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“Malediction and Oath: The Curses of the Sefire Treaties and Deuteronomy 28”

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Introduction

While a great deal of scholarly attention has focused on parallels between curses in Assyrian treaties and those biblical law, particularly those in Deuteronomy 28, the curses in the Aramaic treaties of Sefire have garnered far less attention for the study of biblical law.¹ While some important studies have examined the curses in the Sefire treaties and their parallels with curses in the prophetic corpus of the Hebrew Bible, few studies have examined their parallels with curses in biblical law.² The importance of the curses from Sefire for the larger discussion of Near Eastern legal genres, and specifically biblical law, will be the focus of this paper. Two particular aspects of Stele I of the Sefire treaties will be discussed: first, the formulaic curse language of the treaty; and second, the ritual performance of the treaty oath. These two elements of the Sefire treaty find striking parallels with Old Aramaic texts more broadly, as well as texts of biblical law, suggesting that the influence of Aramaic treaty language and ritual were more influential during the Iron Age than during the Neo-Babylonian period.

¹ For major works presenting parallels between Neo-Assyrian treaties and biblical law, see, for example, Frankena, “The Vassal-Treaties of Esarhaddon,” *Iraq* 20 (1958): 122-54; Bernard M. Levinson, “Esarhaddon’s Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1,” *JAOS* 130 (2010): 337-47; Eckart Otto, *Politische Theologie und Rechtsreform in Juda und Assyrien*, Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft (New York: Walter de Gruyter, 1999); Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Winona Lake, Ind.: Eisenbrauns, 1992); David Wright, *Inventing God’s Law: How the Covenant Code of the Bible Used and Revised the Law of Hammurabi* (New York: Oxford University Press, 2009).

² Krzysztof Baranowski, “The Old Aramaic and Biblical Curses,” *Liber Annuus* 62 (2012): 173-201; Kevin Cathcart, “The Curses in Old Aramaic Inscriptions,” in *Targumic and Cognate Studies: Essays in Honour of Martin McNamara* (Sheffield: Sheffield Academic Press, 1996): 140-152; D.R. Hillers, *Treaty-Curses and the Old Testament Prophets*, *BibOr* 16 (Rome: Pontifical Biblical Institute, 1964).

Part I: Toward Identifying a Northwest Semitic Pattern of Formulaic Curse Language: Imprecations in the Sefire, Tell Fekheriye, and Bukan Inscriptions and in the Hebrew Bible³

In the first part of the paper, formulaic curse language in the treaty will be discussed in the light of the claim that curse clauses in Aramaic may have circulated throughout the Levant. This idea has been bandied about, particularly in the discussion of the transmission of Akkadian treaty language and its influence on Deuteronomy 28. As of yet no strong evidence has surfaced for Akkadian cuneiform literacy in Iron Age Judah.⁴ Thus, some scholars posit Aramaic curse language as an alternative model to the much-debated schlepping of cuneiform texts by Judean scribes to Jerusalem, and thus, into the Hebrew Bible.⁵ However, this alternative model of Aramaic curse clauses circulating into Judah tends to remain a rather speculative one, and often assumes that this would have taken place during the Neo-Babylonian period. This paper attempts to present some more tangible evidence of a robust and consistent formula of Northwest Semitic curse language that circulated during from the 9th through the 7th centuries BCE by means of the widespread influence of Aramaic language.

A. Geography, Genre, and Approximate Dates of the Inscriptions

³ I credit Krzysztof Baranowski for bringing the Bukan Inscription into the discussion of Aramaic and Biblical Curse parallels. Baranowski, "Old Aramaic and Biblical Curses," 180-194.

⁴ Wayne Horowitz, Takayoshi Oshima, and Seth Sanders, *Cuneiform in Canaan: Cuneiform Sources from the Land of Israel in Ancient Times* (Winona Lake, Ind.: Eisenbrauns, 2006).

⁵ William S. Morrow, "Cuneiform Literacy and Deuteronomic Composition," *Bibliotheca Orientalis* 62 (2005): 208; Steven W. Holloway, "Review: *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien* by Eckhart Otto," *JNES* 66 (2007): 206. [CHECK FOR P#S]

The Stelae of Sefire originate from the mid-8th century BCE at a site approximately 15 miles southeast of Aleppo in Syria.⁶ In these three related texts is the historical record of a 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. Given that Tiglath-Pileser III annexed Arpad in 740 BCE, these treaty texts date from a time shortly before this date.⁷

The Tell Fekheriye text is a royal dedicatory inscription, written in both Akkadian and Aramaic, carved onto a statue of the titular ruler, HDYS'Y. The Tell Fekheriye inscription is more difficult to date, however, with proposed assignations between the 10th and the 8th century, with a general consensus around the 9th century.⁸ The statue with its bilingual inscription were discovered at the site of Sikan, or ancient Gozan, near the Habur river in northeastern Syria.⁹ Although the Sefire and Tell Fekheriye inscriptions represent two different genres of text, both contain lengthy curse clauses, with striking parallels in their rhythmic, formulaic structure.

⁶ The provenience of these stelae fragments still remains somewhat dubious. However, it seems most likely that these texts were unearthed at Al-Safira near Aleppo. On the question of the exact origin of the stelae, see Hans Bauer, "Ein aramäischer Staatsvertrag aus dem 8. Jahrhundert v. Chr. Die Inschrift der Stele von Sudschin," *Archiv für Orientforschung* 8 (1932-1933): 1; André Lemaire, André Dupont-Sommer, et Jean Starcky, "Les Inscriptions Araméennes de Sfiré (Stèles I et II)," *Mémoires Présentés par Divers Savants à l'Académie des Inscriptions et Belles-Lettres* (Paris, Imprimerie Nationale, 1960): 200-201; André Lemaire and Jean-Marie Durand, *Les Inscriptions Araméennes de Sfiré et l'Assyrie de Shamshi-Ilu* (Geneva: Librairie Droz, 1984), 3-4; Joseph Fitzmyer, *The Aramaic Inscriptions of Sefire* (Rome: Pontifical Biblical Institute, 1967), 1.

⁷ Fitzmyer, *Aramaic Inscriptions from Sefire*, 2.

⁸ Jonas Greenfield and Aaron Shaffer, "Notes on the Akkadian-Aramaic Bilingual Statue from Tell Fekheriye," *Iraq* 45 (1983): 109; Mario Fales, "Le double bilinguisme de la statue de Tell Fekheriye," *Syria* 60 (1983): 233.

⁹ Fales, "Le double bilinguisme," 233.

The Bukan Inscription was discovered in 1985 (with an additional fragment recovered in 1990) as a result of an archaeological excavation at Tapeh Qalâychi near Bukan in Iranian Azerbaijan, or the ancient Assyrian empire of Mannaea.¹⁰ Unfortunately only the lower portion of the stele is extant, which issues a curse against whoever might destroy the stele, a type of curse typical of royal dedicatory inscriptions. The text was composed in Aramaic only and is dated based on paleography to the late eighth or early seventh centuries.¹¹ This surprising find so far afield from Syria attests to the broad influence of Aramaic during the eighth/early seventh century BCE.¹² This is not to suggest that Aramaic was a spoken language within the Mannaeian kingdom, but, only that Aramaic was employed for some writing, and particularly, for royal inscriptions by the Mannaeans.¹³ Indeed, the increasing use of Aramaic by the Neo-Assyrian Empire beginning in the eighth century perhaps suggests that use of Aramaic in this royal dedicatory inscription by an empire some distance away from Syria is, in fact, not so surprising after all.¹⁴

B. Presentation of the Parallel Curse Formulae

¹⁰ Israel Eph'al, "The Bukân Inscription: Historical Considerations," *IEJ* 49 (1999): 116; André Lemaire, "Une Inscription Araméenne du VIIIe S. av. J.-C. Trouvée à Bukân," *Studia Iranica* 27 (1998): 15-16; Michael Sokoloff, "The Old Aramaic Inscription from Bukân: A Revised Interpretation," *IEJ* 49 (1999): 105.

¹¹ Eph'al, "The Bukân Inscription," 117; Lemaire, "Une Inscription Araméenne... trouvée À Bukân," 27.

¹² On the spread and influence of Aramaic, see, for example, Mario Fales, "The Use and Function of Aramaic Tablets," in G. Bunnens (ed.), *Essays on Syria in the Iron Age, Ancient Near Eastern Studies supplement 7* (Louvain: Peeters): 89-124; Hayim Tadmor, "The Aramaization of Assyria: Aspects of Western Impact," in H.-J. Nissen and J. Renger (eds), *Mesopotamien und seine Nachbarn* (Berlin: Rencontre Assyriologique Internationale, 1982): 455-458.

¹³ Eph'al, *ibid.*, 118-121.

¹⁴ For discussion of the use of Aramaic within the Neo-Assyrian Empire, see F.M. Fales, "The Use and Function of Aramaic Tablets," *Ancient Near Eastern Studies Supplement 7* (2000): 89-124.

While parallel curse lines between and among these individual inscriptions, as well as with Hebrew Bible texts, have been the topic of several studies, it also seems worthwhile to look at them together as a group.¹⁵ The purpose of presenting these parallel curse clauses here is two-fold. First, grouping all the curse parallels together demonstrates broad-ranging evidence for a syntactical formula that unites the various curse lines. Secondly, parallels between the curses in these various inscriptions and those of the Hebrew Bible have been already discussed by Hillers, Cathcart, and others; however, this presentation of the parallels focuses on their connections with parallel curse clauses in Leviticus and Deuteronomy, rather than with those in the biblical prophetic literature.

The following lines are excerpts from the curse clauses in the four texts described above, as well as one from biblical law. The excerpts have been grouped according to their parallel content; however, all the groups share a common syntactical structure and theme.

Sefire IA:21b¹⁶

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 21b¹⁷

ומאה נשון להינקן עלים ואל ירוי

May one hundred women nurse a male child, but may he not be sated

Sefire IA:22-23

¹⁵ For examples of studies that discuss some of these parallels, see A. Abou-Assaf, P. Bordreuil and A.R. Millard, *La statue de Tell Fekheriye et son inscription bilingue assyro-araméenne* (Paris: Editions Recherche sur les civilisations, 1982); Kevin Cathcart, "The Curses in Old Aramaic Inscriptions"; J.C. Greenfield and A. Schaffer, "Notes on the Curse Formulae of the Tell Fekheriye Inscription," *RB* 92 (1985): 47-59.

¹⁶ Text and line numbers from Fitzmyer, *Aramaic Inscriptions from Sefire*,

¹⁷ Text and line numbers from Herbert Donner and Wolfgang Röllig, *Kanaanäische und aramäische Inschriften, vol. 1* (Wiesbaden: Harrassowitz Verlag, 2002).

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-6¹⁸
 שבע שורה יהינקן עגל חד ואל ישבע
 (May) seven cows nurse one calf, but may it not be satisfied

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 ירוה
 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
 Lev. 26:26
 וְאַפּוּ עֵשֶׂר נָשִׁים לְחֶמְצֶם בְּתַנּוּר אֶחָד וְהִשְׁיבוּ לְחֶמְצֶם בְּמִשְׁקָל וְאָכְלֵתֶם וְלֹא תִשְׂבְּעוּ:
 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

C. Analysis of Formulaic Structure and Unifying Theme:

While the parallel vocabulary and content of the curse clauses in these two texts is unmistakable, perhaps of greater significance is the repetitive formulaic structure of these lines. The following elements occur in each of the curse clauses above in this order (following the Hebrew from right to left):

verb of satiety	negative particle	vav	noun clause obj	verb	noun clause subj	number	vav
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¹⁸ Text and line numbers from Lemaire, “Une Inscription Araméenne Trouvée à Bukân,” 16.

For example, from Sefire IA:21b the elements corresponding to the formula above are:

verb of satiety	negative particle	vav	noun clause obj	verb	noun clause subj	number	vav
ישבע	אל	ו	עלים	ויהינקו	מהינקו ימשחון שדיהו	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. This is all the more surprising given both the rather large geographical span and timeframe encompassing all four of these texts. 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.”¹⁹ Thus, the curse with its symbolic number dooms the one accursed with an inability to satiate its young no matter how much effort is mustered to meet the demand.

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:

וַיִּרְעָב רַב תּוֹצֵיאַת הַשָּׂדֶה וּמַעֲטַת הָאֵסֶף כִּי יִחְסְלוּ הָאָרְבָּה :
כְּרָמִים תִּטַּע וְעִבְדָתָ וְגִין לֹא־תִשְׁתֶּה וְלֹא תִאָּגֵר כִּי תֹאכְלוּ הַתְּלָעַת :
זֵיתִים יִהְיוּ לָךְ בְּכָל־גְּבוּלְךָ וְשֶׁמֶן לֹא תִסּוֹף כִּי יִשָּׁל זֵיתְךָ :

¹⁹ This phrase seems to have been coined by Mario Fales, “Massimo sforzo, minima resa: maledizioni divine da Tell Fekheriye all Antico Testamento,” *Annali di Ca’Foscari* 21 (1982): 1-12.

בָּנִים וּבָנוֹת תּוֹלֵיד וְלֹא יִהְיֶינָי לָךְ כִּי יִלְכּוּ בְּשָׂבִי :
(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:

verb of fulfillment	negative particle	vav	noun clause	verb	number	noun clause
תאסף	מעט	ו	השדה	תוציא	רב	זרע
תשתה	לא		ויין	תטע ועבדת		כרמים
תאגר	לא	ו				

Certainly other biblical texts fit this formula and theme more generally (Isa 5:10; Mic 6:15; Hag 1:6). However, it is the legal texts from Deuteronomy and Leviticus that fit the syntactic formula more closely. More specifically, both Deuteronomy 28 and Leviticus 26 are chapters that stand at the end of legal corpora and that delineate blessings and curses (with a strong emphasis on curses) to be meted out upon those who abide by, or, alternatively, transgress the commandments

(מצוות) of God. As curse formulae which follow elaborate sets of laws and statutes (מצוות/תורה/חוקות), Deuteronomy 28 and Leviticus 26 have more in common with the Sefire Treaties. In all three texts the curses that are delineated as part of the oath agreement form a powerful incentive for members of the oath agreement to abide by its terms.

The curses in the Tell Fekheriye and Bukan inscriptions serve a similar purpose, even if the texts represent a different genre, that of the royal dedicatory inscription. In these two monumental royal inscriptions, 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 also serve an apotropaic function, as well: to protect the social order and overall cohesion established by the treaty/oath and to ward off any fragmentation of, or rebellion against, the established rule of order. Indeed, this may be the reason why Deuteronomy 27:2-8 stipulates that the entire commandment (כל-המצוה) contained in the prior chapters be written on plastered stones, and that Moses is to “write on the stones all the words of this law (כל-דברי-התורה הזאת) very clearly (באר-היטב).” For, indeed, these texts (with the exception of Leviticus 26) were put on display in the imposing form of large stelae set in public locations. This comports well with the findings of Noel Weeks’ study of ancient near eastern treaties, and particularly Mesopotamian treaty texts. She writes that “(o)ne can postulate a rough correlation between centralization of political power and seeing fear as motivation...”²⁰ With the advent of growing nationalization and pockets of more centralized governance during the early Iron Age, it seems that the desire to protect this

²⁰ Noel Weeks, *Admonition and Curse: The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships* (New York: T&T Clark, 2004): 11.

regional stability and governance was effected not only with oaths and treaties but with displays of cosmic power supporting local governing institutions.

Part II: The Sefire Treaties as Ritual Oath Text

The second part of the paper will discuss a proposed method of transmission of this Northwest Semitic curse formula throughout the Levant. Many studies of near eastern treaty forms and genres tend to study treaty and dedicatory inscriptions as texts only, neglecting the broader social context of oath rituals which accompanied the writing of the text. Indeed, one of the more interesting features of the Sefire treaty is its explicit incorporation into the written text of the treaty of ritual performance elements that accompanied the treaty's ratification. Rituals such as burning wax figurines, the ritual breaking of weapons, the cutting of animals into two parts accompanied the dramatized performance of the Sefire oath performance. This paper will contend that these ritual acts that form part of the treaty's binding authority find strong parallels with the ritual oath performance in Deuteronomy 27. Thus, these two elements of the Sefire treaty have strong parallels in the biblical text, namely ritual curse language and ritual oath performance.

A. Proposed Method of Transmission of the Northwest Semitic Curse Formula:

The evidence provided in Part I for a Northwest Semitic curse formula begs the question of how such a curse formula might have arrived from Syria to Mannaea in the northeast, and to Judah in the southwest, some thousands of miles and a century or more apart. The answer, of course, lies

in Aramaic, whose influence seems to have been burgeoning within and even beyond the Levant during the early Iron Age, and particularly during the eighth and seventh centuries with its increasing use by the Neo-Assyrian Empire.²¹ Yet, even as the number of texts found in Old Aramaic continues to grow, there is, as of yet, no evidence “on the ground” for Aramaic texts found in Judah dating to the early Iron Age. This presents us with something of a discrepancy since the evidence presented in the first part of the paper suggests that this formula for Northwest Semitic curses is robustly evident in Deuteronomy 28 and Leviticus 26.

Yet it seems also that the discussion of the transmission of near eastern treaty forms and formulaic curse language often seems to consider only text-to-text transmission, neglecting the strongly oral 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.²²

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 views near eastern oaths and treaties not only as texts, but also as ritual performances.

²¹ Fales, “The Use and Function of Aramaic Tablets,” 89-124

²² Susan Niditch, *Oral World and Written Word: Ancient Israelite Literature* (Louisville: Westminster John Knox Press, 1996): 5.

B. The Covenant Oath as Ritual Oath Performance

The idea of a treaty text ratified by a ritual performance 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.²³ In some Late Bronze Hittite oath-making performances feature food and drink offerings, as well as weapons, the slaughtering of animals as part of the ritual of swearing an oath.²⁴ And in the Hittite Military Oaths, the curses within the oath for breaking its stipulations are acted out as part of the ritual performance in the oath-making ceremony.²⁵ From the Iron Age period, the evidence is even stronger for a ritual performance integral to making an oath agreement. In another treaty text between the Syrian ruler Mati-ilu with Aššur-Nirari V, the slaughter of a lamb is detailed as part of the treaty text itself.²⁶ Similarly, the Succession Treaties of Esarhaddon were written texts representing a performance in a national assembly in which empires subject to the Assyrians sent representatives once a year to participate in a ritual performance of declaring their oath of loyalty to the Assyrian sovereign.²⁷ The various extant versions of the Succession Treaty text are presented as a set of stipulations framed as direct speech on the part of the oath-makers in what

²³ ND. Charpin, "Une alliance contre l'Elam et le rituel du lipit napistim," in F. Vallat (ed.), *Contribution à l'histoire de l'Iran. Mélanges offerts à Jean Perrot* (Paris: Éditions Recherche sur les Civilisations, 1990): 109-118.

²⁴ Benjamin Schwartz, "The Hittite and Luwian Ritual of Zarpiya of Kezzuwatna," *JAOS* 58 (1938): 334-353.

²⁵ N. Oettinger, *Die Militarischen Eide...* (1976): 8-11.

²⁶ Simo Parpola and Kazuko Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths, State Archives of Assyria, vol. 2* (Helsinki: Helsinki University Press): 8-9.

²⁷ Wiseman, "The Vassal-Treaties," 3-4.

Wiseman called “the royal oratorical style.”²⁸ Not only are these treaties written with spoken parts for various human actors in the performance, the list of gods and goddesses serving as witnesses suggests that these deities were understood to take part in the ritual oath ceremony as well, and to enforce its terms.

Similarly, the book Deuteronomy particularly is one whose literary framework and structure is best understood as an interplay between orality and textuality, a written account of dramatic speech.²⁹ Indeed, chapters 27-28 provide the script for a covenant ceremony with oral performance roles for the participants to play. Similar to the format of the Succession Treaty, Deuteronomy 27 assigns speech roles for various parties where the Levites proclaim the various curses and the people are called to respond with “Amen.” The text of this covenant ceremony is permeated with rhythmic formulae which are closer in form to poetry than to prose (27:15-26; 28:3-7, 16-19), and the repetition of the call to “diligently observe all his commandments.” Such rhythmic structures and repeated elements are the marks of an oral register.³⁰ Furthermore, this covenant oath features not only a divine witness participating in the ceremony, but also a divine witness who is party to the covenant itself.

Although there is no direct evidence for a ritual performance aspect of the royal dedicatory inscriptions of Tell Fekheriye and Bukan, to propose that one would have accompanied the official erection of the stele in its public location seems plausible. Perhaps a helpful corollary is

²⁸ D.J. Wiseman, *ibid.*, 23-24.

²⁹ Jean-Pierre Sonnet, *The Book Within the Book: Writing in Deuteronomy* (New York: Brill, 1997): 1-26.

³⁰ Niditch, *Oral World and Written Word*, 11.

another genre of royal dedicatory inscriptions: foundation stones. The placement of cones, tablets, statues, and other inscribed objects in the foundation of a building by kings was widely practiced in the ancient Near East. Foundation tablets were used with particular frequency in Mesopotamia during the Middle Assyrian Period, but were still commonplace during the Iron Age.³¹ Elaborate ritual practices accompanied these ceremonies of blessing buildings, including exorcisms.³² Considering the apotropaic nature of the curses included in the Tell Fekheriye and Bukan inscriptions, it seems reasonable to envision some sort of ritual performance accompanying the dedication of such large and imposing stelae.

Perhaps the most convincing evidence for a ritual performance which accompanied the making of an oath or treaty comes from the Sefire Treaties. Like the Succession Treaties, these related oath texts also presents a lengthy list of divine witnesses and curses to be meted out upon breakers of the treaty. Perhaps more significant for this study, the Sefire treaties also prominently feature ritual practices that accompanied the oath ritual ceremony:

איכה זי תקד שעותא זא באש כנ יקד מתעאל באש
ואיך זי תשבר קשתא וחציא אלן כן ישבר אנרת והדד קשת מתעאל...
ואיך זי יגזר עגלא זנה כן יגזר מתעאל...
(Sefire IA:37b-40)

Just as this wax is burned by fire, so may Mati'ilu be burned by fire
And just as (this) bow and these arrows are broken, so may Inurta and Hadad break the
bow of Mati'ilu...
And just as this calf is cut, so may Mati'ilu be cut...

³¹ Ibid., 96.

³² Richard Ellis, *Foundation Deposits in Ancient Mesopotamia* (New Haven: Yale University Press, 1968), 34.

Thus the curses embedded in the oath text were dramatically enacted as part of the oath ritual in which its terms were ratified. These dramatized curse enactments underscore the strongly oral and performative nature of oath and treaty-making in the ancient Near East during the Iron Age, and most likely much earlier.

Beginning from the premise then, that these ritual oath “texts” were not merely texts but also ritual performances, it seems best then to include this ritual performative element in any discussion of influence and transmission of treaty forms and elements, and particularly in the discussion of the method of transmission of formulaic curse language. Indeed, in the Northwest Semitic curse formula presented in the first part of the paper, the rhythmic style and repetitive structure of the curse lends itself particularly to a model of oral transmission. Participants in oath-making or dedicatory ceremonies would likely have played a role in the oath ritual’s performance, including speaking aloud various oral portions of the oath. This certainly would have included the proclamations of loyalty to a ruler in treaties, but may also have included the speaking the curses aloud by the gathered assembly, thereby heightening the memory of the ritual elements by the participants.

Evidence for the Northwest Semitic curse formula in both Aramaic- and Hebrew-language texts also comports well with a model of oral transmission. For, while Aramaic and Hebrew are in the same family of languages, strong differences manifest between them. However, in the formulaic curse elements found in all four of these texts, it is not surprising to find that it is curses with vocabulary and verbal syntax shared by both Aramaic and Hebrew which seem to have been

more widely transmitted. Thus, these particular curses and this formula of syntax would have been more easily transmitted from Aramaic into Hebrew, making the formula more widely disseminated. Perhaps for this same reason, the Northwest Semitic curse formula does not seem to have as strongly influenced Akkadian curse formulae.

In the lengthy lists of curses in various genres of Akkadian texts, such as treaties, kudurrus, and foundation deposits, not once does this formula appear. In only a single Akkadian text does a similar theme and structure occur. An excerpt from the Annals of Assurbanipal describes calamities which befall those who break an oath agreement:

bakru ANŠĒ su-ḫi-ru būru ḫurāpu ina muḫḫi 7.TA.ÀM mušēniqate ēniquma šizbu la ušabbû³³

Even when the camel foals, the donkey foals, calves or lambs were suckling seven times on the mother animals, they could not fill their stomachs with milk.³⁴

While the meaning and theme are virtually identical, neither the syntax nor the individual lexical elements conform as strongly to the formula presented in Part I. Thus, it seems that the differences in vocabulary, or verbal roots, as well as such syntactical considerations as word order, may have made the formula less amenable for transmission into East Semitic linguistic structures. Furthermore, the Akkadian version of this type of curse is seems more prosaic, wordy, and less rhythmic than the more staccato Northwest Semitic formula. Particularly the addition of the rather lengthy subject clause in the beginning, the addition of the prepositional phrase *ina*

³³ Akkadian text from *The Chicago Assyrian Dictionary*, vol. S, 349.

³⁴ English translation from James Pritchard, *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton: Princeton University Press, 1955): 300.

mubhi, and the verb-final syntax show strong differences from the Northwest Semitic curse formula. However, the ending of the line with the particle of negation and the verb of satiation (*la ušabbû*), suggests some kind of connection with the Northwest Semitic versions of this curse. Indeed, it is striking to find yet another variation of the same syntactical formula, while in an East Semitic language text.³⁵

Thus, the model of oral transmission proposed resolves two problems inherent in a model of text-to-text transmission: (1) discrepancy in textual evidence; (2) broader social context of these “texts.” Firstly, the conspicuous absence of Aramaic and Akkadian texts in Judah combined with textual evidence of influence by both Akkadian and Aramaic curse language in biblical law texts results in a incongruent picture within the text-to-text model. Within the oral transmission model, however, this problem is rendered less pivotal since textual borrowing is removed from the process of transmission altogether. Secondly, the oral transmission model takes into account the broader social context in which oaths were made and written, including ritual performances that accompanied the making and writing of oath agreements.

Conclusion

³⁵ One could make the argument that this curse formula is originally a Mesopotamian one, given that it occurs in two Akkadian texts: the Annals of Assurbanipal, and the Akkadian portion of the Tell Fekheriye statue. However, as Fales makes clear in his article, it seems more likely that the “vector of influence” (Fales) in the second half of the Fekheriye statue is from Aramaic into Akkadian, rather than the other way around. This evidence, combined with the number of Northwest Semitic texts in which the formula is found, strongly suggests that the formula is Northwest Semitic in origin. For discussion of the “vector of influence” in the Tell Fekheriye text, see Fales, “Le double bilinguisme de la statue de Tell Fekheriye,” 233-150.

Comparative studies of near eastern treaty genres and biblical law have largely neglected the Sefire treaties and their attestation to the influence of Aramaic treaty language and ritual performance. Curse clauses in Sefire have robust parallels with curse clauses in Old Aramaic dedicatory inscriptions and with curse clauses in biblical law. These parallel curse lines strongly suggest that a Northwest Semitic curse formula circulated throughout the Levant and beyond, and endured a lengthy timespan of more than a century. Furthermore, this Northwest Semitic curse formula provides strong evidence that Aramaic may have played a far more influential role than has been acknowledged in the transmission of treaty forms, language, and thematic elements. Indeed, the language for the binding oath itself, or the *adê*, comes from Aramaic.³⁶ While the evidence for linguistic influence in the Northwest Semitic curse formula is robust, as of yet no evidence for Aramaic texts has surfaced in Judah. Thus a model for oral transmission seems to best fit the evidence, and the social context of ritual oath performance. This widespread attestation of the Northwest Semitic curse formula -- from Syrian treaties and statues, to Mesopotamian royal annals, to dedicatory inscriptions in the Mannaeen kingdom, to the legal corpus of Judah -- showcases the forceful impact and influence of Aramaic language and Aramaic cultural forms during the ninth through seventh centuries. The evidence of the Northwest Semitic treaty formula also clearly places the circulation of Aramaic curse clauses far earlier than the Babylonian period, and squarely in the Iron IIB-C period.

³⁶ While there is wide agreement that *adê* is an Aramaic term for “oath” or “binding agreement” imported into Akkadian and employed by both Neo-Assyrian treaties and *Sefire*. Tadmor has claimed that this imported term is part of a wider phenomenon of the spread of Aramaic culture into the East. Parpola, however, contends that the institution of the loyalty oath goes back to the Old Akkadian empire (Simo Parpola, “Neo-Assyrian Treaties from the Royal Archives of Nineveh,” *JCS* 39 (1987): 127-160 180-183; Tadmor, “The Aramaization of Assyria,” 455-458).