

The Hebrew Biblical *Bérit* in Light of Ancient Near Eastern Covenants and Treaties¹⁾

Ada Taggar-Cohen*

The “biblical *bérit* המקראית הברית” is a common title used in scholarship to indicate the covenant between the God of Israel and his people, a covenant which, according to the biblical text, is the foundation of their relationship, and is set apart from other private and political covenants which are mentioned in the Bible using the term *bérit*. The historical accounts of the people of Israel are derived from this *bérit* and have been influenced by it. Told from the point of view of this *bérit*, the history of the Israelites is presented as a promise to an ancient patriarch, Abram (Gen 15:8; 17:2-4, *passim*), and in a more composite manner in the Sinai *Bérit* (Ex 19-24), the Horeb *Bérit* (Deuteronomy 4), and the Shechem *Bérit* (Josh 24). The promise and the *bérit* have accompanied the people of Israel throughout generations, and their mark can be seen in the people’s life even today. At the same time, the term “*bérit*” is also used in the Bible to indicate inter-personal agreements,

* Professor, Graduate School of Theology, Doshisha University, Kyoto Japan.

1) This article is an English version of a chapter published in Hebrew in the volume written and edited by Amnon Altman, *Political Treaties of the Ancient Near East*, in collaboration with Samuel Ahituv, Zipora Cochavi-Rainey, Amir Gilan, Jacob Klein, Yitschak Sefati, and Ada Taggar-Cohen (Jerusalem: The Bialik Institute, 2018), 111-131. The author welcomed the request of the reviewer of the volume, Prof. Shalom E. Holzman (in *Review of Biblical Literature* 8/2019, SBL Press), to make this chapter available to English readers.

such as between rulers and kings (Gen 31; 1 Sam 11:1; 18:3, etc.). In the following survey, I will consider these two uses of the term “*bérit*” in biblical scholarship beginning with early research which compared the biblical text to Ancient Near Eastern ones, with an emphasis on covenants between a people and their god, and later I will focus on the comparison of this aspect of the *bérit* with Hittite material.

1. Early Scholarship

For over a hundred years, the term “*bérit*” has been the foundation for an abundance of biblical scholarship trying to understand the origin of the unique perception of the bond between a people and their god in the Israelite religion, a bond based on legal obligation and is defined in the concept of *bérit*. The profusion of publications and different scholarly approaches is an indication of the need for general publications outlining milestones in the scholarship.²⁾ The starting point for modern

2) It is not possible here to survey all research done so far regarding this topic, and the following pages will mostly present a general outline of how scholarship about the *bérit* has developed. This is in order to concentrate on how comparison with Hittite material contributes to understanding the *bérit* in current scholarship. For notable general publications see: Robert A. Oden, “The Place of Covenant in the Religion of Israel,” in P. O. Miller, P. D. Hanson, and S. O. McBride eds., *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross* (Philadelphia: Fortress Press, 1987), 429-447; M. Weinfeld, “B^crit^h”, *TDOT*, II (1975), 253-279; Dennis J. McCarthy, *Old Testament Covenant: A Survey of Current Opinions* (Oxford: Basil Blackwell, 1973); Noel Weeks, *Admonition and Curse: The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships*; Library of Hebrew Bible/Old Testament Studies 407 (N.Y-London: T&T Clark, 2004); and more recently, in an attempt to show how the *bérit* was understood during the Second Temple period, Richard J. Bautch, *Glory and Power, Ritual and Relationship: The Sinai Covenant in the Postexilic Period*, Library of Hebrew

scholarship on the topic of *bérit* is the way in which Wellhausen understood the development of the ancient Israelite religion. According to him, the concept of *bérit* could not have developed in a primitive society in which the connection with the god-figure was a familial connection, a connection between a father and his son, which is how he figured the religion of the tribes. In his opinion, the *bérit* expressed an understanding which developed relatively late in the Israelite religion following the emergence of a moral approach and the demand from the prophets to fulfil the social laws laid down by God for Israel. The prophets were the ones who pushed towards the perception of an obligatory connection of this kind. In the period before exile, the Deuteronomist consolidated this idea as it appears in the Book of Deuteronomy through the editing of the Books of Joshua to Kings, and a firm declaration of this idea was given in the Books of Isaiah, Jeremiah, and Ezekiel. Wellhausen's concept is an inseparable part of his understanding, which includes the evolutionary development that occurred in the Israelite religion, culminating with the rabbinical attitude towards biblical law. Wellhausen's approach dominated biblical scholarship for a long time, and its principals are still used by scholars today.³⁾

Scholarship in the field of the historical development of religion, a field which emerged at the beginning of the 20th century, shifted attention towards the social and ritual characteristics of the religions, which have implications concerning the *bérit* in the Israelite religion. One of the main approaches maintained that religions should not be seen in terms of evolutionary developments, but that the different

Bible Studies 471 (New York-London: T&T Clark, 2009), 12-42.

3) Julius Wellhausen, *Prolegomena zur Geschichte Israels* (Berlin: Reimer, 1895).

”משנתו של יוליוס ולהאוזן – הערכה חדשה במלאת מאה שנה להופעת חיבורו: Weinfeld, אקדמות לדברי ימי ישראל” *שנתון ד* (1980), ע 9-62

developmental phases of religion should be treated as they are and be described with reference to socio-economic developments, that is, how social institutions and social changes are reflected in the system of religious development. The works of Robert Smith and Max Weber outlined the direction of biblical research during a considerable part of the last century.⁴⁾ Weber's approach emphasised the historical stage in which the tribes amalgamated into one national entity. Based on the fact that tribal societies consolidated through the creation of covenants between the different components of the society, Weber pointed to the tribal society as one which achieved solidarity through the understanding of the *bérit* as that of the Sinai Covenant.⁵⁾ Scholars who came after Weber were divided into two main groups: the first described the *bérit* as a political covenant administered by God, and the second focused on emphasizing the ritualistic characteristic of the same *bérit* and its place in the life of tribal Israelite society. Two important scholars who represented these approaches were Noth and Von Rad, respectively. Noth attempted to identify the tribal *bérit* in the structure of an *amphictyonic* tie (on the basis of the Amphictyonic League in ancient Greece), in which the tribes are connected by an obligation to each other based on a central temple, which he identified in Shechem (Deut 27, Josh 8:30-35, 24). The traditions of Shechem were evidence for the antiquity of the centre, and the Ark of the Covenant was connected to it as the religious artefact which symbolizes the union between state and religion.⁶⁾ Von Rad, in contrast, wanted to emphasise the

4) Robert W. Smith, *Religion of the Semites*, 3rd., (first published as Lectures on the Religion of the Semites: The Fundamental Institutions, London 1894; London: A&C Black, 1927); Max Weber, *Ancient Judaism*, H. H. Gerth and D. Martindale, trans. and eds. (London: Collier-MaMillan Limited, 1967).

5) Max Weber, *Ancient Judaism*, 75-89.

6) M. Noth, *The History of Israel: Biblical History*, S. Goclman trans. (London,

relationship between two biblical traditions: the tradition of the Exodus from Egypt and the settlement of Canaan (Ex 19:3-6; Deut 26:4-11; Josh 24:2-13; 1 Sam 12:8-12), and the tradition of Sinai, which is the tradition of the revelation at Mt. Sinai (Ex 19), and is absent from the tradition of the Exodus and the settlement. This tradition is firmly tied to the cult as it appears in his view on Exodus 19-24. Von Rad identifies the origin of these two traditions, which later became unified in Deuteronomy and especially in Nehemiah 9, in Deuteronomy 26, in what he defined as the Israelite “*credo*”, which included an expression of the connection between the divinity and the believer. According to von Rad, this principle of belief developed into a literary tradition, and it is this tradition that created the entirety of the Bible.⁷⁾

In parallel to these works, studies which attempted to understand the meaning of the word “*bérit*” within the biblical context were also published, including a study by Begrich which understood the meaning of the word “*bérit*” to be the relationship between a master and his protégé,⁸⁾ or a study by Glueck on the word *hesed* in the Bible to indicate loyalty to the Lord in the context of the *bérit*.⁹⁾ Both of them illuminated the essence of the divine-human connections found at the foundation of the *bérit*, however, only with the appearance of Mendenhall’s research in 1954, did an important turn in regards to this matter occur, as will be shown.

1965).

7) Gerhard von Rad, *Old Testament Theology*, D. M. G. Stalker trans., vol. I (New York: Harper, 1962-65), 1-78.

8) Joachim Begrich, “Berit: Ein Beitrag zur Erfassung einer alttestamentlichen Denkform,” *ZAW* 60 (1944), 1-11.

9) Nelson Glueck, *Hesed in the Bible*, A. Gottschalk trans. (Cincinnati: HUC Press, 1967).

2. Scholarship since 1954

Mendenhall's research which concerns this subject was published in two articles. One article dealt with the position of Israelite law in the tribal system, and how the law in Exodus, which reflects the constitution of a tribal society that lacked central rule and included rules which dealt with everyday matters, was incorporated into the legal system from the monarchical period.¹⁰⁾ In the second and more important article, Mendenhall pointed to the parallelism between the ideas expressed in the biblical *bérit* and its wording and those expressed in the Hittite texts discovered in the village of Boğazköy in central Anatolia (the site of Ḫattuša, the capital of the Hittite kingdom) and are called "the Hittite vassal treaties" in scholarship.¹¹⁾ These treaties established a king as ruler versus a subject as subordinate and demanded absolute loyalty from the subjugated ("the vassal") to his ruling master.

The Hittite treaties present a schematic structure: an opening presenting the Hittite king dictating the wording of the treaty; a survey of the history of the relations between the Hittite king and the subjugated ruler; the conditions of the treaty; a list of the gods of Ḫatti and the gods of the land of the subject, gods who act as witnesses to the signing of the treaty and are in charge of supervising its execution. In some of the Hittite treaties, the depositing of the copy of the covenant in the temple of the subject and his obligation to read it from time to time are mentioned. In some of them, humans were also listed as witnesses in addition to the gods, and in some cases, the number

10) George E. Mendenhall, "Ancient Oriental and Biblical Law," *BA* 17 (1954a), 26-46.

11) George E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17 (1954b), 50-76.

of copies made and who held them was also recorded. The king's and the subject's copies were held in their own temples and placed in front of the icon of the deity. These elements of the covenant bear witness to it being a legal document. And indeed, Korošec, whose study on the Hittite state-contracts is still used today as the basis and starting point for discussing these covenants, emphasised their legal aspect through identifying them with the Akkadian term *rikiltu/riksatu*, "agreement/contract", as well as the term *niš ilānu* and interchangeably *māmītu* which indicated an "oath".¹²⁾ These two terms *rikiltu* and *māmītu* belong to the terminology of legal agreements, not necessarily political ones, in Mesopotamia during the 2nd millennium BCE.¹³⁾ Korošec compared these terms to the Hittite terms *lingai-* "oath", and *išhiul-* "agreement/contract". This comparison became the basis for his assumption that the origin of the Hittite legal system was in Mesopotamia, and that the origin of the political covenant was in the Mesopotamian contracts.

Mendenhall's research focused on two central points: a) paralleling the position of Moses in the Sinai covenant to the role of the Mesopotamian king in his endowing of the laws to society and in his creation of a legal infrastructure for a new society;¹⁴⁾ b) paralleling the essence of the *bérit* which was signed between the people and its god, to the essence of the covenant between the Hittite king and his subjects.¹⁵⁾ Mendenhall

12) V. Korošec, *Hethitische Staatsverträge: Ein Beitrag zu ihrer juristischen Wertung* (Leipzig: Th. Weichler, 1931), 21-35.

13) Marriage contracts or bills of sale/purchase which were called *rikiltu/riksatu* were often signed with gods as witnesses. See: Samuel Greengus, "The Old Babylonian Marriage Contract," *JAOS* 89 (1969), 505-532.

14) His comparison was to the "reforms of Urukagina," which the king conducted on his ascension to the throne. For this text, see: William W. Hallo, "Reforms of Uru-Inimgina," *CoS* II (2000), 407-408.

15) George E. Mendenhall, "Covenant Forms in Israelite Tradition," 50-76.

compared the Hittite subjugation-covenant (“of the vassals”) to Exodus 19:3-8, 20:1-2, as well as to Joshua 24. In the verses of Exodus, he saw the endowment of the law, and in Joshua 24, the formation of the people of Israel in Canaan. The starting point for this understanding was in its core an attempt to investigate the historical development of the concept of the *bérit*, which through the comparison with Hittite material shows decisively, according to Mendenhall, the antiquity of the biblical *bérit* tradition. Mendenhall, and followed by Huffmon,¹⁶⁾ argued that the image of the god as judge is a reflection of the political perception of the *bérit* in correlation with the contracts from the Ancient Near East, whereas in Israel, the god (YHWH) is parallel to the ancient Near Eastern king, and the people (Israel) is parallel to the vassal.

The basis for Mendenhall’s comparison between the biblical *bérit* and the Hittite treaties was the demand for exclusive loyalty from the vassal, in the Hittite treaty, so that he would not be subjugated to any other king in the Hittite treaty and its biblical counterpart was: “You shall have no other gods before me” (Ex 20:3). The textual comparison between the Hittite and biblical materials focused on the literary likeness of the texts, whose components are similar. The opening of the Hittite covenant presented the Hittite king with the words “thus says” or “the word of” and noted the name of the king. Following this, there was a historical survey of the relations between the king and the subject, and afterwards came the terms of the covenant in apodictic voice (“you shall not...”). The biblical counterpart, which is found both in Exodus and in Joshua, includes the opening lines: “And God spoke all these words, saying” (Ex 20:1), and “Thus says the Lord, the God of Israel”

16) Herbert B. Huffmon, “The Covenant Lawsuit and the Prophets,” *JBL* 78 (1959), 285-295; idem, “The Treaty Background of Hebrew Yada’,” *BASOR* 181(1966), 31-37.

(Josh 24:2), and afterwards, a historical survey, “I am the Lord your God, who brought you out of the land of Egypt” (Ex 20:2). The historical survey in Joshua 24:2-13 particularly stands out. Mendenhall compared the terms appearing in the Hittite treaty to the laws in Exodus 20-23 and in Joshua 24:14, which demand exclusive service to YHWH alone. Mendenhall, though, did not find any curses in Joshua 24, and Exodus 20-23 lacks a reference to the written *text* of the *bérit* (the tablets or the book¹⁷). However, Mendenhall did find the combination of blessings and curses in Deuteronomy 28. This comparison, even if, as he emphasised, the parallel is not full, shows according to him that the connection between YHWH and his people was understood as one between a lord and a subject.

Mendenhall’s preliminary comparison incited biblical scholars to deal with a fundamental examination of the biblical text in comparison to the covenants from Mesopotamia, Syria, and Ḫatti, with the linguistic comparison taking an important position. The examination of the linguistic usages in the two texts brought to light an extraordinary likeness between the biblical texts and the international treaties. Terms such as “knowing” (יָדַע), received comprehensive treatment in the research, and strengthened the understanding of the biblical *bérit* in relation to the international treaties, which demanded the same absolute subjugation to the ruler.¹⁸ Mendenhall’s most

17) In the Hittite texts, the tablet upon which the treaty is written is often referred to, for example, in the treaty of Duppi-Teššub, CTH 62, paragraph 22 (compare Kitchen and Lawrence 2012, 480-481). In Ex 20-23 there is no reference to the writing down of the *bérit*. This in fact appears in Ex 24:4, 7, 12; 31:18; 32:15-16; 34:1, 4, 27-9. Still it is evident in Josh 24:25.

18) See M. Weinfeld, “Covenant Terminology in the Ancient Near East and its Influence on the West,” 190-199; Hayim Tadmor, “Treaty and Oath in the Ancient Near East: A Historian’s Approach,” in *Humanizing America’s Iconic Book: Society of Biblical Literature Centennial Addresses 1980*, G.M. Tucker and D.A. Knight eds. (Chico CA, 1982), 127-152.

notable followers were McCarthy,¹⁹⁾ Weinfeld,²⁰⁾ and with them, many other scholars who focused on the comparison between the literary-conceptual and linguistic structure of the biblical texts which mention or describe a *bérit*, and the political treaties from the Ancient Near East. In his book which was published in 1963, McCarthy conducted for the first time a comprehensive comparative study of different treaties from the Ancient Near East and those in the Bible, and reached the conclusion that those same basic components which constitute a political treaty are to be found in the various treaties from the Kingdom of Ḫatti, in those from northern Syria and Mesopotamia beginning the second half of the 3rd millennium BCE, as well as in the biblical *bérit*. McCarthy, who wanted to emphasise the unity of the formula, pointed to these components which are common to all the texts: the presentation of the sovereign king as dictating and editing the treaty, an oath before the gods, a wide use of curses in order to enforce the terms of the contract which guarantee the absolute loyalty and care of the subject towards the sovereign king and his dynasty.²¹⁾

19) Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the Old Testament* (Rome, 1963); idem, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (Rome, 1978). From among the scholars who followed him, it is particularly necessary to mention Baltzer's book (Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, D.E. Green trans., [Oxford: Blackwell, 1971]), which expanded the scope of the application of the formula of the *bérit* to post-biblical literature and that of early Christianity.

20) Weinfeld wrote prolifically on the subject of *bérit*; for a full bibliography of his writing see the book written in his honour: Chaim Cohen, Avi Hurvitz, and Shalom M. Paul eds., *Sefer Moshe: the Moshe Weinfeld Jubilee Volume: Studies in the Bible and the ancient Near East, Qumran, and post-Biblical Judaism* (Winona Lake, Eisenbrauns, 2004), xxv-xlvi.

21) A similar summary, although from the point of view of newer historical methodology, was created by Weeks (Weeks, *Admonition and Curse*, 2004). His survey included newer texts from the Ancient Near East, but these do not change the essential

Weinfeld, in his book about the Deuteronomistic School, surveyed the relationship between Deuteronomy and its language, and the political treaties from the Ancient Near East, presenting a new thesis which argued that although the biblical text used the components and patterns of the political treaties, it is in fact a literary speech which was edited by well-educated scholars in the time of King Josiah.²²⁾ Following Frankena,²³⁾ Weinfeld argued that Deuteronomy in fact indicates a tight connection in terms of wording and content to the components of a Neo-Assyrian political loyalty agreement which was called *adê* by the Assyrians. In his opinion, this kind of Neo-Assyrian loyalty-agreement is the only treaty/contract among the Ancient Near Eastern political treaties which includes all the components of the biblical *bérit*: the witnesses, the placing of the text in the temple in front of the deity, the copies of the texts, the reading aloud of the text on specific occasions, the terms of the treaty, and especially the mention of the oath; to these are added the fact that the cultic element of ritual sacrifice is missing, and the fact that the detailed list of the curses and blessings which are similar to those in the Neo-Assyrian loyalty-agreements, were found only in Deuteronomy.²⁴⁾ Based on this comparison, Weinfeld argued that the whole of Deuteronomy was written during the 7th century BCE under the influence of the Neo-Assyrian political treaties which the writer(s) in Judea had in front of their eyes. Weinfeld clarified that his comparison

picture of identity in the literary-conceptual structure, nor the terminology which accompanies the comparison. Weeks divided his findings between Mesopotamian (from the third to the first millennium), Hittite, Egyptian, Syrian, and finally, the biblical texts.

- 22) M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: 1972; reprint. Winona Lake, 1992), esp. 59-178.
- 23) R. Frankena, "The Vassal-Treaties of Esarhadon and the Dating of Deuteronomy," *OtSt* 14 (1965), 122-154.
- 24) M. Weinfeld, *Deuteronomy and the Deuteronomistic School*, 116-146.

between the biblical text and texts from the Ancient Near East shows how the biblical authors made a metaphorical use of the lord-vassal relation in parallel to the God of Israel and the people of Israel. In his opinion, Deuteronomy is not a legal document but a rhetorical speech, and only in its textual structure does it follow the legal formula.²⁵⁾

Weinfeld created another distinction concerning the biblical *bérit* while relying on texts from the Ancient Near East which are also in the legal field but possess a character and purpose which are different from the treaties. He distinguished between two types of *bérit* in the Bible; one was a “conditional *bérit*”, which was signed between the king and the subject, and in it the subject swears loyalty to his master and takes on certain obligations: if he violated these obligations, the covenant was undone, and the gods who were witnesses to it would unleash the curses which were included in the oath; this is the *bérit* which is described in Deuteronomy. The second is an “unconditional *bérit*”, and this is the one which YHWH made with Abraham, King David, and the priesthood; this is a one-sided covenant in which the human side had no obligations of any kind. This *bérit* Weinfeld compared to a royal endowment, in which the king gives his loyal and preferred (“loved”) servant property, usually a piece of land and all that stands upon it. These kinds of endowments are mentioned in texts from Ugarit, Hatti, and Mesopotamia.²⁶⁾

25) Ibid, 157. Later on, Weinfeld argues that Deuteronomy was written for didactical purposes, and from this point of view, the *bérit* as it is understood in the book is not directly related to cultic activity, but is an ideological-theological perception in which the connection between the deity and the believer is like the connection between the king and the vassal (ibid, 174).

26) M. Weinfeld, “The Covenant of Grant in the Old Testament and in the Ancient Near East,” *JAOS* 90 (1970), 184-203. Regarding this comparison, criticism was not long in coming, and I will refer to it later on. See, Gary N. Knoppers, “David’s Relation to Moses: The Contexts, Content and Conditions of the

The publication of the political treaties from the Ancient Near East and their comparison to the biblical texts clearly put the discussion regarding the *bérit* in the field of the political-legal context, and thus emphasized the connection between the *bérit* as a document and the ritual which accompanied its implementation: such as offering sacrifices or taking an oath which endangered the one taking it through curses and harsh punishments by the gods. Thus, the non-biblical covenants did not provide a decisive answer to the question: what is the implication of the comparison in connection to the role of the *bérit* between God and the people which appears in the Bible, and is it possible to find its origins? And in addition, if the *bérit* was indeed born from the political-legal framework, how does the demand to serve YHWH and the complicated cultic instructions which are dictated to the priests fit in with it? Based on this, there rose objections from biblical scholars regarding the comparison of material from the Ancient Near East to biblical literature. Among the most notable biblical scholars who firmly criticised the comparison were Perlitt, and later on Nicholson.²⁷⁾ Their point of origin for the debate was that from a historical perspective, the prophets were those who interpreted the connection between the god and his people based on a condition, and if so, this is a later understanding which appeared towards the end of the First Temple period, and that it has no connection to treaty texts originating in the second millennium BCE.²⁸⁾

Davidic's Promises," in J. Day ed., *King and Messiah in Israel and the Ancient Near East*, JSOTSup 270 (Sheffield, 1998), 91-118.

27) Lothar Perlitt, *Bundestheologie im Alten Testament* (Neukirchen-Vluyn: Neukirchener Verlag, 1969); Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Clarendon Press, 1986). Both, essentially, relied on Wellhausen. And see Moshe Weinfeld, "Review of E.W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon Press: 1986)," *Revue Biblique* 98:3 (1991), 431-436.

28) In connection to this, see Weeks's treatment (Weeks, *Admonition and Curse*,

Likewise, the comparison between the biblical *bérit* and the treaties from the Ancient Near East, which focused on textual structure and linguistic characteristics, should be rejected, and there is no possibility of comparing a text from the Ancient Near East to the biblical text in its entirety because the biblical text, from a literary perspective, does not present an explicit contract or treaty, but is a text that describes the creation of a *bérit* or is delivering a speech regarding a *bérit*. As such, Exodus 19-34, Joshua 24, or 1 Samuel 12 do not represent in a uniform and continuous way, a text in a treaty-contract form of the Ancient Near East, but only some elements from it. Furthermore, in these three instances the context of the covenant is cultic or theophanic (is of a divine revelation), and not purely legal-political.

Even so, the linguistic context does not necessitate complete faithfulness to the text of a Hittite treaty nor a loyalty oath or royal endowment, rather, there is space to examine whether the linguistic characteristics and textual components connect the biblical text to a wider legal writing tradition in the Ancient Near East. And indeed, the most important context for the biblical *bérit* is in the legal field; the origin of the Hittite political treaties is in the legal perception of the Ancient Near East, and those who composed the biblical *bérit* also used this same perception. The breaching of the treaty, like the breaching of a contract, resulted in the violator being put on trial, and in that phase the document of the treaty is used as a witness and to examine whether there was a breach of the contract or not. This legal situation is the picture which stands at the background

136) of cyclicity seen in biblical scholarship with regards to the topic of the *bérit* and the patriarch stories: at first, they are compared to texts from the Ancient Near East, and thus are said to be more antiquated, and then there is a going back from this decision to date them later in the second half of the first millennium BCE.

of the linguistic usage of the prophets in the term *rib* “ריב” – meaning ‘Lawsuit’. The best example is from Isaiah 3:13-15: “The Lord rises to argue his case (לריב); he stands to judge (לדין) peoples. The Lord enters into judgement with the elders and the princes of his people”; in the trial, the god is indicting the leaders of the people. This is how it also appears in Micah 6:1-8, Hosea 2:4, and more.

Over the last decade, we have been witnessing the awakening of a new interest in comparisons between Hittite political treaties and the biblical *bérit*, a topic which generated much interest in the past, but seemingly has been gradually neglected by scholars, whether because of a change in academic trends or because of a feeling that the topic has been exhausted. Some notable examples of the renewed interest in the topic are the attempt by Kitchen to place the *bérit*, the law, and the treaty in a historical perspective, and Week’s study which has been mentioned previously.²⁹⁾ These and other studies prove once again that the points of similarity between the Bible and the political treaties from the Ancient Near East are too numerous for it to be possible to rule out the existence of a knowledge that was passed down as a shared heritage.³⁰⁾

29) Kenneth A. Kitchen, *On the Reliability of the Old Testament* (Grand Rapids and Oxford: Eerdmans, 2003), 283-307; Weeks, *Admonition and Curse*, 2004. And of course, see also other studies from recent years such as: Billie Jean Collins, *The Hittites and their World*, *Archaeology and Biblical Studies* 7 (Atlanta: SBL, 2007), 109-111, 213-128; and more recently: Kenneth A. Kitchen and Paul J. N. Lawrence, *Treaty, Law and Covenant in the Ancient Near East*, I-III (Wiesbaden: Harrassowitz, 2012).

30) For an updated and detailed description see: Ada Taggar-Cohen “Biblical *covenant* and Hittite *išjīul* reexamined,” *Vetus Testamentum* 61 (2011a), 461-488; idem, “Covenant Priesthood: Cross-Cultural Legal and Religious Aspects of Biblical and Hittite Priesthood” in: *Priests and Levites in History and Tradition*, Mark Leuchter and Jeremy Hutton eds., *Ancient Israel and Its Literature* series 9 (Atlanta: SBL, 2011b), 11-24; and also, Birgit Christiansen and Elena Devecchi, “Die

At this point, I will turn to a more detailed examination of the Hittite texts in order to present a wider connection to the origin of the biblical *bérit* in the field of Ancient Near Eastern **legal and administrative** thought as it is expressed in the Hittite material.³¹⁾

3. The Hittite “Treaties” and “Instructions” Texts in a New Perspective

As was noted at the beginning of this article, the term “*bérit*” in the Bible indicates connections between different entities in society. And even though it focuses on the connection between the people of Israel and their god, it is also used to indicate the covenant between the god and the king.³²⁾ These two aspects of the *bérit*, between god and king and between god and people,

hethitischen Vasallenvertrage und die biblische Bundeskonzeption,” *Biblische Notizen* NF 156 (2013), 65-88.

31) A translation of most Hittite treaties and some international documents into English was done first by Beckman 1999, and recently by Kitchen and Lawrance 2012 who collected all texts of treaties known by that year. A very latest translation of treaties/endowments of rulership from the Hittite kings to the kings of Carchemish which saw similarity of the texts to old tradition of Hittite land donations, see Gary Beckman, “Hatti’s Treaties with Carchemish,” in “*And I Knew Twelve Languages*”: A Tribute to Massimo Poetto on the Occasion of His 70th Birthday, N. Bolatti Guzzo and P. Taracha eds. (Warsaw: Agade Bis, University of Warsaw, Faculty of Oriental Studies, 2019), 32-42.

32) 2 Kings 11:17. For the understanding of the nature of the relationship between the deity and the king and its function in regard to the people, an understanding which was common to the cultures of the Ancient Near East, see, Raymond Westbrook, “Introduction: The Character of Ancient Near Eastern Law,” in *A History of Ancient Near Eastern Law* R. Westbrook ed. HOS 72, vol. I (Leiden-Boston: Brill), 1- 90. And see later on about the understanding of the Hittite king and his relationship with the gods, and also see, note 57.

are reflected in an interesting way in the Hittite documents, and are directly connected to the Hittite term *išhiul-*, which can be seen as a parallel of the Hebrew *bérit*. The Hittite terms reflect a legal perspective which parallels the relation between a king and his deity to the relationship between the king and his people. The king describes himself as the “servant of the god”, and in that sense, the gods are his masters and the goddesses, his mistresses. The king is chosen from among several potential heirs, and it is the deities who choose him, protect him, and give him grace. In fact, from a legal point of view, the king is an adopted son of the deities who choose him and guide him to power. And thus says Muwatalli II: “my father beget me, but the Storm-god of Lightning took me from (my) mother and reared me; he made me SANGA-priest to the Sun-goddess of Arinna and to all the gods; for the Ḫatti-land he appointed me for kingship.”³³⁾ The Hittite kings became part of the gods’ family on earth, appointed by them, and their role was to manage the kingdom which was given to them by the gods.³⁴⁾ The

33) Ada Taggar-Cohen, *Hittite Priesthood*, THeth 26 (Heidelberg: Winter, 2006), 371; CTH 81, rev. iii 25-31. The Storm God of lightning is the patron god of Muwatalli II, who considered him to be the most important god sitting at the top of the Hittite pantheon; the Sun-goddess of Arinna is the goddess who sits at the top of the Hittite pantheon next to the Storm God of Ḫatti, and the two of them are responsible for choosing the king. These two gods each had a sanctuary in the central temple of the capital Ḫattuša; see: Collins, *The Hittites and their World*, 161.

34) In the Hittite world view as it was expressed in the Hittite text called “Instructions for Temple Personnel” (CTH 264), the Hittite king, and in fact, humans in general are similar to the gods and their world, in that they live in a hierarchical system of lord and servant. And this is what the text says: “Is the soul of the man and the soul of the god different in any way? – no! in this matter, indeed not! The soul is one, and it is the same” (paragraph ii, lines 21-22). “Soul” in this case is the source of desire and cravings. The servant must fulfil all of his lord’s desires – whether the lord is human or deity – for if not, he will be punished by his lord in accordance with the severity of his lack of adherence

relationship between the king and his gods in the Hittite texts is expressed in the term ^{LÚ}*maniyahḫatalla*, which means “administrator”, and which indicates the status of the king as a supervisor for the gods over the running of the land. In a general definition, the Hittite king says: “To me, the king, the gods, the Sun God and the Storm-god, have given to administrate, the land and my house. I, the king, will protect my land and my house.”³⁵⁾ And in another text it is stated: “The gods, the Sun God and the Storm God, entrusted to me as the king the land and my house, which I, the king, will protect.”³⁶⁾ And since the king cannot be present everywhere to manage things directly, his sons were in charge of managing different parts of the wider kingdom,³⁷⁾ as were the members of the extended royal family. He even ensured that his daughters married other rulers in northern Syria and other places so that a descendant of his family would rule over that land in the next generation. And because he could not serve the gods everywhere, he appointed priests to carry out cultic activities in the temples around the kingdom. The word *maniyahḫai-* (to manage) is used both to describe the rule of the king and the roles of the nobles, dignitaries, local rulers, and cultic personnel, and means that the position is in fact a “bond, a contract” which can be cancelled if the person fails in his role. The holders of these roles were

to the lord’s demands. This hierarchical structure was valid for the entire human world; similarly, there is a direct line emanating from the king to all those who are under his rule, including the administrators of the Hittite kingdom, from the sons of the king to the last priest.

35) IBoT 30.1; for translation see: CHD Š/1, p. 102 - *maniyahḫir* “they entrusted”; and also: Güterbock 1954.

36) KUB 29.1: i 17-19; for a translation see: CHD L-N, p. 164a.

37) Thus declares King Amunna: “[When] I sat [on the th]rone of my father, I divided my kingdom. I rationed [it to my sons] (saying): you will rule! (*maniyahḫeskitten*),” KUB 36.98b: rev. 8-9; for a translation see: CHD L-N, 164a.

subjugated to the Hittite king within the confines of a relationship defined in a document called *išhiul*. This document has a legal and administrative meaning, and the understanding of its usage within the Hittite administration has improved following the research of Fiorella Imparati, Stefano De Martino, and especially Franka Pecchioli-Daddi.³⁸⁾ A detailed inspection of the meaning of the term *išhiul* and its usage in the Hittite society brings up an understanding of the meaning of the biblical term *bérit* and its usage in the biblical Israelite society.

The word *išhiul* has been translated in different ways by scholars of Hittite texts: obligation, duty, regulation, law, or treaty, and it comes from the verb *išhai*, whose meaning is to tie, to wrap, to oblige, or to force.³⁹⁾ In the documents which the Hittites called *išhiul*, the king imposed commitments or instructions, which are in fact rules and regulations, and the subjects or servants swore an oath (in Hittite – *lingai*) promising that these rules would be followed. All those who were subject to the king swore the oath of *išhiul*: beginning with the vassal kings, down to the

38) Fiorella Imparati published prolifically in the field of administration mostly in Italian, and her students, Stefano De Martino and Franka Pecchioli-Daddi followed in her steps. I will note here only a few bibliographical references which are relevant to the topic of *išhiul*: De Martino and Imparati, “Observations on Hittite International Treaties,” in G. Wilhelm ed., *Akten des IVinternationalen Kongresses für Hethitologie Würzburg 4.-8. October 1999*, G. Wilhelm ed., StBoT45 (Wiesbaden: Harrassowitz, 2001), 347-363; Fiorella Imparati, “Palaces and Local Communities in Some Hittite Provincial Seats,” in *Recent Developments in Hittite Archaeology and History: Papers in the Memory of Hans G. Guterbock*, K. A. Yener and H. Hoffner Jr. eds. (Winona Lake: Eisenbrauns, 2002), 93-100; Franca Pecchioli-Daddi, *Il vincolo per i governatori di provincia* (Pavia: Italian University Press), 2003.

39) Puhvel, HED 2 (1984), 398-403: “Obligation, duty, regulation, law, treaty.” See also: Alwin Kloekhorst, *Etymological Dictionary of the Hittite Inherited Lexicon*, Leiden Indo-European Etymological Dictionary Book 5 (Leiden: Brill, 2008), 391-393.

holder of various roles in the Hittite kingdom.⁴⁰⁾ The *išhiul* was constructed from three main components: (A) a recognition of the status of the king as master and the acceptance of his yoke; (B) a document from the king, detailing the obligations of those subjugated to him (“his servants”); (C) an oath before the gods.⁴¹⁾ The *išhiul* was a legal means with which the Hittite king anchored the loyalty of his “servants”; he created an obligatory connection of master and servant through a ceremonious oath. The terms of loyalty were written by detailing obligations and rights, and even though it was mainly about the obligations of the servant towards his master, the master also had obligations towards the servant. At the same time, this document also reflects the implementary arm of the governmental hierarchy, at the top of which were situated the gods, in whose world there was also an internal hierarchy.⁴²⁾

40) A document that has to do with the security of the king is decreed by the gods: “They will go and give to the workers of the kitchen instructions under oath” (KUB 5.3=KUB 18.52). This is an “oracle” text in which a query to the gods regarding how to take care of the king during his stay in the capital in the winter, is described. The gods decree that it is necessary to swear-in the kitchen workers. For an English translation of the text see: Richard Beal, “Assuring the Safety of the King during the Winter,” *CoS* 1 (1997), 207-208. The words “instructions under oath” are my translation to the Hittite verb *išhiulahhanzi*, which means: “to make (them) to come under (the obligation of) the *išhiul*.”

41) The oath is in fact a self-inflicted curse; should the oath be violated the gods will harm the one who violated it. On the relation between *išhiul* and oath, see: Birgit Christiansen, “‘Der Erdboden sei Eis, so dass ihr ausgleitet!’: Aspekt des Eids und des Fluchs bei den Hethitern,” in *Fatale Sprachen: Eid und Fluch in Literature und Rechtsgeschichte*, P. Friedrich and M. Schneider eds. (Munich: Fink Wilhelm, 2009), 23-46; Taggar-Cohen, “Biblical *covenant* and Hittite *išhiul* reexamined,” 470f. n. 39.

42) An example of the detailing of the hierarchy in the world of the gods appears in the prayer to the sun goddess of the earth (CTH 371). For the text, see: Itamar Singer, *Hittite Prayers*, Writings from the Ancient World 11, H. A. Hoffner, Jr. ed. (Atlanta: SBL, 2002), 21-24. In fact, on his death, the Hittite king becomes

The Hittite term *išhiul* connects in the mind of most biblical scholars to a political treaty.⁴³⁾ However, the Hittites themselves used it in a wider array of meanings. This term referred to several different functions within the royal administration and had deep roots in the way the Hittites understood the connection between the divine domain and the human world. The term *išhiul* defines two types of documents. One type includes treaties with subjugated kings (vassals).⁴⁴⁾ The second type is the “instructions” texts for internal royal administration. This second type includes the instructions to all categories in the administration, beginning with the highest ranks such as the sons of the king and the nobility, for the army commanders, city mayors, and the cultic personnel in the temples, and all the way down to the palace servants and workers in the royal kitchen.⁴⁵⁾ In every case where the Hittite king delegates

a god, although of a lower standing in the divine hierarchy. On the Hittite king, see: Trevor R. Bryce, *Life and Society in the Hittite World*, (Oxford, 2002), 11-31; Collins, *The Hittites and their World*, 97-98.

- 43) On the problems in understanding the terms ‘covenant’, ‘contract’, or ‘treaty’ in modern scholarship and the optical mistake in distinguishing between them when in fact the three of them possess different legal meanings, see: George W. Buchanan, “The Covenant in Legal Context,” in *The Concept of the Covenant in the Second Temple Period*, S. E. Porter and J. C. R de Roo eds., Supplements to the Journal for the Study of Judaism 71 (Leiden: Brill, 2003), 27-31.
- 44) We have in our possession today about fifty texts which can be classified as treaties, about 20 of which are written in Akkadian, although essentially, they are a translation of the Hittite text. The title of the document, *išhiul*, does not appear in all Hittite texts, but based on the language and the structure of the text it is possible to identify them as *išhiul*.
- 45) This category of instructions to the administration was called in scholarship “Instructions-texts” since its first publication. For the initial publication of parts of these documents, see: E. Von Schuler, *Hethitische Dienstanweisungen: für höhere Hof- und Staatsbeamte*, AfO Beiheft 10 (Graz: Weidner, 1957). For a more updated version with English translation, see: Jared Miller, *Royal Hittite Instructions and Related Administrative Texts*, M. Giorgieri ed., Writings from the Ancient

responsibility, this responsibility is anchored by an *išhiul* document, in which the king's instructions to his subjects are laid down, and the document acquires validity through the process of an oath to commit to follow the terms,⁴⁶⁾ in a public place,⁴⁷⁾ in the presence of the (icons of) the witnessing deities.

The documents of the political subjugation treaties have a basic structure which repeats itself. In contrast, the “instructions” documents have no set structure, even though some of the main components of the treaties, such as the name of the king who decrees the instructions, the description of the circumstances for the creation of the document or some other instruction, and the mention of the oath and the punishments (which are parallel to the curses in the treaties) tend to appear in them as well. The “instructions” documents differ from the treaties also in the content of the obligation to the king, for here the subject is the tasks which were given to various specific professional categories. However, in both types of documents, the obligations to the king are indicated with the same Hittite words: *uddar/memiya-*, whose translation is “word” or “matter”, and they are also written with a Sumerogram (INIM) or Akkadogram (AWAT). This implies that both types of document come from the same source of political and administrative thought and are based on the demand for loyalty to the king. Both also appear at the same period, beginning in the middle Hittite kingdom (15th century BCE).⁴⁸⁾

World 31 (Atlanta: SBL, 2013).

46) So far, no evidence has been found that the king also swore an oath upon the “instructions” document, unlike his oath on the vassal treaties.

47) An oath given in a sacred place is akin to a public legal action, especially when it is undertaken in a formal ceremony: Meir Malul, *Studies in Mesopotamian Legal Symbolism*, AOAT 221 (Münster: Butzon and Bercker, 1988), 1-7, esp. 2.

48) It is necessary to mention here that most of the *išhiul* texts of instructions are found both in copies from the middle and the new kingdom. However, the

An example of an *išhiul* of the treaty kind is the treaty which the Hittite king Tudḫaliya IV made with Kurunta, king of Tarḫuntašša (CTH 106). It is a carefully crafted document in which the sovereign king Tudḫaliya re-endows his cousin Kurunta with an extended kingdom in Tarḫuntašša. The term *išhiul* appears in this document three times to indicate ‘treaty’, and once to indicate the political and administrative position given to Kurunta, which is equal to that of the vassal king in Carchemish (column iii, line 79). This *išhiul* treaty was crafted in order to reaffirm Kurunta’s loyalty, but at the same time, the Hittite king, who gave him the legal rights, is fettered to the obligations in the treaty. As a written text called *išhiul*, this is undoubtedly a subjugation treaty (“vassal treaty”), but at the same time, Kurunta is also a part of the internal administration of the Hittite kingdom, and in this context, he is under the yoke of the great king who sits in Ḫattuša.⁴⁹⁾ His *išhiul*, therefore, is part of the total array of the *išhiul* in the Hittite understanding of master-servant.

išhiul text for the temple personnel (CTH 264), of which we have at least eight copies, is only found in copies from the new kingdom: Taggar-Cohen, *Hittite Priesthood*, 38-39.

49) The title “great king” was created in order to indicate the sovereign king to whom the lesser kings are subjugated. About this title, see: Artzi and Malamat, “The Great King: A Preeminent Royal Title in Cuneiform Sources and the Bible,” in *The Tablet and the Scroll: Near Eastern Studies in Honor of William W. Hallo*, M. E. Cohen, D. C. Snell, and D. B. Weisberg eds. (Bethesda: Capital Decisions, 1993), 28-38. This title was used by the rulers of the Kingdom of Ḫatti beginning with the first rulers, Anita and Hattušili I, and continued to refer to all kings of Ḫatti up to the end of the kingdom: Philo H. J. Houwink ten Cate, “The Hittite Usage of the Concepts of ‘Great Kingship’, the Mutual Guarantee of Royal Succession, the Personal Unswerving Loyalty of the Vassal to his Lord and the ‘Chain of Command’ in Vassal Treaties from the 13th Century BCE,” in *Das geistige Erfassen der Welt im Alten Orient: Beiträge zu Sprache, Religion, Kultur und Gesellschaft*, W. Claus et al. eds. (Wiesbaden: Harrassowitz, 2007), 192-193.

Of the second type of *išhiul* documents, the ones called “instructions-*išhiul*”, we have over twenty texts. Three of these which were preserved almost in their entirety are the “instructions to the king’s guard”,⁵⁰⁾ “instructions to the commanders of the border garrison”,⁵¹⁾ and “instructions to temple personnel in Ḫattuša”.⁵²⁾ In the first two, the texts open with the king who dictates the instruction, followed immediately by the instructions organized according to subject, and in the colophon of “instruction to the king’s guard”, it is stated that this is an *išhiul* text for them. In “instructions for the border garrison”, the colophon is broken but on the third line it states that this is an *išhiul* dictated for them by King Arnuwanda.

As for the *išhiul* texts which include instructions for the temple personnel including the priesthood, two texts which are included in this category are important for us here: “instructions for the temple personnel of Ḫattuša” and “instructions for the temple personnel in the city of Šamuḫa”, for both have great importance for the comparison to the biblical text. To be noted is that all the Hittite “instructions” texts open with the sentence: “Thus spoke the Tabarna, [name of the king] the great king,

50) CTH 262; and for the text, see: Hans G. Güterbock and Theo J. P. van den Hout, *The Hittite Instructions for the Royal Bodyguard* (Chicago: The Oriental Institute, the University of Chicago, 1991); Miller, *Royal Hittite Instructions and Related Administrative Texts*, no. 4, 99-121.

51) The governors are called *auriyaš išḫa* in Hittite, and written *BEL MADGALTI* in Akkadograms, literally “the lords of the towers”, which means border guards. They were appointed by the king as rulers of the periphery regions bordering the enemy. The size of the region for which they were responsible changed according to the king’s decision. Their *išhiul* is text CTH 261, for translation into English, see: Gregory McMahon, “Instructions to Commanders of Border Garrisons (*BEL MADGALTI*),” *CoS* 1 (1997), 221-225; Miller, *Royal Hittite Instructions and Related Administrative Texts*, no. 17, 212-237.

52) CTH 264; Taggar-Cohen, *Hittite Priesthood*; Miller, *Royal Hittite Instructions and Related Administrative Texts*, no. 20, 244-265.

king of Ḫatti,” and in some cases the king’s father and grandfather are also mentioned, that is, up to three generations back, similarly to the treaty documents.⁵³⁾ The *išhiul* for the temple personnel and priesthood in the capital city of Ḫattuša, the opening of which is unfortunately lost, is a tablet which details the priestly duties as instructions that are presented as laws. In several places in the documents it is stated that the instructions are accepted with an oath. The demands, which in the treaty texts refer to loyalty to the king, are replaced in this text with a demand for a loyalty to the gods. However, throughout the text it is clear that the authority for these instructions lies with the king. The main point of the documents is to ensure that cultic actions to the gods are correctly implemented so that the gods will be satisfied with the king. The priests receive detailed instructions regarding the observance of festivals, the way in which to upkeep the temple compound, and more. Other workers in the temple are warned regarding the preparation of the gods’ food, how to sacrifice animals, and so on. These are practical instructions regarding the supervision of the correct running of the temples in Ḫattuša, while ensuring the loyalty of the temple workers to their master, the king, for the temples are in fact the king’s responsibility.⁵⁴⁾ The temple personnel are supposed to take an oath when receiving the *išhiul*, although the actual process of oath taking is not directly mentioned in the text.⁵⁵⁾

53) The first generation was not always the grandfather; sometimes it was found that the king connected himself to an ancient king, the founder of the dynasty. For example, Ḫattušili III attributes himself to Ḫattušili I, who lived several hundred years earlier. It must be mentioned that not all the first lines of texts were preserved due to the broken state of the tablets.

54) This responsibility was the king’s personal obligation to the gods in the context of his own master-servant relationship with them. And fascinating it is to read the apology prayer of the Hittite king Arnuwanda and his wife the queen Ašmunikal for their inability to fulfil their cultic obligations in the Hittite regions which border the Kaška enemy in the north; see Singer, *Hittite Prayers*, 40-43.

A second *išhiul* document of “instructions” is the one regarding the priests of Ištar from the city of Šamuḫa (KUB 32.133).⁵⁶⁾ This is a document on behalf of King Muṣili II. His predecessor, Tudḫaliya III, instituted a new cult for the goddess Ištar (Šaušga in Hittite) in Šamuḫa by depositing *išhiul* tablets with the priests who were tasked with carrying out this new cult. However, the priests objected to this cultic novelty, and changed the cult by rewriting the tablets. On hearing of this, Muṣili rewrote the original tablets and enforced the laws and instructions instituted by his predecessor. The document opens with a short explanation of the circumstances pertaining to this particular *išhiul* (which corresponds to the “historical introduction” in the treaties) and continues with detailed instructions regarding the cult which the priests must obey. This document teaches us that the undertaking of a new cult was decided through the use of *išhiul* tablets on which the rules and the instructions for the cult were written; that a new cult was introduced on the initiative of the king and was implemented by the cultic personnel, in this case, the priests; and that by receiving the *išhiul*, the priests declared their loyalty to the gods by way of their loyalty to the king. Should they fail to fulfil the terms of the *išhiul*, they were in danger of violating their loyalty to the king and insulting the gods. The duty of enforcing the laws of the cult was the king’s: if a member of the temple personnel was caught violating the laws of the cult, he would be punished by the king or his representative, and punishment for those who violated the instructions without getting caught

55) In the instruction text to government officials (CTH 255) from the time of Tudḫaliya IV, the wording especially emphasises the oath which they had to take, and the text is more similar to an oath text than an instructions text.

56) For the text, see: Jared Miller, *Studies in the Origins, Development and Interpretation of the Kizzuwatna Rituals*, StBoT 46 (Wiesbaden: Harrassowitz, 2004), 312-319; Taggar-Cohen, *Hittite Priesthood*, 177-178; 307-308.

would come from the gods. These two documents reveal the flexibility in the use of the *išhiul* documents as a legal and administrative means for ensuring loyalty within the Hittite kingdom, and they thus reveal the array of demands which were included in the Hittite term *išhiul*. A similar array is found also in the biblical term *bérit* and its Akkadian counterpart in the first millennium BCE, the *adé*.

4. A Renewed Discussion on the Comparison between Biblical Texts and the Hittite Material

The biblical term *bérit* is used to describe different kinds of loyalties: between private individuals such as in the family (Laban and Jacob, Gen 31:44-54), in the royal court (David and Jonathan, 1 Sam 20:16-17); the endowing of legal standing within the Israelite society to a subordinate group (as in the case of the Givonim, who gained the status of attaché to the priesthood from Joshua, who defined their role, Josh 9:27); treaties between kingdoms (Hiram king of Tyre in the time of David and Solomon, 1 Kings 5; Babylon in the time of Zedekiah, 2 Kings 24:20; Jer 39:4-6); and the relationship between God and the leaders of the people, and God and the entire people of Israel. The term *bérit* appears in parallel to the legal terms *'alah*, (אלה) shebu'ah (שבועה), 'edut (עדות), huqim (חוקים), and mitzvot (מצוות); the term *'devarim* (דברים) also relates to the matter. All these terms directly connected to the legal system. In the colophon of the Hittite document of "instructions", the word *išhiul* appears in the singular with the meaning of connection, or better, the enforcement of loyalty. This word also exists in the plural, meaning laws, rules, or instructions, but as a category of document it always appears

in the singular form. In the Bible, the word *bérit* appears in parallel to laws or regulations, but *bérit* itself appears in the singular form to indicate loyalty to God. In the following, I will focus on the use of the term *bérit* to indicate the covenant between the Israelites and their god as it was organized by Moses and Joshua.

It is important to emphasise that the covenant with YHWH in the Bible is not simply a theological idea which was clothed in political terminology but is part of the legal customs which were the norm throughout the Ancient Near East as can be seen from the Hittite testimony. Both the Hittite *išhiul* and the biblical *bérit* are a form of legal tie whose purpose was to ensure loyalty, and which included mutual understanding regarding questions of ownership, rights, and duties. Their basic components were the land, the deities, the king, and the people. In both cases, the belief was that the land belonged to the gods, and that its management required certain terms. In the case of the Hittite king, the land was given to him for his management as long as he served the gods and fulfilled their desires. The king created a system of delegating authority to the administration, all components of which were defined using *išhiul* documents which created loyalties in one of two ways: through “instructions” or through “treaties.”

Similar to this is the case of the biblical *bérit*. The god granted land subject to the terms of loyalty. The *bérit* was conducted through a patriarch or a politico-religious leader.⁵⁷⁾ The leader demanded the loyalty of the people both to himself and to the god. This is seen in Ex 19-24 (and 34) and in Josh 24. In both cases, the leader (Moses and Joshua) established a new social order through the enforcement of legal conditions, and in both instances, one should not ignore the leaders themselves; God told Moses

57) Both the leader and the people are called a “servant” (עֶבֶד) to god: Moses (Deut 34:5), the Patriarchs (Ex 32:13), and the people of Israel (Lev. 25:42).

during the making of the *bérit* (Ex 34:27): “Write these words, for in accordance with these words I have made a covenant with you and with Israel.” Moses the leader is distinguished here from the rest of Israel. Like the Hittite kings, the two leaders of Israel mediate between the divine realm and the society which they lead.⁵⁸⁾

To my understanding, the stories of the *bérit* in Exodus and Joshua present two different traditions of the *bérit* between the people and the god. In both cases, the leader imposes an *išhiul*-like *bérit* upon the people, including the granting of land which is given to the servants of the god. This *bérit* is more similar to the *išhiul* of the “instructions” type, rather than that of the treaty, for it includes laws which are the instructions for the people on how to fulfil their role as servants of the god. This is especially true in regard to the tradition in Exodus, in which the laws are detailed. At the same time, these instructions and laws are the basis of the social structure, and thus also for the administrative structure of Israelite society. The leaders in Exodus and Joshua, who act as mediators expect to receive the people’s loyalty in exchange. In this context, we can understand Moses’ great disappointment, since he sees the incident of the Golden Calf as a personal betrayal of himself (Ex 32).⁵⁹⁾ Like in the *išhiul*, in both cases the *bérit* is enforced

58) Even though they did not have the title of “king”, they functioned like one in the sense that they had a special relationship with God, similar to how later-on the Judean king would have a separate *bérit* with God (2 Kings 11:17). In the Hittite world, the *išhiul* was in fact between the king and his gods. It is possible to understand this tie in light of the Hittite royal prayers in which the king presents himself as a servant to the gods and as one who stands on trial before them. The Hittite term for prayer is *arkuwar-* or “petition for trial”, that is, the king feels that he is being punished and is in pain and asks that the god(s) put(s) him on trial. For the term *arkuwar-* see: Kloekhorst, *Etymological Dictionary of the Hittite Inherited Lexicon*, 205-206. And for an explanation of this type of Hittite prayers, see: Singer, *Hittite Prayers*, 5f.

using a written document. And in both cases, there is an introduction or a preface to the *bérit*, an explanatory chapter describing the circumstances of the creation of the document as in the “instructions” document for the priesthood of Šamuḫa.⁶⁰⁾

The Hittite *išhiul* documents of “instructions” were written and later copied over and over in the course of several hundred years with very few changes,⁶¹⁾ while the treaty documents were written anew in accordance with changes in the political situation. Josh 24, testifies to a state of change in the eyes of the biblical author. The chapter is indeed dissimilar in its wording to an *išhiul* document and is not written according to the formula of the treaty, but in fact presents a report on the application of the *išhiul* process. This fact is reflected, among other things, in the participation of four administrative categories which are mentioned at the beginning of the chapter: the elders, the heads, the judges, and the officers. They are asked to proclaim their loyalty to the god of the house of Joshua, that is, YHWH.⁶²⁾ They are asked by Joshua to accept his leadership in the name of God, and confirm their commitment to God in accordance

59) On Moses’s story at Mt. Sinai in Exodus 19-24, see: Ada Taggar-Cohen, “Violence at the Birth of Religion: Exodus 19-40 in Light of Ancient Near Eastern Texts,” *JISMOR* 1 (2005), 101-116.

60) See Taggar-Cohen, “Covenant Priesthood,” 14-16.

61) It is possible that the “instructions” texts were dictated anew whenever the king felt that it was necessary, such as in the case of the “instructions for the kitchen workers” already mentioned above (CTH 563.1=KUB 5.3+KUB 18.52 Beal 1997).

62) Joshua explicitly announces (24:15) that if the people choose not to serve God, he and his house will still be loyal and continue serving him. There is here a clear proclamation that the god of Joshua and his house is YHWH. A Hittite counterpart to this is found in the text “the apology of Ḫattušili III”, in which he says: “Then the goddess, my lady, appeared to me in a dream (and said): ‘be a servant to me with your household’, and to the goddess I became a servant together with my household.” See: Van den Hout 1997, 202 (includes a reference to this verse in Josh 24).

with the indictment against worshipping other gods.⁶³⁾ This commitment is validated by taking an oath, which is not mentioned directly, and includes a self-curse (Josh 24: 21-24). After all of these procedures, Joshua sets down the *išhiul* (the *bérit* in v. 26) which includes all the details of the laws and instructions and invites the great rock in the temple to act as witness.⁶⁴⁾

Another Hittite term which is important in the parallelism between the *bérit* and *išhiul* is the term *waštul*.⁶⁵⁾ The basic meaning of this term is sin or crime, both in the theological-cultic context and in the political context. An action violating the terms of the *išhiul* is considered a sin, which means a breach of agreement, and appears in Hittite texts as: “you transgressed the oath”, and in the biblical text as: “they have transgressed my covenant” (Josh 7:11), “they have transgressed my covenant and rebelled against my law” (Hos 8:1), “You have all transgressed against me,” (Jer 2:29), and “their sin and rebellion against me” (Jer 33:8). Sin, which is a violation of the *išhiul*, brings with it a trial: in the Hittite case, trial by the king or by the gods, and in the biblical case, trial by God. In the Hittite culture, in order for a person to be put on trial by the gods, it was necessary to present a document describing the sins of the person

63) See: Taggar-Cohen, “Biblical *covenant* and Hittite *išhiul* reexamined,” 487.

64) In contrast to the Hittite *išhiul*, in which the gods are called on to act as judges and witnesses along Nature in Joshua 24 the great rock is called upon to act as witness but not to judge, for God himself is the judicial authority. The obligation to a specific god in this case is similar to the obligation of the Hittite priests to the specific gods which it is their duty to serve. As stated above, the “instructions to the temple personnel” documents, unlike the “instructions to government officials” documents, do not explicitly ask for loyalty to the king, but only to the gods. But even if the king is the mediator and the one who puts the demand for loyalty into motion, the ultimate loyalty of the priesthood is to the gods.

65) On the term *waštul/waštai*, see, Kloekhorst, *Etymological Dictionary of the Hittite Inherited Lexicon*, 985-986.

indicted. A fascinating example of this in the political field is the text which in scholarship is called “The Accusation of Madduwatta” (CTH 147), and in the colophon is called *Mudduwatta waštulaš* – “the sin of Mudduwatta”.⁶⁶⁾ This is a relatively long text which details the crimes of a provincial governor named Madduwatta from the region of west Anatolia, who was appointed by king Tudḫaliya III, when his heir, Arnuwanda I, discovers Madduwatta’s crimes. In comparison with the biblical text, we can see, for example, the way in which all the sins of the kings of Israel and Judea, who violated the *bérit* with the God of Israel, are presented.

Conclusion

Mendenhall’s ground-breaking article from the 1950s created a whole new branch of research on the biblical *bérit* between God and his people. The comparison between this *bérit* and the Hittite material led to a more extended comparison of biblical material with political and administrative texts such as contracts, royal endowments, and other legal documents that function in the international or internal contexts, and whose main focus is loyalty to the royal or central authority (Hittite or Mesopotamian), a comparison which was made in order to understand the essence and origin of the biblical *bérit*. This branch gradually developed with the years, and underwent various phases of acceptance and rejection, but once again regained interest in recent years due to the impossibility of ignoring the various components of the biblical *bérit* and their likeness to

66) For a new English translation of the text, see: “The Indictment of Madduwatta,” in Gary M. Beckman, Trevor R. Bryce, Eric H. Cline, *The Abhiyawa Texts, Writings from the Ancient World* 28 (Atlanta: SBL, 2011), 69-100.

the documents from the Ancient Near East.

In this article, the comparison between the biblical *bérit* and the Hittite *išhiul* was particularly emphasised. The main idea behind the Hittite term *išhiul* is ties and relationships which are based on mutual obligation of one side towards the other. In the Hittite internal royal administration, which was in fact a system based on familial ties, the relationships were hierarchical, as the royal family was the one that ruled, and most of the senior administrative positions were in the hands of relatives.⁶⁷⁾ Beside the meaning of an obligatory tie, the meaning of a master dictating the rules and regulations (*išhiul*- plural form in Hittite) was also added to the term *išhiul*. The term *išhiul* in the singular form reflects a legal and administrative perspective which applies both to the documents concerning the international and internal vassal treaties, as well as to the type of documents which are called “instructions” to the personnel of the royal administration, in which the king also dictates to his subjects regulations that are in fact the counterpart to the terms of the treaties.⁶⁸⁾

67) It is necessary to emphasise that the terms which define father and son relations are parallel to those of master and servant. When the king refers to the deities as “father” or “mother,” he is also calling them “master” and “mistress,” and he refers to himself as “son” or “servant” of the gods. In the same way, the king’s sons also call the king father and master, and are called son and servant; this can also be seen in the letters of the officials in the Hittite administration. See: H. A. Hoffner Jr., *Letters from the Hittite Kingdom*, Writings from the Ancient World 15, G. M. Beckman ed. (Atlanta: SBL, 2009), 59.

68) Here, of course, the question is raised on how one should treat treaties between equals where it is not possible to say that one side is master of the other. It is necessary to emphasise that the original meaning of the term *išhiul* is the tying of an obligatory relationship, and this is also the meaning of its counterpart which appears in the Akkadian treaties, *rikiltu/riksatu*, indicating a legal tie. Therefore, for the Hittites, *išhiul* was always understood as one sided and given from above to below, and thus it is possible that the Hittites used a different term beside *išhiul* to indicate agreements between equals. In the one and only text of a treaty between equals – Hatti and Hattušili III and Egypt of Ramses

The comparison with Hittite material teaches us that the relationship between the people of Israel and their god and between the god and the people is similar to the relationships that were created in the Hittite *išhiul* – the king and his servant both had obligations within the framework of the agreement. The king, who is the master, is bound to protect his “servant”, just as the “servant” is bound to stay loyal to the king, his master, and his descendants. The *išhiul* relationships which necessitated an oath, bound both sides. In the biblical text, we find YHWH “swearing” (Gen 26:3; Deut 7:12, etc.), and his oath obliges him to protect the people of Israel throughout all generations. In addition to this, the Hittite text emphasises the Hittite king’s demand that the vassal “informs/knows” only the king, that is, will recognize only him as his master.⁶⁹⁾ At the same time, in the Bible we find on the one hand, the demand by god that the people should “know”(עָדָה) only him (Ex 6:7, 10:2, etc.), and on the other hand, we also hear about YHWH knowing Abraham (Gen 24:12), Moses (Ex 33:17), and the people (Ex 3:7, Deut 9:3, etc.).

In every relationship between a people and its deity in the Ancient Near East, the deity is responsible for the wellbeing of the people and the individual. In the Hittite understanding, this relationship was fundamentally a legal one. A failure to fulfil the rules of serving the gods angered them and led to punishment, for which one had to stand trial in order to contest.

II – the kings indicates that the treaty was issued between the gods. CTH 91, Kitchen and Lawrence, *Treaty, Law and Covenant in the Ancient Near East*, 575: esp. line 12.

69) The same recognition is expressed in the words of Ḫattušili III when he notes the “favour” which the goddess Ištar gave him in paving his way to the throne. The Hittite word is *kaniššumar*, which can be translated as “recognition”, and is counterpart to the Hittite word *šak*, which was used in the sense of “to know”, that is, the goddess “knew” him. See, Taggar-Cohen, “Biblical *covenant* and Hittite *išhiul* reexamined,” 466-467.

The binding *išhiul* existed at the basis of this hierarchical relationship, which descended from the gods through the king and to the people. The *išhiul* included the endowment of land or position given under the terms of loyalty to the endower (god or king), and along with the endowment were detailed obligations of the person receiving the gift towards the one giving it. The Bible conjures up a similar picture to the relationship between the god, the king, and the people, in which a *bérit* that includes a land endowment (and the position of king) was given, and in return it was necessary to fulfil the rules for serving the deity, and from this perspective there is great similarity to the text “instructions to the temple personnel” (CTH 264) which was discussed in this article. Breaching the terms of servitude results in punishment, which essentially means the loss of the endowment and the protection of the lord. This point was understood in a very tangible way by the prophets and was transferred into the well-known metaphor of ownership or marital relations (Hos. 2: 18, 21-22).

Comparing the biblical texts to the Hittite texts confirms the understanding that both the *išhiul* and the *bérit* are an administrative mechanism used to maintain the kingdom, and for the biblical text, the *bérit* and all its laws is a tool for preserving the ties between the god and his people. The biblical authors did not adopt the *išhiul* formula as it stood, but did receive its basic perception, and at times also made use of similar terms and wording. The “instructions” documents and the treaties were a part of the author’s heritage of legal knowledge. Both Hittite society and Israelite society were conducted according to a divinely dictated order, which was reflected in their administrative organization.

From this point of view, it is interesting to once again examine the Neo-Assyrian development of *išhiul* in the *adê* documents, which were mentioned above. The *adê* entered usage in the first

millennium BCE and is understood in current scholarship as an institution for loyalty oaths, which served the Assyrian kings in the expansion of their influence and in maintaining the empire's internal stability. Weinfeld compared Esarhaddon's loyalty oath documents to the didactic literary structure of Deuteronomy, and following him, a large number of scholars accepted his approach that Deuteronomy was composed under the influence of the Neo-Assyrian *adê* which was known in Judea in the 7th century BCE. In recent archaeological digs which were conducted at Tell Ta'yinat in northern Syria (modern-day south-west Turkey), another copy of Esarhaddon's Succession oath document was discovered in the sanctuary of the temple, which dates to the 7th century BCE.⁷⁰⁾ This finding supports the assumption that in the 7th century BCE the central Assyrian administration made use of *adê* documents to create comprehensive loyalty towards the Assyrian kingdom, and strengthens the possibility that in Judea they did indeed know the *adê* documents with which the kingdoms of Judea and Israel were bound. This use of the *adê* document in fact parallels the way in which the *išhiul* texts were used in the Hittite kingdom during the second millennium BCE, to create loyalty and it is possible to see in the *adê* a later development of the *išhiul*.⁷¹⁾

70) Jacob Lauinger, "Esarhaddon's Succession Treaty at Tell Tayinat: Text and Commentary," *JCS* 64 (2012), 87-123. For the place where the tablets were found, see another article in the same volume: Timothy P. Harrison and James F. Osborne, "Building XVI and the Neo-Assyrian Sacred Precinct at Tell Tayinat," *JCS* 64 (2012), 125-143, esp. 139-140.

71) The *adê* however, is not a text that establishes the rules and laws of a community and an individual as in the Hittite *išhiul*. Its basic idea as Watanabe persists in showing was the idea of a "Succession Oath" document (Kazuko Watanabe, "Esarhaddon's Succession Oath Documents Reconsidered in Light of the Tayinat Version," *Orient* 49 [2014], 145-170.). On the question regarding the relationship between the *adê* document and Deuteronomy, see: Karen Radner, "Assyrische *tuppi adê* als Vorbild für Deuteronomium 28, 20-44? ", *deuteronomistischen*

The discovery of the Hittite tablets and their decipherment advanced our understanding concerning the composition of the biblical *bérit* between the god and his people, even though there still remain many difficult questions, which require further examination.

<주제어>

언약, 이쉬히울(교훈) 문서, 아데(맹세) 문서, 봉신 조약, 고대 근동아시아 조약, 히타이트 조약

<Key Words>

bérit, *išhiul*-documents, *adê* documents, vassal treaty, Deuteronomy, ancient Near Eastern treaties, Hittite treaties

* Received September 04, 2020, Revised September 23, 2020, Accepted October 04, 2020

Geschichtswerke, M. Witte et al. eds. BZAW 365 Berlin-New York: De Gruyter, 2006), 351-378. Recently, Joshua Berman also suggested seeing in the *išhiul* treaty documents, the literary precedent for the “historical preface” of Deut. 1-3, in the understanding that the ancients did not see any contradiction in the existence of several different versions of a historical event. Berman emphasises the fact that many components of the Hittite treaties which are found in the biblical texts do not have a counterpart in the Neo-Assyrian *adê* documents. See: Joshua Berman, “CTH 133 and the Hittite Provenance of Deuteronomy 13,” *JBL* 130 (2011), 25-44. For other opinions which see in Deut. 13 and 28 a direct textual influence of the *adê* document, see: Bernard M. Levinson and Jeffrey Stackert, “Between the Covenant Code and Esarhaddon’s Succession Treaty,” *Journal of Ancient Judaism* 3 (2012), 123-140, and the volume of Richard J. Thompson, *Terror of the Radiance: Aššur Covenant to YHWH Covenant*, OBO 258 (Göttingen: Academic Press Fribourg, 2013).

References

- Artzi and Malamat, "The Great King: A Preeminent Royal Title in Cuneiform Sources and the Bible," in *The Tablet and the Scroll: Near Eastern Studies in Honor of William W. Hallo*, M. E. Cohen, D. C. Snell, and D. B. Weisberg eds., Bethesda: Capital Decisions, 1993, 28-38.
- Baltzer, Klaus, *The Covenant Formulary in Old Testament, Jewish and Early Christian Writings*, D.E. Green trans., Oxford: Blackwell, 1971.
- Bautch, Richard J., *Glory and Power, Ritual and Relationship: The Sinai Covenant in the Postexilic Period*, Library of Hebrew Bible Studies 471, New York-London: T&T Clark, 2009.
- Beal, Richard, "Assuring the Safety of the King during the Winter," *CoS* 1 (1997), 201-211.
- Beckman, Gary, *Hittite Diplomatic Texts*, 2nd ed. Writings from the Ancient World: Society of Biblical Literature 7, Harry A. Hoffman Jr. ed., Atlanta: SBL, 1999.
- _____, "Hatti's Treaties with Carchemish," in *"And I Knew Twelve Languages": A Tribute to Massimo Poetto on the Occasion of His 70th Birthday*, N. Bolatti Guzzo and P. Taracha eds., Warsaw: Agade Bis, University of Warsaw, Faculty of Oriental Studies, 2019, 32-42.
- _____, Bryce, Trevor R., Cline Eric H., *The Abhiyawa Texts*, Writings from the Ancient World 28, Atlanta: SBL, 2011.
- Begrich, Joachim, "Berit: Ein Beitrag zur Erfassung einer alttestamentlichen Denkform," *ZAW* 60 (1944), 1-11.
- Berman, Joshua, "CTH 133 and the Hittite Provenance of Deuteronomy 13," *JBL* 130 (2011), 25-44.
- _____, "Histories Twice Told: Deuteronomy 1-3 and Hittite Treaty Prologue Tradition," *JBL* 132 (2013), 229-250.
- Bryce, Trevor R., *Life and Society in the Hittite World*, Oxford, 2002.

- Buchanan, George W., "The Covenant in Legal Context," in *The Concept of the Covenant in the Second Temple Period*, S. E. Porter and J. C. R de Roo eds., Supplements to the Journal for the Study of Judaism 71, Leiden: Brill, 2003, 27-31.
- Christiansen, Birgit, "'Der Erdboden sei Eis, so dass ihr ausgleitet!': Aspekt des Eids und des Fluchs bei den Hethitern," in *Fatale Sprachen: Eid und Fluch in Literature und Rechtsgeschichte*, P. Friedrich and M. Schneider eds., Munich: Fink Wilhelm, 2009, 23-46.
- Christiansen, Birgit and Devecchi, Elena, "Die hethitischen Vasallenverträge und die biblische Bundeskonzeption," *Biblische Notizen* NF 156 (2013), 65-88.
- Cohen, Chaim, Avi Hurvitz, and Shalom M. Paul eds., *Sefer Moshe: the Moshe Weinfeld Jubilee Volume: Studies in the Bible and the ancient Near East, Qumran, and post-Biblical Judaism*, Winona Lake, Eisenbrauns, 2004.
- Collins, Billie Jean, *The Hittites and their World*, Archaeology and Biblical Studies 7, Atlanta: SBL, 2007.
- De Martino Stephano and Imparati, Fiorella, "Observations on Hittite International Treaties," in *Akten des IV internationalen Kongresses für Hethitologie Würzburg 4.-8. October 1999*, G. Wilhelm ed., StBoT45, Wiesbaden: Harrassowitz, 2001, 347-363.
- Frankena, R., "The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy," *OtSt* 14 (1965), 122-154.
- Glueck, Nelson, *Hesed in the Bible*, A. Gottschalk trans., Cincinnati: HUC Press, 1967.
- Greengus, Samuel, "The Old Babylonian Marriage Contract," *JAGS* 89 (1969), 505-532.
- Güterbock Hans G., "Authority and Law in the Hittite Kingdom," in *Authority and Law in the Ancient Orient*, E. A. Speiser ed., JAOS Supplement 17, New Haven, 1954, 16-24.

- Güterbock Hans G. and van den Hout, Theo J. P., *The Hittite Instructions for the Royal Bodyguard*, Chicago: The Oriental Institute, the University of Chicago, 1991.
- Hallo, William W., "Reforms of Uru-Inimgina," in *CoS* II (2000), 407-408.
- Harrison, Timothy P. and Osborne, James F., "Building XVI and the Neo-Assyrian Sacred Precinct at Tell Tayinat," *JCS* 64 (2012), 125-143.
- Hoffner, H. A. Jr., *Letters from the Hittite Kingdom*, Writings from the Ancient World 15, G. M. Beckman ed., Atlanta: SBL2009
- Hout, Theo J. P. van den, "Apology of Ḫattušili III," *CoS* 1 (1997), 199-204.
- Houwink ten Cate, Philo H. J., "The Hittite Usage of the Concepts of 'Great Kingship', the Mutual Guarantee of Royal Succession, the Personal Unswerving Loyalty of the Vassal to his Lord and the 'Chain of Command' in Vassal Treaties from the 13th Century BCE," in *Das geistige Erfassen der Welt im Alten Orient: Beiträge zu Sprache, Religion, Kultur und Gesellschaft*, W. Claus et al. eds., Wiesbaden: Harrassowitz, 2007, 191-207.
- Huffmon, Herbert B., "The Covenant Lawsuit and the Prophets," *JBL* 78 (1959), 285-295.
- _____, "The Treaty Background of Hebrew Yada'," *BASOR* 181(1966), 31-37.
- Imparati, Fiorella, "Palaces and Local Communities in Some Hittite Provincial Seats", in K. A. Yener and H. Hoffner Jr. eds., *Recent Developments in Hittite Archaeology and History: Papers in the Memory of Hans G. Guterbock*, Winona Lake: Eisenbrauns, 2002, 93-100.
- Kitchen, Kenneth A., *On the Reliability of the Old Testament*, Grand Rapids and Oxford, Eerdmans, 2003.
- Kitchen, Kenneth A. and Lawrence Paul J. N., *Treaty, Law and Covenant in the Ancient Near East*, Vols. I-III, Wiesbaden: Harrassowitz, 2012.

- Kloekhorst, Alwin, *Etymological Dictionary of the Hittite Inherited Lexicon*, Leiden Indo-European Etymological Dictionary (Book 5), Leiden: Brill, 2008.
- Knoppers Gary N., "David's Relation to Moses: The Contexts, Content and Conditions of the Davidic's Promises," in *King and Messiah in Israel and the Ancient Near East*, J. Day ed., JSOTSup 270, Sheffield, 1998, 91-118.
- Korošec, V., *Hethitische Staatsverträge: Ein Beitrag zu ihrer juristischen Wertung*, Leipzig: Th. Weicher 1931.
- Lauinger, Jacob, "Esarhaddon's Succession Treaty at Tell Tayinat: Text and Commentary," *JCS* 64 (2012), 87-123.
- Levinson, Bernard M. and Stackert, Jeffrey, "Between the Covenant Code and Esarhaddon's Succession Treaty," *Journal of Ancient Judaism* 3 (2012), 123-140.
- Malul, Meir, *Studies in Mesopotamian Legal Symbolism*, AOAT 221, Münster: Butzon and Bercker, 1988.
- McCarthy, Dennis J., *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the Old Testament*, Rome, 1963.
- _____, *Old Testament Covenant: A Survey of Current Opinions*, Oxford: Basil Blackwell, 1973.
- _____, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament*, Rome, 1978.
- McMahon, Gregory, "Instructions to Commanders of Border Garrisons (*BEL MADGALTI*)," *CoS* 1 (1997), 221-221.
- Mendenhall, George E., "Ancient Oriental and Biblical Law," *BA* 17 (1954a), 26-46.
- _____, "Covenant Forms in Israelite Tradition," *BA* 17 (1954b), 50-76.
- Miller, Jared, *Studies in the Origins, Development and Interpretation of the Kizzuwatna Rituals*, StBoT 46, Wiesbaden: Harrassowitz, 2004.
- _____, *Royal Hittite Instructions and Related Administrative Texts*, M.

- Giorgieri ed., *Writings from the Ancient World* 31, Atlanta: SBL, 2013.
- Nicholson, E. W., *God and His People: Covenant and Theology in the Old Testament*, Clarendon Press, 1986.
- Noth, M., *The History of Israel: Biblical History*, S. Godman trans., London, 1965.
- Oden, Robert A., "The Place of Covenant in the Religion of Israel," in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, P. O. Miller, P. D. Hanson, and S. O. McBride eds., Philadelphia: Fortress Press, 1987, 429-447.
- Pecchioli-Daddi, Franca, *Il vincolo per i governatori di provincia*, Pavia: Italian university Press, 2003.
- Perlitt Lothar, *Bundestheologie im Alten Testament*, Neukirchen-Vluyn: Neukirchener Verlag, 1969.
- Rad, Gerhard von, *Old Testament Theology*, D. M. G. Stalker trans., vols. I-II, New York: Harper, 1962-65.
- Radner, Karen, "Assyrische $\text{\textcircled{t}}$ uppi ad $\text{\textcircled{e}}$ als Vorbild für Deuteronomium 28, 20-44?", in *Die deuteronomistischen Geschichtswerke* M. Witte et al. eds. BZAW 365, Berlin-New York: De Gruyter, 2006, 351-378.
- Schuler E. von, *Hethitische Dienstanweisungen: für höhere Hof- und Staatsbeamte*, AfO Beiheft 10, Graz: Weidner, 1957.
- Singer, Itamar, *Hittite Prayers*, H. A. Hoffner, Jr. ed., *Writings from the Ancient World* 11, Atlanta: SBL, 2002.
- Smith, Robert W., *The Religion of the Semites*, 3ed, (first published as *Lectures on the Religion of the Semites: The Fundamental Institutions*, London 1894), London: A&C Black, 1927.
- Tadmor, Hayim, "Treaty and Oath in the Ancient Near East: A Historian's Approach," in *Humanizing America's Iconic Book: Society of Biblical Literature Centennial Addresses 1980*, G.M. Tucker and D.A. Knight eds., Chico CA, 1982, 127-152.

- Taggar-Cohen, Ada, "Violence at the Birth of Religion: Exodus 19-40 in Light of Ancient Near Eastern Texts," *JISMOR* 1 (2005), 101-116.
- _____, *Hittite Priesthood*, THeth 26, Heidelberg: Winter, 2006.
- _____, "Biblical covenant and Hittite *išhiul* reexamined," *Vetus Testamentum* 61 (2011a), 461-488.
- _____, "Covenant Priesthood: Cross-Cultural Legal and Religious Aspects of Biblical and Hittite Priesthood" in: *Priests and Levites in History and Tradition*, Mark Leuchter and Jeremy Hutton eds., Ancient Israel and Its Literature series 9, Atlanta: SBL, 2011b, 11-24.
- Thompson, Richard J., *Terror of the Radiance: Aššur Covenant to THWH Covenant*, OBO 258, Göttingen: Academic Press Fribourg, 2013.
- Watanabe, Kazuko, "Esarhaddon's Succession Oath Documents Reconsidered in Light of the Tayinat Version," *Orient* 49 (2014), 145-170.
- Weber, Max, *Ancient Judaism*, H. H. Gerth and D. Martindale (trans. and eds.), London: Collier-MaMillan Limited, 1967.
- Weinfeld, M., "Traces of Assyrian Formulae in Deuteronomy," *Biblica* 46 (1965), 417-427.
- _____, "The Covenant of Grant in the Old Testament and in the Ancient Near East," *JAOS* 90 (1970), 184-203, with "Addenda to *JAOS* 90 (1970), 184ff.", *JAOS* 92 (1972), 468-469.
- _____, *Deuteronomy and the Deuteronomistic School*, Oxford (reprint. Winona Lake, 1992), 1972.
- _____, "Covenant Terminology in the Ancient Near East and its Influence on the West," *JAOS* 93 (1973), 190-199.
- _____, "B^eriṯh", *TDOT*, II, 1975, 253-279.
- _____, "משנתו של יוליוס ולהאוזן – הערכה חדשה במלאת מאה שנה, להופעת חיבורו: אקדמות לדברי ימי ישראל", שנתון ד, ע"מ

1980, 9-62.

_____, "Review of E. W. Nicholson, *God and His People: Covenant and Theology in the Old Testament*, Oxford: Clarendon Press: 1986," *Revue Biblique* 98:3 (1991), 431-436.

Wellhausen, Julius, *Prolegomena zur Geschichte Israels*, Berlin: Reimer, 1895.

Weeks, Noel, *Admonition and Curse: The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships*; Library of Hebrew Bible/Old Testament Studies 407, N.Y-London: T&T Clark, 2004.

Westbrook, Raymond, "Introduction: The Character of Ancient Near Eastern Law," in *A History of Ancient Near Eastern Law*, R. Westbrook ed., HOS 72, vol. I, Leiden-Boston: Brill, 2003, 1- 90.

<Abstract>

The Hebrew Biblical *Bérit* in Light of Ancient Near Eastern Covenants and Treaties

Ada Taggar-Cohen
(Doshisha University)

A short historical survey of scholarly interpretations of the concept of *bérit* בְּרִית in the Hebrew Bible is offered in this article as a background to understanding the urge for different interpretations offered by scholars in recent decades. The survey starts with a detailed discussion of the contribution of Mendenhall's interpretations of the biblical covenant in light of legal treaties from the Ancient Near East during the second millennium BCE. Those mainly Hittite international treaties opened the door for a new interpretation of the biblical texts in light of legal rather than just religious relations between the God of Israel and his people.

The second part of the article shows how the Hittite treaty-documents have led to new interpretations of the Hebrew Bible covenant, based on ancient Near Eastern legal-political as well as cultic material, and how it may still be used in current research, together with Mesopotamian-Akkadian documents, which were also brought into that discussion. The major dispute between scholars today is the attempt to pose an historical measurement on the possible connection between the Hittite legal documents titled in Hittite *išhiul-* which are dated to the second half of the second millennium, and the Akkadian documents titled *adê* mainly of the first millennium BCE, with the Hebrew Bible texts drawn during the first millennium.

<초록>

고대 근동 아시아의 언약들과 조약들로 본 히브리 성경의 언약

Ada Taggar-Cohen
(Doshisha University)

이 글은 히브리 성경의 언약 개념에 대한 학자들의 해석에 대하여 간략한 역사적 개요를 먼저 제시하며 시작하고 있다. 그 이유는 최근 몇 십년 동안에 학자들이 성경의 언약에 대하여 제시한 다양한 해석들에 대한 (사전) 이해를 도모하기 위함이다. 그 개요는 멘텐홀의 기여에 대한 토론으로 시작한다. 그는 주전 이천년대의 고대 근동아시아의 법적 조약들의 빛으로 성경의 언약에 대한 새로운 조명을 하였다. 그가 제시한 히타이트 제국의 국제 조약들은 이스라엘의 하나님과 그의 백성 사이에 있는 종교적 관계보다 법적인 관점에서 성경 본문에 대한 새로운 해석의 문을 열었다.

이 논문의 제 2부는 히타이트의 조약 문서들이 히브리 성경의 언약에 대하여 어떻게 새로운 해석을 제시하는지 논의하고 있다. 우리는 고대 근동아시아의 법적-정치적 자료들과 제의적 자료들을 검토하면서, 그것들이 최근 연구에 어떻게 새롭게 사용될 수 있는 살펴 볼 것이다. 우리는 또한 메소포타미아의 아카드어 자료들도 토론에 포함할 것이다. 오늘날 학자들 사이에 있는 주된 논쟁은 주전 이천년대 중반에 있었던 ‘이쉬히울’(išḫiul)로 불리는 히타이트의 법적 문서와 주로 주전 천년대의 아카드 문서로서 ‘아테(adê)로 불리는 문서 및 주전 천년대의 히브리어 성경의 (언약) 사이의 관계에 대하여 이루어지고 있다.

(Prof. JWK translation)