For over forty years the dominant view in scholarship has been that Deuteronomy 13 is a composition of the seventh century B.C.E. Remarkable similarities of language and norms exist between the apostasy laws of Deuteronomy 13 and the disloyalty provisions set out in section 10 of the Vassal Treaty of Esarhaddon of 672 B.C.E.¹ The claim has proven especially attractive in light of the wealth of historical data in our possession for that period that would seem to support the claim. Assyrian cultic practices were present in the temple (2 Kgs 23:11); the kingdom of Judah was subjugated by Sennacherib in the time of Hezekiah (2 Kgs 18:13–18); and the name of Manasseh, king of Judah, appears on the list of Levantine kings subjugated by Esarhaddon. Assyrian domination, it is suggested, engendered a gradual socio-religious acculturation in which Judean scribes assimilated and modified the structures of Assyrian ideology within the framework of their own tradition.² In

¹ Formally speaking the treaty provides for the succession to the throne of Esarhaddon's son, Ashurbanipal, and is often referred to more accurately as the Succession Treaty of Esarhaddon. In his editio princeps, however, D. J. Wiseman (The Vassal-Treaties of Esarhaddon [Iraq 20.1; London: British School of Archaeology in Iraq, 1958]) referred to the text as the "Vassal Treaty of Esarhaddon," and I will adopt here the more common acronym, VTE. See discussion in Simo Parpola and Kazuko Watanabe, eds., Neo-Assyrian Treaties and Loyalty Oaths (SAA 2; Helsinki: Helsinki University Press, 1988), xxx.

patterning the laws of apostasy in Deuteronomy after the Neo-Assyrian sedition stipulations, the scribes of Judea were engaging in polemics and essentially turning an Assyrian form against their oppressors, asserting the imperialism of YHWH over the imperialism of the Assyrian king.3

So compelling are the parallels of phraseology, so clearly defined is the historical setting, that Richard D. Nelson speaks for the consensus when he writes in his Deuteronomy commentary, “[Deuteronomy 13] breathes the atmosphere of Assyrian treaty documents, paralleling the requirements for loyalty found in them. ... The similarities between this chapter and VTE are so close that a deliberate imitation of Assyrian forms is nearly certain.”4

In turn, the claim of a Neo-Assyrian provenance for Deuteronomy 13 has played a major role in scholarship beyond that limited to this chapter. Because the claim enjoys the support of epigraphic evidence, many expositors have taken the connection as one sign that much of Deuteronomy as a whole was composed in the seventh century B.C.E.5 Indeed, one is hard-pressed to think of another cognate text from the first millennium whose language and norms are so close to those of a single passage of biblical law.

In this study I propose that a more compelling backdrop for the apostasy laws of Deuteronomy 13 can be located in the Late Bronze Hittite vassal treaty tradition. I will begin by drawing attention to the sedition stipulations of the Hittite treaties that closely match the apostasy laws of Deuteronomy 13—which, surprisingly, have been largely ignored by scholarship until now. My aim will be to demonstrate that in case after case we may see that the Hittite parallels are closer in content and in form to the laws of Deuteronomy 13 than are the parallels from the Neo-Assyrian tradition. Moreover, I will attempt to demonstrate that Deuteronomy 13 describes a relationship between YHWH the sovereign and Israel the vassal that

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more closely resembles the relationship of a Hittite king and his vassal than that of a Neo-Assyrian king and his.

The scholarship on this chapter has identified many phrases from the Neo-Assyrian treaty tradition that resonate with the language of Deuteronomy 13. In the second part of the study, I will show that few of these parallels are distinctively Neo-Assyrian, and that nearly all have precedents in Late Bronze Hittite treaty materials. In the final section, I will consider the implications of the evidence assessed for the question of the dating of Deuteronomy 13.

Before proceeding to a review of the evidence, a methodological note is in order. As I seek to discern whether Deuteronomy 13 more closely resembles the Hittite literature or the Neo-Assyrian literature, I take the following to be axiomatic: the very fact that two bodies of material share a common element is insufficient to warrant claims of a hereditary connection between them or that they are the product of a shared milieu and a common period. For example, as we shall see, all three bodies of treaty literature under review here address the concern that individuals may be prone to have greater allegiance to their own family members than to their lord, whether that lord is a human king, as in the Hittite and Neo-Assyrian treaties, or Yhwh, as in Deuteronomy. The very fact that this is a shared concern is insufficient to posit a connection between them: political theorists have struggled with the problem of how to maintain the loyalty of citizens to the state in the face of loyalty to kin since the earliest political writings of Greece (see Aristotle, Pol. 6.1319b23–27). In order to posit that Deuteronomy 13 more closely resembles one treaty tradition or the other, I will need to identify shared elements that are highly distinctive, elements whose multiple occurrences cannot simply be attributed to the universal nature of the human condition. In some cases I will be able to identify in these laws content that seems distinctive. But it is primarily in the realm of the written form of these laws that distinctions will be more easily found. Speaking proverbially, just as there are many ways to skin a cat, there are many ways to express the same basic law. Options abound for the varied employment of metaphor, phraseology, syntax, legal formulae, order, and structure. Because a great variety of formal elements is available to the composer of a treaty, the consistent similarity of form between treaty texts from two different cultures will highlight their shared distinction when they are compared with treaties elsewhere.

I. THE PRIMARY EVIDENCE: CTH 133—THE ISMERIKA TREATY

Studies of Deuteronomy 13 in light of Neo-Assyrian sources routinely focus attention on §10 of VTE (lines 108–22). The importance of this text for the study of Deuteronomy 13 lies not only in the fact that it exhibits several elements that find parallels in Deuteronomy 13, but also in the fact that it exhibits these parallel elements in high concentration, thus amply satisfying the criterion of distinctiveness.
I open my study, therefore, with an examination of a Hittite text that I maintain exhibits even more and closer parallels to Deuteronomy 13 and in higher concentration: CTH 133, the treaty between Aruwanda I of Hatti (fifteenth century B.C.E.) and the Men of Ismerika.6

Before I begin my examination of this text and its implications for our understanding of Deuteronomy 13, a few words are in order concerning the place of this text in the history of the scholarship on ancient Near Eastern treaty forms and the biblical idea of covenant. The publication of the main corpus of Hittite vassal treaties in the 1920s and '30s paved the way for George E. Mendenhall's groundbreaking study in 1955 that revealed striking similarities between the form of the biblical covenant and the form of the Hittite vassal treaty.7 This spurred a flurry of studies at mid-century on the relationship between the Sinai covenant in the Bible and vassal treaties throughout the ancient Near East. A voluminous literature proliferated around this topic in the 1960s, but thereafter interest in it tapered off considerably.8 This scholarship produced two schools of thought on the subject. One school, those who have followed Mendenhall, maintains that the stronger parallels to biblical covenant lie in the Hittite materials. Most scholars, however, have been swayed by the strength of the parallels to the Neo-Assyrian texts, particularly those found in VTE, and it is fair to say that this school has been in the ascendancy for the last forty years. As noted, most of the comparative work was carried out in the 1960s, and little new evidence has been marshaled since then to sway the debate one way or the other.9

The Ismerika Treaty was first published and translated into German by Aharon Kempinski and Silvin Košak in 197010 and thus went unnoticed by the

great treatments of treaty forms of the previous decade. Interest in the general topic of treaty parallels waned subsequently and references to CTH 133 in treaty form scholarship since are scant. Indeed, the text would reach a wider scholarly audience only with its translation into English and, more importantly, its inclusion in a large anthology of treaty texts, in the second edition of Gary Beckman’s *Hittite Diplomatic Texts*, in 1999.

The text is somewhat anomalous with regard to most of the vassal treaties from the Late Bronze Hittite empire. Most vassal treaties of that period are formulated as an agreement between two individual rulers—the great king of Hatti, and the ruler of the vassal state. CTH 133 tells of the Hittite subjugation of the region of Kizzuwatna, on the border of northern Syria. The treaty, however, is not with the ruler of Kizzuwatna but with the men of Ismerika, colonists from southern Anatolia who served as subject allies of the Hittites and assisted the local Hittite authorities in administration of the Kizzuwatnaean population.

The sections of the treaty that are relevant to Deuteronomy 13 address seditionous acts in the vassal territory (§§9–10; obv. lines 21–28):

21 ma-a-an-ša-ma[-aš]-kán i-da-lu-ma ut-tar ku-iš-ki pi-ra-an [te]-iiz-zi na-aš-ma EN MAT-KAL-TI
21 If anyone [ut]ters a malicious word before you [whether it is a border lord, [.]

22 or a commoner, or a Hitt[ite o]r a Kizzuwatner [.]

23 or his people, his own father, his mother, his brother, his sister or his son, [his] relative by marriage [.]

24 nu ku-iš ut-tar me-ma-i na-an le-e ku-iš-ki mu-[u][n-na-]ja-iiz-zi e-ep-du-an na-an te-ek-ku-ufš-ša-mu-ud-du
24 whoever says such a word, no one is to h[il]e him, but shall rather seize him and expose him!

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13 Ibid., 13.
14 The translation that follows is an eclectic amalgam of the English translation offered by Beckman (*Hittite Diplomatic Texts*, 15) and the German translation of Kempinski and Košac (“Der Ismeriga-Vertrag,” 195).
25 ma-a-an-kân KUR-[a]-ma iš-tar-na 1
URU\textsuperscript{LUM} ya-aš-d[a-a-i] LŪ\textsuperscript{MES} KUR
URU iš-mi-ri-ka an-da a-ar-te-ni L[Ū]

26 IS-TU LŪ\textsuperscript{MES} ku-en-te-en NAM.RA-
ma MA-HAR D[U][T]ŠI ú-ya-tle-et-ten
GUD\textsuperscript{HLM}-ma-za UDU\textsuperscript{HLA} šu-um-me-e-
es [da-a-at-ten]

27 ma-a-an-kân A-NA URU\textsuperscript{LIM}, ma iš-
tar-na 1 É\textsuperscript{TUM} y[a-aš-da-a-i] a-pa-a-at
É-ir LŪ\textsuperscript{MES}.it a-ku SA[G.GEMÈ.IR]\textsuperscript{MES}

28 ú-ya-te-et-ten GUD\textsuperscript{HLM}-ma-za
UDU\textsuperscript{HLA} šu-me-e-es [da-a-at-ten ma-a-
an] 1\textsuperscript{EN} LŪ-ma ya-aš-da-a-i n[a-

25 If in the midst of my country any city
sins, then you people of Ismerika shall
enter it, and strike [that city]

26 including the men. You shall bring
the conquered civil folk before His
Majesty; however, [you take] the cattle
and the sheep.

27 If, however, in the midst of a city any
house [ins, th]is house including the
men is to die; the servants you shall
bring [to His Majesty],

28 you take, however, the cattle and
sheep. [If] any individual person sins,
[he alone shall die.

The passage contains two laws that, taken together, remarkably resemble the
structure of Deut 13:7-19.\textsuperscript{15} In §9 of the Ismerika Treaty (lines 21–24), the Hittite
king underscores the responsibility of his vassals to show no mercy in the face of
sedition. The case is quite specific: it does not refer to a case where the men of
Ismerika learn of a seditious plot by a certain individual (a case taken up in the
final line of the passage, line 28). Rather, it refers to a case where an Ismerikan is
directly approached by an individual who utters seditious words. There is an evident
progression in the identity of this individual from lines 21–22 to line 23. Lines 21–
22 suggest that the reproach is all-inclusive: the men of Ismerika must show no
mercy regardless of the inciter's class—whether a "border lord" or a "commoner"—
or of his ethnicity—whether a Hittite or a Kizzuwatner. The list reaches its apex,
however, in line 23. Here the vassal men are warned that they must show no mercy
even if the agitator is of "his people, his own father, his mother, his brother, his sis-
ter or his son, [his] relative by marriage [.]." The phrase "his people" followed by an
enumeration of five relatives, each inflected with the third person pronominal suf-
fix his, is well understood. The Hittite king realizes that a subject ally, like the men
of Ismerika, may be prepared to be a faithful ally when it comes to the insurgent
deeds of Hittites or Kizzuwatners. But they will be sorely tested if the seditious
words are uttered by their own kind, even their own kin, and hence the list builds
toward those who will provide the vassal men with their greatest test. The law is
unequivocal; they are not to be "concealed."\textsuperscript{16}

\textsuperscript{15} In this study I refer to the verse numbering of the MT. English translations typically ren-
der MT 13:1 as 12:32, and hence, MT 13:2 as 13:1, etc.

\textsuperscript{16} The Hittite munna\textsuperscript{i} here in line 24 denotes visual concealment, "covering up" and is
undone by finger-pointing, or "exposing," and is distinct from sanna, "keeping silent about." See
The passage bears a marked resemblance to Deut 13:7–12. Elsewhere, Deuteronomy attends to a case where an Israelite learns of a heretical deed by another Israelite (17:2–7). As in CTH 133 §9, however, Deuteronomy 13 realizes that a distinct law is necessary for the ultimate test of treaty allegiance: when the Israelite is incited to apostasy by his next of kin and must choose between his Lord and his family. As in CTH 133 line 23, five relatives are listed in Deut 13:7, and as in the Hittite text each term is inflected with a pronominal suffix that underscores the close kinship of the inciter. As in CTH 133, the Israelite is warned not to “conceal” the inciter (lab haves ne’il). 17

While §9 of the Ismerika Treaty addresses one extreme case—where the vassal is incited to sedition by his next of kin—lines 25–26 address another extreme case: where violent action is required to suppress an entire seditious city. Lines 25–28 address three cases: the seditious city within the land (lines 25–26), the seditious house within a city (lines 27–28a), and the seditious individual (line 28b). Only the first and most extreme of the cases, however, that of the mutinous city, is formulated with an introductory clause: “If in the midst of my country any city sins . . .” The specter of having to annihilate the entire male population of a city would no doubt be daunting for the subject ally, the men of Ismerika. The Hittite king, therefore, underscores his authority to call for extreme action by asserting his sovereignty over the city, “in the midst of my country.” Although lines 25–28 address three cases of disloyalty that appear to differ in quantity rather than in kind, the treaty differentiates between the action required by the men of Ismerika in the case of an insurgent city and the action required when the sedition is limited to a household or to a lone individual. When the agitation is limited to these latter two, the offenders are “to die,” where the Hittite word ak(k)- implies “being put to death by judicial sentence, be legally executed.” 18 By contrast, the rebellious city is to be “smitten, razed” (Hittite kuen-) which never has a juridical connotation and often implies conquest by an enemy. 19 The law of the seditious city concludes with directives about how the spoils are to be handled.

All of these elements are exhibited in the law of the rebellious city, Deut 13:13–19. The action required of the Israelites—to annihilate one of their own cities—is so extreme that, like the Hittite king in CTH 133 line 25, the sovereign king YHWH

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17 While most expositors have understood that the concealment here means to shelter the apostate, Bernard M. Levinson has argued that the verb here means to condone. See Levinson, “Recovering the Lost Original Meaning of vbv Π03Π*Ò1 (Deuteronomy 13:9),” in idem, “Right Chorale,” 145–65; repr. from JBL 115 (1996): 601–20. Either way, it is significant that in Deuteronomy, as in the Hittite treaty, the proscribed behavior is expressed with a verb whose basic meaning is “to conceal.”

18 Puhvel, Hittite Etymological Dictionary, 1:17, s.v. ak(k)-, ek-.

19 Ibid., 4:206–12, s.v. kuen-.
underscores his sovereignty over the territory that he wishes now to annihilate (13:13): “When you should hear concerning any of your cities, which the Lord has given you to dwell in, saying, ‘evil individuals have gone forth from your midst, etc.’” Just as the treaty of Ismerika differentiates between individual inciters who are punished through judicial procedure and the inhabitants of a seditious city who are attacked, or “smitten,” Deuteronomy exhibits the same dichotomy. The apostate relative of 13:7–12 is put to death through a legal process (13:10–11), as is the individual worshiper of foreign gods (17:5–7). Not so, however, the inhabitants of the apostate city. The call to annihilate the city (13:16) using the language of “smiting by sword” (הרס לשליש ...) is the language of military conquest routinely employed in the accounts of Joshua and Judges.

As is the case in CTH 133 §10, the Deuteronomic law concludes here by issuing directives concerning booty. The directives in each text reflect the distinct needs of the parties involved. In the treaty of Ismerika, the vassals are told that they may partake of the booty—no doubt, as an incentive for them to carry out the mass annihilation of the male population of the city. In Deuteronomy 13, however, the goods that belonged to the apostates become tainted and are banned (13:16–18).

Finally, I note the use of the partitive construction, באתא, “one of,” to mean “any of,” in the opening of Deut 13:13. The verse should be translated, “When you hear concerning any of your cities…” This reading of the partitive construction

20 Most expositors, ancient and modern, have assumed that vv. 10-11 involve a judicial process. Levinson, however, has argued that v. 10a calls for summary execution (see “‘But You Shall Surely Kill Him’: The Text-Critical and Neo-Assyrian Evidence for MT Deuteronomy 13:10,” in idem, “Right Chorale,” 166–93).

21 In light of Deuteronomy’s call to sack the city completely and set it ablaze (13:16–17), it is interesting to note Puhvel’s comments on the subtleties of the word kuen-, which is used for “smite” in line 26: “Rather than physical massacre of the defeated mass of humanity, it often refers more to a place, thus ‘smite’ not in the sense of ‘strike’ (wahh-) or ‘fight’ (suhh-) but rather ‘raz, ruin’… it probably involved a combination of sacking, killing and incendiary reprisals” (Puhvel, Hittite Etymological Dictionary, 4:211).

22 Dion, “Deuteronomy 13,” 165. The language employed here acknowledges the difficulty that the Israelites will face in carrying out this directive. Verse 16 opens with a doubled verb יְלַהֵם, which connotes an exhortative tone: “You shall surely smite the inhabitants of that town…” The appearance of the doubled root לַה here is unique throughout all of Scripture and attests to the difficulty of the task at hand.

23 In their respective studies of Deuteronomy 13, both Dion (“Deuteronomy 13,” 201) and Koch (Vertrag, Treueid und Bund, 164–65) note that the call to annihilate an entire city is found both in CTH 133 lines 25–26 and in Deut 13:13–19. Neither, however, attends to any of the particular similarities enumerated here.

24 On the partitive construction connotation of באתא to mean “any of,” see Jouon-Muraoka, 2:513; and Waltke and O’Connor, IBHS, 252 example 11. For particularly good examples of this phenomenon in Deuteronomy, see 15:7, הילם נוי באתא תודת נויסכט, ("If there is a needy person among you, one of your kinsmen, in any of your settlements" [NJPS]), and 16:5–6, הילם נוי באתא תודת נויסכט ("You are not permitted to slaughter the Passover sacrifice...")
in introducing the case of the rebellious city is supported by the context of the previous case. In Deut 13:6–12, the Israelite is told, in effect, that any apostate is to be disciplined, even a relative. Deuteronomy 13:13a, on this reading, conveys the same idea in its language. Any city that spreads apostasy, no matter what its lineage or influence, must be disciplined.

This is most likely the implication of CTH 133 line 25a, 1 URU:\n:\n\textit{“if in the midst of my country any city sins.”}\n\textsuperscript{25} Here, too, the context of the previous case lends support to such a reading. In lines 22–24, the men of Ismerika were told, in effect, that any seditious individual had to be disciplined, “be he a border lord, a commoner, a Hittite or a Kizzuwatner,” or a relative. In §10, the language of “1” impresses upon the vassal that any seditious city must be disciplined.\textsuperscript{26}

While each of the parallels noted between the sedition clauses of §§9–10 of CTH 133 and the apostasy clauses of Deut 13:7–19 is impressive in its own right, what is striking about the two passages is their identical structure. That both treaties address the challenge of seditious relatives is, in and of itself, unremarkable. Indeed, later Neo-Assyrian treaties did as well, as we shall see shortly. What is striking about what we have seen so far is the overall structure of each passage. Each moves from clauses that address seditious relatives (CTH 133 lines 21–24; Deut 13:7–12), to clauses that address the sedition or apostasy of large populations (CTH 133 lines 25–26; Deut 13:13–19).

As mentioned, the consensus of scholarship points to the sedition clauses of VTE as the inspiration for Deuteronomy 13. We may now revisit that claim in light of our analysis of CTH 133. The key section of the Neo-Assyrian treaty, §10, is contained in lines 108–22:\textsuperscript{27}

\begin{quote}
\textit{\textit{šumma abutu là tābtu là de\textsuperscript{2}iqtu}}
\textit{lä ba\textit{ni}tu ša ina muh\textit{hi} A\textit{s}sur-bā\textit{nī}-a\textit{plī}}
\textit{ma\textit{rī} šarri rabi\textit{ī} ša bēt ridāti}
\textit{ma\textit{rī} A\textit{s}s\textit{ur}-a\textit{hu}iddina šar māt A\textit{s}s\textit{ur}}
\textit{bēli\textit{kunu là taš\textit{ātunī}}}
\textit{lā tā\textit{bātunī lū ina pī nak(i)\textit{ri\textit{sū}}}
\textit{lū ina pī salmi\textit{sū}}
\end{quote}

\begin{quote}
You shall not hear or conceal any evil, improper, ugly word
which is not seemly nor good to Ashur-banipal, 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,
\end{quote}

\textsuperscript{25} This contra Beckman, who translates here, “If within the land a single city commits an offense, you [men] of the land of Ismerika will intervene . . . ,” and subsequently “a single household” in line 27 and “a single man” in line 28. Although technically, the cipher “1” means “one”, it would seem that the Hittite king mandates the punishment of any offender in each case and not “a single” one.

\textsuperscript{26} My heartfelt thanks to Yitzhaq Feder for working through this with me.

\textsuperscript{27} The text and translation are taken from Levinson, "Right Chorale," 186; see there n. 50 for Levinson's explanation of how his translation and rendering of the text relate to previous editions.
or from the mouth of his brothers, his uncles, his cousins
his family, members of his father’s line, or from the mouth of your brothers, your sons, your daughters, or from the mouth of a prophet
an ecstatic, a diviner
or from the mouth of any human being who exists

You shall come and report (it) to Ashurbanipal, the great crown prince designate, son of Esarhaddon, king of Assyria.

You shall come and report (it) to
Ashurbanipal,
the great crown prince
designate, son of Esarhaddon, king of Assyria.

On one account we may indeed see how this section more closely resembles the laws of Deuteronomy 13 than do §§9–10 of the Ismerika Treaty. The reference to sedition from the mouth of “a prophet, an ecstatic, a diviner” (lines 116–17) parallels Deuteronomy’s call to redress a heretic prophet or dreamer (13:2)—a parallel to which we shall return later. In every other regard, however, we may see how CTH 133 §§9–10 more closely resembles Deuteronomy 13 than does §10 of VTE. It is immediately clear that the laws of the apostate city of Deut 13:13–19 have no parallel in this Neo-Assyrian text. Important differences, however, between VTE §10 and Deut 13:7–12 are evident concerning the responsibility to discipline individual acts of sedition. As Bernard Levinson has argued, the family members referred to in lines 115–16 are but one group in a progression that reaches its apex with an all inclusive formulation: lû ina (pî) naphar salmât qaqqadi mal bašû, “or, from the mouth of any human being who exists.”28 In contrast, Levinson observes, Deut 13:7–12 sharpens and extends the family focus of the law, thereby addressing the special challenge posed by the vassal’s innate loyalty to his own kin. The contrast that Levinson draws between Deut 13:7–12 and VTE §10 can help us appreciate the similarity between those verses in Deuteronomy and the laws of CTH 133 §9. There, too, as in Deuteronomy, the laws are formulated with a focus on family members and the special challenge to the vassal posed by loyalty to his own kin.29

28 Levinson, “Right Chorale,” 141. The same is true with regard to the place of family members in the sedition clauses of the Zakutu treaty. See ibid.

29 Deuteronomy 13:7 extends the list of intimate apostates to include friends or acquaintances. While neither CTH 133 §9, nor VTE §10 refers to seditious acquaintances, the concern about such friends appears in other treaties in both the Hittite and Neo-Assyrian traditions. See Koch, Vertrag, Treueid und Bund, 154–55.
A final semantic point of departure between VTE §10, on the one hand, and the sedition clauses of CTH 133 and Deut 13:7–12, on the other, concerns the object that the vassal is prohibited from concealing. In VTE §10, the vassal may not conceal “any evil, improper, ugly word.” By contrast, in both CTH 133 line 24 and Deut 13:9, it is the inciter himself whom the addressee may not conceal.30

A parallel to the law of the apostate city is often drawn from the third stele of the Sefire treaty (III.12–13), an Aramaic Northwest Semitic treaty of the mid-eighth century B.C.E. Yet examination of that source in light of CTH 133 again shows the Hittite treaty to be more similar to the law in Deuteronomy 13. In §4 of the Sefire treaty, the sovereign stipulates that if he or his offspring are assassinated, the vassal is to avenge the slaying (III.9b–12). If the deed was carried out by an entire city, then the city is to be punished by the sword.31 Unlike CTH 133 §10 and Deut 13:13–19, there is no discussion in this section of the Sefire treaty of what to do with the booty. More significantly, the case itself differs fundamentally. In both CTH 133 §10 and in Deut 13:13–19, a city is to be annihilated merely for the crime of sedition, or, in the case of Deuteronomy, apostasy. In the Sefire treaty, however, only vengeance for a city complicit in a royal assassination warrants such action. The Sefire treaty makes no provision for the collective punishment of a city suspected of sedition, as do CTH 133 and Deuteronomy 13.

II. YHWH’S KINGSHIP: HITTITE OR NEO-ASSYRIAN?

In assessing whether Deuteronomy 13 more closely resembles Hittite vassal treaties or Neo-Assyrian ones, I have focused thus far on the content of the laws and to, an even greater degree, on their form. But the respective vassal treaties under

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30 An additional subtlety exists that likewise distinguishes between the Hittite and biblical laws, on the one hand, under study here and the stipulations from VTE, on the other. In both CTH 133 line 21 and in Deut 13:7 the addressee is someone who has unambiguously been approached by an inciter. Thus, in CTH 133 line 21, “If anyone [ut]ters a malicious word before you . . . .” Similarly, in Deut 13:7, “When your brother . . . incites you . . . .” VTE §10, however, is ambiguous, and does not state in the same certain terms that the addressee is called to act because he has been directly approached. The section may be read as an expression of the Assyrian king’s desire to enlist the vassal regardless of whether he was directly the target of sedition by an agitator, or whether he simply caught wind of a rumor. My thanks to Bernard Levinson for clarifying this point. Cf. VTE §12 (lines 130–46), where it is clear that the vassal has been directly approached by the agitator.

31 By all accounts, the inscription here reads תַּגְרִי אַהֲנְה תִּפָּה בֹּבַר. Some, however, wish to amend תַּגְרִי אַהֲנְה תִּפָּה בֹּבַר, thus rendering a doubled verb and generating a close parallel to the language of Deut 13:16, תָּגְרִי אַהֲנְה אַאֵשֶׁב עֲהַיְתָה לְאֵל תּוֹרָבָּה (Nelson, Deuteronomy, 173 n. 12; Moshe Weinfeld, Deuteronomy and the Deuteronomic School [Oxford: Clarendon, 1972], 99). However, the issue is far from clear, as many authorities insist on retaining the inscription as is. Moreover, the verb form of תַּגְרִי אַהֲנְה is puzzling. See discussion in Joseph A. Fitzmyer, The Aramaic Inscriptions of Sefire (rev. ed.; BibOr 19A; Rome: Pontificio Istituto Biblico, 1995), 153.
study here also reflect distinct ideologies about the nature of the relationship between a sovereign and his vassal. Highlighting these differences will enable us to see how the sovereign–vassal relationship envisioned in Deuteronomy 13 resembles the relationship of the Hittite king to his vassal more closely than the relationship of the Neo-Assyrian king to his.

Hittite vassalage was routinely a process of self-subjugation on the part of the vassal. Autonomous rulers would approach the Hittite king and request his patronage or deliverance in exchange for their fealty as subordinates. Vassalage in this context represents a debt of gratitude. We universally find in these treaties that the Hittite king first acts on behalf of the subordinate and is then later repaid through the fealty that the subordinate owes according to the terms of the suzerainty treaty. For the Hittite king, vassalage represents an opportunity to use his political capital to build an amicable relationship with a loyal subordinate on favorable terms. This basic definition of the relationship between sovereign and vassal is reflected in some of the cardinal elements that are unique to the Late Bronze Hittite self-subjugation treaty. These treaties typically open with a historical prologue, in which the Hittite king establishes the moral and legal obligation on the part of the subordinate for the favor bestowed upon him by the sovereign. As a party to a bilateral, if not equal, relationship, the Hittite king would be obligated to come to the aid of his vassal when necessary. In the Hittite treaties, expressions of affection from the sovereign to the vassal complement the demand that the vassal show love and devotion toward the Hittite sovereign. Thus, a Hittite king says to his vassal: “I shall not reject you, I shall make you my son.” The treaties routinely included blessings that were to be bestowed on the vassal for his loyalty.

By contrast, Neo-Assyrian vassalage was fundamentally a relationship of dominion. In all cases it involved the surrender of the vassal in the wake of conquest or intimidation and an annexation of his territory, often followed by large-scale deportations. The Assyrian emperor viewed himself as the divinely chosen king of the universe. His rule over the vassal required no further justification, and thus Neo-Assyrian treaties make no record of the emperor's gracious deeds on behalf of the vassal. Nor do Neo-Assyrian treaties record any obligation on the part of the

33 Ibid., 27; Mendenhall and Herion, “Covenant,” 1181.
sovereign to come to the aid of the vassal, reflect any amity or affection toward him, or offer any blessings for loyal conduct. Curse lists are far longer in the Neo-Assyrian treaties than they are in the Hittite ones and are designed to terrorize vassals who would dare to rebel.37

This fundamental distinction sheds light on the laws of Deuteronomy 13. Verses 6 and 11 explain the logic of Israelite vassalage to YHWH. Vassalage is mandated not because YHWH is the sovereign of the universe but because of the gracious deed that he bestowed on the Israelites in their hour of need: the exodus from Egypt. The rationale for Israel's vassalage to YHWH as a debt of gratitude is entirely in keeping with the Hittite treaty tradition, but foreign to the Neo-Assyrian tradition. In like fashion, YHWH offers compassion and bounty to his vassal, Israel, should they follow the difficult dictates concerning the apostate city (13:18). This, too, is in consonance with the Hittite tradition of rewarding the loyal vassal but at odds with the Neo-Assyrian tradition, where subservience is taken for granted.

The relatively amicable nature of the Hittite vassal alliance may explain an additional element of the laws of Deuteronomy 13. When rumor surfaces that a city has apostatized, the law of v. 15 requires that due process be carried out before action is taken (13:15–16): “You shall investigate and inquire and interrogate thoroughly. If it is true, the fact is established—that abhorrent thing was perpetrated in your midst—put the inhabitants of that town to the sword.” That due process should be carried out when a vassal is suspected of sedition is likewise found in the Hittite treaty literature. In CTH 106, the treaty between Hattusili III of Hatti and Ulmi-Teshup of Tarhuntassa, the Hittite sovereign promises the vassal that, upon the latter’s demise, he will see to it that the vassal’s son inherits his throne, and his grandson after him. Having demonstrated his commitment to the vassal, the Hittite sovereign then says, “if any son or grandson of yours commits an offense, then the king of Hatti shall question him. And if offense remains for him [i.e., if he is found guilty—J.B.], the king of Hatti shall treat him as he pleases.”38 The expression “the king of Hatti shall question him” is, in the original, pu-nu-us-du. The transitive verb pu-nu-us-du means both “1) to ask, question, consult (with person asked or questioned in accordance) and 2) to investigate, ask about (w. the object of inquiry),”39 with the same multiple functions of the Hebrew root for inquire in v. 15, b.a.v.

Although Neo-Assyrian literature generally also knows of terms of due process similar to those found in Deuteronomy,40 they are entirely absent from the corpus

37 Ibid., 135–36.
38 Treaty between Hattusili III of Hatti and Ulmi-Teshup of Tarhuntassa, §1 (obv. 7–14) (= KBo IV 10 vs. 9). The translation is mine, in consultation with Beckman (Hittite Diplomatic Texts, 109).
40 See examples from Neo-Assyrian letters and other literature of the period in Dion, “Deuteronomy 13,” 202.
of vassal treaties from the Neo-Assyrian period. The relative amity that infuses the Hittite relationship between sovereign and vassal may explain the Hittite king’s willingness to engage in due process in CTH 106. The Hittite sovereign will not tolerate seditious acts on the part of his vassal. At the same time, he seeks to foster a positive relationship with him. It is worth his effort, therefore, to investigate fully the rumor of sedition before taking action that will strain and perhaps even sever that relationship. By contrast, the political logic that girds the Neo-Assyrian treaties is the motivation of fear and intimidation. Because the sovereign seeks to intimidate the vassal rather than to ally with him, the Neo-Assyrian treaty has no room in its political calculus for the principle of “innocent until proven guilty.”

Deuteronomy’s call for due process in the face of a suspicion of apostasy is well understood. Both in the case of the apostate city (13:13–19) and in the case where an individual is suspected of apostasy (17:4), the law calls for an investigation. YHWH will not tolerate infidelity, but he seeks an amicable bond with his vassal Israel and thus sanctions punitive measures only when the party’s guilt has been fully established.

As noted, one reason that scholars have been attracted to the proposition that Deuteronomy 13 draws from Neo-Assyrian influence is that the openness to such influence can be well explained. In patterning the laws of apostasy after the Neo-Assyrian sedition stipulations, the claim is made, the scribes of Judah were polemically turning an Assyrian form against their oppressors by asserting the imperialism of YHWH over the imperialism of the Assyrian king. But the evidence marshaled here suggests that in Deuteronomy 13 YHWH does not conduct himself with his vassal Israel in the manner of a Neo-Assyrian despot. It seems, rather, that the laws of sedition in Deuteronomy reflect a Hittite tradition (or some refraction of it) of a more amicable model of vassalage that served as a useful metaphor to adumbrate the dynamics of the YHWH–Israel covenant.

A final note of distinct convergence between Deuteronomy 13 and the sedition clauses of the Hittite treaties is evident in the employment of a particular rhetorical tool in the protasis of each of the three laws of ch. 13. In each, Deuteronomy “scripts” the encounter between the apostate inciter and his intended audience; the reader of the law hears the apostate’s words: “Let us go and worship after foreign gods, whom you have not known” (13:14 and, with slight variation, 13:2, 7). The scripting of the encounter, with the apostate employing exhortative language is highly reminiscent of the warnings found in the Hittite Instructions for Functionaries, which are closely related to the treaties in both form and content: “If a noble, a prince, or a relative . . . brings up seditious words . . . (saying) ‘Come, let us join another (king),’ but the one to whom it is said does not denounce him, that one will be under oath” (§16).41 VTE also “scripts” the encounter between a seditious

41 For the text and a German translation, see Einar von Schuler, Hethitische Dienstanweisungen für höhere Hof- und Staatsbeamte: Ein Beitrag zum antiken Recht Kleinasiens (Archiv
agitator and the vassal. Esarhaddon warns the vassal that if anyone “involves you in a plot, saying to you: ‘Malign Assurbanipal, the great crown prince designate . . .’” (VTE line 323). Note, however, that in Deuteronomy 13 and in the Hittite Instructions for Functionaries the seditious remarks are quite similar—a call to the loyal servant to switch allegiances—whereas in VTE line 323 the rebellious speech concerns an assassination plot against the heir apparent. Moreover, the scripted speech of the inciter in Deut 13:2, 7, and 14 opens with the exhortative “let us go and . . .”, as does that of the agitator in the Hittite text.

As noted, Deuteronomy 13 is often understood as reflective of a Neo-Assyrian milieu in light of the many terms that it employs that are paralleled in the treaty literature of that period. However, examination reveals that many of these same terms are found already in Hittite treaties or in other Late Bronze Age works. In VTE lines 266–68, Esarhaddon demands that the vassal “love” Ashurbanipal, as an expression of political loyalty (cf. Deut 13:4). Yet the same sentiment is found in the Hittite Military Instructions: “Just as you love your wives, your children, and your houses, so you shall love the king’s business” (lines 30–31).

In VTE, the vassal is told to support the Assyrian king “wholeheartedly” (VTE line 152; cf. Deut 13:4, with reference to YHWH). The same term, however, is found in CTH 68, the treaty between Mursili II of Hatti and Kupanta-Kurunta of Mira-Kuwaliya. There the vassal is commanded, “You shall not commit evil against My Majesty. This matter shall be taken to your heart. Take it to your heart today!” ($20 [D iv 19’–3’4’]).

In line 20 of the Neo-Assyrian Zakutu treaty, the vassal is warned, “If you hear and know that there are men instigating armed rebellion or fomenting conspiracy
The adverbial phrase “in your midst” ("ina birtukkunu") corresponds to the phrase "מקרבך/ברקך," "in/from your midst" (Deut 13:2, 6, 12, 14, 15), and refers to the place of the sedition. Yet Hittite is'tarna functions much the same way as does biblical l'le, signifying “among, in the midst.” Indeed, in the same way that Deuteronomy 13 describes the apostate emerging from within “your midst” (vv. 2, 13), §10 of the Ismerika Treaty reads: “If in the midst of my country a city sins, then you people of Ismerika shall enter it, and strike [that city]” (line 25).

Finally we return to what may be the only element of Deuteronomy 13 that unambiguously resonates more closely with the language of VTE than with that of any other earlier body of literature. Deuteronomy’s call to discipline an apostate prophet or dreamer (13:2) parallels the call in VTE to report incitement from the mouth of “a prophet, an ecstatic, a diviner” ("ina pi raggime mahhe mar sa'ili amat ili," lines 116–17). It is difficult, however, to discern whether the two laws share enough that is truly distinct in terms of content and form for one to conclude that there is a hereditary relationship between them or that they share a distinctive milieu. Unlike the diviner and dreamer of Deut 13:2–6, the three diviners in lines 116–17 of VTE do not have a law devoted to them alone; rather they are part of larger list of potential agitators. None of the three terms used as appellations of the divinatory practitioners is a cognate of the terms חלומים ולוחמים or בני that we find in 13:2.

It is unclear as well whether there is anything shared and distinctive in the very content of the laws under scrutiny here. A gulf divides the nature of the divinatory practice in Deut 13:2–6 and the practices spelled out in VTE 116. In Deuteronomy, it is essential that the diviners accurately foretell events (cf. 18:15–22), an element which has no parallel in the VTE.

Despite all these reservations, it must be admitted that apart from Deuteronomy 13:2–6, nowhere in the treaty literature of the ancient Near East do we find a concern that individuals will engage in seditious activity on the basis of noninductive divinatory methods except in VTE 116–17. But as Martti Nissinen points out, the relative lack of treaty documents in our possession makes it difficult to

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46 The translation is that of Parpola and Watanabe, Neo-Assyrian Treaties and Loyalty Oaths, 64.
47 Levinson, “Right Chorale,” 141 n. 81 and 191 n. 58. For Deuteronomy’s use of the root l’le, see further Levinson, Deuteronomy and the Hermeneutics of Legal Innovation (New York: Oxford University Press, 1997), 132–33.
48 On Hittite is'tarna, see Puhvel, Hittite Etymological Dictionary, 1–2:478–83.
49 The reason that CTH 133 cannot use the term "your midst" is that this particular treaty is addressed to the subject ally, the Men of Ismerika, who are assisting the Hittites in their domination of the territory of Kizzuwatna. For additional treaty elements in Deuteronomy that are commonly thought to be of Neo-Assyrian origin but, in fact, have second-millennium precursors, see Zehnder, “Building on Stone?” 511–28.
conclude that this was a concern that was specific to the Neo-Assyrian period. To this it may be added that even in the Hittite treaty literature we see that vassals would engage in divinatory practices in order to determine their treaty obligations. In CTH 68, the treaty between Mursili II of Hatti and Kupanta-Kurunta of Mira-Kuwaliya, the Hittite sovereign instructs his vassal thus: "If the messenger is unable to come and you hear about the matter in advance (of his arrival) [i.e. that someone has revolted against Hatti], do not wait for word from My Majesty. You shall not first take a bird oracle about it. Take charge of infantry and chariots and be of assistance" (§16 C iii, 12–21). To summarize, it is clear that no passage in the treaty literature of the ancient Near East resembles Deut 13:2–6 as closely as does VTE 116–17. Yet, in light of the fact that divinatory practices seem to have influenced vassals during many periods, it is less clear that both derive from a shared milieu during the period of Neo-Assyrian ascendancy.

III. Conclusions

The implications of the discussion thus far for the dating of Deuteronomy 13 are far-ranging and need to be assessed in several contexts. One obvious setting is the narrow context of Deuteronomy 13 in comparison with the Hittite and Neo-Assyrian treaty traditions. In content, we have seen that Deuteronomy 13 exhibits elements that are found exclusively in Hittite vassal treaties and not in Neo-Assyrian ones. These include reference to the beneficence of the sovereign king as the basis for the vassal's loyalty and the concern for due process when a loyal vassal is suspected of seditious acts. We have seen laws in Deuteronomy 13 whose content more closely matches the stipulations of the Hittite treaties than those of the Neo-Assyrian and other first-millennium treaties. These include the laws of the rebellious city and the specific concern for the vassal's loyalty when confronted with seditious family members. We also noted rhetorical devices such as the scripting of the rebel's exhortation to sedition that have stronger parallels in the Hittite treaty tradition than in the Neo-Assyrian one.

These findings should not surprise us when we consider the broader context of parallels between biblical covenant passages and the Hittite treaty tradition. There are many aspects of the Hittite treaty tradition that are found in Deuteronomy and elsewhere in the Pentateuch that have no parallel in the Neo-Assyrian tra-

50 Nissinen, "Prophecy against the King in Neo-Assyrian Sources," 160.
51 Translated in Beckman, Hittite Diplomatic Texts, 77–78.
52 Pakkala, Intolerant Monolatry, 43. One other element of Deuteronomy 13 that warrants attention is the phrase in v. 6 that the diviner is to be put to death because he דֶּרֶךְ שָׂרֶת—spoke falsely, or rebelliously—concerning YHWH. The phrase is a cognate of the term dabab surré—treacherous, disloyal talk—found in VTE line 502. The phrase, however, has a long history in Assyrian languages and is not a distinctly Neo-Assyrian term.
dition. The historical prologue, with its emphasis on the beneficence of the sovereign as the basis for the loyalty of the subordinate, is a feature exclusive to the Hittite treaties. Blessings are matched with curses only in the Hittite treaties, never in the Neo-Assyrian ones. Instructions for deposition of the treaty and its periodic reading are likewise features found only in the Hittite materials and not in the Neo-Assyrian treaty or loyalty oath texts. Moreover, promises made by the sovereign king to the vassal and expressions of affection toward him—elements so cardinal in the Pentateuch’s portrayal of God’s disposition to Israel—are found only in the Hittite treaties, never in the Neo-Assyrian ones.53

Deuteronomy 13, however, is but a chapter of the larger composition that is Deuteronomy, and a case can be made that the epigraphic finds discussed thus far need to be seen in the context of ancient parallels to other parts of the book, particularly the curse lists of ch. 28. Yet even if we adopt the position that Deuteronomy 28 offers extensive evidence of Neo-Assyrian influence,54 that argument can go only so far in terms of contributing to the present discussion—the dating of Deuteronomy 13. I noted that many of the stock phrases found both in the Neo-Assyrian treaty tradition, particularly in VTE, and in Deuteronomy 13 are actually found earlier in the Hittite treaty tradition or in other second-millennium sources. On the strength of the Neo-Assyrian influence posited in other passages of Deuteronomy, one could argue that such terms in Deuteronomy 13 should be understood in that light. But one could just as well argue that in light of the Hittite influence evident in the laws of this very chapter, and in light of the parallels exhibited elsewhere between covenant passages and the Hittite treaty tradition, such terms should be understood in that light. Perhaps the most judicious conclusion to


54 Hans Ulrich Steymans, Deuteronomium 28 und die adē zur Thronfolgeregelung Asarhadons: Segen und Fluch im Alten Orient und in Israel (OBO 145; Göttingen: Vandenhoeck & Ruprecht, 1995). Of the twenty-five curse paragraphs in Deuteronomy 28, six have parallels found only in Neo-Assyrian materials. Many scholars see this as evidence that these curses were incorporated into Deuteronomy by seventh-century Judean scribes (e.g., Nelson, Deuteronomy, 326; Koch, Vertrag, Treueid und Bund, 203–32). Yet twelve of Deuteronomy’s twenty-five curses have parallels in second-millennium texts but have no parallels in Neo-Assyrian materials. Moreover, examination of some of the curses that are shared by Deuteronomy 28 and several treaty traditions, including Neo-Assyrian ones, reveals that Deuteronomy’s formulations are closer to those of second-millennium curse lists than to those of VTE. Thus, some scholars conclude that both Deuteronomy and VTE draw from a long-standing common pool of curse formulations and themes that are adapted to the needs of the moment. See, e.g., Kitchen, On the Reliability of the Old Testament, 291–94; Zehnder, “Building on Stone?” 529–33.
be reached about such terms is that, in light of the bodies of evidence on both sides, their provenance cannot be definitively determined.

The claims of Neo-Assyrian influence on other parts of Deuteronomy, however, should not be marshaled to counter the central thesis articulated here: that the apostasy laws of Deuteronomy 13 more closely resemble the sedition laws of the Hittite treaty tradition than of the Neo-Assyrian one in many features of form and content. It is not credible to claim that the similarities between Deuteronomy 13 and the Hittite treaties are entirely coincidental, and that the author of Deuteronomy had access only to the Neo-Assyrian treaties. Only the concern that divination could be employed for seditious purposes stands out as an element common to VTE and to Deuteronomy but absent from the earlier traditions. Less clear, though, is whether the evidence is strong enough to mandate a temporal connection between them, or whether, simply, shared concerns are seen here to arise independently at different times in different places. The overwhelming preponderance of evidence, however, suggests a Late Bronze Age Hittite background for Deuteronomy 13 rather than a Neo-Assyrian one.

Another context in which to consider the findings reported here is our knowledge of Israel's interaction with surrounding cultures at different stages in ancient Near Eastern history. One of the attractive points for scholars of reading Deuteronomy 13 in a Neo-Assyrian context has been the fact that the history of the period—particularly Judah's vassalage to the Neo-Assyrian emperor—stands out for us in high resolution, in both biblical and epigraphic sources. This has enabled scholars to read the history we know into the text of Deuteronomy 13 and, in turn, to mine the text of this chapter for a better understanding of the vassal-sovereign relationship of that period.

By contrast, no such resolution exists for our understanding of the origins and nature of Hittite-Israelite interaction. We know that Late Bronze Age Hittite military campaigns never ventured farther south than Damascus. We also know that a generous exchange of diplomats, artists, and experts united the Hittite and Egyptian empires during the thirteenth century B.C.E. At what point Hittite culture interacted with Israelite culture and through what mechanism remain issues more of conjecture than of debate. The lack of a clear historical picture, however, should not dissuade us from acknowledging the strong resemblance between the apostasy laws of Deuteronomy 13 and the sedition stipulations of the Hittite treaties. Rather,
this resemblance should deepen our growing awareness, in the words of Harry Hoffner, that “there remain far too many points of similarity—especially in legal, ritual, and cult matters—between Hittite culture and the Bible for us to dismiss them as coincidental or accidental.”56

A final consideration surrounding the dating of Deuteronomy 13 is the bedeviling reality that, while state vassalage was practiced throughout the second and first millennia, written vassal treaties are extant nearly exclusively from the Late Bronze Hittite and Neo-Assyrian periods. It may be that this reflects merely the luck of the spade, and that in due time we will unearth more treaties from other periods and locales. If so, then the laws of Deuteronomy 13 may represent a highly refracted reworking of a tradition that we witness today only in Hittite material. It is telling, however, that we possess not a single vassal treaty from the Roman Empire, nor from the Amarna period in Egypt, periods in which we know that vassalage was practiced, and from which the literary remains are extensive. This suggests that, although vassalage was pervasive throughout the ancient world, the composition of formal treaties may not have been. This leaves open the question of how ancient Hittite forms became reflected in biblical accounts of the covenant between Israel and Yhwh.57 Although the mechanism and the timing are unclear, the evidence of correlation between the apostasy laws of Deuteronomy 13 and the sedition laws of the Hittite empire should lead us to revise the long-held view that Deuteronomy 13 is a deliberate imitation of Neo-Assyrian forms.


57 See the discussion in Weeks, Admonition and Curse, 6–10.