



Since we are surrounded by such a great cloud of witnesses, let us . . . fix our eyes on Jesus, . . . who for the joy set before him endured the cross, scorning its shame, and sat down at the right hand of the throne of God. — Hebrews 12:1, 2, NIV.

“Institutionalize It!”

Digest

George E. Mendenhall, “The Suzerainty Treaty Structure: Thirty Years Later,” in Edwin B. Firmage, Bernard G. Weiss and John W. Welch, eds., *Religion and Law: Biblical-Judaic and Islamic Perspectives* (Winona Lake, IN: Eisenbrauns: 1990), pp. 85-100.¹

Editorial Note: The following digest is taken from George E. Mendenhall’s essay entitled “The Suzerainty Treaty Structure: Thirty Years Later.”¹ The essay was originally presented by Dr. Mendenhall at a conference held March 5-8, 1985, under the joint sponsorship of the University of Utah, through its Middle East Center and the College of Law, and the Brigham Young University, through its J. Reuben Clark Law School, the David M. Kennedy Center for International Studies, and the Richard L. Evans Chair of Judaeo-Christian Studies. Mendenhall was then Professor Emeritus of Ancient and Biblical Studies at the University of Michigan. He received his Ph.D. from Johns Hopkins University and was an ordained Lutheran minister from 1943 to 1953. He led archaeological expeditions to the Middle East and published numerous important works on law and covenant and other biblical topics, including *Law and Covenant in Israel and the Ancient Near East* and *The Tenth Generation: The Origins of the Biblical Tradition*.

The critical context of Mendenhall’s presentation is the institutionalization of mankind’s “Fall.” Mendenhall’s perspective reminds one that “Lincoln Steffens has a fable of a man who climbed to the top of a mountain and, standing on tiptoe, seized hold of the Truth. Satan, suspecting mischief from this upstart, had directed one of his underlings to tail him; but when the demon reported with alarm the man’s success — that he had seized hold of the Truth — Satan was unperturbed. ‘Don’t worry,’ he yawned. ‘I’ll tempt him to institutionalize it.’”²

Covenantal Legacy

“When the Israelites applied concepts drawn from the ancient Near Eastern suzerainty treaty to their relationship with God, they created a legacy that has had profound implications for the human situation ever since. This legacy has placed deity above all political systems, and by attaching supreme value to an event of the past — the giving of the covenant — has imbued history with meaning. . . . [Tragically, t]he modern age has, for the most part . . . lost touch with this legacy . . .

“At the present time, the religious tradition that constituted the only unique aspect of biblical Israel’s existence is not appreciated, or so it seems, in our civilization. The result of this failure to appreciate the message of the . . . covenant is a horrendous escalation of politically organized terror that with modern technology is fully capable not only of ending civilization, but also of reducing all life on this planet to the level of microbes and insects.

“ . . . [The covenantal structure] was widely accepted and successful because it met a greatly felt need at the time. Coming as it did at the close of half a century of destruction and uprooting of all kinds of social and institutional structures, it furnished the foundations for a new building. Above all, it furnished the ideological structure for a new society and a new set of working assumptions and norms that were both simple and functional. . . .

“Yahweh thus represented the common religiously sanctioned value system that (in an economically simple Early Iron Age village society) necessarily governed the functions previously controlled by kings and emperors, those functions in which it was clear that they were incompetent: war, law, and economic well-being. It is most probable that deities were associated with those functions in village society from prehistoric times. Not until the middle of the Early Bronze Age were those functions successfully transferred to a centralized and bureaucratically organized monopoly of force — not much more than a thousand years before the time of Moses. The first evidence of this kind of bureaucratically organized state comes from Mesopotamia and Syria in the second half of the third millennium B.C. A couple of centuries later, all of those political entities were gone, together with the language of their bureaucrats. . . .

“In the transition from the Late Bronze to the Early Iron Age [ca. 1200-1000 BCE] the process was repeated. The old city-state and empire structures were either totally destroyed or so weakened that they could not expand their imperial control for nearly a century. . . . [T]he Israelite federation of tribes did not come into existence until a generation or two after the destruction that attended and probably brought about the transition that archaeologists have labeled Late Bronze II and Iron Age I. . . .

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Yahweh or Baal

“Yahweh was not . . . the personified projection of the existing political system . . . In other words Yahweh was not . . . a Baal — the metaphysical, mythical symbolization of the existing body politic. . . . [Rather, i]t was Yahweh who offered the covenant relationship. . . .

“The almost exclusive identification of religion with social organization and its concomitant ritual that is characteristic of what is called ‘religion’ in Western cultures has obscured also the nature of the worship of Baal, which has likewise been inherited in the political tradition of the West. The most extreme expression of Baal-worship comes from Germany of the 1930s: ‘If the German race did not exist, God would not exist.’ It goes without saying that the ‘German race’ was identical to the Nazi state . . . The god that the Nazi spokesman was referring to was simply the ideological projection of the political state itself, and obviously that god ceased to exist with the destruction of the Nazi regime. . . . This is the process by which the ancient Baals also disappeared, with the destruction of the various nation-states that they symbolized. . . .

“ . . . [In stark contrast,] mainstream . . . ancient Israelite religion was a rejection of the common ancient (and modern) paganism that deified the monopoly of force that I call the body politic. The many studies of ‘divine kingship’ [have] . . . largely missed the point; gods in the ancient world were personifications of value convictions, of value judgments that determined the behavior and choices of human beings both individually and corporately. The deification of the state meant then that any opposition to that state was treason and blasphemy combined. . . .

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“ . . . [T]he Yahwist religious tradition contrasts sharply to almost all political organizations, for politicians characteristically cannot be concerned about anything beyond the necessity of winning the next election. . . . The constant temptation of power holders is to believe that they are in secure control of all factors that might affect the well-being of the social organization under their control, and therefore they suffer under the delusion that they are in control of history. As a result, historians are hard put to try to explain how politicians could be so obtuse. . . .

“What happens in a politically tribalized society is the concept that standards of right or wrong are a function of the political boundary line. . . . The same phenomenon can usually be observed when soldiers come into contact with foreign civilian populations — outside the social and political boundary line anything goes. . . .

“The mere assumption that the religious ethic has to be upheld by political power structures demonstrates its weakness; if it is not thus enforced the ethic has no validity. . . . It is precisely this motif of the divine delegation of power and authority over persons

that characterizes the old Bronze Age paganism — the worship of Baal, who was the personification of the ancient political power structures. The value system is founded upon the worship of coercive force as represented through the political institutions of war and law. . . .

“Since Lipit-Ishtar [20th-century BCE king of the Mesopotamian city of Eshnunna], at least, the function of the political state has been the same: the exercise of divinely delegated force through war externally and through law internally — from the point of view of ancient thought war and law are the same thing — and the control of the national economy. It is absurd to think that political states make or create peace: it is war not peace that is the job of political systems, and the weightier matters of love, justice, and compassion are irrelevant to political institutions. As an anonymous source in an American law school campus newspaper observed some years ago, ‘Justice is a subject for meditation in a monastery.’”³

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Conclusion

In the age-long attempt to possess God’s authority and to dispossess God of his authority and his Being, mankind has created the institution — the temple, the palace, the fortress, the wall, the marketplace. All signify mankind’s concealed efforts to appropriate divine authority and to dismiss God’s covenantal love for mankind.

Endnotes

1. Edwin B. Firmage, Bernard G. Weiss and John W. Welch, eds., *Religion and Law: Biblical-Judaic and Islamic Perspectives*, is available from the booksellers listed at bookfinder.com/book/9780931464393/.
2. Huston Smith, *The World’s Religions* (San Francisco: HarperOne, 1991), p. 5.
3. George E. Mendenhall, “The Suzerainty Treaty Structure: Thirty Years Later,” in Edwin B. Firmage, Bernard G. Weiss and John W. Welch, eds., *Religion and Law: Biblical-Judaic and Islamic Perspectives* (Winona Lake, IN: Eisenbrauns, 1990), pp. 85-100. Copyright 1990 by Eisenbrauns.