

*Making the Cut: Covenant, Curse and Oath in Deut 27-29 and the Incantation
Plaques of Arslan Tash*
Melissa Ramos – UCLA
(Society of Biblical Literature: Atlanta, 2015)

Introduction

The phrase “cutting a covenant” is familiar to us from texts of the Hebrew Bible. In Gen 15:18, for example, God makes a covenant with Abram that is accompanied by a ritual enactment. This ritual performance involves the slaughter of animals, arranging the pieces in two rows, and fire passing between the two rows of pieces. The phrase that is used in this passage is: כרת יהוה את-אברם ברית, or “God cut a covenant with Abram.” This phrase “to cut a covenant” (לכרות ברית) is a common one in the Hebrew Bible. The slaughtering of animals and the performance of other ritual acts to ratify oaths and treaties was an ancient practice in the Near East. Oath and treaty texts from the second millennium BCE from Mari and the Hittite Empire include elements of ritual performance such as animal slaughter, the burning of figurines, and the breaking of model plows and chariots.¹ Aramean and Assyrian treaty texts from the first millennium BCE also include elements of ritual slaughter and other performative rituals.² Also the ratification of the covenant in Deut 27-28 includes the building of an altar, making sacrifices, erecting the torah stones at the altar site, and an oral performance of the covenant with its blessings and curses. So it is no surprise that covenant and performative rituals go together. But what about covenant and incantation texts? What does covenant have to do with magical artifacts?

¹ For Mari treaty rituals see, for example, C.-F. Jean, *Archives Royales de Mari* II 37; A. Malamat, “A Note on the Ritual of Treaty making in Mari and the Bible,” *IEJ* 45 (1995): 226-229. For Hittite oath rituals see, for example, *COS* 1.61, 1.64, 1.66, 1.67.

² See, for example, Sefire IA: 37-42 (Fitzmyer’s line numbers); the Treaty of Aššur-Nerari V lines 10-20 (*SAA* II, 8); and the Succession Treaty of Esarhaddon lines 551-554 (*SAA* II, 52).

Two incantation plaques from the seventh-century BCE from the site of Arslan Tash in northern Syria raise this question of the connection between covenant, incantation, and magical craftwork. This pair of amulets perhaps came from the seventh-century Assyrian palace and town of Ḥadattu that had been excavated two years prior.³ The amulets are limestone with iconography and text inscribed. The size of the tablets is 3 1/3 inches by 2 2/3 inches, which is large enough to make it impractical for them to be worn. The tablets have a hole at the top with some traces of a cord remaining and probably hung suspended on a doorframe as an apotropaic amulet crafted to protect against supernatural malefactors.⁴ The text is inscribed on top of the images and also around the sides, top, and bottom of the tablets. The script of the amulets most closely resembles Aramaic from Mesopotamia and the Levant in the late Iron Age but with a mix of archaic and later forms.⁵ The grammar contains many Phoenician elements, and so the language of the amulets is somewhat mixed. Of particular interest for discussion of biblical law are features shared by the amulets, by ancient Near Eastern treaties, and the biblical covenant including the use of this phrase “to cut a covenant.”

“Cutting the Covenant” in the Arslan Tash Amulets

These magical plaques, and Plaque 1, especially, share some important features and language with ancient Near Eastern treaties and Deuteronomy. Parallels between Deut 13 and 28 and Hittite and Assyrian treaties have been explored in many articles and books. This focus on comparisons of Deuteronomy and ancient Near Eastern treaties, however, has left significant parallels with other texts neglected, such as ritual and incantation texts. Although strong

³ R. du Mesnil du Buisson, “Une tablette magique de la région du Moyen Euphrate” in *Mélanges syriens offerts à M. René Dussaud* 1 (Bibliothèque archéologique et historique 30; Paris, Geuthner: 1939), 421-34; J. van Dijk, “The Authenticity of the Arslan Tash Amulets,” *Iraq* 54 (1992): 65.

⁴ W. F. Albright, “An Aramaean Magical Text in Hebrew from the Seventh Century B. C.,” *BASOR* 76 (1939): 5.

⁵ Dennis Pardee, “Les Documents d’Arslan Tash: Authentiques ou Faux?” *Syria* 75 (1988): 39-40.

contiguities occasionally have been observed between ritual incantations and Deuteronomy, their shared features have not been fully explored.⁶ Four shared features between Deuteronomy and the Arslan Tash amulets will be presented: parallel terminology for oath and curse; the parties of the covenant; a legal setting of the oath sworn before a host of divine witnesses; and the crafting of a tablet or stele to represent the divine power enforcing the covenant.

1. Terminological Parallels

The first important contiguity between the Arslan Tash amulet texts and Deuteronomy is the use of parallel terminology for concluding a covenant. Plaque 1 and the biblical text use language with striking similarity. An excerpt from the text of the first amulet, which I will call AT1, is printed in your handout. As you can see the text begins as an incantation against a list of demonic beings, such as the strangler goddess, and then moves to a spoken ritual introduced by the imperative verb *אמר* in lines 4-5. This ritual speech is intended to banish the demonic beings. The content of the spoken incantation centers around invoking a covenant made with the god Assur. Note especially lines 8 and following. The text breaks up words into more than one line but you can read starting at the end of line 8: “Assur has concluded (cut) an eternal covenant with us.”

1. לחשת לעתא . אלת
2. ססם . בנ פדרש
3. שא אלו
4. ו ל . חנקת . א
5. מר . בת אבא .
6. בל תבאן
7. ו חצר . אדרך
8. בל . תדרכן . כ
9. רת . לנ . אלת
10. עלם אשר . כרת
11. לן . ו כל בנ אלם .
12. ו רב . דר כל . קדשן

⁶ For an exploration of parallels between Deut 27-28 and the Mesopotamian incantation texts *Maqlû* and *Šurpu*, see my dissertation (PhD. Diss., UCLA, 2015), 110-143.

13. ו . אלת שמם ו ארץ

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 with all the sons of the gods

And with all the great generation of all the holy ones;

And an alliance with heaven and earth...”

(AT1)⁷

This striking phrase “to cut a covenant” in lines 8-9 is intriguing for two reasons. First, the language in the tablet is so similar to expressions of covenant-making in Deuteronomy. While this general phrase “cut a covenant” is found in ancient Near Eastern texts more generally, such as the Sefire treaty, the particular expression in the Arslan Tash amulets finds its closest parallel in biblical texts.⁸ For example, on your handout you will see lines from AT1 8-10 presented with a parallel from Deuteronomy.

כרת לנו אלת עלמ אששר

Assur has made an eternal covenant with us

(AT1 lines 8-10)

יהוה אלהינו כרת עמנו ברית

The Lord our God has made a covenant with us

(Deut 5:2)

Both texts use the same verb “to cut” (לכרות) and parallel terms for “covenant.” AT1 uses the term אלת for covenant while Deuteronomy, and the Hebrew Bible generally, uses the term ברית. However, Deuteronomy uses this same word אלה for covenant. In chapter 29 we find both אלה and ברית used with the verb לכרות “to cut.” In the handout you will see this excerpt from Deut 29:13:

וְלֹא אִתְּכֶם לְבַדְכֶם אֲנֹכִי כָרַת אֶת־הַבְּרִית הַזֹּאת וְאֶת־הָאֱלֹהִים הַזֹּאת :

⁷ Transcription and line numbers from Pardee, “Les Documents d’Arslan Tash,” 18-19.

⁸ For example see Sefire I A: 7: ועדיא אלן זי גור בר גאיה (Fitzmyer’s line numbers).

Not only with you alone am I making this covenant, this oath/curse.

Thus we see here the same technical terminology of cutting a covenant, both in Deuteronomy and in AT1.

1.2 Divine Initiation: A Unilateral Covenant

A second important contiguity between these two texts is that both use language of divine initiation of the covenant. In your handout you will see lines 8-9 of AT1 read:

כרת לנו אלת עלם אשר

Assur has made an eternal covenant with us

Of significance is the syntactical structure that shows the god Assur as the divine initiator and guarantor of the covenant. Assur has “cut the covenant” “with us” (לנו). This is a unilateral covenant. Thus this type of covenant is distinct from political treaties where a ruler imposes an oath agreement on another ruler or group. In political treaties the two parties of the oath agreement are reliant on divine powers to undergird the treaty but the divine figures act as witnesses and are not parties of the treaty itself. This line from the Arslan Tash incantation finds its closest parallel with the biblical text. In your handout you will see lines 8-9 printed in parallel with a verse from Deut 5:

יהוה אלהינו כרת עמנו ברית

The Lord our God has made a covenant with us
(Deut 5:2)

The two lines show parallel syntax where the divine figure establishes the covenant “with us”: in Arslan Tash the covenant is לנו and in Deut 5 עמנו “with us.” It is significant that this incantation text and Deuteronomy show stronger similarity in this unilateral covenant than with political treaty texts.

1.3 Witnesses to the Covenant: Heaven and Earth

Another important contiguity between the Arslan Tash text and Deuteronomy is the setting of the covenant before a divine assembly. Oath and treaty texts in the ancient Near East often contain a lengthy list of gods and goddesses who are called upon to serve as witnesses to the ratification of the treaty oath. In some treaties, such as the Succession Treaty of Esarhaddon, these gods and goddesses are called upon to inflict specific curses on those who violate the covenant. Both the Arslan Tash text and Deuteronomy also make reference to this cosmic setting where divine beings serve as witnesses to the covenant. In AT1 lines 8-13, which are in your handout, the god Assur initiates and “cuts” the covenant, and the witnesses are a divine council, “the sons of the gods” and “the great generation of the holy ones.” Also, heaven and earth are invoked as divine witnesses to the covenant. Imagery of the divine council can also be found in biblical texts such as Job and Psalm 89, and, in fact, this Psalm also contains a reference to “cutting a covenant.”

A more specific parallel can be observed between AT1 and Deut 30. This chapter of Deut follows chapters 27-28 where Moses gives instructions for the covenant ratification ceremony including the blessings and the curses. In chapter 30 Moses calls on heaven and earth as witnesses to the covenant, and this verse employs terminology that closely resembles AT1 and other ancient Near Eastern treaties. This excerpt from Deut 30 is also in your handout. Moses says, “Today I call heaven and earth to witness against you...”

הַעִידְתִּי בְכֶם הַיּוֹם אֶת־הַשָּׁמַיִם וְאֶת־הָאָרֶץ

Today I call heaven and earth to witness against you
(Deut 30:19)

. כרת לנ . ו כל בנ אלם .

רב ו . דר כל . קדשן ל . אלת שמם ו ארץ

(a covenant) made with us and with all the sons of the gods
and with all the great generation of all the holy ones and with heaven and earth
(AT1 lines 10-13)

Note especially that the verb used here for “testify” or “call to witness” is עוּד. This legal term shares a similar range of meaning as the term *adê* used in Aramaic and Assyrian loyalty oaths and treaties. The deities Heaven and Earth are also commonly invoked as witnesses in Aramaic and Assyrian treaties as well. For example, the Sefire treaty contains a list of divine witnesses including heaven and earth with parallel terminological use but in Aramaic:

ועדיא אלן זי גזר בר גאיה קדם ...

...וקדם שמים וארק

This inscription which Bar-Ga'ya concluded (cut) before...

And before heaven and earth..

(Sefire I A: 7, 11)

Here in this list of divine witnesses presented in the Aramaic Sefire treaty heaven and earth are paired with the term *adê* or עדיא just as *adê* is used in the list of witnesses including heaven and earth in Deut 30.

1.4 Visual Representation of Covenant: Oath Stelae, Tablets, and *Mezuzot*

A fourth significant contiguity between AT1 and Deuteronomy is in the practice of displaying a visual representation of the covenant. In Deut 6 following the Shema is the instruction to keep the words of the commandments in the heart, to recite them to the children, to bind signs of them on the hand and forehead, and to write them on the doorposts (*mezuzot*) of the house. The plaques from Arslan Tash were craft pieces with incantations displayed for the purpose of banishing evil spirits from the home and guarding it against their entry. Toward the end of the first amulet is an incantation that also mentions the *mezuzot*, of the doorposts. This excerpt is also in your handout. These lines of the Arslan Tash amulet contain an incantation for banishment of evil forces in the night, in the dark, followed by a blessing of sorts over the door and the *mezuzot*, the doorposts. Most likely these amulets were displayed on the doorposts of a home with an apotropaic function. The amulet was perhaps crafted by a practitioner who also performed a spoken ritual similar to the oral formula inscribed on the amulets.

The parallel is so striking because in both AT1 and in Deuteronomy the practice centers on displaying a sign of the *covenant* on the doorposts. In Arslan Tash the spoken ritual inscribed on the amulet invokes an eternal covenant with the god Assur. And in the Deut 6 passage, instructions are given to write the דְּבָרִים, the commandments that form the covenant, on the doorposts. Thus, the parallel is not just between these two texts but in a ritual practice described in both. And so we return to the question of the connection between incantation and covenant, between the biblical covenant and magical craftwork.

The practice of crafting a visual representation of a sworn oath was part of the ritual of ratifying covenants and treaties in the ancient Near East. The written display of oaths and covenants seems to have been an integral part of their ratification. Some oaths were displayed on tablets while others were displayed on stelae. The Aramaic treaty of Sefire, for example, was inscribed on a large basalt stone. And likewise Deut 27 describes a covenant ratification ceremony featuring the building of an altar, offering sacrifices, and erecting the *torah* stones for display on Mount Ebal. The recent discovery of a copy of the Succession Treaty of Esarhaddon from Tell Tayinat illustrates this. Like the Arslan Tash amulets, the Tell Tayinat oath tablet had holes at the top of the tablet for display purposes.⁹ The Tayinat tablets are similar to the cache of copies of the Succession Treaty from the Nabû Temple in Nimrud.¹⁰ And like the Arslan Tash amulets that feature imagery, the tablets of the Succession Treaty are also paired with iconography. Three seals stamped the Tell Tayinat oath tablet so that it was transformed into the

⁹ 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; idem. "The Neo-Assyrian *adê*: Treaty, Oath, or Something Else?" *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 19 (2013): 99-116.

¹⁰ Joan Oates and David Oates, *Nimrud: An Assyrian Imperial City Revealed* (London: British School of Archaeology in Iraq, 2001).

“tablet of destinies.”¹¹ Thus, the crafting of the object itself, or sealing it, may have been perceived as enhancing the effectiveness of the oath and imbuing the tablet or stele with divine power.

Thus, treaty tablets and stelae were not simply scribal artifacts but were visual symbols of the oath and its blessings and curses. The fact that oath tablets were placed in temples suggests a cultic-ritual significance to treaty tablets and stelae. 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. Ratifying an oath or a covenant in the ancient Near East involved saying things and doing things. Oaths were accompanied by oral recitation of the terms of the covenant, and by the manipulation of objects such as ritual sacrifice, the burning of figurines, and the ritual breaking of weapons, for example. Perhaps the crafting of an oath stele or tablet should be viewed in the same way. 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 Arslan Tash amulets are a sort of hybrid between protective amulet and oath tablet. While the text contains incantations to protect a home the enforcing power of the amulet is the covenant oath made by Assur.

Thus, the physical artifact with the inscription served as a more permanent visual representation of “cutting the covenant.”¹² In the case of oath tablets and stelae, 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 act of

¹¹ Lauinger, “The Neo-Assyrian *adê*,” 108-115.

¹² Lauinger observes that tablets used in the display of the STE, the *tuppi 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.

inscribing, and sealing in the case of oath tablets, was perceived to serve a transformative function. The dramatic enactment of the curses of the covenant, 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* thus served as an iconic representation of the sworn agreement.¹³ The Arslan Tash amulets function in the same way, as an iconic symbol of covenant that serves to imbue the amulets with a protective power.

Conclusion

In closing, let us return to the question of the connection between incantation and covenant and covenant and magical craftwork. Arslan Tash draws on language and craftwork that are derived from oath ratification practices such as the Succession Treaty, the Sefire treaty and the torah stones described in Deut 27, but in the private sphere. The ritual words inscribed on Arslan Tash 1 center on a covenant established by a divine power. The visual display of the covenant as a ritual object also fits this genre of visual media that display an iconic representation of an oath and to display it in a ritual or cultic context. The function of the Arslan Tash amulets, to guard the doorposts of a home against evil forces, find striking resemblance to the practice of crafting *mezuzot* in Deut 6. This ancient practice of “cutting a covenant” involved ritual words, ritual actions, and ritual writing.

¹³ 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).