Influence of the Ancient Near Eastern Vassal Treaties on the Hippocratic Oath

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THE INFLUENCE OF THE ANCIENT NEAR EASTERN
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INTRODUCTION

Over the past 80 years scholars have documented many similarities between the Ancient Near Eastern vassal treaties and various other documents, including the biblical testaments (Mendenhall 1954: 50-76; 1955: 53-70; 1962: 714; Wiseman 1958: 3; Fensham 1962: 1-9; 1963: 133-43; Thompson 1964a: 1-39; Hillers 1964: 6; KIitchen 1966: 91-99; 2003: 283-94; Weinfield 1983: 283-94; 1973: 190-99; 1977: 175-95; McCarthy 1981: 51-81, 152-53; Knoppers 1996: 670 n. 2), and Homer’s Iliad and the Odyssey (Karnavites 1992: 82-107; Brown 2003: 254; Gresseth 1975: 1-18). Furthermore, while Stol (2004: 71); van der Eijk, (2004: 214); and Geller (2000: 47-48; 2004: 61) have documented the influence of Mesopotamian medicinal terminology on the Hippocratic Oath (Lat. Sacramentum), scholars have generally overlooked other possible Mesopotamian influences on its literary structure. This study will highlight some structural similarities between these two, otherwise separate genres of literature, the Ancient Near Eastern vassal treaty and the Hippocratic Oath. If specific Mesopotamian structural influence can be documented in terms of this piece of Greek literature it could reinforce Stol, Gresseth, van der Eijk, and Geller’s argument for ancient Near Eastern influence on Greek literature. It would also potentially demonstrate the importance of the Ancient Near Eastern vassal treaty structure on other oaths and covenants.

MESOPOTAMIAN MEDICINE

In general Mesopotamian medicine was quite different from Hippocratic medicine. The Sumerians attributed the cause of disease and illness to demonic activity, but administered their trade through the use of both a magical expert (exorcist Akkadian ḏîṭpu) and a physician (Akkadian aṣû; Hecse, 2009: 13; Ritter 1965: 299-321), with the help of diviners (Akkadian bārû) (Stol 1992: 58-62). A practical manual of symptoms for various diseases, commonly called the “Diagnostic Handbook” (11th century B.C.; Akkadian sakkiḥū), was used, along with terrestrial omens, to administer prescriptions (Akkadian bûtu “which restores life”), concocted from animals, plants, and minerals (Hecsel 2004: 97-116; Abusch and Van Der Toorn 1999).

While there were no direct oaths contained in codified Babylonian law, oaths were common and played an important role in Babylonian life (Black and Green 1992: 145-46). For example, according to the Code of Hammurabi (ca. 1700 B.C.) an exculpatory oath is sworn to seek to clear an accused person: “if during a quarrel one man strikes another and wounds him, then he shall swear [an oath], ‘I did not injure him unwittingly,’ and pay the physicians [Akkadian aṣûl]” (Code 206, cf. 20, 23, 103, 107) (King 2012). It was customary to solemnize an oath in the temple before the deity, and sometimes before witnesses, although this practice was not always required (Pinches 1912: 499; Mercer 1913: 93). From the laws of Hammurabi, Mercer (1912: 24-30) lists the different occasions when an oath was required. Kitz (2004: 315 n. 4) notes that “it may be helpful to keep in mind that it is the oath, a divinely guaranteed self-imprecation sworn by the oath taker, that assured loyalty to an agreement. This means that when an oath is involved, the curses and blessings are primarily attached to the oath.”

PREVIOUS RESEARCH

With the discoveries of the Hittite treaties (Weidner 1923; Friedrich 1926; Kestemont 1974; Laroche 1971: nos. 8-11, 14-30, 32-45; Beckman 1999: 6-8), those of Babylonian and Neo-Assyrian origin (Parpola and Watanabe 1988: no. 1-107, 25-58), as well as the Sefire Inscription (Fitzmyer 1995: 46-48), scholars have noted parallels between the struc-

Mendelsohn was the first to notice similarities between the Ancient Near Eastern vassal treaties and Yahweh's covenant relationship with Israel (1947, 1955). This was followed by an article in French, by Bickerman (1950: 133-56). Mendelsohn based his views on the Hittite vassal-treaty structure published by Korošec (1931, 12-14; see also Scholer 1965: 445-64; Beckman 2006, 184 n. 25; Weeks 2004, 184 n. 25), identifying six elements, which form a functional structure, in the suzerainty treaty namely: the preamble, historical prologue, stipulations, witnesses, blessing and cursing, and deposit/public reading (Mendelsohn 1954: 59-60; 1962: 1: 716-23; Korošec 1931: 12-14; Beckman 2006: 284-86; Kitchen 2003: 290). While the deposit and public reading elements are not part of the formal Ancient Near Eastern vassal treaty structure, they are functional elements that accompanied them, and can be treated together with the treaty formulary.

Although most OT scholars accept the parallels between God's covenant with Israel and the Ancient Near Eastern vassal treaties, this view is not without its critics (Notscher 1965: 181-214; Gerstenberger 1965: Nicholson 1988: 70-71; Patrick 1985: 224). Although the components fluctuate in number and order throughout the various vassal treaties (Hittite, Assyrian, Aramean), according to López (2004: 9: 72), "Scholars have come to a consensus that the six elements’ form a single, basic uniform treaty formulary used throughout the ancient Near East. McCarthy (1981: 80) agrees stating, “in spite of variations in different times and places, variations even of some importance, there is a fundamental unity in the treaties. And this unity goes back beyond the Hittite examples unto the third millennium.” Weeks (2004: 174) cautions that “there is no fixed treaty form, even within one society at one particular time. Rather there is a clustering around a typical pattern: that this clustering includes, if we take the Hittites as an example, grants, decrees, instructions and other sorts of texts.” Weeks (2004: 11) further points out that since the common patterns and “forms from different civilizations look sufficiently similar to have a common origin, there must have been links, direct or indirect, between the different manifestations of treaties. We lack the concrete proof of those links. That means that there are crucial issues for which there is no direct evidence, ... [however] each national tradition relates to the others in complex ways.” While the specific origins of the treaties may not, as yet, be identifiable, there are clearly similarities between the structural elements of the various documents, in that “each national tradition relates to the others in complex ways” (Weeks 2004: 11). Rogers (1970: 246) notes that one can “rightly speak of a set ‘form which was used in the ancient world’” (cf. both Balzer 1971; and McCarthy 1981: 7). This archetypal form, as represented by the treaty between the Hittite king Mursilis II and Tuppi-Teshshup of Arnuarv (on the northern coast of Lebanon) during the second millennium B.C. (Beckman 1999: 59-64; Bengston and Schmitt 1969: 3.492 §1-89; Dittenberger et al. 1915: 1.229 §1-89), will be used as a guide for our analysis of the Hippocratic Oath below.

**INFLUENCE OF THE VASSAL TREATIES ON THE HIPPOCRATIC OATH**

To establish that the ancient legal structures, rooted in the Ancient Near Eastern vassal treaties, influenced the Hippocratic Oath, three arguments must be established: 1) that the Ancient Near Eastern vassal
treaties influenced Greek literature, 2) that the Ancient Near Eastern vassal treaty structure continued into the fourth century B.C.; the period of the Hippocratic Oath, and 3) that the author of the Hippocratic Oath had knowledge of the Ancient Near Eastern vassal treaty structure.

Influence on Greek Literature

Ancient Near Eastern influence on Greek literature (and vice versa) has been studied to such an extent (Yamauchi 1967: 85; 1996: 379-94; 1997: 129-55; Helm 1980: 129-55; West 1971; 1999: 129-55; Mondi 1990: 142-98) that scholars have classified the investigation: *Hellenorientalia* (Lambrou-Philippson 1990), prompting Burkert to call it an “orientalizing revolution” (1995: 1). While some scholars have drawn unsubstantiated conclusions (e.g., Cyrus H. Gordon and Michael C. Astour) and ignored the archaeological evidence to focus solely on mythological-etymological arguments, there are still a number of scholars to have put forth reasonable arguments for Mesopotamian influence on Greek culture based on empirical archaeological evidence. Certainly some of Gordon’s parallels can be criticized; however, as Yamauchi (1981: 45-46) points out, “Though he may be proven to be mistaken in some details, surely Professor Gordon is correct in emphasizing the common background of Greek and Near Eastern cultures. With publication of more data, scholars like Walcot are beginning to realize the great debt that Greek religion owed to Semitic sources” (see Walcot 1966; Eissfeldt 1960; Lévêque and Dunand 1975). Contact between the ancient Near East and Greece is evident from Hititite tablets which mention military campaigns against the Ahhiyawa, a people in western Anatolia generally accepted by scholars to be the Mycenaean Achaeans (Yamauchi 2007: 35; Cline 1997: 202-203; Huxley 1960). Geller (2000: 43) has surveyed the various influences of Mesopotamian culture on Hellenistic life by examining the impact on the Aramaic language, legal contracts, and medicine.

Not only is there a general cultural influence between the two regions but the Ancient Near Eastern vassal treaties structure has been identified in other literary documents. For example, the literary contact between the two regions has been documented in comparison studies between the *Epic of Gilgamesh* (Sumerian and Akkadian versions 2100-1000 B.C.) and the Homeric *Iliad* and the *Odyssey* (800 B.C., Karavites 1992: 4-5; Priest 1964: 48-56; Wolff 1969: 392-98; Gresseth 1975: 1-18; Abusch 2001: 1-6; George 2003: 55). The extensive comparison of the influence of Near Eastern literature on Greek culture by M. L. West (1999: 587) led him to conclude “both the *Iliad* and *Odyssey* show, beyond all reasonable question, the influence of the Gilgamesh epic, and more especially the Standard Babylonian version of that poem.” Karavites (1992: 82-107) has demonstrated Ancient Near Eastern influence on “treaty-like ‘agreements’ in Homer.” He identifies five of the Ancient Near Eastern vassal treaties themes in the Homeric epics including “(1) the Preamble, (2) The Recounting of Antecedent History, (3) Stipulations, (4) Invocations of the Gods as Witnesses (Greek: *martyroi*; Homer *II. 3.278, 7.76*), [and] (5) Curses and Blessings” (Karavites 1992: 83). He raises the perplexing question of whether “there is direct or indirect connection between the Homeric world and the Near East,” but “assumes an association between the two,” following the parallels with the Hititite treaties and the Old Testament (Karavites 1992: 82 n. 3). However, minor variations aside, all elements are quite discernible. Still he cautions that “in the Homeric epics the various agreements are not separately created documents that the poet incorporated into his narrative, but rather themes to be distilled by us from the poems’ themes which are usually not couched in anything like the highly stylized language of the Near East treaties” (Karavites 1992: 83). He also recognizes that, “Homer makes no pretense of describing legal texts in his works,” but nevertheless maintains that his agreements are “quasi-legal transactions establishing what amount to legally binding bilateral or multilateral rights-and duties-relationships among the covenanter, relationships that are either explicitly or implicitly stated” (Karavites 1992: 82).

Gresseth (1975: 1 n. 3) believes that the similarities between Homer’s works and Near Eastern epic are not a coincidence but “point to the general causative factors behind the resemblance.” He believes “lines of cultural derivation” are “traceable from the Sumerian materials from which the Akkadian epic was formed to the world of Homer” (Gresseth 1975: 2). Karavites (1992, 83) specifies that Hititite treaties comprise the primary bridge between
ancient Near Eastern culture and assorted Greek literature, "because of their [treaties] more developed form, . . . geographic proximity, . . . and the probable contacts of the Hittites with the Mycenaean civilization" (see also Burkert 1995: 225; West 1999; Brown 2003: 8). The precedent is set for the possibility of Hittite influence on the Hippocratic Oath.

Furthermore, Finkelburg (2003: 75-96) observes that the _Iliad_ and the _Odyssey_ "became the universally accepted frame of reference, in fact, the only frame of reference upon which the cultural language common to all those who belonged to the Ancient Greek civilization was formed, and therefore an inseparable part of the identity of those who saw this civilization as their own. The _Iliad_ and _Odyssey_ outlined other epics that once circulated in the Greek tradition" and propelled them into a significant area of influence in the fourth century B.C. Burkert (1995: 225) notes that "Greece was in contact with the Levant since Bronze Age times, and through trade ports probably picked up Mesopotamian motifs which entered the Homeric literature of the 8/7th centuries BCE" (cf. West 1999; Brown 2003: 8). Because of the universal acceptance of the works of Homer and the trade contact, it was possible for the author of the Hippocratic Oath to have had contact, consciously or unconsciously, with the structure of the Ancient Near Eastern vassal treaties by way of the _Iliad_ and the _Odyssey_.

Some scholars may object to this connection by appealing to the gap in time between the production of these ancient documents from Mesopotamia and fourth century Greece. Mary Knox addresses a similar gap in her discussion of Mesopotamian seals and Greek literature. She (1979: 165) observes there is a "long gap of time and place between Mesopotamia in 2500 B.C. and the _Odyssey_; a gap which at present can only be bridged by postulating persistent oral tradition and possible transmission via, say, Ugarit. . . . [But] such transmission is not inherently improbable, and the 1500-year gap between the _Odyssey_ and the earliest modern versions of the tale [Cyclops], as well as its extremely wide geographical distribution, testify to its enduring appeal.”

Hanson (1971: 32, 1969) provides a good archaeological analogy to explain the extended influence on the Hebraic-Semitic roots in explaining why there are similarities with the Graeco-Roman period. He states: "If one were to set a common MB II A Canaanite lamp alongside a typical lamp of the Iron II variety, the untutored bystander may fail to discern any historical connection between them. If one then filled in the typology with representatives from MB II B-C, LB I and II and Iron I, that same bystander would recognize immediately that the Iron Age lamp develops in an unbroken continuum from the MB specimen."

Similarly ancient literature developed gradually over time and appears to have had a lasting effect on subsequent cultures, even those far removed by geography and time.

**Persistence of the Treaty Structure**

While the date of the original Hippocratic Oath is uncertain, it would seem reasonable to adopt the accepted date of ca. 460-377 B.C. (Brock 1929: 2; Vallance 2003: 710). For our hypothesis—that this oath was influenced by the Ancient Near Eastern vassal treaty structure—to be viable, it would require that this same structure have persisted into and beyond the fourth century B.C. Indeed, Weinfeld (1976: 383, 405) has presented evidence that the Ancient Near Eastern vassal treaties continued in the loyalty-oath treaties of the Hellenistic and Roman periods. He argues (1973: 190) that covenant terminology "penetrated the Greek milieu" and was "later adopted by the Romans," also demonstrating that "relations between the Egyptians, Hurrians, Hittites, Kassites, Assyrians and even Achaeans [Greeks] were formalized by means of treaties, based on a common vocabulary, . . . [and] common formal procedures," including a common set of treaty phrases (1990: 176).

While there are marked differences between covenants, vows, oaths, loyalty-oaths and treaties (Mendenhall 1962: 714-23; Plessia 1970; Weinfeld 1973: 190-99, 1976: 379-414; Parker 1979: 693-700; McCarthy 1981; Yamauchi 1983: 343-44; Cartledge 1992; Berlinerblau 1996; Graves 2009: 37-40; López 2004: 72-106; and Hahn 2005: 79-80), they will be lumped together and treated as similar to ancient Near Eastern literature for the purpose of this argument. However, as Yamauchi (1983: 343) points out "the word for treaty in Akkadian, Hittite, and Aramaic is taken from the word for 'oath.' Treaties were inviolable because of the oaths that were sworn (Josh 9:15-20)." One of the main differences between the two types of documents is that the Ancient Near Eastern
vassal treaty is a promissory oath (covenant) made by a greater (Suzerain) to a lesser (vassal), while the Hippocratic Oath is an exculpatory oath made by the lesser (student) to the greater (teacher). While the various nuances of the purpose and role of these ancient Near Eastern relational contracts is helpful, the main focus of this discussion is whether there is a structural influence between ancient Near Eastern and Greek literature.


**The Treaty Between Rome and Carthage (509/508 B.C.):** All elements of the Ancient Near Eastern vassal treaties structure, except the witnesses, are displayed in the old treaty between Rome and Carthage, recorded by Polybius 203-120 B.C. (Bengtson and Schmitt 1969: 121). Brown (2003: 255) notes that it “shows how specific ‘Semitic’ formulas could enter the Greek and Latin worlds.” The treaty reads as follows:

> [Preamble and Historical Prologue] There shall be friendship between the Romans and their allies, and the Carthaginians and their allies, on these conditions: [Stipulations] Neither the Romans nor their allies are to sail beyond the Fair Promontory, unless driven by stress of weather or the fear of enemies. If any one of them be driven ashore he shall not buy or take aught for himself save what is needful for the repair of his ship and the service of the gods, and he shall depart within five days. Men landing for traffic shall strike no bargain save in the presence of a herald or town-clerk. Whatever is sold in the presence of these, let the price be secured to the seller on the credit of the state—that is to say, if such sale be in Libya or Sardinia. [Blessing and Curse] If any Roman comes to the Carthaginian province in Sicily he shall enjoy all rights enjoyed by others. The Carthaginians shall do no injury to the people of Ardea, Antium, Laurentium, Circei, Terracina, nor any other people of the Latins that are subject to Rome. From those townships even which are not subject to Rome they shall hold their bands, and if they take one shall deliver it unharmed to the Romans. They shall build no forts in Latium; and if they enter the district in arms, they shall not stay a night therein. (Polybius Hist. 3:22.1 [Shuckburgh]).

**The Athenian Consecration Oath (beginning of the Fourth Century B.C.):** The Ancient Near Eastern vassal treaty structure was also known to the Greeks through the Athenian Consecration Oath (325-301 B.C.). According to Plescia (1970: 16), “the procedure of enrolment [in the phratrie] required that the father, supported by two witnesses, present the child to the elders of the phratrie and swear that it was his legitimate child.” The regulations are presented (cf. Fine 2003: 183-88) in an inscription of the Athenian phratrie of the Demeteritae from the fourth century B.C., and state that: "[historical prologue] the oath formula to be sworn by the (three?) witnesses at the time of the enrolment of the children in the phratry: [stipulations] I swear that the child presented by____ is his legitimate son, born of his wife, and [witnesses] I swear by Zeus Phrataios that I speak the truth. [blessing] If my oath is true may I prosper; [curse] if I am a perjurer, may misfortune befall me” (Dittenberger et al. 1915: 3:921; Gery 1958: 116).

**The Epehpic and Platean Oaths (Fourth Century B.C.):** The date of the Epehpic Oath is disputed, with Reinmuth (1971: no. 1 line 13) and Siewert (1977: 102-103) arguing for the 330s; see also Pélécidis (1962: 10:19-49), while Robertson (1976: 20-21) suggests a date in the 360s. However, Tod’s (1946: 2:204) view that the oath is dated to the first part of the fourth century is sufficient. The Greek oath was sworn by the Greek allies prior to their fight against the Persians at Plataea (Robertson 1976: 5).
The Ephebic Oath of Athens was inscribed on the same Acharnian stele as the oath of Plataea, which inspired it (Mark 1993: 100). Robertson (1976: 5) states that "in the inscribed version the Greek soldier at Plataea vows to fight bravely to the last (this is the longest part of the oath), to punish Thebes for medizing, [sic] and to preserve henceforth all the cities which have united against Xerxes: the oath ends with a great imprecation [curse] against anyone who fails to keep faith." The oath reads:

Lines 1-4 [Preamble] The dedication of the stele by the priest of Ares and Athena Areia, Dion of Acharnae. Lines 5-6 [historical prologue] Traditional oath of the Epheboi which they must swear. Lines 7-15 [stipulations] I will not disgrace these sacred arms, and I will not desert the comrade at whose side I shall be stationed. I will defend our altars and our hearths, and will not leave the country smaller, but greater and better, so far as I am able, singlehanded or with the help of all. I will obey those who always rule wisely, the established ordinances, and those which will in the future be wisely established. If anyone seek to destroy (them) I will oppose him so far as I am able, by myself or with the help of all. I will honour the cults of my fathers. Lines 16-20 [Witnesses] Witnesses of these shall be the gods Agrauros, Hestia, Enyo, Enyalios, Ares, Athena the Warrior, Zeus, Thallo, Auxo, Hegemone, Heracles, and the boundaries of my native land, wheat, barley, vines, olive-trees, fig-trees. . . ." (Plutarch Leoc. 76-77; Stobaeus Flor. 43, 48; Pollux On. 8, 105; Daux 1971: 370-83).3

According to the new Ephebic inscription from the Athenian Agora, the epheboi travelled throughout the region (Boeckh et al. 1828: 2:1006:31, 2:1028:24-26) attending the philosophical schools (Boeckh et al. 1828: 2:1006:19-20, 2:1011:22-23), and having graduated, contributed to the Ptolemaic library (Boeckh et al. 1828: 2:1009:7-8, 2:1043:50), exposing Salamis, Tropaion, Ptolemaion, Aianitea, and Eleusis to the messages of the epheboi (Reinmuth 1974: 259). Included in their message, as they circulated among the schools and libraries, was the Ancient Near Eastern vassal treaty structure.

The Ephebic and Plataean Oaths and Athenian phratry in the fourth century B.C. demonstrates the influence of the Ancient Near Eastern vassal treaties on Greek culture. Dittenberger et al. (1915: 527, cf. 360, 526) say that "the Epheboi of Dreris swore [it], for it was customary in all Greek communities to bind the citizens by oath, when they reached their maturity." Plescia (1970: 18) maintains that "such an oath [Ephebic oath] seems to have been a universal institution in Greece; its formula was local (Gr. echorios) and fixed by law (Gr. nomimos)" (Xenophon Memorabilia 4.4.16; Plutarch Lycurgus 29). These later oaths would not have affected the Hippocratic Oath unless an earlier version had some influence. However, this allows for the possibility for the ancient Near Eastern structure found in the early fourth century B.C. oaths to also influence the earlier Hippocratic Oath.

Knowledge of the Vassal Treaty Structure by the Authors of the Hippocratic Oath

That the author of the Hippocratic Oath had explicit knowledge of the Ancient Near Eastern vassal treaty structure is difficult, if not impossible, to prove especially when one considers that in a broad comparison, there is a sharp contrast between the Mesopotamian medical tradition of demonic etiology of diseases and diviner physicians, and the rational Greek medicine of the Hippocratic theory of four "humours." However, there seems little doubt that the authors of the Corpus Hippocraticum were aware of ancient Babylonian medicine.

Comparing the Babylonian Diagnostic Handbook with the Corpus Hippocraticum, Geller (2004: 11) says, "certain early treatises in the Corpus Hippocraticum show clear parallels with Babylonian medicine, in both form and content. These Greek medical texts pay little attention to theory, such as a theory of the four 'humours,' nor to diet or venesecion, but consisted of prognosis based upon observation of the patient's external features, as well as drug-based recipes, and these characteristics also reflect the current state of Babylonian medicine at that time."

While Geller (2004: 22) points out that a major difference between Babylonian and Greek medicine is the lack of case histories in the Akkadian sources as opposed to those in Greek, he states that "the common feature in both the Babylonian Diagnostic Handbook and Prognosticon in the Corpus Hippocraticum was the observation of signs, namely the 'good signs' and 'bad signs' on which the physician could base his judgment as to whether the patient would recover or die" (e.g., Hippocrates, Prog. 15; cf. Jouanna 1999: 302). Geller (2004: 59, 61; cf. 2000: 1: 47-48) concludes, though one can not trace "any definite bor-
rowings from Babylonian medicine" ... "enough similarities exist in the phraseology and descriptions of symptoms to suggest some kind of relationship between pre-Hippocratic Greek and Babylonian medicine. One might even go further to suggest that there was only one major system of medicine in the oikomene of the Near East before Hippocrates, which later diverged into two quite different systems" (cf. Biggs 2005: 47).

Stol (2004: 71) and van der Eijk (2004: 214) also find similarities between the Babylonian dream practices and Hippocrates De victu. Van der Eijk (2004: 187) says that "although there are important differences with respect to the use of dreams in Babylonian medicine, it is not implausible that the author of De victu 4 has borrowed some of his material from Near Eastern dream books." Labat (1951; see also the more recent work of Heesel 2000) has examined the diagnostic omnia associating Akkadian phraseology with Greek terms from the Corpus Hippocraticum while Goltz (1974) has compared the Akkadian and Greek methods of healing. Marten Stol's (1993) study of epilepsy also indicates parallels between the Babylonian and Greek views of epilepsy.

The presence of the Ancient Near Eastern vassal treaty schema within the Hippocratic Oath would seem to reinforce these findings and further demonstrate the influence of the ancient Near Eastern cultures on ancient Greek literature.

**VASSL TREATY STRUCTURE IN THE HIPPOCRATIC OATH (ca. 469-377 B.C.)**

Hippocrates of Cos, the fourth century B.C. father of medicine (Brock 1929: 2; Vallance 2003: 710) is not considered to be the exclusive author of the Oath, but rather the document seems to belong to a larger collection of Greek medical treatises compiled into a Corpus Hippocraticum (Jones 1909: 256-57; Nuttow 2007: 835-36; Jouanna 1999: 56-71; van der Eijk 1997: 77-129) which bears his name.4 Geller (Geller 2004: 15 no.16) cites Van der Eijk as suggesting that "attributions of Hippocrates suppressed the names of authors of these treatises, and that, in any case, such treatises may have been collective works edited from the writings of itinerant doctors." In fact, Geller (2004: 15) points out that anonymity is one of the common features between ancient Near Eastern literature and the Corpus Hippocraticum particularly the anonymous healing of the Asklepieion in Epidaurus "performed by the temple healers" (Hippocrates De morbis 2). Geller (2004: 15-16) points out that "The Corpus Hippocraticum represents something of a transition period, as shown by the anonymity of most of the treatises, in contrast to later (or even some contemporary) Greek medical literature (such as Diocles, Herophilus and Galen) which was composed under the names of the author, freely expressing opinions and polemics." The same gradual, cumulative development as is evident in other Greek oaths can apply to the Hippocratic Oath, which has continued to develop and influenced the ethical standards of Western civilization particularly after WWII up to the present day (Nuttow 2007: 835).

Graham (2000: 2842) describes the original nature of the Hippocratic Oath as primarily "rededict of a covenant, a solemn and binding treaty." It was not sworn by the family members of Asclepiads, but was a natural paternal responsibility for those who were family (Jouanna 1999: 147). It was taken by the pupils of the master upon entering to be taught. As Jouanna (1999: 147) points out:

> the contract specified the duties of the new student and offered moral and financial guarantees to the teacher. The student paid a fee and undertook, in case of hardship, to provide for the material needs of his teacher ... the essential role of the Oath was to preserve the interests and privileges of the family possessing medical knowledge from the moment it was made available to others ... The Oath is closely tied to the revolution represented by the opening up to outsiders of a school of medicine whose teaching was originally reserved for the members of a single family.

While the schema of the Hippocratic Oath does not follow the exact pattern of the various Ancient Near Eastern vassal treaties, the identified elements are still functionally equivalent (Weinfield 1983: 148; López 2004: 10: 76). However, due to their various needs and circumstances the Ancient Near Eastern vassal treaties also display a varied structure. The text of the Hippocratic Oath follows with the proposed treaty elements preceding each section in italics:

> [witnesses] 1. (i.) I swear (ii.) by Apollo the Physician and by Asclepius and by Health [Hygieia] and Paracelsus and by all the gods as well as goddesses, making them
judges [witnesses], iii. to bring the following oath and written covenant to fulfillment, in accordance with my power and my judgment; (stipulations) 2. (i.) to regard him who has taught me this techne as equal to my parents, and (ii.) to share, in partnership, my livelihood with him and to give him a share when he is in need of necessities, and (iii.) to judge the offspring [congeni] from him equally to my male siblings, and (iv.) to teach him this techne, should they desire to learn it, without fee and written covenant, and to give a share both of rules and of lectures, and of all the rest of learning, to my sons and to the [sons] of him who has taught me and to the pupils who have both made a written contract and sworn by a medical convention but by no other. 3. (i.) And I will use regimens for the benefit of the ill in accordance with my ability and my judgment, but from [what is] to their harm or injustice I will keep them. 4. (i.) And I will not give a drug that is deadly [pharmakon] to anyone if asked [for it]. (ii.) nor will I suggest the way to such a counsel. And likewise I will not give a woman a destructive pessary [abortive remedy pessarion phlokhron] 5. (i.) And in a pure and holy way (ii.) I will guard my life and my techne. 6. (i.) I will not cut, and certainly not those suffering from stone, but will cede [this] to men [who are] practitioners of this activity. 7. (i.) Into as many houses as I may enter I will go for the benefit of the ill, (ii.) whilst being far from all voluntary and destructive injustice, especially from sexual acts both upon women’s bodies and upon men’s, both of the free and of the slaves. 8. (i.) And about whatever I may see or hear in treatment, or even without treatment, in the life of human beings—things that should not ever be blurted out outside—I will remain silent, holding such things to be unutterable [sacred, not to be divulged], [blessing] (ii. a.) If I render this oath fulfilled, and if I do not blur and confound it [making it of no effect] (b.) may it be [granted] to me to enjoy the benefits both of life and of techne. (c.) being held in good repute among all human beings for time eternal. [curse] (iii. a.) If, however, I transgress and purjor myself, (b.) the opposite of these (Von Staden 1996: 496-8).


Preamble

The preamble was “attested in all periods in all locations” (Walton 1990: 102; Thompson 1964b: 4), but not necessarily in every treaty. Frequently the Ancient Near Eastern vassal treaty text opens with the statement, “These are the words of . . . .” followed by the identification of the suzerain. Using the example of the treaty between the Hititite king Mursilis II and Tuppil-Tesheshup, the Amorite, the preamble section appears as: §1 “[Thus says] My Majesty, Mursilis, [Great King, King of Hatti], Hero. Beloved of the Storm-god; [son of] Suppiluliuma, [Great King, King of Hatti, Hero]” (Beckman 1990: 59; COS 3:93-100). The primary function of the preamble within the Ancient Near Eastern vassal treaties was to identify the character of the Suzerain/King who establishes the covenant. Normally these are the opening words (LXX leges; Akkadian aveša; Wijngaards 1965: 153) of the suzerain identifying his name, title, attributes and occasionally his genealogy (Mendehall 1954: 59; Shea 1983: 72-73; Youngblood 1998: 42-43; Thompson 1964a: 16; Kline 1963: 50; Walton 1990: 101; Kitchen 1966: 92).

The preamble is omitted in the Hippocratic Oath, but this is not uncommon even within the Ancient Near Eastern vassal treaties, and as Gene Tucker points out “in spite of numerous variations from place to place and from time to time, the essential elements persisted” (Tucker 1965: 495; Graves 2009: 71-72). McCarthy (1981: 26) lists these essentials as “the obligations to be assumed and the invocation of the gods with the consequent implications of divine sanctions.” Thus, the absence of the preamble in the Hippocratic Oath conforms to many of the Ancient Near Eastern vassal treaty documents. It may even be argued that the typical formulaic style of the Ancient Near Eastern vassal treaty is missing because it is not a suzerainty treaty. Certainly in this context, the various teachers are providing the solemn oath and not acting as Suzerains (Graves 2009: 72).

Historical Prologue

Allman (2004) provides an extensive treatment of the historical prologue in the Hittite treaties, so it will only be briefly summarized here. The historical context of the suzerainty treaty lists the suzerain’s knowledge as designating a “mutual legal recognition on the part of the suzerain and vassal” (Haffkine 1966: 31-37), particularly of the vassal’s past relationship to the Great King acting primarily as a his-
torical summary (Mendenhall 1954: 59; Thompson 1964a: 16; 1964b: 4; Walton 1990: 4). Fink (2006: 2.682-83) highlights several important characteristics of the historical prologue in Hittite documents: 1) it immediately follows the opening formula in most letters; 2) to conform to letter conventions, it is abbreviated; 3) in many cases the focal point of the prologue is the father or ancestors of the correspondent and the addressee; and 4) the historical prologue, which may seem merely nostalgic at first glance, frequently provides justification and legitimation for an important demand or request of the sender later on within the letter.

In the treaty between Mursili II and Tuppishushup the historical prologue says:

§3 Aziru, your [grandfather, Tuppishushup], became the subject of my father. When it came about that the kings of the land of Nahashu [and the king of the land of Kizzu became hostile to my father], Aziru did not become hostile. [When my father made war on his enemies], Aziru likewise made war. And Aziru protected only my father, and my father protected (Aziru), together with his land . . . . [An undetermined number of lines have been lost.] §4 But when your father died, according to the request of your father, I did not cast you off: My father died, and I [took my seat] upon the throne [of my father]. . . . §5 And as I took care of you according to the request of your father, and installed you in place of your father, I have now made you swear an oath to the King of Hatti and the land of Hatti, and to my sons and grandsons (Beckman 1999: 59).

The historical prologue characteristic of the Hittite treaties of the second millennium B.C. is noticeably absent from the Assyrian treaties of the first millennium B.C. (Nicholson 1988: 66). Weinfeld (1983: 68) speculates that its absence in the Assyrian documents is "not that it was unknown to the Assyrians but, more likely, a matter of principle." In the characteristic style of the Assyrian treaties, the historical prologue appears to be missing in the Hippocratic Oath document (Graves 2009: 72).

**Stipulations**

Within the context of the Ancient Near Eastern vassal treaties, the stipulation section sets forth the covenant obligations imposed by the suzerain and accepted by the vassal (Mendenhall 1954: 59; 1962: 1: 714; Shea 1983: 72; Thompson 1964b: 4; McCarthy 1981: 51 n. 3). The vassal-treaties of Esharhaddon, for example, list thirty-three stipulations to be kept by the vassal (Parpola and Watanabe 1988: nos. 1-6, 46-57; Wiseman 1958: 23-24). Baltzer (1971: 20, 22-24) distinguishes between basic and detailed stipulations, while Walton (1990: 103) identifies stipulations formulated in the preceptive, imperative, and conditional form.

The stipulations section in the treaty between Mursili II and Tuppishushup says: "§5 Observe the oath and the authority of the King, I, My Majesty, will protect you, Tuppishushup. And when you take a wife and produce a son, he shall later be king in the land of Amurru. And as you protect My Majesty, I will likewise protect your son. You, Tuppishushup, in the future protect the King of Hatti, the land of Hatti, my sons, and my grandsons. . . . You shall not turn your eyes to another. . . . §8 As I, My Majesty, protect you, Tuppishushup, be an auxiliary army for My Majesty and [for Hatti]" (Beckman 1999: 60-62).

Mendenhall (1954: 59) observed that a key element of the Hittite treaty is that "the parity between the vassals, created by the Hittite king must not be changed. One cannot be a slave or dependant of another. Every hostile action against a co-vassal is hostility against the king himself." The dominant theme of the treaty stipulations was the vassal’s loyalty and faithfulness with all controversies to be settled by the suzerain (Thompson 1964a: 16). Loyalty to the suzerain would ensure protection and avoid punishment and possible attack. Within the Hippocratic Oath, see the stipulations above (sections 2-8.1).

This fundamental element is also evident in the Smyrna-Magnesia treaty: "I shall abide by the agreements which I conclude with the Smyrnaeans for all time; and I shall preserve the alliance and good-will toward King Seleucus and the city of the Smyrnaeans; and I shall preserve . . ." (Bengston and Schmitt 1969: 3.492 §62-68, 73-77; Dittenberger et al. 1915: 1.229 §62-68, 73-77). It is also present in the Ephetic and Ptolemaic oaths (6-16) and the oath of loyalty sworn in Paphlagonia to Augustus (9-24), in 3 B.C. (Sherk 1988: 31).

**Sanctions**

A standard characteristic of the Ancient Near Eastern vassal treaties is the regularity of the list of
blessings and curses (= oaths) along with the binding stipulations, which are classified as the most important elements (Beckman 1999: 2). Weinfield (1983: 61-62) points out that sanctions were “included not only in treaty texts but in all types of official legal settlements: judicial arrangements in connection with border conflicts, grants and land transactions, the imposition of a system of laws upon the people, imposing an oath in connection with succession, and assuring the loyalty of officials, soldiers, and craftsmen.” Continuing with the example of the Hittite/Amarite treaty, the sanctions section appears as:

§21 All the words of the treaty and oath (which) are written on this tablet — if Tuppiti-Teshshup [does not observe these words] of the treaty and of the oath, [Curse] then these oath gods shall destroy Tuppiti-Teshshup, [together with his person], his [wife], his son, his grandchildren, his household, his city, his land, and together with his possessions [Blessing] §22 But if Tuppiti-Teshshup [observes] these [words of the treaty and of the oath] which [are written] on this tablet, [then] these oath gods [shall protect] Tuppiti-Teshshup, together with his person, his wife, his son, his grandchildren, his city, his land, his possessions, [and together with his possessions] (Beckman 1999: 64)

The sanctions are represented in reverse order within the Hippocratic Oath as both blessing and curse: [blessing] (8.i.i. a.) If I render this oath fulfilled, and if I do not blur and confound it [making it to no effect] (b.) may it be [granted] to me to enjoy the benefits both of life and of technique, (c.) being held in good repute among all human beings for time eternal. [curse] (iii. a.) If, however, I transgress and perjure myself, (b.) the opposite of these (Hippocrates Jusj. 1.300-302 [Von Staden 1996: 408]). The sanctions element in the Smyrna-Magnesia treaty also appears in the same order. Blessing: “If I swear truthfully, may all be well for me but [Curse:] if I swear falsely may destruction visit myself and my seed” (Weinfield 1976: 398; Bengston and Schmitt 1969: 3.492 §69, 78; Dittenberger et al. 1915: 1.229 §69, 78). They are also present in Ephebic and Platoan oaths (40-46), and the Augustus-Paphlagonians treaty (25-35).

Witnesses Formula

With the distribution of the stipulations, accompanied by blessings and curses, it was customary for ancient treaty/oath documents to be sealed with a list of divine witnesses. This common, although not universal, feature of the Ancient Near Eastern vassal treaty invoked a list of gods of the suzerain and vassal as witnesses to the covenant agreement (Mendenhall 1954: 60; Thompson 1964a: 16-17; 1964b: 4; McCarthy 1981: 52, 63; Huffmon 1959: 291). Harvey (1962: 186) identifies this development within the treaty as the “invocation des dieux.” The divine witnesses were also listed in the vassal-treaties of Esharhaddon (672 B.C.), Bar-ga’syah (eighth century B.C.), and Aššur-nirari VI of Assyria (753-746 B.C.) (Wiseman 1958: 22-23), and in the similar treaties of Old Babylonian Syria (Finet 1981: 1-13). Occasionally, there were witnesses from nature such as the Great Sea, heaven and earth, mountains, rivers, springs, winds and clouds (Mendenhall 1962: 1.715) called upon as guarantors against disobedience and identified within the OT covenant lawsuit in Isa 1:2-20, Mic 6:1-8, Jer 2:4-13, Deut 32:1, and Ps 50:15 (Huffmon 1959: 285-95). Altman (2003a: 748; 2003b: 178-84) points out that “the vassal’s obligations, as well as the suzerain’s undertakings, were backed by a ceremonial oath taken by both of them before the images of the gods.”

The witness formula in the Hittite/Amarite treaty appears as: “§16 [...] The Thousand Gods shall now stand for this [oath]. They shall observe [and listen]. §17 [The Sun-god of Heaven, the Sun-goddess] of Aranna, the Storm-god of Heaven, the Storm-god of Hatti, [Sheri], Hurri, Mount Nanni, Mount Hazzî, [the Storm-god of the Market(?), the Storm-god] of the Army, [...] §20 the mountains, the rivers, the springs, the great sea, heaven and earth, the winds, and the clouds. They shall be witnesses to this treaty [and] to the oath” (Beckman 1999: 63).

The oath is made to the teacher prior to entering into medical practice in the presence of the witnesses listed in the preamble within the Hippocratic Oath. “1. (i.) I swear (ii.) by Apollo the Physician and by Asclepius and by Health [Hygieia] and Panacea and by all the gods as well as goddesses, making them judges [witnesses]. iii. to bring the following oath and written covenant to fulfillment, in accordance with my power and my judgment” (Hippocrates Jusj. 1.289 [Von Staden 1996: 406]).

This witness element is also listed in the Smyrna-Magnesia treaty. “I swear by Zeus, Ge, Helion, Ares,
Table 1. Comparison of Ancient Near Eastern and Greek Oaths and Treaties

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Athena Areia and the Taurropolos, and the Spyliene Mother, and Apollo in Pandei, and all the other gods and goddesses, . . . Aphrodite Stratonikas” (Bengtson and Schmitt 1969: 3.492 §61, 70-72; Dittenberger et al. 1915: 1.229 §61, 70-72). The witnesses are also present in the Ephebic and Plataean oaths (16-20) and the Augustus-Paphlagonians treaty (8-9). Zeus and the other immortal gods are called forth as witnesses of the oath in the Iliad 3.276-300.

Deposit and Public Reading

Within the suzerainty treaty Mendenhall (1954: 69; 1962: 1.715) identified a provision for the deposit of the treaty in the temple and its periodic public reading (cf. Thompson 1964b: 4). While this is not a part of the actual structure, it plays an important role in the administration of the treaty or oath. The conservation of the documents is mirrored in the OT covenant renewal ceremony (Exod 25:16; 40:20; Deut 10:1-5; 31: 9-13, 24-26, Josh 24:26, cf. 2 Kgs 23:1-3). Lucas (1982: 22) and Weinfeld (1983: 51-58, 158-78) have observed that this could have been the way the suzerainty treaty form was passed down to the later prophetic generation, through the liturgy of the renewal ceremony.

The deposit and public reading elements are missing from the treaty between Mursilis II and Tuppi-Teshshup, possibly in one of the sections that Beckman (1999: 60) identifies as missing from the tablets. He points out that there are “an undetermined number of lines [that] have been lost,” with another section of seven lines badly damaged amidst the historical section where it would be natural for the deposit and public reading to be mentioned. However, this section is identified in the Treaty between Shattuwa of Mittanni and Suppiuliuma I of Hatti: §8 “[A duplicate of this tablet is deposited] in the land of Mittanni before the Storm-god, Lord of kurinnu of Kahat. . . . It shall be read repeatedly, for ever and ever, before the king of the land [of Mittanni and before the Hurrians]” (Beckman 1999: 51).

Within the Hippocratic Oath the public reciting of the oath is present in terms of the phrase “I swear” (Hippocrates, I.1.289 [Von Siemens 1996: 406]) and is functionally equivalent to the public reading. There is also a public administration of the Smyrna-Magnesia treaty, which says: “Let the Smyrnaeans and those from Magnesia appoint men, [each of them as many as] each may reckon to be sufficient, to administer the oath to the peoples of those in Smyrna and of those in Magnesia. . . .” (Bengtson and Schmitt 1969: 3.492 §61, 79-89; Dittenberger et al. 1915: 1.229 §79-89). See Table 1 for a summary of the ancient Near Eastern vassal treaty structural elements and later Greek oaths and treaties.
SUMMARY

Evidence that the Ancient Near Eastern vassal treaty structure had an impact on the Hippocratic Oath is characterized by the presence of the classic elements from these treaties: stipulations, sanctions (blessing and cursing), and the witness formula, administered through the deposit and public reading, within the document. The presence of this schema within the Hippocratic Oath would seem to reinforce Gemser’s evidence for the influence of Babylonian medicine on Greek Hippocratic medicine, also supporting the influence of ancient Near Eastern culture on Greek literature. This study further supplements the evidence for the pervasive influence of the Ancient Near Eastern vassal treaty on other ancient literature, in that the identification of this structure within the Hippocratic Oath provides an additional link in the chain of influence on oath/treaty documents throughout the centuries from various cultures. It is unlikely that there was direct borrowing of the treaty structure, but rather that the structure itself had become identified as the very essence of what an oath is, and thus became the building blocks for many oaths. There is little doubt that Mesopotamian culture had a lasting influence on the oaths and treaties of the surrounding nations, and the parallels with the Hippocratic Oath demonstrate yet another example of cultural fertilization.

NOTES

1Other representative treaties include Shattiwaza of Mittanni and Suppililiuma I of Hatti: Mwattallili II of Hatti and Alaksandu of Wilusa; and Tudhaliya IV of Hatti and Shuashga-muwa of Amurrus (Beckman 1999: 42-48; 51; 87-93; 103-8).

2A third century A.D. fragment from the Oxyrhynchus papyri (P.Oxy. XXXI 2547) contains a portion of the Hippocratic Oath (Barns, Browne and Shelton 1981). The present form of the Corpus Hippocraticum appears to date from the period of the Roman Emperor Hadrian (A.D. 117-138) when Artemidorus Capito compiled the canon of the Hippocratic work (Vallance 1998: 461). The date of the Christian version of the Hippocratic Oath is unknown; the oldest extant manuscript, kept in the Vatican Library, is from the tenth century (Urbinas 64 fol. 116; Jones 1924: 26; Jouanna 1999: 147, n. 71).

3While there are several German accounts of the text (Pélékidis 1962: 1:12-14; 75-78; Siwert 1972: 5-7; 29-32; Merkelbach 1972: 277-83; Daux 1966: 78-87; 1971: 370-83). Plescia’s English version (1970: 16-18) is used with several phrases changed according to the understanding of the epigraphic text, first published in 1938 by Tod (1946: 2:204).

4Edelstein (1943: 53) argues, based on his identification of Pythagorean philosophy which opposed abortion, that the Hippocratic Oath was Pythagorean in origin. His view is no longer accepted by most scholars.

5Updated versions of the Hippocratic Oath have been made to amend or leave out certain portions as in the Christian oath (i.e. the invocation of the gods) and the British Medical Association (1996, i.e., a paragraph dealing with abortion) (cf. Nutton 2007: 835). A 1993 survey of the use of the Hippocratic Oath by 157 deans of medical schools in Canada and United States provide the following statistics: “In 1928, only 26% of schools administered some form of the Oath. In 1993, 98% of schools administered some form of the Oath; only one medical school used the original Hippocratic Oath; 68 schools used versions of the original Hippocratic Oath; 100% of current oaths pledge a commitment to patients; 11% invoke a deity; and 8% prohibit abortion” (Orr et al. 1997: 377-88).

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