not necessary to assume an inner-biblical influence on these theological ideas. More probable is a direct borrowing from treaty ideology and concepts. Behind these new ideas were scribes who had worked in the Judean royal court and been responsible for treaties. Having a deep understanding of such documents, they created revolutionary theological conceptions that were possible only after the older order and its main institutions had collapsed in 587 b.C.E.

Keywords: Deuteronomy, monolatry, covenant theology, First Commandment, Esarhaddon’s Succession Treaty

Introduction

The influence of political and loyalty treaties on Deuteronomy lies beyond doubt.1 Vassal and succession treaties as well as loyalty oaths that define the relationship between dominant and subordinate partners have been shown to contain parallels with Deuteronomy, and it is commonly assumed that such documents inspired – directly or indirectly – some of its authors. Although influence has been assumed in various parts of Deuteronomy,2

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1 For a concise review of the history of research, see C. Koch, Vertrag, Treueid und Bund (BZAW 383; Berlin: de Gruyter, 2008), 2–14.
most attention has been given to the possible sources of chapters 13 and 28. Some scholars have argued that these chapters are almost literary borrowings from Esarhaddon’s Succession Treaty (henceforth EST), while others doubt whether the exact source can be known.

It seems probable that a Neo-Assyrian treaty influenced at least Deuteronomy 28 and possibly Deuteronomy 13, but this does not mean that the influence necessarily dates to the Neo-Assyrian period or that the EST in particular was directly used as a literary source. Some scholars have pointed out that Deuteronomy was also influenced by the West-Aramaic treaty tradition. Other scholars assume a general familiarity with the treaty and oath

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5 Steymans, “DtrB und die adê zur Thronfolgeregelung Asarhaddons,” 175–180; idem, Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons, 306–309; and Koch, Vertrag, Treueid und Bund, 209–244, have pointed out that the curse list of Deuteronomy 28 corresponds to that of the Assyrian treaties.

tradition. Rejecting a purely Neo-Assyrian origin of the treaty influence, Christoph Koch has argued that Deuteronomy 13 and 28 result from an amalgamation of genuinely Jewish, West-Aramean, and Neo-Assyrian elements of tradition, which suggests a much broader influence than just one source text. The influence of such documents is not restricted to one author-editor only. Deuteronomy 13 and 28 are products of complicated redaction histories, and the influence of treaty language and ideology may derive from several successive editors. The influence of the treaties and loyalty oaths can be seen in other parts of the Hebrew Bible as well. In this study I seek to discuss the background of the treaty influence and its position in Deuteronomy. The impact on the treaties on covenant theology and exclusive monolatry in Deuteronomy will also be discussed.

Position of Treaty Influence in Deuteronomy

There is no evidence that the old sources of Deuteronomy or the so-called Deuteronomic texts were particularly influenced by treaties and their ideology. The earliest stages of the book were motivated by sacrifices and their location in particular. As the text was developed further by later editors, the issue of cult centralization receded to the background; many of these editors could be characterized as nomistic because they emphasized the law’s importance. Another central feature in the nomistic texts is exclusive monolatry: the attack on other gods. The controversial redaction history

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7 Crouch, Israel and the Assyrians, 108–124, has pointed out parallels with various documents of this genre.
8 Koch, Vertrag, Treueid und Bund, 315. M. Zehnder, “Fluch und Segen im Buch Deuteronomium: Beobachtungen und Fragen,” in Deuteronomium – Tora für eine neue Generation (ed. G. Fischer et al.; BZAR 17; Wiesbaden: Harrassowitz, 2011), 193–211, has shown that Deuteronomy 28 is in its language and conceptions intricately tied to the rest of Deuteronomy. This undermines the idea that Deuteronomy 28 was mainly formed on the basis of a single Neo-Assyrian treaty.
9 In the reconstruction of the earliest Deuteronomy and Deuteronomic texts, any conception of Deuteronomy that seeks to go beyond the surface level about its context necessarily has to take a position on its redaction history, whether accepting a certain model or rejecting redactions altogether.
10 See the reconstruction of the redaction history by T. Veijola, Das fünfte Buch Mose (Deuteronomium) Kapitel 1,1–16,17 (ATD 8/1; Göttingen: Vandenhoeck & Ruprecht, 2004), 262–279; and C. Levin, Die Verheißung des neuen Bundes in ihrem theologisch-eschichtlichen Zusammenhang ausgelegt (FRLANT 137; Göttingen: Vandenhoeck & Ruprecht, 1985), 85–88.
of the book cannot be discussed here in any detail. However, it is obvious that sections influenced by treaties are closely connected with sections that contain nomistic conceptions. In comparison with the oldest, especially Deuteronomic, layers, there is a clear shift in focus and topics.

The shift is evident in Deuteronomy 13. The older text in Deuteronomy 12 and 14 is focused on cult centralization and sacrifices, whereas the expansion in Deuteronomy 13 emphasizes the dangers of worshipping other gods and the importance of following the law. In Deuteronomy 12 and 14, other gods and nomistic conceptions are only met in sections that many assume to be later expansions (Deut 12:2–7, 28–31). The literary-critical arguments in favor of its secondary character have been presented by many scholars and need not be repeated here. In particular, Timo Veijola has shown that the concepts, phraseology, and theology of Deuteronomy 13 are otherwise met in those sections of Deuteronomy that belong to the latest phases of the book. Veijola assumed that Deuteronomy 13 was part of what he called Bundestheologische Redaktion (DtrB), carried out by a late nomist who highlighted the notion of a covenant between Yahweh and Israel. Although it may be difficult to distinguish between the different nomistic layers of Deuteronomy with precision, vocabulary, topics, and theology connect Deuteronomy 13 with several late passages in Deuteronomy that have a nomistic character. Veijola’s literary- and redaction-critical conclusions suggest that treaties began to influence Deuteronomy at a rather late stage of its development. Although details of Deuteronomy 13 can be disputed, it seems safe to assume that Deuteronomy 13 does not derive from the oldest layers of the composition. The same is probable for related passages, such as Deuteronomy 28, as well. This leads us to the question of dating.

11 Many scholars have called these texts nomistic (DtrN), a category that consists of a large group of texts added by successive editors. It may be challenging to distinguish between different nomists, but in some passage a nomistic text has been further expanded by another nomist. For example, Deuteronomy 7 was written by several nomistic editors; see Veijola, Das fünfte Buch Mose, 193–208.
12 E.g., R. Merendino, Das Deuteronomische Gesetz (BBB 31; Bonn: Hanstein, 1969), 57; M. Rose, Der Ausschließlichkeitsanspruch Jahwes (BWANT 106; Stuttgart: Kohlhammer, 1975), 72.
15 Note that Otto, “Treueid und Gesetz,” 40, has also noted that Deuteronomy 13 is alien
The Influence of Treaties on Deuteronomy

Dating the Treaty Influence in Deuteronomy

The dating of a text is not a goal on its own. In the case of Deuteronomy, it is closely connected to the question of the composition’s historical, religious, and sociological context. The destruction of Judah in 587 B.C.E. is a watershed in this respect, as well as for the question of when treaties began to influence Deuteronomy. Because the treaty ideology is intertwined with important theological concepts of Deuteronomy, at stake are the origins of important aspects of biblical theology. At the risk of simplicity, one can discern two clear positions in the recent discussion on dating the treaty influence on Deuteronomy. Some scholars, such as Eckart Otto and Hans Ulrich Steymans, argue that the treaty influence derives from the Neo-Assyrian period, when Judah was a vassal of Assyria in the 7th century. According to them, the clear parallels between the EST and Deuteronomy would imply an origin during the time that the EST was in use as a political document in Judah. Although there are unmistakable parallels between sections of Deuteronomy and treaties, the alleged connection between the EST and Deuteronomy is not as self-evident as Steymans and Otto claim. Moreover, even if the EST had been the source, this does not inevitably lead to a direct loan during the time that the treaty was in political use. Because of the continuity and conservative nature of the treaty tradition, parallels between the EST and Deuteronomy would not even imply a terminus ad quem of Deuteronomy.

Other scholars, such as Veijola and Christoph Levin, assume that covenant theology is of post-monarchic origin. They do not deny the use of political documents of possibly monarchical origin, but argue for a dating after the monarchy. They have argued that the covenant theology (Levin) in its present context. He nevertheless assumes that Deuteronomy 13 should be seen as foundational for the book.

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16 Steymans, “DtrB und die adê zur Thronfolgeregelung Asarhaddons,” 161–192; idem, Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons, 239–312; and Otto, Das Deuteronomium, 32–90; idem, “Treuieid und Gesetz,” 1–52, and in many other publications. According to Otto, Das Deuteronomium, 69, the only possible time for this is between 672 and 612 B.C.E.

17 For detailed arguments against this theory in Deuteronomy 13, see Pakkala, “Der literar- und religionsgeschichtliche Ort von Dtn 13,” 125–138; and Crouch, Israel and the Assyrians, 78–92. For arguments against a direct connection between Deuteronomy 28 and the EST, see Koch, Vertrag, Treueid und Bund, 203–244; and Crouch, Israel and the Assyrians, 49–78.

18 Although unlikely, it is theoretically possible that an older treaty had influenced Deuteronomy.

19 Levin, Die Verheiβung des neuen Bundes, 79–92.
of Deuteronomy 13, and consequently of DtrB (Veijola),\textsuperscript{20} depend on the book of Jeremiah. Connections with Jeremiah as well as literary and redaction-critical arguments would imply that the treaty texts of Deuteronomy are post-monarchic.\textsuperscript{21} Even though I concur that the post-monarchic dating is more probable than the monarchic one, I will take a different approach.

There are good reasons to assume that the earliest edition of Deuteronomy was itself post-monarchic. It suffices to summarize the arguments I have presented in detail elsewhere, which are the following:\textsuperscript{22} 1) lack of reference to monarchy; 2) lack of references to the state and its infrastructure; 3) lack of references to Judah; 4) lack of explicit references to the temple; 5) lack of references to Jerusalem; 6) an implicitly religious conception of (twelve?) tribes; 7) peculiar historical narrative for an established kingdom; 8) the Name/Shem-theology’s implication of having lost the temple as Yahweh’s dwelling; 9) the Elephantine correspondence, which suggests that the principles of Deuteronomy were either unknown or not followed in the late 5th century B.C.E.; and finally 10) Deuteronomy is an idealistic program unlikely to be written in a situation where it could be put into practice. Obviously, if the oldest edition of Deuteronomy is already post-monarchic, the same

\textsuperscript{20} See Veijola, “Intoleranz und Wahrheit nach Deuteronomium 13,” 116–120, who also refers to arguments by Dion, “Deuteronomy 13,” 175–192, who despite a similar conclusion assumed that Deuteronomy 13 must be dated to the time of Josiah.

\textsuperscript{21} For example, Levin, Die Verheiβung des neuen Bundes, 79–92, assumes that texts of Deuteronomy that contain traits of treaties are dependent on passages in Jeremiah and that the essential impetus for the covenant theology in Deuteronomy derives from Jeremiah. This would set limits for the dating.


\textsuperscript{23} Deuteronomy 17:14–20 is generally assumed to be a late addition, and it mainly seeks to restrict the powers of the king, which also implies a non-monarchic setting.

\textsuperscript{24} Deuteronomy 16:18–17:20 refer to judicial institutions, but there is no reference to any state structures.

\textsuperscript{25} If a monarchic state, such as Judah, had been the background institution of the law code, one would expect royal institutions to figure in the core rather than tribal structures that exist independently of a state.

\textsuperscript{26} For a monarchic document one would expect a historical narrative that provides a background and justification of the state and its institutions. A historical narrative that leads to a stateless situation would undermine the state and its institutions. Concretely, what one would expect is a historical narrative that leads to the rise of the royal dynasty, the building of the capital, and the foundation of the state. The historical narrative of Deuteronomy is a stateless context where the Israelites are seeking to enter their promised land, which would be an understandable narrative in a post 587 B.C.E. context where the Israelites are hoping to regain their land.
must hold for the treaty influence on Deuteronomy, which postdates the oldest edition. Moreover, Deuteronomy’s treaty texts themselves imply a post-monarchic origin.

To transform a political document of essentially foreign origin into a religious text that conceptualizes people’s relationship with the divine is only conceivable after the document’s original political and religious associations were obsolete and forgotten. Such documents were certainly regarded as oppressive and humiliating. A copy of the loyalty oath of Esarhaddon found in the sanctuary at Tel Tayinat highlights this point. That document demonstrates a foreign empire’s power to force its will even on the inner sanctuary of local divinities. The provenance of the tablets implies a symbolic and cultic function. The tablets were seen by those visiting the sanctuary, symbolizing who was in control. The religious aspect is evident as the document was placed in front of the local divinity: the divinity was faced with the stipulations of a document that subjugated the local king to the Assyrian king on threat of punishment by the Assyrian divinities (EST § 37–56), who were also mentioned as witnesses (EST § 2). The text thus symbolizes the subjugation of any local god – in Judah’s case, Yahweh – to the Assyrian pantheon. It is difficult to imagine that during such a time the royal or temple scribes would have employed a text that demonstrates Assyrian overlordship in order to construct a symbolic model for the relationship between Yahweh and Israel. After such a context had disappeared and its connotations were forgotten, one would be less constrained from applying it as a model for Israel’s relationship with its divinity.

Moreover, if the original source had been known, it would have been difficult to maintain that a similar text in Deuteronomy derives from a divine revelation at Mount Horeb. If its parts were so obviously of Assyrian origin, it would undermine the credibility and legitimacy of the whole revelation as deriving from Yahweh. Only after the original source was no longer well known and became irrelevant, would it become a credible part of a revelation by Yahweh. In other words, one would jeopardize the legitimacy of the entire Deuteronomic composition if its author had lifted sections from a well-known document, dictated by the Assyrian king, and reused them almost verbatim while these documents were still kept in the temple during the seventh century B.C.E. Time would be needed for achieving a new

28 Harrison and Osborne, “Building XVI,” 137.
application in a central religious document, where the text is regarded as belonging to one’s own tradition that has a divine origin. A period of distancing and transformation is also needed because Deuteronomy applies the partners in a creative way, with Yahweh effectively taking the place of the Assyrian king and divinities, and the Israelites taking the place of the Judean king. This kind of a “democratization” of a royal role implies a fundamental reconfiguration or a rupture with the given tradition.

Steymans criticizes the theory of a long transformation. According to him, it is “barely credible” that the thematic order of the Assyrian documents could be preserved into the post-monarchic period. Although a rapid transformation is possible in times of great change, it is unlikely during the monarchic period when the existing order and its institutions were constant. At any rate, once the Assyrian associations were no longer apparent, there would have been no reason to change the thematic order, such as the order of curses in Deuteronomy 28. There are other examples in the Hebrew Bible and the ancient Near East where parts of an old document are preserved particularly well over much longer periods. For example, traces of a Syrian-type weather god are preserved in many psalms, even though their original context had long disappeared. It stands to reason that many of the laws in Deuteronomy have a much older origin than their use in Deuteronomy. Hence, there is no reason to assume that the laws in Deuteronomy 21–25, for example, were essentially transformed in Deuteronomy although their original source could be centuries older than Deuteronomy. Although the order of the curses in Deuteronomy 28 may imply an Assyrian source, is not a strong argument for the monarchic origin of Deuteronomy.

29 Koch, Vertrag, Treueid und Bund, 266–314, presents some of the possibilities of how political treaties could have been transformed into inherently Jewish documents.


31 Although the connection between the Code of Hammurabi and the Covenant Code is far from clear, there are enough parallels for some scholars, such as D. Wright, Invent- ing God’s Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi (Oxford: Oxford University Press, 2009), to assume a direct dependency. Thus, the Covenant Code has some surprisingly close parallels with a text that is originally a millennium older, which illustrates that the reception history of ancient texts can be very long and complicated but they may still faithfully preserve very old material. The Psalms contain many parallels with Ugaritic texts although the connection can only have been very complicated.

32 See R. Müller, Jahwe als Wettergott: Studien zur althebräischen Kultlyrik anhand ausgewählter Psalmen (BZAW 387; Berlin: De Gruyter, 2008).
The problem with a monarchical document lacking a mention of the king is all the more significant if treaties served as sources, for in the treaties he most likely was a partner. If an Assyrian vassal treaty was used as a source, the Deuteronomistic scribes would have replaced the role of the Assyrian overlord with Yahweh, and the Davidic king with Israel. Thus, the author(s) intentionally omitted the figure of a human king. This seems implausible, because throughout the ancient Near East and the biblical historical record, the king served as the god’s viceroy, and thereby was responsible for the cult. Since the authors of Deuteronomy 13 and 28 were most likely scribes who had been close to the royal court, one would expect the king to have a central role in the transformed text if there was a king when a political document was used as part of a central religious text. A document by a group of dissidents close to the royal court is also unlikely, as there is no criticism of the king either. The king is simply neglected, and one receives the impression that the authors of Deuteronomy 13 and 28 did not need to take the king into account, which is unlikely in a monarchical religion where the king was the mediator between Yahweh and the people. There are also no threats regarding the end of the dynasty, the king’s person, or his family (cf. EST §§ 37, 42, 43, 45, 66, etc.); instead, all threats pertain to the people. This implies concepts that are fundamentally different from the monarchical ones. Like the rest of Deuteronomy, Deuteronomy 13 and 28 imply that Yahweh and the people could be in direct dialogue when the king is not needed and when he has no function. Such a fundamental transformation of religion implies the end of monarchy.

There are too many unanswered questions if Deuteronomy 13 and 28 were indeed integrated into Deuteronomy during the Assyrian dominance of the 7th century B.C.E., as assumed by Steymans and Otto. Clearly, we lack many pieces of the puzzle, but the post-monarchical theory offers a better explanation for the available data.

Steymans claims that the post-monarchical theory and exegetical arguments for it are motivated by the attempt to avoid concluding that an important aspect of biblical theology had its origin in the ancient Near East. Steymans’s claim is particularly aimed at Levin and Veijola’s models, according

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33 The problem with the lack of the king is also rightly seen by Koch, Vertrag. Treueid und Bund, 252–265.

34 For example, in expressions such as “your land” and “your people” that will face deportation (cf. EST § 25), the scribes would have replaced the king with the people. Deuteronomy 28:36 is a good example of how the king is completely sidelined. The text addresses the people as the agent that is in a position to choose the king. This does not correspond to a probable relative position between the people and the king.
to which the book of Jeremiah shaped covenant theology. Steymans side-steps critical evaluation of the arguments themselves, and instead questions the motives he attributes to Levin and Veijola. Needless to say, this is more of a rhetorical strategy rather than critical argumentation. His criticism is not far from an *ad hominem* argument. At any rate, we have seen that the monarchic dating is not dependent on Jeremiah. In any case, a Jeremiah connection may be even more complicated, and it is unclear whether Deuteronomy’s covenant theology and demand for exclusivity are contingent on Jeremiah. These reservations lead us to consider the influence of the treaties on these theological concepts.

The Treaties, Covenant Theology, and Exclusive Monolatry

There are reasons to assume that treaties had a crucial impact on Deuteronomy’s covenant theology and exclusive monolatry. The idea that Deuteronomy was only later shaped with covenant theological motives was introduced by Levin, and his theory was applied in more detail by Veijola, who assumed such a redaction (*Bundestheologische Redaktion*, which he labeled DtrB). They maintained that Deuteronomic Deuteronomy is monarchic in origin, while the covenant theology would already be post-monarchic.

Veijola assumed that exclusive monolatry was already present in Deuteronomy before DtrB. However, in his model, the pre-DtrB texts that demand exclusivity are few and not particularly explicit (possibly 9:9–12, 15–16a, see below). Much depends on the First Commandment in Deut 5:7, 9, which Veijola assumed to be pre-nomistic and thus much older than DtrB. This assumption seems unlikely. The editor who added it regarded exclusivity as a centrally important topic by giving it a primary position at the beginning of the law. However, in Veijola’s redaction history of Deuteronomy, the First

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35 According to Steymans, “DtrB und die adër zur Thronfolgeregelung Asarhaddons,” 163–167, at the background may be the Protestant principle of *sola scriptura*, where it would be difficult to accept external influence on central biblical ideas. Claims that a theory is ultimately based on one’s motives – in this case religious motives – should only be used with utter caution and with clear evidence to support the claim. This appears not to be the case in Steymans’s criticism of Veijola and Levin.

36 Thus also Koch, *Vertrag, Treueid und Bund*, 143–145, 248–265.

37 Levin, *Die Verheißung des neuen Bundes*, 81–89.


39 Veijola, *Das fünfte Buch Mose*, 128–131. Note that Veijola also assumed nomistic text layers that predate DtrB.
Commandment stands alone in criticizing other gods in the rest of the same textual layer.\textsuperscript{40} In fact, the First Commandment is primarily connected to texts that he ascribed to DtrB.

This becomes particularly evident when we look at the uses of the expression אֱלֹהִים אֲחֵרִים, “other gods.” Besides the First Commandment in Deut 5:7, the expression is only met in those sections of Deut 1:1–16:17 that Veijola ascribed to DtrB, and the situation in the latter half of the book would most likely be similar had he finished the second part of his commentary.\textsuperscript{41} The First Commandment already implies a fundamental antagonism between Yahweh and other gods, but there is no evidence of this in the rest of pre-nomistic Deuteronomy, as Veijola reconstructs it.\textsuperscript{42}

In fact, several features of the First Commandment suggest a connection to treaties and loyalty oaths. Firstly, the expression and idea of “having” a god in the First Commandment (לֹא יִהְיֶה־לְךָ אֱלֹהִים אֲחֵרִים) is unusual for the conventionally assumed meaning, and it is also rare that the verb היה comes in conjunction with a human subject and divine object.\textsuperscript{43} It would seem to express that gods are somehow owned by the person in question, but this is hardly meant. If we were dealing with a commandment that has a cultic background, one would expect more concrete verbs, such as sacrificing, worshipping, or being devoted to a particular god. The idea of having a god would be understandable if cult idols were meant, but this is probably not the case here.\textsuperscript{44} However, this idea is at home in treaties and loyalty oaths

\begin{itemize}
\item \textsuperscript{40} Note also the critique by C. Levin, review of Timo Veijola, \textit{Das fünfte Buch Mose (Deuteronomium): Kapitel 1,1–16,17}, \textit{Review of Biblical Literature} [http://www.bookreview.ws.org] (2007). Although Veijola, “Intoleranz und Wahrheit nach Deuteronomium 13,” 127, assumed that DtrB was strongly influenced by the First Commandment, he maintained that the First Commandment itself represents a much earlier layer of the composition.
\item \textsuperscript{41} The expression אֱלֹהִים אֲחֵרִים is found in Deut 5:7; 6:14; 7:4; 8:19; 11:16, 28; 13:3, 7, 14; 17:3; 18:20; 28:14, 36, 64; 29:25; 30:17; 31:18, 20. As for the passages after Deut 16:17, most of the passages are connected to the same redaction that Veijola identified as DtrB. Veijola’s views on the second half of Deuteronomy can partly be deduced from his many publications.
\item \textsuperscript{42} C. Levin, “The Origins of Biblical Covenant-Theology,” in \textit{Re-Reading the Scriptures: Essays on the Literary History of the Old Testament} (FAT 87; Tübingen: Mohr Siebeck, 2013), 255, notes: “the term ‘other gods’ is only explicable when it arises \textit{a priori} as a contrast: ‘Not Yahweh, but other gods.’”
\item \textsuperscript{43} Cf. Deut 26:17 (לִהְיוֹת לְךָ לֵאלֹהִים, which, however, adds the preposition). The peculiarity would become evident if an analogous sentence were to have Yahweh as object: יהיה לי יהוה.
\item \textsuperscript{44} Many scholars, such as Veijola, \textit{Das fünfte Buch Mose}, 153, 156, have argued that the prohibition against making idols in Deut 5:8 is a later addition. Note that also here the prohibition relates to action, “making” rather than “having” the idols.
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where one has a lord whom one must obey and show loyalty. One could thus argue that the commandment is an adaptation from a treaty context.

The expression עַל־פָּנָי in Deut 5:7 further corroborates this assumption and explains the use of the verb היה. While עַל־פָּנָי is ambiguous in Hebrew and unparalleled elsewhere in the Hebrew Bible, it may have a parallel in the Akkadian ina mu-uh-ḫi (ina ugu), which means “over,” “on top.” The word פנים, “face” would have been the closest Hebrew word to the Akkadian muḫḫu “skull,” “top of the head” that retains the idea and is somehow understandable in Hebrew. It is thus possible that the use of עַל־פָּנָי in the First Commandment was adopted and translated from Akkadian. Notably, the expression is met, for example, in EST § 17, lines 196–197: “… you shall not seek any other king or any other lord against him.” (ina ugu-ḫi-šû), and EST § 25 line 301 “Do not place any other king or any other lord over you” (ina ugu-ḫi-ku-nu).45 The context is similar,46 and a comparable idea was meant in the First Commandment. Both seek to express an exclusive relationship.47 Moreover, as Nathan MacDonald has noted, in the Hebrew Bible “the use of עַל־פָּנָי with human beings and gods suggests a sense of opposition.” This comes very close to the Akkadian ina mu-uh-ḫi. Consequently, the use of this term in the First Commandment denotes that the Israelites may not have any other god over and against Yahweh.48 This idea was also meant in the vassal and loyalty treaties: one should not have any lord above the overlord and certainly no one who is against him. This similarity further corroborates the treaty background of Deuteronomy and the similarity with ina mu-uh-ḫi suggests that a treaty written in Akkadian may have been used as a source.

Not coincidentally, both verbs in the second part of the commandment in v. 9a (לֹא־תִשְׁתַּחֲוֶה לָהֶם וְלֹא תָעָבְדֵם) point to a similar background. Especially their combination portrays a picture of a court where a subject pays alle-

46 Veijola, Das fünfte Buch Mose, 155, has noted the connection, but he only used the Assyrian parallel in order to understand the Hebrew. He did not connect it with the question of possible sources for Deut 5:7.
giance to his lord, although in the Hebrew Bible it is primarily used in refer-
ence to the illegitimate worship of other gods. The verb חוה “bow down to
the ground” is often met in contexts where a person meets his superior (e.g.,
Gen 18:2; 42:6). Some scholars assume that the use of these two verbs was
adopted from the book of Kings, but one need not postulate that Deut 5:9
draws upon a literary context when its courtly social background is so evi-
dent. In view of the other apparent contacts of the First Commandment
with treaties, it is not necessary to assume a primarily inner-biblical and thus
a more complicated development. The least complicated explanation for the
use of these verbs is that a vassal treaty or loyalty oath was used as a source.

Also peculiar in the First Commandment is the idea of grouping all gods
together with the term “other gods,” since a struggle against another god
would conventionally be against a specific god. The schema Yahweh versus
(all) other gods is exceptional in the religion of the ancient Near East, and
it implies a conception of the divine that closely resembles vassal treaties,
which are permeated by the idea of other kings being the main threat to the
one king who is owed exclusive obedience. Although a fixed term “other
kings” is not met in the known treaties as such, the texts do refer to “other
kings” being the main threat to the treaties and to the relationship between
the king and his vassal (e.g., EST § 17 lines 196–197 and § 25 line 301). One

49 J. P. Floß, Jahwe dienen – Göttern dienen (BBB 45; Köln: P. Hanstein, 1975), 168–178,
530–535, 541–547.
50 According to Floß, Jahwe dienen – Göttern dienen, 175–178, there are three different
uses of the verb in the Hebrew Bible: 1) in expressions of honor and subordination to a
human; 2) cultic devotion and worship of Yahweh; 3) illegitimate worship of other gods.
51 Thus Müller, “Treue zum rettenden Gott,” 423. If the primary impetus for the First
Commandment came from other biblical texts (Kings and Hos 2), one would have to
explain the peculiar יָשִׁבְתוּ and assume that the evident connections between the First
Commandment and the treaties came through Kings and Hosea 2. This not only as-
sumes a more complicated development, but the treaty conceptions are more general in
Kings and Hosea 2 than in Deuteronomy. In other words, a direct relationship between
Deuteronomy and the treaties offers a less complicated explanation than the assump-
tion of an inner-biblical development between them (on inner-biblical influences, see
below).
52 As noted by Levin, “The Origins of Biblical Covenant-Theology,” 255; and idem, Die
Verheiβung des neuen Bundes, 81–89, the form of the First Commandment “reminds
one of the pattern of vassalage.” Regardless of this observation, he assumed that the First
Commandment is contingent on Jer 7:9.
53 Levin, Die Verheiβung des neuen Bundes, 94, is well aware of the artificial nature of the
term “other gods,” but he comes to the conclusion that it may still be an inner-biblical
development, and possible sources could be Exod 20:2–3; Josh 24; or Jer 7:9.
54 See Parpola and Watanabe, Neo-Assyrian Treaties and Loyalty Oaths, passim. Koch,
Vertrag, Treueid und Bund, 143–144, has also pointed out that the expression “to follow
other kings” is met in vassal treaties and similar documents that regulate loyalty, which
should not exclude the possibility that the fixed term “other gods,” אֱלֹהִים אֲחֵרִים is contingent on the treaty language and conceptions.

Consequently, instead of assuming a cultic background for the essentially cultic prohibition, the most likely explanation for the various connections between the First Commandment and the treaties is that a treaty or oath was an essential source of the First Commandment. The other more extensive parallels with treaties in Deuteronomy corroborate this notion. Although it would be difficult to pinpoint that exactly the same editor was behind the First Commandment, Deuteronomy 13, and Deuteronomy 28, the closeness of their underlying conception of the divine suggests the same scribal group, which, inspired by treaties and loyalty oaths, suddenly introduced exclusive monolatry and covenant theology into the book.

Inner-Biblical Influences on Covenant Theology and Exclusive Monolatry?

Levin assumes that the emergence of the covenant theology is contingent on an inner-biblical Fortschreibung. His theory is largely based on literary- and redaction-historical reconstructions, and key passages are Jer 7:9, 22–23. Among other texts, these probable sources for exclusivity (7:9) and biblical covenant theology (7:22–23) inspired late editors of Deuteronomy to adopt their ideas. Other possible sources are Exodus 20 and Joshua 24. Thus, other books in the Hebrew Bible would have been decisive sources for the covenant theology and exclusive monolatry in Deuteronomy.

would be a close parallel to the common phrase in the Hebrew Bible, לֵךְ אַחֲרֵי אֱלֹהִים אֲחֵרִים.

55 See also Krebernik, “Weinfelds Deuteronomiumkommentar,” 20–32, who has noted several other connections between Deuteronomy and the EST. For example, the idea of loving the king (EST lines 266–268) and hearing his voice (EST § 17, lines 195–196) are similar to ideas in Deuteronomy (p. 31). He also points out (p. 31) that the expression “with all your heart” (EST § 4, line 53, § 13, line 169, § 34, line 387) finds several parallels in Deuteronomy (e.g., 6:5; 10:12; 13:3; 26:16). See also Moshe Weinfeld, “Traces of Assyrian treaty formulae in Deuteronomy,” Biblica 46 (1965): 417–427.

56 Veijola’s reconstruction of the redaction history of Deuteronomy was very detailed, and a presentation of a reconstruction can only be such. Because of the challenges in reconstructing a very complicated development, one should always see a redaction-historical reconstruction as an approximation.

57 Levin, Die Verheißung des neuen Bundes, 79–97.

Although connections between Jeremiah 7 and Deuteronomy are evident, it is not clear that Jeremiah is the source of exclusivity and covenant theology. Admittedly, there is apparently a connection between Jer 7:9; Hos 4:2; and the Decalogue in Exodus 20 / Deuteronomy 5, and it is possible that Jer 7:9 and/or Hos 4:2 were sources for the Decalogue's non-cultic prohibitions (swearing, lying, murder, stealing and adultery) as argued by Frank-Lothar Hossfeld and Levin.59 According to the latter, however, this connection not only applies to the non-cultic prohibitions, but also to the First Commandment, which would show that the original Decalogue consisted of Exod 20:2–3, 5a, 13–17a.60 However, many scholars have argued that Jer 7:9b is a later addition,61 which partially undermines the theory that the First Commandment was adopted from Jeremiah 7. This suspicion is corroborated by the fact that the obvious parallel in Hos 4:2 lacks a prohibition against worshipping other gods. One should note that the phrase אֲשֶׁר לֹא־יְדַעְתֶּם, “that you do not know” in reference to the other gods is otherwise known from late nomistic sections of Deuteronomy (13:3, 7, 14; 28:64; 29:25) and two verses in Jeremiah (19:4; 44:3). If Jer 7:9b had been the source for the First Commandment, one would have to assume that the original editor who used Jer 7:9 did not adopt its phrases הלֹךְ אַחֲרֵי אֱלֹהִים אֲחֵרִים and אֲשֶׁר לֹא־יְדַעְתֶּם, but only the general idea that one should not have other gods. In other passages the same or other editors of Deuteronomy would then have adopted the terminology of Jer 7:9b, which complicates the theory. There is also a clear phraseological difference between the main prohibition of the First Commandment and Jer 7:9b:

Deut 5:7, 9a  
לא יִהְיֶה־לְךָ אֱלֹהִים אֲחֵרִים עַל־פָּנָי  
לא תִשְׁתַּחֲוֶה לָהֶם וְלֹא תָעָבְדֵם  
הלֹךְ אַחֲרֵי אֱלֹהִים אֲחֵרִים אֲשֶׁר לֹא־יְדַעְתֶּם

Jer 7:9b

One would thus have to assume that Jer 7:9 only influenced the idea of the First Commandment but not its vocabulary. The principle of economy implies that Jer 7:9b is more probably familiar with a later version of Deuteronomy than vice versa.62

60 Levin, “Der Dekalog am Sinai,” 63–65; and idem, Die Verheißung des neuen Bundes, 94–95.
62 One should also consider the possibility that parts of the Decalogue circulated as an
Since the Decalogue neither criticizes Baal nor mentions sacrifice to illicit deities, the implication is that Jer 7:9 is not the source for the cultic prohibitions. Sacrificing to Baal and following “other gods” are combined in Jer 7:9 (וְקַטֵּר לַבָּעַל וְהָלֹךְ אַחֲרֵי אֱלֹהִים אֲחֵרִים), which may suggest a late origin. If Jer 7:9 had been an early source for the attack on other gods in Deuteronomy and the source of some of its central phrases (וְהָלֹךְ אַחֲרֵי אֱלֹהִים אֲחֵרִים and אֲשֶׁר לֹא־יְדַעְתֶּם), why was the criticism of Baal and sacrifices to him not adopted from Jer 7:9? It is notable that the verb קַטֵּר ‘to sacrifice’ is also missing in Deuteronomy, but it is familiar from the regular criticism of Israelite and Judean kings sacrificing in the wrong place in the book of Kings. In the later stages of the development of Kings, the criticism of sacrifices in the wrong place changes to a criticism of sacrificing to other gods. However, this idea is not very common in Kings either (see 1 Kgs 11:8; 2 Kgs 18:4; 22:17; 23:5) and, in this usage, Baal is met only in 2 Kings 23:5. Usually the criticism concerns the worship of other gods, whereas a sacrifice to the other gods is more specific and probably a literary development in Kings that takes off from the criticism of cult places. One receives the impression that the cultic prohibitions in Jer 7:9 are dependent on a later literary development of Deuteronomy and Kings. Consequently, Jer 7:9 is not a very strong candidate for the origin of exclusive monolatry in Deuteronomy. This does not diminish the possibility that Jer 7:9a and/or Hos 4:2 could well be an important source for the non-cultic prohibitions of the Decalogue. The addition of cultic sins to Jer 7:9 may indeed be due to the Decalogue. It is not uncommon that two obviously related passages have reciprocally influenced each other, in this case Jer 7:9a first influencing the Decalogue and the Decalogue later Jer 7:9.

Jeremiah 7:22–23 implies the historical fiction that Yahweh led the Israelites out of Egypt to the land where they should walk only in the way that Yahweh has commanded. This scheme is reminiscent of a late stage in the development of Deuteronomy. The concentration of central theological concepts, ideas and phrases in Jer 7:22–23 also suggests dependency on a later stage of Deuteronomy. Moreover, v. 23 implies a very similar conception of an independent document that was cited by the communities that transmitted the books of the prophets.

63 Baal is mentioned in Deut 4:3 as Baal of Peor, but this passage appears to be unconnected with the regular attack on the other gods.

64 As noted by Thiel, *Die deuteronomistische Redaktion*, 103, Jer 7:1–8:3 is a treasure trove of Deuteronomic and Deuteronomistic phrases. He also notes (p. 105) that the section contains very many links to other sections of the book, which suggests the activity of late editors. Thiel finds elements of the so-called Alternativpredigt in Jer 7:8–11, 13, which “has found its home in the dtr circles” (p. 118). Albeit indirectly, this may well
of the relationship between Yahweh and Israel to that of the vassal treaties on the relationship between the lord and the vassal. Levin’s theory does not adequately explain why the similarities between Deuteronomy and the treaties are so explicit. They imply a direct adoption from the treaties rather than via Jer 7:22–23, where they are not explicit. If one assumes Jer 7:22–23 to be a source, one would still have to assume direct influence of the treaties. Although one cannot exclude some impact of Jeremiah on the covenant theology of Deuteronomy, a more economical solution is to assume that the essential idea derives directly from the treaties. It would be quite a coincidence if, by an inner-biblical development and without external sources, the biblical covenant theology had developed into something that is strikingly similar to the treaties in ideology, phraseology, and basic schema.

By following the principle of Occam’s razor, it seems more likely that the influence of the treaties on covenant theology – as far as Deuteronomy is concerned – was fundamental and primary, whereby the influence of Jeremiah remains unclear and controversial.

This leads us to the following questions: How crucial is the influence of the treaties on exclusive monolatry in Deuteronomy? Is there evidence that exclusive monolatry predates covenant theology? Although it cannot be excluded that some development towards exclusivity took place before the treaty influence, the evidence for it is thin in Deuteronomy. Without the Decalogue, a potential text would be in Deut 9:9–12, but this is a complicated case, as its relationship with Exodus 34 is controversial at best. Verse 12 implies that a cast image was a major sin, which may be dependent on the

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65 The criticism by Steymans, “DtrB und die adê zur Thronfolgeregelung Asarhaddons,” 163–167, is directed at such a strict model.

66 As noted by Levin, “The Origins of Biblical Covenant-Theology,” 255, “[i]t is remarkable that the form, which this obligation has got in the First Commandment, again reminds one of the pattern of vassalage. It is the exclusive relationship of the divine lord and… the royal servant, that provides the model.” Levin thus also accepts the influence of the treaties but it remains unclear how the inner-biblical development correlates with the evident external political sources.

67 In this respect, I agree with the conclusion by Steymans, “DtrB und die adê zur Thronfolgeregelung Asarhaddons,” 166–167, 186; and Otto, Das Deuteronomium, but disagree with their dating of this influence. Otto, Das Deuteronomium, 74, has concluded that the covenant theology was born by means of an Assyrian intermediary or “midwife” (Ger. “assyrische Geburtshilfe”), but because of his early dating, he has to assume that with the first breath it turned against the Assyrian midwife.

68 The same problem also weakens other theories that assume an inner-biblical influence; for example, Müller, “Treue zum rettenden Gott,” 422–423, assumes the influence of Kings and Hosea 2.
Second Commandment, a later addition to the Decalogue. Veijola’s dating of Deut 9:9–12 to a pre-DtrB layer was possible because of his early dating of the Decalogue, but this is probably incorrect. A logical conclusion is that if the Decalogue is connected to the treaty texts of Deuteronomy, Deut 9:9–12 is contemporary or even later. Consequently, following Veijola’s reconstruction but partly contradicting his conclusions, all traces of pre-DtrB exclusive monolatry disappear in Deut 1:1–16:17 if the Decalogue is connected with the text that Veijola ascribed to DtrB.

We should briefly mention two other potential sources for exclusivity in Deuteronomy: cult centralization and marriage treaties. By means of analogy, it is possible that demanding sacrifice in one place only could have developed into the idea that divinity should also be one. Although the idea of oneness could well have stimulated a development in this direction, the texts that demand exclusive worship of Yahweh in Deuteronomy do not utilize the language or concepts of the cult centralization texts. For example, Deuteronomy 13 is thematically linked only with the later additions to Deuteronomy 12 (e.g., vv. 2–7 and 28–31), while the connections are otherwise weak. The editor who originally added Deuteronomy 13 attempted to tie the addition to the older text, but this was technically motivated. No evidence indicates a gradual Fortschreibung from cult centralization to exclusive monolatry inside Deuteronomy. The shift is sudden. This suggests an external source, such as an extra-biblical vassal treaty, that brought entirely new ideas to Deuteronomy.

The idea of loyalty and exclusivity is also implied in marriages and marriage laws. This link is made particularly clear in some other parts of the Hebrew Bible, where Ezekiel and Hosea are the clearest examples. Having worshipped other gods, Israel is likened to an adulterous wife (see Jeremiah 2–3; Ezekiel 16 and 23). Although the laws on marriage loyalty in Deut 22:13–29 could have inspired the link, it is not explicitly made in

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69 Veijola, Das fünfte Buch Mose, 153, 156.
70 Veijola, Das fünfte Buch Mose, 225–228, notes that לא תעש ילאים מוסכבה is remarkably similar to the Second Commandment (cf. לא תעש ילאים מוסכבה).
71 The links between Deuteronomy 12 and 13 are discussed by literary critics, and these seem to be primarily motivated by the attempt to attach Deuteronomy 13 to the older text, and especially to Deut 12:2–7 and 28–31, as noted by Veijola, “Intoleranz und Wahrheit nach Deuteronomium 13,” 125–126.
72 In the laws regulating marriage, the demand for loyalty seems to pertain to women only (thus for example in Deut 22:15–29). Men may be regarded offenders vis-à-vis another man whose marriage they have offended, but there seems to be no offense against a woman.
Deuteronomy. Cynthia Edenburg has argued that the author of Deut 13:2–19 “drew a two-way analogy between marital fidelity and the fidelity due to the sovereign,” which “facilitated interpreting covenant as connubium in other late Deuteronomistic texts.” This highlights the treaty origin of the idea of the exclusive worship of Yahweh in Deuteronomy, while the link with fidelity and implied exclusivity in marriage emerges later as a conceptual and literary development.

Deuteronomy provides no clear evidence for exclusive monolatry in its early stages, and a crucial impetus for the revolutionary idea seems to have come from treaties or related documents. The treaty texts shaped the basic conceptual structure that exclusive monolatry implies about Israel’s God and the divine: there is only one acceptable god to whom one must be loyal, with any other divinities being a threat. As far as Deuteronomy is concerned, it is feasible that the whole idea was imported from the treaties and adapted to use in Deuteronomy.

73 According to Müller, “Treue zum rettenden Gott,” 423–424, the word קַנָּא implies a connection between the First Commandment and the inherent idea of jealously in a marriage. However, the idea of jealously is merely one, and a rather infrequent, meaning of the root. In the First Commandment the intent is more likely to be zeal or anger in a punitive sense, for the ensuing sentence refers to the punishment that follows from sins committed against Yahweh.


75 That the link between apostasy and marriage is met in Jeremiah 2–3 but not in Deuteronomy speaks against the theory of the book of Jeremiah’s influencing the exclusive monolatry in Deuteronomy. Note that many scholars count these chapters among the earliest section of Jeremiah. E.g., B. Duhm, Das Buch Jeremia (KAT XI; Tübingen: Mohr Siebeck, 1901), 15; S. Mowinckel, Zur Komposition des Buches Jeremia (Kristiania: Dybwad, 1914), 17–21; R. Albertz “Jér. 2–6 und die Frühzeitverkündigung Jeremias,” ZAW 94 (1982): 20–47; R. Carroll, Jeremiah (London: SCM, 1986), 115–118. Although these chapters also contain later additions, the oldest assumed kernel is already familiar with the connection between apostasy and unfaithfulness in marriage (e.g., in Jer 3:1–5, 19–20).

76 See Edenburg, “From Covenant to Connubium,” 138, who notes that “the application of the idea of covenant or ברית to marital relations was a conceptual (or intellectual) innovation that was not grounded in the marital institution of the times.”

77 In short, the exclusivity in Deuteronomy assumes a model in which Yahweh is regarded as the dominant partner who protects and gives good things to Israel (e.g., Deut 7:12–26; 8:7–20; 9:1–6), while Israel, as the subordinate partner, must demonstrate exclusive loyalty to the divine overlord and obey his commands (e.g., 6:12–16; 26:16–19). The worship of other gods is the main threat to loyalty, and it leads to disastrous results (such as those listed in Deut 28:15–68). This scheme is supplemented by several instructions on how to maintain loyalty (e.g., Deuteronomy 6–11) and how to thwart any threats to it (e.g., Deuteronomy 13).
An external source does not mean that the idea of exclusivity was forced from outside. A completely new idea comes into the question only if there is need for it. A natural vacuum would have been created by the religious crisis that arose following the destruction of the state, monarchy, and temple. During a time of continuity of monarchy and temple, it is very unlikely that a revolutionary and, in this case, foreign idea would have been able to transform the religion in such a fundamental way. In effect, theories that assume foreign influence in central theological conceptions during monarchical times ultimately fail to demonstrate convincing motives for a profound altering of existing theological traditions. The idea of exclusive intolerance is revolutionary in ancient Near Eastern religions, and the same holds for eliminating the intermediary role of the king in defining the relationship between a divinity and a people. Such changes would have aroused firm resistance from the existing order and would erode the legitimacy and authority of the temple and the monarchy. The post-monarchical period thus offers a more natural context for the use of treaties to introduce revolutionary new ideas.

Who Was Behind the Treaty Influence in Deuteronomy?

How can one then correlate the post-monarchical Deuteronomy with the use of treaties that would have been politically relevant during the monarchical period? It seems most likely that the vassal treaty (or treaties) behind the First Commandment and Deuteronomy 13 and 28 was probably made between the king of Judah and the Assyrian or Babylonian ruler. The authors of Deuteronomy 13 and 28 could not only read the treaties, but also understood them so well that they used them creatively in a new context. The transformation of treaty ideology to form the basis of a theological document requires considerable insight of treaties and their intricacies. To conceptualize the world and especially the divinity’s relationship with people through the treaty ideology is not something that someone can adopt after accidentally finding a vassal treaty in an archive or temple. Deuteronomy’s successful amalgamation of Judean elements with the wider West-Aramaic

78 It stands to reason that Judean royal scribes could read and write Aramaic documents, and some of them could probably read Akkadian. This is implied by the Neo-Assyrian cuneiform tablets found in Palestine; see a list of all cuneiform finds in Palestine in Wayne Horowitz, Takayoshi Oshima and Seth Sanders, “A Bibliographical List of Cuneiform Inscriptions from Canaan, Palestine / Philistia, and the Land of Israel,” Journal of the American Oriental Society, Vol. 122, No. 4, 753–766. Some cuneiform tablets from the Neo-Babylonian and Persian periods have been found as well.
and Neo-Assyrian treaty and loyalty oath traditions highlights this point.\textsuperscript{79} We are therefore dealing with a circle of professionals or scribal families who worked, perhaps over generations, with treaties and oaths.\textsuperscript{80} At the same time, these professionals were part of a tradition that was familiar with legal texts, as suggested by the constant emphasis on the law, the fact that laws form the core of the documents, and the idea that the relationship between Yahweh and Israel is defined by a law. In Deuteronomy, the legal tradition has been amalgamated with the treaty and oath tradition in a way that narrows the range of possible scribes.

Veijola has argued that the nomistic Deuteronomists were legal experts and learned scribes who stood at the beginning of a long tradition of Jewish Schriftgelehrten. He assumed that these scribes provide a background for the later Jewish scribal activity that can be seen in the book of Ezra and in other Second Temple Jewish literature. For Veijola, the nomists would thereby provide a crucial link between later Judaism and the conceptions of the monarchic period. This would mitigate the radical shift in Israel’s religion as assumed by many since early research.\textsuperscript{81} Despite acknowledging the connections, Veijola did not integrate the evident vassal tradition into his picture and did not consider in detail how nomistic legal activity is connected to the monarchic institutions. He assumed that a monarchic edition of early Deuteronomy would function as the link. This is unlikely, as we have seen.

Thus, a very small group stood behind the formative development of Deuteronomy. Only professional scribes and administrators working with these texts in a royal court would be able to read both state laws and political treaties between rulers. Only they could understand such documents in depth, think in their terms, and have the skills to use them creatively in new contexts. Although these considerations would give the impression that we must be in the Judean court in the 7th century B.C.E., the arguments already provided suggest that this cannot be the case. Especially the complete lack of reference to the main institutions of this time – the state, the monarchy and the temple – rule out this possibility.

\textsuperscript{79} Koch, \textit{Vertrag, Treueid und Bund}, 315.

\textsuperscript{80} Steynans’s, “DtrB und die adé zur Thronfolgeregelung Asarhaddons,” 167–175, model assumes that the Assyrians imposed a repressive political treaty on Judah during the time of the monarchy (especially during the time of Manasseh), which was then used as the model to form Israel’s own religion during the time that the treaty was present in the temple.

The most probable context is a situation where the institutions had collapsed and where the professional scribes, who previously had worked at the royal court, transformed their knowledge into entirely new kinds of texts. Some part of the Hebrew Bible may even preserve traces of this group (e.g., the Shaphanides), as argued by many scholars. They still possessed (some of) the monarchical documents or simply knew them by heart. Because of their background, they conceptualized the world through documents they had been working with, perhaps their entire lives. This process must have originated not more than a generation after the collapse of Judah in 587 B.C.E., before the transformation of the monarchical tradition to Deuteronomy and nomism in particular had begun. After the collapse of the monarchy, an extended process of transmission and reception without transformation is unlikely because texts that do not have an applicable context lose their relevance, and people who understand them will eventually disappear. There is no reason to train a new generation of specialists in monarchical legal tradition and political documents unless there is an entirely new and relevant context for them. Therefore, it is most likely that the theological reuse of the vassal treaties and legal texts took place relatively soon after the collapse of Judah in 587 B.C.E. A situation where the old institutions had just collapsed would also provide the ideal setting for explaining the catastrophe by means of transforming the genre of political treaties in order to convey innovative and revolutionary theological concepts. After all, the catastrophe of 587 B.C.E. was very similar to what the treaties had threatened Judah with if they should disobey the Assyrian king.

How does this fit with the idea that even the earliest version of Deuteronomy may have been written after 587 B.C.E.? Paradigmatic changes can take place quickly. When a foundational, ideological paradigm collapses, everything comes down very fast. When a new paradigm based on new conceptions is formed, there is a natural inclination to reach equilibrium, and this is usually a rapid development. For Deuteronomy, this means that most of its redaction history could have transpired in a relatively short period. After the collapse, scribes would have made a consistent effort to edit the text in order to achieve an acceptable equilibrium with the new kingless,

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83 For example, in evolutionary biology, it has been noted that changes take place rapidly in order to reach an equilibrium very fast; instead of a gradual development, biological evolution can be seen as "punctuated equilibria." See, for example, N. Eldredge and S. Jay Gould, "Punctuated Equilibria: An Alternative to Phyletic Gradualism" in *Models in Paleobiology* (ed. T. Schopf; San Francisco: Freeman, Cooper & Co, 1972), 82–115.
stateless, and temple-less reality. It is possible that the same scribes revised their own texts repeatedly, and that in the process their thinking changed radically and rapidly.

In concrete terms, a major catastrophe had just brought down the fundamentals of the old religion, which was based on the temple, its cult, and the monarchy. When these institutions were in place, there would have been no reason to rock the boat with completely new views of man’s relationship to the divinity, let alone to question the state’s main institutions by completely omitting them from a central religious document. A central religious document usually seeks to justify and legitimize the existing order and its institutions. Their destruction, however, would not only allow, but also cause or even necessitate the emergence of completely new and revolutionary ideas. After the old myths and conceptions based on the temple and eternal dynasty led to be a dead end, revolutionary conceptions could be sought from different directions in new documents. Inspired by the legal texts, scribes of the royal house replaced the king with Moses the lawgiver as mediator between Yahweh and Israel, while the law replaced the temple as the means to approach the divinity. The treaties further inspired these scribes to see this relationship in a way similar to what they knew from treaties between a vassal and his overlord. This was done in a very short time after 587 B.C.E. until the implications of the new theology had been applied and an equilibrium with a kingless and temple-less situation had been reached.

One alternative should still be considered. Since the beginning of the twentieth century, many scholars have suggested that Deuteronomy could trace its origin to the Northern Kingdom, and be occasioned by the destruction of Samaria in 722 B.C.E. Many of these theories were based on assumptions that have turned out to be problematic, as shown in a review by Cynthia Edenburg and Reinhard Müller. For example, Deut 27:4–6, which refers to an altar on Mt. Gerizim, has been used as proof for Northern origins by many scholars, but this passage is a post-Deuteronomistic addition looking at a more complete Torah, as argued by many. Apart from Deut

84 The figure of Moses preserves many royal traits. After the collapse of the monarchy, one could imbue royal traits to a non-royal figure, but they are mostly very implicit and there seems to be no attempt to present Moses as an ideal royal figure.


87 See C. Nihan, “The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua,” in The Pentateuch as Torah: New Models for Understanding Its
27:4–6, there is little that speaks for a Northern origin. Although one could imagine a context where scribes of the royal court in Samaria used vassal treaties of the North to shape Deuteronomy after 722 B.C.E., this theory encounters problems similar to the 7th century dating in Judah, since there was still a king and a temple of Yahweh in Jerusalem. If the authors were Northern refugees in Jerusalem, their literary enterprise would be suspect as subversive. One could also suggest that Deuteronomy is a completely Northern document, but then one runs into difficulties explaining how it became the core document of Second Temple Judaism. One has to assume close contact with scribes of the South, at least at some point. This is implied, for instance, by the fact that the clearly Jerusalem-centered book of Kings was edited by those who had very similar conceptions about cult centralization and exclusivity as Deuteronomy.

Originally, Deuteronomy may have been a joint project or a compromise document between Samaritans and Judeans/Jews, as suggested by Gary Knoppers. Otherwise, it is difficult to explain how it was eventually accepted by both communities. It would also explain the diplomatic formulation not to name the place of sacrifice. However, Deuteronomy cannot be a compromise document from the seventh century B.C.E., because the Judeans remained in a very different situation from the Northerners. The most likely context for a compromise document is when both communities were in a similar situation, without a king, state, and temple. Moreover, many post-Deuteronomic editors neglect the whole issue with the temple as well as centralization, which suggests that during this time there was still no temple or it played no role. In other words, the Deuteronomists and nomists (including DtrB, if one accepts Veijola’s theory) should be dated to a time and context when the issue of the temple was not relevant for both communities. There is only a relatively small window of opportunity for this – after the destruction of Jerusalem in 587 B.C.E., and before the building of the Temple in Jerusalem and Gerizim in the late 5th century B.C.E. Most of the redactional development of Deuteronomy must have taken place during this time, including those redactions connected with the vassal treaties.


Summary

Deuteronomy contains many parallels with vassal treaties and loyalty oaths. Although the clearest parallels can be dated to the monarchic period, the influence of the treaties on Deuteronomy can only be post-monarchic in origin. The influence is especially evident in covenant theology and conceptions of Israel’s relationship with Yahweh. As far as Deuteronomy is concerned, exclusive monolatry seems to have been adopted from the treaties. In addition to Deut 13 and 28, the First Commandment was influenced by a treaty written in Akkadian, probably a Neo-Assyrian one. Exclusive monolatry and covenant theology were introduced into Deuteronomy rather suddenly, not through a gradual Fortschreibung. Although it cannot be excluded, it is unnecessary to assume an inner-biblical influence on these theological ideas.

Behind these ideas were scribes who had worked in the Judean royal court and been responsible for treaties and loyalty oaths as well as legal texts. Having deep understanding of such documents, they created revolutionary theological conceptions that were possible only after the older order and its main institutions had collapsed in 587 B.C.E. The use of documents of an entirely different genre enabled creative ideas that crucially separated Judaism from the other religions of the ancient Near East.

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