
MARKUS ZEHNDER
UNIVERSITY OF BASEL AND ANSGAR THEOLOGICAL SEMINARY

This article addresses the question of a possible dependence that is often claimed to exist between a postulated “Ur-Deuteronomium” and the so-called “Vassal Treaty of Esarhaddon” (VTE). It investigates the textual and reconstructed historical points of contact, concluding that the arguments brought forth in support of the dependence theory are not strong enough to recommend it. In the context of this investigation, the numerous important differences that separate VTE and Deuteronomy are highlighted.

Key Words: Deuteronomy, “Vassal Treaty of Esarhaddon,” loyalty oath, curse

INTRODUCTION

Problems in Assessing the Historical Setting of Deuteronomy

As most readers of this article will know, opinions about the origins and the correct historical localization of the book of Deuteronomy differ widely. However, it is possible to identify a limited number of assumptions held by most commentators. Among these, we find the view that the textual claim of a Mosaic background is fictitious and that in some way the book has to be related to the reform of King Josiah mentioned in 2 Kgs 22–23. Most authors also reckon with a highly complex process of composition and redaction, with many seeing some relation to King Hezekiah and the prophet Hoshea.⁰¹

A closer look shows that even these seemingly foundational pillars are not shared by all scholars involved. It will suffice to mention Eckart Otto,

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one of the “big players” with respect both to research on OT law corpora in general and Deuteronomy in particular. With regard to the deuteronomic laws in chaps. 12–26, he states in his 1999 monograph *Das Deuteronomium* that it is more unclear than ever which literary-critical criteria can be applied to distinguish between predeuteronomic, deuteronomic, Deuteronomistic, and post-Deuteronomistic layers within the law sections of Deuteronomy. In a situation in which even the criteria are under dispute, one cannot expect agreement about the results of these investigations.

*The Recent Trend: The “Vassal Treaty of Esarhaddon” as Historical Background of an “Ur-Deuteronomium”*

In the last couple of years, the discussion about the historical setting of Deuteronomy has been relanced, with a specific spin. If one reads Erich Zenger’s introduction to the OT, for example, which is among the most widely used introductions in German speaking Europe, one finds the view that the deuteronomic “phenomenon” is the theological response to the identity crisis of Judah as YHWH’s people in the 7th century at the time of the Assyrian domination over Judah. In order to cope with this crisis, the deuteronomic theologians used the literary device of a treaty because of its high prestige in the dominating Neo-Assyrian culture. A copy of VTE was, according to this view, available in the royal archives in Jerusalem, and parts of it were used as models in the writing of Deuteronomy, sometime between 672 and 612 B.C. This provides us with an external point of reference for the dating of Deuteronomy, and by extension, for the Pentateuch as a whole.

One of the most prominent and influential partisans of a close relation between Deuteronomy and the Neo-Assyrian vassal treaties or loyalty oaths within the German-speaking guild is Eckhart Otto. He sees the book of Deuteronomy as a reworking of the parts of the Book of the Covenant that existed in the 7th century, on the one hand, and identifies the original parts of Deut 13 and 28 as the kernel or oldest layer of the literary work called Deuteronomy, on the other. These are formally modeled on Neo-Assyrian loyalty oaths, especially VTE, and at the same time constitute a conscious polemic replacement of these oaths as far as the receiver of the loyalty goes.

3. The paragraphs in question are VTE §§56 and 38A–42, 63–65.
Others would include other parts of Deuteronomy as directly dependent on Neo-Assyrian models, for instance, the central commandment to “love” YHWH as formulated in Deut 6.6

If these assumptions are right, we would in fact possess a kind of historical anchor that permits us to date the origins of the book of Deuteronomy and thereby perhaps even to find a safe basis for the reconstruction of the origins of the literary history of the Pentateuch as a whole.

Affinities between VTE and Deuteronomy, especially the curse section in Deut 28, have been noted since the original publication of VTE in 1958, and theories about a dependence of the respective deuteronomistic passages on the Assyrian model were developed early on, for instance, by Frankena, Moran, and Weinfeld.7 However, these earlier authors would not go so far as to identify these passages with the “Ur-Deuteronomium.”8 We may also

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As an example of the assertion of a relation between VTE and Deuteronomy beyond Deut 6, 13, and 28, we may quote Christof Hardmeier, who in a somewhat fuzzy way seems to suggest that in principle the whole of Deuteronomy is modeled according to Neo-Assyrian loyalty oaths and possibly other vassal treaties: “Es ist das Szenario von Vasallenverträgen, wie wir sie aus neuassyrischen Loyalitätseiden etwa der Zeit Asarhaddons kennen, das als ganzes auf die Rollen und Beziehungen zwischen JHWH und seinem Volk übertragen und . . . aktuell vollzogen wird” (“Die Weisheit der Tora [Dtn 4,5–8],” in Freiheit und Recht [ed. Christof Hardmeier, Rainer Kessler, and Andreas Ruve; Gütersloh: Kaiser, 2003], 244). Van der Toorn claims that the editor of the “Ur-Deuteronomium,” dubbed “the Covenant Edition,” “was using the Neo-Assyrian treaty texts as his model,” adding, however, that “the case for a literary borrowing” may not be “entirely compelling” (Scribal Culture, 155). The “Covenant Edition,” as the kernel of Deuteronomy, is located by van der Toorn in Deut 12–26*, but he sees the original section of blessings and curses within Deut 28 as part of it, as well as Deut 6:4–9 (see Scribal Culture, 151–52).


8. Frankena already goes a long way in this direction when he states: “The religious reform of Josiah was directed against Assyria and it is therefore tempting to regard the renewed Covenant with Yahweh as a substitution of the former treaty with the king of Assyria. Judah, being no more a vassal of Assyria, becomes a vassal of Yahweh again: instead of loving the Assyrian king they will love Yahweh with whole their being (Deut. vi 5)” (“The Vassal-Treaties,” 153). On the other hand, we may note that, in spite of some connections perceived between VTE and Deut 28, Moran claims that, for the author of Deuteronomy, not VTE but
observe that several scholars would in fact reckon with the possibility of an influence of VTE on the “Ur-Deuteronomium” but at the same time assume that other ancient Near Eastern texts, especially treaties, were also among the sources from which the authors of Deuteronomy drew. Paul E. Dion, e.g., states: “This analogy between the laws of Deuteronomy 13 and political repression in the biblical world raises the possibility that political models had an impact on their formulation, or even contributed to the atmosphere which led to their promulgation.”9 Some pages later, he adds: “In order to prevent his nation from drifting back to the attitudes that prevailed before Josiah’s reform, he designed laws heavily indebted to a thousand-year-old statecraft still practiced in Mesopotamia. . . . the closer to 672 BC one places the composition of Deuteronomy 13, the easier to understand are its precise contacts with the vassal treaties of Esarhaddon.”10

Against the Trend: Opponents of the VTE-Dependence Theory

Acceptance of a VTE background for the original layers of Deuteronomy, with immediate relevance for their dating, has not been unanimous. Among the more skeptical voices is that of Timo Veijola. In his 1995 article “Wahrheit und Intoleranz nach Deut 13,” he concedes that there are in fact close parallels between VTE and Deut 13. But he also observes relations between Deut 13 and Hittite vassal treaties. As opposed to Otto, he holds the view that it is not legitimate to use parallels of this sort to determine

“the Decalogue represented the old normative tradition, the basis of Israelite existence, elements of which he singled out, commented upon, and applied to the Israel of his own time” (“The Ancient Near Eastern Background,” 87).


the original roots of the respective biblical texts.\textsuperscript{11} The reason for this caution is that, according to Veijola, the tradition of treaty conventions is extremely tenacious, so that one has to reckon with the possibility that even several decades after the end of the Kingdom of Judah formulations found in Neo-Assyrian treaties could have entered the literary work of biblical authors.\textsuperscript{12}

Among the most fundamental critics of Otto’s position we find Reinhard Gregor Kratz. In his monograph entitled \textit{Die Komposition der erzählenden Bücher des Alten Testaments}, he first states that the kernel of Deuteronomy consists of the law collection of chaps. 12–26*, which implies that the curse section of Deut 28 cannot be regarded as a core element of “Ur-Deuteronomium.” According to Kratz, Deut 13 also does not belong to the core layers of Deuteronomy and therefore has no function in deciding the shape and origins of “Ur-Deuteronomium.” Possible parallels between deuteronomic and Assyrian—or Hittite—texts are not denied in principle, but for Kratz, as opposed to Otto and others, these parallels do not have any chronological significance because the extrabiblical material could have influenced the biblical authors at any time.\textsuperscript{13}

More restricted criticism is found, for example, in Paul E. Dion’s and Christof Hardmeier’s articles. They admit a dependence of variously delimited deuteronomic passages on Neo-Assyrian models but assert that the influence of the latter on Deuteronomy was not exerted through processes of literal copying.\textsuperscript{14}


\textsuperscript{12} Cf. the opposing view expressed by Otto: “Für die Deuteronomiumsforschung ist es von Bedeutung, dass die neuassyrischen Texte nur im Kontext der irregulären Thronfolge Asarhaddons und Assurbanipals in den Jahren zwischen 683/2 v. Chr. und 669/8 v. Chr. belegt sind. Sie haben eine gattungsgeschichtliche Vorgeschichte, die bis in das 13. Jh. zurückzufolgen ist. . . . sie haben aber keine Nachgeschichte. Die Gattungsgeschichte endet mit dem Untergang des neuassyrischen Reiches. . . . Weder aus neubabylonischer noch aus persischer Zeit sind Trueide überliefert” (Otto, \textit{Das Deuteronomium}, 32; Eng. trans.: “It is important for the research on Deuteronomy that the Neo-Assyrian texts are only attested in the context of the irregular succession of Esarhaddon and Ashurbanipal in the years between 683/2 b.c. and 669/8 b.c. They have a gattungsgeschichtliche prehistory that can be followed up to the 13th century they do not have, however, a Nachgeschichte. The history of the specific genre in question ends with the downfall of the Neo-Assyrian Empire. . . . Loyalty oaths have come down to us neither from the Neo-Babylonian nor from the Persian period.”). Implied in this emphatic statement is the assumption that the Neo-Assyrian Vorlage cannot have influenced biblical authors after the collapse of the Neo-Assyrian Empire.

\textsuperscript{13} See Kratz, \textit{Die Komposition}, 122.

Who has it right? Otto and his partisans or Veijola, Kratz, and other skeptics? It is not possible to answer this question comprehensively in the limited context of an article such as this. However, we must in principle reckon with the possibility that neither Otto’s nor Veijola’s and Kratz’s arguments are really strong enough to decide the case and that ultimately we will have to find a third way.

In the remainder of this article, we shall proceed as follows: The next section will be devoted to a short critique of the views presented by Veijola and Kratz. The subsequent section will carry out the more comprehensive task of examining closely the position endorsed by Otto and others, according to which the postulated “Ur-Deuteronomium” is really dependent on Neo-Assyrian models, focusing primarily on one specific point bound up with the question of the relationship of Deuteronomy and VTE, namely, the parallels in the respective curse sections. In the context of an investigation of this sort, we will also have to address questions about the general nature of VTE. As a result, it will also become clearer what an alternative approach would look like, though we do not pretend to be in a position to offer a final solution to the problems addressed by the question of the possible shape and provenance of a postulated “Ur-Deuteronomium.”

**The Question of Temporal Restrictions on Literary Influence**

Veijola’s and Kratz’s assumption that Neo-Assyrian or Hittite (or other hypothetical extrabiblical) models could have had an influence on biblical authors more or less regardless of time does not commend itself, because after the fall of the two empires the respective texts in all probability lay hidden in the ruins and were no longer accessible. Moreover, there are no hints whatsoever of the existence of later copies of these texts. One also has to take into consideration that treaty forms in their specific shape were not as immutable as Veijola presupposes but rather were subject to a clear historical development. The treaty form is actually less conservative than law codes or omina, because it has to react to changing political and social contexts. These observations compel us not to dismiss out of hand the possibility that parallels between extrabiblical and biblical material might in fact give some chronological information relevant for the reconstruction of the historical background of a biblical text, all the more so if the degree of similarity in the concrete formulations of both sides is high. In principle, then, Otto’s position seems to be more justified. However, as must now be...

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Schreibtisch-Fiktion, die zu beweisen vorgibt, was sie von vornherein voraussetzt” (“Otto,” §1034). Like Veijola and Kratz, Hardmeier assumes that Neo-Assyrian loyalty oaths could have exerted an influence on Judaic scribes even after 612 (see “Otto,” col. 1034).

demonstrated, the specific claim of a dependence of the postulated “Ur-Deuteronomium” on VTE does not hold up to close scrutiny.

**A COMPARISON OF VTE AND DEUTERONOMY**

It is especially Deut 6:4–5 and chaps. 13* and 28* that have been identified as forming part of an “Ur-Deuteronomium” and standing in close relation to VTE as their model text. Therefore, these texts must be scrutinized in more detail. However, because no actual version of an “Ur-Deuteronomium” is extant, we will ultimately also have to turn our attention to the book of Deuteronomy as whole.

**VTE and Deuteronomy 6:4–5 (and vv. 7, 13)**

A relation of dependence between Deut 6 and Neo-Assyrian (and Neo-Babylonian) models is claimed, for example, by Otto and Christof Hardmeier.16 As far as VTE is concerned, parallels can be seen especially, but not exclusively, in §§17, 24, and 34.

Hardmeier differentiates between four elements that are perceived as being parallel. The first one is to “love” the divine or political overlord; see Deut 6:5 and VTE §§18 (lines 207–8) and 24 (lines 266–68). Though the verb love is in fact found in both texts, it is important to note that the trifold reference to “heart,” “soul,” and “strength” as found in Deut 6:5 has no parallel in VTE.

The second element is to “fear” the divine or political overlord; see Deut 6:13 and VTE §34 (lines 393–96). Though in this instance the verb fear is in fact common to both texts, the differences between them are again striking: In VTE it is not the addressees themselves but their sons and grandsons who are commanded to “fear” the king; and in Deut 6, the injunction to “fear” the Lord is closely linked to the injunction to “serve” him. With a view to Deut 6:13, Hardmeier interprets Deut 6:13 as an injunction directed at Israel to “fear” YHWH as its sole suzerain “in Konkurrenz zu allen irdischen Herren und unter Relativierung aller innerweltlichen Loyalitäten”;17 however, the text does not mention worldly rulers at all, and it is therefore not correct to speak of a “Konkurrenz” as though the two possible receivers of reverence would be on the same level.

The third element concerns the exclusiveness of the oath swearing; see Deut 6:13 and VTE §5 (line 72), §11 (line 129). Again, there is in fact a basic similarity in content, paired with considerable deviations in the exact formulation. Deut 6:13 does not make an explicit statement on the exclusiveness of the oath swearing, which leaves room for the possibility that an exclusiveness such as this is in mind only with regard to the level of


17. “Die Weisheit,” 245 (Eng. trans.: “in competition with all earthly rulers and relativizing all inner-worldly loyalties”).
deities; on the other hand, the biblical text mentions the “name” by which an oath is sworn, a feature not found in VTE.

The fourth element is connected to the teaching of the next generation; see Deut 6:7\textsuperscript{18} and VTE §§25 (lines 283–91) and 34 (lines 387–88). Whereas the elaborated version found in §25 with the mention of grandson, seed, and seed’s seed, in addition to son, has no parallel in Deut 6:7,\textsuperscript{19} the shorter version in §34 is in fact quite similar to Deut 6:7. However, also in this case do we find a difference in the exact formulation, by the addition of the phrase “who shall be born after this treaty,” which has no parallel in Deut 6:7.

Evaluating the similarities between Deut 6 and different passages in VTE, one cannot deny that there are parallels in content. However, given the facts that the exact wording is in almost every case quite different and that both the closer and larger contexts in which the elements appear are also at stark variance, there is not enough ground on which to base an assertion of direct literary or even thematic dependence. The case for a relation of dependence would also be stronger if instead of YHWH the divine suzerain would be addressed as “YHWH our king” or the like, making it clear that the Assyrian king is in important ways replaced by the divine king YHWH; however, an epithet such as this does not appear in these contexts.

**VTE and Deuteronomy 13**

As already mentioned, several scholars have suggested a strong influence of VTE on those parts of Deut 13 that are in various ways defined as the original ones.\textsuperscript{20} According to Otto, the pre-Dtr core of Deut 13, which is found in Deut 13:2a; 3aβ, 6a; 4a; 6aα; 7a, 9α, bβ; 10aα, is a translation of VTE §10, extended by parts of VTE §§12, 18, (29), 57.\textsuperscript{21} “Dtn 13,1–10* drew on VTE §10 and VTE §12 and transformed the obligation of loyalty to the Assyrian king to YHWH’s claim to absolute veneration.”\textsuperscript{22}

For a survey of the most salient parallels, see tab. 1. The two texts share the basic warning not to follow instigators trying to seduce the addressees from their loyalty to the human or divine suzerain, and both exhort the addressees to kill potential instigators and serve their respective lord wholeheartedly. The parallel in these themes leads to an overlap of shared phrases, with the elements “not to conceal,” “not to listen,” “not to consent,” and “to kill” appearing repeatedly in VTE and once or twice also in Deut 13. Among these parallels, the phrasing of the prohibition not to

18. See also Deut 4:9, 11:19, 31:13.
19. Deut 4:9 adds the grandsons to the sons.
22. Ibid., 63.
Table 1. Parallels between Deuteronomy 13 and VTE

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<thead>
<tr>
<th>Deuteronomy 13</th>
<th>VTE</th>
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<tbody>
<tr>
<td><strong>vv. 2–3</strong></td>
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<tr>
<td>If a prophet or a dreamer of dreams arises among you and gives you a sign or a wonder, and the sign or the wonder comes true, concerning which he spoke to you, saying, “Let us go after other gods (whom you have not known) and let us serve them,”</td>
<td>If you hear any evil, improper, ugly word which is not seemly nor good to Assurbanipal, the great crown prince designate, son of Esarhaddon, king of Assyria, your lord, either from the mouth of his enemy or from the mouth of his ally, . . . 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.</td>
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<td><strong>v. 4</strong></td>
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<td>you shall not listen to the words of that prophet or that dreamer of dreams, for the LORD your God is testing you to find out if you love the LORD your God with all your heart and with all your soul.</td>
<td>. . . If a messenger from within the Palace at an unexpected time, whether by day or by night, comes to the prince saying: “Your father has summoned you; let my lord come,” you must not listen to him nor let him go away but you must guard him strongly . . .</td>
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<td><strong>v. 5</strong></td>
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<td>You shall follow the LORD your God and fear Him; and you shall keep His commandments, listen to His voice, serve Him, and cling to Him.</td>
<td>. . . you shall always serve them in a true and fitting manner, speak with them heartfelt truth . . .</td>
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<tr>
<td><strong>§8</strong></td>
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<td>. . . You shall hearken to whatever he says and do whatever he commands, and you shall not seek any other king or any other lord against him.</td>
<td>. . . but continually serve him in a true and fitting manner.</td>
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<td><strong>§17</strong></td>
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<td>You shall love Assurbanipal, the great crown prince designate, son of Esarhaddon, king of Assyria, your lord, like yourselves.</td>
<td>. . . In the future and forever Assur will be your god, and Assurbanipal, the great crown prince designate, will be your lord. May your sons and your grandsons fear him.</td>
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<td><strong>§21</strong></td>
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<td>But that prophet or that dreamer of dreams shall be put to death, because he has counseled rebellion against the LORD your God who brought you from the land of Egypt and redeemed you from the house of slavery, to seduce you from the way in which the LORD your God commanded you to walk. So you shall purge the evil from among you.</td>
<td>. . . and shall seize and put to death the perpetrators of insurrection and the traitorous troops, and destroy their name and seed from the land.</td>
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<tr>
<td><strong>§13</strong></td>
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<td>. . . seize him and put him to death . . . seize and slay the perpetrators of rebellion, destroy their name and their seed from the land . . .</td>
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<tr>
<td><strong>§22</strong></td>
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<td>If anyone makes rebellion or insurrection against Esarhaddon, king of Assyria and seats himself on the royal throne, you shall seize him and put him to death. . . .</td>
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<td><strong>§26</strong></td>
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Table 1. Parallels between Deuteronomy 13 and VTE

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<tr>
<th>Deuteronomy 13</th>
<th>VTE</th>
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<tbody>
<tr>
<td>§57 May these gods be our witnesses: We will not make rebellion or insurrection against Esarhaddon, king of Assyria, against Assurbanipal, the great crown prince designate... Should we hear of instigation to armed rebellion, agitation or malicious whispers, evil, unseemly things, or treacherous, disloyal talk against Assurbanipal, the great crown prince designate, and against his brothers by the same mother as Assurbanipal, the great crown prince designate, we will not conceal it but will report it to Assurbanipal, the great crown prince designate, our lord. As long as we, our sons (and) our grandsons are alive, Assurbanipal, the great crown prince designate, shall be our king and our lord, and we will not set any other king or prince over us, our sons or our grandsons...</td>
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<td>v. 7 If your brother, your mother’s son, or your son or daughter, or the wife you cherish, or your friend who is as your own soul, entice you secretly, saying, “Let us go and serve other gods” (whom neither you nor your fathers have known,</td>
<td>§10 If you hear any evil, improper, ugly word which is not seemly nor good to Assurbanipal, the great crown prince designate, son of Esarhaddon, king of Assyria, your lord, either from the mouth of his enemy or from the mouth of his ally, or from the mouth of his brothers or from the mouth of your brothers, your sons, your daughters... you shall not conceal it but come and report it to Assurbanipal, the great crown prince designate, son of Esarhaddon, king of Assyria.</td>
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<td>v. 8 of the gods of the peoples who are around you, near you or far from you, from one end of the earth to the other end,</td>
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<td>v. 9 you shall not yield to him or listen to him; and your eye shall not pity him, nor shall you spare or conceal him.</td>
<td>§6 ... you shall not conceal it but come and report it to Assurbanipal...</td>
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<tr>
<td>v. 10 But you shall surely kill him; your hand shall be first against him to put him to death, and afterwards the hand of all the people.</td>
<td>§10 ... you shall not conceal it but come and report it to Assurbanipal...</td>
</tr>
<tr>
<td>v. 11 So you shall stone him to death because he has sought to seduce you from the LORD your God who brought you out from the land of Egypt, out of the house of slavery.</td>
<td>§18 ... you must not obey him... you must not listen to him...</td>
</tr>
<tr>
<td>vv. 13–14 If you hear in one of your cities, which the LORD your God is giving you to live in, anyone saying that some worthless men have gone out from among you and have seduced the inhabitants of their city, saying, “Let us go and serve other gods” (whom you have not known)</td>
<td>§29 ... you shall not obey...</td>
</tr>
<tr>
<td></td>
<td>§57 ... we will not conceal it but will report it to Assurbanipal...</td>
</tr>
</tbody>
</table>

Table 1. Parallels between Deuteronomy 13 and VTE
hear is especially close; compare, e.g., Deut 13:4 (*loʾ tiʾšmaʾ*) with VTE §18, line 205 (*at-tu-nu la ta-[šam-m]e-a-šu*). A further lexical parallel is found in the phrase that describes the “speaking of rebellion” in Deut 13:6 (*dib-ber-sārāḥ*) and VTE §57, line 502 (*da-bab su-ra-a-ti*). There are also two parallels in the list of persons mentioned who might instigate the addressees to rebel against their royal or divine suzerain. On the one hand, we find the sequence “your brother, your son, and your daughter” both in Deut 13:7 and in VTE §10, lines 115–16. On the other hand, mention is made in both texts of three groups of religious experts that could seduce the addressees to leave the path of loyalty to their suzerain; compare Deut 13:2 with VTE §10 lines 116–17.

A comparison of the parallel sections shows that, overall, the points of contact are not too numerous and mostly—with the exceptions of the phrases just mentioned—of a rather general nature.

**VTE and Deuteronomy 28**

In order to test the hypothesis brought forth by Otto and others as described above, it is of special importance to compare the curse sections of VTE and Deuteronomy 28. Table 2 gives an overview over those passages showing the closest similarities. A comparison of the two texts shows that there are undoubtedly very close parallels between them. There are four elements that particularly leap to the eye:

1. The comparison of heaven and earth with bronze and iron, followed by a replacement of ordinary benefactory rain by a destructive kind of rain (Deut 28:23–24 // VTE §§63–64)
2. The mention of wild animals devouring the corpses of those falling prey to the curses (Deut 28:26 // VTE §§41; 59)
3. A sequence of specific kinds of illness and blindness (Deut 28:27 // VTE §38A)
4. The cannibalism of the addressees who eat their closest family members for dinner for lack of other food available (Deut 28:53–57 // VTE §§47, 69)

Though the parallels between the two texts are remarkable, it must be acknowledged that in no instance do we find complete agreement with regard to the exact wording and the larger sequence of curses.

The question that we have to address at this point is whether the parallels between Deuteronomy and VTE, especially between Deut 28:15–68 and the curse sections of VTE, are in fact sufficient to claim a literary dependence of the deuteronomistic passages in question on VTE, and, if so, what kind of conclusions could we draw from this assumption.

24. Cf. ibid., 298.
26. This is often seen as the closest parallel; see, e.g., ibid. and Veijola, “Wahrheit,” 293–94.
Table 2. Parallels between Deuteronomy 28 and VTE

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<thead>
<tr>
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<th>VTE</th>
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<tbody>
<tr>
<td>v. 23 And the heaven which is over your head shall be bronze, and the earth which is under you, iron.</td>
<td>§63 May all the gods that are mentioned by name in this treaty tablet make the ground as narrow as a brick for you. May they make your ground like iron (so that) nothing can sprout from it.</td>
</tr>
<tr>
<td>v. 24 The LORD will make the rain of your land powder and dust; from heaven it shall come down on you until you are destroyed.</td>
<td>§64 Just as rain does not fall from a brazen heaven so may rain and dew not come upon your fields and your meadows; instead of dew may burning coals rain on your land.</td>
</tr>
<tr>
<td>v. 25 The LORD will cause you to be defeated before your enemies; you shall go out one way against them, but you shall flee seven ways before them, and you shall be an example of terror to all the kingdoms of the earth.</td>
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<tr>
<td>v. 26 And your carcasses shall be food to all birds of the sky and to the beasts of the earth, and there shall be no one to frighten them away.</td>
<td>§41 May Ninurta, the foremost among the gods, fell you with his fierce arrow; may he fill the plain with your blood and feed your flesh to the eagle and the vulture.</td>
</tr>
<tr>
<td>v. 27 The LORD will smite you with the boils of Egypt and with tumors and with the scab and with the itch, from which you cannot be healed.</td>
<td>§38A May Anu, king of the gods, let disease, exhaustion, malaria, sleeplessness, worries and ill health rain upon all your houses.</td>
</tr>
<tr>
<td>v. 28 The LORD will smite you with madness and with blindness and with bewilderment of heart;</td>
<td>§39 May Sin, the brightness of heaven and earth, clothe you with leprosy and forbid your entering into the presence of the gods or king. Roam the desert like the wild ass and the gazelle!</td>
</tr>
<tr>
<td>v. 29 and you shall grope at noon, as the blind man gropes in darkness, and you shall not prosper in your ways; but you shall only be oppressed and robbed continually, with none to save you.</td>
<td>§40 May Shamash, the light of heaven and earth, not judge you justly. May he remove your eyesight. Walk about in darkness!</td>
</tr>
<tr>
<td>v. 30 You shall betroth a wife, but another man shall violate her; you shall build a house, but you shall not live in it; you shall plant a vineyard, but you shall not use its fruit.</td>
<td>§42 May Venus, the brightest of the stars, before your eyes make your wives lie in the lap of your enemy; may your sons not take possession of your house, but a strange enemy divide your goods.</td>
</tr>
<tr>
<td>(vv. 31–32) Your ox shall be slaughtered before your eyes, but you shall not eat of it; your donkey shall be torn away from you, and shall not be restored to you; your sheep shall be given to your enemies, and you shall have none to save you. Your sons and your daughters shall be given to another people, while your eyes shall look on and yearn for them continually; but there shall be nothing you can do.</td>
<td></td>
</tr>
<tr>
<td>v. 33 A people whom you do not know shall eat up the produce of your ground and all your labors, and you shall never be anything but oppressed and crushed continually.</td>
<td></td>
</tr>
</tbody>
</table>
Table 2. Parallels between Deuteronomy 28 and VTE

<table>
<thead>
<tr>
<th>Deuteronomy 28</th>
<th>VTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>vv. 53–57</td>
<td>§47</td>
</tr>
<tr>
<td>Then you shall eat the offspring of your own body, the flesh of your sons and of your daughters whom the LORD your God has given you, during the siege and the distress by which your enemy shall oppress you. The man who is refined and very delicate among you shall be hostile toward his brother and toward the wife he cherishes and toward the rest of his children who remain, so that he will not give even one of them any of the flesh of his children which he shall eat, since he has nothing else left, during the siege and the distress by which your enemy shall oppress you in all your towns. The refined and delicate woman among you, who would not venture to set the sole of her foot on the ground for delicateness and refinement, shall be hostile toward the husband she cherishes and toward her son and daughter, and toward her afterbirth which issues from between her legs and toward her children whom she bears; for she shall eat them secretly for lack of anything else, during the siege and the distress by which your enemy shall oppress you in your towns.</td>
<td></td>
</tr>
<tr>
<td>§69</td>
<td>Just as this ewe has been cut open and the flesh of her young has been placed in her mouth, may they make you eat in your hunger the flesh of your brothers, your sons and your daughters.</td>
</tr>
</tbody>
</table>

LITERARY DEPENDENCE OF A PROPOSED “UR-DEUTERONOMIUM” ON VTE?

In this section, we will present a list of several observations that may lead us to the conclusion that the points of contact between VTE and Deuteronomy are not strong enough to support the far-reaching claim endorsed by Otto and others, according to which VTE can be used as an anchor for the dating of the book of Deuteronomy.

A Closer Look at the Parallels in the Curse Sections

Let us first turn to a problem connected with a particular segment of the texts involved, namely, the perceived closeness of Deut 28 and the curse sections in VTE.

As opposed to the impression one might get when looking at the parallels presented in tab. 2, the textual situation is in fact much more complicated. This can be seen by turning our attention to an alternative outline of
the parallels as it was developed by Hans Ulrich Steymans and presented in his 1995 monograph entitled *Deuteronomium 28 und adê zur Thronfolgeregelung*, translated here (see tab. 3, p. 355). According to tab. 2, which follows Braulik’s suggestion, Deut 28:23–33 can be seen as comparable to VTE §§38–42, 59, and 63–64. Steymans’s outline, however, demonstrates that it is also possible to detect close connections between the same verses in Deut 28 and another passage in VTE, namely, §56. Of course, it is not wholly impossible that in fact both parts of VTE functioned as a model for Deut 28, but this certainly causes some problems that have to be scrutinized very carefully and makes the picture look more complicated.

There is a further problem: As mentioned above, in spite of the relatively high quality of the parallels between Deut 28 and VTE, we also observe that in no instance is there a complete agreement that would also cover both the exact wording and the larger sequence of curses. Importantly, the latter judgment applies also to the parallels adduced by Steymans as shown in tab. 3, for if one takes the pains to double check his list, it turns out that in several cases the parallels do not really exist. In fact, it is only in element 5 that we detect a close similarity; no parallel at all exists in elements 4, 6, 9, 10, 12, 16, 17, 18, and 19, that is, in almost half of the total series.

Complete or near complete agreement in larger sections of the texts, however, would be an important prerequisite for the claim of a literary dependence. In this context, one would also have to raise the following question: If VTE really was taken as a negative model and Deuteronomy intended to be a countertext, why did the deuteronomic authors not make this more clear, instead of veiling their intentions by following the prototype only in nonliteralistic ways and by changing the sequence of curses?

*Textual Differences between VTE and Deuteronomic Parallels*

Building on the question just raised and taking now in view the whole range of texts involved in the comparative investigation, we may further point to a considerable range of deviations in specific details of the parallel texts and raise the question how this can be explained.

*Deuteronomy 6*

Beginning with Deut 6, we may ask how it is to be explained that in the biblical text as opposed to VTE it is not the instigation of a third party but

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economic prosperity that is identified as the main cause of potential disloyalty to the suzerain.

The “love” of which Deut 6:5 (and a few other passages in the book of Deuteronomy) speaks is shown and implemented “vom Vasallenvolk Israel in der Achtung, Bewahrung und tätigen Umsetzung dieser Verfassungsgebote,”30 with the last phrase (“dieser Verfassungsgebote”) referring to a whole range of stipulations found in the book of Deuteronomy, stipulations that relate to almost all aspects of human life, whereas in VTE it is only a very limited set of specific political actions that fall under the scope of the “love” expected from the addressees.

Another difference in the exclusive relationship between the addressees and their respective suzerains envisioned by the two texts lies in the fact that in one case it is based on a tradition that speaks of an act of political liberation and on the understanding that the thrust of the relationship is to keep them free and independent on the political level, whereas in the other case the foundation of the relationship is rather the full political and military subjugation of the addressees by the suzerain. In Deuteronomy, it is precisely the free turning of Yhwh toward the elected people in love, particularly shown in the liberation of the people from

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30. Hardmeier, “Die Weisheit,” 247 (Eng. trans.: “by vassal nation Israel, by way of honoring, preserving, and actively implementing the stipulations of this code”). See also Moran’s comment that in Deuteronomy love has to be expressed in unqualified obedience to the demands of the law found in Deuteronomy itself (“The Ancient Near Eastern Background,” 78).

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Table 3. Parallels between VTE §56 and Deuteronomy 28

<table>
<thead>
<tr>
<th>No. of Element</th>
<th>VTE §56</th>
<th>Topic</th>
<th>Deuteronomy 28</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>lines 472–75</td>
<td>general curse</td>
<td>v. 20a</td>
</tr>
<tr>
<td>2</td>
<td>lines 476–79</td>
<td>sphere of death and placelessness</td>
<td>vv. 20b–21</td>
</tr>
<tr>
<td>3</td>
<td>lines 479–81</td>
<td>(famine) + illness</td>
<td>vv. 22 (and 23–24)</td>
</tr>
<tr>
<td>4</td>
<td>lines 481–83</td>
<td>war → defeat</td>
<td>v. 25a</td>
</tr>
<tr>
<td>5</td>
<td>lines 483–84</td>
<td>corpses as fodder for beasts</td>
<td>v. 26</td>
</tr>
<tr>
<td>6</td>
<td>(v. 27)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>lines 485–86</td>
<td>darkness and injustice</td>
<td>vv. 28, 29a</td>
</tr>
<tr>
<td>8</td>
<td>line 487</td>
<td>misery</td>
<td>v. 29b</td>
</tr>
<tr>
<td>9</td>
<td>line 488</td>
<td>consequences of the invasion of the enemy</td>
<td>vv. 30–32</td>
</tr>
<tr>
<td>10</td>
<td>(summary of the first paragraph, futility curses)</td>
<td>(v. 33a)</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>line 489</td>
<td>misery</td>
<td>v. 33b</td>
</tr>
<tr>
<td>12</td>
<td>line 490</td>
<td>illness</td>
<td>vv. 34–35</td>
</tr>
<tr>
<td>13</td>
<td>line 490</td>
<td>nutrition</td>
<td>v. 38</td>
</tr>
<tr>
<td>14</td>
<td>line 491</td>
<td>beverages</td>
<td>v. 39</td>
</tr>
<tr>
<td>15</td>
<td>line 491</td>
<td>balm</td>
<td>v. 40</td>
</tr>
<tr>
<td>16</td>
<td>(line 492)</td>
<td>(clothing)</td>
<td>(v. 41)</td>
</tr>
<tr>
<td>17</td>
<td>(children)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>(summary of the second paragraph, futility curses)</td>
<td>(v. 42)</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>line 493</td>
<td>foreigners on the territory</td>
<td>vv. 43–44</td>
</tr>
</tbody>
</table>
Egyptian bondage, on which the commandment to love the divine suzerain is founded.

A further difference in the specific outworking of the exclusive relationship is that it implies a prohibition to enter into marriage relationships with other peoples and destroy their cultic installations in one case only, the case of Israel (as seen in Deut 7), whereas no such exigencies can be found in VTE.

Moreover, with respect to the shared element of the exclusivity of the oath, one wonders why it is only the feature of exclusivity that has been taken over in Deut 6:13 but not the concomitant element of integrity mentioned in VTE in the phrase “you shall not swear the oath with your lips only but shall swear it wholeheartedly.” This is all the more surprising if one takes into consideration the fact that the contrast between tongue and heart is a well-known biblical motif, as can be seen, for example, from Pss 78:36–37 or 119.

If one claims that VTE §17 belongs to the source texts lying behind Deut 6, the question arises why the description of the character of the kingship as found in lines 192–94 was not taken over: “he [that is, the king] shall abase the strong and raise up the lowly, put to death him who is worthy of death and pardon him who deserves to be pardoned.” The omission of this element in Deut 6 is remarkable given the fact it is not foreign to biblical concepts of (divine) kingship, as can be seen, for example, in 1 Sam 2:4–10.

Finally, if William L. Moran’s assumption that Deut 6:4–18 “is by way of commentary a series of citations and allusions to the beginning of the Decalogue” is correct, this passage cannot at the same time be interpreted as being dependent on VTE.

Deuteronomy 13
With regard to Deut 13, one wonders why in the second paragraph uncles and other relatives mentioned in VTE §10 are omitted, on the one hand, and wives and friends added, on the other hand. Why are foreigners not mentioned in the biblical text, although they do appear in VTE and play a considerable role in the laws of Deuteronomy, both in the form of gēr and nokri? Why is the topic of swearing to other suzerains, which figures prominently in VTE, totally omitted in Deut 13?

Deuteronomy 28
Turning to Deut 28, we might first of all ask why the authors deviated rather strongly from the Neo-Assyrian model by adding blessings to the curses (if in fact the same authors are responsible for both sections). We

31. VTE §34 (lines 386–87).
33. For a short discussion regarding the original status of the blessings, see Hans Ulrich Steymans, “Die neuassyrische Vertragsrhetorik der ‘Vassal Treaties of Esarhaddon’ und das Deuteronomium,” in Das Deuteronomium (ed. Georg Braulik; Frankfurt am Main: Peter Lang,
further have to ask why there is no vestige of the *demonstratio ad oculos* character of many of the curses listed in VTE in Deut 28?\textsuperscript{34}

Moreover, the question arises why curses containing a comparison are all but lacking in Deut 28, whereas they are dominating the curses in VTE §§58–106? Also, why was the two-partite structure of the curses not preserved, as found in the Neo-Assyrian model by distinguishing curses that protect the document (VTE §§37–56) from curses that relate to the obedience to the contract (VTE §§58–106).\textsuperscript{35}

More specifically, why does Deut 28 not allude to the bellies of dogs and pigs as fitting burial places for cursed persons, which is mentioned in VTE §56 (line 484), given the fact that mention of these two detested species would have made a strong impression on an Israelite audience?\textsuperscript{36}

We must also note the conceptual difference that is hinted at by the use of the term *adê* in VTE §1 (line 1) and passim and the lack of the correspondent term *bêrît* in the introduction to the curses (and blessings) in Deut 28. In the latter, we find *qôl YHWH* on the one hand and *miṣwôt* and *ḥaqqôt* on the other hand (v. 15). These terms probably refer not merely to the command to “love” *YHWH* and be loyal to him and the concomitant prohibition not to follow instigators to rebellion but also to the laws found in chaps. 12–26 related to a large number of variegated areas of life not covered in VTE.

Of course, this short list of questions and observations is by no means exhaustive. In addition, we must remind ourselves that in the cases of both Deut 6, 13, and 28, on the one hand, and passages in VTE that are seen as parallels, on the other hand, the differences far outweigh the similarities.

**Criteria for Literary Borrowing**

In his 1990 book *The Comparative Method in Ancient Near Eastern Legal Studies*, Meir Malul discusses the issue of literary borrowing at length. From this study, we may deduce some criteria for the claim of literary dependence. One may consider the following most basic and salient.

One can expect a shared element *x* in text A to be original and in text B to be secondary, which amounts to saying that the author of B has copied from A,

1. if we can identify disturbances or inconsistencies in the process of introducing element *x* in the context of text B; or

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\textsuperscript{34} Cf. Frankena, “The Vassal-Treaties,” 139.

\textsuperscript{35} For this distinction see, for example, Michael P. Streck, “Die Flüche im Sukzessionsvertrag Asarhaddons,” *ZAR* 4 (1998): 167.

\textsuperscript{36} Also given the fact that dogs devouring corpses in the context of God’s punishment of his people appear repeatedly; see 1 Kgs 14:11, 16:4, 21:24. Steymans’s assumption that the dogs and pigs from VTE §56 line 484 reappear as animals of the earth in Deut 28:26 is therefore not convincing (cf. Hans Ulrich Steymans, “Eine assyrische Vorlage für Deuteronomium 28,20–44,” in *Bundesdokument und Gesetz* [ed. Georg Braulik; Freiburg: Herder, 1995], 130).
2. if we can identify disturbances or inconsistencies in the sense that is provided by the sequence of the elements, of which \( x \) is a part within text B; or
3. if element \( x \) functions as a “blind motif” within text B, that is, a motif that is surprising and not developed in the remainder of the text.

Interestingly, none of these criteria unambiguously holds true for Deut 6 or 13. The same judgment even applies to Deut 28, where disturbances of the character described above appear neither in the curse section as a whole nor with regard to selected items within the section. This observation has all the more weight because, as we have already seen, it is questionable to what extent we can speak of a shared element \( x \) at all.

**The Question about Possible Channels of Transmission**

If one claims a literary or textpragmatic dependence of the “Ur-Deuteronomium” on VTE, as Otto and others do, one must of course be able to identify the channels of transmission, that is, one must be able to reconstruct the historical way in which the material was handed over from A to B.

In the introduction of this article (p. 342), I referred to Braulik, who claims that a copy of VTE must have been deposited in the royal chancellory in Jerusalem, because Judah was a vassal of Assyria.\(^{37}\) Often, but not necessarily, a view of this sort is combined with the assumption that the Judean king or his emissaries were present at the ceremonial oath-swearing ordered by Esarhaddon on behalf of his son Ashurbanipal.\(^{38}\)

The problem is, however, that no such copy of VTE has been found in Judah. Actually, no copy has yet been found except in Kalhu, and possibly one fragment in Assur. Of course, one could say that this is due to the chance character of the survival of archaeologically retrievable evidence. This may be so, but still it is astonishing that in no capital of any vassal kingdom has a tablet such as this been found.

That there ever was such a copy in Jerusalem would be a relatively likely assumption if in fact VTE was meant to be a treaty binding all vassals of the Assyrian Great King or a loyalty oath imposed on all subjects of


\(^{38}\) So, e.g., Frankena, “The Vassal-Treaties,” 151: “This gathering of the Assyrian people concerning Ashurbanipal [in Iyyar 672 B.C.] will also have been attended to by the vassals of Assyria living on the Western border of the Assyrian empire, the vassal-kings of Palestine or their representatives.” This is repeated by Streck, “Die Flüche,” 165: “Neben den zahlreichen Söhnen Asarhaddons, den anderen Mitgliedern des Königshauses und den hohen Würdenträgern des assyrischen Reiches waren auch zahlreiche ausländische Vasallenfürsten bei dieser Versammlung anwesend,” but no reasons are given for this claim. This view is also shared by Starke, “Zur urkundlichen Charakterisierung,” 73–74.
the king, valid without distinction for people living in Assyria proper, in more outlying provinces or in formally independent vassal territories such as Judah. However, this kind of interpretation of VTE’s function is disputable, as will be discussed in some detail in the following excursus.

**EXCURSUS: ASSESSING THE CHARACTER OF VTE**

**The Basic Alternatives: Vassal Treaty or Loyalty Oath**

The first point to be mentioned is the discussion about the definition of VTE either as a vassal treaty or a loyalty oath. Based on the dearth of regulations that normally appear in vassal treaties, such as mention of the establishment of the vassalage, description of the princes’ authority, provisions about regular tribute, cooperation duties including provision of labor forces in periods of peace and soldiers in periods of war, service assignments, relation to outside countries, and so on, on the one hand, and the fact that the stipulations are focused merely on the support of Ashurbanipal as crown prince, on the other hand, it is clearly the second alternative, that is, the loyalty oath interpretation, that commends itself.39 This view is further enhanced by two more observations. According to the royal inscriptions, a vassal-suzerain relation between some of the Median princes mentioned in the preamble of the different versions of VTE and the Assyrian king had already been established some years before the issuing of VTE.40 The other point is related to both content and historical circumstances of VTE: The intention of VTE is to ensure the accession of Ashurbanipal to the throne of Assyria, a political plan designed by Esarhaddon that was likely to meet resistance, particularly because of the fact that Ashurbanipal was not the eldest son of Esarhaddon and also because Esarhaddon himself had not ascended to the throne as the eldest son of Sennacherib. In a similar situation, the Hittite king Tudhaliya IV had different groups of influential persons of the Hittite Empire swear a loyalty oath to himself and to the designated heir of the Hittite throne.41 The similarity with this model suggests classifying VTE also as a loyalty oath, rather than as a vassal treaty.

It has to be mentioned that the assessment of VTE as a loyalty oath does not exclude in itself that the addressees could be or include vassals.


The Addressees Mentioned in the Extant Versions

The next point that leaps out at the reader is that the addressees explicitly mentioned in the extant copies of VTE are all Median princes, not subjects or vassals in general. Again, one could claim that this is due to the fact that only a very small number of the once existing copies of VTE have been found and that it is by mere chance that these copies are all addressed to different Median princes. This view, which is often combined with the assumption that possibly there was also a copy bearing the name Manasseh, is, however, purely hypothetical, and as long as we do not have any tangible evidence to support it, it seems to be rather problematic to develop further arguments based on this shaky foundation.

We should be all the more cautious, because it would in fact make perfect sense historically to understand this treaty as a primarily Median matter, for we know from other sources that Esarhaddon and possibly already Sennacherib started to hire Median contingents of cavalry troops and other military personnel as elite mercenaries protecting the innermost circle of the Assyrian royalty. One piece of evidence is found in a relief from Sennacherib’s Southwest Palace showing a contingent of soldiers from the Zagros mountains serving in the Assyrian army: A slab of the relief series depicting the siege of Lachish shows archers with typical eastern round-topped quivers attacking Lachish as part of the Assyrian army.42 Two other slabs belonging to other rooms of the palace show eastern deportees, in one case being received by Assyrian soldiers, with the male deportees on both slabs suspiciously still bearing their bows, quivers, and possibly knives.43 As for evidence found in the written documents, we may mention one of the queries to the sun-god Shamash asking about possible rebellions against Esarhaddon and Ashurbanipal, naming the Medes among those groups who in all probability must be understood as serving in the king’s immediate entourage.44

These observations open up the way for the suggestions developed mainly by Mario Liverani in his article “The Medes at Esarhaddon’s Court” that the Median princes addressed in VTE are bound by oath not as vassal rulers in their original country, but as members of a military guard at the royal court. Whether this guard was predominantly or only partly composed of Medes would decide the question as to whether VTE


43. For one of the two slabs, see Richard D. Barnett, Erika Bleibtreu, and Geoffrey Turner, Sculptures from the Southwest Palace of Sennacherib at Nineveh, vol. 1: Text; vol. 2: Plates (London: British Museum Press, 1998), 1:115 and 2: pl. 394 (the deportees are labeled “Ellipan archers”). For the second slab in question, see ibid., 1:110 and 2: pl. 371 (the deportees are labeled “Ellipan(? warriors”); the same depiction is found in Parpola and Watanabe, Neo-Assyrian Treaties, 29 fig. 10; and Russell, Sennacherib’s Palace, 170 fig. 90.

could in fact be understood as a primarily Median matter or not. We will have to come back to this point later.

The Main Stipulations of VTE as a Clue to Its Character

The contents of the stipulations found in VTE may further help in defining its character. Basically, the stipulations oblige the addressees to (a) inform the king or the crown prince immediately on hearing about conspiracies against Ashurbanipal, (b) defend Ashurbanipal against potential rebels, and (c) extend to no one except Ashurbanipal their help to gain the throne. All of these specific stipulations can best be understood if they are interpreted as instructions for people having access to the innermost circles of the royal court, such as foreign mercenaries functioning as a kind of royal guard. There are a number of formulations that can hardly be interpreted in another way. Here is a sample of these regulations:

You shall not, whether while on a guard duty [. . . . . .] or on a [day] of rest, while residing within the land or while entering a tax-collection point, set in your mind an unfavourable thought against Assurbanipal, the great crown prince designate.  

If anyone should speak to you of rebellion and insurrection (with the purpose) of killing, assassinating, and eliminating Assurbanipal, the [great crown] prince designate, son of Esarhaddon, king of Assyria, your lord . . . or if you should hear it from the mouth of anyone, you shall seize the perpetrators of insurrection, and bring them before Assurbanipal.

If a messenger from within the Palace at an unexpected time, whether by day or by night, comes to the prince saying: “Your father has summoned you; let my lord come,” you must not listen to him nor let him go away but you must guard him strongly until one of you . . . goes to the Palace and ascertains the well-being of the king, his lord. (Only) afterwards you may go to the Palace with the prince, your lord.

You shall not give Assurbanipal, the great crown prince designate, . . . a deadly drug to eat or to drink, nor anoint him with it, nor practice witchcraft against him, nor make gods and goddesses angry with him.

You shall not slander his brothers, his mother’s sons, before Assurbanipal, the great crown prince designate, nor speak anything evil about them, nor lift your hands against their houses or commit a crime against them, nor take anything away from the gift which their father has given them, or the acquisitions which they themselves have made. . . . You shall speak good of them before Assurbanipal,

47. Ibid., 34 6:130–37.
48. Ibid., 37 6:201–11.
49. Ibid., 39 6:259–65.
the great crown prince designate. They shall stand before him and be united with you.\textsuperscript{50}

If someone involves you in a plot, be it one of his brothers, his [unc]cles, his relations, a member of his father’s line, a bearded (courtier) or a e[unuch], an Assyrian or a foreigner, or any human being at all, saying: “Slander his brothers, sons by his own mother, before him, make it come to a fight between them, and divide his brothers, sons of his own mother, from him,” you shall not obey nor speak evil about his brothers in his presence, nor divide him from his brothers; you shall not let those who speak such things go free but shall come and report to Assurbanipal.\textsuperscript{51}

\textit{Median Mercenaries as Primary Addressees?}

With regard to the question mentioned above, whether it is plausible that the addressees are composed only of Medians or whether the Medians were just one—perhaps the most important—group among several groups of foreign extraction serving in important positions within the inner circle of the Assyrian royal court, including its strictly military branch, the following observations can be adduced.

It is clear both from written documents and from pictorial evidence that foreigners were used in different sections of the Assyrian army already during the Middle Assyrian period and later in all expansive phases of the Neo-Assyrian period, notably without interruption from Tiglath-pileser III through Ashurbanipal.\textsuperscript{52} Persons of foreign extraction were also widely used in various positions within those branches of the Assyrian administration that are not to be labeled “military” in the strict sense of the word at least from the 8th century onward.\textsuperscript{53} As to specific evidence for military personnel close to Esarhaddon’s period, besides evidence concerning Iranians already mentioned above, we may, for instance, point to palace reliefs dating to Sennacherib’s and Ashurbanipal’s reigns depicting soldiers of foreign origin serving in different branches of the Assyrian armed forces: Judeans are attested as part of the royal guard under Sennacherib; men from Karkemish are attested as mercenaries in Sennacherib’s and Ashurbanipal’s armies; and men from Samáal-Que are attested among the auxiliary forces of Ashurbanipal.\textsuperscript{54} Most importantly, there are also additional hints to easterners serving in the Assyrian army during Sennacherib’s reign. In the query already mentioned above, asking about

\textsuperscript{50} Ibid., 39–40 6:269–74, 279–82.

\textsuperscript{51} Ibid., 42–43 6:336–49.

\textsuperscript{52} For details, see Bustanai Oded, \textit{Mass Deportations and Deportees in the Neo-Assyrian Empire} (Wiesbaden: Ludwig Reichert Verlag, 1979), 49–53; my \textit{Umgang mit Fremden in Israel und Assyrien} (Stuttgart: Kohlhammer, 2005), 150–59.

\textsuperscript{53} For details, see Oded, \textit{Mass Deportations}, 59; my \textit{Umgang mit Fremden}, 159–65.

possible insurgents against Esarhaddon and his crown prince Ashurbanipal, the foreign groups being mentioned are in all probability to be understood as military personnel standing close to the innermost circle of the Assyrian court and administration, because the list contained in the passage in question is opened by the Itu’eans and followed by eunuchs and bearded officials bearing arms. Importantly, the text mentions not only Medes but also Manneans, Cimmerians, Sidonians, Egyptians, and, if the damaged parts of the paragraph are reconstructed correctly, also Itu’eans, Elamites, Gurreans, Arameans, Hittites, Philistines, Nubians, Qedarites, and Shabuqeans. Two other queries that serve as a basis for the reconstruction of the names of peoples in the query just mentioned also list a whole range of different ethnic groups whose members obviously belong to the military personnel serving in sensitive positions at the Assyrian court: Itu’eans, Elamites, possibly Hittites and Gurreans, Akkadians, Arameans, Cimmerians, Egyptians, Nubians, and Qedarites in the first query; Itu’eans, Elamites, Hittites, Gurreans, Arameans, possibly Cimmerians, Philistines, Nubians, Egyptians, and Shabuqeans in the second. In both lists, the Medes do not appear. However, they do appear in a list of foreigners receiving wine at Nimrud approximately during Sennacherib’s reign.

Assessing the available evidence, we find that among the addressees of VTE only Median chieftains are found, which could point to a unique position of a Median guard as compared to other military personnel of foreign extraction serving in the inner circles of the Assyrian administration. On the other hand, all the other written and pictorial evidence available does not support a view such as this, for, while hinting at the presence of Iranians, it does not testify to the exclusivity of their position. Therefore, it seems more justified to assume—until more evidence surfaces—that the Medes did not constitute the single most important contingent in Esarhaddon’s and Ashurbanipal’s guard and that consequently they were not the only addressees of VTE. This assertion is given further support if one takes into consideration that the specific duties laid on the addressees of VTE are applicable not only to bodyguards in the narrower sense of the word but also to soldiers “serving in the section of the army which is in close contact with, or is commanded by, the Crown Prince himself.” Therefore, we may confidently subscribe to Lanfranchi’s judgment: “If Median soldiers were in the Assyrian army, or Median bodyguards were at the Assyrian court, they were mingled with other national groups.”

This assessment implies, of course, that it is in fact only because of the chance character of the archaeologically retrieved evidence that only

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55. See Starr, Queries, 155 144:10–13.
56. See ibid., 155 144:10–12.
58. See Russell, Sennacherib’s Palace, 234.
60. Ibid., 108.
versions of VTE have been found that mention Median princes in the preamble.  

But even if we have to reckon with more than just Median chieftains as addressees of VTE, it is still possible to claim that only groups of persons in the higher ranks of the civil and especially military administration of the Assyrian Empire were in view.

**Textual Hints Conflicting with the Mercenary Theory**

Things become, however, more complicated if other passages of VTE not directly related to the obligations of the addressees but concerned rather with the consequences of possible disobedience are taken into consideration. Special mention can be made of the threat found in §25 of VTE against those who break their oath. This passage mentions the possible destruction “of your land” and deportation “of your people,” which seems hard to bring in line with a situation where the addressees are conceived of as Median or other foreign mercenaries serving at the royal court, but rather seems to presuppose a situation where vassals living on their own original territory are engaged.  

The same applies to §47, which speaks about the possible cutting off of seasonal flooding “from your land,” deprivation “of your fields” of grain, submerging of “your land” with a great flood, and diminishing of “your harvest” by locusts. Moreover, there are further threats related to “your towns,” “your land,” and “your district” in other parts of the curse section. Finally, one may also point to §104 of VTE, which says that in the case of violation of the treaty, Enlil shall take away “their throne.”

However, it is not clear that formulations of this sort really decide the case in favor of a general vassal interpretation of VTE. Six reasons can be adduced that challenge a view such as this.

First of all, one still has to bear in mind that the actual stipulations point in another direction; they make the most sense if the addressees are seen as living at the court. Those pleading for a general vassal interpretation have to ignore this and fully rely on the oath part of the treaty, which does not commend itself. It seems that it is the obligations rather than the

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61. However, this would not be altogether surprising and unexplainable. One could well imagine that the Median troops, being responsible for the conquest of Kalhu (see, e.g., Oded Lipschits, *The Fall and Rise of Jerusalem: Judah under Babylonian Rule* [Winona Lake, IN: Eisenbrauns, 2005], 18), were the ones who conquered the place where the VTE tablets were stored and treated the tablets mentioning their ancestral princes as distinct from all the others (for a similar view, see Lanfranchi, “Esarhaddon,” 109).

62. See ibid., 101: “This worried recommendation clearly shows that the composers of the *adê* text regarded the addressees as being in control of a territory which could be handed over to their descendants, and of a population which they were entitled to take care of. They were true reigning dynasts.” See also Steymans, “Die neuassyrische Vertragsrhetorik,” 95 n. 20 (referring to Lanfranchi).


curses that directly reflect the historical situation, all the more so because the oath catalogue is obviously intended to be very general. Similar remarks apply for the local atmosphere perceivable in some curses.

Second, to interpret the mention of “their land,” “their throne,” and so on as proof of a vassal and not a bodyguard is to operate on an either-or presupposition that is not very likely: either the addressees are at the royal court or somewhere out there in Media sitting on their vassal thrones. It is more likely that, even if the primary addressees were employed at the royal court, they would have relations with their countries of origin and, further, they are seen by the text as connected to their relatives residing in the vassal cities. Therefore, the addressees’ behavior at the royal court will have consequences for their fellow countrymen back home in Media.

Third, one can interpret the specific threat that Enlil may overthrow their throne as a purely rhetorical expansion of the god’s title “lord of the throne” that does not hint at a real political situation.

Fourth, in the curse section, as opposed to §25, no mention of the possible deportation of the addressees’ fellow countrymen is made, which is surprising given the fact that, in Esarhaddon’s treaty with Ba’al of Tyre, this topic does appear in the curse section. 65

Fifth, it is remarkable that any specific element that would indicate a Median life setting of the Median princes beyond the very general references to “land” and “people” is totally absent in the text.

Sixth, one could also imagine an alternative scenario in which the text is addressed to the chieftains dwelling in their cities of origin in the Zagros mountains but swearing on behalf of their subjects who are called and sent to work as bodyguards at the Assyrian central court or as soldiers in the regiment of the crown prince. 66 Or one may think of the chieftains and/or their troops as being on part-time duty only, thus making room for recurrent periods of residence at home, or traveling around with the crown prince, sometimes on their native soil. 67

There is another argument brought forth in favor of a vassal interpretation of VTE, which must now be addressed. Steymans thinks that, at the places called pirru, where vassals like Manasseh and others had to deposit their tribute, danger was real that a revolt could break out, and therefore Esarhaddon wanted to prevent this by having the vassal delegations swear

66. See Liverani, “The Medes,” 61: “these chieftains (according to the inner political structure of the Median tribes) had to take an oath concerning the loyalty of their men, while personally remaining in their ‘distant’ lands.” Cf. also Lanfranchi, “Esarhaddon,” 107: “In this framework, it cannot be excluded that the Median ‘city lords’ were asked to supply soldiers for the kîru of the Crown Prince” (see pp. 108–9 for similar remarks, referring to Liverani’s view).
67. Though the latter element would not be a necessary condition to understand the references to the addressees’ land if only the ordinary troops and not the chieftains moved along with the crown prince. For similar suggestions, see ibid., 109.
a loyalty oath. 68 However, it is not clear on what grounds one could cred-
ibly assume that these delegations delivering tribute could be a major
threatening force. 69

The Implications of the Mention of VTE in Ashurbanipal’s Annals

In order to assess the character of VTE, it is also necessary to turn to a pas-
sage in Ashurbanipal’s annals in which he refers to a treaty imposed by his
father Esarhaddon to ensure Ashurbanipal’s ascension to the throne. The
beginning of the Rassam Cylinder reads as follows:

I (am) Assurbanipal, offspring (creature) of Assur and Bêlit, the old-
est prince of the royal harem (bît-rîdûti), whose name Assur and Sin,
the lord of the tiara, have named for the kingship from earliest (lit.,
distant) days, whom they formed in his mother’s womb, for the ruler-
ship of Assyria; whom Shamash, Adad and Ishtar, by their unalter-
able (lit., established) decree, have ordered to exercise sovereignty.

Esarhaddon, king of Assyria, the father who begot me, respected
the word of Assur and Bêlit-ilê (the Lady of the Gods), his tutelary
(divinities), when they gave the command that I should exercise sov-
ereignty; in the month of Airu, the month of Ea, the lord of mankind,
the twelfth day, an auspicious day, a feast day of Gula, at the sublime
command which Assur, Bêlit, Sin, Shamash, Adad, Bêl, Nabû, Ishtar
of Nineveh, queen of Kidmuri, Ishtar of Arbela, Urta, Nergal, Nusku,
uttered, he gathered together the people of Assyria, great and small,
from the upper to (lit., and) the lower sea. That they would accept (lit.,
guard) my crown-princeship, and later my kingship, he made them
take oath by the great gods, and (so) he strengthened the bonds (be-
tween them and me).

In joy and gladness I entered in the royal harem. 70

One sentence particularly catches the eye: Esarhaddon, according to this
version, gathered all the people of Assyria, low and high, from the Upper
and Lower Sea. This formulation, taken at face value, is in line neither
with an interpretation of the oath as being addressed to vassals nor with
an interpretation that stressess the importance of Median (and other) mer-
cenaries as primary addressees. But there are some clues that help to shed
light on the problem.

Interestingly, we find similar generalizing formulations within the
preamble of VTE itself, although there it is not quite clear whether the
phrase in §1 “as many as there are from sunrise to sunset” (line 6) really

69. Steymans’s concluding remark on the same page, that it is “undenkbar, dass Manasse
die adê nicht geschworen hat,” is a mere contention, without any compelling foundation.
70. Daniel David Luckenbill, Ancient Records of Assyria and Babylonia (vol. 2; Chicago:
It cannot be fully excluded that the treaty spoken of in Assurbanipal’s annals is not the same
as VTE, but this does not seem very probable.
has in view subjects other than Medians living at different corners of the empire.

The most plausible explanation that can be offered at this point seems to be that generalizing formulations as we find them in Ashurbanipal’s annals and perhaps in the preamble of VTE are to be understood as unspecific rhetorical devices and therefore not to be pressed semantically. They cannot, in every instance, be understood literally. As Wilfred G. Lambert has already pointed out in his review of Steymans’ monograph, “to call all its [i.e., Assyria’s] inhabitants to Nineveh to take an oath on one day would have beenlogistically impossible.”^71 Rather, these formulations are best taken as hints of a kind of gradation in focus: the primary addressees are magnates who command the largest amount of influence and who thereby also are the most important source of potential danger, and among them we would certainly find the royal guard composed largely of Median and probably other mercenaries. From this inner circle, the range of secondary addressees would gradually cover other persons in responsible positions, until finally reaching “Joe Miller,” that is, the most simple man from the street, with only minimal attention given to him. Legally, this “Joe Miller” would also be included, but factually it was those directly associated with the court who played the most important role as the primary addressees.

Further Evidence Drawn from the Zakutu Treaty

This concept can be well illustrated by the Zakutu treaty, another succession treaty in favor of Ashurbanipal, in this case issued by the mother of Esarhaddon and widow of Sennacherib, queen Zakutu.^72 The first lines read as follows:

The treaty of Zakutu, the queen of Senna[cherib, king of Assyria, mother of Esarhaddon, king of Assyria, with Šamaš-šumu-ukin, his equal brother, with Šamaš-metu-uballiṭ and the rest of his brothers, with the royal seed, with the magnates and the governors, the bearded and the eunuchs, the royal entourage, with the exempts and all who enter the Palace, with Assyrians high and low.^73

In this introductory passage, the gradation just mentioned is evident, and we can see that, at the end of the introduction to Zakutu’s treaty, the lens is opened to such an extent as to formally imply all Assyrians, and yet it is clear that all weight lies on the specific groups of persons mentioned first.

^72. In all probability, the treaty was issued immediately following the untimely death of Esarhaddon (see Simo Parpola, “Neo-Assyrian Treaties from the Royal Archives,” JCS 39 [1987]: 168).
That ordinary vassal rulers, like, for example, the King of Judah, who were not regularly present at the royal court (as was the case with persons of foreign extraction serving as royal mercenaries in the king's entourage), ranked high in the hierarchy of the addressees is doubtful because there is nowhere any mention of a gathering of these princes or their representatives in the Assyrian capital during Esarhaddon's reign, and a note of this sort would be expected if it were otherwise.

The interpretation of VTE's character and the assessment of the question of its primary addressees as proposed here would certainly also make most sense if one considers the question of who really constituted a serious threat to Esarhaddon's succession plans. This would hardly be vassals residing in Media or Judah, who occasionally made short visits to Assyrian territory under strict Assyrian military control to deliver their tribute. Rather, the greatest risk would unquestionably lie in army commanders and provincial governors with military forces under their control. Our assessment also fits nicely with the observation that in two similar texts already hinted at, namely, two loyalty oaths from the period of the Hittite king Tuthaliya IV, we also find high ranking officials serving in the inner circle of the Hittite court and relatives of the king who are sworn in obedience to the king and his successor.74

LITERARY DEPENDENCE OF A PROPOSED "UR-DEUTERONIUM" ON VTE, CONTINUED

After discussing the character of VTE, we now return to the list of observations that render the hypothesis of a dependence of the proposed "Ur-Deuteronomium" on VTE unlikely, adding the following points.

The Problem of the Elitist Character of VTE

If it is indeed the case that the primary addressees of the Neo-Assyrian loyalty oaths in general and VTE in particular are the members of high ranking influential circles as suggested in the excursus (see pp. 359–368), these texts lose a good deal of their potential model character for Deuteronomy, because Deuteronomy bears witness to a much more egalitarian and democratic outlook, focusing on all members of the covenant people and stressing the bottom-up rather than the top-down principle.

The Problem of the Accessibility of VTE

Even if one assumes that a copy of the treaty was handed to the Judean king Manasseh, it would still be unclear whether the exact wording of this document would be known to a broader public in Judah, specifically those responsible for the composition of Deuteronomy in general and chaps. 6, 13, and 28 in particular.75 Therefore, to assume that the deuteronomic au-

thors had access to VTE is building a hypothesis on a hypothesis, which is not very sound.

The Problem of the Lack of Historical Validity of VTE in Josiah’s Time

If one claims that the author or authors of the “Ur-Deuteronomium” used VTE as a model for his/their own work, one faces a further problem of a historical nature: Assyria at the time of the reign of King Josiah was no longer dominating in the area of Judah and adjacent districts. Actual Assyrian domination of that area in any meaningful sense came to an end approximately in the 40s of the 7th century. This is clear from what is generally known about the state of the Assyrian Empire at that point and also from the disappearance of archaeological hints of direct Assyrian control of central Palestine. On the other hand, Josiah ascended the throne in Jerusalem in 639, that is, after the almost total disappearance of Assyrian power in this part of the Levant. In addition, at that moment of history the primary aim of VTE, the transition of power from Esarhaddon to Ashurbanipal, had long been realized and did not constitute a relevant topic in the political arena any more. Perhaps even more important is the fact that VTE had actually turned out to be a complete failure with respect to another of its aims, namely, the peaceful co-regency of Ashurbanipal as Great King of Assyria and his brother Shamash-shumu-ukin as autonomous ruler of Babylonia. Instead of a peaceful side-by-side co-regency, there was a bitter war between the two brothers, lasting from 652 through 648, ending with the victory of Ashurbanipal. Though Ashurbanipal was victorious, the expansive potential of the Assyrian army was considerably exhausted after the inner fight. It is hard to imagine how an Assyrian treaty or loyalty oath could have exerted any influence as a model text under these circumstances, even if it was only used as a negative basis of comparison.

One could only avoid these difficulties by dating the influence of VTE on the “Ur-Deuteronomium” in the period of Manasseh’s reign, but as far as I can see there is a strong reluctance to do so. This reluctance is understandable if one takes into consideration the fact that it is quite unlikely that the scribes at Manasseh’s court, who were the most likely


people in Judah to be acquainted with a postulated Assyrian “Vorlage,” are to be identified with the authors of the “Ur-Deuteronomium.”

The Problem of the Different Religious Interests of VTE and Deuteronomy

A further problem bound up with the assumption that VTE functioned as a model for the “Ur-Deuteronomium” is connected with the difference in the overall literary categories: though VTE contains religious elements, it is basically a political and not a theological text, whereas Deuteronomy is just the opposite—a theological text with some political implications.78

It is of course true that there is no absolute distinction between the two categories, because religion and politics were not separate entities in the ancient Near East as they are in modern and postmodern Western societies. Every aspect of life was ultimately “religious.” And yet, a differentiation with respect to the underlying thrust of different categories of texts and of different focuses in subject matter as represented in VTE and Deuteronomy is still possible: in the case of Deuteronomy, an exclusive commitment to one god in the religious realm; in the case of VTE, an obligation to one overlord in the political realm; in Deuteronomy, a commitment that encompasses all areas of life, especially those one would label “moral,” that shows some flexibility in the political realm;79 in VTE, an obligation that focuses fully on the political realm and touches other areas of life only insofar as they relate to the question of the loyalty due to the Assyrian great king and his crown prince.

“Religion” clearly does not characterize VTE to the same extent as Deuteronomy but is mainly restricted to the role of Ashur and other gods as ultimate sources of royal power and royal decisions and to the role of these gods as guarantors of the oath and thereby as ultimate guards and caretakers of the treaty.80 As opposed to Deuteronomy, the god Ashur and

78. A similar view is endorsed by Samuel Greengus, who writes: “The ANE treaties were not used as vehicles for presentation of laws to the population in general. Their stipulations remained rooted in the actual political contexts in which they were written”—as opposed to what can be found in the Hebrew Bible (“Biblical and ANE Law,” ABD 4:245).

Steymans emphasizes the religious character of VTE by stating that the tablet not only contains the images of gods but is itself God (see Steymans, “Die neuassyrische Vertragsrhetorik,” 93). He bases his judgment mainly on the divine seals attached to the document, on the iconic character of the cuneiform script, and on the assumption that the oath was sworn in the Nabu temple (see “Die neuassyrische Vertragsrhetorik,” 92–93). However, all these elements do not alter the fact that the primary focus is on political action in one case (VTE) and on an encompassing, theoretically founded religious attachment in the other (Deuteronomy). It must be added that in fact the tablets were found not in the temple of Nabu but in a building north of it (see Frankena, “The Vassal-Treaties,” 122). Even if the tablets had been deposited in the Nabu temple itself, that would not automatically support the assertion that the ceremonial oath was taken in the temple.

79. As can also be seen in the Wirkungsgeschichte of the text.

80. Cf. ibid., 128: “the making of the treaty takes place in the presence of the gods invoked on oath to guarantee the observance of the treaty stipulations”; for a similar remark, see George E. Mendenhall, “Ancient Oriental and Biblical Law,” BA 17 (1954): 28. Cf. also Steven
other gods are not the immediate partners of the addressees and certainly not the main focus and interest of the document as a whole.

This means that the view held by Otto, Hardmeier, and others, according to which the “Ur-Deuteronomium” has to be understood as a direct countertext against the loyalty oath imposed by the Assyrian king, saying to the Judeans “It is not the Assyrian king whom we owe absolute loyalty, but YHWH,” cannot be accepted, because we are not dealing with two comparable claims that confront each other.

A glimpse at the religious policy of the Neo-Assyrian kings confirms this judgment. Overall, this policy did not include, with a few possible but not wholly transparent exceptions, a demand imposed by the Assyrians on the subjugated peoples and vassal states to give up their original gods and to revere the god Ashur, together with the other gods of the Assyrian pantheon, exclusively. Of course, vassal treaties and loyalty oaths were designated as adê of the god Ashur and the great gods of Assyria. However, this does not in and of itself necessarily imply an obligation of cultic reverence of the god Ashur. In some cases, such an obligation seems to be at work, but never in any exclusive way that could be compared to what we find in Deuteronomy. The fundamental goal was political submission and cooperation, not religious reform; religion did matter, but primarily insofar as it was related to political control.

That, in general, the Assyrians recognized the gods of other peoples and refrained from imposing an obligation on their treaty partners to revere the Assyrian gods instead of their own can be seen even in the texts of the treaties and loyalty oaths themselves. In addition to the Mesopotamian gods, mention is often made of the gods of the treaty partners, and in this case it is clear that their inclusion does not mean that the Assyrians would be obliged to revere them. In the context of the present study, it is of particular importance that the gods of other countries—together with those of Mesopotamia—are mentioned as witnesses in VTE, both in the paragraphs dealing with the swearing of the oath and in the curse sections at the end of the text. Here are the most important passages:

Sw[ear ea]ch indivudally by Aššur, father of the gods, lord of the lands!
Ditto by Anu, Illil and Ea!
Ditto by Sin, Šamaš, Adad and Marduk!

...Ditto by all the gods of Harran!

W. Holloway, Aššur Is King! Aššur Is King! Religion in the Exercise of Power in the Neo-Assyrian Empire (Leiden: Brill, 2002), 67, 166, 173–76, 199, 331. In addition to the invoking of the gods, one also has to mention the sealing of the document with the god Ashur’s seal as pointing to the religious aspect of the document.

81. For details, see ibid.; and my Umgang mit Fremden, 246–66.
Ditto by all the gods of Babylon, Borsippa and Nippur!
Ditto by all the gods of Assyria!
Ditto by all the gods of Sumer and Akkad!
Ditto by all the gods of the lands;
ditto by all the gods of heavan and earth!
Ditto by all the gods of one’s land and one’s district!83

May [Bethel and Ana]th-Bethel hand you over to the paws of [a man-eating] lion. May Kubaba, the god[des of] Carchemish, put a serious venereal disease within you.84

It is even possible that the passage just quoted should be understood as referring to the gods and goddesses of the addressees, “as in the corresponding section of the treaty of Ba’al native gods are mentioned.”85 If this is correct, our supposition that Median princes were not the only addressees of VTE would be confirmed.

On the other hand, the clear trend to give Ashur and other Assyrian gods a position of preference and sometimes to omit further deities in other treaties and loyalty oaths must be taken as a hint to the fact that the gods of the vassals or treaty partners were conceived of by the Assyrians as being subordinate to their own gods. However, a concept such as this cannot be directly compared or even identified with the exclusive claim of YHWH in Deuteronomy.

To the argument presented so far, one might respond with the objection that there is certainly one sentence in VTE that does not square with our position, in §34 (lines 393–94):

In the future and forever Aššur will be your god, and Assurbanipal, the great crown prince designate, will be your lord.86

There is probably no real problem here. In the context of the whole document, it is clear that Ashur is conceived of as a kind of highest god, but not as the sole god. The only thing we can deduce from the Ashur-will-be-your-god formula in the given context is that for those serving in the inner circles of the royal court of Assyria, the veneration of Ashur and other Mesopotamian gods is a binding obligation, as we learn from other texts, as well. However, what is never in view is exclusive veneration, as is shown by the context of the document and of the religious policy of the Assyrian kings at large.87

To support their point, Otto, Hardmeier, and others must load VTE theologically to an extent that is justified neither by the text itself nor by the overall picture of the religious policy of the Neo-Assyrian kings.

84. Ibid., 49 6:467–70.
86. Parpola and Watanabe, Neo-Assyrian Treaties, 44 6:393–94.
87. For further details, see again Holloway, Aššur Is King! Aššur Is King!; and my Umgang mit Fremden, 246–66.
One also needs to address the question directly whether it is likely that a text that focuses on one highly specific political topic, namely, the ordering of the succession of King Esarhaddon, would be a prime candidate to be used as model for a text that not only has its focus on another level, namely, the theological, but is generally much broader in outlook, covering a vast number of various issues from different realms of life.

**The Problem of the Different Political Goals of VTE and Deuteronomy**

As far as the political level is concerned, the two documents have a different, almost antagonistic thrust: Whereas the aim of VTE is to keep the addressees in a continual position of political dependence and subordination, the covenant relationship envisioned in Deuteronomy is meant to be “a guarantee of freedom from every other political suzerainty.”

**The Problem of the Lack of the Concept of a Promised Land in VTE**

Whatever view one takes with respect to the question of a possible “Ur-Deuteronomium,” it is commonly held that, not only in its secondary layers but in its very heart, Deuteronomy is to an important extent about preparing the addressees for taking possession of the promised land, be it literally at the beginning of the history of Israel or at some later stage (for example, after the Exile) or in a nonliteral, spiritual sense at a time such as the reign of King Josiah or later. This, however, poses the problem that there is no analogy to this central element in VTE.

**The Problem of the Lack of an Equivalent to adê in the “Ur-Deuteronomium”**

If VTE functioned as a model for a proposed “Ur-Deuteronomium,” how can it be explained that it contains no term corresponding to the noun adê that serves to summarize the character of the document? The most likely Hebrew analogon, bêrît, is used in Deuteronomy only outside passages that are commonly regarded as part of a possible “Ur-Deuteronomium.” Even if one takes these attestations of bêrît into consideration, it is clear that adê and bêrît do not express the same concepts: while bêrît connotes a relationship of mutuality and intimacy, this is not so in the case of adê as defined in VTE, where the obligation must be described as one-sided.

**The Problem of the Idea of Yahwistic Writers Turning to Pagan Texts as Models**

There is also a psychological argument that militates against the hypothesis of an “Ur-Deuteronomium” being dependent on VTE: “One thing beyond dispute is that the author or authors of Deuteronomy were

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profoundly loyal Yahwists. They presumably looked on the Assyrians as pagans in matters of religious culture. Thus the reviewer finds the picture of a Judean author reading Esarhaddon’s text for literary inspiration most improbable.”89

CONCLUSION

A close comparison of VTE and the sections of Deuteronomy that are thought to form an “Ur-Deuteronomium” shows that the differences far outweigh the similarities, both with respect to the broader conceptual outlines and goals of the two documents and with respect to details of formulation, even in the passages that are taken to be most similar. Moreover, attempts to reconstruct possible direct ways of influence on the historical level have thus far not led to convincing results. It remains a very dubious contention that postulated deuteronomic circles would have had access to the exact wording of VTE, because this text was primarily addressed to influential groups of military personnel and courtiers doing service in the inner circles of the Assyrian royal administration.

Among the factors that make it rather unlikely that Judean scribes supporting Yahwism copied or imitated VTE, the following stand out as the most important: VTE was an elitist document that had a very limited political scope and was issued—as seen from a Yahwistic point of view—by pagans; Deuteronomy, on the other side, was basically a nonelitist, religious document, designed to promote Yahwism, with a scope that covered almost all areas of life. In addition, it hardly makes sense for Judean scribes at the time of Josiah to use as a model a document that belonged to a power already in decline, particularly one that regulated two main aspects of the political life of the Assyrian Empire, one of which was obsolete (the succession of Esarhaddon), and the other of which turned out to be a complete and disastrous failure (the co-regency of Ashurbanipal and his brother Šamaš-šumu-ukin as kings of Assyria and Babylonia, respectively).