Eckart Otto, Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien

Steven W. Holloway
James Madison University, hollowsw@jmu.edu

Follow this and additional works at: http://commons.lib.jmu.edu/letfspubs

Part of the Biblical Studies Commons, History of Religions of Eastern Origins Commons, Legal History Commons, Near Eastern Languages and Societies Commons, and the Religion Law Commons

Recommended Citation
http://commons.lib.jmu.edu/letfspubs/116
Review
Reviewed Work(s): Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien by Eckart Otto
Review by: Steven W. Holloway
Source: Journal of Near Eastern Studies, Vol. 66, No. 3 (July 2007), pp. 205-208
Published by: The University of Chicago Press
Stable URL: http://www.jstor.org/stable/10.1086/521757
Accessed: 05-01-2018 18:37 UTC

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at http://about.jstor.org/terms

The University of Chicago Press is collaborating with JSTOR to digitize, preserve and extend access to Journal of Near Eastern Studies

Eckart Otto believes that the circular arguments spawned by attempting to date one biblical text by another, notably by pegging portions of Deuteronomy to the reign of Josiah, can be made straight through unimpeachable signs of dependency on certain seventh-century cuneiform documents, principally the so-called Vassal Treaties of Esarhaddon (VTE) and various oracles proclaimed on behalf of the same king. The political genesis of Deuteronomy stemmed from resistance to Neo-Assyrian hegemony, expressed in the creation of a pre-Deuteronomic loyalty oath to YHWH, incorporating elements of the VTE and inspired in part by the necessity of countering the cult of the imperial god Aššur, with its single temple located in the ancient religious capital, by a centralized cult and temple dedicated to the patron god YHWH in Jerusalem. This Urdeuteronomium, an anti-Assyrian loyalty oath to YHWH, with vestigial traces in Deut. 13:2–19 and 28:20–44, was created in the seventh century, probably during the reign of Josiah (pp. 6–14, 32–90). The Esarhaddon oracles, with their emphasis on divinely promised salvation from enemies, “covenants” (adê) and religious obligations of the king, are ultimately behind elements of the familiar Exodus story, with its destruction of Pharaoh’s army, and the very covenant theology of the Hebrew Scriptures (pp. 73–88). Deuteronomy, at heart a work rooted in opposition to Assyrian cultural, political, and religious influence, utilized elements of borrowed covenant theology to subvert Neo-Assyrian royal theology, most notably a Q source (portions of Exodus 14, 19, and 34), and the aforesaid loyalty oath to YHWH, all composed a few decades prior to the primary redaction of Deuteronomy (pp. 76–90 324–40). In addition to cuneiform texts composed during the reign of Esarhaddon, Deuteronomy reveals signs of direct influence from the Middle Assyrian Laws, tablet A (MAL.A), and portions of the Covenant Code, Exodus 20–23 (chap. 4, passim). Cult centralization, with the attendant closing of the local high places, necessitated a number of judicial reforms, including the creation of a professional judiciary (pp. 89–90, 238–65).1 The model for these legal reforms was the MAL.A, which in Otto’s analysis reveal a shift away from private law and the risks of blood feud in favor of adjudication by public authorities (pp. 196–202). Otto’s volume is simply structured, with a succinct fourteen-page summary in chap. 1, a disquisition on the inscriptions of Esarhaddon and Deuteronomy (chap. 2), a hundred pages dealing with the background of the MAL.A and its structure, which includes a critical edition with full apparatus and bibliography (chap. 3), and a final book-length chapter on the legal reforms of Deuteronomy 12–26.

Parallels between the curses of Deuteronomy 28 and the VTE were noticed almost immediately upon publication of the editio princeps2 and command widespread assent with the biblical studies guild today.3 There remain many problems

---

1 Otto is here indebted to Bernard M. Levinson, “The Hermeneutics of Innovation: The Impact of Centralization upon the Structure, Sequence and Reform of Legal Material in Deuteronomy” (Ph.D., Brandeis University, 1991); Bernard M. Levinson, Deuteronomy and the Hermeneutics of Legal Innovation (New York and Oxford, 1997).


3 “The remarkable correspondence in sequence between vv. 26–33 and VTE 39–42, the combination...
with this ascription, however, not least of which is the minute portion of the VTE that figures in even the most optimistic studies of Deuteronomy, the formal nature of cuneiform treaties, and the vexatious matter of circulation of ideas. Otto argues that the genre of the loyalty oath died with Nineveh in 612 and that Josiah’s court is the best candidate for Israelite exposure to VTE. Unfortunately, no treaties have survived from the Neo-Babylonian chancelleries, so we are not at liberty to rule out post-Assyrian models. Also, since we are talking about academic settings, where texts such as the Code of Hammurabi were copied for over a thousand years as part of the scribal curriculum, why is it not possible to suppose that fragmentary copies of the VTE were available in exilic and postexilic Babylonia, preserved in temples, on the analogy of the inscriptions of Assurbanipal that influenced the drafting of the Cyrus Cylinder in Babylon? Finally, and I think most cogently, we have excellent evidence that curse clauses circulated extensively throughout the Fertile Crescent, probably through the medium of Imperial Aramaic rather than Akkadian. Several highly specific parallels between the curses of the Aramaic portion of the late ninth-century Tell Fakhariyah bilingual and Micah 6:15, Isa. 5:10, 30:30, Hag. 1:6, and Lev. 26:26 have been teased out, and even closer biblical parallels may be traced in the eighth-century Sefire inscription, but I know of no one who has argued for direct incorporation into the Hebrew Bible on the strength of them. Positing direct borrowing from one cognate literature into another, when there is so much evidence for extensive behind-the-scenes circulation of concrete concepts and colorful figures of speech in the case of ancient Near Eastern curses, is a project fraught with methodological peril.

Otto’s novel contention that portions of Deuteronomy demonstrate the redactional influence of the MAL bears comment. All of the MAL texts with the exception of MAL.A consist of a single exemplar, found in the southwestern courtyard of the Aššur temple at Assur and in the rooms around the courtyard. The texts form part of 100-odd Middle Assyrian tablets, which may have belonged to the temple library or which constituted a separate collection. A piece of MAL.A bears a Kouyunjik number, suggesting it may have been part of Assurbanipal’s library, perhaps transported to Nineveh from Assur in antiquity, or it may have been excavated at Assur and received an erroneous K number. Although several Middle Assyrian belles-lettres compositions were copied by Neo-Assyrian scribes, and numerous Neo-Assyrian copies of the Old Babylonian Code of Hammurabi are attested, the virtual invisibility of the MAL outside the environs of the ancient Aššur temple suggests rather forcefully that the MAL did not form part of the intellectual canon of the Neo-Assyrian capital cities, much less that of the vassal states on the westernmost marches of the empire.

Otto’s contention that knowledge of cuneiform law in Palestine quickened its tempo in the seventh century (pp. 3, 213) is not borne out by the archaeological evidence to date. Only six cuneiform tablets have been recovered from Iron Age contexts in Israel, two of which were probably imported: two real-estate conveyances


from Gezer,10 a bread list from Tell Keisan,11 an animal-sales contract from Samaria,12 a Persian-period Neo-Babylonian baked tablet from Tel Mikhmoret,13 and a Lamaštu incantation fragment from the Shephelah.14 These finds do not include fragments of Assyrian royal steles or inscribed seals. In contrast, over 40 cuneiform tablets from the Amarna Age and earlier have been recovered in Syria-Palestine, a figure that does not include the Tell el-Amarna trove of imperial correspondence found in Egypt.15 First-millennium Palestine, pace Otto, experienced a decline in exposure to cuneiform literature in comparison with the Bronze Age, probably for the simple reason that Imperial Aramaic and other dialects of Northwest Semitic had displaced peripheral Akkadian as the lingua franca of commerce, diplomacy, and national self-expression. Israel, inch for inch, has enjoyed archaeological digs of an intensity unequalled anywhere in the globe; yet we are still waiting for the discovery of a cuneiform archive to corroborate the idea that Judahite intelligentsia had ready access to cuneiform text genres representative of those of palace and temple archives of the Neo-Assyrian heartland. Cuneiform literacy per se was not sufficient to gain access to the scientific and bellettristic literary heritage of Mesopotamia. Parpola has produced intriguing evidence that a functional level of cuneiform literacy may have been significantly more common than heretofore assumed among Neo-Assyrian military administrators and other professionals who would have benefited from the capacity to evaluate texts independently.16 Yet, even if knowledge of a basic CV-VC syllabary permitted governors to write their own letters to the king when scribes were in short supply, it is improbable that the arcana of temple and palace library could be read or indeed could even have been seen by individuals outside the highly stratified court savants’ guilds. We know, for example, that the origins of several textual corpora were ascribed to the gods, and access to the celestrial omen series Enûma Anû Enûlî, the exorcists’ corpus and the lamentation singers’ corpus was restricted: the uninitiated were forbidden to see the secrets of the sage (nîsîrti apkalû pa mûdû lâ immar).17 Even in the Late Bronze Age, when scribal schools on the Mediterranean littoral presumably trafficked more actively in specimens of cuneiform literary erudition, the range of attested genres is surprisingly narrow: syllabaries and lexical lists, myths, liver models, incantations, wisdom literature.

In the first millennium, cuneiform documents begin to distinguish between Assyrian and Aramaic scribes, ūpšar aššûriûtu and ūpšar armâ’u or sepiûrû. According to Laurie Pearce, there are no references to ūpšar aššûriûtu in administrative documents, whereas ūpšar armâ’u occur only in connection with administrative documents.18 Who were the bilingual scribes in the courts of Hezekiah, Manasseh, and Josiah, crucial functionaries in the diplomatic network linking Nineveh

and Jerusalem? The tūpšar armā’u and probably the *tūpšar iau’dā’u but almost certainly not the tūpšar aššūrāyu. The issue of general Hebrew or Aramaic literacy in seventh-century Judah has no real bearing on the question of the likelihood of exposure to the MAL;\(^\text{19}\) the question is whether the mandatory bilingual scribes who associated with the putative redactors of Deuteronomy (or were themselves the redactors) would have encountered the MAL in the course of their training, and the answer is almost certainly negative.

Otto raises a plethora of questions critical to the understanding of the role that a century of Neo-Assyrian vassalship played in the formation of the Hebrew Scriptures. If Deuteronomy was indeed a product of the seventh century, the perspicacious historian is obliged to leave no stone unturned in searching for traces of Mesopotamian influence, and this book has materially advanced that quest. Otto manages to avoid the worst excesses of Pan-Babylonismus by consistently highlighting what is original and unique to the Hebrew Scriptures and not just what was borrowed and half-digested from Assyria. His fluency in cu-neiform legal documents enables him to deal perceptively with genre and structural similarities between the composition of MAL.A and Deuteronomy in addition to obvious parallels in content which have been noted by others.\(^\text{20}\) His argument that Deut. 13:2–10 and 17:2–7 constituted an Ur-deuteronomium is novel, and his analysis of the reworking of the Book of the Covenant as central ingredient to the Deuteronomic legal reform is sufficiently detailed to command the attention of anyone studying the redactional history of Deuteronomy. While I do not follow Otto in his extrabiblical correlations with documents from the reign of Esarhaddon, the exercise of coming to terms with our author’s learned exposition of Mesopotamian influences on Deuteronomy has forced me to reexamine the Sitz im Leben of that biblical text and profitably to explore ways that Assyrian hegemony might have motivated minor religious communities in Syria-Palestine to resist an empire.
