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Spoken Word and Ritual Performance:

The Oath and the Curse in Deuteronomy 27-28

A dissertation submitted in partial satisfaction of the requirements for the degree Doctor of

Philosophy in Near Eastern Languages and Cultures

by

Melissa Dianne Ramos

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ABSTRACT OF THE DISSERTATION

Spoken Word and Ritual Performance:

The Oath and the Curse in Deuteronomy 27-28

by

Melissa Dianne Ramos

Doctor of Philosophy in Near Eastern Languages and Cultures

University of California, Los Angeles, 2015

Professor William M. Schniedewind, Chair

The composition of Deut 27-28 is shaped by its ritual and performative function and by the

narrative device of a script within a speech: the oral and ritual performance of the covenant

ceremony by the Levites is framed within the speech-command of Moses. Studies of Deut 28

have largely focused on the textual tradition of this chapter and on its parallels with ancient near

eastern treaties, and with the Succession Treaty of Esarhaddon in particular. Many studies view

Deut 28 as a collection of isolated units of curse lines disconnected from the ceremonial

performance of the covenant ratification ceremony detailed in Deut 27. This is due in part to the

commonly held view that chapter 27 is an interpolation and a later addition to the literary unit of

12-26 and 28. However, a re-examination of comparative ancient near eastern evidence and a

fresh literary analysis of 27 suggests that chapters 27-28 form a unified whole. A text-centric

approach to Deut 28 has left largely unexamined the oral and ritual performance described in

Deut 27. Ratification of oaths and treaties in the ancient near east was performative and entailed

speaking words of power and performing ritual acts such as the slaughter of an animal or the

ceremonial breaking of weapons. Deut 27 also furnishes instructions for the erection of an altar,

ritual sacrifices, and an oral recitation of "all the words of this torah" including the blessings and

curses in chapter 28. This concept of oaths and treaties as scripts is explored using the Aramaic

Sefire treaty as a test case. An analysis of the curse segment of the Sefire treaty shows syntactical

features typical of spoken language, suggesting that the curse portion of the written treaty was

shaped by oral recitation and/or an oral tradition of formulaic curse language. The text-centric

approach to studies of Deut 28 has also hindered examination of parallels between treaties and

ritual and performative texts, and especially incantations. A study of contiguities between Deut

27-28 and the Neo-Assyrian incantation series *Maqlû* and *Šurpu* reveals compelling thematic,

linguistic, and formological parallels.

The dissertation of Melissa Dianne Ramos is approved.

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2015

For Francisco

באהבה

Table of Contents

List of Tables

Abbreviations

AfO	Archiv für Orientforschung
BASOR	*Bulletin of the American Schools of Oriental Research*
BZAW	*Beihefte zur Zeitschrift für alttestamentliche Wissenschaft*
COS	*The Context of Scripture*. 3 Volumes. Edited by William W. Hallo. Leiden, 2003.
FAT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
IEJ	*Israel Exploration Journal*
JANES	*Journal of Ancient Near Eastern Studies*
JAOS	*Journal of the American Oriental Society*
JBL	*Journal of Biblical Literature*
JCS	*Journal of Cuneiform Studies*
JHS	*Journal of Hebrew Scriptures*
JNES	*Journal of Near Eastern Studies*
JSOT	*Journal for the Study of the Old Testament*
JSS	*Journal of Semitic Studies*
MUSJ	*Mélanges de l'Université Saint-Joseph*
RAI	Rencontre Assyriologique Internationale
SAA	Society for American Archaeology
SBL	Society of Biblical Literature
STE	Succession Treaty of Esarhaddon

VT   *Vetus Testamentum*

WBC   Word Biblical Commentary

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own making.

I also wish to thank my brother Bo Reynolds who compiled my bibliography for me. His biggest contribution, of course, is the love and friendship that made helped carry me through this project. I am so very grateful for the many phone conversations, for the laughs we have had, and for cheering me up and cheering me on when I needed it most.

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For my husband, Francisco, my one true love, there are no words to express enough thanks. This dissertation is as much his labor of love as it is mine. Francisco is the one who has sacrificed the most to help make this dream a reality and I offer my deepest thanks and gratitude. I could never say it enough.

Vita

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Presentations and Publications

Ramos, Melissa D. Blessings and Curses. Dictionary of the Bible and Ancient Media. (London:T & T Clark). Forthcoming

_____. "'You Shall Write on the Stones'": The Curses of the Sefire Treaties and Deuteronomy 28." National Meeting of the Society for Biblical Literature." (San Diego, California). November 2014.

_____. "Malediction and Oath: The Curses of the Sefire Treaties and Deuteronomy 28." National Meeting of the Society for Biblical Literature." (Baltimore, Maryland). November 2013.

_____. Sheol. Tabernacle. Tamar. Torah. Ugarit. Entries in Baker Illustrated Bible Dictionary. (Grand Rapids, Baker). 2013.

_____. "Deuteronomy 27:11-28:68 as Ritual Oath Text." National Meeting of the Society for Biblical Literature." (Chicago, Illinois). November 2012.

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CHAPTER ONE

Introduction

הַעִידֹ֨תִי בָכֶ֣ם הַיּוֹם֮ אֶת־הַשָּׁמַ֣יִם וְאֶת־הָאָרֶץ֒ הַחַיִּ֤ים וְהַמָּ֨וֶת֙ נָתַ֣תִּי לְפָנֶ֔יךָ הַבְּרָכָ֖ה וְהַקְּלָלָ֑ה
וּבָֽחַרְתָּ֙ בַּֽחַיִּ֔ים לְמַ֥עַן תִּֽחְיֶ֖ה אַתָּ֥ה וְזַרְעֶֽךָ׃

Today I call heaven and earth as witnesses against you; I offer you life or death,
blessing or curse. Choose life so that you and your descendants will live.
(Deut 30:19)

　　　In the ancient world curses and blessings were perceived as powerful forces that shaped

human destinies. Curses were spoken, enacted, and inscribed by human practitioners, but were

imbued with the power of the divine realm. To make an oath, or a solemn promise, required an

act of conditional self-cursing, or calling upon divine power to inflict dire punishment should the

promise be broken.[1] The central concern of the book of Deuteronomy is the covenant oath and

the laws and statutes laid before the gathered assembly of all the Israelites as they approached to

enter the land of promised inheritance. In Deuteronomy, the ratification of the covenant oath sets

the course for the future of the covenant community in starkly juxtaposed terms: "I offer you life

or death blessings or curses. Choose life…" The ratification of the covenant sets in motion a new

order of fortunes, shaped both by human choice and the divine ordering and enforcement of the

binding oath.

　　　Much of current and past scholarship on Deut 28 tends to view this chapter and its elaborate

lists of curses (and blessings) from the perspective of the history of the textual tradition of

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[1] Malgorzata Sandowicz, for example, writes, "… Semitic oaths are essentially self-curses; their character
is therefore extremely close to imprecations… The notions are so close to one another that occasionally
the same terms are used in Akkadian to denote both 'oath' and 'curse'" (*Oaths and Curses: A Study in
Neo- and Late Babylonian Legal Formulary* [Münster: Ugarit-Verlag, 2012], 1).

Israelite or biblical law. While studies abound that present parallels with Mesopotamian, Hittite, and Syrian treaties, many studies view Deut 28 as a collection of isolated units of curse clauses that are disconnected from the ceremonial performance of the covenant ratification detailed in chapter 27. This text-centric approach has left largely unexplored the central elements of oral performance and ritual enactment that shaped the composition of treaties and oaths more broadly in the ancient Near East. Making an oath in the ancient near east involved saying things and doing things. As Joann Scurlock writes of Mesopotamian oath traditions, "Assyrian covenants were not spectator sports, but involved actively enacted self-cursing…"[2] Ratification of oaths and treaties sometimes included ritual performance elements, such as the slaughter of an animal, ceremonial breaking of weapons, or burning of objects or materials. However, the oral and performative elements of Deut 27-28 have been given less attention in biblical studies.

This dissertation combines methodological approaches from comparative ancient Near Eastern studies, rhetorical discourse analysis, as well as orality studies and sociolinguistics to examine Deut 27-28 as a script of an oral and ritual performance of a covenant enactment ceremony. A basic assumption of this study is that Deut 27 and 28 should be studied together: chapter 27 furnishes the details of the preparatory ceremonial acts and the speaking roles of both the Levites and the gathered assembly; chapter 28 continues the recitation of curses to be spoken by the levitical practitioners. The idea will be explored that ancient Near Eastern treaties, and Deut 27-28 particularly, served as scripts for dramatic enactment of ratification ceremonies. Furthermore, the inscribed stele or tablet of the treaty or covenant, the written text, also served a

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[2] Joann Scurlock, "Getting Smashed at the Victory Celebration, or What Happened to Esarhaddon's So-Called Vassal Treaties and Why," in *Iconoclasm and Text: Destruction in the Ancient Near East and Beyond* (ed. N. N. May; Oriental Institute Seminars 8; Chicago: Oriental Institute, 2012), 176.

ritual function as a symbolic visual display of the divine power undergirding the oath and its curses.

The physical and oral component to enacting oaths and covenants is highlighted by a study of parallels between incantation texts and Deut 27-28. An approach to the study of chapters 27-28 as oral and ritual performances reveals parallels with a new genre of text: ritual incantations. The shift in emphasis toward the performance of the covenant oath including the curses opens up new avenues of exploration of parallels with incantation texts that feature also elaborate lists of curses performed by a practitioner. The Neo-Assyrian incantation series *Maqlû* and *Šurpu* share striking contiguities with treaty texts in general and specific parallels with Deut 27-28 in formological components, curse themes and combinations, and syntactical features. The common features and curse themes of incantations and covenant texts highlight the centrality of spoken and physical enactment of oaths as a means of activating the curses within incantation and covenant ceremonies.

I. Audience and Setting

While the hortatory character of Deuteronomy has long been observed, it was Gerhard von Rad who emphasized more strongly the cultic character of the book.[3] Von Rad's thesis that Deuteronomy originated in the northern tradition of Levitical cult practice has received fresh attention, due to the renewed interest in the "northern" hypothesis of Albrecht Alt.[4] While the

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[3] Gerhard von Rad, *Deuteronomy: A Commentary* (Philadelphia: Westminster Press, 1966), 12-27; idem., "The Form-Critical Problem of the Hexateuch," *The Problem of the Hexateuch and other Essays* (trans. E.W. Dicken; London: Oliver & Boyd, 1966), 26-40.

[4] Albrecht Alt, "Die Heimat des Deuteronomiums, in *Kleine Schriften zur Geschichte des Volkes Israel*, vol. 2 (ed. M. Noth; Munich: Beck, 1959), 263-68. For an example of more current scholarship espousing an argument for the northern origins of Deuteronomy see Stefan Schorch, "The Samaritan Version of Deuteronomy and the Origin of Deuteronomy," in *Samaria, Samarians, Samaritans: Studies on Bible, History and Linguistics* (ed. J. Zsengellér; Studia Samaritana 6; Berlin: de Gruyter, 2011), 23-37.

northern origins theory has garnered renewed interest, the idea of the origin of Deuteronomy in cultic practice has not been given the same attention. After the publication of the Succession Treaty of Esarhaddon (STE) by D. J. Wiseman in 1958 scholarship in Deuteronomy studies and particularly studies of Deut 28 shifted in emphasis toward an examination of parallels with contemporaneous political treaties.[5] With this shift in focus toward comparative ancient Near Eastern literature, Deuteronomy became viewed more as a scribal-literary document than as a text with religious or cultic origins.[6] Studies of Deuteronomy became subsumed in the more general scholarship of biblical and ancient Near Eastern law.

However, this view of ancient Near Eastern treaties as scribal artifacts neglects the cultic and ceremonial settings and enactment of such texts as the STE and the Sefire treaty. The idea that these treaties or Deuteronomy 27-28 were purely literary creations without connection to any cultic or ceremonial reality is at odds with the framework and general contents of these texts. Even Weinfeld, who is strongly opposed to von Rad's theory of the cultic origins of Deuteronomy, acknowledges that the author of Deuteronomy "blurred the covenantal pattern (of ancient Near Eastern treaties) by putting it in a homiletic setting. Unlike the treaty, Deuteronomy is not a legal document but an oration."[7] However, this juxtaposition between ancient Near Eastern treaties as legal texts and Deuteronomy as a sermon is unnecessary. The oral style of the STE was observed very early on in early studies of the treaty. D. J. Wiseman, for example,

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[5] D. J. Wiseman, "The Vassal-Treaties of Esarhaddon," *Iraq* 20 (1958): 1-99.

[6] Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Winona Lake: Eisenbrauns, 1992), 59-157.

[6] Ibid., 57.

[7] Weinfeld, Deuteronomy and the Deuteronomic School, 57.

observed that the clauses in the STE "are presented as spoken statements… and the arrangement of the (composition) may be due, in part at least, to the royal oratorical style."[8] Similarly, Rintje Frankena argued that the "lively style" and "direct approach" of the STE suggests that the treaty was read publicly before the assembly of gathered oath-swearers, and accompanied by a physical demonstration of the curses.[9] Deuteronomy and ancient Near Eastern treaties ought indeed to be examined as texts shaped by their ceremonial setting and purpose, as both oral recitation and aural reception.

While the idea of the northern levitical origins of Deuteronomy is intriguing, in the end it is not possible to establish any precise "original" setting or audience for Deut 27-28 or for the book more generally. This is all the more the case with Deut 27-28 because of the multiple and distinct narrative settings for a covenant enactment ceremony within the biblical text itself. Deuteronomy 27-28 specifies that the covenant ceremony should take place "on that day" (היום) that the covenant people enter the land and arrive at Shechem. In Joshua 8, the ceremony presented in Deut 27-28 is enacted by Joshua on Mounts Ebal and Gerizim with a public recitation of the law, the blessings, and the curses. King Josiah is also portrayed as renewing the covenant by holding an oral recitation (באזניהם) of "the book of the covenant" (ספר הברית) before a gathered assembly of the people of Judah in Jerusalem (2 Kgs 23:1-3). Yet another covenant renewal ceremony is portrayed in Neh 8-10 as Ezra reads "the book of the law of Moses" (ספר תורת משה) before the assembled people who agree to its terms and seal the renewed covenant with signatures. Moreover, the Qumran text *Serek Hayaḥad* demonstrates that elements of the covenant enactment ceremony from Deut 27 were used by the Qumran community as a means of

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[8] Wiseman, "Vassal-Treaties," 139.

[9] Rintje Frankena, "The Vassal-Treaties of Esarhaddon and the Dating of Deuteronomy," *OtSt* 14 (1965): 139.

establishing community norms and standards. The ceremony included spoken parts for the priests and the people who were to signify their assent to the covenant with an orally voiced "Amen" following the recitation of blessings and curses by the priests (1QS 1-2).

Thus, the covenant ceremony presented in Deut 27-28 is contextualized within a setting in Shechem; however, the biblical texts (and even the DSS) present multiple narrative settings and contexts for the enactment of covenant. Most probably, then, the text of Deut 27 reflects multiple editions and re-contextualizations of the covenant enactment ceremony. The ongoing importance of a liturgical enactment of a written covenant is highlighted by the reuse of elements of Deut 27 within the *Serek Hayaḥad* text (1QS). And while a theory of some sort of annual covenant renewal festival in Jerusalem similar perhaps to the Assyrian Akitu festival is appealing, in the end, a particularized historical setting for any such cultic event is conjectural at best.[10] Thus, a more modest hypothesis is proffered that a cultic setting of some sort was the impetus for composing Deut 27-28 at least a cultic setting within the world of the narrative itself. A historical setting of the seventh century B.C.E. for an early version of the book, including Deut 27-28, seems to best fit the comparative ancient Near Eastern material. Further parallels will be presented beyond those found in the STE that support a seventh century date as well.

II. Chapter Summaries

Chapter Two

The second chapter presents an overview of the argument that will be made in the Chapters Three through Six and a framework for the significance of the dissertation. Chapter Two presents first a history of scholarship on Deut 28, with an emphasis on important trends and significant

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[10] It remains a possibility that the performance of the STE was part of the annual Akitu Festival, given that the Akitu structure is mentioned in one of the copies of the treaty (VAT 11449) (Simo Parpola, "Neo-Assyrian Treaties from the Royal Archives of Nineveh," *JCS* 39:2 [1987]: 163).

contributions that shaped paradigms for understanding Deut 28 and the book of Deuteronomy more broadly. This literature review suggests that, while studies of treaties as political documents have yielded significant advances in Deuteronomy scholarship, a text-centric approach to treaties and the biblical text has left the elements of oral performance and ritual enactment largely unexamined. Chapter Two also presents a rationale for a combination of two methodologies: comparative ancient Near Eastern studies and rhetorical criticism.

While the usefulness of comparisons of ancient Near Eastern materials is more obvious, the insights of rhetorical criticism for a study of Deut 27-28 is given further explanation. The methodology of rhetorical criticism emphasizes the persuasive impact of discourse on its audience. In Deut 27-28, the inclusion of lengthy segments of curses (and blessings) served a rhetorical purpose: to shape the behavior of the community. This inclusion of the covenant enactment ceremony in Deut 27-28, particularly with the elaborate curse formulae, suggests that Deuteronomy is not only a scribal and intellectual document intended for purposes of recording law codes and consulting such legal materials. The insights of rhetorical criticism emphasize the persuasive power and intent of such curses, which suggests that audience of Deuteronomy 27-28 was not only a scribal one but also an audience within a wider community even if its cultic and historical setting is no longer recoverable. Finally, Chapter Two also furnishes a rationale for studying incantation texts with their lengthy lists of curses and their contiguities with Deut 27-28 as examples of literary compositions shaped by their ritual and oral performance function.

Chapter Three

Essential to the hypothesis of a cultic setting for Deut 28, described in chapter 27, is the claim that chapters 27-28 form a literary unity. While it may seem logical to assume that two consecutive chapters form a succession in the narrative of Deuteronomy, a common assertion in

Deuteronomy scholarship is that chapter 27 is a later interpolation that interrupts the flow of 12-26 and 28. Chapter Three examines two types of evidence that suggest chapter 27 is an integral component to the larger narrative unit of 12-28. Chapter Three addresses this question of the literary integrity by examining the repeated command in Deut 27 to erect stones and inscribe them with the words of the law. First, a survey is presented of similar types of objects inscribed with lengthy lists of curses, particularly the STE and the Sefire stele, as well as Judean curse inscriptions from the Iron II period. The analysis of treaty stelae and tablets as well as other types of curse inscriptions furnishes evidence that inscribing curses on an object set up as a public display formed as an essential component of ratifying covenants in the ancient Near East. Thus, the claim that Deut 27 with its instructions for crafting a written display of the covenant and its curses was a later interpolation and not an integral part of the narrative of the formation of the covenant stands at odds with the comparative ancient Near Eastern historical record.

Secondly, Chapter Three examines anew the literary evidence for the argument that chapter 27 is an interpolation, and not part of the original integrity of chapters 12-28. The lack of uniformity in the narrative flow of chapter 27, with repetitions and changes in interlocutor might give the appearance of a literary "seam." However, Chapter Three contends that this repetition is not the result of artless grafting into the narrative of disparate material, but rather the result of deliberate framing devices and repetitive emphasis on essential themes in chapter 27. Furthermore, the changes in interlocutor are, in fact, typical of the style of treaty texts as evidenced by similar changes in interlocutor in the Sefire and other treaties. These interlocutor changes are also a result of the narrative device in chapters 27-28 of a speech within a speech: the speech of Moses that contains a script for the performance of the covenant enactment ceremony by the Levites and the assembled people. Thus, Chapter Three concludes that Deut 27-

28 form a literary unity, and that chapter 27 is an essential component furnishing the cultic

setting and script elements for the performance of the covenant ceremony.

Chapter Four

The fourth chapter of the dissertation explores more deeply the interface between the oral

recitation of treaties and their written displays. Since the topic of oral performance of treaties is a

wide-ranging and complex one, the Sefire treaty from northern Syria was chosen as a test case

for this exploration in part for its relative brevity. Employing methodologies of orality studies

and sociolinguistics, Chapter Four examines the syntactical structure of three different segments

of the Sefire Treaty with a view toward determining whether these segments reflect a scribal

chancellery style more typical of scribal literature, or a more plain or oral style closer to speech.

Evidence is presented in this chapter that the curse segment of Sefire employs a markedly

different syntax and structural style typical of oral discourse. The claim is made that this likely

reflects and oral tradition of curse recitation, and that the oral recitation of curses shaped the

written composition of treaty texts.

Chapter Four also examines the ceremonial curse segment of the Sefire treaty from the

perspective of ritual performance. Both content and grammatical components within the syntax

of the ceremonial curses suggest that a dramatic enactment of these curses accompanied their

oral recitation as a means of augmenting the fear component in ratifying the oath. Also the

evidence for a tradition of oral and ritual performance raises the issue of propagation,

particularly, of formulaic curse language. The possibility is explored that the oral and physical

enactment of treaties may have contributed to the dissemination of treaty elements and

specifically of formulaic curse language by participants and witnesses as well as by practitioners

and scribes. Moreover, the argument is made that the written form of treaties may have been in

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service to its oral performance; thus, even within scribal schools the memorization and performance of treaties and curses more generally was an important part of the craft of passing on the traditional forms of within scribal guilds.

Chapter Five

The emphasis on textual transmission of treaty forms and curses has left the oral and ceremonial elements of oaths and covenants largely unexamined. As a means of redressing this imbalance of privileging text over ritual in Deuteronomy scholarship, Chapter Five examines the contiguities between Deut 27-28 and the Neo-Assyrian incantation texts *Maqlû* and *Šurpu*.[11] These two incantation series share a number of common features with Deuteronomy 27-28 and with treaties more generally: common terminology of oath and curse, shared ritual practices, parallel curse themes and combinations, and a legal and cosmological setting. The shared features of incantations and treaty and covenant texts suggest a common oral and ceremonial performance tradition underlies both genres of curse and countercurse texts.

Moreover, incantation texts furnish more detail about the ritual enactment and physical performance of curses and counter-curses. Such details may shed light upon the oral and ritual performance of treaty and covenant oaths, since these details are more sparsely supplied in oath and covenant texts. The contiguities between Deut 27-28 and the incantation series also has implications for models of propagation of formulaic curse language and other shared features of treaties and incantations, such as an adjuration before divine witnesses and terminology with a shared semantic range of meaning. The evidence of the parallels between *Maqlû* and *Šurpu* and the biblical text suggest that treaties, and particularly copies of treaties, were not the only means

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[11] James Watts observes, "Western culture has traditionally drawn a dichotomy between rituals and texts, usually favoring texts over rituals" ("Ritual Legitimacy and Scriptural Authority," *JBL* 124 [2005]: 401).

of dissemination of formulaic curse language and ritual oath elements. Both oral propagation and the trade of magical artifacts are methods of propagation explored in Chapter Five.

CHAPTER TWO

The Performance of Doom in Deuteronomy 27-28

ina pān ilāni u amēli nandurākūma…
I have been cursed in the presence of god and humanity…
(*Maqlû* II:87)[12]

ארור אתה …
Cursed are you…
(Deut 27:15ff)

Introduction

Curses and the fear that they instilled were part of the fabric of social reality in the ancient world. Because of the ubiquity of imprecations in ancient literature, the curses of Deut 28 have long been the subject of comparative ancient Near Eastern studies. The practice of cursing and of counter-measures designed to reverse curses are known to us from the inscriptional record. Such surviving texts and fragments provide glimpses into the ritual practice of pronouncing imprecations and its cosmological implications. For this reason studies of curses have focused largely on imprecations as literary expressions. Studies of the curses in Deut 27-28 have primarily employed a form- and literary-critical approach to study curses and formulae for cursing in comparative literature. However, the inscribing of curses was only one aspect of their pronouncement and enactment. Oral delivery and ritual performance were integral to the perceived effectiveness of curses. However, the oral and performative aspects of the curses in Deut 27-28 have been given less attention in biblical studies. The following chapters will examine the curses in Deut 27-28 as performative speech, rhetorical persuasion, and ritual enactment.

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[12] Transcription and line number from Gerhard Meier, *Die assyrische Beschwörungssamlung Maqlû* (Berlin: *AfO Beiheft 2*, 1937), 16.

The dual methodologies of rhetorical criticism and comparative Near Eastern studies will be employed to explore three underemphasized aspects of the curses in Deut 27-28. First, rhetorical criticism's subdiscipline of orality studies provides a methodological approach needed to press beyond the study of curses as texts only, and to address the covenant ratification ceremony of Deut 27-28 as an oral recital and aural reception. A study of the oral background and setting of Deut 27-28 and of ancient Near Eastern treaties more generally reveals that oral pronouncement of the oath before a gathered assembly was a central component of covenant and treaty ratification. Second, a methodology of rhetorical criticism places greater weight upon the final form of biblical texts, and thus provides an approach that considers Deut 27-28 together, rather than as a set of isolated units. More traditional rhetorical criticism places emphasis on texts and speech as persuasion. This methodology enables a more robust analysis of the purpose and function of the curses in chapters 27-28 and their ceremonial enactment within the broader framework of Deuteronomy overall. The combination of legal stipulations and performance of ritual curses instilled fear and terror on the part of oath-makers, thereby providing an effective means of persuasion and ensuring compliance. Third, the methodology of comparative ancient Near Eastern studies will be employed to examine curses within the wider corpus of Neo-Assyrian literature that fall outside of the genre of treaties and are typically neglected in studies of Deuteronomy. Instead of a re-hash of parallels between Deut 28 and the Succession Treaty of Esarhaddon, which has already been thoroughly examined in a host of important studies, an exploration of contiguities between Deut 27-28 and Neo-Assyrian incantation texts will be undertaken.

I. The Oath and the Curse in Deuteronomy 28 and the Ancient Near East

The bulk of scholarship on Deut 28 to date examines primarily the structural similarities and parallel curse themes that this chapter shares with Mesopotamian literature, and with Neo-Assyrian treaties, in particular. George Mendenhall observed that "the oath is merely an 'ancient ruin still standing'… When the form is once fixed it tends to have extraordinary vitality… translated from one culture to another, from one language to another."[13] Mendenhall's seminal work primarily on Hittite treaties and their comparison with the Israelite covenants at Sinai and Shechem set the stage for more than a half-century of exploration into the rich conceptual contiguities that the Hebrew Bible shares with ancient Near Eastern treaty literature. After the publication of the *editio princeps* of the so-called "Vassal Treaties of Esarhaddon" by D. J. Wiseman in 1958, scholars were quick to observe striking parallels in overall structure, theme, and formulaic curse language in the Succession Treaty and Deuteronomy.[14]

Dennis McCarthy's work on Near Eastern parallels with the biblical covenant focused particularly on the form of treaties.[15] McCarthy observed that treaties from Hatti, Syria, Mesopotamia, and Judah all exhibited, more or less, a unified set of components. Furthermore, Near Eastern treaties were organized according to a stock set of basic components of material:

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[13] George Mendenhall, "Covenant Forms in the Israelite Tradition," *Biblical Archaeologist* 17 (1954): 52. Mendenhall's article was published before the discovery of the Esarhaddon Treaty fragments at Nimrud, and he assumed that it was the second millennium treaties that provided the strongest influence on biblical covenants. Although Mendenhall's language describing the treaty as an "ancient ruin" within the literature of ancient Israel reflects this outdated assumption, it still captures resilience of the ancient treaty form enduring more than a millennium.

[14] Wiseman, "The Vassal-Treaties," 1-99. The rising popularity of the search for parallels between Mesopotamian literature and the Hebrew Bible brought about the critique by Samuel Sandmel of "parallelomania." Sandmel cautioned against "juxtaposing mere excerpts" without regard to the broader context of the materials being compared ("Parallelomania," *JBL* [1962]: 1-2).

[15] Dennis McCarthy, Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and the Old Testament (Rome: Pontifical Biblical Institute, 1963).

introduction to the speaker, historical prologue, stipulations, written form of the treaty, divine witnesses, and blessings and curses.[16] This general form with its basic elements remained a stable organizational schema for the crafting of Near Eastern treaties from the second millennium into the first. However, according to McCarthy, each treaty and region exhibited diversity -- not every element was present in each treaty or region. Morever, this basic unity of the form allowed for unique combinations of elements as well.

Rintje Frankena's pioneering study observed similar terminology for the loyalty oath (*adê*/ברית) employed in the STE and the Hebrew Bible (especially in Deuteronomy) and the symbiotic relationship between the oath and the curse.[17] Frankena demonstrated that the parallel curse lines in Deut 28:20-57 and lines 414ff of the STE share a remarkably similar thematic content and phrasing. The overall similarities observed by Frankena included the structural format of a set of legal stipulations with a pledge of loyalty followed by curses. This combination of legal obligations with parallel curse lines led Frankena to posit direct literary dependence of Deuteronomy on a curse text similar to that of the Succession Treaty as a source for its curse segment.[18] Frankena suggested the time of Manasseh's vassalship to the Neo-Assyrian Empire (698-644 B.C.E.) as the probable time of contact and transmission.[19] Frankena's work significantly shaped the discourse surrounding the dating of Deuteronomy, and planted seeds for much of the work done on Deuteronomy 28 to date.

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[16] McCarthy, Treaty and Covenant, 1-2.

[17] Frankena, "Vassal-Treaties of Esarhaddon, 122-154.

[18] Ibid., 146-147.

[19] Ibid.," 151-153.

While some comparisons were made between Deuteronomy and Assyrian treaties, much of the focus of early scholarship was on comparisons between Hittite and Mesopotamian treaties with the Covenant Code. Moshe Weinfeld's masterful work presented a compelling case for the influence of treaty texts from the 8th and 7th centuries B.C.E. upon biblical law, and direct textual borrowing from the Esarhaddon Treaty.[20] Weinfeld followed Frankena in dating Deuteronomy to the seventh century B.C.E., and posited a higher degree of influence of Near Eastern treaties upon "the covenant of the plains of Moab" than upon texts he considered earlier, such as the Covenant Code.[21] Weinfeld observed that Deuteronomy demonstrated elements of the form of ancient Near Eastern treaties not seen in Exodus 19-24: a lengthy list of blessings and curses, the stipulation that the oath be read on a scheduled basis, and the making of copies of the treaty oath.[22]

Furthermore, Weinfeld noted that the narrative of the coronation of Jehoash in 2 Kgs 11 contains elements of striking similarity to the Esarhaddon Treaty.[23] Jehoiada the priest "made a covenant" (ויכרת להם ברית) with the captains of the Carites and the guards, requiring them to swear an oath (וישבע אתם בבית) of loyalty to Jehoash whose ascendance to the throne was precarious.[24] Jehoash is crowned before a great assembly and given the crown and "the covenant" (עדות) by the priest-officiant Jehoiada. According to Weinfeld, the similar terminology of עדות and the *adê* of first-millennium treaties, the loyalty oath sworn by military personnel, the

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[20] Weinfeld, Deuteronomy and the Deuteronomic School, 59-157.

[21] Ibid., 59-67.

[22] Ibid., see page 66 for the list of formal elements of ancient Near Eastern treaties shared with Deuteronomy and the Covenant Code.

[23] Ibid., 86-89.

[24] Note the use of the Hiphil verb in וישבע.

ritual display of weaponry by the guards, and the priest presiding as officiant over the crowning ceremony before a gathered assembly demonstrate "marked similarity to the enthronement ceremonies of the Assyrian kings."[25]

However, Weinfeld's most compelling evidence for the literary dependence of Deuteronomy upon the STE is in his presentation of the linguistic and form-critical parallels between Deuteronomy 28 and the Succession Treaty.[26] Weinfeld expanded upon the parallels observed by Frankena and others, observing that the list of stipulations in Deuteronomy 28:26-35 and those in STE 528-31 were presented in an "almost identical order."[27] The logic of the ordering of these curses, according to Weinfeld, was dependent upon the ordering of the Assyrian pantheon in the STE. While the parallels presented did not demonstrate strong linguistic interdependence, the thematic continuity and the ordering of the curses in this segment led Weinfeld to conclude that "there was a direct borrowing by Deuteronomy from Assyrian treaty documents."[28]

Expanding further upon the parallels presented by Frankena and Weinfeld, Hans Ulrich Steymans also posits direct literary dependence of Deut 28:20-44 on the STE, and direct dependence on the STE uniquely.[29] Steymans rejects the hypothesis of a common curse tradition underlying both the Succession Treaty and Deuteronomy 28, as espoused by McCarthy and

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[25] Weinfeld, Deuteronomy and the Deuteronomic School, 86.

[26] Ibid., 116-126.

[27] Ibid., 118.

[28] Ibid., 121-122.

[29] Hans Ulrich Steymans, Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons: Segen und Fluch im Alten Orient und in Israel (OBO 145; Göttingen: Vandenhoeck & Ruprecht, 1995), 284-312.

Delbert Hillers.[30] Steymans contends that the identical sequence of motifs and combination of curse lines can be explained by reliance on Assyrian sun-god material specifically and uniquely in the Succession Treaty curses, thus demonstrating literary dependency on the STE. However, Steymans recognized that the parallels between Deut 28:20-44 were thematic ones with little phraseological overlap. Thus, his argument for literary dependence rests also on the idea of diversity and creativity in the treaty form as it was translated from one language into another.[31] In fact, Steymans contends that Judean scribes probably would have employed an Aramaic recension of the STE rather than a cuneiform copy.[32]

In response to Steymans' presentation of the parallels between the Esarhaddon Treaty and Deut 13 and 28, Eckart Otto presented a thesis of Deuteronomy as a text of "subversion." According to Otto, the earliest core of pre-Deuteronomy (*Urdeuteronomium*) was a loyalty oath to YHWH (*ein Treueid für* JHWH) formed in reaction against the *adê* of Esarhaddon.[33] A remnant of this loyalty oath to the Israelite god is found in Deut 13:2-12 and 28:15, 20-44, an articulation of resistance against Neo-Assyrian dominion first crafted during the reign of Josiah in the 7th century B.C.E. Thus, Otto claims that the covenantal theology in Deuteronomy was generated as a counterpoint to Neo-Assyrian royal ideology and the centrality of the Aššur cult.[34] As with Frankena, Wiseman, and Steymans, familiarity with the STE and as well as the Middle Assyrian Laws by scribes in Jerusalem is presumed by Otto.

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[30] Delbert Hillers, *Treaty-Curses in the Old Testament Prophets* (Biblica et Orientalia 16; Rome: Pontifical Biblical Institute, 1964).

[31] Steymans, *Deuteronomium 28*, 380.

[32] Ibid., 191-193.

[33] Eckart Otto, Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien (New York: de Gruyter, 1999), 32-90.

[34] Otto, *Das Deuteronomium*, 74-75, 350-351.

Critiques of the model of direct literary dependence voiced by William Morrow and Steven

Holloway have sharpened the discussion of cuneiform literature's influence on biblical

literature.[35] Morrow raises the issue of envisioning "plausible channels of transmission" by

which cuneiform literature made its way into Judah.[36] This critique is all the more salient since,

as Morrow and Holloway observe, very little cuneiform has been found in Judah, despite

extensive archaeological excavation.[37] Holloway's critique of literary borrowing also raises

doubts about the extent of cuneiform literacy among Judean scribes. And even if cuneiform

literacy were presupposed, Holloway asserts that this would not be sufficient to gain competency

in "the arcana of temple and palace library."[38] Both Morrow and Holloway suggest the

circulation of curses clauses in Aramaic as possible alternatives to literary borrowing of the STE

by the Deuteronomist.[39] The Babylonian period is proposed by Holloway as another possible

time-frame for access to surviving copies of the STE in postexilic Babylonia by exiled Judean

scribes.[40] The plausibility of Aramaic as the language of transmission of formulaic curse

language during the Iron II period is bolstered by the emergence of a new cadre of scribes in the

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[35] Steven Holloway, "Review: *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien*," *JNES* 66 (2007): 205-08; William Morrow, "Cuneiform Literacy and Deuteronomic Composition," *Bibliotheca Orientalis* 62 (2005): 204-214.

[36] Morrow, "Cuneiform Literacy and Deuteronomic Composition," 206.

[37] See Wayne Horowitz, Takayoshi Oshima, and Seth Sanders, *Cuneiform in Canaan: Cuneiform Sources from the Land of Israel in Ancient Times* (Winona Lake: Eisenbrauns, 2006).

[38] Holloway, "Review: *Das Deuteronomium*," 207.

[39] Ibid., 206; Morrow, "Cuneiform Literacy," 208.

[40] Holloway, "*Das Deuteronomium*," 206.

Neo-Assyrian Empire who received training in Aramaic only (^{LÚ}A.BA).[41] Most likely these

scribes were trained in order to facilitate diplomacy with the Levant.[42]

      Christoph Koch's 2008 work examines more narrowly this question of how

Mesopotamian literature might have influenced Deut 13 and 28.[43] Koch critiques the model of

direct literary dependence of Deut 13 and 28 on the STE only, positing a more broad-ranging

influence of various treaty forms and formulaic curse language. One of the main emphases of

Koch's work is the influence of Aramaic treaty traditions and formulaic curse language. Koch

emphasizes the importance of an examination of parallels between the Sefire treaty and

Deuteronomy, as well as the Hittite traditions brought into Judah's purview by Neo-Hittite states

in North Syria.[44] For example, Koch gives a detailed presentation of parallel formulaic curse

language in Sefire I A:27-28 and Deut 28:38-42.[45] He deems strongest the parallels between STE

and Deut 28:25-36 based on the palindromic structure based on sun-god material presented by

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[41] William Schniedewind argues that during the Iron II period a rising linguistic imperialism in the Neo-Assyrian empire resulted in the creation of a new cadre of scribes (^{LÚ}A.BA). The A.BA scribe received training in Aramaic only for purposes of diplomatic correspondence and administrative activities. According to Schniedewind, the creation of this new class of scribe, was a result of a linguistic ideology that viewed cuneiform as a more prestigious and Aramaic as "foreign" and less esteemed. Schniedewind contends that that Aramaic and Aramaic-language scribes were regarded as a minor class of professionals, contrasted with the elite cuneiform scribes trained in the *edubba*. This contrasts with Mario Fales' interpretation of the use of Aramaic in the Neo-Assyrian Empire as a second official language. (William Schniedewind, *A Social History of Hebrew: Its Origins through the Rabbinic Period* [New Haven: Yale University Press, 2013], 75, 77-82; Mario Fales, "The Use and Function of Aramaic Tablets," *Ancient Near Eastern Studies supplement* 7 [2000]: 118).

[42] Haim Tadmor, "The Aramaization of Assyria: Aspects of Western Impact," in *Mesopotamien und seine Nachbarn. Teil 2* (H.-J. Nissen and J. Renger, eds.; Berlin: Dietrich Reimer, 1982), 451.

[43] Christoph Koch, *Vertrag, Treueid und Bund: Studien zur Rezeption des altorientalischen Vertragsrechts im Deuteronomium und zur Ausbildung der Bundestheologie im Alten Testament* (BZAW 383; New York: de Gruyter, 2008), 52-78.

[44] Ibid., 27-29.

[45] Ibid., 284-286.

Steymans.[46] However, Koch rejects a seventh-century date for the core of Deuteronomy, including 13 and 28, in favor of an exilic date.[47]

In response to the critique of the model of direct literary dependence made by Koch and others, several scholars have articulated a defense of the model of literary borrowing of cuneiform literature by Judean scribes. David Wright makes a defense of the direct literary dependence of Hebrew Bible texts upon Akkadian cuneiform in his argument that the Covenant Code used Neo-Assyrian recensions of the Laws of Hammurabi as a literary source.[48] Wright acknowledges the significant divergences of the Covenant Code from the Laws of Hammurabi in certain passages. Yet Wright attributes these discrepancies to "compositional logic," whereby scribes revise and augment the extant text to produce a new native text that is innovative and yet carries the weight of the authority of the original text.[49] This reworking of the source text into a new native one results in a text that suits the ideological and political goals of the authoring

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[46] Koch, *Vertrag, Treueid und Bund*, 216-220.

[47] Koch's dating of Deuteronomy to the exilic period is based primarily on three arguments: first, that exilic themes are present in Deuteronomy and especially in Deut 28; second, that no king mediates the covenant in Deuteronomy as is the case in Neo-Assyrian treaties; and third, that the pre-exilic prophetic literature in the Hebrew Bible employs no covenant language. However, thematic references to the exile are not a solid foundation on which to date a text given the widespread threat of exile and deportation throughout the second half of first millennium B.C.E. As Thomas Thompson observed, "There was exile… often!" ("The Exile in History and Myth: A Response to Hans Barstad," in *Leading Captivity Captive: "The Exile" as History and Ideology* [ed. L.L. Grabbe; JSOTSup 278; Sheffield: Sheffield Academic Press, 1998] 101-119). Furthermore, as William Morrow observes, particular syntactical features of Deuteronomy parallel more uniquely the treaties of the seventh-century B.C.E. Morrow also argues that YHWH as covenant mediator and enforcer of the biblical covenant, rather than a human king, may have explanations that do not specifically tie the text to the post-exilic period ("Review: *Vertrag, Treueid und Bund*," Journal of Hebrew Scriptures 10 (2010), http://ejournals.library.ualberta.ca/index.php/jhs/article/view/11356/8688.

[48] David Wright, Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi (New York: Oxford University Press, 2009).

[49] Ibid., 27-28.

school, and which serves to usurp and marginalize the source text.[50] According to Wright, it is the strength of the parallels themselves, in both phraseology and form, which lend force to the conclusion that the authors of the Covenant Code borrowed from the Laws of Hammurabi as source texts.

Bernie Levinson and Karen Radner also present claims in support of the theory that Judean scribes may have had considerable exposure to cuneiform literature. Levinson suggests that the Tell Fekhyre inscription demonstrates scribal competency in cuneiform by western scribes as early as the ninth century B.C.E. Furthermore, the scribal school located in Huzirina near Harran suggests that the Neo-Assyrian Empire had scribal schools in Syria-Palestine, according to Levinson.[51] However, scribal training in cuneiform in the west may have only taken place before the creation of the new class of Aramaic scribes in the eighth and seventh centuries B.C.E.[52] Additionally, Radner contends that a head scribe, a *qēpu*, was normally appointed by vassal states to take charge of correspondence with the Neo-Assyrian court, and that a copy of treaties was provided to vassal states.[53] Furthermore, the discovery of yet another copy of the STE at Tell

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[50] Wright, *Inventing God's Law*, 27. Wright's argument is strongly dependent upon Levinson's concept of the "hermeneutics of legal innovation" (Bernard Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* [New York: Oxford University Press, 1997]).

[51] Bernard Levinson, "Esarhaddon's Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1," *JAOS* 130 (2010): 340.

[52] Schniedewind, A Social History of Hebrew, 77-82.

[53] Karen Radner, "Assyrische ṭuppi adê als Vorbild für Deuteronomium 28, 20-44?" in Die deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichliche Perspektiven zur "Deuteronomismus" – Diskussion in Tora und Vorderen Propheten (BZAW 365; ed. M. Witte, et al.; New York: de Gruyter, 2006), 351-378.

Tayinat testifies to the broad-ranging dispersal of this oath text in two sites in the West and lends weight to the argument that a version of the oath was deposited in the vassal state's temple.[54]

The heated debate about the "channels of transmission" reveals an interpretive tension in current models for understanding the nature of the relationship between Deut 28 and the STE.[55] While there is wide agreement among scholars regarding the striking contiguities between Deuteronomy and Neo-Assyrian treaties, particularly the STE, plausible models of dissemination of cuneiform literature into Judah, chronological and geographical location of any such dissemination, and the nature of its influence on Hebrew Bible texts are matters that remain more unsettled. The problem with some of the evidence for direct literary borrowing is that the parallel lines presented by Frankena, Weinfeld, and Steymans are rather thematic in nature and lack terminological overlap. Carly Crouch writes: "(t)here is no sign of an attempt to produce an adequate translation of the Akkadian text, no sign of any attempt at symmetry between the new and the old, and no sign of linguistic interference in the extant Hebrew."[56] This "phraseological imprecision" highlights the problems with a model that relies upon wholesale adoption of seemingly random portions the Succession Treaty and placement of these segments into the middle of a broader curse collection in Deut 28.[57] However, those who reject the model of direct literary borrowing do not posit a satisfying alternative explanation for the strong thematic and formological correspondence between portions of the STE and Deut 28. The circulation of

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[54] Jacob Lauinger, "Some Preliminary Thoughts on the Tablet Collection in Building XVI from Tell Tayinat," *Journal of the Canadian Society for Mesopotamian Studies* 6 (2011): 5-14.

[55] For the phrase "channels of transmission" see Morrow, "Cuneiform Literacy," 206.

[56] Carly Crouch, Israel & the Assyrians: Deuteronomy, the Succession Treaty of Esarhaddon & the Nature of Subversion (Ancient Near Eastern Monographs 8; Atlanta: SBL, 2014), 50.

[57] Ibid., 51.

Western treaty forms and West Semitic curse formulae are sometimes suggested but without a strong model for transmission.

An alternative model presents itself when Deuteronomy and the STE are viewed as representations of performances, rather than as texts alone. While it is obvious that STE, Sefire, as well as Deuteronomy 28 are composed within a literary framework of direct speech, rarely are these texts analyzed from the perspective of oral composition or public recital. The ratifying of a covenant or an oath in the ancient Near East, as well as in the wider Mediterranean involved more than the production of a written text, although this was an important component. Making a covenant or an oath required parties of the oath agreement to say things and to do things.[58] In fact, ritual acts and ritual speech formed an essential component of oath-making, and the scribe was not merely an executer of written documents, but likely a performer as well.[59] The oral propagation of formulaic curse language, in particular, seems an avenue rife with possibility.

Furthermore, Koch's observation that the STE is not the only text that demonstrates strong affinities and contiguities with Deut 28 remains a salient one. Both Christoph Koch and Carly Crouch make a strong case for the influence of a West Semitic treaty tradition upon Deut 28. Koch's argument that texts outside of the STE have influenced Deuteronomy can be pushed further to consider texts outside of the treaty genre altogether. The arguments for borrowing from the STE by Judean scribes composing Deut 28 rest primarily on the evidence of the parallel curse

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[58] Alan Sommerstein writes on the subject of ancient and classical Greek oaths that "(a)n oath, then, is an utterance whereby the speaker… does the following three things.." Included in Sommerstein's definition of a formalized oath are three elements: a verbal declaration, a recital of the divine powers who serve as guarantors of the oath, and an act of self-cursing using the "performative verb" *omnumi* for "I swear" ("What is an Oath?", in *Oaths and Swearing in Ancient Greece (*[ed. A. Sommerstein and I. Torrance; Beiträge zur Altertumskunde 307*;* Boston: de Gruyter, 2014], 1-2).

[59] Raymond Person, "The Ancient Israelite Scribe as Performer," *JBL* 117 (1998): 601-609. Person contends that textual variants within the Hebrew Bible, especially synonymous readings, should be viewed from the perspective of an "oral mentality" to even the copying of texts.

lines. Formulaic curse language forms the bulk of more than half of the STE and around a third of the Sefire treaty, but lengthy curse lists are not unique to *adê* texts.[60] Ritual incantation texts from the Neo-Assyrian Empire consist primarily of lists of curses from which a client may suffer, and proffered remedies to those who were thought to be suffering from the ill effects of a broken oath. In both treaty and incantation texts the oath and the curse are two sides of a single coin. When the oath is broken, it "becomes dangerous and is to be feared…" as a curse.[61] This link between the making of an oath or treaty and ritual practice is one that merits further exploration.

The two ideas proffered above may shed light upon the nature of the influence of ancient Near Eastern literature on Deut 27-28: (1) an exploration of oral dissemination of formulaic curse language rather than a model of direct literary borrowing; (2) an examination of texts outside of the treaty genre that prominently feature formulaic curse language, namely Neo-Assyrian incantation texts. Since both incantations and oath treaties relied upon an oral performance of the curses for efficacy, these two ideas are interrelated. Moreover, some of the ritual practices and materials involved in incantations appear in treaty texts as well.

II. Exploration of Oral Background and Setting of Treaty Forms and Curse Themes

The presupposition of many of the current studies of Deut 28, and especially the work of European scholars, is that this chapter is comprised of a series of literary layers accumulated from different time periods. This diachronic approach searches for collections of parallels with treaty texts and forms and then extrapolates dates for various layers of curse material based on

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[60] Some exploration into this connection between treaty curses and incantations has been begun by Rintje Frankena and Anne-Marie Kitz. For example, Frankena, "Vassal-Treaties of Esarhaddon," 138-139; Anne-Marie Kitz, *Cursed are You!: The Phenomenology of Cursing in Cuneiform and Hebrew Texts* (Winona Lake: Eisenbrauns, 2014), 321-348.

[61] Frankena, "Vassal-Treaties of Esarhaddon," 138.

parallels as well as the content and themes of those piecemeal segments. According to this approach that focuses on the history of the textual tradition of Deuteronomy, the overarching framework of Deuteronomy, and especially of Deut 27-28 as the direct speech of Moses and of the Levitical priests, is attributed primarily to the post-exilic period thereby relegating the speech frame to an inconsequential late addendum to the book. This approach has made significant advances in the analysis of literary parallels with Neo-Assyrian treaties and the Sefire Treaty and gives a thorough investigation into the compositional history of this difficult chapter. However, both European scholars positing theories on the compositional literary layers of Deut 28 and American scholars who favor direct literary borrowing of cuneiform texts by Deuteronomy neglect consideration of the distinctively oral character of Deuteronomy and Deut 27-28 in particular.

One of the more distinctive features of Deuteronomy is the interplay of the oral and the written. The book is organized as a series of speeches by Moses -- speeches designed to persuade and shape the behaviors and interrelations of the assembled community who are cast in the book's drama as listeners and participants in the making and ratifying of the covenant. However, the importance placed on writing can be observed by the call at key moments to write down portions of that speech, including the emphatic command to write "very clearly all the words of this torah" (אֶת־כָּל־דִּבְרֵי הַתּוֹרָה הַזֹּאת בַּאֵר הֵיטֵב).[62] Jean-Pierre Sonnet's memorable expression "the book within the book" captures this duality within the fabric of Deuteronomy's narrative structure.[63] Sonnet writes that in Deuteronomy the role of the narrator is to represent Moses'

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[62] Deut 27:8.

[63] Jan-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (Biblical Interpretation Series 14; New York: Brill, 1997).

speech-acts.[64] The periodic appearance of narratorial material within the "frame-breaks"

punctuates the narrative with a decidedly oral-performative character. Sonnet writes: "Most of

the narratorial phrases thus have a relaying function introducing the reader to the real action –

Moses' speech act – on the scene. This represents a peculiar form of narratorial self-effacement

to the benefit of the speaking *dramatis persona*."[65] Here Sonnet touches upon the character of

Deuteronomy as performative drama, such that the punctuating speech-frames give structure and

meaning to the written form of the "text." While Sonnet acknowledges the broader significance

of the oral and performative within Deuteronomy, his work, like that of most biblical critics, is

also decidedly weighted toward literary analysis of the text.

Susan Niditch's seminal work, *Oral World and Written Word*, emphasizes the need in

biblical studies for greater consideration of the strongly oral nature of ancient Near Eastern

culture in the first millennium B.C.E within models of the composition and formation of Hebrew

Bible texts.[66] Niditch observes that "(s)ome material in the Hebrew Bible may well be a

transcription of an oral performance."[67] While studies on the oral background and oral

performance of prophetic literature have abounded, this avenue of exploration has not yet been

given sufficient consideration in studies of Deut 27-28, in particular.[68] Niditch raises the

possibility that some Hebrew Bible texts may have been created orally and written down as a

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[64] Sonnet, *Book within the Book*, 237.

[65] Ibid., 238, n. 4.

[66] Susan Niditch, *Oral World and Written Word: Ancient Israelite Literature* (Louisville: Westminster John Knox Press, 1996).

[67] Ibid., 5.

[68] For a summary list of works that emphasize the oral background in prophetic literature see David Howard, "Rhetorical Criticism in Old Testament Studies," *Bulletin for Biblical Research* 4 (1994): 100-101, n. 58.

representation of many performances. This framework for approaching the composition of biblical texts stands in contrast to the text-centric models of literary borrowing and accumulation of layers of texts. From this perspective, repetition in a text, or changes in speaker or person that have been interpreted as literary "seams" resulting from the adding of various layers of material in texts, may instead reflect oral-rhetorical stylistic patterns. Such changes or disruptions in the flow of the narrative may reflect an effort to recapture listeners' attention or to signal key themes and messages.[69]

According to Niditch, three important key features characterize texts written in an oral register: Repetition, formulaic language, and "conventionalized patterns of content."[70] From the perspective of oral production of a literary work repetition brings unity to the piece through the use of recurring images and phraseology. Formulaic language serves to imbue the work with a certain mood, tone, or set of expectations that regularly are associated with such formulae. Patterned content refers to a narrative framework with "constellations of motifs or clusters of content" that follow a traditional form and pattern with particularized associations and referentiality.[71] Deut 27-28 is particularly rife with repetition, formulaic curse language, and curse content that shows striking congruency with conventional patterns of ancient Near Eastern treaty texts. It is based on these same features that some scholars posit multiple layers of

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[69] Niditch, *Oral World and Written Word*, 10-14. Niditch and others who work in orality studies in the Hebrew Bible are relying partly on anthropological studies regarding distinctions between speech and writing. For example, see Wallace Chafe, "Linguistic Differences Produced by Differences between Speaking and Writing," in *Literacy, Language and Learning: The Nature and Consequences of Writing and Reading* (ed. D. R. Olsen; Cambridge: Cambridge University Press, 1985); Jack Goody, *The Interface between the Written and the Oral* (Cambridge: Cambridge University Press, 1987); M. A. K. Halliday, *Spoken and Written Language* (Oxford: Oxford University Press, 1989).

[70] Ibid., 10-20.

[71] Ibid., 11-21.

redaction in Deut 27-28 and/or signs of literary borrowing. An emphasis on these features as marks of an oral register, however, suggests an alternative explanation worth examining.

David Carr also raises the issue of anachronistic assumptions about models for the production of ancient texts.[72] Carr observes that texts from ancient Greece and the ancient Near East were not written in such a way as to be immediately accessible to a reader without prior acquaintance with a given composition. On a physical-technical level, texts were not generated to provide an easy first-time read of a composition. Greek manuscripts composed all in capitals with no spaces between words and Semitic inscriptions and manuscripts with no vocalic markers are examples of the way in which a text served "as a permanent reference point for an ongoing process of largely oral recitation."[73] Based on evidence from Mesopotamian scribal education, Carr contends that the primary function of the scribal enterprise was not the production of texts but rather the performance of such texts. Thus, texts served as records of multiple performances and the aim of scribal education was to preserve cultural continuity and cultural inheritance embedded within texts.[74] Writing was, then, a means of giving permanence to oral compositions and providing a visual representation of an ongoing performance of a piece that facilitated its transmission.

Niditch contends that multiple models for the production of Hebrew Bible texts should be considered, and among those possible models is the creation of "a fixed text out of an event."[75] This model of textual production is well suited to the genre of treaty texts in the ancient Near

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[72] David Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005).

[73] Ibid., 4.

[74] Ibid., 9, 21, 27.

[75] Niditch, *Oral World and Written Word*, 130.

East and the ancient Mediterranean. The ratification of a treaty was an event, a ceremonial

enactment, that involved several different elements: an oral recitation of the terms of the treaty, a

written text, as well as other ritual elements, such as animal sacrifice or the enactment of curses

to be meted out upon violators of the treaty. The STE, for example, seems to have been a

ceremonial undertaking that likely took multiple days to complete. As Mario Fales observes,

letters from the royal archives of Nineveh indicate that the making of an *adê* involved a

minimum of two "consecutive stages": entering (*erēbu*) the oath-agreement and concluding

(*šakānu*) the agreement.[76] While the details of the ceremony involved remain murky, it is clear

that the text reflects a formal enactment of some sort -- an event or series of events. Evidence

from some Hittite military oaths and the Assyrian treaty oath between Mati-ilu and Aššur-Nirari

V (SAA II 2) suggest that oath-making was accompanied by a ceremonial enactment such as the

slaughter of animals and ritual eating and drinking.[77] Similarly, oaths in ancient Greece involved

similar elements of ritual enactment, such as the building of an altar and the proclamation of

blessings and curses.[78]

Deut 27-28 also reflects a strongly oral and ceremonial setting. Deut 27 furnishes the layout

of a ritual enactment that is to take place in Shechem as well as a script for its performance. Not

only are the Levites granted speaking parts in the script, but also the gathered assembly is

charged to voice an oral response of "Amen" to the spoken curses and blessings. Moreover, the

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[76] F. Mario Fales, "After Ta'yinat: The New Status of Esarhaddons *adê* for Assyrian Political History," *Revue d'Assyriologie* 106 (2012): 149.

[77] Simo Parpola and Kazuko Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths* (State Archives of Assyria Series 2; Helsinki: Helsinki University Press, 1988), 8-9; Baruch Schwartz, "The Hittite and Luwian Ritual of Zarpiya of Kezzuwatna," *JAOS 58* (1938): 334-353.

[78] Moshe Weinfeld, "The Emergence of the Deuteronomic Movement: The Historical Antecedents," in *Das Deuteronomium: Enstehung, Gestalt und Botschaft* (ed. N. Lohfink; Leuven: Leuven University Press, 1985), 79.

curses are portrayed part of a ritual ceremony that involved several elements: the erection of an altar, the offering of sacrifices, a written representation of "the words of this torah" and the oral recitation of blessings and curses by the levitical officiants. The written production of Deut 27-28 seems especially tied to an "event" of the ratification of the covenant (whether a single event or a repeated one) with the repetition of the call to write "all the words of this torah" in 27:3 as well as in 27:8.

Furthermore, the call for an oral reading of the oath is also a standard component in treaty texts from the ancient Near East, suggesting that treaties and oaths were not tied to a single oral performance but multiple oral recitations and aural receptions. Regular oral recitation of the law three times a year is stipulated in two Hittite treaties with regional leaders in western Anatolia.[79] Similarly, Deut 31:9-13 calls for an oral recitation of the law every seventh year before the entire assembly of "all Israel" in their hearing (בְּאָזְנֵיהֶם). This phrase "in their ears" further emphasizes the importance of the aural reception and suggests that it is this public reading that forms the purpose for the writing of the law. In Josh 8:34-35, Joshua is portrayed as enacting the ceremonial performance stipulated in Deut 27-28: erecting an altar on Mount Ebal, offering sacrifices, writing the law on the stones, and reciting the law before the gathered assembly of Israelites. Moses' charge to Joshua as he takes the mantel of leadership includes a call to meditate on the law so that "this book of the law may not depart out of your *mouth*" (לֹא־יָמוּשׁ סֵפֶר הַתּוֹרָה הַזֶּה מִפִּיךָ). The "law of the king" in Deut 17:18-20 stipulates that the king should make for himself a copy of the law and read it aloud (קרא) "all the days of his life." 2 Kgs 22-23 narrates King Josiah's discovery of the "book of the law" in the Temple that prompts a public oral recitation of its contents. Thus, importance placed upon the oral delivery and aural reception

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[79] Gary Beckman, *Hittite Diplomatic Texts* (2nd ed.; SBL Writings from the Ancient World 7; Atlanta: Scholars Press, 1999), 69, 81, 91.

of the law is demonstrated in multiple passages in the Hebrew Bible and conforms to a wider

ancient Near Eastern practice of the reading of oaths and treaties before a gathered assembly.

The oral recitation and aural reception of oaths and treaties seems to have been a strong

shaping force upon the literary production of their written visual representations as well as a

main impetus for recording them in written form. It would follow that the oral recitation and

aural reception of such ritual oaths may also have played a role in the dissemination of basic

common elements within treaty forms: the structure and layout of treaties, basic elements in the

composition, as well as formulaic curse language and curse themes. While the parallels between

formulaic curse language in Deut 28 and portions of the STE suggest both familiarity and

congruence, it is clear that Deut 28 does not simply translate and insert those portions into its

own curse panoply. As Carly Crouch observes, there is an "essential superficiality (to) these

similarities" and "none of the specific lexical overlap that would act as the most decisive signal

of a relationship between these texts."[80] However, if one posited that the relationship between the

two is transmitted by means of oral recital or aural reception, then reliance upon literary

borrowing or translation as a model for the production of Deut 28 would be less pivotal.

In fact, the kinds of elements that are in common between the STE and Deut 28 as well as the

Sefire Treaty are precisely the type that would be easily memorized or remembered without the

need for a physical copy of the text. Elements of overarching structure, such as a preamble, a list

of stipulations, followed by curses (and blessings), might not have required a scribe or

practitioner to consult a physical written copy in order for them to be easily recalled. Language

of loyalty or "love," as well as the dictate to practice fidelity to "the word" of the king would not

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[80] Crouch, *Israel & the Assyrians*, 51, 54.

have required a written copy to be remembered.[81] Furthermore, the curse parallels presented by

Frankena, Wiseman, and Steymans are rather thematic in nature even if certain combinations of

themes appear in a similar order between the STE and Deut 28. These parallels form only a small

portion of the curse lines in Deut 28 and perhaps were a remnant of contact Judean scribes might

have had with some version of an *adê* similar to the STE. Evidence continues to accumulate

suggesting that a copy of the STE was displayed within the sacred precincts of a western vassal

states, and that some scribal training was undertaken by a *qēpu* or other scribal administrative

official appointed in vassal states.[82] However, the kind of contiguities observed between the STE

and Deut 28 would not require a scribe to consult a physical copy of a written *adê* agreement,

and seem more like the sort of "borrowing" one might expect of a remembered performance

rather than a translated text.

This approach of oral dissemination of treaty form elements and curse formulae is one that

will be further investigated in the chapters that follow. Sustained attention will be given

specifically to the possibility of oral propagation of formulaic curse language. A search for

markers of an oral register within the texts of treaties and oaths is one that is reliant upon the

broader methodology of rhetorical criticism. In Hebrew Bible studies rhetorical criticism has

largely been an outgrowth of literary criticism, and has focused more narrowly upon the written

form of the text -- its formal literary structure and elements, key words and motifs. However, a

more narrow definition of rhetoric as persuasive speech will be employed to examine Deut 27-

28. The aim here is not to revive the speech-text dichotomy that has plagued biblical studies in

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[81] While Levinson's argument that Deut 13 is dependent on concepts and phraseology found in the STE is persuasive, the model of direct literary borrowing seems to stretch the evidence too far ("Esarhaddon's Succession Treaty," 337-347).

[82] Lauinger, "Preliminary Thoughts," 10-12; idem., "Esarhaddon's Succession Treaty at Tell Tayinat: Text and Commentary," *JCS* 64 (2012): 87-123; Radner, "Assyrische *ṭuppi adê* als Vorbild," 351-348.

the past. Rather, the aim is to incorporate both the study of the important comparative material

that has been done on Deut 28 and Mesopotamian treaty literature and a study of the strong oral

setting and background of Deut 28 and ancient Near Eastern treaty texts.

III. Rhetorical Criticism and Curses as Persuasion

The study of rhetorical techniques employed by ancient societies is by nature a study in

literary criticism. Access to ancient speech or intent is embedded in texts and their interpretation.

Rhetorical studies within the field of biblical criticism, thus, is a branch of literary criticism.[83]

However, the aim of rhetorical studies differs from that of source or form criticism in three

important ways. First, literary and form criticism share the assumption that the biblical text is

comprised of a collection of layers of text, and that these layers can be subdivided into smaller

units of text. These units can be examined for their *Sitz im Leben* resulting in an interpretive

framework based around isolated units and assigning dates and historical scenarios associated

with their literary production. Rhetorical studies focuses more strongly on the final form of the

text rather than its composite units and layers.[84] Secondly, rhetorical criticism examines a

composition, its stylistic technique, and the environment in which it was produced, but also

explores "the message of the text and the impact it had on its audience."[85] Third, classical

rhetorical criticism provides a methodology for analyzing speech as a means of persuasion.[86] The

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[83] Duane Watson and Alan Hauser, Rhetorical Criticism of the Bible: A Comprehensive Bibliography with Notes on History and Method (Biblical Interpretation Series 4; New York: Brill, 1994), 3.

[84] Watson and Hauser, *Rhetorical Criticism*, 5-6.

[85] Ibid., 4.

[86] Edward Corbett, *Rhetorical Analyses of Literary Works* (New York: Oxford University Press, 1969), xi.

second and third emphases of rhetorical criticism, persuasion and speech, deserve greater attention in the field of biblical studies.[87]

The study of persuasion is the aim of classical rhetorical studies.[88] Aristotle's *Art of Rhetoric* and Cicero's *De Oratore* both defined rhetoric as persuasion.[89] Rhetorical criticism is primarily the study of discourse, but may include "any human act, process… or artifact which, in the critic's view, may formulate, sustain, or modify attention, perceptions, attitudes, or behavior." Thus, according to Kenneth Burke, rhetorical study is to be distinguished from the broader study of discourse by an emphasis on "suasory potential or persuasive effect."[90] David Howard has observed that in the field of biblical studies rhetorical criticism seems to have a broader definition as a study of literary devices and stylistic elements rather than a more narrow definition of study of persuasion.[91] Likewise, James Watts goes even further to state that rhetorical study in Hebrew Bible scholarship "is for the most part indistinguishable from synchronic literary criticism."[92] The study of the persuasive impact of ancient Near Eastern texts

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[87] Scholars such as David and Bobby Loubser have issued a call for a stronger focus in rhetorical criticism within biblical studies on the influence of orality (Howard, "Rhetorical Criticism," 87-104; J. A. Loubser, "Reconciling Rhetorical Criticism with its Oral Roots," *Neotestamentica* 35 [2001]: 95-110).

[88] Kenneth Burke, *A Rhetoric of Motives* (New York: George Brazilier, 1955), 49; Corbett, *Rhetorical Analyses*, xi; Thomas Sloan, et al., "Report of the Committee on the Advancement and Refinement of Rhetorical Criticism," in *The Prospect of Rhetoric: Report of the National Developmental Project*; (ed. L. Bitzer and E. Black; Englewood Cliffs, NJ: Prentice-Hall, 1971), 220.

[89] Burke, A Rhetoric of Motives, 49-55.

[90] Sloan, et al., "Report of the Committee," 220.

[91] Howard, "Rhetorical Criticism," 87-104.

[92] James Watts, *Reading Law: The Rhetorical Shaping of the Pentateuch* (Sheffield: Sheffield Academic Press, 1999), 35.

on their audience has garnered some interest.[93] However, studies of the persuasive effects of law codes and ritual texts are rare.[94] Deut 28, in particular, is studied more generally with methodologies of source and form criticism that serve to highlight parallels in language and form with comparative Near Eastern materials. A methodology of rhetorical criticism offers additional insights into Deut 27-28 as persuasive speech and persuasive ritual.

James Watts has argued that the literary combination of narrative, list, and divine sanction is a trans-cultural Near Eastern compositional schema whose purpose is persuasion.[95] Royal archives, in particular, demonstrate this Near Eastern form of propaganda. According to Watts,

> Ancient texts display their persuasive intentions overtly in the militaristic boasts and threats of kings or the promises and warnings of sages or, most obviously, by invoking blessings and curses from the gods on their readers and hearers.[96]

A common rhetorical strategy employed in texts from royal archives is a combination of three genres within a single text: stories, lists, and sanctions. In this tripartite compositional schema, the narrative element provides the basic framework, which is punctuated by lists, followed by divine sanctions to be meted out upon defacers of inscriptions or violators of oath agreements. This same combination of genres is also common to ancient Near Eastern law codes.[97] This pattern is evident in legal collections such as the Code of Hammurapi, Hittite treaties, and

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[93] See, for example, Paul Hoskisson and Grant Boswell, "Neo-Assyrian Rhetoric: The Example of the Third Campaign of Sennacherib (704-681 B.C.)," in *Rhetoric Before and Beyond the Greeks* (ed. C. Lipson and R. Binkley; Albany: State University of New York Press, 2004), 65-78.

[94] Important exceptions are Watts, *Reading Law*, 35; idem., "Ritual Rhetoric in Ancient Near Eastern Texts," in *Ancient Non-Greek Rhetorics* (ed. C. Lipson and R. Binkley; West Lafayette, Ind.: Parlor Press, 2009), 39-66.

[95] James Watts, "Story-List-Sanction: A Cross-Cultural Strategy of Ancient Persuasion," in *Rhetoric Before and Beyond the Greeks* (ed. C. Lipson and R. Binkley; Albany: State University of New York: 2004), 197-212.

[96] Ibid., 197.

[97] Ibid., 201.

biblical law collections. Watts writes that, in the Hebrew Bible, this literary pattern "is clearest in Deuteronomy" with its narrative setting in the Exodus story that frames its legal collections, and which was followed by a performance of blessings and curses in chapters 27-28.[98]

A more narrow definition of rhetorical criticism as the study of persuasive speech is particularly fitting for the study of biblical law.[99] As discussed above in section IIa, the stipulation that treaties be read aloud on a regular basis is a theme found in Hittite treaties as well as biblical texts. Watts contends that the primary purpose of biblical law literature was public recitation.[100] Thus, legal literature in the Hebrew Bible is shaped by the conventions of oratorical delivery and "rhetorical function."[101] The purpose behind the oral recitation of biblical law was to shape and alter the behavior of the community (audience). Not only is Deuteronomy composed as a collection of the speech-acts of Moses, its oral and performative setting comprises overt statements of persuasive intent: "If you will only obey the LORD your God, by diligently observing all his commandments that I am commanding you today… all these blessings and curses shall come upon you…" (Deut 28:1). The blessings and curses in 27-29 form the capstone of Moses' persuasive speech providing powerful incentive to abide by the terms of the covenant.

The purpose of curses within the context of oaths and treaties is to inculcate fear on the part of those who enter the oath.[102] Oath-swearing is an act of self-cursing on the part of the oath-

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[98] Watts, "Story-List-Sanction," 201

[99] Idem., *Reading Law*, 32.

[100] Ibid., 15-31.

[101] Ibid., 32-33.

[102] Kitz, *Cursed are You*, 434-435. Kyriaki Konstantinidou observes of ancient and classical Greek oaths that "(i)n oath-taking practice… fear underpins the presence of the conditional self-curse that differentiates the verbal act of oath from any single promise of assertion…" Konstantinidou, "Oath and Curse," in *Oaths and Swearing in Ancient Greece* (ed. A. Sommerstein and I. Torrance; Beiträge zur Altertumskunde 307*;* Boston: de Gruyter, 2014), 7.

maker, and a means of ensuring obedience and enforcing the terms of the oath. Ritual acts of

self-cursing as part of a treaty or oath functioned as a powerful means of impacting the behavior

of the oath-taker for the benefit of the dominant party. In the context of treaties curses were not

only spoken but most likely enacted as part of the oath ratification ceremony. The simile or

ceremonial curses ("just as this wax is burned by fire…"), in particular, were a means of

dramatically illustrating the effects of the curse.[103]

An example from the STE illustrates the type of dramatic enactment that may have

accompanied the ratifying of such treaties: "Just as young sheep and ewes and male and female

spring lambs are slit open and their entrails rolled down over their feet, so may (your entrails

and) the entrails of your sons and your daughters roll down over your feet."[104] The persuasive

power of the curses did not reside in oral recitation alone, but also in their dramatic performance,

as well as in the written display of the curses on stelae and tablets.[105] The ceremony in Deut 27-

28 depicts a covenant ratification ceremony in which ritual acts of self-cursing are accompanied

by the offering of sacrifices, an oral recitation of the curses, and a written display in a public cult

site. All of these ceremonial elements served as rhetorical strategies aimed at conveying the

grave consequences of disobedience and intensifying motivation toward compliance with the

terms of the covenant.

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[103] Kitz, *Cursed are You!*, 435. Kitz writes "… the gorier and more elaborate the curse-act, the more confidence the imposing party will experience concerning the target's ongoing faithfulness. Under these circumstances, the purpose would be to expand and embellish curse-acts in as graphic a manner as possible. Disemboweling, decapitating, and dismembering slain animals would reflect a natural magnification of those curse-acts…"

[104] Text and translation from Parpola and Watanabe, *Neo-Assyrian Treaties*, 52.

[105] Konstantinidou observes that in ancient and classical periods of Greece self-curses appear in "direct speech of Greek drama and oratory" and that the largest number of verbalized self-curses appear in "Greek dramatic genre" ("Oath and Curse," 24-25).

Thus, rhetorical criticism is a useful methodology for examining Deut 27-28 within the broader scope of the book as a whole. Examining the covenant ceremony and the curses from the Near Eastern rhetorical pattern of narrative, legal stipulation and sanction provides insight into the purpose of Deut 27-28 within the book itself. The overt emphasis of Deuteronomy on persuasion of the community to abide by the terms of the covenant is heightened further by the ritual enactment of blessings and curses. The rhetorical emphasis of Deut 27-28 will be examined with a focus on and how this overarching persuasive impetus has shaped the literary form of these chapters. The oral recitation of the blessings and curses by the Levites, the ritual offering of sacrifices, and the inscribing of the terms of the covenant on a stone stele for display are presented as persuasive speech and persuasive acts.

IV. Beyond Treaties: Influence of Incantation Texts

In general, the oral-performative aspect of oaths and treaties has been given less attention in scholarship than the literary form and thematic parallels with the biblical text.[106] Perhaps this lacunae in scholarship where treaties and ritual practice is concerned has resulted from the tendency in Western scholarship to place higher value on text than on ritual.[107] The importance of ritual has been emphasized in contemporary scholarship with ritual studies emerging has its own methodological approach and a field of its own in biblical studies.[108] However, most of the scholarship in ritual within Hebrew Bible studies has focused on the Priestly literature in

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[106] Some notable exceptions that consider more thoroughly the ritual aspect of *adê* oaths and treaties are Heath Dewrell, "Human Beings as Ritual Objects: A Reexamination of Sefire I A, 35B-42," *Maarav* 17 (2010):31-55; Kitz, *Cursed are You!*, 297-348.

[107] Watts, "Ritual Legitimacy," 401-417.

[108] See, for example, Bryan Bibb, *Ritual Words and Narrative Worlds in the Book of Leviticus* (New York: T & T Clark, 2009); Ithmar Gruenwald, *Rituals and Ritual Theory in Ancient Israel* (Leiden: Brill, 2003); James Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge: Cambridge University, 2007).

Leviticus, while comparative ancient Near Eastern studies continues to be the predominant methodological model for work on Deut 27-28. An approach that considers also ritual texts within the model of comparative Near Eastern studies and their influence on treaties is needed to address dichotomy between ritual and text in the study of ancient Near Eastern treaties.

In his early work on the STE Rintje Frankena observed some connections between the curses in the Succession Treaty and ceremonies recorded in the Neo-Assyrian incantation series *Šurpu*, as well as the ratification rituals of ancient Near Eastern treaties more broadly.[109] While the methodology of comparative ancient Near Eastern literature has yielded tremendous insights into the background of Deuteronomy 28 in the context of ancient Near Eastern treaties, the connections between Deut 27-28 and incantation texts and remains largely unexplored. Incantation and treaties from the Iron Age share several points of contiguity, and serve a parallel, if opposite, purpose. In treaties, the oral-ceremonial enactment serves to activate the curses that enforce the oath, while in incantations oral-ceremonial enactment serves to de-activate curses resulting from violated oaths. The incantation series *Maqlû* and *Šurpu*, in particular, demonstrate important commonalities with Iron Age treaty texts such as markers of oral performance, lengthy lists of curses and parallel ritual practices.

Maqlû and *Šurpu*

While *Maqlû* and *Šurpu* are not the only incantation texts that might shed light upon the rituals that accompanied oath-making in the ancient Near East. However, these two incantation series were chosen as a starting point of inquiry for four reasons. First, these two series feature lengthy lists of curses that provide ample material from which to make a comparative study. Secondly, Maqlû and Šurpu share other features with treaties such as legal language and a setting

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[109] Frankena, "Vassal-Treaties of Esarhaddon," 138-139.

before a divine audience. Third, these two incantation series stipulate ritual actions and the use of

materials with striking similarity to actions and materials used within the ceremonial curses in

treaties ("just as this wax is burned by fire, so may X be burned by fire…"). Finally, these

incantation texts furnish greater detail concerning how concerning elements of oath-making and

ritual cursing (*māmītu*/*arratu*/ארור). As a beginning point, these texts will be examined for their

connection to treaty texts, but more specifically to features in Deut 27-28.

Maqlû is a text of Mesopotamian incantations compiled into a series and performed for the

royal court of the Neo-Assyrian Empire during the seventh century B.C.E., but which circulated

in various forms much earlier.[110] The text is comprised of eight tablets that form a single

ceremony in which both incantations and ritual actions were spoken and performed.[111] The

ceremony had both an apotropaic function, to guard against curses resulting from witchcraft, and

an exorcistic function, to reverse the effects of curses resulting from witchcraft.[112] The tablets

contain a long series of counter-curses to be meted out upon those who have broken the social

compact by performing witchcraft.[113] Indeed, Tzvi Abusch notes that in its first-millennium

rescension, *Maqlû* takes on a legal setting, wherein the practitioners of illicit magic who have

cursed the client are brought to trial before the divine powers. These same divine powers are then

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[110] Tzvi Abusch, "An Early Form of the Witchcraft Ritual *Maqlû* and the Origin of a Babylonian Magical
Ceremony," in *Lingering over Words: Studies in Ancient Near Eastern Literature in Honor of William L.
Moran* (ed. J. Huehnergard, T. Abusch, P. Steinkeller; Atlanta: Scholars Press, 1990), 1-57; idem., "The
Demonic Image of the Witch in Standard Babylonian Literature: The Reworking of Popular Conceptions
by Learned Exorcists," in *Religion, Science, and Magic: In Concert and in Conflict* (ed. J. Neusner, E.
Frerichs, and P. V. McCracken Flesher; New York: Oxford University Press, 1989), 40.

[111] Tzvi Abusch, *Mesopotamian Witchcraft*, 163-83.

[112] Abusch, "Demonic Image of the Witch," 40-41.

[113] See particularly Tablets VII:58-VIII. Ibid., 41.

called upon to unleash counter-curses upon the offending practitioners.[114] Abusch also notes that

similar oath terminology and a similar overall structure are employed in the STE.[115]

Šurpu is also a popular set of incantations and rituals performed during the Neo-Assyrian

period. Many copies of the series were discovered among the texts in the library of

Assurbanipal.[116] The purpose of *Šurpu* was also apotropaic, but was slightly different than that of

Maqlû. The *Šurpu* tablets provide incantations and accompanying rituals whose purpose was to

request that the gods and goddesses release someone from curses resulting from broken oaths,

rather than witchcraft.[117] Thus the bulk of the *Šurpu* series consists of lengthy lists of violated

oaths and resulting calamities. The ceremony was thus performed to release the client from the

effects of the curse. One of the ways this was accomplished was by "cursing curses," and thus

rendering them inactive.[118] Also multiple sources attest to the incorporation of both *Maqlû* and

Šurpu into a single ceremony in which *Maqlû* was performed first, followed by *Šurpu*.[119] This

evidence for a combination of incantations from both *Maqlû* and *Šurpu* suggests that a more

comprehensive ceremony encompassed elements of both. This combination of the two

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[114] Abusch, *Mesopotamian Witchcraft*, 249-270.

[115] Ibid., 474-475. An exploration of the parallels between the curse formulae in *Maqlû* and *Šurpu* and those in the *Succession Treaty* is beyond the scope of this study, but would provide a fruitful counterpart to the discussion presented here.

[116] Although the *Šurpu* series was popular during the Neo-Assyrian period its history dates back to the Old Babylonian Period. Erica Reiner, *Šurpu: A Collection of Sumerian and Akkadian Incantations,* Archiv für Orientforschung Beiheft 11; Graz: Ernst Weidner, 1958), 1-2.

[117] Reiner, *Šurpu*, 2-3.

[118] Kitz, *Cursed are You!*, 332-338.

[119] Daniel Schwemer and Tzvi Abusch, *Corpus of Mesopotamian Anti-Witchcraft Rituals*, vol. 1 (Ancient Magic and Divination; Boston: Brill, 2011), 387-92.

ceremonies together, then, makes the argument more plausible that elements from both compilations influenced Deuteronomy 27-28.

In the ancient Near East even self-curses undertaken during a solemn ratification of a treaty were understood as potentially reversible. The STE, for example, includes an interdiction against performing any rituals that might enable the oath-maker to escape the effects of the binding oaths: "You shall not revoke or undo (this) oath…; you shall neither think of nor perform a ritual to revoke or undo the oath." (SAA II 6:33).[120] The STE's concern with rituals that could be performed prior to the ratification ceremony signals the real use of ritual incantations for the purpose of negating a self-curse undertaken in an oath ceremony. The relationship between making treaty oaths and breaking treaty oaths using similar oral and ritual practices deserves further exploration for further parallels between covenant oath texts and incantation ritual texts.

While Deut 27-28 does not employ ceremonial curses among its various genres or malediction formulae, the dual structure of performative speech and ritual act is evident. Chapter 27 calls for both "preparatory acts" to be performed and an "oral formula" to be recited as well. The preparation for the ratification ceremony involved the building of an altar, the offering of ritual sacrifices, and the inscribing of the covenant stipulations on stone. As discussed above, the offering of animal sacrifices was part of Hittite oaths as well. The "oral formula" is to be recited by the ritual practitioners of Israel, the Levites, who are instructed to stand in symbolic locations with some tribes on Mount Ebal as a visual representation of the curses, and others on Mount Gerizim as a visual representation of the blessings. The text itself presents the curses in 27:15ff as direct speech, spoken parts for the Levites to deliver before the gathered assembly of the people. Thus, Deut 27-28 seems to function as a script for the dramatic performance of the

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[120] Text and translation from Parpola and Watanabe, *Neo-Assyrian Treaties*, 44.

solemn covenant ratification ceremony that details the ritual speech and ritual acts to be spoken and performed.

A closer examination of this connection between ritual incantation texts and Deut 27-28 addresses an imbalance in current scholarship. The focus on the texts of treaties and textual criticism of these two chapters of the Hebrew Bible has left the oral and performative aspects of oaths and treaties largely unexplored. The terminological overlap, the emphasis on ritual speech and ritual performance suggests that a common tradition of curse practice may lie behind incantatory and treaty texts. An exploration of the parallels in curse formulae between *Maqlû* and *Šurpu* and Deut 27-28 also yields further evidence for a common stock set of formulaic curse language drawn upon in the composition of incantation and treaty texts. These thematic, terminological, and structural parallels suggest also that propagation of curse formulae common to both incantations and treaties may have taken place by oral dissemination -- by the oral performance and aural reception of such texts by ritual practitioners and scribes.

CHAPTER THREE

"You Shall Write on the Stones": Deuteronomy 27-28 as a Literary Unit

וַהֲקֵמֹתָ לְךָ אֲבָנִים גְּדֹלוֹת וְשַׂדְתָּ אֹתָם בַּשִּׂיד׃
וְכָתַבְתָּ עֲלֵיהֶן אֶת־כָּל־דִּבְרֵי הַתּוֹרָה הַזֹּאת

You shall set up large stones, cover them in plaster,
and on them you shall write all this words of this torah.
(Deut 27:2-3)

Introduction

The study of Deut 27-28 as a ritual enactment of a covenant ceremony, including the oral

delivery of blessings and curses in Deut 27:15-29:49, presumes that that a literary unity underlies

these two chapters, and that they ought to be considered together. While it may seem obvious on

the surface that two consecutive chapters form a literary unit, a number of text-critical problems

raise doubts about whether chapters 27-28 form any sort of integrated whole. While Deut 27

precedes 28 in its position within the Masoretic text, the placement of chapter 27 in the

progression of the narrative and in the compositional history of Deuteronomy has been the

subject of some debate. One common understanding of 27 is that this chapter is an interpolation

that interrupts the flow of chapters 12-28. Some scholars have reasoned that the circuitous

language, repetition of key elements, and changes in interlocutor signal that chapter 27 is a later

addition to the legal corpus of 12-26.[121] This segregation of chapter 27 from 12-26 has

contributed to an approach that tends to regard this material as strictly legal without significant

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[121] For example, see Moshe Anbar, "The Story about the Building of an Altar on Mount Ebal: The History of its Composition and the Question of the Centralization of the Cult," in *Das Deuteronomium: Enstehung, Gestalt und Botschaft* (ed. N. Lohfink; Leuven: Leuven University Press, 1985), 305; Samuel Rolles Driver, *Deuteronomy* (Edinburgh: T & T Clark, 1902, 1960), 294-295; Jack Lundbom, *Deuteronomy: A Commentary* (Grand Rapids: Eerdmans, 2013), 737; Ernst W. Nicholson, *Deuteronomy and Tradition* (Philadelphia: Fortress Press, 1967), 19, 36; von Rad, 164-166; G. Ernst Wright, *Deuteronomy* (Interpreter's Bible Series; Nashville: Abingdon, 1953), 315, 317.

consideration of the ritual and ceremonial setting of the curses, or the oral recitation and aural reception of the legal stipulations.[122]

However, the ubiquity of oath ceremonies involving both ritual acts and the oral recitation of blessings and curses in the ancient Near East and the wider Mediterranean argues against the separation of the blessings and curses from their ceremonial and ritual setting on the grounds of text criticism alone. As mentioned in Chapter Two, Hittite, Syrian, Neo-Assyrian, and Greek oaths and treaties were ratified by means of oral recitation of legal stipulations, as well as the curses. Furthermore, in the case of Hittite, Assyrian and Greek treaties such ceremonies were accompanied by ritual acts such as the building of altars or sacrificial offerings.[123] The covenant oath ratification ceremony presented in chapter 27 lays out a corresponding ritual enactment that includes the making of an altar, offering sacrifices, and the oral recitation and aural reception of the curses in 27-28 by the levitical practitioners. Thus, a methodology that considers chapter 27 together with 28 is needed in order to redress this imbalance created from relegating the ritual and ceremonial setting of the curses to a later addition that was not part of the "original" core of legal material.

Rhetorical criticism is a methodology that does not exclude the possibility of adoption of material from various sources in order to produce the final form of the text, and yet emphasizes

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[122] For a summary of the argument that biblical law was meant for oral recitation see James Watts, *Reading Law*, 15-31.

[123] For example, see SAA II 2 for the treaty between Mati-ilu and Aššur-Nerari V where a lamb is slaughtered as part of the oath agreement (Simo Parpola and Kazuko Watanabe, *Neo-Assyrian Treaties and Loyalty*, 8-9). For ritual ceremonies that accompanied the ratification of Hittite and Greek oaths see Konstantinidou, "Oath and Curse," 6-7; Baruch Schwartz, "The Hittite and Luwian Ritual," 334-353; Moshe Weinfeld, "The Emergence of the Deuteronomic Movement," 79.

the value of examining texts together rather than just as isolated units.[124] An exploration of the whole brings new insights to bear into the discussion surrounding the organizational schema of chapters 27-28 and suggests alternative explanations for what appear to be "literary seams" in the text. Furthermore, a combination of rhetorical criticism with a model that considers comparative ancient Near Eastern literature brings together two types of studies that generally are undertaken in relative isolation from one another. Scholarship that examines Deuteronomy using a rhetorical studies or orality studies methodology often does not undertake an examination of comparative Near Eastern material.[125] By the same token, some scholarship that focuses on the Near Eastern parallels tends to focus on textual sources for the composition of Deuteronomy with less consideration given to the rhetorical shaping of Deut 27-28 as both ritual enactment of the covenant and oral performance delivered by the Levites.[126] A reexamination of the evidence is needed, evidence both from the material record of blessing and curse inscriptions and extra-biblical texts including treaties, as well as a fresh exploration of the text-critical arguments that have raised doubts about the integrity of chapters 27-28.

While a more thorough discussion of rhetorical criticism was presented in the first chapter, Kenneth Burke's definition is worth repeating. Burke writes that rhetorical criticism is primarily the study of discourse but may include "any human act, process… or artifact which, in the

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[124] Patricia Tull writes about the impact of James Muilenberg on the emergence of rhetorical criticism in biblical studies, observing that that his commentary on Isaiah 40-66 "drew much attention to the literary coherence… of texts that… were being characterized as artless deposits of layers of untidy tradition…" ("Rhetorical Criticism and Intertextuality," in *To Each its Own Meaning: Biblical Criticisms and Their Application* [ed. S. McKenzie and S. Haynes; Louisville: Westminster John Knox Press, 1999], 160).

[125] A notable exception is the work of James Watts. See particularly Watts, "Story-List-Sanction," 197-212.

[126] Moshe Weinfeld, however, has done important work in this area. See particularly Weinfeld, "Emergence of the Deuteronomic Movement," 76-98.

critic's view, may formulate, sustain, or modify attention, perceptions, attitudes, or behavior."[127] The concept of an artifact that with persuasive power is one that is particularly salient for the study of the rituals included in the covenant ceremony presented in Deut 27. Special importance is placed on the inscribing of a oath-stelae by the deliberate use of repetition in the narrative. In Deut 27:3 and once again in 27:8, Moses and the elders of Israel command the gathered assembly to erect large stones and write on them "all the words of this torah" (דברי התורה הזאת–את–כל). Given the importance of the stelae signaled in the text by the repeated command to erect and inscribe them, this artifact within the world of the narrative is worth further examination as an important part of the covenant ceremony in chapter 27. The motif of the stelae also provides a means to examine two components of the covenant ratification ceremony: the oral and the written. Since the stelae were meant to provide a visual representation of the covenant, the stones also represent the interface of the written and the spoken in the ceremonial enactment. A closer examination of the motif of the stelae and their inscription provides a means of integrating both a literary analysis of Deut 27:1-8 with an examination of the material record from the ancient Near East that bears witness to the type of stelae described in 27.

What the text envisions as the content of this inscription on the stones is a question that can be approached from two perspectives. First, an analysis of the text of Deuteronomy itself gives clues as to the inscription's content and what it may have represented. However, an exploration of the type of inscriptions that accompanied oath ratification also yields insight into the type of artifact the text describes. An examination of the contents of the stone stelae envisioned within the world of the narrative suggests that the inscription described would encompass both the legal

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[127] Kenneth Burke, *A Rhetoric of Motives*, 49; Edward Corbett, *Rhetorical Analyses*, xi; Thomas Sloan, et al., "Report of the Committee," 220.

stipulations of 12-26 and the blessings and curses of 27-28. [128] When viewed from the perspective of the motif of the stelae, chapter 27 is an integral passage that connects the legal material of 12-26 with the ritual practice of covenant oath, including the performance of blessings and curses.[129] The covenant ceremony of chapter 27-28, then, is the climactic conclusion of 12-26, rather than an added segment that disrupts the narrative and confuses the movement of the discourse of Moses.

An examination of this command to erect large stones and inscribe on them the words of "this Torah" also suggests a social and historical context within the Iron II Period for the type of ritual oath ceremony described in 27. The erection of the stelae bearing "all the words of this torah" paired with the oral performance of blessings and curses will be examined in the light of the flourishing of blessing and curse inscriptions during the Iron II Period within the broader wider Near East, and within Judah, in particular. This pairing of legal material with curses and blessings inscribed on a stele or a tablet flourished particularly in the treaty-oath genre during the Iron II period. The pairing of legal stipulations with curses in a ritual oath performance also suggests both that Deut 27-28 should be understood as a literary unit, and as part of the broader unit of 11-28.[130]

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[128] Duane Christensen, *Deuteronomy 21:10-34:12* (WBC 6b; Nashville: Thomas Nelson, 2002), 625-628; Jeffrey Tigay, *Deuteronomy* (JPS Torah Commentary Series; Philadelphia: Jewish Publication Society, 1996), 486; Weinfeld, "The Emergence of the Deuteronomic Movement," 76. Christiansen views 26:1-29:8 as a unit also. Tigay observes the textual disruption in 12-26 and 27 but also views the content of the inscription on the stones as some version of the material in 12-26. Weinfeld, however, seems to claim that the content of the stones encompass Deuteronomy as a whole.

[129] Weinfeld, "The Emergence of the Deuteronomic Movement," 80.

[130] While literary devices also serve to connect Deut 27-28 to both the introductory framework of Deuteronomy and the legal material in 5-10 discussion here is restricted to the connections between chapters 27-28 and 11-26. A full exploration of literary connections between chapters 27-28 and 1-10 is beyond the scope of this study, but would also bring fruitful inquiry into the study of 27-28.

I. "You Shall Write on the Stones": Curse Inscriptions in the Ancient Near East and the

Levant

The inscribing of stones was a widespread phenomenon in the first and second millennia

B.C.E in the ancient Near East. A wide array of objects were inscribed, such as royal annals,

reliefs, boundary stones, sarcophagi, legal stipulations, stelae, and amulets. Many objects were

inscribed with blessings and curses suggesting a link between the practice of inscribing stones

and the rituals of blessing and cursing both in the ancient Near East and in the wider

Mediterranean.[131] A wealth of scholarship has examined the parallels between blessing and curse

inscriptions in Neo-Assyrian treaty texts and Deuteronomy 28. However, fresh insight into the

practice of inscribing blessings and curses as part of ritual or cultic practice can be found in an

examination of objects, walls, and tombs featuring blessing and curse formulae in the wider

ancient Near East and southern Levant from the Iron II period. The motif of the stelae inscribed

as part of a ritual oath enactment in Deut 27 provides a window into both the literary unity of

Deut 27-28 and the socio-historical setting and context for its authorship.

Many studies have undertaken to examine the content of treaty inscriptions and parallels with

Deut 28; however, far fewer studies have considered both content of the treaties and the objects

on which they were inscribed. This treatment of texts apart from their physical form has led to a

more text-centric view of treaties, and of Deut 27-28, in particular. A more balanced approach is

needed that examines content parallels, as well as artifact parallels. While we have no extant

artifact corresponding to the stele described in Deut 27, the repeated command to erect and

inscribe stones suggests importance was placed upon the making of the inscription, if only within

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[131] Weinfeld, "The Emergence of the Deuteronomic Movement," 79-81. Weinfeld's important work on Greek foundation narratives and oaths demonstrates that such Mediterranean treaties were ratified with a ritual ceremony also involving sacrifices at an altar, as well as the erection of a stele inscribed with blessings and curses also.

the narrative world of Deuteronomy itself. Although no such stelae have been uncovered, examining both treaty texts and the array of curse inscriptions from the southern Levant sheds light upon the type of object described in the narrative and suggests a time-frame and setting for the authorship of Deut 27-28.

<div align="center">I.A Oaths and Inscribed Curses</div>

Oath Tablets

Tablets displaying the STE have been found not only in Nineveh but also the sites of Tell Tayinat and Tyre in the West.[132] While the written media differ, stone stele versus clay tablet, many of the other elements of the physical artifact of the Succession Treaty are contiguous with the artifact described in Deut 27. The similarities between the text of the STE inscription and that of Deut 28 have been thoroughly presented by many scholars and discussed in Chapter Two. It is worth reiterating, however, that the STE features both a corpus of legal stipulations agreed to by oath-makers and a lengthy list of curses that would be come activated should the treaty oath be violated by the oath-makers. Furthermore, the extant exemplars (and fragments) of the STE were placed in temples and were intended for purposes of display.[133] This combination of legal material and blessings and curses inscribed on an object and placed in a cult site demonstrate important points of contiguity for Deut 27. First, the threefold combination of written artifact, legal stipulations, and curses fits strongly with the material in chapters 27-28. Secondly, the

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[132] Lauinger, "Preliminary Thoughts," 5-14; idem., "Esarhaddon's Succession Treaty," 87-123; Parpola and Watanabe, *Neo-Assyrian*, 24-27.

[133] Lauinger, "Preliminary Thoughts," 5-14; Joan Oates and David Oates, *Nimrud: An Assyrian Imperial City Revealed* (London: British School of Archaeology in Iraq, 2001). Hittite treaty tablets were also deposited before statues of deities, implying that these tablets were displayed in a manner similar to the STE tablets. For example, see the treaty 6a, section 13 in Gary Beckman, *Hittite Diplomatic Texts*, 46.

artifact was hung or erected in a cult site suggesting that it was connected to practices of religious worship and ritual performance.

The connection between the physical artifact of the treaty inscription and the ritual enactment of the oath is one that is shared by the STE and Deut 27. It remains a possibility that the performance of the STE was part of the annual Akitu Festival, given that the Akitu temple is mentioned in one of the copies of the treaty (VAT 11449).[134] Similarly, Deut 27 provides a layout for a covenant ritual enactment that included preliminary preparations for the oral recitation of the curses including the erection of an altar, the offering of sacrifices, and the inscribing of a stone stele with "all the words of this torah." Thus, the physical artifact with the inscription served as a visual representation of the treaty and the curses undertaken by the swearing parties.[135] The public display of the artifact in a place of religious worship perhaps reinforced the connection between the self-curses and the divine power that enforced the terms of the oath. Thus, the physical writing (and sealing) of the inscription served a rhetorical, or persuasive function, and perhaps was perceived to serve even a transformative function. Jacob Lauinger writes of the Succession Treaty tablets:

> The act of sealing the *ṭuppi adê* was transformative. The exemplars of STE became Tablets of Destinies upon being sealed with the Seal of Destinies, and the stipulations inscribed on them were consequently transformed from mundane directives into the actual destinies…[136]

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[134] The argument that the STE was performed is presented more fully in Chapter Four. Jacob Lauinger, "The Neo-Assyrian *adê*: Treaty, Oath, or Something Else?" *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 19 (2013): 111-115; Parpola, "Neo-Assyrian Treaties," 163.

[135] Lauinger observes that tablets used in the display of the STE, the *ṭuppi adê*, had a distinctive design: a rotation along the vertical axis, and three royal seals representing chronological stages of the empire of Aššur. Lauinger, "The Neo-Assyrian *adê*," 108.

[136] Ibid., 110.

The dramatic enactment of the curses, the ritual oaths sworn, and the inscribing and sealing of the artifact would have imbued the inscription with the numinous power of the divine enforcer of the oath. The visual representation of the *adê* or *berit* was thus served as an iconic representation of the stipulations and the terrifying consequences of violating the sworn agreement.[137]

Oath Stelae

While most exemplars of treaties from the Iron Age are clay inscriptions, the 9th century Aramaic treaty stele from northern Syria provides an example of an object similar to the one described in Deut 27: an oath and accompanying curses inscribed on a stone stele.[138] Although the precise location and setting where the Sefire stele was erected are unknown, its imposing size and content suggest that it was made for display purposes.[139] The stele is comparatively large (1.31 meters high and .69 meters in width at its widest point) and, thus, would not have served as an administrative copy but was most likely meant for public display. In terms of its representation on visual media and its content, the Sefire stele is perhaps the strongest parallel to the object described in Deut 27:1-8. With regard to content, the treaty genre, in general, shares many features with Deuteronomy overall such as lists of conditional stipulations for the terms of

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[137] Perhaps the visual representation of the oath is also connected to the shape of the STE tablets. Lauinger observes that better-preserved tablets of the *iqqur ipuš* series found along with the oath tablet at the Tel Tayinat temple had an "amulet shape." The tablets from this collection seemed to serve as display pieces. Lauinger wonders about the function of the "divine tablets" themselves: "Was the oath tablet displayed here simply as a votive offering or to put it under the protection of the gods? Or… perhaps used in rituals renewing the loyalty oath… Or could it even have been an object of veneration in its own right?" ("Preliminary Thoughts," 10-12).

[138] Parpola and Watanabe, *Neo-Assyrian Treaties*, XLIII. Another representative of the oath stele genre is the 9th century Neo-Assyrian treaty between Šamši-Adad of Assyria and Marduk-zakir-šumi of Babylon inscribed on polished black stone.

[139] Joseph Fitzmyer, *The Aramaic Inscriptions of Sefîre* (Biblica et Orientalia 19; Rome; Pontifical Biblical Institute), 9; John Gibson, *Aramaic Inscriptions including Inscriptions in the Dialect of Zenjirli* (vol 2 of *Textbook of Syrian Semitic Inscriptions*; Oxford: Clarendon Press, 1975), 18-19. Fitzmyer's study also includes a physical description of the stele, its size, and includes plates.

the oath, an emphasis on obeying its terms, and lengthy sets of curse formulae. In particular,

some of the curse formulae in the Sefire stele share parallels with curse formulae in Deut 28.[140]

The Sefire stele is representative of a long-standing tradition of inscribing law-codes, royal

annals, boundary markers, and other types of texts and iconography on stone stelae, some of

which also contain blessings and curses. The element of visibility was at the center of the act of

inscribing objects placed in accessible locations and oath inscriptions containing curses in

particular. The use of visual symbols to represent these oaths and curses was a practice found in

both the ancient Near East and Mediterranean culture as well. The 2nd century C.E. author

Pausanius writes about the Greek practice of athletes swearing an oath before the statue of Zeus

in Olympia (c. 8th century B.C.E.):

> But the Zeus in the Council Chamber is of all images of Zeus the one most likely to strike
> terror into the hearts of those who do wrong. His epithet is Oath-god (*Horkios*)… Before this
> image it is the custom for athletes, their fathers and their brothers… to swear an oath upon
> slices of a boar… Before the feet of the Oath-god is a bronze plate, with elegiac verses
> inscribed upon it, the object of which is to strike fear into those who forswear themselves.[141]

Pausanius captures the rhetorical force of the inscribed statue. However, it seems that it was not

the statue alone that instilled fear, but the inscription written upon it that carried persuasive force

and ensured that the swearer would abide by the oath's terms.

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[140] Koch, *Vertrag, Treueid und Bund*, 284-285. Koch demonstrates a strong parallel between the list of
pests named in Deut 28:38-42 and Sefire I A:27-28. Koch argues that this and other parallels demonstrate
a shared scribal culture in the ancient Near East. A more in-depth discussion of these parallels will be
presented in Chapter Four.

[141] Pausanius 5.24.9-11. Konstantinidou, "Oath and Curse," 6. A number of these stone statues (*korai*)
have been uncovered in archeological excavations in stadium at Olympia, and some with bronze plating
and inscriptions. A recent recovery and analysis of the bronze plating in one particular excavation area
has demonstrated that the bronzework on these pieces originated in the region of Syria and was decorated
with Near Eastern repoussé techniques. These bronze pieces date to the late 7th or early 6th century. The
use of Near Eastern bronze and artistic motifs in Olympian visual art suggests a cultural connection
between the Near East and the Greek Mediterranean perhaps fostered by trade and craft industries
(Eleanor Guralnick, "A Group of Near Eastern Bronzes from Olympia," *American Journal of
Archaeology* 108 [2004]: 187-222).

Thus, both the STE and the Sefire treaty exhibit four shared elements with Deut 11-28 overall: a set of legal stipulations (chapters 11-26), an oath ratification ceremony (27:1-14), a performance of the curses by ritual practitioners (chapters 27-28), and the erection of an inscription for public display (27:1-8). These four elements common to the STE, the Sefire treaty (and treaties from the ancient Near East more broadly), and to Deut 12-28 demonstrate the covenant ceremony of 27 is an integral component to the legal stipulations of 12-26, and that the performance of the blessings and curses (27:15-28:68) accompanied the ratifying of the covenant oath. Particularly in the case of inter-state treaty agreements and the biblical covenant in Deut 27-28, the erecting and inscribing of stone stelae and tablets functioned as an "integrative mechanism" that promoted social cohesion and common identity.[142] If one were to remove chapter 27 on the basis of evidence for literary seams or changes in interlocutor, the setting and context for the ratification of the oath ceremony would be stripped away. The motif of the stele in Deut 27 and its contents in comparison with the STE and the Sefire stele suggests that chapter 27 is an integral part of the broader corpus encompassing chapters 12-28.

I.B Judean Caves and Tombs from Iron II Judah with Inscribed Curses

Both curses and blessings were also inscribed in caves and tombs in Judah from the Iron II period.[143] The Ein Gedi and Beit Lei caves in Judah are both sites with blessing and curse formulae inscribed on the stone of cave walls. The Ein Gedi cave inscription was made by

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[142] Giorgio Buccellati, "Urkesh and the Question of Early Hurrian Urbanism," in *Urbanization and Land Ownership in the Ancient Near East* (ed. M. Hudson and B. A. Levine; Peabody Museum Bulletin 7; Cambridge: Peabody Museum of Archaeology and Ethnography): 232. Although Buccellati is writing about a rather different community and time period, his observations obtain also within the Iron Age culture of the ancient Near East.

[143] For a survey of inscriptions on stone in the southern Levant see Ziony Zevit, *The Religions of Ancient Israel: A Survey of Parallactic Approaches* (New York: Continuum, 2001), 350-438.

applying ink directly to a stalactite, similar to an inscription on column or a stele.[144] The Beit Lei

cave contains lapidary inscriptions carved onto the face of the cave stone, along with

iconographic depictions of various human figures and objects.[145] The "Royal Steward

Inscription" from Silwan in the Kidron Valley in Jerusalem has three lines of text carved into the

face of a rock-cut tomb.[146] All three inscriptions employ the same verb for "to curse" and are

written in the same style as the blessings and curses in Deut 27:15-26 and 28:3-6, 16-19. It is

worth noting particularly that all three of these inscriptions (Ein Gedi, Beit Lei, and Silwan)

share the same formulaic structure and syntax for blessing and cursing. Furthermore, this same

curse formula is also found in Deuteronomy 27-28. All three of the inscriptions and Deut 27:15-

28:19 employ passive participles to lead off each line with either a blessing or a curse:

<div align="right">

אָרוּר הָאִישׁ אֲשֶׁר יַעֲשֶׂה פֶסֶל...

</div>

<div align="right">

Cursed is the one who makes an idol..

(Deut 27:15)

</div>

<div align="right">

בָּרוּךְ אַתָּה בָּעִיר וּבָרוּךְ אַתָּה בַּשָּׂדֶה

</div>

<div align="right">

Blessed are you in the city and blessed are you in the field.

(Deut 28:3)

</div>

<div align="right">

אָרַר אֲשֶׁר יִמְחֶה

</div>

<div align="right">

Cursed is the one who defaces…

</div>

<div align="right">

בָּרֵךְ בְּגִי מֶלֶךְ

</div>

<div align="right">

Blessed be BGY king…

(Ein Gedi Cave)

</div>

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[144] Pesach Bar-Adon, "An Early Hebrew Inscription in a Judean Desert Cave," *IEJ* 25 (1975): 227.

[145] Frank M. Cross, "The Cave Inscriptions from Khirbet Beit Lei," in *Near Eastern Archaeology in the Twentieth Century: Essays in Honor of Nelson Glueck* (ed. J.A. Sanders; Garden City, NY: Doubleday, 1970), 299-306; Joseph Naveh, "Old Hebrew Inscriptions in a Burial Cave," *IEJ* 13 (1963): 74-92; Simon Parker, "Graves, Caves, and Refugees: An Essay in Microhistory," *JSOT* 27 (2003): 259-288; Zevit, *Religions of Ancient Israel*, 405-437.

[146] Shmuel Ahituv, *Echoes from the Past: Hebrew and Cognate Inscriptions from the Biblical Period* (Jerusalem: Carta, 2008), 44-48; Nahman Avigad, "Epitaph of a Royal Steward from Siloam Village," *IEJ* 3 (1953): 137-152; Charles Clermont-Ganneau, *Archaeological Researches in Palestine I* (London: Harrison and Sons, 1899), 305-313; H. J. Katzenstein, "The Royal Steward (Asher 'al ha-Bayith)," *IEJ* 10 (1960): 149-154.

אררהו

he cursed him

אר(ר) ישר [י]מחה

cursed is the one who defaces[147]

(Beit Lei Cave)

[148]ארור האדם אשר יפתח את זאת

(Royal Steward Inscription)

Particularly striking also is the parallel syntactical structure found in all three inscriptions and in Deut 27:15ff. The use of the curse formula ארר אשר or "cursed is the one who…", is followed by verbs in the jussive or imperfect form. The weight of evidence from three historical inscriptions of the use of parallel verbs and similar linguistic structure suggests that this type of curse may have been in wide circulation in written texts during the late Iron II period.

The Beit Lei cave in particular with its inscriptions paired with drawings of people and objects suggests a ritual context to the blessing and curse texts carved into the stone. Bar-Adon writes that the various objects and persons inscribed along with the curses in the Beit Lei cave "may have been meant to serve as an illustration to the curse ארור, in accordance with the warnings in Deut 27-28." [149] This sounds strikingly similar to the ritual enacted in the Sefire treaty and the STE using physical objects such as wax figurines. While the iconographic images in the Beit Lei cave are difficult to interpret, the human figures depicted seem to include a figure in a petitioning posture perhaps in prayer, and also a lyre player with a hand posture identical to

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[147] This reading is based on Pesach Bar-Adon's reconstruction of the ink inscription. Bar-Adon bases this reconstruction around the Khirbet Beit Lei inscription. Bar-Adon, "Early Hebrew Inscription," 231.

[148] John Gibson, *Hebrew and Moabite Inscriptions* (vol. 1 of Textbook of Syrian Semitic Inscriptions; Oxford: Clarendon Press, 1971), 23-24.

[149] Bar-Adon, "Early Hebrew Inscription," 231, n. 9.

that of the lyre player found on the pithoi inscriptions in Kuntillet Ajrud.[150] While the purpose of

the cave or the inscriptions and drawings are uncertain, it seems likely that the blessing and curse

inscriptions there, along with the iconographic images, were connected to some sort of cultic

practice that took place in the cave. Thus, as with the Sefire treaty, the inscribing of blessings

and curses in the Beit Lei cave and perhaps the Ein Gedi cave also was connected with ritual

practice. This pairing of curse and blessing formulae similar to Deut 27:15-26 in a context

suggestive of cultic practice reinforces the notion that the display of written blessings and curses

in ancient Israel was accompanied by ritual practice.[151]

This set of curse inscriptions from the Iron II period in Judah with the same formulaic

syntactical structure as curses in Deut 27-28 suggests a setting and context for the authorship of

Deut 27-28 within the seventh century B.C.E. Further evidence for the flourishing of blessing

and curse inscriptions can be found in the Ketef Hinnom amulets, the inscription from Khirbet

el-Qom, and the pithoi inscriptions from Kuntillet 'Ajrud all dating to the Iron II period.

Furthermore, this set of curse inscriptions from caves and tombs provides additional evidence

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[150] Zevit, *Religions of Ancient Israel*, 412. Zevit writes, "(w)ere the seated lyre player from the 'Ajrud pithos rotated so that we could view her body frontally, she would almost be a mirror image of the Beit Lei figure except for the direction of orientation: right rather than left."

[151] The command of Moses in Deuteronomy 27:1-8 to write "all the words of this Torah" on stones also includes the directive to cover the stones in plaster. Evidence for this tradition of ink inscriptions written on plaster can be found at both the Kuntillet 'Ajrud and Deir 'Alla excavation sites. The curved edges of some of the fragments of the Deir 'Alla plaster inscriptions suggest that the inscription might have been attached to an object, such as a stone stele. Thus, in the Deir 'Alla inscriptions we may have an exemplar of a plaster inscription on a stele or column with a striking parallel to the inscribed stones in Deut 27. While both sets of plaster texts are very fragmentary and, thus, difficult to decipher, it is clear that the Deir 'Alla text has some affinities with the cultural trend of inscribing curses that flourished during the Iron II period. The Deir 'Alla inscription featuring "Balaam son of Beor" is not only fragmentary, but cryptic as well, and so it is difficult to say what exactly is the primary content of the inscription. And while the readable fragments of the inscription contain no curse formulae like those seen in treaty texts or Deut 27-28, the Deir 'Alla plaster inscription's protagonist is Balaam son of Beor who offers a vision of gloom and doom which could be interpreted as curses. JoAnn Hackett, *The Balaam Text from Deir 'Allā* (Harvard Semitic Monographs 31; Chico, CA: Scholars Press, 1980); Jacob Hoftijzer and Gerrit van der Kooij, *Aramaic Texts from Deir 'Alla* (Leiden: Brill, 1976).

that the inscribing of blessings and curses was connected with ritual or ceremonial settings and activities. The popularity of blessings and curses in inscriptions during the Iron II, including oath tablets, oath stelae, as well as cave and tomb inscriptions provide strong combined evidence that that the content of the inscription on the stone stele envisioned in Deut 27 would have included both a representation of the legal stipulations in the prior chapters of 12-26 as well as the blessings and curses in 27:15-28:68.

II. What Was Written on the Stones?: Literary Analysis of 27

The ancient Near Eastern comparative material presented above suggests that legal stipulations and blessings and curses were regularly included in the same inscription in the case of inscribed oaths and treaties. Furthermore, the inscribing of stelae with oath stipulations and curses is also demonstrated in the Sefire and the Šamši-Adad stelae similar to the command given in Deut 27 to erect a stone and inscribe it with "all the words of this torah." The evidence for the practice of inscribing blessings and curses in stone can also be seen in the preponderance of blessing and curses inscriptions in Judah in the late Iron II period. However, Deut 27 is often viewed as an interpolation rather than an integral part of the corpus of chapters 12-26, and 28. A fresh literary analysis of the text-critical arguments for a "break" between Deut 11-26, 28 and chapter 27 combined with evidence from inscriptions in the wider ancient Near East suggests alternative explanations for unevenness in this chapter.

Scholars have long noted two prominent features of Deut 27 that give the appearance of a disruption in the flow of the narrative following chapter 26.[152] First, the narrative of chapter 27 is itself fraught with repetition and interruption which does not make for a smooth flow to the material. Second, a change in interlocutor at the beginning of chapter 27 seems to suggest a

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[152] See, for example, Anbar, "Building of an Altar on Mount Ebal," 305; Driver, *Deuteronomy*, 294-295.

"seam" in the narrative material. Chapters 12-26 are framed within the narrative device of a first-person speech by Moses. In these chapters Moses directly addresses the gathered assembly in an "I"-"you" speech. However, chapter 27 presents a change to this narrative frame as Moses' actions are given by a narrator. The first-person speech of Moses resumes quickly in 27:1b-8. Again in 27:9 and in 27:11 third-person narration provides a brief identification of the speaker(s) before the first-person speech resumes. The second feature cited as evidence for interpreting chapter 27 as an interpolation is that the material within the speeches of Moses in chapter 27 is also uneven in its presentation. Verses 2-8 particularly contain repetitions of the same material and interruptions in the narrative flow. However, a literary analysis of 27:1-8 suggests that the interruptions and repetitions in the text serve a purposeful function of highlighting key themes and connecting 27-28 with the legal material of 12-26. Furthermore, a comparison with the Sefire treaty and its use of first-person speech provides an example of a ritual oath text that also alternates between third- and first/second-person speech. This similar change in interlocutor in the Sefire treaty suggests that perhaps Deut 27-28 should be understood as a purposeful use of the framing device of a script within a speech rather than an indication of discrete units of material resulting from literary layers.

II.A Framing Devices: Deut 27 and its Connection with 11-26

The purposeful use of framing devices and deliberate repetition serves to highlight the importance of the creation of the torah-stelae and to connect the covenant ceremony material in chapter 27 with the narrative segment of 12-26. Two framing devices serve as examples of the artful interweaving of the ritual material in chapter 27 with the legal material in chapters 11-26

that precede it by the author of Deuteronomy: the *Wiederaufnahme* and the *inclusio*.[153] The first

compositional device employed in Deut 27 is the *Wiederaufnahme*, or repetitive resumption.

This technique is a compositional device that helps the listener or reader follow the follow of the

narrative when parenthetical or framing material is inserted. After the insertion of material, the

narrative repeats key phraseology that signals a resumption of the main storyline.[154] The second

compositional device employed in Deut 27 is the *inclusio*. Jack Lundbom observes frequent use

of the *inclusio* in Deuteronomy, a framing device common to an oral-rhetorical style of

literature.[155] Lundbom's more restrictive use of the term *inclusio* is adopted here with a focus on

repetition of key words and key-word balance, as opposed to structures based solely on

conceptual parallels.[156] First, a *Wiederaufnahme* in 27:2 and 4 presents the reader with a framing

device that highlights key themes in the passage. Secondly, a first *inclusio* is formed with the

distinctive phrase "a land flowing with milk and honey" in chapters 11, 26, and 27. A second and

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[153] The term "author" is employed very loosely here to refer to activities of compilation, integration, and crafting of new material. The use of the term "author" is not intended to imply that authorial activities were restricted to a single scribe, or to a single redaction.

[154] For more on the technique of *Wiederaufnahme* see Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, 1985), 85-86. While Fishbane and other scholars view the *Wiederaufnahme* as a scribal-literary device signaling layers of literary material, there is no reason to restrict this technique to a purely literary compositional device. In the case of the *Wiederaufnahme* in Deut 27:2 and 4 the use of key phraseology could easily have aided a listener as well as a reader to follow the narrative flow of the commands for the covenant enactment ceremony. Moreover, the insertion of the material in between verses between the repeated commands to erect the stones does not necessarily signal a different diachronic layer but rather a connector phrase linking the covenant ceremony to the legal material in chapters 12-26.

[155] Jack Lundbom, "The Inclusio and Other Framing Devices in Deuteronomy I-XXVIII," *VT* 46 (1996): 296-315.

[156] Ibid., 300.

more well-known *inclusio* frames chapters 11 and 27, where the covenant ceremony in Shechem is described.[157]

The use of a framing devices is perhaps most evident in the first few verses of chapter 27, where interruption and repetition can be observed:

27:2-3a
והיה ביום אשר תעברו את–הירדן אל–הארץ אשר–יהוה
אלהיך נתן לך <u>והקמת</u> לך <u>אבנים</u> גדלות <u>ושדת אתם בשיד</u>:
וכתבת עליהן את–כל–דברי התורה הזאת

Break in the narrative 27:3b-c
בעברך למען אשר תבא אל–הארץ אשר–יהוה דאלהי נתן לך
ארץ זבת חלב ודבש כאשר דבר יהוה אלהי–אבתיך לך:

Resumption 27:4
והיה בעברכם את–הירדן <u>תקימ</u> את–<u>האבנים האלה</u>
אשר אנכי מצוה אתכם היום בהר גריזים <u>ושדת אותם בשיד</u>[158]

The first instance of "interruption" and repetition in Deut 27 comes in verses 2-4 presented above. Stock deuteronomic material about the crossing of the Jordan and inheriting the land is followed by a very specific command to erect large stones, cover them in plaster, and to write on them "all the words of this torah." Following this command using specific language is a return to the more general deuteronomic tropes about crossing and inheriting the land but with an important and specific connector phrase: "a land flowing with milk and honey" (ארץ זבת חלב ודבש). Then in verse four the very same command given in verse two is repeated using parallel phraseology (see underlined phrases in the text above): "You shall erect these

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[157] See, for example, Weinfeld, "Emergence of the Deuteronomic Movement," 76.

[158] The phrase בהר גריזים 27:4 presented here follows the Samaritan Pentateuch rather than the Masoretic text which gives בהר עיבל. On the argument for the Samaritan reading here as more original see Schorch, "The Samaritan Version of Deuteronomy," 28-30.

stones… and cover them with plaster." This repetition of the command to erect and plaster the stones thus functions as a *Wiederaufnahme*.[159]

This deliberate reuse of parallel phraseology serves two purposes within the narrative structure of chapter 27. First, the repetition highlights the importance of the creation of the torah-stelae. Exemplars presented in Section I of this chapter, such as the Sefire stele and the "tablets of destiny" bearing the STE inscription, provide physical evidence for the practice of crafting a stele or tablet to display the oath.[160] The creation of a visual symbol of the covenant was a component integral to its ratification. Thus, its importance is emphasized within the flow of the narrative by a deliberate repetition of specific phraseology in the command to craft the stele. Furthermore, the erection of a stele begins the important centerpiece in the narrative of the dramatic oral and physical enactment of the covenant oath. Second, the *Wiederaufnahme* provides an opening and closing segment that frames an important phrase found in verse three: "a land flowing with milk and honey."

The use of the key signal phrase "a land flowing with milk and honey" (ארץ זבת חלב ודבש) in the interruption is purposeful and forms a tie between the beginning of the segment of material in 12-26 and the opening commands in 27. While this phrase is a common one in the Hebrew Bible, the phrase occurs only five times in Deuteronomy, notably in chapters 11, 26, and 27.[161] This

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[159] Sonnet, *The Book Within the Book*, 87. Sonnet also notes the interruption and resumption in 27:2-8, and calls the repeated command to write the words of "this torah" in verses 2 and 8 a "framing inclusion" as well.

[160] This is, of course, a reference to the phrase "seal of destinies" from the inscription on the Seal of Sennacherib. The phrase "tablet of destinies" comes from the *Enuma Elish*. The connection between these and the seal on the *adê* tablets of the STE was first made by Andrew George and further developed by Lauinger (George, "Sennacherib and the Tablet of Destinies," *Iraq* 48 [1986]: 133-46; Lauinger, "The Neo-Assyrian *adê*," 108-115).

[161] The phrase occurs in Deut 6:3; 11:19; 26:9, 15; and 27:3. The phrase is more widespread in the Hebrew Bible more broadly, occuring 67 times overall.

more selective use of the phrase in Deuteronomy connects major segments of legal material and serves as a deliberate framing device to tie the material in 27 with the framework of 12-26.[162] Thus, this inserted material in verse 3b is a signal phrase that occurs at points of transition between key segments of material in order to give the overall narrative a sense of cohesion. Thus, the repetitions and interruptions in 27:1-4 are not simply the marks of an artless importation of material from another tradition. The *inclusio* framework in these verses reflects a purposeful integration of new material introducing the covenant ritual, as well as a framing device that connects the ritual oath with the overall momentum of the narrative from chapters 11 onward.

The second example of a framing device in the narrative is the *inclusio* that brackets chapters 11-27 with the description of the covenant ritual including the oral recitation of the blessings and curses on Mounts Ebal and Gerizim.[163] Both segments from chapters 11 and 27 present the blessing and curse element of the covenant oath in terms of "obeying" the מצות, the "commandments," and include the setting of the covenant ceremony on the mountains that surround Shechem:

> See I am setting before you today a blessing and a curse: the blessing, if you obey the commandments… and the curse, if you do not obey… You shall give the blessing on Mount Gerizim and the curse on Mount Ebal… (11:26-28, 29)

> Then Moses and the elders of Israel charged all the people as follows: Keep the entire commandment I am commanding you today… When you have crossed over the Jordan, these shall stand on Mount Gerizim for the blessing of the people… And these shall stand on Mount Ebal for the curse… (27:1, 12-13)

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[162] While this phrase also occurs in 6:3, it seems also to serve the purpose of connection and transition between the material of the Decalogue and the paranaetic material that follows, similar to the schema presented above for framing blocks of legal and ritual material.

[163] Weinfeld, "Emergence of the Deuteronomic Movement," 76.

Both chapters describe the covenant ceremony in the same way, yet there is a lengthy gap between the first mention of the covenant ceremony on the mountains in chapter 11, and it is not mentioned again until the full script is given for the performance of the Levites in chapter 27. Thus, the use of this *inclusio* structure suggests that the covenant ceremony presented in 27-28 is seen by the author as a cultic ratification of the laws given in 12-26 prior framed by the envelope structure in 11 and 27.[164]

A rhetorical theory approach to Deut 27-28 that considers its integration with 11-26 as a whole enables consideration of the persuasive function of the curse and blessing ceremony when combined together with the legal stipulations and narrative framework of the book more broadly. According to James Watts, "ancient texts display their persuasive intentions… most obviously… by invoking and curses from the gods…"[165] Watts presents an organizational schema he contends is common among Near Eastern royal texts and inscriptions as a means of influencing the attitudes and behaviors of readers and hearers: "story – list – sanction."[166] Although this pattern is observable across many different genres, according to Watts, this organizational

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[164] Another significant link between chapter 27 and the broader framework of the book of Deuteronomy is found in the distinctive use of the phrase באר with תורה found in both Deut 1:5 and 27:8 meaning "to make clear." The idea that Moses is to ensure that the "torah" is clearly expounded in speech in 1:5 is paired with a similar emphasis on clarity in the command to write the words of the "torah" on the oath-stelae. The performative speech of Moses that spans throughout the book of Deuteronomy is linked with the ritual writing of the torah in 27:8 as part of the performance of the covenant enactment ceremony. This distinctive phrase to write/speak the torah "clearly" used in these two chapters again emphasizes the importance of ritual speech and ritual performance involving physical elements in the ratification of the covenant. While a thorough analysis of the connections between Deut 27-28 and chapters 1-4 is beyond the scope of this study, it seems worth observing that elements of repetition in chapter 27 are deliberate and serve to form important links particularly with introductory segments and framing elements in Deuteronomy more widely.

[165] Watts, "Story-List-Sanction," 197.

[166] Ibid.

schema is obvious in Deuteronomy.[167] The combination of the narrative setting of Moses' last

speech on Mount Horeb, with legal stipulations and obligations of the covenant community, and

curses and blessings are a striking fit to this pattern.

Watts contends that the purpose of the "story" within this organizational schema is to connect

the material with the past actions of an authority figure, typically a king or a deity.[168] The "list"

then provides details of the obligations imposed on the present community. The "sanctions" are a

means of exerting persuasive force upon the future behaviors of community members, ensuring

compliance by influencing the "destinies" of participants either for prosperity or doom. Thus, it

is the combination of the elements together that heightens the rhetorical force of the text or

speech and "invokes the past, present, and future for purposes of persuasion."[169] It seems that

within Near Eastern oath and treaty texts, the element of inscriptional display also serves to

accentuate the persuasive force of the discourse inscribed upon it. The written display provides

visual symbol of the responsibilities agreed upon in the oath as well as a physical reminder of the

power of the oath to determine destinies. Thus, with regard to oaths and treaties, as well as law

codes and royal annals more broadly, it seems that a further specification of Watts'

organizational schema might be appropriate: "story-stipulations-sanction-stele." The stele stood

at the matrix between oral and written discourse, the divine authority and power that undergirded

the sanctions, and provided a physical reminder of the ongoing monitoring and enforcement of

the obligations or interdictions contained within the inscription.

II.B The Question of Interlocutor Change: Deut 27 and its Connection with Chapter 28

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[167] Watts, *Reading Law*, 55.

[168] Idem., "Story-List-Sanction," 203.

[169] Ibid., 205.

The shift in the speech frame in Deut 26-27 from first-person to third-person narration (verses 1, 9, 11) might give the appearance of introducing a "break" in the material. This change in interlocutor has created some debate about the identity of the speaker in Deut 28. In 27:14 a script is presented for the Levites to follow during the oral performance of the oath ceremony, with parts for the priests to speak aloud and parts for the gathered assembly to speak aloud. However, the narrative reverts back to first-person speech by Moses similar to what we find in Deut 5-26. Thus, the question remains whether the blessing and curse formulae in chapter 28 are a continuation of the script begun by the Levites in 27 or a continuation of the speech of Moses from 26.[170] It seems unnecessary, however, to choose one or the other. The narrative, as it is presented in Deuteronomy, unfolds as a speech within a speech: the speech of Moses and the script for the oral recitation of the ritual oath by the Levites to be performed at a later date in Shechem.[171]

By way of comparison and inquiry into changes of interlocutor in ancient Near Eastern texts more broadly, the Sefire Treaty from northern Syria in the 9th century B.C.E. provides a helpful comparandum. As William Morrow observes, one of the more unique (and perhaps Western)

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[170] Norbert Lohfink, "Moab oder Sichem – wo wurde Dtn 28 nach der Fabel des Deuteronomiums proklamiert?" in *Studies in Deuteronomy: in Honour of C.J. Labuschagne on the Occasion of his 65th Birthday* (ed. F. García Martíne et al.; VTS 53; Leiden: Brill, 1994), 139-153; Hans Ulrich, *Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons: Segen und Fluch im Alten Orient und in Israel* (Orbis Biblicus et Orientalis 145; Göttingen: Vandenhoeck & Ruprecht, 1995), 202-207. While Lohfink contends that Deut 28 continues the speech of the Levites, Steymans posits 28 as the words of Moses, a "Sprechakte." Steymans finds grounds for viewing Moses as the liturgist who blesses and curses Israel speaking on behalf of gathered assembly within ancient Near Eastern treaties, particularly the Succession Treaty of Esarhaddon.

[171] Sonnet, *The Book within the Book*, 1-3. The idea of a speech within a speech is an adaptation of Sonnet's concept of the book within the book, or "an act of communication about an act of communication." While Sonnet's important work captures the oral component to Deuteronomy of a series of speeches by Moses, Sonnet work ultimately focuses on the written "book." This reframing of Sonnet's phrase emphasizes the oral and rhetorical character, not only of the overall framework of the speech of Moses, but also the oral performance of the covenant ceremony in 27:15-28:68.

features of the Sefire Treaty, and of the treaty with Baal of Tyre, is the use of first-person speech to represent the words of the overlord and second-person speech for the vassal ruler.[172] The Sefire treaty begins with a third-person narration of the parties of the treaty and its witnesses. However, toward the end of the treaty the frame changes to first-person speech for the overlord interlocutor and second-person pronouns and verbs for the listeners who are parties to the treaty.[173]

[והן תשמען ותש]למן עדיא אלן
ותאמר גבר עדן הא [אנה לאכהל לא שלח יד] בך וליכהל ברי [ל]ישלח יד בברך
But if you obey and observe this treaty and say, 'I am an ally,' I will not be able to raise a hand against you; nor will my son be able to raise a hand against your son…
(Sefire B VI:23-25)[174]

והיה אמ–שמוע תשמע בקול יהוה אלהיך
לשמר את–כל–מצותיו אשר אנכי מצוך היום ונתנך יהוה אלהיך עליון על כל–גויי הארץ
If only you will obey the Lord your God, by diligently observing all his commandments that I am commanding you today, the Lord your God will set you high above all the nations of the earth.
(Deut 28:1)

Observe the use of similar language for respecting the oath agreement with the verb לשמוע. Both the excerpt from the Sefire treaty and Deut 28:1 (also in 27:1, 4, and 10) are framed as first-

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[172] William Morrow, "The Sefire Treaty Stipulations and the Mesopotamian Treaty Tradition," in *The World of the Aramaeans III: Studies in Language and Literature in Honour of Paul-Eugène Dion* (ed. P. M. Daviau, J. Webers, and M. Weigl; JSOT Series 326; Sheffield: Sheffield Academic Press, 2001), 83-99.

[173] Whether all three faces of Stele I of the Sefire treaty represent a single continuous text is the matter of some debate. However, there seems to be a consensus that Face A and Face B are from the same hand. Even if Face B were to be taken as a single text the argument of the shift from third-person narration to first-person speech by the overlord would still stand.

[174]Herbert Donner and Wolfgang Röllig. *Kanaanäische und aramïsche Inschriften* (Wiesbade: Harrassowitz, 2002), 53; Fitzmyer, *Aramaic Inscriptions*, 16. Line numbers and reconstructions from Fitzmyer and KAI. While some of the text elements represented above are reconstructions, enough of the text remains extant to provide clear evidence for the use of first-person direct speech on the part of the overlord.

person speech on the part of the ruling figure with first-person pronouns אנה in Sefire and אנכי in Deut 28.

Deuteronomy 27-28, the Sefire treaty, and the STE display three speech elements within the narrative framework of the ritual oath: narrator (third-person speech), ruler/agreeing party (first- and second-person speech), and ritual practitioner who recites and performs the ritual oath before the gathered assembly. The STE employs first-person speech for the words to be spoken by those swearing the oath, while both Deut 27 and the Sefire treaty employ first-person speech for the ruling figure (Moses, Bar-Ga'yah). However, the element of a speech within a speech, or a script for a speech to be performed and enacted is an element that shapes the changes in interlocutor in all three texts.

Although the Sefire treaty includes material framed as the words of the ruling king, it seems unlikely that the king himself would have read or performed the treaty aloud.[175] More likely this was the work of ritual practitioners who also performed the physical manipulation of objects that accompanied the curses. In Deut 27 it is the levitical priests who are named as the performers of the ritual oath, while in the Sefire treaty and the STE the ritual practitioner is unmentioned. However, the inclusion within the treaty's contents of the magical manipulation of objects suggests that the oath agreement was both recited orally and enacted with dramatic visual representation of the effects of the curses:

> Just as this wax is burned by fire, so may Arpad be burned…
> Just as this bow and these arrows are broken, so may 'Inurta and Hadad break the bow of Mati'ilu…
> Just as this wax figurine is blinded, so may Mati'ilu be blinded…

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[175] Peter Machinist contends that Assyrian kings, and those of vassal states, were most probably unskilled in reading or writing cuneiform, since "cuneiform literacy (was)… largely a professional attainment of a small network of scribal officials." Machinist, "Assyrians on Assyria in the First Millennium B.C.," in *Anfänge politischen Denkens in der Antike: Die nahöstlichen Kulturen und die Griechen* (ed. K. Raaflaub; Munich: R. Oldenbourg, 1993), 101.

The inclusion of the use of physical objects within the treaty's text suggest that it may functioned as a script of sorts for use by professional ritual practitioners, as well as a set of inscribed stipulations written on a stele as a public reminder of the subjugation of the kingdom to a more powerful empire.[176]

When viewed in the light of ritual oath performance of ancient Near Eastern treaties from the Iron Age, and particularly the Western treaties of Sefire and Baal of Tyre, the change in interlocutor in various places in Deut 27-28 from third-person narration to first-person direct address seems less surprising. The shift between third-person and first-/second-person speech is a common one in treaty texts more generally. The STE, for example, employs all three types of speech, varying between them in different segments of the treaty according to content. These changes in interlocutor in ancient Near Eastern treaties are not thought to signify redactional layers within treaties, but to reflect the "royal oratorical style" of the texts.[177] While treaties may make use of sources or draw upon stock material for various segments of the treaty, it is clear that these are unified compositions generated by an author during a single historical period. Thus, it seems that changes in interlocutor may reflect the same sort of oratorical style in Deuteronomy rather than literary seams or breaks signifying interpolations. These changes in interlocutor may well signal the use of source material from various traditions, but are not

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[176] See Kitz for a more thorough presentation of professional curse practitioners in Mesopotamia and ancient Israel. According to Kitz it is the *āšipu/ašiptu* who was the primary practitioner of curses, including exorcistic rituals and accompanying physical ritual performance. Kitz also contends that the *āšipu/āšiptu* was not only a practitioner but also a skilled scribe trained to memorize, perform rituals and also to craft written productions of these rituals (Kitz, *Cursed are You!*, 370-399).

[177] Wiseman, "Vassal-Treaties," 24. Wiseman's phrase "royal oratorical style" captures the idea of the STE and other Neo-Assyrian treaties as spoken statements.

necessarily indications that such segments are addenda from a different period or that the composition was not a unified whole from its earliest stages of composition.

II.C The Law of Centralization: Deut 12 and 27

Another text-critical problem that has led to the classification of Deut 27 as an interpolation is the apparent contradiction between the "law of centralization" in chapter 12 and the command of Moses to erect an altar for the covenant ceremony at Shechem in chapter 27.[178] The command to erect an altar and offer sacrifices in Shechem may seem surprising if one understands המקום אשר–יבחר יהוה אלהיכם "the place the Lord your God will choose" (12:11) as Jerusalem. Relegating Deut 27 to addenda is one means of resolving this discrepancy. However, two other theories offer more plausible explanations for the perceived incompatibility of chapters 12 and 27.

The first solution to this text-critical issue is one proffered by Albrecht Alt: the theory of the northern origins of Deuteronomy.[179] This theory of the northern provenience of Deuteronomy has generated renewed interest in recent studies.[180] If indeed "the place" specified in Deut 12 is Shechem, then the command to build an altar on Gerizim in chapter 27 fits neatly with the command for centralization.[181] This solution presents questions about the dating of Deuteronomy. Some scholars place authorship in the seventh century B.C.E., as a time when northern scribes and levitical priests traveled south as refugees and brought Deuteronomy to

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[178] Eckart Otto, for example, explains the discrepancy by positing Deut 27 as a later addition to the text (*Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* [FAT 30; Tübingen: Mohr Siebeck, 2000], 230-231).

[179] Alt, "Die Heimat des Deuteronomiums," 263-68.

[180] For example, see Schorch, "The Samaritan Version of Deuteronomy," 23-37.

[181] See note 157 for the two different readings of this passage in the Masoretic text and the Samaritan Pentateuch.

Judah.[182] Other scholars date this northern tradition of Deuteronomy to the Persian period when a functioning sanctuary on Mount Gerizim might offer a historical setting for cultic activity in Shechem.[183] Proponents of a later date posit the reading in the Samaritan Pentateuch of the command "on Mount Gerizim" as original. Proponents of the earlier dating during the pre-exilic period tend to favor instead the Masoretic reading of 27:4 on "Mount Ebal" citing an early Iron Age structure on Ebal as a possible site for cultic activity.[184] However, a seventh-century dating of the text is not dependent on the priority of the Masoretic text versus the Samaritan Pentateuch nor the archeological evidence for the Mount Ebal structure.

The second solution proposed is that the altar and ritual performance commanded in 27 was intended as a one-time covenant ceremony, rather than an installation of a permanent cult space. This theory views the centralization law of Deut 12 as not yet in effect. Within the world of the narrative, the need for centralization is contingent upon the arrival in the land and at the "chosen place." In this theory the stones to be erected on Mount Gerizim formed a makeshift cultic space, one that would later be replaced by the Jerusalem sanctuary. In this view the "chosen place" is Jerusalem, and the centralization law envisioned by Deuteronomy was always meant for this capital city of Judah. Jan-Pierre Sonnet writes of the "liminal character of the stone inscription" in Deut 27, a public display of the peoples' entry into the land.[185]

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[182] A leading scholar of this theory is Weinfeld. See Weinfeld, "Emergence of the Deuteronomic Movement," 83-87; Schorch, "The Samaritan Version of Deuteronomy," 35-36.

[183] See, for example, Christophe Nihan, "The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua," in *The Pentateuch as Torah: New Models for Understanding its Promulgation and Acceptance* (ed. G. Knoppers and B. Levinson; Winona Lake: Eisenbrauns, 2007), 191-192.

[184] Ralph Hawkins, *The Iron Age I Structure on Mt. Ebal: Excavation and Interpretation* (Bulletin for Biblical Research Supplement 6; Winona Lake: Eisenbrauns, 2012).

[185] Sonnet, *The Book within the Book*, 88-92.

While a comprehensive presentation of Deut 12 and 27 is beyond the scope of this study, either of the theories above would provide an explanation for the text-critical issue of the centralization of worship without resorting to a conclusion that 27 is an interpolation.

Conclusion

The motif of the command to erect a stele and inscribe it with the covenant oath showcases particularly the integral connection between the legal material of 12-26 and the covenant ceremony of 27-28. Despite the text's lack of uniformity in 27 and unevenness in presentation, nonetheless chapters 11-28 form an organic whole. Through the narrative devices of *inclusio* and a speech within a speech, the author of Deuteronomy builds the listener's attention from chapter 11 toward the climactic conclusion in the oath ratification ceremony in 27-28. In this way the author maintains the hortatory character of the overall framework of Deuteronomy while introducing a script for the covenant ratification to be performed by ritual practitioners. This literary frame of the speech within a speech is in keeping with the wider ancient Near Eastern treaty tradition of the ritual oath as both a rhetorical performance and a written text. In fact, the display of inscriptions bearing blessings and curses in cult sites seems to have been an integral part of the creation of the stele or clay tablet or wall inscription. The object itself would have served as a visual reminder to the community of the oath that was sworn, the curses spoken aloud and/or performed, and the consequences of violating the oath agreement.

The motif of the command to erect and inscribe stelae as part of this ritual oath performance in Deut 27 demonstrates a strong connection with practices of oath performance in the wider ancient Near East and the Mediterranean that flourished particularly during the Iron II Period. The inscribing of both oath stipulations and blessings and curses for display purposes reveals a social-historical context for this practice that flourished particularly in treaty texts during the Iron

Age. Exemplars of blessing and curse inscriptions on stone from seventh-century B.C.E. Judah reinforce this connection between the narrative world of Deut 27 and material record of Iron II culture in the southern Levant. Thus, the evidence from the material record also supports a compositional schema of the integration of Deut 11-26 with 27-28.

CHAPTER FOUR

"Thus We Have Spoken and thus We Have Written": The Curses of Sefire and Ritual Oath

Performance

כה אמרן וכה כתבן מה
כתבת אנה מתעאל לזכ
רן לברי ולבר ברי ז
י יסקן באשרי

Thus we have spoken and thus we have written. What I, Mati'ilu,
have written (is) a reminder for my son and grandson who will follow me.
(Sefire I VII:1-2) [186]

Introduction

The lines presented above from the epilogue of the Sefire treaty highlight the interface

between a rising scribal enterprise and a predominantly oral culture during the Iron II period.

This epilogue serves also as a reminder that ancient Near Eastern treaties were ratified not just by

words written, but also by words spoken. Ratification of a treaty involved the crafting of an

inscription on stone as well as an oral performance of the oath agreement between two parties. [187]

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[186] Joseph Fitzmyer, *The Aramaic Inscriptions,* 18. While lines numbers are fairly consistent among the various publications of the Sefire treaties, Fitzmyer's transcription and line numbers are adopted unless otherwise noted. Other important editions include Hans Bauer "Ein aramäischer Staatsvertrag aus dem 8. Jahrhundert v. Chr. Die Inschrift der Stele von Sudschīn," *AfO* 8 (1932-1933): 1-16; André Lemaire, André Dupont-Sommer and Jean Starcky, "Les Inscriptions Araméennes de Sfiré (Stèles I et II)" in *Mémoires Présentés par Divers Savants à l'Académie des Inscriptions et Belles-Lettres de L'institut de France* (Paris: Imprimerie Nationale, 1960), 197-293; Jean-Marie Durand and André Lemaire, *Les Inscriptions Araméennes de Sfiré et l'Assyrie de Shamshi-Ilu* (Paris: Librairie Droz, 1984); Sebastien Ronzevalle, "Fragments d'inscriptions araméennes des environs d'Alep," *MUSJ* 15 (1930-1931): 237-260.

[187] The stelae of Sefire originate from the mid-8th century at a site approximately 15 miles southeast of Aleppo in Syria. In these stelae is a written treaty made by an Aramean ruler named Mati'ilu, the king of Arpad with the Mesopotamian ruler Bir-Ga'yah, the king of the land of KTK. Since Tiglath-Pileser III annexed Arpad in 740 B.C.E., these treaty texts date from a time shortly before this. While there are multiple stelae fragments and some debate about whether or not these represent a single treaty, Stele I is the focus of this study, and thus the term "Sefire treaty" refers to this first stele unless otherwise noted. Bauer, "Ein aramäischer Staatsvertrag aus dem 8. Jaherhundert," 1; Lemaire, Dupont-Sommer, and

While it may seem initially obvious that treaties were read aloud or contained elements of ceremonial speech and action, the influence of orality on the composition of treaty and oath texts in ancient Near Eastern studies is an area that remains largely unexplored. The Sefire treaty will be examined in this chapter from the perspective of the oral and ceremonial background of oaths and treaties. This analysis of the Sefire treaty will serve as a case study in the analysis of oral components within Near Eastern treaties and, more specifically, the covenant oath and accompanying ceremony of Deut 27-28.

The Sefire stele was chosen as an exemplar for several reasons. First, it is a comparatively shorter treaty, which makes analysis of syntax more easily presented in a single chapter. Secondly, a smaller number of treaties make explicit mention of the element of oral performance in their texts. The epilogue of the Sefire treaty "thus we have spoken and thus we have written" shares a parallel with Deut 27 in this regard.[188] Both the Sefire treaty and Deut 27 give explicit mention of speaking within the ratification of the treaty. Third, the syntax of the ceremonial curses in this treaty also suggests that ritual manipulation of objects accompanied the oral recitation of the curses. The ceremonial, or simile, curses of the Sefire treaty illustrate the kind of ritual performance elements that may have accompanied the oral recitation of treaties. Finally, the Sefire treaty is a western treaty written in a West Semitic language, thus, also representing a treaty with a closer geographical range to Judah, a language closer to that of biblical Hebrew, and a physical display of the treaty on a stelae with a further parallel to the directives of Deut 27.

Starcky, "Les Inscriptions Araméennes de Sfiré (Stèles I et II)," 200-201; Lemaire and Durand, *Les Inscriptions Araméennes de Sfiré*," 3-4; Fitzmyer, *Aramaic Inscriptions*, 1. The precise provenience of these stelae fragments still remains somewhat questionable. However, it seems most likely that these texts were unearthed at Al-Safira near Aleppo. On the issue of how the provenience of the stelae was determined, see Bauer.

[188] See Deut 27:14: "Then the Levites shall proclaim in a loud voice to all the Israelites…"

As discussed in the prior two chapters, both Hittite treaties and the Hebrew Bible stipulate regular public readings of treaties or covenants. Moreover, particular elements common to Near Eastern treaties signal an oral and ceremonial enactment of such oaths. For example, the switch in interlocutor from one segment to another, and particularly from second-person to first-person speech, gives treaties a more dialogical format. Treaties in the ancient world more broadly involved an element of swearing of an oath; thus, speaking one's agreement to the oath was a central element ensuring its binding authority. In Deut 27:15ff, for example, the levitical practitioners are directed to speak aloud the oath curses while the gathered assembly responds with "Amen." Similarly, in the STE we find "you shall not swear the oath with your lips only but shall swear it wholeheartedly."[189] Thus, the element of speech on the part of oath-swearers was a central component to oath ratification.

The relationship between the spoken elements of ceremonial enactment of treaties and their written representation, however, is not altogether obvious or clear. Do treaty inscriptions represent the *ipsissima verba* of their ceremonial enactment (a script) or do treaty texts present more of a summary of words spoken during their ratification (a record)?[190] Jacob Lauinger, for example, writes that the STE "contains what is apparently the *verbatim* oath sworn by the subordinate party…"[191] Such a view also raises further questions about whether the written

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[189] SAA II 6: 385. Parpola and Watanabe, 44.

[190] Giorgio Buccellati poses a similar question with regard to the Amarna corpus. Since letters were meant to record a spoken message from one party to deliver orally to another, the same sort of oral performance issues are in play in epistolary inscriptions. Buccellati concludes that the letters are not simply a paraphrase of what was spoken but do reflect the spoken phraseology taken down during dictation. However, Buccellati also concludes that the letter delivered represents a more polished copy crafted secondarily after an initial draft was made during the moment of dictation. Thus, a two-stage process is posited. Buccellati, "Aten in Amurru?" in *Leggo!: Studies Presented to Frederick Mario Fales on the Occasion of His 65th Birthday* (ed. G. Lanfranchi et al.; Wiesbaden: Harrassowitz, 2012), 95, n 1.

[191] Italics are the author's. Lauinger, "The Neo-Assyrian *adê*," 105.

representation of the treaty is to be understood as a faithful rendering of the words spoken on oath or rather that the written text was consulted during the ceremonial enactment. Or perhaps both scenarios are appropriate if a treaty were formalized in some written format, memorized for performance by practitioners, and displayed with a formalized inscription. Given its relatively shorter text, the Sefire treaty provides a useful test case for the exploration of a treaty as a record of a ceremonial enactment and a script of sorts for its performance.

Current studies of the Sefire treaty, Deut 28, and other Near Eastern treaties often examine these texts as scribal documents without consideration of the elements of oral performance and ritual practice that formed the purpose for the written text.[192] The lengthy discussion in Chapter Two of scholarship that views chapter 27 of Deuteronomy as an "interpolation" or an intrusion upon the smoother flow of 11-26 and 28 illustrates this tendency toward viewing oath texts as literary productions only disconnected from their oral and ritual performance elements. Indeed, as James Watts observes, "the academic dichotomy between text and ritual remains entrenched" most often privileging the study of text over ritual.[193] The Sefire treaty is a useful exemplar in this regard as well, for the curse segment in the Sefire treaty also seems to include the ritual manipulation of objects such as burning wax figurines and breaking weapons that accompanied the oral delivery of the curses.[194] This use of performative elements suggests that the ratification of the Sefire treaty was accompanied by ritual enactment as a means of heightening the fear element in self-curses as a means to secure obedience to the terms of the oath.

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[192] A notable exception is the article by Heath Dewrell that also examines elements of ritual practice in the Sefire treaty ("Human Beings as Ritual Objects," 31-55).

[193] Watts, "Ritual Legitimacy and Scriptural Authority," 401-417.

[194] Dewrell even suggests that human sacrifice accompanied the ritual ratification of the Sefire treaty ("Human Beings as Ritual Objects," 31-55).

The concept of oath inscriptions as scripts for and records of dramatic enactment will be explored from two perspectives using the Sefire Treaty as a case study. First, a syntactical analysis of segments of the Sefire Treaty aims to detect elements of spoken discourse within the text. A methodology of sociolinguistics is employed that provides a standardized set of criteria by which one might distinguish stylistic variation in syntax between written and oral language.[195] Secondly, the ceremonial curse segments of the Sefire treaty are examined including syntactical elements that are suggestive of physical manipulation of objects performed as ritual components of the oath ratification ceremony. This combination of oral recitation of treaty stipulations, ritual practice that accompanied an oath ratification, and the crafting of a visual display of the treaty are posited as common elements among Near Eastern treaties more generally and Deut 27-28 specifically.

I. Oral Performance Elements within the Treaty

I.A Overview and Methodological Considerations

Given "the evanescence of speaking and the permanence of writing" the study of texts as written artifacts presents fewer challenges than studying the "oral residue" that underlies them.[196] However, within the broader methodological framework of discourse analysis, the sub-discipline of sociolinguistics provides a framework for distinguishing a continuum between spoken and written discourse. This framework has the potential to uncover literature with an oral and performative component to its production. The recognition that written language as well as

[195] Frank Polak, "Sociolinguistics in the Judean Speech Community and the Achaemenid Empire," in *Judah and the Judeans in the Persian Period* (ed. O. Lipschitz and M. Oeming; Winona Lake: Eisenbrauns, 2006), 589-628; Idem, "Sociolinguistics: A Key to the Typology and the Social Background of Biblical Hebrew," *Hebrew Studies* 47 (1996): 115-162.

[196] Chafe, "Linguistic Differences," 122. See Albert Lord for the use of the phrase "oral residue" to refer to elements of speech preserved in orally composed literature ("Characteristics of Orality," in *Oral Tradition* 2 [1987]: 58).

spoken is "a symbolic act, an act of meaning" within an iconographic system addresses this dichotomy between text and ritual, between spoken language and language written text.[197] The methodology of sociolinguistics provides a standardized set of criteria by which one might distinguish stylistic variation in syntax between written and oral language.[198] These criteria are here adapted to the study of the syntactical style of three segments of the Sefire treaty, with particular emphasis on the curse segment. Using the criteria, two starkly contrasted syntactical styles are found within the treaty: the preamble and adjuration are written in a scribal chancellery style, while the curse segment is characterized by a "simple" style most similar in form to spoken discourse.

The Sefire stelae present us not only with a treaty text, but also with a written public display of a ritual oath performance between the rulers of KTK and Arpad.[199] The oral performance of *adê* oaths by participants would have formed an important element of the social context in which treaty texts were created. As JoAnn Scurlock writes, "Assyrian covenants were not spectator sports…"[200] Perhaps most notably, the STE was performed in a ceremony in which representatives of various empires sent emissaries to participate in a performance of the *adê* oath.[201] It remains a strong possibility that the performance of the STE was part of the *akītu*

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[197] Goody, *Interface*, 3.

[198] Polak, "Sociolinguistics in the Judean Speech Community," 589-628; idem, "Sociolinguistics: A Key to the Typology and the Social Background of Biblical Hebrew," *Hebrew Studies* 47 (1996): 115-162.

[199] Unfortunately the locus of the precise find site of the stelae fragments is unknown. However, the large size of the reconstructed fragments (51.5 inches high) and the material stone for the engraving (basalt stone) clearly indicate that the stele was meant for display purposes, rather than for administrative record. Fitzmyer, *The Aramaic Inscriptions*, 9.

[200] Scurlock, "Getting Smashed," 176.

[201] For example, see Wiseman, "The Vassal-Treaties," 3-5.

festival, with a ritual enactment of the treaty performed long after its initial ratification.[202] The STE was written in a "royal oratorical style," with scripted parts for various participants to speak aloud.[203] Moreover, this stipulation that treaties be performed orally on a regular basis is evident in both Hittite treaties and Deuteronomy.[204] The oral recitation of a treaty oath three times a year before the oath-maker is mandated in a Hittite treaty.[205] The reading aloud of the covenant oath is also stipulated in Deuteronomy 27:11-16 with scripted parts for both the priests and participants to speak. Also a reading every seventh year before an assembly of the people during a cultic festival is stipulated in Deuteronomy 31: 10-13.[206] Also Deuteronomy 17:18-19 calls for oral recitation of the law for the king "all the days of his life." Likewise, the reading aloud of the *ṭuppi adê* before the Assyrian king in a ritual involving the tablets is also detailed in the "Covenant of Aššur" (SAA 9 3). Thus, the Sefire treaty likely would have been performed by the parties involved as part of the process of its ratification. William Morrow's study observes the unusual use of first person pronouns and verbs to refer to the overlord in the Sefire treaty, and second person forms to refer to the vassal.[207] This switch between first and second person forms

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[202] Lauinger, "The Neo-Assyrian *adê*," 111-115; Parpola, "Neo-Assyrian Treaties," 163. The *akītu* temple is mentioned in one of the copies of the treaty (VAT 11449), and the Nimrud tablets were discovered in the *bīt akītu*, one of the rooms where the annual ceremony was held. Furthermore, the month to which the Nabû STE tablets are dated matches that of the *akītu* festival. Lauinger contends that the tablets of the treaty formed part of the *akītu* festival, while I suggest that the performance itself as well as the tablets may have been part of this ceremony.

[203] Ibid., 170-174; Wiseman, "Vassal-Treaties," 23-24. Two copies of the STE switch between the use of the first, second, and third person pronouns and verbs such that various portions of the treaty appear to be read by subjects while others by their overlords.

[204] Weinfeld, *Deuteronomy and the Deuteronomic School*, 64-65.

[205] Gary Beckman, *Hittite Diplomatic Texts*, 91.

[206] "Every seventh year… during the festival of booths, when all Israel comes to appear before the Lord your God… you shall read this law before all Israel in their hearing…"

[207] Morrow, "The Sefire Treaty Stipulations," 87.

gives the treaty more of a scripted format as though a dialogue were taking place between two parties.

This interplay of oral performance and written display is also evident within the syntactical style of the treaty text itself. An analysis of the syntactical variety of different segments within the Sefire treaty text reflects an interweaving of material written in both a "plain" or more sparse style typical of spoken language, as well as material written in an "elaborate" or dense style typical of the scribal chancellery.[208] The "plain" style is characterized by simpler, more staccato syntactical structures with few noun strings, few embedded clauses, and few "arguments" that provide detailed elaboration in the independent clause.[209] In the "elaborate" style, however, the reverse is the case: the syntax is characterized by a high frequency of nouns, the use of complex hypotaxis, and a larger number of explicit arguments in the clause structure.[210] These contrasting styles are representative of the complex interface between a predominantly oral culture and the rising importance of scribal administrative systems in the ninth through sixth centuries B.C.E. Within the Sefire treaty, the role of writing in oath-making and the role of oral performance in enacting the oath are intertwined within the treaty as the text itself says: "thus we have spoken and thus we have written."

<center>I.B Stylistic Analysis</center>

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[208] Chafe, "Linguistic Differences," 105-123; Goody, *Interface*, 263-265; M. A. K. Halliday, *Spoken and Written Language*, 61-85; for the terms "plain" and "elaborate" see Polak, "Sociolinguistics: A Key to the Typology," 115-162

[209] Chafe, "Linguistic Differences," 106-107; Goody, *Interface*, 263-265; Halliday, *Spoken and Written Language*, 79-80; Polak, "Sociolinguistics: A Key to the Typology," 141-151.

[210] Chafe, "Linguistic Differences," 108-110; Goody, *Interface*, 263-265; Halliday, *Spoken and Written Language*, 61-67, 82-84; Polak, "Sociolinguistics: A Key to the Typology," 127-132.

Like other treaties from the ancient Near East, the Sefire treaty is a compilation of various

segments of material such as the preamble, adjuration, stipulations, etc.[211] In the Sefire treaty,

not only do various segments exhibit different sorts of themes and content but also stylistic

differences in syntax. The focus of this analysis is on three particular segments of Stele I Face A:

the preamble detailing the parties to the treaty, the adjuration containing a list of divine

witnesses, and the curses. This analysis reveals a striking stylistic difference between the first

two sections of the treaty (the list of parties and divine witnesses) and the third section (the

curses). Furthermore, the analysis will highlight the prominent stylistic variation in both the

futility curses (I: 21-24a) and the ritual curses (I:35b-42). The term "futility curses" is used here

to refer to imprecations that emphasize the accursed one's inability to meet the needs of

offspring or animals in his/her care.[212] The term "ritual curses" refers to imprecations that

involve the manipulation of objects as part of an enactment of the curse's effects.[213] Both types

of curses in the Sefire stelae show a strong tendency toward an even noun-to-verb ratio, with

short clause structures containing few detailed elaborations.[214] While the preamble and

adjuration sections are written in a more chancellery register, the curses are written in a simpler

style exhibiting features closer to that of speech. Three stylistic features of each section will form

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[211] Terms from Parpola and Watanabe, *Neo-Assyrian Treaties*, XXXV-XLII.

[212] For example, "may seven nurses anoint their breasts and nurse a boy, may he not be satisfied" (Sefire I: 21-22).

[213] For example, "Just as this calf is cut in two, so may Mati'ilu be cut in two…" (Sefire I:3 9-40).

[214] Hillers, *Treaty-Curses and the Old Testament Prophets*, 28f.; Parpola and Watanabe, *Neo-Assyrian Treaties*, XLII. Hillers' terminology for the "futility curses" has been employed, while a loose adaptation of Parpola and Watanabe's term "ceremonial curses," has been changed to "ritual curses" to better fit the overall emphasis of the paper on the ritual performative elements of the treaty.

the basis of the analysis: (a) noun-verb ratio; (b) use of hypotaxis; (c) a clause structure with detailed elaboration within independent clauses.[215]

Analysis of The Preamble and the Adjuration (I A:1-14)

Noun-Verb Ratio

These two segments of the treaty text are written as elaborate lists of the parties named in the treaty and the list of deities who serve as witnesses. The segments are comprised primarily of nouns with a few prepositions or modifiers. Most notable is the lack of verbs – whether active, stative, participial, or passive – with only two verbs in the entire preamble followed by only four more in the adjuration.[216] The overall noun-to-verb ratio of the preamble is 23:1 with 96% nouns and 4% verbs (both verbs are finite).[217] Likewise, the ratio in the adjuration is nearly equivalent with 45:4 or 9% verbs in total (two finite verbs, one imperative, and one infinitive).[218] Thus, one of the characteristics of the syntax of these two segments of the treaty is the use of long noun strings and few verbs. For example, "This treaty of Bar-Giya, king of KTK, with Mati-ilu, the son of 'Attarsamak, the king of Arpad… of the sons of Bar-Giya and his offspring with the offspring of Mati-ilu…" The "lexical density" observed here with long strings of nouns and comparatively fewer verbs is more characteristic of written language.[219]

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[215] Elements of stylistic analysis from three of Polak's articles have been combined: "Sociolinguistics: A Key to the Typology," 115-162; idem, "Sociolinguistics in the Judean Speech Community," 589-628; idem, "The Oral and Written: Syntax, Stylistics and the Development of Biblical Prose Narrative," *JANES* 26 (1998): 59-105.

[216] Verbs taken into account in the preamble and adjuration include finite verbs, as well as infinitive and imperative: ישקן (I A:5), עלל (I A:6), שם (I A:7), גזר (I A:7), פקחו and and לחזיה (I:13).

[217] The total count for the preamble is 26 nouns to two verbs. The verbs from this segment are יסקן (I:5) and עלל (I:6).

[218] The total count for the adjuration is 45 nouns to two verbs. The verb forms from this segment are שם (I A:7), גזר (I A:7), פקחו and and לחזיה (I:13).

[219] Halliday, *Spoken and Written Language*, 61-62.

Complex Hypotaxis

The use of intricate grammatical structures and complex subordination is also one of the features that distinguishes written registers of language from spoken.[220] Hypotaxis is a type of elaborate syntactical structure in which a clause is dependent upon a subordinate clause. Indeed, Frank Polak writes that the complex syntactical structure of hypotaxis is common among the broader corpus Aramaic letters from the Persian period and is characteristic of a highly developed scribal context. Aramaic texts written in a chancellery style include the letters in Ezra-Nehemiah and Elephantine corpus.[221] Two occurrences of complex hypotaxis are found in the preamble of the Sefire treaty as well. In the examples below, main clauses are underlined, while subordinate clauses are marked by brackets < > and hypotaxis by curly brackets { }:

< עדי בני בר גאיה עם בני מתעאל <u>עדי בר גאיה מלך כתך עם מתעאל בר עתרסמך מלך ארפד</u>
... <{ זי יסקן באשרה } עם בנוה ועם מצר ועם כלה עם ארם ו ... ועדי >
{>עלל בית מלך { ועם כל >
(IA:1-2, 5–6)

(This is) the treaty of Bar-Ga'ya, king of KTK, with Mati'ilu, the son of 'Attarsamak, king of Arpad; < the treaty of the sons of Bar-Ga'ya with the sons of Mati'ilu…>
< and the treaty.. (broken)… and with all of Aram and with (the king of) Egypt and with his sons {who will come after him}> ... < and with all > <{ who enter the king's palace}>.

Clause Structure

Within the legal genre of the treaty, clauses are rife with detail providing for every anticipated provision of the treaty's participants and stipulated agreements. Thus, the clause structure is dense and filled with descriptive components and the independent clauses contain a

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[220] Halliday, *Spoken and Written Language*, 62, 82-84.

[221] Polak, "Sociolinguistics: A Key to the Typology," 129.

great deal of added information.[222] In the example given below, the main clause is underlined, while elaborations upon the independent clauses are marked with brackets < >.

<div dir="rtl">

ונצבא > עם ספרא זנה > שם ועדיא אלן > זי גזר בר גאיה > ...> וקדם מרדך וזרפנת <...

</div>

(I A:6b-8)

And the stele < with this inscription > he erected < and this treaty >. And this treaty < that Bar-Ga'ya' made > < in the presence of Marduk and Zarpanit > …

In this example various added details to nouns and verbs render the clause structure more elaborate.

Analysis of The Curses (I A:20-42)

Noun-Verb Ratio

In stark contrast with the preamble and the adjuration the three curse sections of the treaty do not demonstrate long strings of nouns but rather a more sparse style with markedly few lexical items. In the futility curses (I A: 21-24b) the total count is 13 verbs to 13 nouns with noun to-verb-ratio of 1:1 -- an even 50% distribution of nouns to verbs.[223] In the simple curses (I A:25-35a) the total count is 71 nouns to 19 verbs with a noun-to-verb ratio of 71:19 or 27% verbs. And, finally, the ritual curses (I A:35b-42) yield a total count of 41 nouns to 18 verbs and a noun-to-verb ratio of 41:18 similar to that of the futility curses with 44% verbs.

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[222] Polak, "Sociolinguistics: A Key to the Typology," 130-131. Polak refers to these descriptive constituents as "arguments."

[223] Following the pattern of the rest of the sentences in this segment, this count of verbs and nouns includes one reconstructed verb and one reconstructed noun at the beginning of line 21 where the text picks up from the broken region above "may seven x breed with…"

Table 1: Comparative Table of Noun to Verb Ratios

	Total Nouns	Total Verbs	N-V Ratio	Percent Verbs
Preamble	46	2	13:1	4%
Adjuration	45	4	45:4	9%
Total Opening Segment	**91**	**6**	**91:6**	**7%**
Futility Curses	13	13	1:1	50%
Simple Curses	71	19	71:19	27%
Ritual Curses	41	18	41:18	44%
Total Curse Segment	**125**	**50**	**5:2**	**40%**

All three curse sections demonstrate a prominent change in syntactical style from the preamble and the adjuration, with a simpler clause structure containing a fairly even number of verbs to nouns. Most striking of all are the futility curses with a simple succinct clause structure consisting of subjects, verbs, and sometimes objects with a number modifier. For example,

<div dir="rtl">

ושבע שורה יהינקן עגל ואל ישבע
ושבע שאן יהינקן אמר ואל ישבע

</div>

May seven cows suckle a calf, but may it not be satisfied.
May seven sheep suckle a lamb, but may it not be satisfied.
(I A:22b-23)

This fragmented quality of clauses "produced in a series of spurts" is more typical of speech than administrative documents.[224]

Complex Hypotaxis

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[224] Chafe, "Linguistic Differences," 105-107.

Not only are there no examples of complex hypotaxis in the curse segment of the treaty, but also few subordinate clauses overall. Most sentences consist of a single subordinate clause or two, at the most, which comports well with the features of spoken language characterized by shorter clause units that function more independently.[225]

Clause Structure

While the preamble and adjuration are more densely filled with descriptive components modifying the noun elements of the independent clause, the curse segment has few descriptive components, if any, within independent clauses. For example,

<div dir="rtl">

ושבע שורה יהינקן עגל ואל ישבע
</div>

(I A:22b-23a)
And, may seven cows suckle a calf, but may it not be sated.

<div dir="rtl">

ואיך זי יער גבר שעותא כן יער מתעאל
</div>

(I A:39)
Just as this wax man is blinded, so may Mati'ilu be blinded.

Particularly within the futility and ritual curses, the syntax is characterized by a stronger rhythmic style with choppier sentences, elements of repetition, and few elaborations upon the nouns in the clause structure.

Contrast of Futility Curse in Assurbanipal's Annals with Parallel Curse in the Sefire Treaty

A contrast with a parallel curse line found in the annals of Assurbanipal and the same curse line in the Sefire treaty further highlights this juxtaposition of two stylistic variations. While treaties were written in more of a scripted format, the annals likely were never part of any oral performance but rather were administrative records or displays of the king's triumphant campaigns. Unlike treaty texts, the annals are lacking in any dialogical format or performative

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[225] Chafe, "Linguistic Differences," 111.

elements. This contrast in genre and form is highlighted in an excerpt from the campaign against

the Arabs. One curse line in particular is parallel to another in the Sefire treaty. This passage

from the annals details a series of calamities that befell those who broke an *adê* agreement, and

among them is the following line:

> *bakru suḫīru būru puḫādu ina muḫḫi 7.TA.ÀM mušēniqāte ēniqu-ma šizbu la ušabbû karassun*

> The young camels, donkey foals, calves, lambs sucked seven times and more at the mothers who nursed them, yet could not satiate their stomachs with milk. [226]

Contrast this Akkadian curse formula with the brief and simple style of the same curse from the

Sefire Treaty:

<div dir="rtl">

ושבע שורה יהינקן עגל ואל ישבע

</div>

> May seven cows nurse a calf, but may it not be satisfied.
> (Sefire I A:22b-23)

In the excerpt from the annals a more elaborate chancellery style is employed. The Akkadian

version of this type of curse is more prosaic and wordy and decidedly less rhythmic than the

more staccato parallel from the Sefire treaty. The addition of the lengthy subject clause

containing a noun list in the beginning, the addition of the prepositional phrase *ina muḫḫi*, the

added noun *šizbu* for "milk," and the use of the participle *mušēniqate* rather than a finite verb,

are typical of an "elaborate" chancellery style.[227]

Deut 27-28

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[226] Normalization and translation from *The Chicago Assyrian Dictionary*, s.v. "*bakru*" for the Akkadian transcription see Manfred Weippert, "Die Kämpfe des assyrischen Königs Assurbanipal gegen die Araber: Redaktionskritische Untersuchung des Berichts in Prisma A," *Die Welt des Orients* 7 (1973), 76.

[227] See Polak "The Oral and the Written," 63-65, on the frequency of verbal nouns (participles and infinitive constructs) versus finite verbs in the more elaborate, chancellery style of language grounded in scribal practice,

The biblical text presents a different scenario than the Sefire treaty in terms of textual production dating to a single historical period and setting.[228] However, some similarities can be seen in the formulaic structure of some of the curses of Deut 27-28 and those of the futility curses in the Sefire Treaty. An excerpt from Deut 28 provides a useful comparandum since these curse lines have a strikingly similar theme and a structure parallel to that the futility curses in the Sefire treaty.

זֶרַע רַב תּוֹצִיא הַשָּׂדֶה וּמְעַט תֶּאֱסֹף כִּי יַחְסְלֶנּוּ הָאַרְבֶּה׃
כְּרָמִים תִּטַּע וְעָבָדְתָּ וְיַיִן לֹא־תִשְׁתֶּה וְלֹא תֶאֱגֹר כִּי תֹאכְלֶנּוּ הַתֹּלָעַת׃
זֵיתִים יִהְיוּ לְךָ בְּכָל־גְּבוּלֶךָ וְשֶׁמֶן לֹא תָסוּךְ כִּי יִשַּׁל זֵיתֶךָ׃
בָּנִים וּבָנוֹת תּוֹלִיד וְלֹא־יִהְיוּ לָךְ כִּי יֵלְכוּ בַּשֶּׁבִי׃
(Deut 28:38-41)

> Much seed will you cast upon the field, but you will harvest little because the locust will devour it.
> You will plant vineyards and you will labor (in them) but you shall not drink the wine or gather the grapes because the worms will devour it.
> You will have olive trees throughout your border, but you shall not anoint yourself with oil because your olive trees will be cut down.
> You will give birth to sons and daughters but they shall not belong to you because you will go into captivity.

In these lines the same simple style is employed as in the futility curses in the Sefire treaty.[229] While the curse lines from Deut 28 show some expansion on the more basic, staccato formula in the Sefire treaty, the same ratio of noun to verbs obtains. In this excerpt from Deut 28 the

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[228] While this study approaches Deut 27-28 from the perspective of the final form of the text, certainly multiple redactions and re-contextualizations of the ceremonial covenant enactment including the performance of the curses took place in different chronological settings. Within the biblical text itself the reading of the "torah" in a gathered public assembly can be found in Josh 8, 2 Kgs 23, and Neh 8-10. Moreover an adaptation of Deut 27 for the Qumran community can be found in *Serek Hayaḥad* (1QS 1-2).

[229] Christoph Koch has also presented a convincing argument of a phraseological parallel between the insect names in the Sefire Treaty, this excerpt from Deut 28, and the Mesopotamian lexical series ur$_5$-ra = ḫubullu XIV. Koch contends that these parallels demonstrate "a largely uniform scribal training" ("weitgehend einheitlichen Schreiberausbildung") particularly of lexical lists memorized (*Vertrag, Treueid und Bund,* 284-286).

formulaic curse lines demonstrate lexical sparsity with fewer nouns and an even ratio of nouns to verbs. With 15 nouns and 14 verbs found in the excerpt above, the ratio of nouns to verbs matches the more rhythmic style of the futility curses in the Sefire treaty. While these curse lines from Deut 28 contain an added independent clause, no examples of hypotaxis can be found. The same contrast between these Deut 28 curses and the curse line from the Sennacherib annals obtains as well: the Sennacherib curse contains a lengthy noun string and the use of added prepositional clause and participial verb form, while these biblical curse lines from Deut 28, like the Sefire treaty, follow a simpler syntactical style closer to speech.

Interpretation

While the oral performance of the Sefire treaty is lost to us, the written display that survives seems to have preserved at least some elements of its script and performance. The use of syntactical structures more typical of spoken language suggests that at least the curse portions of the treaty likely formed part of a script for the oral delivery of the treaty. The use of short independent clauses with few detailed elaborations, few subordinate clauses, and a more even noun-to-verb ratio suggests that the curses reflect oral discourse. Furthermore, the use of first and second person pronouns and verbs in some places within the treaty's stipulations are also features that characterize a script more than an administrative record. Thus, the use of curse lines formulated like that of direct speech in the Sefire treaty suggests that the written text was shaped by the oral performance of the curses portions at least. The influence of the oral performance on the written text of the Sefire treaty is highlighted in the contrast between the very same curse in the annals formulated like a scribal record while in the Sefire treaty formulated like direct speech. The comparison of the biblical curse excerpts from Deut 28 suggests that, like the Sefire treaty, some portions of Deut 27-28 were shaped by a tradition of oral delivery of the curses.

91

I.C The Curses and Oral Performance

Further evidence that the written form of the Sefire Treaty was shaped in part by an oral performance of the oath can be found in elements of sound assonance, formulaic syntax, and rhythmic repetition within the curse lines. The presence of repetition and the use of formulas is a marker of an oral register, and likewise, of orally composed literature.[230] Moreover, purposeful repetition within a piece is not only a device for capturing and holding listeners' attention but also one that emphasizes certain elements within the composition.[231] Features such as repetition, rhythm, and word plays using sounds are indicators of more complex "structures of recall" that embed orally formulated content, and assist memorization when formulaic language is reproduced in speech.[232] According to Walter Ong, in the performance of oral compositions

> …you have to do your thinking in mnemonic patterns, shaped for ready oral recurrence. Your thought must come into being in heavily rhythmic, balanced patterns, in repetitions or antitheses, in alliterations and assonances, in epithetic and other formulary expressions.[233]

Thus, word plays involving sound assonance can serve as "aural cues" since mnemonic forms are part of the structure of memory systems.[234]

The curse segments of the Sefire treaty employ elements that are markers of orally composed literature and may have served as devices that aided memorization: repetition, formulaic rhythm, and play on words and their sounds. In the futility curses, the repetition of the number seven at

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[230] Lord, "Characteristics of Orality," 57-58; Niditch, *Oral World and Written Word,* 10-11.

[231] Niditch, *Oral World and Written Word*, 13.

[232] Goody, *Interface*, 171.

[233] Walter Ong, *Orality and Literacy: The Technologizing of the Word* (London: Methuen, 1982), 34.

[234] Goody, *Interface*, 180; Lord, "Characteristics of Orality," 58. For examples of aural wordplay in the Hebrew Bible viewed as oral compositions, see Niditch's examples from Gen 2-3 (*Oral World and Written Word*, 31-32).

the beginning of each line, and the repeated syntactical pattern of the negative particle with the

verb of satiation at the end of each line, creates a rhythmic effect:

ושבע ססיה יהינקן על ואל ישבע
ושבע שורה יהינקן עגל ואל ישבע
ושבע שאן יהינקן אמר ואל ישבע

> May seven mares suckle a colt, but may it not be satisfied.
> May seven cows suckle a calf, but may it not be satisfied.
> May seven ewes suckle a lamb, but may it not be satisfied.
> (Sefire I A:22-23)

Furthermore, the number seven שבע also creates a play on words with the final verb ישבע using

similar sounds and root letters, particularly since the ending and starting of each line would place

both in sequence. Also in the first line above, the pairing of על with אל together creates sound

assonance as well. This use of pun and repetitive framework are more typical of oral (and poetic)

discourse and provide a scribe/practitioner with aids to memorization of the piece.[235]

In the same way, the ritual curse segment in the Sefire treaty employs a repetitive framework

as well. Each line begins with the stock phrase איך זי followed by a verb, while the subordinate

clause is introduced each time with כן followed by the very same verb:

איך זי תקד שעותא זא באש כן תקד ארפד...
איכה זי תקד שעותא זא באש כן יקד מתעאל באש
ואיך זי תשבר קשתא וחציא אלן כן ישבר אנרת והדד קשת מתעאל

> Just as this wax is burned by fire, so may Arpad be burned…
> Just as this wax is burned by fire, so may Mati'ilu be burned with fire
> Just as this bow and these arrows are broken, so may Hadad and Inurta break the bow of
> Mati'ilu
> (Sefire I A:35-38)

Not only do the futility and ritual curses fit the syntactical characterization of spoken language,

they also feature elements that would have reinforced oral memory and recitation during a ritual

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[235] See, for example, Carr, *Writing on the Tablet of the Heart*, 9, 24, 28, 37 note 107; Goody, *Interface*, 121-122.

performance of the treaty.[236] This "oral-rhythmic" style particularly of the futility curses and the ritual curses strongly suggests that this portion of the written treaty formed a script of sorts for the oral performance of the treaty itself.

A similar rhythmic-formulary structure is also employed in the "cursed are you" and "blessed are you" segments of Deut 27-28. Each line begins with a standard formulaic introduction followed by a more specific curse or blessing. The repetition creates a rhythmic structure to these curse and blessing lines, and the pairing of matching blessings and curses in 28:3-6 and 28:16-19 provides a "balanced pattern" typical of oral composition. Furthermore, the curse lines particularly from 27:15-26 are set within a narrative context of proclamation by the Levites and antiphonal response by the gathered assembly within the narrative framework of Deuteronomy.

אָר֗וּר מַקְלֶ֥ה אָבִ֖יו וְאִמּ֑וֹ וְאָמַ֥ר כָּל־הָעָ֖ם אָמֵֽן׃
אָר֗וּר מַסִּ֖יג גְּב֣וּל רֵעֵ֑הוּ וְאָמַ֥ר כָּל־הָעָ֖ם אָמֵֽן׃
אָר֗וּר מַשְׁגֶּ֥ה עִוֵּ֖ר בַּדָּ֑רֶךְ וְאָמַ֥ר כָּל־הָעָ֖ם אָמֵֽן׃

Cursed is the one who dishonors father or mother. "And all the people said, 'Amen.'"
Cursed is the one who moves the boundary stone of his neighbor. "And all the people said, 'Amen.'"
Cursed is the one who misleads a blind person on the road. "And all the people said, 'Amen.'"
(Deut 27:16-18)

The curse followed by the antiphonal response "and all the people said 'Amen'" וְאָמַ֥ר כָּל־הָעָ֖ם אָמֵֽן further intensifies the repetitive framework of the passage and adds a sense of balance to each line. Also notable in this example from Deut 27 is the plain linguistic style characterized by short, staccato clauses, lexical sparsity, and a lack of subordinate clauses typical of orally composed literature.

II. Physical Enactment of Curses

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[236] Admittedly, however, the "simple" curses from I A:25-35 do not seem to feature the elements of repetition or word play. These lines do, however, still better comport with the "simple" style of oral substrate than the more "elaborate" style featured in the preamble and the adjuration.

The enactment of a treaty using physical elements has a very long history in the ancient Near East. As early as the Old Babylonian Period in Mesopotamia, the making of a treaty was accompanied by a ritual performance of some sort, which included touching the throat with a small tablet representing the treaty agreement.[237] Some Late Bronze Hittite oath-making performances feature food and drink offerings, the slaughtering of animals, and the breaking of weapons as part of the ritual of swearing an oath.[238] And in some Hittite Military Oaths the curses are acted out as part of the ritual performance in the oath-making ceremony with the manipulation of objects and such as wax or fire, and the consumption of elements such as flour, beer, or salt.[239] From the Iron Age period, the evidence is also compelling for a physical component to the performance integral to concluding an oath agreement. In a treaty text largely parallel to the Sefire treaty, between the Syrian ruler Mati-ilu and Aššur-Nirari V, the slaughter of a lamb was included as part of the treaty text itself.[240] And in the STE a lengthy segment of the treaty suggests that the manipulation of objects was included in the ritual performance as part of the enactment of the treaty's curses:

> Just as this ewe has been cut open and the flesh of [her] young has been placed in her mouth, may they make you eat in your hunger the flesh of your brothers, your sons and your daughters…
> Just as bread and wine enter into the intestines, [so] may they make this oath enter into [your] intestines and into those of [your] sons …

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[237] Dominique Charpin, "Une alliance contre l'Elam et le ritual du lipit napistim," *Contribution à l'histoire de l'Iran. Mélanges offerts à Jean Perrot* (1990): 109-118. Noel Weeks suggests that this ritual of touching the throat might serve as a symbolic action for a self-curse undertaken by the swearer, although the text does not state this. Weeks, *Admonition and Curse: The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships* (Library Hebrew Bible/Old Testament Studies Series 407; Bloomsbury: T & T Clark, 2004), 24.

[238] Schwartz, "The Hittite and Luwian Ritual," 334-353.

[239] "The First Soldiers' Oath," translated by Billie Jean Collins (*COS* 1.66:165-167).

[240] Parpola and Watanabe, *Neo-Assyrian Treaties,* 8-9.

(EST, 547-550, 560-562)[241]

This excerpt from the STE suggests that ritual eating and drinking formed an integral part of the ratification of treaties.

Similarly, the *sotah* ritual in Numbers 5, while not a treaty per se, involves the manipulation of objects in the context of an oath ritual in the case of a woman accused of adultery. In this passage the following ritual takes place: the accused wife swears an oath of her fidelity to her husband, the priest officiating writes the curses that accompany the oath, and then washes the curses in bitter water, which the accused wife is made to drink. Thus the ritual involves the physical eating/drinking of the curses. The ritual sacrifice of animals and ritual eating and drinking are examples of the kind of physical performance that accompanied the oral delivery of the curses in oath performances.

Furthermore, the format of the ritual curses in the Sefire treaty suggests that this oral performance of the *adê* also included a ritual component of the manipulation of objects, such as the burning of wax and the ceremonial breaking of weapons. The use of the particle זי along with the demonstratives is deictic and in these curses is suggestive of real-time action taking place with real-life objects.[242]

איך זי תקד שעותא זא באש
ואיך זי תשבר קשתא וחציא אלן
Just <u>as</u> <u>this</u> wax is burned with fire…
Just <u>as</u> <u>this</u> bow and these arrows are broken…
(Sefire I A:35-38)

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[241] Line numbers and translation from Parpola and Watanabe, *Neo-Assyrian Treaties* 52.

[242] Bruce Waltke and Michael Patrick O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake: Eisenbrauns, 1990): 235. See Waltke and O'Connor, for example, on deixis. On the use of the demonstratives in the "wax curse" see Kitz, *Cursed are You!*, 437; Klaas Veenhoof, "Review of Der altisraelitische Fluchspruch, by Willy Schttroff," *VT* 22 (1973): 375-83.

The structure of the grammar itself is suggestive of a performative element within the oral delivery of the curse. The physical manipulation of real-life objects during the performance of the curse is perhaps best seen in the Hittite version of the "wax curse" as presented in the "First Soldiers' Oath" from the 15th century B.C.E:

> He places the wax and sheep fat in their hands and he casts (some) on the flame and says, "Just as this wax melts and just as the fat is rendered, who breaks the oath… may he melt like the wax and may he be rendered like the sheep fat." They say, "(So) be it."[243]
> (COS 1.66, section 5)

This Hittite version of the "wax curse" provides a fuller description of the ritual performance of the curse. The mention of a third-person practitioner who executes the physical manipulation of the objects is included ("he places the wax… in their hands"), along with comparative language that clarifies the intended visual parallel between the melted wax and the oath-maker should the oath be violated.

The ritual enactment of oaths and treaties in the ancient Near East, thus, was frequently accompanied by a dramatic presentation of the effects of the curse. Anne-Marie Kitz writes that "when performed within the context of a ceremony, these acts illustrated one thing: the harm in the curse. It made the injury tangible and its inevitable consequences, death, explicit."[244] The effect of the demonstrations was to persuade oath-makers of the horrors latent within the oath's curses, visually emphasized with repetition in oral presentation as well as in dramatic performance with physical manipulation of objects. The ritual setting of dramatic performance of self-curses in the ancient Near East is paralleled by similar curses including the "wax curse" in

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[243] The "wax curse" also is found in the STE lines 608-11 SAA 2. Parpola and Watanabe, *Neo-Assyrian Treaties,* 55.

[244] Kitz, *Cursed are You!*, 436. Heath Dewrell even suggests that human sacrifice accompanied the ritual ratification of the Sefire treaty ("Human Beings as Ritual Objects," 31-55).

Greek drama.[245] Kyriaki Konstantanidou observes that the greatest number of "verbalized self-curses" as oaths in ancient and classical Greek literature are found in Athenian theater.[246] Furthermore, these self-curses in Greek dramatic literature are all presented as direct speech within dialogue portions of the text.[247]

The enactment of the curses in the setting of a gathered assembly in Deut 27: 11-26 also has the feel of a dramatic performance. Ritual preparations are made, including the erection of an altar with sacrifices, along with scripted parts for the levitical practitioners. The commands to stand on the two mountaintops and to "proclaim in a loud voice" the curses are akin to stage directions. The oral recitation of the curses in 27:15-26 are presented with speaking parts for the Levites, as well as antiphonal responses by the oath-makers, the gathered assembly. This dramatic presentation of the curses in 27:15ff prominently features formulaic repetition and rhythmic structure. The repetition was purposeful in its intent to persuade: "Intricate rituals would intimidate through relentless repetition."[248] Indeed the curse segments of the STE and Deut 27-28 are remarkably long and are full of repetition, formulaic syntax, and formulaic content.

On the use of repetitious language in oral literature, Albert Lord notes that "repetitions and elaborations are not 'amplification' for its own sake, but embellishment of ritually significant moments in a complex story..." For the enactment of the curses was indeed a "ritually significant moment" in the ratification of treaty and covenant in the ancient Near East, and one that formed

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[245] Konstantinidou, "Oath and Curse," 22-23.

[246] Ibid.," 24-37.

[247] Ibid., 36.

[248] Kitz, *Cursed are You!*, 436.

the most enduring impression on oath-makers. The repetition of curses in oral delivery and ritual enactment, as well as the erection of a written public display on a tablet or stele gave the treaty a physicality, a solemnity in sealing the destinies of oath-makers.[249] Particularly within Deuteronomy the covenant ceremony in chapters 27-28 is a significant moment within the unfolding narrative of the wandering through the desert to arrive in "a land flowing with milk and honey." The climactic anticipation of the Israelites entering into the covenant as YHWH's people is ritually signified by the performance of the blessings and the curses before the gathered assembly.

III. Written Form of the Treaty and Propagation of Curses

III.A Written Record and Script for Performance

The analysis of oral syntactical style used in the curse segment of the Sefire treaty suggests that the oral performance of the curses, along with a physical enactment, shaped the written form of the treaty. The use of short, simple syntactical structure with few subordinate clauses characterizes the curse segment. Moreover, the use of demonstratives and deictic particles in the ceremonial curses also demonstrates that the performance of the treaty shaped its final written production. The curse segment is formatted and structured more like a script than an administrative record with "oral residue" of spoken elements from the ceremonial performance itself. The examples of the Hittite "First Soldiers' Oath" and Deut 27-28 showcase this scripted format best with antiphonal responses by oath-makers written into the text of the oath itself. However, the preamble and adjuration in the Sefire treaty are written in a more chancellery style with lengthy noun strings, frequent use of added descriptive clauses, and hypotaxis. This style of

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[249] This is, of course, a reference to the phrase "seal of destinies" from the inscription on the Seal of Sennacherib and its connection with the sealing of the STE tablets and their transformation into "tablets of destinies." See Chapter Three, note 160.

syntax is more typical of written language and suggests that perhaps this portion of the treaty was not part of the ceremonial enactment but of standard scribal content in treaty texts. Furthermore, the combination of segments written in a chancellery syntax and the simple style of the curses suggests that the written form of the Sefire treaty was both a scribal record and a script for oral and ritual performance. Particularly the curse segment seems to represent actual phraseology used within the oral performance of the treaty, with the use of formulaic curse language in a style akin to that of direct speech.

As discussed in Chapter Three, however, treaty tablets and stelae were not simply scribal artifacts but were visual symbols of the oath and its curses. The placement of STE tablets in the Nabû temple and, likewise, the recent discovery of the Tell Tayinat exemplar of the STE placed in the inner sanctum of the temple opposite an altar installation suggests a cultic-ritual significance to ritual oath tablets.[250] Furthermore, the assemblage of intact tablets from the Tell Tayinat, including the oath tablet, is characterized by an amuletic shape, with holes along the vertical or horizontal axis for display purposes. Thus, perhaps the written form of treaties and covenants should be viewed in light of their use as ritual technology. The representation of the treaty on visual media was part of the oral performance and ceremonial enactment of treaties. The exemplar of the STE found in the "house of exorcists" (SAA 2 12) in Aššur might well indicate that it was ritual practitioners who were responsible for crafting such objects and other ritual tablets such as *Maqlû* and *Šurpu*. One exemplar with text lines from the *Maqlû* series is also in an amulet shape with holes for display purposes.[251] Jacob Lauinger's evidence that the sealing of the STE tablet transformed it into a "tablet of destinies" fits this ritual context and

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[250] Oates and Oates, *Nimrud*.

[251] Albrechte Goetze, "Cuneiform Inscriptions from Tarsus," *JAOS* 59 (1939): 11-16.

gives further weight to the argument the tablet functioned as a ritual technology.[252] Lauinger speculates that the oath tablet from Tell Tayinat may have been used in a ritual ceremony of covenant renewal.[253] Similarly, the covenant ceremony in Deut 27-28 features the erection of an altar as well as stelae inscribed with the words of the torah as part of the ceremonial enactment of the covenant including the oral recitation and aural reception of the curses. Thus, not only did the oral and ceremonial enactment shape the content of the treaty text, but also the visual representation of the written artifact itself.

If the ceremonial enactment of treaties and covenants formed the purpose and setting for the inscribing of treaties, it follows that the enactment and performance of treaties also impacted the propagation of treaty forms and treaty language. Chapter Three presented a sample of the wide array of curse texts from the Iron Age II period and their connections with the curses of Deut 27-28. The flourishing of inscribed curses from this period, some of which with striking contiguity across multiple languages and a broad temporal range raises the question of contact and how curses, in particular, may have been propagated from one language and culture to another in the ancient Near East.

III.B Written Transmission or Oral Propagation of Curse Formulae?

In light of the proliferation and wide-ranging influence of formulaic curse language during the ninth through the seventh centuries B.C.E. in Syria-Mesopotamia and in the southern Levant as presented in Chapter Three, the question of transmission is significant. The futility curses found in the Sefire treaty, in particular, also seem to have circulated widely and permeated a variety of genres and cultures in the Near East. The futility curses of the Sefire Treaty are, thus, a

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[252] Lauinger, "The Neo-Assyrian *adê*," 108-115.

[253] Idem., "Preliminary Thoughts," 12.

helpful focal point for exploring linguistic commonalities and methods of dissemination of curses found in multiple inscriptions and in diverse genres. It is not simply the basic theme of the futility curse of laboring much but reaping little, but also a syntactical formula that seems to have been in widespread circulation during the Iron II period. The use of this same formula of futility curse in royal monumental inscriptions, as well as in Judean religious law in texts like Deuteronomy 28 and Leviticus 26 attests to some common mechanism of propagation.

From the Tell Fekheriye statue in Syria to the monumental inscription at Bukan in Mannaea, this formulaic curse language remains consistent. The presentation below of parallel curse lines illustrates the stability of a common syntactical formula and the widespread popularity of the futility curses:

Sefire IA:21b[254]
ושבע מהינקן ימשחן שדיהן ויהינקן עלים ואל ישבע
May seven nurses anoint their breasts and nurse a male child, but may he not be satisfied
Fekheriye 21b[255]
ומאה נשון להינקן עלים ואל ירוי
May one hundred women nurse a male child, but may he not be sated

Sefire IA:22-23
ושבע שורה יהינקן עגל ואל ישבע
May seven cows nurse a calf, but may it not be satisfied
Fekheriye 20b
ומאה סור להינקן עגל ואל ירוי
May one hundred cows nurse a calf, but may it not be sated
Bukan 5b-6[256]
שבע שורה יהינקן עגל חד ואל ישבע
(May) seven cows nurse one calf, but may it not be satisfied

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[254] Text and line numbers from Fitzmyer, *Aramaic Inscriptions*.

[255] Text and line numbers from Donner and Röllig, *Kanaanäische und aramäische Inschriften*.

[256] Text and line numbers from André Lemaire, "Une Inscription Araméenne du VIIIe S. av. J.-C. Trouvée à Bukân," *Studia Iranica* 27 (1998): 15-30.

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Sefire IA:23b

ושבע שאן יהינקן אמר ואל ישבע

May seven sheep nurse a lamb, but may it not be satisfied

Fekheriye 20a

ומאה סאון להינקן אמר ואל ירוי

May one hundred sheep nurse a lamb, but may it not be satisfied

Bukan 6b-8a

ושבע נשן יאפן בתנר חד ואל ימלא

May seven women bake in one oven, and may they not be filled

בְּשִׁבְרִי לָכֶם מַטֵּה־לֶחֶם וְאָפוּ עֶשֶׂר נָשִׁים לַחְמְכֶם בְּתַנּוּר אֶחָד

לַחְמְכֶם בַּמִּשְׁקָל וַאֲכַלְתֶּם וְלֹא תִשְׂבָּעוּ

Ten women will bake your bread in one oven but they shall distribute your bread by weight,

and you will eat, but may you not be satisfied

</div>

Although there is some variation in the overall formula, such as numbers and the verb for satiation employed, the elements and their order show striking congruence with one another. This stability is all the more surprising given both the considerable geographical span and temporal range of all four texts (ninth through seventh centuries B.C.E.). And not only is there a robust consistency among the various syntactical components within these curse lines, but there is also a unifying theme among them: "maximum effort, minimal result." In the two monumental royal inscriptions (Fekheriye and Bukan), the curses serve an apotropaic function: to protect the stele, and, hence, the name of the ruler, from defacement. One could argue that the oath/treaty texts serve a similar apotropaic function: to guard the rule of governance and overall cohesion established by the *adê* and to ward off any fragmentation of or rebellion against the established order.

While the parallel vocabulary and content of the curse clauses in these two texts is unmistakable, the repetitive formulaic structure of these lines is also significant. The following elements occur in each of the curse clauses above in this order (following the Aramaic from right to left):

<div align="center">103</div>

Table 2: Syntactical Formula of Futility Curses in the Ancient Near East

Verb of satiety	Negative particle	"and"	Noun clause obj	Verb	Noun clause subj	Number	"and"

For example, from Sefire IA:21b the elements corresponding to the formula above are:

Verb of satiety	Negative particle	"and"	Noun clause obj	Verb	Noun clause subj	Number	"and"
ישבע	אל	ל	עלים	ויהינקן	מהינקן ימשחן שדיהן	שבע	ו

Although there is some variation in the overall pattern, such as numbers and the verb for satiation employed, the elements and their order within the formula show striking congruence with one another.

Not only is this formulaic and thematic structure found within the above texts, but also a looser form of it within another text of biblical law, Deuteronomy 28:

זֶרַע רַב תּוֹצִיא הַשָּׂדֶה וּמְעַט תֶּאֱסֹף כִּי יַחְסְלֶנּוּ הָאַרְבֶּה:
כְּרָמִים תִּטַּע וְעָבָדְתָּ וְיַיִן לֹא־תִשְׁתֶּה וְלֹא תֶאֱגֹר כִּי תֹאכְלֶנּוּ הַתֹּלָעַת:
זֵיתִים יִהְיוּ לְךָ בְּכָל־גְּבוּלֶךָ וְשֶׁמֶן לֹא תָסוּךְ כִּי יִשַּׁל זֵיתֶךָ:
בָּנִים וּבָנוֹת תּוֹלִיד וְלֹא־יִהְיוּ לָךְ כִּי יֵלְכוּ בַּשֶּׁבִי:
(Deut 28:38-41)

Much seed will you cast upon the field, but you will harvest little because the locust will
devour it.
You will plant vineyards and you will labor (in them) but you shall not drink the wine or
gather the grapes because the worms will devour it.
You will have olive trees throughout your border, but you shall not anoint yourself
    with oil because your olive trees will be cut down.
You will give birth to sons and daughters but they shall not belong to you because
    you will go into captivity.

In these lines there is freer application of the formulaic elements and greater expansion upon the noun and verb clauses; however, the overall correspondence to the basic formulaic structure and theme is robust. For example, below is the same syntactical formula presented above (with a minor variation in the noun clauses, and the position of the number), and the corresponding elements from Deut 28:38-39:

Table 3: Syntactical Formula of Futility Curses in Deut 28

Verb of fulfillment	Negative particle	"and"	Noun clause	Verb	Number	Noun clause
תאסף	מעט	ו	השדה	תוציא	רב	זרע
תשתה תאגר	לא לא	ו	וײן	תטע ועבדת		כרמים

Both the proliferation of the futility curses, and the multiple attestations of the ritual curses in the Sefire treaty, the STE, and the biblical texts suggest that some common mechanism of linguistic propagation ties these texts together. Yet scholarly treatment of the transmission of Near Eastern treaty forms and formulaic curse language generally considers only text-to-text transmission, neglecting the strongly oral and performative nature of treaty and oath rituals. Susan Niditch's critique of overly textual models of Hebrew Bible literature is particularly germane to this discussion:

> Some material in the Hebrew Bible may well be a transcription of an oral performance... a writer well versed in the oral tradition may create an idealized written text based on many performances... Even works created in writing may be meant to be delivered aloud. Very few people in the culture we are envisioning know written works because they have seen or read them; they have received the works' messages and content by word of mouth.[257]

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[257] Niditch, *Oral World and Written Word*, 5.

Niditch's comments could certainly apply to writing and literature in general during the Iron Age in the Near East. Indeed it seems that a more fruitful model for understanding the dispersion of this Northwest Semitic curse formula is one that considers the oral framework, setting, and syntactical form which have shaped the written form of treaty texts such as Sefire.

The number of monumental inscriptions bearing the same futility curses throughout the ancient Near East in various genres raises the question of the connection between an oral tradition behind the futility curses in the treaty and the flourishing of this curse formula. The strongly West Semitic influence seen in the spread of the futility curses in Aramaic adds yet another layer of complexity to any model of propagation of treaties and parallel formulaic curse language. The position of Christoph Koch and William Morrow, that the Sefire treaty represents an amalgam of western and eastern forms, seems to fit the evidence best.[258] The question of which language(s) formed the vehicle for oral propagation of treaty forms is one that lies beyond the scope of this study, and its answer is likely one of multiplicity. However, the striking consistency of the Aramaic futility curses found far and wide contributes to the growing body of evidence for the importance of Aramaic prior to and during the height of the Neo-Assyrian Empire as well as the Neo-Babylonian and Persian periods.

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[258] Koch, *Vertrag, Treueid und Bund*, 52-78*; idem., "Zwischen Hatti und Assur: Traditionsgeschichtliche Beobachtungen zu den aramäischen* Inschriften von Sfire," in Die deuteronomistischen Geshichtswerke: Redaktions- und religions- geschichtliche Perspektiven zur "Deuteronomismus": Diskussion in Tora und Vorrderen Propheten (ed. Markus Witte et al.; Berlin: de Gruyter, 2007), 379-406; Morrow, "The Sefire Treaty Stipulations," 83-99; Hayim Tadmor, "The Aramaization of Assyria: Aspects of Western Impact," in Mesopotamien und seine Nachbarn: Politische und kulturelle Wechsbelgeziehungen im alten Vorderasien vom 4. – 1. Jahrtausend v. Chr; XXV (ed. J. Nissen and J. Renger; Rencontre Assyriologique Internationale; Berlin: D. Reimer, 1982), 449-469. Cf., Steymans, *Deuteronomium28*, 181-185; Parpola, "Neo-Assyrian Treaties," 161-89. Current scholarship affirming the influence of Aramaic upon the Near East during the Iron Age rests heavily upon the important work of Hayim Tadmor. The similar position of Koch and Morrow is one that runs contrary to that of Hans Ulrich Steymans who views the futility curses as derived from Akkadian syntactical forms. This analysis is similar to that espoused by Parpola that the Sefire treaty was "nothing but an Assyrian treaty imposed on a defeated adversary, but written in his mother tongue…"

Any model for the propagation of the formulaic curse language found in the Sefire treaty, or parallels between treaty texts and Deut 27-28, should consider the oral production and performance of treaties as well as their function as a written ritual technology. It seems most likely that the dissemination of ritual oath technology did take place, at least in part, within of the scribal guild system. However, it is also important to bear in mind that the ability to reproduce a ritual oath by scribes was likely as much about the oral performance of practitioners as it was a scribal learning exercise. For the written form of an oath was only half of the equation, and the ability to given an oral recitation was equally important. [259] Mnemonic devices such as those found in the futility curses, in particular, likely aided the memorization of rituals and their components.[260] While memorization of rituals was likely closely tied to their visual representation in writing, it does not necessarily follow that the propagation of formulaic curse language was dependent upon copies of texts.[261] The number of exemplars of treaty stelae such as the STE continues to grow and it seems likely that these exemplars were commonly displayed in cultic settings.[262] However, the syntactical style of the formulaic curse language, in particular, suggests a strongly oral model for the compilation of the script of the curses in the Sefire treaty as well as oral influence on its use and influence. Moreover, the memorization and performance

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[259] Carr, *Writing on the Tablet of the Heart*, 9.

[260] Ibid., 24-25,26-30, 46.

[261] Goody, *Interface between the Oral and the Written*, 189. Goody observes that it is among "literate societies that verbatim memory flourishes. Partly because the existence of a fixed original makes it much easier; partly because of the elaboration of spatially oriented memory techniques…"

[262] Lauinger, "The Neo-Assyrian *adê*," 111 n. 46; Scurlock, "Getting Smashed at the Victory Celebration," 175-186. See Lauinger for a summary of the current debate about the placement of tablets in temple contexts and the viewpoint of Scurlock that the Nabû fragments were brought to this location at a later date and smashed there.

of ritual oaths by scribes and practitioners is an equally plausible framework by which formulaic curse language was disseminated as part of a ritual technology that included a written component.

Conclusion

My examination of the Sefire treaty from the methodology of sociolinguistic analysis of spoken versus written registers of language has demonstrated two contrasting syntactical styles within the written text. While the preamble and adjuration exhibit features more typical of a chancellery style, the curses exhibit features more common to speech. This syntactical style of oral discourse in the curse segment of the Sefire treaty comports well with the elements of the ritual curses that indicate that a physical enactment of the curses was part of the overall treaty ratification ceremony. The Sefire treaty should, therefore, be viewed not only as a written text, but also as an oral and physical performance that included the oral delivery of the curses and dramatic enactment of their effects using wax figurines and other objects. Moreover, this observation of syntactical diversity in the Sefire treaty, with some segments exhibiting oral tradition, could apply to ancient Near Eastern treaty texts more broadly.

The oral syntactical style of the curse segment of the Sefire treaty, together with the evidence for widespread dispersion of the futility curse formulae in various genres of text in the ancient Near East, raises the question of the method of dissemination of this formulaic curse language. A "text-only" approach to treaties has led to an overemphasis on the making and keeping of copies of treaties. The evidence that treaty texts represent a ritual performance suggests an alternative model for propagation particularly of formulaic curse language. The *adê* as a ritual technology enjoyed widespread participation by members of many cultures, governments, and citizens during the eighth through the seventh centuries B.C.E. The memorization of ritual oaths as part of scribal training, and the performance of incantations as well as oath ceremonies by ritual

practitioners, merit further exploration as a means of oral propagation, particularly of formulaic curse language.

CHAPTER FIVE

Deut 27-28 and *Maqlû* and *Šurpu*: Making an Oath and Countering an Oath

šumma attunu tūrtu tutarrāni
māmīt tapaššarāni…
ina pāni ša tūrtu turri māmīt pašāri taḫassasāni teppašāni

You shall not revoke or undo (this) oath…; you shall neither think of
nor perform a ritual to revoke or undo the oath.
(EST, 377-380)[263]

Introduction

In the ancient Near East the ritual of activating a curse had a corollary ritual of counteracting

or revoking a curse. Curses and counter-curses also seem to have been enacted with similar types

of ritual performance elements.[264] While some scholars have observed the connections between

the practices of ratifying treaty oaths and incantation practices, these contiguities remain largely

unexplored.[265] As discussed in Chapter Two, this is due, at least in part, to the text-centric

approach to treaties as scribal artifacts with less attention given to oral and performative aspects

of oaths and treaties. Chapter Five presented evidence that the enactment of oaths and treaties

included oral recitation, specifically of curses, with the written form of treaties preserving some

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[263] Line numbers, transcription, and translation from Simo and Watanabe, *Neo-Assyrian Treaties*, 43-44.

[264] Anne-Marie Kitz observes, for example, that tablets 5-6 of *Šurpu* furnish an incantation for "cursing curses," which employs the same syntactical pattern as the simile curses in the treaties: "Just as this grain of flour is burned in the fire… so may its curse not be created within me" (Kitz, *Cursed are You!*, 332-338).

[265] Some exploration into this connection between treaty curses and incantations has been begun by Frankena and Kitz, for example (Frankena, "The Vassal-Treaties of Esarhaddon," 138-139; Kitz, *Cursed are You!*, 321-348).

of the direct speech components of the oath's oral performance in the curses. Moreover, Chapter

Four examined evidence that the performance of Near Eastern treaties included ritual

components that accompanied the oral recitation of curses such as the manipulation of objects,

sacrificial rituals, and scripted parts for participants and officiants to enact. The incantation ritual

series *Maqlû* and *Šurpu*, as well as the magical incantation plaques of Arslan Tash, are a useful

beginning point for an exploration of the link between the ritual enactment of curses as part of

ratifying treaties and covenants and ritual enactment to reverse curses.[266]

Since the oral-performative aspect of oaths and treaties has been overshadowed by the focus

on textual tramsmission, contiguities between incantation rituals for counter-curses and curses in

treaties have been given less consideration. Christoph Koch's observation that the STE is not the

only Near Eastern source of influence on Deut 28 is a salient one.[267] Koch's presentation of the

evidence for the influence of Aramaic treaty traditions and formulaic curse language on Deut 28

and Neo-Hittite influence suggests that the model of direct literary borrowing of the STE by

Deuteronomy needs revision with fresh avenues of inquiry.[268] However, Koch's critique of an

"STE-only" model ought to be pushed further to explore texts outside the genre of treaties

altogether and especially texts with ritual-performative elements similar to those in the simile

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[266] Some scholarly work has already uncovered parallels between *Maqlû* and *Šurpu*, and other texts of the Hebrew Bible. Tzvi Abusch's seminal work upon the *Maqlû* series notes resemblances between elements in prophetic literature and in *Maqlû*. Likewise, Geller posits parallels between *Šurpu* and Leviticus 5, and W.G. Watson contends that the book of Hosea contains elements similar to Akkadian incantations, including *Šurpu*. Tzvi Abusch, "The Socio-Religious Framework of the Babylonian Witchcraft Ceremony *Maqlû*: Some Observations on the Introductory Section of the Text, Part II," in *Solving Riddles and Untying Knots: Biblical, Epigraphic, and Semitic Studies in Honor of Jonas C. Greenfield* (ed. S. Gittin, Z. Zevit, and M. Sokoloff; Winona Lake: Eisenbrauns, 1995), 468, 79, 88-89; Markham Geller, "The *Šurpu* Incantations and Lev. V.1-5," *JSS* 25 (1980): 181-92; W. G. E. Watson "Reflexes of Akkadian Incantations in Hosea," *VT* 34 (1984): 242-47.

[267] Koch, *Vertrag, Treueid und Bund*, 78-104.

[268] Ibid., 27-29, 284-286.

curses of treaties and the ritual ratification ceremony of Deut 27. An alternative approach to text-centric theories of literary borrowing presents itself when Deuteronomy, Sefire, and the STE are viewed as representations of performances rather than as scribal artifacts.

An exploration of elements common to treaties, Deut 27-28, the incantation series *Maqlû* and *Šurpu*, and the Arslan Tash plaques reveals important shared features that hint at a common cultural emphasis on curses and their effects. *Maqlû* and *Šurpu* have four important parallels with oath treaty and covenant texts including Deut 27-28: common terminology, shared ritual practices, parallel curse themes and curse combinations, and a legal and cosmological setting. First, the terms for cursing as well as for activating and deactivating curses have strong overlap among treaty texts and *Maqlû* and *Šurpu*. Second, the incantation texts feature some of the same objects and oral phrases in the performance of their rituals as do treaties such as the wax curse and the burning of objects. Third, these two Neo-Assyrian incantation series have lengthy curse segments similar to those in Near Eastern treaties and even structural and phraseological contiguities with treaty texts and with Deut 27-28 specifically. Finally, *Maqlû* and *Šurpu* share a cosmological and legal setting similar to that of treaties, wherein deities are adjured as divine witnesses and called upon to enforce the rituals spoken and performed.

The contiguities between these incantation texts and Deut 27-28, in particular, raises again the issue of propagation of formulaic curse language from Mesopotamia to Judah and of how such cultural contact might have taken place. However, literary borrowing of incantation texts by Judean scribes seems a most unlikely scenario. Furthermore, the types of contiguities between incantation texts and Deut 27-28 such as shared terminology, shared ritual practice, and parallel combinations of curses, are not dependent on text-to-text transmission. Alternative models for

the propagation specifically of curses merit further exploration such as oral performance and aural reception and the trade of magical artifacts and services by ritual practitioners.

A closer examination of the contiguities between ritual incantation texts and treaties, including Deut 27-28, is needed to redress the imbalance resulting from an overly text-centric approach to oath and treaty texts in ancient Near Eastern studies. While a thorough analysis of near eastern treaties and incantation texts is beyond the scope of this study, the examination of the parallels between *Maqlû* and *Šurpu* and Deut 27-28 provides insight into this broader topic. Furthermore, the comparison of ritual oath treaties and ritual incantations sheds light upon the type of ceremonial acts that accompanied ratification of treaties. The use of three common elements of performative speech, ritual act, and written inscription underlie both genres of oath texts: treaties in which self-curses are sworn on oath and incantations in which counter-curses are enacted to reverse the effects of the oath.

I. Parallel Terminology and Ritual Practices

The central concern of Deuteronomy 27-29, *Maqlû* and *Šurpu* as well as the STE is the binding oath enforced by divine power. This oath entails obligations on the part of the oath-makers. Whether the oath-makers abide by the terms of the oath or violate its stipulations determines the privileges or punishments meted out by the divine power enforcing the oath. In all four of these texts, the oath is structured around shared terminology and its cultural signification. Indeed, the oath and the curse in these texts are two sides of a single coin. The oath or compact is one side of the coin, while the curse or blessing is the other. The terms *māmītu* in Akkadian and אלה in Hebrew and Aramaic both mean "oath" as well as "curse." This word's dual meaning lies at the heart of the social compact that undergirds treaties, the biblical covenant, and the ritual incantations. As Abusch notes, "(t)he *māmītu* here designates stipulations, a code of behavior, to

113

which members of society… have been bound by oath under the threat of punishment. This *māmītu* is authorized and guaranteed by the powers of the heavens…"[269] Once the ritual oath ceremony has taken place, the oath is binding upon the oath-makers and is perceived to determine their destinies.[270] According to the inner logic of the ritual oath, swearing an oath creates a tear in the fabric of the future and a new world emerges; for, when the oath is broken, it "becomes dangerous and is to be feared" as a curse.[271]

The incantation series *Maqlû*, *Šurpu*, and the magical incantation plaques from Arslan Tash also share strong terminological overlap with the treaty texts and Deut 27-29. Some phraseological parallels are found in the use of the term *māmītu* and *arratu* by both the STE and *Maqlû* and *Šurpu*, as well as the use of the Hebrew equivalent ארר in the Deuteronomy covenant. Strong semantic equivalency is also evidenced among the treaty texts, Deut 27-28, and the incantations in the use of terms for "oath" that signifies both the act of swearing as well as the self-curse undertaken in the oath agreement. The chart below summarizes the terminological contiguities between *Maqlû*, *Šurpu*, AT1, treaties, and Deut 27-30. While many of these entries represent semantic equivalents, there is some strong phraseological overlap amongst them.

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[269] Abusch, "Socio-Religious Framework, Part II," 472.

[270] This is, of course, a reference to the phrase "seal of destinies" from the inscription on the Seal of Sennacherib and its connection with the sealing of the STE tablets and their transformation into "tablets of destinies." See Chapter Three, note 160.

[271] Frankena, "The Vassal Treaties of Esarhaddon," 138.

Table 4: Oath and Curse Terminology

Akkadian	Hebrew/Aramaic	Translation	Text
adê[272]	*adê* עוד, ברית[273] אלה/אלת	"oath"/"treaty"/ "covenant"	STE, Sefire, Deut 27-29, AT1
māmītu	אלה/אלת ארר	"oath"/"curse"	*Maqlû, Šurpu*, STE
arratu	ארר קללה	"curse"	*Šurpu*, Deut 27-29
māmītu + pašāru		"release from oath/curse"	STE, *Šurpu*

Figure 1 presented above illustrates both the parallel phraseology and semantic terminology used among incantations and treaties and the same symbolic referential world centered around a social compact enforced by curses and counter-curses enacted in the divine realm. This use of parallel terminology is indicative of a shared cultural referential system as well as a common legal and cosmological framework. The use of precise terminological phrases evoked the binding nature of the oath and the corresponding curse with its ominous danger as a means of exerting social force upon oath-makers or releasing from the oath's dangerous effects.

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[272] I have placed this term under both linguistic categories of Akkadian and Aramaic. This term most likely originated in Aramaic as the primary term for "oath" or "binding agreement" and later found its way into Akkadian under the expansion of the imperial Neo-Assyrian administration. The debate over the origins of this term is exemplified by the positions taken by Hayim Tadmor and Simo Parpola. Tadmor has claimed that this imported term is part of a wider phenomenon of the spread of Aramaic culture into the East. Parpola, however, has argued that the institution of the loyalty oath originated within the Old Akkadian Empire, and that evidence of Aramaic treaty texts is rather scant, consisting only of the Sefire treaty (Parpola, " Neo-Assyrian Treaties," 180-183; Tadmor, "The Aramaization of Assyria," 455-458).

[273] While the term עוד carries more of the legal term for "to witness" or "testify" its use in Deut 30:19 is significant because of its reference to the ceremonial enactment of the covenant in Deut 27-28. While used here as a verb instead of a noun, the same symbolic referential world seems to underlie its use in this chapter.

Furthermore, the first incantation text from Arslan Tash (AT1) also shares some of the same key terminological phrases. This small incantation plaque from northern Syria is an apotropaic display that included iconography as well as an inscription written in Phoenician-Aramaic mixed dialect.[274] Although the inscription's content focuses on warding off demonic intruders from a home, the inscription also includes language of "cutting a covenant" within its text:

<div dir="rtl">

לחש[ת] [ל] עתא .אלת ...

אמר .בת אבא.

בל תבאנ

ו חצר . אדרכ

בל . תדרכנ . כ

רת. לנ .אלת

עלמ אשר . כרת

לנ . ו כל בנ אלמ .

ו רב . דר כל . קדשנ

ו . אלת שממ . ו ארצ .

עלמ . ב אלת . בעל

</div>

Curse against the "T" Goddess…
Say: "The house (where) I enter
You shall not enter.
And the courtyard (where) I walk
You shall not walk.
Assur has made an eternal covenant with us,
A covenant with us and all the sons of the gods
And with all the great generation of all the holy ones;
And an alliance with Heaven and Earth
Forever. The oath of Baal
(AT1 1, 5-14)[275]

This short incantation text employs the term אלת to refer both to a covenant (lines 9, 13, 14) and a curse (line 1) or indeed a counter-curse against the threat of a malevolent deity similar to the

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[274] For photos, line drawings and a script charts see Dennis Pardee, "Les Documents d'Arslan Tash: Authentiques ou Faux?" *Syria* 75 (1988): 15-54. Other important editions include William Foxwell Albright, "An Aramaean Magical Text in Hebrew from the Seventh Century B.C.," *BASOR* 76 (1939): 5-11; Frank M. Cross and Richard J. Saley, "Phoenician Incantations on a Plaque of the Seventh Century B.C. from Arslan Tash in Upper Syria," *BASOR* 197 (1970): 42-49.

[275] Transcription and line numbers from Pardee, "Les Documents d'Arslan Tash," 15-54.

use of *māmītu* in the incantation series *Maqlû* and *Šurpu*.

The Arslan Tash incantation also employs language with striking similarity to biblical phraseology for oath-swearing in biblical texts. The use of the phrase "cut a covenant" (כרת אלת) in Arslan Tash parallels the same phraseology (כרת ברית) found in the swearing of oaths and agreements between regional leaders in the Hebrew Bible.[276] Moreover, the same West Semitic root אלת can also be found in Deut 29:11 paired with כרת to refer to the covenant enacted in chapters 27-28:

לְעָבְרְךָ֗ בִּבְרִ֛ית יְהוָ֥ה אֱלֹהֶ֖יךָ וּבְאָלָת֑וֹ אֲשֶׁר֙ יְהוָ֣ה אֱלֹהֶ֔יךָ כֹּרֵ֥ת עִמְּךָ֖ הַיּֽוֹם

> In order to pass into the covenant of the Lord your God, sworn with an imprecation,
> which the Lord your God has made with you today
> (Deut 29:11)

This phrase "cutting the covenant" likely refers to the practice of ritual slaughter of an animal that accompanied the ratification of an oath. As discussed in Chapter Three, oaths were regularly accompanied by ritual elements that included the use of physical objects or animals. The Late Bronze Hittite oaths that include the slaughter of animals provide examples of this ancient practice dating back to the second millennium B.C.E.[277] Similarly, the Assur-Nirari V treaty also features the slaughter of a lamb within the treaty's written text.[278] The ritual slaughter of the animal most probably served the purpose of illustrating the dramatic effects of the curse's dangerous potential, or in the case of an incantation text such as AT1, the removal of danger by

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[276] See for example Gen 15:18; 21:32; 26:29; 31:44.

[277] Schwartz, "The Hittite and Luwian Ritual," 334-353.

[278] Parpola and Watanabe, *Neo-Assyrian Treaties,* 8-9.

the use of counter-curse.[279]

    Just as treaty texts center around the making of the *adê* oath agreement, *Šurpu*, in particular,

centers around the curses that result from breaking an oath (*māmītu*) agreement.[280] The *Šurpu*

series presents a lengthy list of incantations and accompanying rituals to free the client from the

effects of curses. Moreover, this ritual for releasing the client from an oath provides a nice

parallel with the explicit injunction in the STE forbidding the breaking of the oath of loyalty:

> *šumma sarbu ša ina muḫḫi ilāni ša puḫri*
> *lu pānīkunu lu qātīkunu lu napultakunu*
> *tapaššašāni lu ina sīqīkunu*
> *tarakkasāni ša **māmīt pašāri** teppašāni*
> *šumma attunu tūrtu tutarrāni*
> ***māmīt tapaššarāni***…
> *ina pāni ša tūrtu turri **māmīt pašāri** taḫassasāni teppašāni*
>
> You shall not smear your face, your hands, and your throat with … against the gods of
> the assembly, nor tie it in your lap, nor do anything to **undo the oath**.
> You shall not revoke or **undo (this) oath**… you shall neither think of nor perform a ritual
> to revoke or **undo the oath**
> (STE, 373-380)[281]

Note the repeated use of the verb *pašāru*, "to undo, free, or release" from a spell of a curse,

alongside the noun *māmītu*. This same pairing of *pašāru* with *māmītu* is also employed in *Šurpu*

for the release of the client from the oath. Also observe the sound assonance in this excerpt as

well, with a play on words with *pušur* and *puṭur*:

> *māmīssu pušur-ma māmīssu puṭur-ma*[282]

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[279] This is not to suggest that the physical slaughter of animals would have accompanied popular
incantation inscriptions such as AT1. Most likely the sacrifice of animals was only performed for the
ratification of important treaties. However, the use of the phrase "cutting the covenant" still signified the
symbolism of the visual display of the curse's powerful effects (Sandowicz, *Oaths and Curses*, 101).

[280] Reiner, *Šurpu*, 3.

[281] Line numbers, transcription, and translation from Parpola and Watanabe, *Neo-Assyrian Treaties*, 43-
44. Normalization of Akkadian is the author's own.

undo his oath, release his oath
(*Šurpu* Tablet V: 39)[283]

The use of sound assonance is indicative of the oral character of incantation rituals that were

written in service to their proper performance. Perhaps the *Šurpu* series and its ritual remedy for

calamities resulting from violated oaths is precisely the sort of ritual that the STE prohibits.

The *Šurpu* series is also a helpful comparandum for treaty texts in its use of physical

manipulation of objects during the performance of the ritual oath (whether making the oath or

breaking the oath). *Maqlû* and *Šurpu* contain language strikingly similar to that of the Sefire

treaty and the STE as well as the use of similar types of objects in the performance of the ritual

oath. For example, the *Maqlû* series contains the following line that calls for the melting of wax

figurines in the physical enactment of curses to be brought down upon those who have practiced

witchcraft:

> *kīma ṣalmī annûti iḫūlū izūbū u ittattukū*
> *kaššāpu u kaššāptu liḫūlū lizūbū u littattukū*[284]

> Just as these figurines have melted, dissolved, and dripped away, so may the sorcerer and
> witch melt, dissolve, and drip away.
> (Tablet II: 147-148)

Compare the above line from *Maqlû* with a similar ritual curse in the Sefire treaty for the

violation of the treaty oath:

<div dir="rtl">

איך זי תקד שעותא זא באש כן תקד ארפד

</div>

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[282] Text and line numbers from Reiner, *Šurpu*; normalization is the author's own.

[283] See also Tablet II: 189-192 and Tablet IV: 82 for the use of *pašāru* with *māmītu* for releasing the client from an oath.

[284] Akkadian transcription and line numbers of *Maqlû* based upon personal communication with Tzvi Abusch, April 15, 2014 based on his new, forthcoming edition of the incantation text; normalization is the author's own.

> Just as this wax is burned by fire, so may Arpad be burned…
> (Sefire I A:35)[285]

The Akkadian introductory clause *kīma* is paralleled by the Aramaic איך זי. Similarly the use of

the precative in the Akkadian verbs is paralleled with the use of jussives (imperfects) in the

Aramaic. A similar segment of the STE calls for the physical manipulation of objects also using

the similar introductory clause *kī ša* followed by precative verbs.[286] The use of wax figurines and

the burning of objects with fire for the ritual purpose of making or breaking an oath present

striking parallels between the incantation texts and treaty texts, and particularly with the Sefire

treaty, which includes these performative elements within the written record of its performance.

Furthermore, the ritual tablets of *Maqlû* and *Šurpu* illuminate how the ritual performative

element of *adê* oath agreements may have been accomplished. While some treaty texts include

references to performative elements, they do not include a full written description of how the

physical performance was carried out. By contrast, the incantation texts provide an account of

how a ritual practitioner was to perform the ceremony, including the manipulation of objects to

accompany incantations spoken aloud. For example, the ritual tablet of *Šurpu* includes the

following instructions for the practitioner:

> When you perform the rituals for the *Šurpu* series, you set up a brazier,
> You put trimmed reeds crosswise on top of the brazier,
> You surround it with a magic circle of flour.
> You recite the incantation, "I am a pure man, sprinkle water,
> Light a torch from a sulphur-flame…
> You put the torch into the hand of the patient and he sets fire to the brazier…
> The incantation "I hold the torch, release from the evil!"
> (*Šurpu* Tablet I:1-8)[287]

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[285] Aramaic text and line numbers from Fitzmyer, *Aramaic Inscritpions*, 14-15.

[286] STE, 513-663.

[287] Translation and line numbers from Reiner, *Šurpu*, 12.

The use of a brazier to burn objects, the ritual washing of hands, ritual eating and drinking, and the fashioning of figurines to represent those cursed by an oath are features of the ritual tablets of *Maqlû* and *Šurpu* and also mentioned in the curse segments of Iron Age treaty texts. These incantation series may also give us a glimpse into how the ritual oaths of treaties were performed: a scripted oral delivery of the treaty elements was likely accompanied by a physical performance including the manipulation of objects in a dramatic enactment of the curse's effect on the one who violates the treaty oath.[288]

II. Thematic, Structural and Phraseological Parallels between *Maqlû* and *Šurpu* and

Deut 27-28

Not only do Deuteronomy 27-29, *Maqlû*, and *Šurpu* (as well as the STE) employ parallel terminology for the oath, but also parallel themes and linguistic structures within the list of punishments or curses that alight upon the oath-breaker. The lists of punishments or curses serve a different purpose in each of these three texts. In *Maqlû* the list of curses is enumerated by the ritual performer who calls for these curses to fall upon the illicit magic practitioners as a punishment for breaking the terms of the social contract by performing witchcraft. In *Šurpu* the ritual performer attempts to free the client from the curse(s) (*māmītu*), which has already fallen upon him or her on account of a violated oath (*māmītu*). In Deut 27-29 the ritual performers lay out the terms of the social compact between Israel and its God, with accompanying blessings and curses, and the community voices its agreement to the terms of the oath. Within these lengthy lists of curse formulae are strong thematic and linguistic parallels among the three texts.

Thematic Parallels

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[288] Dewrell, "Human Beings as Ritual Objects," 45-55. Dewrell suggests that the enactment of the Sefire treaty involved not only manipulation of objects, but also a ritual involving the sacrifice of a human person.

121

Table 5 presents the thematic parallels between Deuteronomy 27-29, and *Maqlû* and *Šurpu*. The categories are ordered according to their specificity and, thus, the strength of the parallel. Thus, the original order of each respective text has been rearranged in order to highlight the parallel themes.

Thematic Category	*Maqlû*/*Šurpu*[289]	*Deut* 28
transgressing commands of god(s)	oath: to transgress the commands of our gods Š. (II.32) and III.56 *māmīt itê ilāni etēqu*	But if you do not obey the Lord your God and diligently observe all of his commands and statutes… וְהָיָ֗ה אִם־לֹ֤א תִשְׁמַע֙ בְּקוֹל֙ יְהוָ֣ה אֱלֹהֶ֔יךָ לִשְׁמֹ֤ר לַעֲשׂוֹת֙ אֶת־כָּל־מִצְוֹתָ֣יו וְחֻקֹּתָ֔יו (28:15)
object of horror	I have become sickening in the sight of anyone who beholds me M.I.7 *eli āmērīya amruṣ anāku*	You shall become an object of horror to all the kingdoms of the earth... וְהָיִ֣יתָ לְזַעֲוָ֔ה לְכֹ֖ל מַמְלְכ֥וֹת הָאָֽרֶץ (28:25) You shall become an object of horror, a proverb, and a taunt among all the peoples... וְהָיִ֣יתָ לְשַׁמָּ֔ה לְמָשָׁ֖ל וְלִשְׁנִינָ֑ה בְּכֹל֙ הָֽעַמִּ֔ים (28:37)
being cursed	I have been **cursed** in the presence of god and humanity... M.II.87 *ina pān ilāni u amēli nandurākūma*	**Cursed** are you... אָר֥וּר אַתָּ֖ה (28:16-19)
evil signs	Mischief by bad dreams, **signs**, and **portents** M.VII.123 *lumun šunāti idāti ittāti lemnēti lā ṭābāti* to avert someone from bad dreams, **signs**,	(these curses) shall become among you and your descendants as a **sign** and **portent** forever וְהָי֣וּ בְךָ֔ לְא֖וֹת וּלְמוֹפֵ֑ת וּֽבְזַרְעֲךָ֖ עַד־עוֹלָֽם (28:46)

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[289] The abbreviations M and Š stand for *Maqlû* and *Šurpu*. Except where otherwise noted, Akkadian text of *Maqlû* based upon the transliteration and line numbers of Gerhard Meier, *Die assyrische Beschwörungssamlung Maqlû* (*Archiv für Orientforschung Beiheft 2*; Berlin: Biblio-Verlag, 1937). Akkadian text of *Šurpu* based upon the transliteration and line numbers of Reiner.

	portents Š.IV.22 *lumun šunāti ittāti idāti ana amēli lā ṭeḫê*	
emotional distress	pain, fracturing of the **heart**, **fear** M.V.77 *ašuštu arurtu ḫūṣ ḫipi libbi gilittu* **despair**, depression, lamentation, grief, loss, distress M.VII.130 *qūlu kūru nissatu niziqtu imṭû tānēḫu* terror, distress, **fear** M.VII.132 *gilittum pirittum adirtum* despair, terror M.VIII.86 *qūlu ḫurbāšu*	a trembling **heart**, weak eyes, and a **despairing** spirit... Your life will hang before you in doubt, you shall **fear** day and night, and you will be uncertain of your own life... dread in your heart... לֵב רַגָּז וְכִלְיוֹן עֵינַיִם וְדַאֲבוֹן נָפֶשׁ... וְהָיוּ חַיֶּיךָ תְּלֻאִים לְךָ מִנֶּגֶד וּפָחַדְתָּ לַיְלָה וְיוֹמָם וְלֹא תַאֲמִין בְּחַיֶּיךָ... ...מִפַּחַד לְבָבְךָ (28:65-67)
fever, disease, and other illnesses	the li'bu-**fever**, the grip of the mountain M.II.56 *li'bu ṣibit šadî* epilepsy M.II.57 (and M.II.213) *bennu* paralysis M.II.63 *šimmatu rimûtu* **disease** M.VII.129 *murṣu*	The Lord will strike you down with consumption, **fever**, inflammation יַכְּכָה יְהוָה בַּשַּׁחֶפֶת וּבַקַּדַּחַת וּבַדַּלֶּקֶת 28:22 pernicious and persistent **diseases** חֳלָיִם רָעִים וְנֶאֱמָנִים 28:59 **diseases** of Egypt מַדְוֵה מִצְרַיִם 28:60 **plague** דָּבֶר 28:21

		boils, ulcers, scurvy, itch יַכְּכָ֨ה יְהוָ֜ה בִּשְׁחִ֤ין מִצְרַ֙יִם֙ וּבַעֳפָלִ֔ים וּבַגָּרָ֖ב וּבֶחָ֑רֶס 28:27 every **plague** and affliction כָּל־חֳלִ֗י וְכָל־מַכָּ֔ה 28:61
unable to rest	I am unable to rest night or day M.I.8 *emdēku lā ṣalālu mūša u urra* sleeplessness Š.IV.85 *lā ṣalālšu*	Among those nations you will not rest and there will be no resting place for your foot וּבַגּוֹיִ֤ם הָהֵם֙ לֹ֣א תַרְגִּ֔יעַ וְלֹא־יִהְיֶ֥ה מָנ֖וֹחַ לְכַף־רַגְלֶ֑ךָ (28:65)
hunger	has closed my mouth to food M.I.10 *upunti pîya iprusū* hunger or hardship Š.III.123 *nibrīti u dannati*	Cursed shall be your basket and your kneading bowl. Cursed shall be the fruit ... of your ground, the increase of your cattle and the issue of your flock. אָר֥וּר טַנְאֲךָ֖ וּמִשְׁאַרְתֶּֽךָ אָר֨וּר פְּרִֽי־בִטְנְךָ֜ וּפְרִ֣י אַדְמָתֶ֗ךָ שְׁגַ֥ר אֲלָפֶ֖יךָ וְעַשְׁתְּר֥וֹת צֹאנֶֽךָ (28:17-18) hunger רעב 28:48 (a foreign nation) will consume the yield of your cattle and the yield of your land until you have been destroyed; he will not leave no wheat, wine, oil, young cattle, nor increase of your young flock until he has destroyed you' וְאָכַ֠ל פְּרִ֨י בְהֶמְתְּךָ֜ וּפְרִֽי־אַדְמָתְךָ֮ עַ֣ד הִשָּֽׁמְדָךְ֒ אֲשֶׁ֨ר לֹֽא־יַשְׁאִ֜יר לְךָ֗ דָּגָ֞ן תִּיר֣וֹשׁ וְיִצְהָ֗ר שְׁגַ֥ר אֲלָפֶ֖יךָ וְעַשְׁתְּרֹ֣ת צֹאנֶ֑ךָ עַ֥ד הַאֲבִיד֖וֹ אֹתָֽךְ (28:51) See also 28:53-57 for the hardship of eating one's own children
thirst	My drinking water has been reduced M.I.11 *mê maštītīya umaṭṭū*	thirst צמא (28:48)

125

confusion/madness	**madness** M.I.91 *šanê ṭēmu*	The Lord will strike you with **madness**... confusion of mind יַכְּכָה יְהוָה בְּשִׁגָּעוֹן ... וּבְתִמְהוֹן לֵבָב (28:28) You will be driven mad by the sight your eyes shall see וְהָיִיתָ מְשֻׁגָּע מִמַּרְאֵה עֵינֶיךָ אֲשֶׁר תִּרְאֶה (28:34)
robbery	May he cause a thief to carry away their movable property M.II.118-119 *dannu makkūršunu šulqi šūbil būšāšunu ekkēma*	you will be continually exploited and robbed without anyone to help וְהָיִיתָ אַךְ עָשׁוּק וְגָזוּל כָּל־הַיָּמִים וְאֵין מוֹשִׁיעַ (28:29)
destroyed	you have destroyed me M.III.110 *tubittīni*	until you are destroyed עַד הִשָּׁמְדֶךָ (28:45) Also 28:61

The thematic congruence between the passages compared in the chart above is striking. The same types of disasters and calamities are addressed with self-curses in the biblical text and counter-curses in the incantation texts. One of the more striking parallels between Deut 27-29 and the two incantation texts is presented in the first row, that of "transgressing the commands of god(s)." This parallel is all the more significant considering that "following the commands of god(s)" is the centerpiece of the curses in Deut 27-28. Similarly in *Šurpu*, transgressing divine law is also one of the reasons why an oath turns into a curse. No such parallel can be found in the STE since the oath ratified is between two political entities. While the oaths in both the STE and Deut 27-28 are undergirded by divine power, the biblical text is distinct from treaties in that the oath is sworn before the community and sworn to Israel's deity. Similarly in the incantation texts an appeal to free the client from disaster and malevolence is made to the deities. In this regard

the biblical text may have even stronger congruity with the incantation texts than with the treaties.

Like many of the parallels presented between Deut 28 and the STE, however, the comparisons made in the chart above do not demonstrate phraseological contiguity. The curses in the biblical text are clearly not a translation of the incantation curses, nor do the similarities suggest any sort of direct literary dependence. However, the commonality in thematic parallels across a wide number of categories does suggest a common stock of calamities and hardships was shared by curse texts within the incantation and treaty oath genres across a wide geographical span. While one might postulate that most cultures would find the common themes presented as anticipated disasters in the ancient Near East, the themes are nonetheless specific enough to warrant a hypothesis of a shared cultural heritage of curses that was drawn upon for compilation of ritual oath texts, whether incantations or treaties. This idea of a common stock of curses is also strengthened by evidence of formological and syntatical parallels between incantations and the biblical text.

Formological and Syntatical Parallels

Perhaps even weightier evidence for a shared set of stock formulaic curse language and curse themes shared by incantations and Deut 27-28 comes from linguistic and structural parallels between Deut 27:15-26 and lines from *Šurpu* Tablets II and III. Table 6 (below) presents a comparative list of oath violations found in both Deut 27:15-26 and *Šurpu* Tablet II: 5-49. This table illustrates the striking formological and thematic parallels between these two excerpts. The Deuteronomy text is considerably shorter than the *Šurpu* segment; thus, parallel excerpts have been taken from each to create the table with comparative text. Note, however, that the overall

order of these oath violations has been preserved and, thus, each text progresses in the order of

its original text.

Table 6: Parallel Curse Order and Combinations in Deut 27 and *Šurpu* Tablet II

Oath Violation	*Šurpu* II:5-49[290]	Deut 27:15-24
forbidden action	who has eaten what is taboo to his god, who has eaten what is taboo to his goddess II.5 *ikkib ilīšu īkulu ikkib ištarīšu īkulu*	Cursed is the one who makes an idol or casts an image, anything abhorrent to the Lord... אָר֣וּר הָאִ֡ישׁ אֲשֶׁ֣ר יַעֲשֶׂה֩ פֶ֨סֶל וּמַסֵּכָ֜ה תּוֹעֲבַ֣ת יְהֹוָ֗ה (27:15)
disrespects parents	He is full of contempt [against] his father II.35 *ana benni dāṣātum* He has despised his parents... II.36 *aba umma imtēš*	Cursed is anyone who dishonors father or mother אָר֕וּר מַקְלֶ֥ה אָבִ֖יו וְאִמּ֑וֹ (27:16)
boundary markers	He set up an untrue boundary, (but) did not set up the true boundary II.45 *kudurru lā ketti uktaddir kudurru ketti ul ukaddir*	Cursed is anyone who moves his neighbor's boundary marker אָר֕וּר מַסִּ֖יג גְּב֣וּל רֵעֵ֑הוּ (27:17)
sexual sins	He had intercourse with his neighbor's wife II.48 *ana aššat tappêšu iṭṭeḫi*	Cursed is the one who has intercourse with his father's wife... אָר֗וּר שֹׁכֵב֙ עִם־אֵ֣שֶׁת אָבִ֔יו (27:20) Cursed is anyone who has intercourse with an animal... Cursed is the one who has intercourse with his sister... Cursed is the one who has intercourse with his mother-in-law (27:21-23)
strikes neighbor	He shed his neighbor's blood II.49 *dāme tappêšu ittabak*	Cursed is the one who strikes down his neighbor in secret... אָר֕וּר מַכֵּ֥ה רֵעֵ֖הוּ בַּסָּ֑תֶר (27:24)

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[290] Text, line numbers, and translation from Reiner, *Šurpu*.

Just as in the parallels presented in Table 5, the thematic congruence between these two passages in Table 6 is unmistakable. While Table 5 presented curses as calamities that would befall the oath violator, the parallels in Table 6 are lists of violations that constituted a breach of the oath that would activate the curse and evoke the calamities. Perhaps the most striking congruity between these two excerpted passages, however, is the parallel sequence of the combination of oath violations. While excerpts have been presented rather than the full text of both Deut 27 and *Šurpu* Tablet II in order to highlight the parallels, the sequence is unchanged from the original text and this parallel pattern of the presentation of the violations is evident in both excerpts: taboo action, disrespecting parents, violations of property boundaries, sexual intercourse with taboo partners, and violence against a neighbor. Thus, both the combination of curses as well as their overall order is paralleled in these two texts.

Furthermore, stronger phraseological contiguity is seen in these two parallel excerpts. While the syntactical differences between East and West Semitic language obtain in these lines, there is far stronger overlap in lexical items and semantic range of specific words employed than in the parallel passages presented in Table 5. For example, the phases "something abhorrent to the Lord" and "taboo to his god/goddess" share a parallel construct noun state followed by the deity. Furthermore, both the Akkadian *ikkibu* and the Hebrew תועבה share a parallel semantic range referring to an object abhorrent to a deity. Similarly, the use of "his friend/neighbor/colleague" (*tappêšu*/רעהו) in describing instances of injustice also shares a common semantic range.

Further evidence for a common cultural heritage of curse and oath formulae and syntactical patterns comes from a comparison of Deut 27:25-26 and *Šurpu* Tablet III. Like Tablet II in Figure 3 (above), Tablet III of the *Šurpu* series also presents a list of possible oath violations that

130

could be the source of the client's calamity or ailment. Tablet III is structured as a list with a repetitive and rhythmic pattern. Each line begins with the same word repeated each time (*māmītu,* construct form), and is followed by a brief summary of the oath violation that is causing the client to suffer. For example,

> *māmīt marru našû u šum ili zakāru* (III.13)
>> the oath/curse: to invoke the name of the god (while) holding a spade
> *māmīt ana ibri tamû u dâkīšu* (III.34)
>> the oath/curse: to swear (faithfulness) to a friend, but kill him

The repetition of the first word in each line of the tablet is very similar to the rhythmic structure of the list of curses in Deut 27:25-26 (and the blessings in 28:3-6, 16-19). In the Deut 27 list, the repeated first word is ארור or "cursed."

אָר֗וּר מַקְלֶ֥ה אָבִ֖יו וְאִמּ֑וֹ

Cursed be anyone who dishonors father or mother. Amen. (27:16)

אָר֗וּר מַסִּ֖יג גְּב֣וּל רֵעֵ֑הוּ

Cursed be anyone who moves a neighbor's boundary marker. Amen. (27:17)

Moreover, the use of *māmītu* in Tablet III of *Šurpu* suggests a dual meaning of both "curse" and "oath" in the same way that the use of ארור implies that the curse would result from a violation of the oath. This parallel structure in which the first word in the list is repeated in a rhythmic pattern suggests that some common formulaic curse pattern was a source of influence on both Deut 27 and the incantation text. Yet, again, these phraseological and syntactical similarities, or even the parallel sequence of curse themes in Deut 27 and *Šurpu* Tablet II, do not seem to be the result of literary dependence. As discussed in Chapters Two and Four, the use of repetition, rhythm, and short staccato phrases are markers of an oral register of language closer to speech than to a scribal chancellery style. Thus, perhaps Deut 27 and these *Šurpu* tablets represent a stock set of

oral formulae for oaths and curses that circulated in the ancient Near East particularly during the Iron II period.

III. Ritual and Cosmological Setting

Ritual Oath Performance

As discussed in Chapters Two and Four, the oral performance of the oath before an assembly is an element that the STE, Sefire treaty, and Deuteronomy 27-29 share. Although these are religio-political texts, the ceremonial enactment of the treaty oath in Deuteronomy 27-29, the Sefire treaty, and the STE is dependent upon ritual performance and divine sponsorship for its efficacy. The very idea that the oral performance of ritual words carries supernatural power is embedded within the widespread tradition of religious incantation practices.[291] Perhaps this link between ritual oath performance and incantation practice is most evident in the Sefire treaty, where the oral performance of the treaty oath and its curses is paired with "the magical manipulation of images."[292]

אִיךְ זִי תקד שעותא זא באש כן תקד ארפד...
ואיך זי יער גבר שעותא כן יער מתעאל

Just as this wax is burned by fire, so may Arpad be burned... (I A 35)
Just as a man of wax is blinded, so many Matî'el be blinded... (I A 39)[293]

The use of physical materials, such as fire, flour, and figurines, accompanied by performative spoken rituals also figures prominently in *Maqlû* and *Šurpu*.[294]

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[291] Robert Ritner, *The Mechanics of Ancient Egyptian Magical Practice* (Studies in Ancient Oriental Civilization 54; Chicago: Oriental Institute, 1993), 40-41.

[292] Ibid., 113. The manipulation of wax figurines also appears in an early Greek oath ritual text from Cyrene. Christopher Faraone, "Molten Wax, Spilt Wine, and Mutilated Animals: Sympathetic Magic in near Eastern and Early Greek Oath Ceremonies," *Journal of Hellenic Studies* 113 (1993): 60-80.

[293] Fitzmyer, *Aramaic Inscritpions*, 14-15.

[294] See *Maqlû* I: 73-96, 135-143; II: 75-102, 146-47; and especially Tablet IX; *Šurpu* Tablet I.

While the STE contains no specific instructions for the manipulation of images or other materials, the ceremonial curse segment (STE, sections 58-106) hint at this vestigial connection between spoken curse ritual and the manipulation of images:

> Just as they burn an image (made) of wax in the fire
> and dissolve one of clay in water,
> so may your figure burn in the fire
> and sunk in water (EST, 608-611).[295]

Deuteronomy 27 includes no similar call for the use of physical materials in the covenant ritual performance, nor any vestigial language of such. However, the act of writing incantations and thus rendering them into a physical form may represent a similar phenomenon. As Daniel Miller observes, "in the case of written incantations, *we may call the written form of the incantation itself* 'logographic ritualization'... encoded and expressed in the written medium itself..."[296] Thus, the act of writing down the ritual oath performance may be connected with the physical manipulation of materials as a means of increasing the efficacy of the oath performance's effectiveness.

The ritual significance of the written display of treaties is evident in Deut 27. In the ceremonial instructions for the ratification of the covenant, the command to write on stones "all the words of this torah" is repeated twice as a means of highlighting the importance of the written display of the oath. Similarly, the Sefire treaty is inscribed on a basalt stone of imposing size.[297] Furthermore, the written display of the STE tablets found in the Kalhu Temple and the

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[295] Translation from Parpola and Watanabe, *Neo-Assyrian Treaties*, 55.

[296] Daniel Miller, "Incantations in Ancient West Semitic Corpora and the Hebrew Bible: Continuity and Discontinuity, Dissertation" (PhD. diss., University of Michigan, 2006), 40-41. Author's italics.

[297] For plates and line drawings of the stelae see Fitzmyer, *Aramaic Inscritpions*, 14-15. For the size of the stelae see John Gibson, *Textbook of Syrian Semitic Inscriptions, vol 2* (Oxford: Clarendon Press, 1975), 18-19.

oath tablet from Tel Tayinat were crafted in an "amuletic" shape with holes at the top for display purposes in temples.[298] A smaller display tablet of some lines from *Maqlû* was found in an amulet shape as well, with a hole at the top of the tablet for use as jewelry or a household plaque.[299] The Arslan Tash plaques also evidence this tradition of an amuletic shaped tablet paired with oath and curse language made for apotropaic use. Thus, the "logographic ritualization" of an incantation on visual media also seems to have been practiced more widely, including the genre of oath treaties as well.

Indeed, the rituals in these religio-political texts are dependent upon the divine realm to enforce the privileges and punishments that are so carefully enumerated in the ritual script and the logographic ritual display. While political entities have their own enforcers in the form of armies, the majority of the curses specified in the STE, Deuteronomy 27-29, and *Sefire* could only be inflicted by divine force. Thus, it is not the threat of a powerful army which ratifies even a political treaty such as the STE or *Sefire*, but rather the divine powers called upon to witness the treaty and participate in its making. The ritual tradition underlying texts such as Deuteronomy 27-29 or the STE is rooted within the type of religio-magic physical and oral performance particularly exemplified by *Maqlû* and *Šurpu*.[300]

Ritual Oath Setting: Divine Witnesses and a Cosmic Mountain

The setting of Deuteronomy 27-28 shares general features with the setting of *Maqlû* and *Šurpu*, AT1, the STE and the Sefire treaty, as well as some very specific features of *Maqlû*. The

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[298] Jacob Lauinger, "Some Preliminary Thoughts on the Tablet Collection in Building XVI from Tell Tayinat," *Canadian Society for Mesopotamian Studies* 6 (2006): 5-14.

[299] Albrechte Goetze, "Cuneiform Inscriptions from Tarsus," *JAOS* 59 (1939): 11-16.

[300] The parallels between Deuteronomy 27-28 and the incantation texts perhaps suggests that ritual oath performances, such as *Maqlû* and *Šurpu* were not understood as כשׁף (Deuteronomy 18:10) or "sorcery" and perhaps were seen rather as technical medical rituals.

general setting of the ritual oath ceremony, whether magical or religio-political, is one in which

the cosmic and profane realms intersect at a center of power where humans stand in the presence

of deities. Regardless of the physical location where the ritual oath ceremony was enacted,

whether in the royal court, a temple, or on a mountain, the scripts of these ritual oath

performances all envision a divine audience. In all four texts the scripted performance contains

an element of invocation where the deities are called upon to be present in the ritual oath

ceremony:

> May (the afflicted person) stand by Anu and Antu, may they ward of sickness,
> may stand by Enlil, lord of Nippur, may he pronounce healing for him with his
> unchangeable word... (*Šurpu*, IV:89-90).[301]

> Now this treaty which Bir-Ga'yah has concluded... in the presence of Marduk and
> Zarpanit, in the presence of Nabu... all the gods of KTK and the gods of Arpad. Open
> your eyes to gaze upon the treaty of Bir-Ga'yah... (*Sefire* I A:7-8, 12-13)[302]

Indeed, the gods are understood as partners not only in the oath but also as participants in the

performance of the ritual oath itself.

> First, may Šamaš the warrior release,
> Second, may Sin and Nergal release...
> release the bond,
> disperse the conspiracy,
> break the knot of evil...
> may the sick get well, the fallen get up. (*Šurpu* IV:60-73).

> The treaty of Bir-Ga'yah, king of KTK, with Matî'el... the treaty of the lords of KTK
> with the treaty of the lords of Arpad and with its people; and the treaty of the gods of
> KTK with the treaty of the gods of Arpad; for this is the treaty of gods, which gods have
> concluded. (*Sefire* I B: 1, 4-6).

> (This is) the treaty which Esarhaddon, king of Assyria,
> has concluded with you,
> in the presence of the great gods of heaven and earth… (EST, 41-42)[303]

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[301] Line numbers and translation from Reiner, *Šurpu*, 28.

[302] Line numbers and translation from Fitzmyer, *Sefire*, 12-13.

[303] Line numbers and translation from Parpola and Watanabe, *Neo-Assyrian Treaties*, 30.

I call heaven and earth as witnesses against you today

And have set before you life and death, blessings and curses. (Deut 30:19)[304]

Assur has made an eternal covenant with us,

A covenant with us and all the sons of the gods

And with all the great generation of all the holy ones;

And an alliance with Heaven and Earth

Forever. (AT1, lines 9-14)

The setting of the ritual oath performance, thus, is a cosmic one, a point of convergence between the heavenly realm and the earthly realm. The spoken enactment of the ritual itself transforms the physical setting from an earthly one into a cosmic one where deities commingle with mortals in the drama of the ritual oath performance.

In Deuteronomy 27 and in *Maqlû*, an added component to the setting of the ritual oath presents an even stronger parallel: the physical location of the oath ceremony on a "cosmic mountain."[305] In both Deuteronomy 27 and *Maqlû*, the text of the scripted ritual oath ceremony specifies a location atop a mountain with strong religious symbolism and significance. Deuteronomy 27 locates the setting of the oath ceremony on the twin mountain peaks that surround Shechem, while *Maqlû* sets the ritual oath performance on Mount Zabban.

The setting of the oath ceremony in Deuteronomy 27 is upon the two peaks enclosing the city of Shechem: Mount Ebal and Mount Gerizim. Shechem is indeed a place freighted with religious tradition. Shechem is the place where Abraham built an altar to commemorate the divine promise to him of the land of Canaan in Genesis 12. These same mountain peaks are the setting for

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[304] Of particular interest in this passage from Deut 30 is the use of the verb עדה meaning "to testify" or "to call as a witness." However, the use here refers to the covenant ratified in chapters 27-28, with an adjuration strikingly similar to those used in Neo-Assyrian and Hittite treaties. This use of the Hebrew verb with the same root as the Aramaic and Akkadian *adê* also illustrates the striking terminological contiguity between the Hebrew covenant and the Aramaic and Neo-Assyrian treaties.

[305] Mircea Eliade, *The Sacred and the Profane: The Nature of Religion* (trans. W. R. Trask; New York: Harcourt, 1987), 38-42.

Joshua's renewal of the Sinai covenant in Joshua 8:30-35. These mountain peaks are, in Deuteronomy 27-29, cosmic mountains, for they form a place of divine disclosure, a gateway to the divine realm. It was von Rad who first speculated that Shechem was the site of an annual national covenant renewal festival in ancient Israel and that Deuteronomy 27-28 formed the script for this annual religious ceremony, in which the oath, or the covenant, was reaffirmed.[306] Perhaps Shechem was the site of an early covenant ceremony. It seems more likely, however, that Shechem is presented in the text as the setting for its religious symbolism perhaps for its iconic representation of the northern sanctuaries. Perhaps Deuteronomy 27-28 is connected with Josiah's reading of the law in 2 Kgs 22, a part of the reading of the "book of the covenant."[307] Similarly, the *Maqlû* and *Šurpu* series as well as the STE were also a script for a ritual ceremony that took place in the royal court.[308]

In *Maqlû*, the setting of the oath ritual provides a striking parallel to that of Deuteronomy 27: the "cosmic mountain." The text of *Maqlû* references a location for the ceremony in the opening tablet of the series:

> My city is Zabban, my city is Zabban,
> Of my city Zabban, two are its gates:
> One for the rising of the sun, the second for the setting of the sun.[309]

Although the city Zabban, which is the setting for *Maqlû*, could refer to a historical city with a geographical location, Abusch contends that the city is portrayed in *Maqlû* as a cosmic location, a "city (which) connects the world above the horizon with the netherworld by means of the gates

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[306] Gerhard von Rad, *The Form-Critical Problem of the Hexateuch* (London: SCM, 1966), 28-38.

[307] Indeed, the covenant initiation ceremony of the Qumran community reflected in the second column of *Serek Hayaḥad* (1QS) seems to be a script for a ritual ceremony based on Deuteronomy 27.

[308] Abusch, "Demonic Image of the Witch," 40; Reiner, *Šurpu*, 1-3.

[309] Translation from Abusch, "Socio-Religious Framework, Part II," 470.

for the rising and the setting of the sun."[310] The two gates within the city "lead into the heavens

and the netherworld" so that the cosmic city is a gateway, an entry point into the cosmic

realm.[311] Ratifying oaths at gates and especially at temple gates is evidenced during the Neo-

Assyrian period and during the Neo-Babylonian period in Mesopotamia.[312] Thus, even the

setting of the city gate in *Maqlû* also has some parallel with the setting for oath-swearing

practices.

In a similar manner, the setting of both the oath ceremony in the text of Deut 27 and the

setting of the ceremony in the text of the *Maqlû* series are mythical settings that do not

correspond to real-life settings where these ritual oath ceremonies presumably took place. The

two gates of Zabban could correspond to the two mountain peaks of Shechem in Deuteronomy

27. Indeed, the *Maqlû* series was performed in temples and in such settings as the royal court,

rather than in the mythical city Zabban. Similarly, the ritual oath ceremony specified in

Deuteronomy 27, if it was performed at all, most likely would have been performed in a temple,

likely a cult site on Mount Gerizim and/or the Jerusalem temple. Indeed, the text's script in

which two groups of officiants shout at one another from the two mountain peaks is unlikely to

reflect any sort of actual practice of a covenant ceremony that took place. The motif of the

mountain, both in Deuteronomy 27 and *Maqlû*, thus, is one that conveys a grounding of the

ceremony at the intersection between the divine and profane realms. And like Zabban in *Maqlû,*

the cosmic mountain in Deuteronomy 27 is "a region which is part neither of the world of the

living or the dead nor the gods of heaven or the netherworld."

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[310] Abusch, "Socio-Religious Framework, Part II," 487. According to Abusch, the Zabban/Zappan of the *Maqlû* series may correspond in etymology to Mount Zaphon in the Hebrew Bible.

[311] Ibid., 486.

[312] Sandowicz, *Oaths and Curses*, 91.

IV. Propagation of Curses

The strong evidence for points of contiguity between Deut 27-28 and the ritual incantation texts *Maqlû*, *Šurpu*, and the magical plaques from Arslan Tash bring fresh evidence to the discussion of the propagation of formulaic curse language in the ancient Near East. The parallels in formulaic curse language as presented in Chapter Four showcase the influence of a robust, consistent formula of curse language that enjoyed wide circulation: from the royal stele of Bukan in Iranian Azerbaijan, to a fragment of *Maqlû* found in Tarsus on the Mediterranean coast of Anatolia, to Syria and into the Judean hill country in Jerusalem. The parallels between Deut 27-28 and *Maqlû* and *Šurpu* demonstrate that the circulation of formulaic curse language, formal components of treaties, and even parallel terms and phraseology are not found in treaties alone but in various genres of texts including incantations. Furthermore, some parallels presented between Deut 27-28 and *Maqlû* and *Šurpu* are absent from comparisons between Deuteronomy and the STE. For example, one does not find the parallel curse theme of "transgressing the commands of god," nor the parallel combination and order of curses between Deut 27 and *Šurpu* Tablet III in the STE or Sefire. This evidence for parallels more uniquely between Deut 27-28 and incantations is significant because it suggests that treaties were not the *only* means of dissemination of formulaic curse language even if treaties were one of the primary means of curse propagation.

Difficulties arise, however, in finding an explanation for the connection between Judean epic national literature and esoteric Mesopotamian incantation ritual texts. In ancient Mesopotamia the professional curse practitioner was the *āšipu* or the "incantation man."[313] The *āšipu*

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[313] Tzvi Abusch notes that anti-witchcraft and countercurses were not initially the responsibility of the *āšipu*, but around the second millennium the development and centralization of the state and temple led to expansion of the responsibilities of the professional exorcist ("Witchcraft and the Anger of the Personal

sometimes could hold an important position in the temple cult and provided services of ritual cleansing to keep malevolent forces at bay.[314] The *āšipu* craft was one that was restricted to practitioners of familial guilds and included scribal training. The art of the *āšipu* was "secret" (*niṣirtu*) and their texts were accessible only by other practitioners. The guild seems to have required an oath and proper training in order for secret practices to be learned.[315] Thus, the restrictions placed on secret texts accessible only to practitioners who entered the guild by oath precludes the possibility of Judean scribes obtaining copies of such texts. Indeed, the same may also have been true, on some level, of treaty texts as well. Thus, the comparisons between Deut 27-28 and *Maqlû* and *Šurpu* press the issue of the need for alternative models of cultural contact apart from accessing Neo-Assyrian esoteric state or ritual documents by Judean scribes. The evidence of the parallels between Deut 27-28 and the incantations does suggest two possible avenues of dissemination of formulaic curse language, curse combinations, and formal elements. First, an emphasis on the oral and physical performance of oaths and incantations suggests the possibility of propagation by oral performance and aural reception. Secondly, a more modest model of textual transmission considers the trade of magical artifacts as an avenue of cultural contact.

The broad dispersal of copies of *Maqlû* and *Šurpu* testify to their popularity and wide-ranging influence. While most copies were found around Nineveh and Assur, copies have also been discovered as far afield as Sultantepe and Tarsus.[316] Thus, although the craft of the *āšipu*

God," in *Mesopotamian Magic: Textual, Historical, and Interpretive Perspectives* [ed. T. Abusch and K. van der Toorn; Ancient Magic and Divination 1; Groningen: Styx, 1999], 83-85).

[314] Kitz, *Cursed are You!*, 376.

[315] Ibid., 382-383.

[316] E. Reiner, *Šurpu*, 1, 64; A. Goetze, "Cuneiform Inscriptions from Tarsus," 11-16.

was carefully guarded, nonetheless *Maqlû* and *Šurpu* were popular texts with perhaps more considerable range of influence upon the breadth of the Neo-Assyrian Empire than some others. Evidence for a more popular use of *Maqlû* comes from a fragment of this text found in Tarsus with a small hole at the top of the tablet suggesting that it was worn as an amulet or displayed as a household plaque.[317] Texts such as *Maqlû* and *Šurpu*, however, were written primarily for the purpose of accurate performance of the ritual and perhaps in service to memorization of the rituals involved. Thus, the oral and physical performance of the rituals also may have played a role in propagation of formulaic curse language or curse combinations and syntactical forms. Anne-Marie Kitz contends that vassals obliged to swear an *adê* oath but who wished to evade the curse calamities invoked when swearing might have hired a curse practitioner to perform a ritual to either counter the curse embedded in the oath or to prevent its activation. Kitz goes further to suggest that a ritual of "undoing" or "releasing" from an *adê* might have been the type of ritual envisioned by the clause in the STE intended to prevent such counter-measures.[318]

The trade of magical artifacts may also have played a role in the propagation of formulaic curse language and curse combinations. William Morrow suggests that Syro-Palestinian scribes might have had more interest in magic or omen texts than in esoteric state documents such as the STE.[319] This does indeed fit the picture of the record of inscriptional evidence from Judah during the Iron II period. While the material record of the southern Levant does not attest to a proliferation of Akkadian cuneiform texts during the Iron II period, during this time frame there is a rise in the proliferation of Hebrew inscriptions that served apotropaic or magical functions.

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[317] Goetze, "Cuneiform Inscriptions from Tarsus," 11-16.

[318] Kitz, *Cursed are You!*, 321-323.

[319] Morrow, "Cuneiform Literacy and Deuteronomic Composition," 209.

The pillar inscription of Khirbet el-Qom, the pithoi inscriptions of Kuntillet ʻAjrud, and the Ketef Hinnom amulets all contain blessing formulae. Moreover, as presented in Chapter Three, the cave inscriptions of Ein Gedi and Khirbet Beit Lei date to the late Iron II period and prominently feature both blessings and curses within their inscriptions.[320] One could also add to this list the magical plaques from Arslan Tash that contain not only curse formulae but also oath language.[321] Similarly, the amulet containing fragments of *Maqlû* would also serve this type of buying and selling within the private, commercial sphere of magical artifacts that may have been accompanied by a spoken incantation performance. Thus, it seems plausible that one of the ways that curse clauses circulated was through incantation rituals such as *Maqlû* and *Šurpu* and through the dispersal of ritual trade artifacts.

Conclusion

The contiguities between Deut 27-28 and the incantation series *Maqlû* and *Šurpu* (as well as AT1) demonstrate that ratifying oaths with self-curses and reversing oaths with counter-curses was accomplished with corollary ritual practices. The striking contiguities in formal elements including a cosmological setting of the oath before divine witnesses, lengthy lists of curse clauses and similar ideas of binding and releasing from oaths and their accompanying curses suggest a common framework undergirded treaties and incantations. Furthermore, parallels in specific curse themes as well as curse combinations, and syntactical and terminological contiguities all suggest that a common stock set of formulaic language and curse themes circulated in the ancient Near East across languages and across boundaries of empires. The circulation of ideas, of cultural forms and of formulaic language are not dependent upon a model

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[320] See Ziony Zevit's presentation of religious inscriptions from the Iron Age for a summary of blessing and curse texts from the southern Levant (*Religions of Ancient Israel*, 350-438).

[321] Pardee, "Les Documents d'Arslan Tash," 15-54.

of direct literary borrowing of esoteric cuneiform ritual texts, however. The parallels between Deut 27-28 and the incantation texts rather emphasize the elements of oral performance and ritual enactment central to both compositions.

The connections between Deut 27-28 (and treaties more broadly) and incantations showcase the centrality of orality and performance in making oaths and ratifying covenants. Incantation texts clearly require spoken and ritual elements in order to achieve their perceived efficacy. The directions given within the ritual series *Maqlû* and *Šurpu* for the practitioner to speak scripted parts and to perform manipulation of particular objects along with spoken incantations illumines the type of practice that accompanied the making of oaths. Thus, the proper performance of incantations and the oral and ritual performance were strong shaping factors in the written text. Indeed, the writing down of the rituals and incantations was likely effected in order to ensure their proper performance. Similarly, treaties also contained scripted words for swearers to speak and accompanying ritual practices to be performed. The oral and performative aspects of treaties are highlighted in the comparison between incantation texts and Deut 27-28. Furthermore, the exploration of treaties and covenants as spoken words and ritual acts suggests new avenues of exploration of the propagation of formulaic curse language, themes, and combinations. Dissemination of formal elements of ritual oath practice including curse themes and combinations, basic syntactical elements, and terms with a parallel semantic range may have taken place by means of oral performance and aural reception, whether in formal settings or in the private sphere. Moreover, the trade of magical artifacts within the private sphere, such as the plaques from Arslan Tash, may also have been a concurrent method of dissemination of ritual oath elements and formulaic language.

CHAPTER SIX

Conclusion

This dissertation presents a first foray into several important and underemphasized questions in the study of Deut 27-28 and the study of ancient Near Eastern oaths and treaties more generally. The focus of scholarship on Deut 28 since the the mid-20th century has largely centered on comparisons with Near Eastern treaty traditions and literature and on models of textual transmission of parallel components and formulaic curse language from the wider ancient Near East into Judah. While this scholarship has yielded tremendous advances in our study of Deut 28, the focus on the history of the textual tradition of Deut 28 has led to a view of this chapter, and of treaties more generally within biblical scholarship, as intellectual scribal productions without sufficient consideration of the social and ritual setting, purpose, and function of treaty and covenant texts. The evidence presented herein serves as a beginning point for a recovery of inquiry into the cultic and ritual setting for Deut 28, as described in chapter 27, that was lost to the narrow scope of inquiry that has neglected consideration of the social setting and ceremonial enactment of oaths and treaties in the ancient Near East.

A fresh examination of both literary evidence and social and historical circumstances surrounding treaty and curse inscriptions in the ancient Near East demonstrates that Deut 27 ought to be considered together with chapter 28, and also as part of a wider literary unit of 11-28.[322] A common argument in studies of Deuteronomy is that chapter 27 is an interruption into the unity of 12-26, and 28, and reflects a later literary stratum. This conclusion is made on the basis of literary criticism alone. This overly textual approach, however, neglects to examine the

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[322] By treating chapter 11 as part of 12-28 I refer primarily to the material in verses 27-29 that form an inclusion with 27:11-13,

evidence from the material record of the ancient Near East which suggests that oath and treaty inscriptions from the Iron II period, in Mesopotamia and the Levant, included a combination of three elements together: literary stipulations, elaborate curse clauses, and a written inscription that served as visual display of the oath set in a public and cultic context. Since Deut 27 furnishes details about the inscribed stele that was to accompany the ratification of the covenant oath, its inclusion in the unit of 11-28, along with chapters 12-26 (legal stipulations) and 28 (curses) is essential. Only together do chapters 12-28 fit the evidence from the material record of ancient Near Eastern inscriptions for all three elements: legal stipulations, curses, and an inscribed stele or tablet.

Furthermore, when the social and historical record of ancient Near Eastern treaties is considered, the text-critical "problems" of Deut 27 find alternative solutions. While the use of repetition and changes in interlocutor in chapter 27 might give this text an appearance of literary breaks or "seams," these elements are purposeful authorial narrative devices rather than inelegant joints of disparate material. The repetition in chapter 27 of the command to erect a stele and inscribe it with "all the words of this torah" serves to highlight and draw the listener's attention to the ritual act of inscribing and erecting the stele as a visual symbol of the covenant oath. This "logographic ritualization" of the covenant ceremony is repeated for the purpose of emphasis.[323] The change in interlocutor in chapter 27 is, in fact, typical of treaty texts written as scripts for oral delivery as well as for scribal administrative records. This shift in interlocutor in chapters 26-27-28 reflects a purposeful and sophisticated narrative device of a "speech within a speech." This double-speech device provides a framework wherein Moses' speech provides instructions

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[323] Daniel Miller, "Incantations in Ancient West Semitic Corpora and the Hebrew Bible: Continuity and Discontinuity, Dissertation" (PhD. diss. University of Michigan, 2006), 40-41.

for the covenant enactment ceremony, including scripted parts for the Levites and the gathered assembly to speak.

Further exploration is also made into the concept of ancient Near Eastern treaties as scripts using the Sefire treaty as a test case. The text-centric approach to treaties and covenants has left largely unexplored the ritual and social function of these texts within practices of oath-swearing as ceremonial events. The question of whether treaties contain any actual content of verbally sworn oaths is one that has not been given due attention. Thus, the Sefire treaty is examined as an example for this interface between the inscribed treaty texts and the oral and ritual ratification of treaties in ceremonial enactments. Methodologies of orality studies and sociolinguistics are employed to detect "oral residue" within the syntax of the Sefire treaty, and specifically, within the curse segment of the treaty.[324] A stark contrast is demonstrated between the preamble and adjuration segments of the treaty, and the curse segments.

This analysis demonstrates that the syntax of the preamble and adjuration segments are characterized by a proliferation of nouns and noun strings, elaboration clauses, and hypotaxis. These syntactical elements are more typical of a scribal chancellery style of literary composition. However, a syntactical analysis of the curse segments of the Sefire treaty shows that these segments are characterized by lexical sparsity, short staccato sentences, and by a simple, uncluttered clause style. These elements are more typical of spoken discourse than of written text. This contrast in scribal versus oral style suggest that the curse segment of the Sefire treaty preserves some elements of the spoken script of the ceremonial enactment of the treaty. The simple and oral style of the curse segment also suggests than an oral tradition of stock formulaic

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[324] For the phrase "oral residue" see Lord, "Characteristics of Orality," 58.

curse language and elements may underlie the written composition of the treaty. Thus, the written composition of the Sefire treaty shows influence and shaping by its oral recitation.

Furthermore, the syntax of the ceremonial curse segment of the Sefire treaty also indicates that a physical demonstration of the curses using real-life objects accompanied their oral recitation. The use of demonstrative pronouns and a simile structure ("just as this wax…") in the ceremonial curses preserves grammatical references to physical objects manipulated in real-time by practitioners as a demonstration of the curses' fearsome and dangerous potency. The evidence for oral and physical enactment of curses in the Sefire treaty highlights the ceremonial setting and enactment of oaths and treaties in the ancient Near East more widely. This performance also emphasizes that these ritual oath texts were inscribed in service to a particularized social and ritual setting with an audience whom the performer attempts to persuade. This evidence serves only as a beginning point, a test case, for a methodology that might be used to address the wider question of the oral and written interface within oath ceremonies and the ritual performance of oaths, of which the written display was a part.

The shift in emphasis advocated in this dissertation, from a text-centered analysis to an oral and performative-centered analysis, also opens the way for new parallels to be examined beyond the treaty genre: parallels between treaties and incantation texts. The brief study presented here examined primarily parallels between Deut 27-28 and the incantation series *Maqlû* and *Šurpu*. Even within this modest and limited analysis a wealth of contiguities are evident. The shared focus of treaties and of the two incantation series on the making and the breaking of covenant oath suggests a corollary relationship between oath ritual and incantation ritual practice. While the making of an oath activated the potential of the curses outlined in the covenant, the practice

of counter-curse was perceived to have the ability to deactivate the potential of the curse effectively cancelling its effects.

Other specific contiguities between Deut 27-28 more specifically and the incantations include shared oath and curse terminology, parallel curse themes and combinations, and a cosmic setting with an adjuration before divine witnesses. The parallel curse themes presented in the tables in Chapter Five highlight the strong similarity in specific curses and a large number of parallel curse themes found among Deut 27-28 and *Maqlû* and *Šurpu*. Furthermore, the parallel combinations of curse themes between Deut 27 and *Šurpu* Tablet II showcase the striking conguities found in combination of curse themes, their parallel order, as well as shared lexical items and syntactical similarities. The types of parallels presented are similar to the types of parallels found between the STE and Deut 28 with contiguities in theme and in curse combination and order of presentation. However, also like the parallels with the STE, the parallels between Deut 27-28 and *Maqlû* and *Šurpu* are not phraseological, nor do they reflect an attempt by Judean scribes to translate a text of Mesopotamian literature into Judean religious and national literature in Hebrew. These parallels do demonstrate, however, that texts beyond the treaty genre are worth exploring for insight into Deut 27-28 and the shape of its composition.

The parallels between Deuteronomy and the incantation series *Maqlû* and *Šurpu* do also strengthen the hypothesis that a ritual and cultic setting shaped the composition and purpose for Deut 27-28. The incantation series *Maqlû* and *Šurpu* were performative rituals with a social setting in which a ritual practitioner provided services to a client or group; thus, the social context was a practical and ritual one rather than a purely administrative or intellectual setting. The composition of the incantations likely served the purpose of proper performance of the ritual and of transmitting the performance from one generation of practitioners to another. A similar

ritual setting of ceremonial enactment of curses is seen in treaty texts and in Deut 27. This chapter of Deuteronomy gives instructions for ritual acts to be performed in preparation for the oath ceremony and instructions in a script format for the oral recitation of the covenant by the Levitical practitioners. Likewise, the incantation series furnished details regarding the preparatory acts and ritual words enacted and spoken by a practitioner. This parallel in ritual and ceremonial setting and legal context strengthens the hypothesis of a ritual and cultic impetus for the composition of Deut 27-28.

The syntactical analysis of the Sefire treaty and the presentation of contiguities between incantations and Deut 27-28 also raise the issue of the propagation of formulaic curse language and treaty elements. The parallels in formological elements and shared terminology between treaties and the incantation series demonstrate that elements such as an adjuration of divine witnesses and ritual cursing are not unique to treaties and perhaps they originated in ritual and incantatory practices. Certainly, models of dissemination of copies of treaties, particularly the STE, need to be expanded to consider other texts and incantations. However, the model of direct textual borrowing also needs re-examination. While indeed the new evidence of the Tell Tayinat STE tablet provides yet more evidence for the distribution of STE tablets into vassal empires in the West during the Neo-Assyrian period, other avenues for the propagation of formulaic curse language and ritual oath elements deserve further exploration as well.

The spoken performance and aural reception of ritual oaths such as the Sefire treaty and the STE may have served to disseminate formulaic curse language and formological components. Yet oaths did not belong uniquely to public life and realm of state-sponsored ritual oath activity. The incantation series *Maqlû* and *Šurpu* showcase the powerful influence of ritual oath practice in the private sphere. The trade of magical artifacts, such as the Arslan Tash plaques and

Lamaštu amulets, may also have bolstered the spread of curse formulae and oath terminology. In the end, the answer to the question of the method of transmission of curse formulae and ritual oath components most likely is one of multiplicity: diverse channels of propagation and influence.

The compelling force and persuasive power of curses likely made ritual oath formulae and curse inscriptions an influential and important cultural influence in the ancient Near East. The popularity of curse formulae is evident in the proliferation of blessing and curse inscriptions in southern Judah in the Iron II period. The study of treaty oaths and incantations together highlights two spheres of ancient life shaped by oaths and curses: the public or state-sponsored curse and the private practice of curse and counter-curse. A study that pairs evidence from treaties and incantations also emphasizes the importance of the oral-performance components of curses, as well as their written display on visual media. The oral performance and the written display of the oath and curses served the same rhetorical purpose: to shape the behavior of a real community and not just a scribal and intellectual one. The covenant ceremony of Deut 27-28 with its ritual enactment and public recital of the curses was perhaps the crowning apex of the narrative built around the call to obedience. The transformation of the gathered assembly into a covenant community in the narrative is built around a rhetorical emphasis on choices that are imbued with the force of a blessing or a curse: "Choose life so that you and your descendants may live." (Deut 30:19).

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