Something Old, Something Borrowed, or Something New?
The Relationship Between the Succession Treaty of Esarhaddon
and the Curses of Deuteronomy 28

by

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A Thesis submitted to the Faculty of Wycliffe College
and the Biblical Department of the Toronto School of Theology
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awarded by the University of St. Michael’s College

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Abstract

This study concludes that only three passages from Deuteronomy 28 have a close historical relationship with curses from the Succession Treaty or Loyalty Oath of Esarhaddon (EST): Deuteronomy 28:23-24 (EST 528-533), Deuteronomy 28:53-57 (EST 448-451), and, more tentatively, Deuteronomy 28:25a,26-33 (EST 419-430). A comparison of curses in multilingual texts shows that while some change can occur when curses are translated from one linguistic, cultural, or religious context to another, curses with a close historical relationship to each other are connected through clusters of concrete anchor points including cognate vocabulary, lexical equivalents, similar modes of expression, similar imagery, and shared subject matter. Based on the absence of clusters of concrete anchor points, significant differences in both content and subject matter, and the fact that these differences cannot be adequately explained by normal changes that occur when curses are translated from one linguistic, cultural, or religious context to another, EST 472-493 (=§56) and Deuteronomy 28:20-44, EST 418a-c and Deuteronomy 28:34-35, as well as most of the freestanding parallels between EST and Deuteronomy 28 cannot be said to have a close historical relationship with each other. Based on the fact that Deuteronomy 28:23-24 preserves an earlier form of the curses in EST 528-533 as well as on signs of interference from one or more mediating sources in Deuteronomy 28:27-29, the most likely...
explanations for the remaining parallels are a mediated non-vertical genetic relationship or a close common tradition. Based on evidence that Deuteronomy 28:25a,26 and 28:30-33 might not, in fact, have a close historical relationship with EST, the best explanation for the parallels between EST and Deuteronomy 28 is a close common tradition. Based on either possibility, attempts to interpret Deuteronomy 28 or the wider context of Urdeuteronomium on the basis of EST are generally misguided.
Acknowledgments

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<tr>
<td>AB</td>
<td>Anchor Bible</td>
</tr>
<tr>
<td>ACCS</td>
<td>Ancient Christian Commentary on Scripture</td>
</tr>
<tr>
<td>AfO</td>
<td>Archiv für Orientforschung</td>
</tr>
<tr>
<td>AJSL</td>
<td>American Journal of Semitic Languages and Literature</td>
</tr>
<tr>
<td>AnBib</td>
<td>Analecta biblica</td>
</tr>
<tr>
<td>AOAT</td>
<td>Alter Orient und Altes Testament</td>
</tr>
<tr>
<td>ApOTC</td>
<td>Apollos Old Testament Commentary</td>
</tr>
<tr>
<td>ArBib</td>
<td>The Aramaic Bible</td>
</tr>
<tr>
<td>ATD</td>
<td>Das Alte Testament Deutsch</td>
</tr>
<tr>
<td>AYB</td>
<td>Anchor Yale Bible</td>
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<tr>
<td>BA</td>
<td><em>The Biblical Archaeologist</em></td>
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<tr>
<td>BaghM.B</td>
<td>Baghdader Mitteilungen Beiheft</td>
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<tr>
<td>BASOR</td>
<td><em>Bulletin of the American Schools of Oriental Research</em></td>
</tr>
<tr>
<td>BBB</td>
<td>Bonner Biblische Beiträge</td>
</tr>
<tr>
<td>BBR</td>
<td><em>Bulletin for Biblical Research</em></td>
</tr>
<tr>
<td>Bib</td>
<td><em>Biblica</em></td>
</tr>
<tr>
<td>BibOr</td>
<td>Biblica et orientalia</td>
</tr>
<tr>
<td>BO</td>
<td><em>Biblotheca orientalis</em></td>
</tr>
<tr>
<td>BWANT</td>
<td>Beiträge zur Wissenschaft vom alten und neuen Testament</td>
</tr>
<tr>
<td>BZABR</td>
<td>Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte</td>
</tr>
<tr>
<td>BZAW</td>
<td>Beihefte zur Zeitschrift für die altestamentliche Wissenschaft</td>
</tr>
<tr>
<td>CBQ</td>
<td><em>Catholic Biblical Quarterly</em></td>
</tr>
<tr>
<td>CII</td>
<td>Corpus Inscriptionum Iranicarum</td>
</tr>
<tr>
<td>CSEL</td>
<td><em>Corpus Scriptorum Ecclesiasticorum Latinorum</em></td>
</tr>
<tr>
<td>DJBA</td>
<td>Dictionary of Jewish Babylonian Aramaic.</td>
</tr>
<tr>
<td>FAT</td>
<td>Forschungen zum Alten Testament</td>
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</table>


Chapter 1  
Introduction

1.1 Background and Purpose

The 1960s and early 1970s produced a number of significant studies dealing with the relationship between the book of Deuteronomy and ancient Near Eastern loyalty oaths and vassal treaties.¹ According to these studies, the book of Deuteronomy borrowed extensively from the language, motifs, and structure of these oaths/treaties and it was argued that this background was essential for understanding both the compositional history and the final form of the book of Deuteronomy.² The mid-1970s, however, saw a marked decrease in the number of original contributions dealing with this issue.³ For some, especially in Jewish and North American biblical scholarship, this was because the significance of this material had already been established and there was little new that could be added to the conversation. For others, especially in German biblical scholarship, it was because, for them, the significance of this material for understanding the book of Deuteronomy had been greatly exaggerated.⁴


² This has continued to be a feature in commentaries, monographs, and articles subsequent to this initial period of research. See Joshua Berman, “Histories Twice Told: Deuteronomy 1-3 and the Hittite Treaty Prologue Tradition,” JBL 132 (2013), 229-50; Moshe Weinfeld, Deuteronomy 1-11 (AYB 5; New York: Doubleday, 1991), 6-9; Jeffrey H. Tigay, Deuteronomy = [Devarim]: The Traditional Hebrew Text with the New JPS Translation (Jewish Publication Society Torah Commentary; Philadelphia: The Jewish Publication Society, 1996), xiv-xv.

³ Joshua Berman, “CTH 133 and the Hittite Provenance of Deuteronomy 13,” JBL 130 (2011), 28, “As noted, most of the comparative work was carried out in the 1960s, and little new evidence has been marshaled since then to sway the debate one way or the other.” Cf. McCarthy, Treaty and Covenant, 13. Christoph Koch, Vertrag, Treueid und Bund (BZA 383; Berlin: Walter de Gruyter, 2008), 9, refers to this period as a period of “Bundesschweigens”.

In recent years, however, there has been a significant renewal of interest in exploring the relationship between Deuteronomy and the Succession Treaty or Loyalty Oath of Esarhaddon (EST). One of the main differences between these newer studies and the studies that were carried out in the earlier period of research is that these newer studies argue that the original form of Deuteronomy (*Urdeuteronomium*) – or, at least, one key document used in the composition of the earliest form of Deuteronomy – was *directly* dependent on EST. While earlier studies came close to arguing for direct literary dependence, these newer studies argued their case for specific dependence on EST with a rigour that, for the most part, was absent in previous studies. This means that those who rejected similar proposals in the earlier period of research need to revisit the issue.

The purpose of this dissertation is to re-evaluate the evidence for the relationship between the parallel curses of EST and Deuteronomy 28 and their importance for understanding the book of Deuteronomy in light of these newer studies. In order to put the issues that need to be addressed...
into proper perspective, it will be helpful to take a detailed look at the history of research on this issue.

1.2 Discovery and Early Comparisons With EST

EST first came to light in 1955 when eight copies – identical except for the names of the recipients and a few minor details – were discovered by the British School of Archaeology in the ancient city of Kalḫu in Nimrud, Iraq. This loyalty oath (Akk. adê), which dates to 672 BCE, was written to guarantee the loyalty of Assyria and its vassal states to the newly appointed crown prince Assurbanipal when it came time for him to ascend to the throne of Assyria at the death of his father Esarhaddon. This loyalty oath was likely deemed necessary to avoid conflict when Assurbanipal ascended to the throne of Assyria since Assurbanipal was not the oldest living son of Esarhaddon.

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7 Wiseman, The Vassal-Treaties of Esarhaddon, 1-2. The copies discovered at Kalḫu were reconstructed from more than 350 fragments that were likely shattered when the city was destroyed by the Medes in 612 BCE. Earlier publications put the number of copies of EST at nine or at least nine. Later publications put the number at eight or at least eight. The tablets with the names of the recipients and/or their place of origin intact are as follows: ND 4327 (Ramataia of Urukazab[r]na), ND 4331 (Tuni of Epla), ND 4328A (Bur-Dadi of Karzitali), ND 4336 (Ḫumbareš of Naḫšimarta), ND 4332 (Ḫatarna of Sikrisi), ND 4343 (Larkutla of Zamua), and ND 4345I ([name lost] of Izaia). A fragment of a further copy of EST (VAT 11534) had been discovered much earlier at Assur but the fact that it was a fragment of EST only became evident when the copies from Kalḫu were discovered in 1955. For the text of the fragment discovered at Assur see Ernst F. Weidner, “Assurbânipal in Assur,” AfO 13 (1939-41), 215.

8 Ibid., “The Vassal-Treaties of Esarhaddon,” 1. This date is based on the eponymous date at the end of the treaty.

9 EST 41-45. A secondary purpose of the treaty was to guarantee the succession of Assurbanipal’s older brother Šamaš-šumu-ukin to the throne of Babylon (EST 83-91). According to Wiseman (The Vassal-Treaties of Esarhaddon, 7), Šamaš-šumu-ukin played a much lesser role in the treaty due to the fact that the ruler of Babylon had no direct control over Assyria’s vassals.

10 Moshe Weinfeld, Deuteronomy 1-11, 6, seems to suggest that this was a regular practice (“A change in leadership in the ancient Near East was accompanied by a pledge of loyalty on behalf of the people.”). It seems likely, however, that this loyalty oath was only imposed because of Assurbanipal’s irregular succession. Esarhaddon was likely trying to avoid the same type of conflict that accompanied his own (irregular) ascension to the throne in place of his father Sennacherib. See Steymans, “Asarhaddon und die Fürsten im Osten,” 64-65.

11 See the letter from the exorcist Adad-šumu-usur to Esarhaddon (SAA 10 185, 5-13): “What has not been done in heaven, the king, my lord, has done upon earth and shown us: you have girded a son of yours with headband and entrusted to him the kingship of Assyria; your eldest son you have set to the kingship in Babylon. You have placed the first on your right, the second on your left side!” See also RINAP 4, Esar. 1, i. 8-86; Frederick Mario Fales, “After Ta’yinat: The New Status of Esarhaddon’s adê for Assyrian Political History,” RA 106 (2012), 135; Sami S. Ahmed, “Causes of Shamash-shum-ukin’s uprising, 652-651 B.C.,” ZAW 79 (1967), 1.
The primary mechanism for enforcing the terms of EST, at least according to EST itself, was a series of curses that would be enacted if the recipients (a) defaced or otherwise sought to do away with their copy of EST or (b) failed to live up to the terms of EST. In the first published edition of EST, D. J. Wiseman pointed to what, in his mind, were three significant parallels between the curses of EST and Deuteronomy 28: EST 444-445 || Deut. 28.17, EST 461-462 || Deut. 28:22, and EST 528-530 || Deut. 28:23. It was this final parallel (EST 528-30 || Deut. 28:23), however, that proved most convincing in the years immediately following Wiseman’s publication of EST. Rykle Borger, for example, famously came to the conclusion that Deuteronomy 28:23 must have been borrowed from a neo-Assyrian source, possibly from a treaty between Assyria and Judah itself.

A similar conclusion was reached by William Moran in his well-known article on the concept of love for God in the book of Deuteronomy. Following Borger, Moran came to the conclusion that Deuteronomy 28:23 must have been borrowed from a neo-Assyrian source. This conclusion was part of a larger argument to prove that those responsible for producing the book of Deuteronomy were familiar with the neo-Assyrian practice of demanding loyalty using the

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12 In addition to the treaty curses, violators of the treaty could expect to be punished by other recipients of EST or by the neo-Assyrian monarch himself. See, for example, SAA 2 6, 302-317: “If anyone makes rebellion or insurrection against Esarhaddon, king of Assyria and seats himself on the royal throne, you shall not rejoice over his kingship but shall seize him and put him to death. If you are unable to seize and put him to death, you shall not submit to his kingship nor swear an oath of servitude to him, but shall revolt against him and unreservedly do battle with him, make other lands inimical to him, take plunder from him, defeat him, destroy his name and his seed from the land, and help Assurbanipal, the great crown prince designate, to take his father’s throne.” Note that when neo-Assyrian texts are cited as SAA followed by the volume number and text number, the translation is by the editor of that volume.

13 Wiseman, The Vassal-Treaties of Esarhaddon, 26 n. 201. Note that Wiseman makes a typographical error and cites 28:17 and 28:22 as 20:17 and 20:22. See also the notes for lines 444-445 and 528-529 on pages 87 and 88 respectively for a further reference to the parallels in these lines.


language of love.\textsuperscript{16} In making this argument Moran pointed to four additional pieces of evidence to demonstrate that the circles responsible for producing the book of Deuteronomy were familiar with neo-Assyrian sources. First, Moran pointed to the comparatively large number of curses in Deuteronomy 28, which corresponds to the similarly large number of curses used in EST but is quite dissimilar from the fewer number of curses found in Hittite treaties from the second millennium BCE.\textsuperscript{17} Second, following a suggestion made by Wiseman, Moran pointed to the possibility that Manasseh of Judah, as a vassal of Assyria, might have been present in Assyria to swear to the terms of EST in 672 BCE, which provides a direct connection between Judah and the contents of EST.\textsuperscript{18} Third, based on their relationship with the neo-Assyrian Empire, rulers of the northern kingdom, like Menahem (1 Kings 15:17-22), must have been familiar with the contents of neo-Assyrian treaties.\textsuperscript{19} Finally, Moran pointed to a significant parallel between Deuteronomy 29:24-28 [Heb. 29:23-27] and a passage from the Annals of Ashurbanipal, which demonstrated in a remarkable way that the circles responsible for producing Deuteronomy had access to neo-Assyrian sources:\textsuperscript{20}

<table>
<thead>
<tr>
<th>Annals of Ashurbanipal</th>
<th>Deuteronomy 29:24-28</th>
</tr>
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<tbody>
<tr>
<td>The people of Arubu asked one and [sic] other again and again, “Why has such an evil thing as this overtaken Arubu?” (and) they say, “Because we have not kept the mighty oaths of the god Assur, we have sinned against the favor shown us by Assurbanipal, the king beloved of Enlil.”</td>
<td>(29:24-28) And all the nations will say, “Why did YHWH act this way toward this land? Why this great burning of anger? And they will say, “It is because they forsook the covenant of YHWH the God of their fathers which he made with them when he brought them out of the land of Egypt. And they went and served other gods and bowed down to them, gods they did not know and that he did</td>
</tr>
</tbody>
</table>

\textsuperscript{16} Ibid., 84.
\textsuperscript{17} Ibid., 83.
\textsuperscript{18} Ibid., 84 n.42. See Wiseman, “The Vassal-Treaties of Esarhaddon,” 4. Wiseman’s suggestion was based on the fact that Manasseh is listed as a vassal of Assyria in the Prism of Esarhaddon. See RINAP 4, Esar. 1, v. 54-73a, and R. Campbell Thompson, The Prisms of Esarhaddon and Ashurbanipal Fount at Nineveh, 1927-28 (London: British Museum, 1931), 25. Moran suggests that Manasseh’s presence in Assyria to swear to the terms of EST may have served as the basis for the tradition behind Manasseh being sent into exile in Assyria in 2 Chronicles 33:10-13.
\textsuperscript{19} Moran, “The Ancient Near Eastern Background,” 84 n.42.
\textsuperscript{20} Ibid., 83-84. The quotation from the Annals of Assurbanipal is taken directly from Moran’s article.
Moran concluded: “In view of such parallels between Assyrian treaties and Deuteronomy, we may be virtually certain that deuteronomic circles were familiar with the Assyrian practice of demanding an oath of allegiance….”

1.3 A More Thorough Case for Dependence on a Neo-Assyrian Source

Despite the strength of the parallel between EST 528-530 and Deuteronomy 28:23, many remained unconvinced that dependence on a neo-Assyrian source had been established. A much stronger case, however, was put forward by Moshe Weinfeld in a highly influential article published in 1965. However, instead of focusing on the parallel between EST 528-530 and Deuteronomy 28:23, the main focus of Weinfeld’s article was on a series of curses in both texts that were similar to each other, not only on the level of the individual curse, but also in terms of their sequence (EST 419-430 || Deut. 28:26-35). The most striking parallel in this sequence was the sequence of leprosy (EST 419-421 || Deut. 28:27) and blindness (EST 422-424 || Deut. 28:28-29). While the sequence of leprosy and blindness has no apparent internal rationale within the book of Deuteronomy, the sequence in EST can be explained by the fact that these curses

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21 Ibid., 84.
22 See especially Delbert. R. Hillers, Treaty-Curses and the OT Prophets (BibOr 16; Rome: Pointifical Institute, 1964), 42: “Thus Leviticus [26:19] is not directly dependent on Deuteronomy here, nor is either directly dependent on the Mesopotamian curse. We cannot explain both the resemblances and differences by naively supposing that an Israelite writer got this curse from an Assyrian treaty.”
24 With regard to Deuteronomy 28:23, Weinfeld (“Traces of Assyrian Treaty Formulae,” 417 n. 4) notes that the same curse appears in Leviticus 26:19 with the elements reversed (i.e. sky=iron, ground=bronze). For Weinfeld this suggests that Deuteronomy 28:23 was directly influenced by Neo-Assyrian sources while Leviticus 26:19 was not. In Deuteronomy and the Deuteronomic School, 117 n. 3, however, Weinfeld seems to have become more cautious in his conclusions. “The fact that the same malediction is found in Lev. 26:19, which appears to be free from Assyrian influence and which has no sign of dependence on Deuteronomy may perhaps indicate that this metaphor could not be considered characteristically Assyrian. Hillers (Treaty Curses, 38) argues that Deut. 28:23 is an authentic fragment of ancient poetry, which is quite possible. Even if we do not go along with Hillers, the appearance of this same curse in many different forms should warn us against hasty conclusions as to its origin.”
follow the traditional order of the Assyrian pantheon and the curses that were associated with those deities. Based on this remarkable correspondence, Weinfeld came to the conclusion that the curses in Deuteronomy 28:26-35 must have been borrowed directly from a neo-Assyrian source similar to EST, though not necessarily EST itself.

A similar argument was put forward by Rintje Frankena in the same year that Weinfeld’s article was produced, though with a much larger number of parallels than was put forward by Weinfeld. Frankena’s main contribution, however, was in the historical argument he gave for (a) how the author(s) of Deuteronomy could have had access to EST – or a text similar to EST – and (b) the rationale they may have had for making use of it. With regard to the issue of access, Frankena, like Weinfeld and Moran, suggested that Manasseh of Judah may have been present in Assyria to swear to the terms of EST when EST was enacted. This was based (a) on the fact that according to the Annals of Assurbanipal, all of Assyria, which likely included Assyria’s vassal states, was gathered in the same month that EST was enacted to guarantee the

26 Ibid., 423-4: “In view of the fact that Dt received its fixed form during the reign of Manasseh it may be conjectured that the maledictions under discussion were adopted from the political treaties of Esarhaddon and Ashurbanipal. These maledictions were, to be sure, styled in the Israelite spirit but they were in substance borrowed from Assyrian treaties.” Weinfeld, Deuteronomy and the Deuteronomistic School, 123, also lists Deuteronomy 28:36-37 and 28:38-42 as passages that may have been present in the treaty that Deuteronomy 28 borrowed from.
27 Rintje Frankena, “The Vassal Treaties of Esarhaddon and the Dating of Deuteronomy,” Oudtest. Studiën 14 (1965), 145: “The correspondences between the texts, in my opinion, are more than mere accidental parallels caused by the use of the same sources, in some instances the resemblance is so close that the phrasing of some curses of Deut. xxviii may be supposed to be an elaboration of an Assyrian ‘Vorlage’, whereas the curse sequence of Deut. xxviii follows roughly the Assyrian text.” The parallels listed by Frankena (145-146) are as follows: EST 455-456 || Deut. 28:21; EST 526-533 || Deut. 28:23-24; EST 453-454 || Deut. 28:25; EST 425-427 || Deut. 28:26; EST 419-421 || Deut. 28:27; EST 422-424 || Deut. 28:29; EST 417-418 || Deut. 28:29b; EST 428-430 || Deut. 28:30-34; EST 461-463 || Deut. 28:25; Esarhaddon’s Treaty with Ba’alu of Tyre ll. 14-15 || Deut. 28:36-37; EST 440-452 || Deut. 28:38-57. It should be noted that one of the parallels cited by Frankena comes from Esarhaddon’s treaty with Ba’alu of Tyre rather than EST. Frankena justifies the use of this parallel by pointing to the fact that the curses in both treaties are quite similar. It can also be justified by the fact that Frankena does not argue that the parallel curses in Deuteronomy 28 were borrowed from EST itself but from a neo-Assyrian text similar to EST.
succession of Assurbanipal to the throne of Assyria\textsuperscript{30} and (b) on the fact that Manasseh is listed as a vassal of Assyria in texts from the period of Esarhaddon and Assurbanipal.\textsuperscript{31} According to Frankena, this makes it likely that Manasseh was among the vassals that were gathered to Assyria to swear to the terms of EST and that a copy of EST was brought back to Jerusalem as part of the terms of the loyalty oath.\textsuperscript{32}

With regard to the issue of motivation, Frankena argued that the earliest form of the book of Deuteronomy may have been written as a theological and political substitute for a treaty written between Judah and Assyria.\textsuperscript{33} Frankena writes:

\begin{quote}
The policy of Josiah [in his religious reforms], therefore, was consistent with the general historical situation. Assyria had no longer the power to punish a refractory vassal thus enabling Josiah to renew the Covenant with Yahweh and to show by this his regained political and religious independence of Assyria….The religious reform of Josiah was directed against Assyria and it is therefore tempting to regard the renewed Covenant with Yahweh as a substitution of the former treaty with the king of Assyria. Judah, being no more a vassal of Assyria, becomes a vassal of Yahweh again: instead of loving the Assyrian king they will love Yahweh with whole \textit{sic} their being (Deut. vi 5) and show this in their behaviour in daily life, by listening to the commandments of Yahweh and by acting according to them. That the text of this Covenant should betray knowledge of the Assyrian treaties which it seems to replace seems only natural to me. The dating of Deuteronomy, moreover, would in that case find corroboration in a rather unexpected way.\textsuperscript{34}
\end{quote}

\textsuperscript{30} Ibid., 150. This gathering took place on the 12\textsuperscript{th} of Iyyar in 672 BCE. The colophon of EST dates the enactment of EST to the 18\textsuperscript{th} day of Iyyar in 672 BCE.


\textsuperscript{32} The contents of EST assume that the recipient would retain a copy of EST as a symbol of their agreement to keep the terms of the loyalty oath and as a reminder of the obligations they swore to uphold in the loyalty oath. See, for example, SAA 2 6, 410-413: “If you should remove it (i.e. the treaty tablet), consign it to the fire, throw it into the water, [bury] it in the earth or destroy it by any cunning device, annihilate or deface it….” Note that the gap in the text where the word “bury” is (SAA 2 6, 412: ta-[kar-ru-ra-a-ni]) or Watanabe, \textit{Die adê-Vereidigung}, 111: ta-[qabbirān]) has now been filled by the copy of EST discovered at Tell Tayinat, which reads ta-kāt-ta-ma-a-ni, from the verb katāmu, “to cover” (MS T v 75). See Jacob Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat: Text and Commentary,” \textit{JCS} 64 (2012), 99.

\textsuperscript{33} Frankena, “The Vassal Treaties of Esarhaddon,” 152-3. Cf. Moshe Weinfeld, \textit{Deuteronomy and the Deuteronomic School}, 100. Frankena (“The Vassal Treaties of Esarhaddon,” 152) was careful, however, not to identify the neo-Assyrian source specifically with EST: “However this may be, we may regard it as an established fact that the composers of at least the kernel of the book of Deuteronomy who, almost \textit{omnium consensus}, have written before 622 B.C., the year the religious reform of Josiah, could have known a treaty text similar to the vassal-treaties.”

\textsuperscript{34} Ibid., 152-3. Cf. Moshe Weinfeld, \textit{Deuteronomy and the Deuteronomic School}, 100.
While some have continued to maintain that the similarities between EST 528-533 and Deuteronomy 28:23-24\textsuperscript{35} and between EST 419-430 and Deuteronomy 28:26-35 are simply due to a common ancient Near Eastern tradition or common experience,\textsuperscript{36} most writers working in this area recognize at least some neo-Assyrian influence in one or both passages of Deuteronomy.

1.4 The Case for Specific Dependence on EST

In recent years, several writers have argued that the parallel curses in Deuteronomy 28 are not merely dependent on a neo-Assyrian source in general but are \textit{directly} and \textit{specifically} dependent on EST. The most thorough argument for direct literary dependence was put forward by Hans Ulrich Steymans in a number of publications, including the published form of his dissertation, \textit{Deuteronomium 28 und die adê zur Thronfolgeregelung Asarhaddons}.\textsuperscript{37} Using the evidence presented by Frankena, Steymans argued that the text of EST was known in Judah during the reigns of Manasseh and Josiah.\textsuperscript{38} To rule out the possibility of sources other than EST, Steymans focused on three key objections that were commonly used to argue against neo-Assyrian influence on Deuteronomy 28: (a) the wording of the parallels in Deuteronomy 28 is too inexact

\textsuperscript{35} Note once again that the precise limits of this parallel was not always consistent in this period of research.

\textsuperscript{36} Ernest Nicholson, \textit{God and His People}, 81: “The resemblance in form between the Sinai periscope or the decalogue and Hittite treaty texts of the second millennium BC was effectively exposed by McCarthy to be merely superficial, and it turns out that the same is true of the supposed dependence of Deuteronomy upon treaties of the first millennium. As to the use in Deuteronomy of a range of terms also employed in these treaties, it is unlikely that this is due to borrowing on the part of Deuteronomic authors from treaties; it can be much more plausibly explained as the result of mutual use by treaty scribes and Deuteronomic writers of common sources – the familiar settings of everyday life.”


\textsuperscript{38} Steymans, \textit{Deuteronomiam 28}, 14-17: “Dieser geschichtliche Abriß eröffnet die historischen Voraussetzungen dafür, daß die VTE schriftliche Quelle für Dtn 28 waren.”
to attribute them to direct literary dependence on a neo-Assyrian source, (b) the sequence of
curses in Deuteronomy 28 differs significantly enough to question the possibility of direct
literary dependence, and (c) the fact that some of these curses appear in other sources points to
mutual borrowing from a common tradition rather than direct literary dependence.

To the first objection, Steymans argued that the differences in wording could be explained on
the basis of similar variation in curses from bilingual texts from the ancient Near East.39
According to Steymans, when curses were translated from one language to another, several
changes could occur: (a) lists in curses were sometimes expanded or reduced; (b) concrete
metaphors were put into a more abstract form or vice versa; (c) futility curses were transformed
into simple wish curses; and (d) the names of the gods used in the curses were sometimes
changed.40 Assuming that EST was translated into Hebrew via Aramaic or directly into Hebrew
itself, these types of changes could only be expected.41

The differences in sequence, specifically between EST 418a-430 (=§§38A-42) and
Deuteronomy 28:25a.26-35,42 can be explained by the fact that Deuteronomy 28:20-44 follows
the structure of EST 472-493 (=§56), the paragraph immediately preceding the oath that
Manasseh would have had to take in Assyria when he swore to the terms of EST (EST 494-512 =
§57).43 The curses of EST 418a-430 (=§§38A-42) and EST 526-535 (=§§63-65) were simply

39 Ibid., 150: “Wenn unterschiedliche Formulierungen als Argument für jeweilige Eigenständigkeit angeführt
werden, ist zu prüfen, ob derartige Abweichungen nicht aus dem Übersetzungsvorgang stammen können. Wie
genau hat man im AO übersetzt? Für Dtn 28 muß die Frage noch konkretisiert werden: Wie genau hat man im AO
Flüche übersetzt?”
40 Ibid., 194.
41 Ibid., 194. Steymans (Deuteronomium 28, 193-5) argued that Judah’s copy of EST must have been written in
Aramaic based on what appears to have been the usual practice in neo-Assyrian times (193-5). Steymans later
changed his position and now argues that Judah’s copy of EST was written in cuneiform. See idem, “Deuteronomy
28 and Tell Tayinat,” 2.
42 Note that this includes one more verse (v. 25a) than was included in the parallels given by Weinfeld and
Frankena.
added into the sequence of Deuteronomy 28:20-44 according to where they fit thematically into the structure of EST 472-493 (=§56). For Steymans this accounts for the fact that Deuteronomy 28:26 appears earlier in the sequence than expected: Deuteronomy 28:26 was shifted earlier to correspond with the sequence of EST 472-493 (=§56).

According to Steymans, the common thread in each of the parallel passages in EST is that they appear in sections of EST that contain a curse related to the sun-god Šamaš. The fact that these curses were borrowed rather than other curses can be explained by the fact YHWH was often associated with sun imagery in ancient Judah and in the Hebrew Bible and by the fact that EST 472-493 (=§56) occurs right before the oath that Manasseh would have been required to swear in 672 BCE, which would have made EST 472-493 more memorable for him.

To answer the third objection – namely, that these curses also appear in other ancient Near Eastern sources – Steymans compared the sequence of curses in Deuteronomy 28:25a,26-33 and the curse sequency in EST 418a-430 to every known series of curses from Mesopotamia between the time of Hammurabi (18th century BCE) and the time of Esarhaddon (7th century BCE) – a total of 134 texts. Out of these texts, only eight could be found that contained more than two parallel curses in the same sequence as the curses of Deuteronomy 28:25a,26-33 and EST 418a-430. For Steymans this proved that the correspondences between Deuteronomy 28:25a,26-35 and EST 418a-430 cannot be attributed to a common ancient Near Eastern tradition. This also proved, for Steymans, that Deuteronomy 28:20-44 is not merely dependent on a neo-Assyrian source in general but is directly and specifically dependent on EST.

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44 Ibid., 311-2.
45 For the list of texts, the gods listed in their curses, and the curses corresponding to each god see Steymans, *Deuteronomium 28*, 55-70.
46 Ibid., 143.
In more recent years the focus of scholarship has shifted away from the relationship between EST and Deuteronomy 28 to the relationship between EST and Deuteronomy 13.\[^{47}\] Weinfeld, operating in the earlier period of scholarship, pointed to four significant parallels between these two texts:\[^{48}\]

<table>
<thead>
<tr>
<th>EST 115-122, 502</th>
<th>Deuteronomy 13</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The requirement to report prophets, ecstatics, or inquirers of oracles who speak evil against Assurbanipal (EST 116-117).</td>
<td>(1) Warning against listening to prophets or prophetic dreamers who incite people to worship false gods (Deut. 13:2 [Eng. 13:1]).</td>
</tr>
<tr>
<td>(2) The requirement to report family members who speak evil against Assurbanipal (EST 115-116).</td>
<td>(2) Warning against listening to or concealing family members who incite people to worship false gods (Deut. 13:7 [Eng. 13:6]).</td>
</tr>
<tr>
<td>(3) The requirement to report people instigating rebellion ((d)a(b)āb surrātī) (EST 502).</td>
<td>(3) Command to put a prophet or dreamer of dreams who has instigated rebellion ((ד(כ)ר(ב) ה(י)ר(ו)ת) to death (Deut. 13:6 [Eng. 13:5]).[^{49}]</td>
</tr>
<tr>
<td>(4) The sequence of listening to, not concealing, and reporting those who speak evil against Assurbanipal (EST 119-122).</td>
<td>(4) The sequence of listening to, not concealing, and reporting[^{50}] family members</td>
</tr>
</tbody>
</table>


\[^{48}\] The following chart is based on Weinfeld’s observations but is worded according to the actual text of EST and Deuteronomy 13.

\[^{49}\] Note the exact verbal parallel between the requirement in EST and the command in Deuteronomy 13.

\[^{50}\] Weinfeld (Deuteronomy and the Deuteronomic School, 94-96, 97 n.8) adopts the LXX reading with the Hebrew equivalent לָטֵן תָּלָשׁ, “You shall surely report him!” Cf. Bernard Levinson, “‘But You Shall Surely Kill Him!’: The Text-Critical and Neo-Assyrian Evidence for MT Deuteronomy 13:10,” in “The Right Chorale”: Studies in
or friends who incite people to worship false
gods (Deut. 13:9-10 [Eng. 13:8-9]).

Eckart Otto, for example, was so impressed with these parallels, as well as the parallels between
EST and Deuteronomy 28:15, 20-44, that he concluded that these sections were translated
directly from EST into Hebrew to form a Judean loyalty oath that was meant to subvert the
contents of EST.\footnote{Eckart Otto, \textit{Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien} (BZAW 284; Berlin: Walter de Gruyter, 1999), 68-9. For Otto’s reconstruction of this loyalty oath see pages 67-68. See also idem, “Treueid und Gesetz,” 4-5, 42-44.}
Bernard Levinson and Jeffrey Stackert likewise recognized these parallels but
argued that they were not borrowed for the purpose of undermining Assyrian dominance over
Judah but were written to present the Deuteronomistic Code as the successor to the Covenant
Code.\footnote{Bernard M. Levinson and Jeffrey Stackert, “Between the Covenant Code and Esarhaddon’s Succession Treaty,” 137-40.} In both cases, however, the argument that Deuteronomy 13:2-12 (Eng. 1-11) was
borrowed and adapted from EST is strongly influenced by the case that Deuteronomy 28:20-44 is
directly dependent on EST.\footnote{This is not to say that the case for direct literary dependence in the case of Deuteronomy 13:2-12 (Eng. 1-11) is dependent on the case made for Deuteronomy 28:20-44. However, in the case of these authors, the relationship between EST and Deuteronomy 28:20-44 provides strong corroborating evidence for the fact that Deuteronomy 13:2-12 (Eng. 1-11) is directly dependent on EST.}

1.5 Recent Challenges to Direct Literary Dependence and Evaluation

Despite the strength of the case made for direct literary dependence by Steymans and others, a
number of significant challenges have been offered that, if successful, would seriously
undermine the case for direct literary dependence on EST. The most significant challenge came
Liverani argued that the recipients of EST were limited to Median princes or rulers who supplied
bodyguards for Esarhaddon’s court.\textsuperscript{55} This can be seen, according to Liverani, (a) by the fact that the copies discovered at Kalḫu, without exception, were addressed to Median princes or rulers\textsuperscript{56} and (b) by the fact that many passages in EST only make sense if reference is being made to bodyguards who serve in Esarhaddon’s court (e.g. EST 49-54, 76-80, 130-135, 138-139, 143-146, 188-187, 198-199, 201-211, 212-213, 262-263, 269-274, 281-282, 323-326, 341-342).\textsuperscript{57} The implication of Liverani’s argument is that Manassah of Judah would not have been present in Assyria to swear to the terms of EST since the scope of EST did not include Assyrian vassals and that EST, therefore, would likely have been unknown to those responsible for producing the parallel curses in Deuteronomy 28.\textsuperscript{58}

Since the publication of his article, Liverani’s argument has received mixed reactions. Several writers, including Simo Parpola,\textsuperscript{59} Kazuko Watanabe,\textsuperscript{60} and Hans Ulrich Steymans,\textsuperscript{61} argued that Liverani’s conclusions simply cannot be supported by the contents of EST itself: EST itself makes it clear that its audience was much larger than was suggested by Liverani.\textsuperscript{62}

\begin{footnotesize}
\begin{enumerate}
\item Ibid., 61: “The presence of an armed Median corps at the Assyrian court was clearly the result of an agreement between Esarhaddon and the Median chieftains; and these chieftains (according to the inner political structure of the Median tribes) had to take an oath concerning the loyalty of their men, while personally remaining in their ‘distant’ lands.”
\item Ibid., 58.
\item Ibid., 59-60.
\item Liverani’s argument, of course, did not eliminate the possibility that Deuteronomy 28:20-44 could have been dependent on another neo-Assyrian text; it simply made it less likely that Deuteronomy 28:20-44 was borrowed from EST itself.
\item Watanabe, \textit{Die adê-Vereidigung}, 3-4.
\end{enumerate}
\end{footnotesize}
Others, including E.W. Nicholson, Christoph Koch, and Markus Zehnder, believed that Liverani’s argument had settled the issue of specific dependence on EST.

A decisive blow, however, came to Liverani’s position in 2009 when a copy of EST was discovered at Tell Tayinat (ancient Kunalia) in what used be part of the western portion of the neo-Assyrian Empire. This copy was addressed not to a Median ruler or prince but to the local Assyrian governor. This proved in a remarkable way that the audience of EST was much larger than Liverani had suggested and reinforced the likelihood that a copy of EST would have been brought back to Jerusalem when the treaty was enacted in 672 BCE. The fact that Liverani’s argument played such a pivotal role in the arguments of writers like Nicholson, Koch, and Zehnder means that their conclusions need to be revisited in light of this discovery.

Another significant challenge to direct literary dependence came in an article by Karen Radner entitled “Assyrische ṭuppi adē als Vorbild für Deuteronomium 28:20-44?” There are two main issues that were dealt with in this article: (a) whether dependence on a neo-Assyrian source was plausible from a historical perspective and (b) whether there is sufficient evidence to say that the parallel curses in Deuteronomy 28 were specifically dependent on EST. Radner

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63 Ernest Nicholson, “»Do Not Dare to Set a Foreigner Over You« The King in Deuteronomy and »The Great Kings«,” ZAW 118 (2006), 55-56.
64 Koch, Vertrag, Treueid und Bund, 87.
68 See Levinson and Stackert, “Between the Covenant Code,” 130 n. 13: “However, Koch’s work appeared prior to the announcement of the new Tell Ta'yanat copy of EST, discussed below. This new copy of EST provides indirect evidence for a direct engagement with EST in 7th century Judah.”
70 Ibid., 374-5.
provided a number of very strong arguments for why dependence on a neo-Assyrian source was plausible from a historical perspective, at least in terms of access to neo-Assyrian sources. First, in the seventh century BCE, the kings of Judah were vassals to the kings of Assyria and, therefore, would have been required on several occasions to swear loyalty to neo-Assyrian kings and their successors.71 Second, based on the normal neo-Assyrian practice, an Assyrian official (Akk. qēpu) would have been assigned to the palace in Jerusalem to make sure that the king adhered to the terms of the treaty and to report back any disobedience.72 This means that the contents of the treaty would have been accessible to the court in Jerusalem even without direct knowledge of Akkadian or the convenience of a translation into Hebrew or Aramaic.73 Third, as was the custom, a copy of the treaty would have been kept in Jerusalem, which means that copies of neo-Assyrian treaties would have been present in Jerusalem for scribes to make use of.74

However, Radner cautioned against attributing Deuteronomy 28:20-44 to a particular neo-Assyrian treaty (i.e. EST) because, with the exception of EST, every extant neo-Assyrian treaty exists in only a single, fragmentary copy.75 This means, among other things, that it is difficult, if not impossible, to trace the development of neo-Assyrian treaty texts as a genre. While the correspondences between EST and Deuteronomy 28:20-44 might point to a direct literary relationship, it is equally possible that these same correspondences could have been present in other treaties, whether earlier or later (including neo-Babylonian), that simply are not extant today. Radner concludes that the evidence simply does not allow one to say with confidence that

71 Ibid., 374.
72 Ibid.
73 Though not expressly stated by Radner herself, this seems to be the implication of Radner’s mention of the presence of an Assyrian official in Jerusalem.
74 Ibid., 374-5.
75 Ibid., 375.
the similarities between EST and Deuteronomy 28:20-44 are unique enough to point to a direct literary relationship between the two texts.\textsuperscript{76}

There are several problems, however, with this final point made by Radner. First, while it is true that current knowledge of ancient Near Eastern treaty texts is only fragmentary, the treaty texts that are extant – especially neo-Assyrian treaty texts – point quite strongly to the uniqueness of the curses and curse sequences of EST 418a-428 (=§§38A-42), EST 526-535 (=§§63-65), and EST 472-493 (=§56).\textsuperscript{77} Furthermore, the complexity of the borrowing suggested by Steymans makes the case for specific dependence even stronger. While Radner’s argument works well on the level of theory, it does not prove convincing based on the specifics of the arguments given by Steymans and others. Second, if Levinson and Stackert’s argument about the Deuteronomic Code being presented as the successor to the Covenant Code is true, the only possible candidate for dependence would be EST since EST specifically deals with the issue of succession. Finally, while it is impossible to speak with absolute certainty about whether the parallel curses in Deuteronomy 28 are specifically dependent on EST, arguments for dependence do not require absolute certainty but only require that the preponderance of evidence points to specific dependence. These observations make it clear that the only way to settle the issue of specific dependence is to examine the texts themselves and to test the claims made about specific dependence based on a detailed examination of the texts themselves.

Another challenge to specific dependence has been put forward by several writers, most notably E. W. Nicholson and Markus Zehnder, who have questioned whether specific

\textsuperscript{76} In a recent article on the bearing of the discovery of a copy of EST at Tell Tayinat on the issue of Deuteronomy 28:20-44’s dependence on EST, Steymans noted that Radner’s conclusions need to be revisited in light of the discovery of the copy of EST at Tell Tayinat (“Deuteronomy 28 and Tell Tayinat,” 2). However, Steymans failed to present any arguments as to why this discovery would call Radner’s conclusions into question.

\textsuperscript{77} The evidence for the uniqueness of these passages will be discussed as each parallel is examined in chapters 3-5.
dependence on EST or any other neo-Assyrian treaty is plausible based on the unlikelihood that Judean writers would want to describe Israel/Judah’s relationship with YHWH based on Judah’s relationship with the neo-Assyrian Empire. While this argument does carry weight on a superficial level, it does not hold up under closer scrutiny. This can be seen for a number of reasons. First, specific dependence on EST in Deuteronomy 13 and Deuteronomy 28 does not necessarily mean that YHWH is being presented as having the same type of relationship with Israel/Judah that Assyria and her kings had with Judah. These passages may have simply been borrowed because they served the author’s purposes without intending the wider of context of EST to be carried over into Deuteronomy. Second, for this argument to work one would have to argue that no plausible motivation could be given for why the author(s) of Deuteronomy would have wanted to present their relationship with YHWH based on the analogy of Judah’s relationship with Assyria. The burden of proof for making this claim is quite high. The fact that Frankena presents a very plausible case for why the author(s) of Deuteronomy would have made use of EST shows that this claim is difficult, if not impossible, to prove. Finally, if the textual evidence points to direct literary dependence, the issue of motivation becomes irrelevant: one would simply have to conclude that the parallel passages were dependent on EST regardless of what motivations the author(s) had for making use of this material. While an exploration of possible motivations for why Judean scribes would make use of neo-Assyrian material in the composition of their texts is quite interesting, they are ultimately not decisive for determining the issue of direct literary dependence.

78 Nicholson, *God and His People*, 81: “Further, it is inherently improbable that Deuteronomistic/Deuteronomistic authors in the late pre-exilic and exilic periods would have sought to draw an analogy between Yahweh’s relationship with his people and that between Assyrian emperors and their vassals.”
The most thorough argument against direct literary dependence from a textual point of view is the recent dissertation by Christoph Koch published as *Vertrag, Treueid und Bund*. Koch’s main contribution in this regard was to limit neo-Assyrian influence in Deuteronomy 28 to Deuteronomy 28:25a,26-34. According to Koch, both the genre (simile curse) and imagery of the curses in EST 528-533 suggest that EST 528-533 and Deuteronomy 28:23-24 were drawn independently from the western tradition of treaty making. Koch also challenged several of the parallels given by Steymans in Deuteronomy 28:20-44 and EST 472-493 (=§56). Koch did, however, accept the argument that Deuteronomy 28:25a,26-34 was dependent on a neo-Assyrian source. But since Koch accepted the argument made by Liverani that the audience of EST was limited to Median princes or chieftains, Koch ruled out the possibility that these curses were directly dependent on EST. According to Koch, since the curses in EST and Deuteronomy 28:25a,26-34 were based on the conventional order of the Assyrian pantheon, they could easily have been borrowed from a neo-Assyrian treaty text other than EST. Koch concluded that the parallel passages in Deuteronomy 13 and Deuteronomy 28 that do reflect neo-Assyrian influence were influenced indirectly – mediated through a Judean loyalty oath via the memory of Judean court officials (see 2 Kings 11:17).

While several of Koch’s specific points are open to challenge, there are three main areas that prevent his work from seriously challenging Steymans’ position. First, Koch limits himself to discussing only three of the parallels identified by Steymans in EST 472-493 (=§56) and Deuteronomy 28:20-44. Since Steymans’ argument depends, to some degree, on the

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79 Christoph Koch, *Vertrag, Treueid und Bund*.
80 Ibid., 210-11.
81 Ibid., 232-8.
82 Ibid., 87.
83 Ibid., 232-8, 243, 274.
84 Ibid., 289-93, 310-11.
85 Ibid., 232-8.
cumulative case for these parallels, Koch’s argument falls short of overturning Steymans’ position. Second, Koch’s discussion of the types of differences that can occur when curses are translated from one language to another (a) lacks any significant engagement, apart from a very brief discussion of the Tell Fekherye inscription, with the bilingual inscriptions examined by Steymans; (b) is limited in its application to the parallel between EST 526-533 and Deuteronomy 28:23-24; and (c) focuses too mechanistically on the differences between the curses in EST 526-533 and Deuteronomy 28:23-24 without considering other factors that might explain these differences. Finally, Koch’s acceptance of Liverani’s position leaves his argument about the unlikelihood of specific dependence on EST open to challenge.

The most recent challenge to a direct literary relationship between EST and Deuteronomy 28 came in a recent monograph by C. L. Crouch entitled, *Israel & the Assyrians: Deuteronomy, the Succession Treaty of Esarhaddon, & the Nature of Subversion.* Crouch challenged the idea that Deuteronomy, in its original form, was written to subvert EST or any other neo-Assyrian treaty text. As part of her argument, Crouch performed a detailed analysis of the parallels between EST 530-533 (=§64) and Deuteronomy 28:23-24 as well as the parallels between EST 419-430 (§§39A-42) and Deuteronomy 28:25-33. However, like Koch, Crouch limited her analysis of EST 472-493 (=§56) and Deuteronomy 28:20-44 to only a few examples. According to Crouch, the parallels in each of these sections are not “distinctive,” “frequent,” or “recognizable”
enough for the target audience of Deuteronomy to have recognized them as subverting a neo-Assyrian treaty text.\textsuperscript{91}

Crouch also dealt with the issue of accessibility. While Crouch recognizes the limitations of Liverani’s study based on the discovery of a copy of EST at Tell Tayinat, Crouch raised doubts about whether a copy of EST would have been available for scribes to make use of in Jerusalem. While conceding that the discovery of a copy of EST at Tell Tayinat proves that the audience of EST was much larger than had been suggested by Liverani, Crouch argued that since the tablets were discovered in an Assyrian provincial capital in a building designed to resemble royal citadels in Assyria proper,\textsuperscript{92} they cannot be used to argue that copies of treaties made with Assyria were kept in the capitals of neo-Assyrian vassal states.\textsuperscript{93} But even if a copy of EST had been kept in Jerusalem, Crouch argued that it is highly unlikely that the author(s) of Deuteronomy 28:20-44 would have had access to it.\textsuperscript{94}

While Crouch’s work on subversion is quite useful, particularly as it relates to Frankena’s reconstruction of the circumstances surrounding the composition of the earliest form of the book of Deuteronomy, there are a number of significant problems with Crouch’s work as it relates to the issue of direct literary dependence. First, Crouch quite frequently confuses lack of evidence for subversion with lack of evidence for a direct or even a close historical relationship existing between the two texts.\textsuperscript{95} Crouch moves quite seamlessly from arguing that the parallels are not

\textsuperscript{91} Ibid., 92.
\textsuperscript{92} Ibid., 148.
\textsuperscript{93} Ibid., 148-9.
\textsuperscript{94} Ibid., 149-51.
\textsuperscript{95} E.g. ibid., 180. “It [i.e. previous chapters] made the case that, although some conceptual similarities exist between Deuteronomy and VTE, these similarities are not specific, distinctive, or frequent enough to act as an effective signal. They are, rather, the kind of similarities that arise when members of different societies use similar language to express similar norms in similar circumstances. Deuteronomy, therefore, should not be read as a subversive adaptation of VTE.” Note that the first and third sentence in this quotation have to do with subversion; the middle sentence deals with the issue of dependence. There is no reason to conclude from the sentences about subversion that EST could not have been used as a source in Deuteronomy for purposes other than subversion. See also her
distinctive, frequent, or recognizable enough to signal subversion to using the same argument to deny any historical connection whatsoever. While the evidence presented by Crouch may suggest that Deuteronomy was not written to subvert EST or neo-Assyrian imperial ideology in general, the same arguments cannot be used to prove that the similarities between the parallel passages are purely coincidental: the standard of proof for proving subversion is much higher than the standard of proof for demonstrating that some type of close historical relationship between the two texts exists. Second, Crouch’s suggestion that a copy of EST would not have been brought back to Jerusalem after EST was enacted is far from convincing. The contents of EST itself make it clear that a copy of EST would have been kept in Jerusalem after it was enacted – otherwise the warnings about destroying one’s copy of EST (EST 410-413) make little sense. Crouch’s suggestion that the author(s) of Deuteronomy would still not have had access to EST even if a copy had been brought back from Jerusalem seems somewhat forced. If the texts themselves point to specific dependence and if a copy of EST had been brought back to Jerusalem, the most likely explanation is that the author(s) of Deuteronomy somehow did have access to EST. While Crouch’s work is a valuable contribution to the overall discussion, the case she makes against direct literary dependence is far from convincing.

In addition to the arguments already discussed, some writers continue to challenge the idea of direct literary dependence by focusing on the differences between the parallels and by suggesting that the parallels are due to a common ancient Near Eastern tradition. The problem, however, is that none of these writers show any evidence of having seriously engaged with Steymans’

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comments on page 75: “There is nothing specific in the content of these curses to suggest that Deuteronomy is drawing on the VTE text.”

arguments about why these differences occur and his arguments about the uniqueness of the sequence of EST 418a-430. The only way to deal with the issue is to actually engage with arguments like Weinfeld’s and Steymans’ to see whether or not their conclusions are supported by the evidence.

1.6 Gaps in Research

Based on history of research outlined above, there are four significant gaps in the responses that have been made up to this point to the arguments made in favour of direct literary dependence on EST:

1. Apart from the analysis carried out by Steymans, no thorough analysis has been carried out on how curses were translated in ancient Near Eastern texts. If Steymans’ application of this analysis to Deuteronomy 28 is to be challenged, this material needs to be revisited.

2. Up to this point, no thorough examination has been carried out of the parallels between EST 472-493 (=§56) and Deuteronomy 28:20-44. While Koch and Crouch have analyzed specific examples from this section, no analysis has been made of the entire parallel. The parallels identified by Steymans can only be supported or challenged by examining each parallel in detail.

3. Up to this point, only one serious response (i.e. Crouch) has taken into account the discovery of a copy of EST at Tell Tayinat. Arguments against direct literary

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97 See, for example, Reinhard G. Kratz, “The Idea of Cultic Centralization and Its Supposed Ancient Near Eastern Analogies,” in One God – One Cult – One Nation: Archaeological and Biblical Perspectives (ed. Reinhard G. Gratz et al.; BZAW 405; Berlin: Walter de Gruyter, 2010), 125, “Finally, the direct dependence of Deuteronomy 13 and 28 on VTE has been questioned since such a linear and mono-causal process does not do justice to the complexity of the ancient Near Eastern literary tradition.” Note that Kratz does not actually engage with Steymans’ arguments but dismisses them by saying that Deuteronomy’s interaction with the ancient Near Eastern treaty tradition must be more complex.
dependence based on Liverani’s position need to be re-examined on the basis of this discovery.

4. Up to this point, no significant response has been made to Levinson and Stackert’s contention that EST was used to present the Deuteronomic Code as the successor to the Covenant Code. This touches on the much broader issue of the extent to which the purpose or intention of a donor text can be read into the receptor text based simply on literary borrowing from one text to the other. In other words, even if direct literary dependence could be established, how significant would this be for understanding the individual curses or the overall purpose of Deuteronomy? Answers to these questions have often been assumed but not argued for based on a detailed examination of the parallels.

1.7 Procedure

The first issue that needs to be addressed in this study is how much similarity and how much difference occurs when curses are translated from one language to another. This will be the focus of chapter 2, where we will examine how curses were translated from one language to another in multilingual texts from the ancient Near East.

The second issue that needs to be addressed is whether a close historical relationship is likely to exist between the parallel curses of EST and Deuteronomy 28. This will be the focus of chapters 3, 4, and 5. Chapter 3 will deal with freestanding parallels, that is, curses that do not occur as part of an extended sequence; chapter 4 will deal with the parallel between EST 472-493 (=§56) and Deuteronomy 28:20-44; and chapter 5 will deal with the parallel between EST 418a-430 (=§§39-42) and Deuteronomy 28:25a,26-35.

98 For a definition of the term close historical relationship see comments under “Methodology” in section 1.8 below.
The third issue that needs to be addressed is what type of close historical relationship exists between the curses in EST and Deuteronomy 28 that do have a close historical relationship with each other. This will be the focus of chapter 6.

The final issue that needs to be addressed is the significance that EST should have for understanding the parallel curses in Deuteronomy 28 and the overall purpose of Deuteronomy, especially in its final form. This will be the focus of chapter 7.

1.8 Methodology

The primary methodological issue that needs to be addressed is how to determine whether or not a close historical relationship exists between the parallel curses of EST and Deuteronomy 28. Related to this is the issue of how to determine what type of close historical relationship exists between the curses that do have a close historical relationship with each other. The standard work for dealing with these types of issues is Meir Malul’s *The Comparative Method in Ancient Near Eastern and Biblical Legal Studies*. In the introduction to his study, Malul asks the question:

> [H]ow does one reach the conclusion that the Old Testament is connected with or directly dependent upon the ancient Near Eastern cultures, when it comes to specific cultural phenomena or a particular literary or other written source? That is to say: given, for example, a certain biblical literary creation which happens to have a similar counterpart among the written sources of the ancient Near East, how does one go about determining whether or not the two are genetically related to each other?

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100 Malul, *The Comparative Method*, 8.
To answer this question, Malul provides a number of criteria for determining (a) whether any historical relationship is likely to exist between two texts and (b) what type of historical relationship exists between the two texts.\textsuperscript{101}

Malul provides two criteria for determining whether a historical relationship exists between two texts. The first criterion is what Malul refers to as *corroboration*.\textsuperscript{102} This criterion asks whether a historical connection *could have* existed between two texts from a strictly historical perspective. The two main factors involved here are distance in space and distance in time.\textsuperscript{103} If a considerable distance existed in either space or time, it would be necessary to find a way to close that distance in order to establish the possibility of a historical relationship existing between the two passages. For example, if a significant time gap existed between two texts, evidence would have to be put forward to prove that the older text was still known at a later date. In terms of distance in space, one could close that gap by examining the types of contacts that existed between Israel/Judah and her neighbours in the ancient Near East. If no evidence can be put forward to corroborate the possibility of a connection, a historical connection is unlikely to have existed between the two texts.

The second criterion is the test for coincidence versus uniqueness.\textsuperscript{104} This test examines the issue of whether the similarities between the two texts are generic enough to have developed independently of each other or if their uniqueness points to a historical relationship existing

\textsuperscript{101} Note that this division of Malul’s criteria and the order they are presented below is my own. Malul’s presentation of the material is quite clear but his organization of the material is not presented in a very logical order.
\textsuperscript{102} Ibid., 99-112.
\textsuperscript{103} Ibid., 101.
\textsuperscript{104} Ibid., 93-97.
between the two texts. If the similarities are too unique to have developed independently of each other, one can assume that some type of historical connection exists between the two texts.\textsuperscript{105}

If a historical connection can be established between the two texts, it is then necessary to determine what type of historical connection exists between the two texts. Malul suggests four possible types of historical connections: (1) a direct connection; (2) a mediated connection; (3) a common source; or (4) a common tradition.\textsuperscript{106} The type of historical connection that exists can only be determined by a detailed examination of the parallels.

For the purposes of this study, Malul’s categories can be modified as follows. There are three broad types of historical relationships that can exist between two passages: (a) a close historical relationship; (b) a loose historical relationship; or (c) no historical relationship. A close historical relationship is when the similarities or combination of similarities between two passages were unlikely to have been generated simply through shared experience, similarities in culture (i.e. values, customs, institutions, diet, economy, technology, etc.), shared religious beliefs/values, or shared modes of linguistic expression. In other words, the similarities between the two passages can only be explained through both passages drawing on a close common tradition or the two passages having a close genetic relationship with each other (see below). A loose historical relationship is when two passages from different\textsuperscript{107} cultures share unique religious beliefs (e.g. the specific names and epithets of gods or goddesses) or unique modes of linguistic expression (e.g. the futility curse genre) that were likely borrowed from the other culture. In this case, however, the substance of the two passages are either quite dissimilar or

\textsuperscript{105} This criterion runs into difficulties when one considers the possibility of the “clever plagiarizer”, i.e. someone who deliberately tries to circumvent the test for coincidence versus uniqueness. Since plagiarism was clearly not frowned upon in the ancient Near East, this is unlikely to be a relevant factor in the current study.
\textsuperscript{106} Ibid., 89-91.
\textsuperscript{107} The focus here on different cultures is necessary since broad similarities between passages from within the same culture are rather unremarkable.
can be explained through shared experience, similarities in culture, or shared religious beliefs/values. The category of no historical relationship is when the similarities between two passages are best explained through shared experience, similarities in culture, shared religious beliefs/values, or shared modes of linguistic expression rather than through a loose common tradition (i.e. a loose historical connection), a close common tradition, or a close genetic relationship.

Again, modifying Malul’s terminology, there are essentially five types of close historical relationships that can exist between two passages: (a) a direct historical relationship, (b) a mediated lineal relationship, (c) a direct non-vertical genetic relationship, (d) a mediated non-vertical genetic relationship, or (e) a close common tradition. A direct historical relationship is when one text is directly dependent on another text. A mediated lineal relationship is when there are one or more intervening steps between the donor text and the receptor text. A non-vertical genetic relationship is when two texts share a common ancestor but are not lineally related to each other. In other words, they belong to a different branch of the family tree and may be on different levels of the family tree. A direct non-vertical genetic relationship is when the borrowed material is drawn directly from one of these texts that is part of a different branch of the family tree. A mediated non-vertical genetic relationship is when there are one or more intervening steps between this text and the receptor text. These four types of relationships can be grouped together under the category of a close genetic relationship. A close common tradition, on the other hand, can be identified when (a) the two passages are unlikely to have a close genetic relationship with each other, (b) the similarities appeared or likely appeared in multiple texts in the tradition that do not have a close genetic relationship with each other, and (c) the
similarities cannot be explained on the basis of shared experience, similarities in culture, shared religious beliefs/values, or shared modes of linguistic expression.

In addition to the methodology adapted from Malul, this study will also develop a new methodology based on Steymans’ comparison of curses in multilingual texts. The primary focus of Steymans’ use of these texts was to quantify the amount/type of acceptable difference that can occur when curses are translated from one language to another.\footnote{Note that while Steymans (Deuteronomium 28, 194) does list a number of categories that do remain constant when curses are translated from one language to another, his main focus is still on the differences that occur when curses are translated from one language to another. See discussion in chapter 2.} While Steymans’ use of these text will certainly play an important role in this study, the primary focus in this study will be on the similarities that curses retain when translated from one language to another. These similarities will be referred to as concrete anchor points. Concrete anchor points can include cognate vocabulary, lexical equivalents, similar modes of expression, similar imagery, or shared subject matter. When two passages share a cluster or combination of unique anchor points, they are likely to have a close historical relationship with each other as is the case with the curses from multilingual texts. When the two passages differ from each other in significant ways, the strength of the cluster or combination of anchor points has the potential to outweigh the deficit caused by these differences. The concept of anchor points will be key for determining whether or not two passages have a close historical relationship with each other. This methodology will be developed in detail in chapter 2.

The first step in chapters 3 to 5 will be to determine whether or not a close historical relationship is likely to exist between the parallel curses of EST and Deuteronomy 28. This will be done by comparing the curses in EST with their parallels in Deuteronomy 28 to see whether the parallels do, in fact, exist. The results of chapter 2 will be applied at this point to see whether
the differences between the curses can be explained through ancient Near Eastern translation technique or other factors. The next step will be to determine whether the similarities between the curses or curse sequences are likely to have been generated independently by two separate authors or in two separate cultures without drawing on either a loose or close common tradition. It should be remembered, however, that the purpose of these chapters is not to determine whether a direct historical relationship exists between the passages under consideration but to determine whether any one of the five types of close historical relationships is likely to exist. This means, among other things, that the issue of access to EST and the significance of the discovery at Tell Tayinat can be delayed until after a close historical relationship seems likely to exist. Chapter 6 will deal with the issue of what type of close historical relationship is likely to exist between the parallels.

1.9 Thesis Statement

There are three main points that will be argued for in this thesis:

1. A close historical relationship is likely to exist between at least some of the parallel curses between EST and Deuteronomy 28. However, the curses in Deuteronomy 28:20-44 are neither directly dependent nor do they have any other type of close historical relationship with the curses of EST 472-493 (=§56).

2. The curses that do have a close historical relationship with EST are best explained through either a mediated non-vertical genetic relationship or the combination of a close common tradition, shared experience, similarity in culture, and thematic development within the text itself. While a mediated non-vertical genetic relationship is certainly possible, the second possibility is more likely. This is true despite the discovery of a copy of EST at Tell Tayinat.
3. While the relationship between EST and Deuteronomy 28 may have some influence for understanding the compositional history of Deuteronomy 28, it has very little significance for understanding the meaning of the individual curses of Deuteronomy 28 or the final form of Deuteronomy.

In terms of the larger significance of this study, there are two main points that will be made. First, caution should be taken when attributing material from the Old Testament to specific ancient Near Eastern sources when other types of close historical relationships are more plausible. An argument for specific dependence (i.e. a direct historical relationship or a mediated lineal relationship) requires very detailed argumentation that shows that specific dependence is the best explanation for the similarities between the two passages under consideration. Second, even if specific dependence can be established between two texts, caution needs to be taken about how much of the donor text is read into the receptor text, especially when there is very little warrant for doing so.

1.10 Implications

There are a number of implications that this study will have areas that are tangentially related to the main concerns of this study. First, this study will have clear implications for those who use the relationship between EST and Deuteronomy 28 to fix or confirm the date for the earliest form of Deuteronomy. Second, this study will also have clear implications for those who use parallels from ancient Near Eastern material for understanding the book of Deuteronomy in its final form. While some of this material may be useful for understanding or interpreting the final form of the book of Deuteronomy, caution needs to be taken about reading more into the final

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form of Deuteronomy than is actually there. Finally, this study will also be useful for
determining what type of historical relationship exists between other biblical texts and literary
parallels from the ancient Near East. The categories presented here and their application to
Deuteronomy 28 will prove useful when applied to these other texts.
Chapter 2
Blessings and Curses in Multilingual Texts

2.1 Introduction

Perhaps the greatest and most underappreciated contribution made by Steymans in his 1995 doctoral dissertation is the use that he made of curses in multilingual texts to explain the differences between the parallel curses of EST and Deuteronomy 28.¹ One of the chief arguments against a direct historical relationship between the parallel curses of EST and Deuteronomy 28 is the amount of difference or variation that exists between the curses. The assumption in most cases is that if the parallel curses in Deuteronomy 28 had been borrowed from EST, there would be a much greater degree of correspondence between these curses than there actually is. According to Steymans, however, this assumes a much more mechanistic form of translation technique than was actually employed when curses were translated from one language to another in ancient Near Eastern texts.²

Based on his examination of how curses were actually translated in multilingual texts, Steymans identified four types of changes that can occur when curses are translated from one language to another in ancient Near Eastern texts: (a) curses with lists could often be expanded or reduced; (b) metaphors could be transformed into a more prosaic form or vice versa; (c) futility curses could be transformed into simple witch curses; and (d) the names of the gods used in curses could be transformed to reflect their new setting.³ According to Steymans, most of the differences between the parallel curses of EST and Deuteronomy 28 can be explained along

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¹ Hans Ulrich Steymans, Deuteronomium 28 und die adê zur Thronnachfolgeregelung Asarhaddons: Segen und Fluch im Alten Orient und in Israel (OBO 145; Freiburg: Universitätsverlag, 1995), 150-94.
² This summarizes Steymans’ position both in the introduction to his investigation (Deuteronomium 28, 150) and his conclusion (194). In the introduction to his discussion (idem, 150) Steymans writes: “Wenn unterschiedliche Formulierungen als Argument für jeweilige Eigenständigkeit angeführt werden, ist zu prüfen, ob derartige Abweichungen nicht als Übersetzungsvorgang stammen können. Wie genau hat man im AO übersetzt? Für Dtn 28 muß die Frage noch konkretisiert werden: Wie genau hat man im AO Flüche übersetzt?”
³ Ibid., 194.
these lines. For Steymnas, this means that the differences between the parallel curses of EST and Deuteronomy 28 cannot be used to rule out the possibility of a direct historical relationship existing between these curses.

Surprisingly, Steymans’ use of multilingual texts to explain the differences between these curses has received very little attention both from those who support his overall position and from those who argue against it. The most serious interaction with Steymans’ approach came from Christoph Koch at the very end of his discussion of the parallels between EST and Deuteronomy 28 in Vertrag, Treueid und Bund. Unfortunately, Koch’s interaction with Steymans’ material is very limited: Koch limited himself to a discussion of the Assyrian-Aramaic Bilingual Inscription from Tell Fekherye. But even in this case, Koch’s examination lacked the necessary rigour to seriously engage with Steymans’ argument. In terms of the application of Steymans’ principles to Deuteronomy 28, Koch limited himself to the parallel between EST 526-533 (§§63-64) and Deuteronomy 28:23-24. Koch’s interaction with this material, however, shows a lack of appreciation for the details of Steymans’ position and ultimately proves unconvincing.

Apart from Koch, there has been virtually no serious interaction with Steymans’ use of multilingual texts to explain the differences between the parallel curses of EST and Deuteronomy 28. Coming from a different angle, but still from the perspective of translation technique, C. L. Crouch argued that if the original form of Deuteronomy had been intended to

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5 Ibid., 239-40.
6 Ibid., 240-41. Koch chose this example because of the pivotal role that this parallel played in the history of comparisons between EST and Deuteronomy 28.
7 Eckart Otto, “Treueid und Gesetz: Die Ursprünge des Deuteronomiums im Horizont neuassyrischen Vertragsrechts,” ZABR 2 (1996), 4 n. 16, for example, includes a very brief discussion summarizing Steymans’ position but does not deal with any of the texts themselves.
subvert the contents of EST there would have needed to be a sufficient amount of similarity between the parallel sections of EST and Deuteronomy for the audience of Deuteronomy to have recognized the subversive intent of the text.\(^8\) The fact that EST and Deuteronomy were written in two different languages would only have added to the necessity that the parallel sections of Deuteronomy would be similar enough to EST for the audience to be able to recognize a reference to EST.\(^9\) In other words, if the author(s) of the parallel sections of Deuteronomy had taken too much liberty in their translation of EST, this would only have served to undermine Deuteronomy’s ability to subvert the contents of EST since the audience would have been unable to recognize a reference to EST.\(^10\) Using terminology borrowed from the work of Gideon Toury,\(^11\) Crouch argued that if the original form of Deuteronomy had intended to subvert the contents of EST, its translation would have favoured translational adequacy over translational acceptability to make the connection with EST more recognizable.\(^12\) In other words, if Deuteronomy had intended to subvert the contents of EST, it would have favoured the vocabulary, grammar, and phraseology of EST over more commonly used equivalents in Hebrew. Crouch went on to say that even if there had been no subversive intent on the part of the author(s) of Deuteronomy one would still have expected to find the same type of linguistic interference from the language used in EST.\(^13\) Either way, the principles developed by Steymans would seem to be excluded from the outset by Crouch’s position.

\(^9\) Ibid., 35.
\(^10\) Ibid., 35. “Rough or approximate translation of the signal material from the source text, insofar as it obscures the specific and distinctive language of the original, will inhibit its recognition: if the relationship of the “signal” (the repeated words and phrases) to the source is itself unrecognizable, the relationship of the adaptation to its source will be equally unrecognizable.”
\(^12\) Crouch, *Israel & the Assyrians*, 37.
\(^13\) Ibid., 37: “Even in the absence of subversive intent, however, a persistent feature of translated texts is their tendency to mark their status as translation through a degree of deliberate deviation from the normal language patterns of the target language.”
There are at least two problems, however, with Crouch’s position. First, Crouch’s approach assumes that a subversive intent on the part of the author(s) of Deuteronomy would have been meant to be easily understood by the intended audience of Deuteronomy. A subversive element can be present in the mind of an author without the audience necessarily being able to recognize that intent apart from an explanation from outside the text. Once explained, the audience would then be able to recognize the subversive intent and understand the text with new eyes. In the meantime, however, the text would still need to serve its own purpose in the context of Israel/Judah and would, therefore, not necessarily need to strictly adhere to the wording and phrasing of the Assyrian original.\textsuperscript{14} The second problem has to do with Crouch’s suggestion that even if no subversive intent had been intended on the part of Deuteronomy that a strict form of translation technique would still have been used with the result that there would still have been a significant amount of linguistic interference in the sections that were borrowed from EST. The problem with this, however, is that Crouch’s position is purely hypothetical and does not take into account how curses were actually translated in ancient Near Eastern texts. In other words, Crouch’s approach does not take into account the comparative work done by Steymans on how curses were translated in multilingual texts from the ancient Near Eastern texts. Rather than saying what one might expect to find if the parallel curses of Deuteronomy 28 had been translated from EST, it is much preferable to see how curses were actually translated in ancient Near Eastern texts and to use this as the basis for analyzing the differences between the parallel curses of EST and Deuteronomy 28.

So despite the general lack of interest in Steymans’ use of multilingual texts, Steymans’ approach is a useful tool for determining whether the differences between curses in two separate languages can be used to rule out the possibility of either a direct historical relationship or, more

\textsuperscript{14} The issue of subversion will be discussed more thoroughly in chapter 7.
broadly speaking, a close genetic relationship.\textsuperscript{15} However, despite the strength of Steymans’ approach, Steymans’ analysis of these multilingual texts, the principles he derives from them, and his application of these principles to Deuteronomy 28 are not always convincing. The most serious shortcoming of Steymans’ analysis, however, is the fact that in most cases Steymans simply notes the differences between the curses without explaining why these differences might have come about. When discoverable, it is the “why” question that is important for understanding the types changes that can occur when curses are translated from one language to another and it is the “why” question that is often important for determining whether these principles apply to the differences between the parallel curses of EST and Deuteronomy 28.

However, as was noted in chapter 1, Steymans’ use and analysis of these multilingual texts was almost entirely negative: his focus was almost exclusively on the differences that occur when curses are translated from one language to another.\textsuperscript{16} However, as this and subsequent chapters will show, it is equally, if not more, important to take into consideration the amount and type of similarity that exists when curses are translated from one language to another in ancient Near Eastern texts. Before the principles developed by Steymans about change can be used to account for the differences between the parallel curses of EST and Deuteronomy 28, it is first necessary to see whether or not a positive case can be made that the curses in question have a close historical relationship with each other.

The purpose of this chapter, therefore, is twofold. First, we will note the types of changes that occur when curses are translated from one language to another in multilingual texts and try to account, wherever possible, for why these changes took place. We will then be able to develop

\textsuperscript{15} Note that a close genetic relationship includes direct historical relationships, mediated lineal relationships, non-vertical genetic relationships, and mediated non-vertical genetic relationships.

\textsuperscript{16} While Steymans does note some of the similarities that remain when curses are translated from one language to another (\textit{Deuteronomium} 28, 194), his conclusions are very general and are not applied in any way to his examination of the parallel curses of EST and Deuteronomy 28.
principles that can be applied to the parallel curses of EST and Deuteronomy 28. Second, and more importantly, we will examine the amount and type of similarity that remains when curses are translated from one language to another. These similarities will be referred to as concrete anchor points. The type, quantity, and uniqueness of these anchor points, as well as the uniqueness of their combinations, will be noted and the principles derived from this analysis will be used in chapters 3, 4, and 5 to show whether a positive case can be made that the parallel curses of EST and Deuteronomy 28 have a close historical relationship with each other. While it may be true that curses in multilingual texts are an exceptional case since the receptor text essentially seeks to reproduce the same text as the donor text, the relative stability of curses as a genre means that the principles developed here can be used to determine if parallel sets of curses have a close historical relationship with each other. Once a close historical relationship has been established, a closer examination of the parallels will help to determine more precisely what type of close historical relationship exists between the two passages.

2.2. **Texts**

There are three types of texts that were examined by Steymans in his investigation.\(^{17}\) First, Steymans examined treaties written in two separate languages and on two separate objects with a separate version being written for and from the perspective of each party to the treaty. The only extant treaty that falls into this category is the treaty between Ḫattušili III of Hatti and Ramses II

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\(^{17}\) Steymans (*Deuteronomium* 28, 177-81) also included a discussion of curses in Phoenician and Aramaic inscriptions that only appear in one language. These can be omitted here since they do not illustrate how curses were translated from one language to another.
of Egypt (Akkadian-Egyptian). Unfortunately, the blessings and curses in the Akkadian version of the treaty are too fragmentary to be included in this study.

Also included in this category is the Akkadian version of the treaty between Mursili II of Hatti and Niqmepa’ of Ugarit and the Hittite version of a different treaty, the treaty between Mursili II of Hatti and Tuppi-Teššub of Amurru. Both treaties were originally written in two separate versions, one in Hittite and one in Akkadian, but in both cases, the blessings and curses are only preserved in one version of each text. However, since the blessings and curses follow a set pattern these sections can be usefully compared with each other even though they come from two separate treaties. The problem, however, is that the blessings and the curses in the Hittite version are written in Akkadian logograms rather than in Hittite. This means that the blessings and curses are written in the same language and are virtually identical to each other, which means that these treaties fall outside the scope of this study.

The second type of text examined by Steymans consists of multilingual inscriptions that contain curses. Multilingual inscriptions are inscriptions that appear in two or more languages on the same building, monument, or object and are meant to represent the same text. Included in this category are the Assyrian-Aramaic Bilingual Inscription from Tell Fekherye, the trilingual

19 One significant difference that can be determined with certainty is that the in the Akkadian version of the treaty, the blessing comes first followed by the curse while in the Egyptian version the curse comes first and the blessing comes second.
20 For a translation of each of these treaties see Beckman, Hittite Diplomatic Texts, 59-69. For the Akkadian text of the treaty between Mursili II of Hatti and Niqmepa’ of Ugarit (CTH 66) see Giuseppe F. Del Monte, Il trattato fra Mursili II di Ḫattuša e Niqmepa’ di Ugarit (Orientis Antiqui Collectio 18; Rome: Istituto per l’Oriente C.A. Nallino, 1986), 30. For the Akkadian and Hittite versions of the treaty between Mursili II of Hatti and Tuppi-Teššub of Amurru (CTH 62 ii) see the digital edition by F. Fuscagni (Hittite) and G. Wilhelm (Akkadian), “hethitnet/CTH 62&prgr=&lg=DE&ed=G. Wilhelm – F. Fuscagni.
21 Steymans, Deuteronomium 28, 156-64, 185-91.
inscription from Bisitun, the Lydian-Aramaic Bilingual Inscription from Sardis, Azitawadda’s Phoenician-Luwian Bilingual Inscription from Karatepe-Aslantaş, and the Urartian-Assyrian Bilingual Inscription from Kelishin.

The final type of text examined by Steymans consists of texts that are not related to each other through translation but illustrate how equivalent features in curses were expressed in different languages. The texts that fall under this category are the treaty between Aššur-nerari V of Assyria and Mati’-ilu, King of Arpad (neo-Assyrian), and the Aramaic treaties of Sefire. While Steymans’ analysis here is certainly useful, the fact that these texts are not related to each other through translation places them outside the boundaries of this study.

The texts that will be examined in this chapter therefore, are limited to the second category of texts, that is, multilingual inscriptions where the same text is recorded in two or more languages on the same object, building, or monument. The advantage of working with this type of text is that it can be guaranteed that each version was meant to represent the same text and that one of the versions likely served as the source text for the other(s).

2.3 Approach

Each of the multilingual inscriptions will receive its own separate treatment. Each section will begin with an introduction to the inscription, including a brief history of its discovery, a brief synopsis of the purpose and contents of the inscription, a discussion of the languages used.

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22 Ibid., 164-77. Note that Mati’-ilu of Arpad (Mati’-el) is also one of the parties to the treaty on Stele I of the Sefire Treaties.
23 For the text and translation of the treaty between Aššur-nerari V with Mati’-ilu, King of Arpad, see SAA 2 2. For the text and translation of the Sefire treaties see Joseph A. Fitzmyer, The Aramaic Inscriptions of Sefire (rev. ed.; BibOR 19/A; Rome: Pontifical Institute, 1995).
24 Throughout the remainder of this chapter and in the chapters that follow, the term “multilingual texts” will refer to inscriptions written in two or more languages on the same building, monument, or object that are meant to represent the same text. The definition used here is based on the definition given for bilingual inscriptions in Hannes D. Galter, “Cuneiform Bilingual Royal Inscriptions,” in Language and Culture in the Near East (IOS 15; ed. Shlomo Izre’el and Rina Drory; Leiden: Brill, 1995), 29.
in the inscription, and, where possible, a discussion of which version likely served as the donor text for the other.\textsuperscript{25}

Following the introduction, a translation of the relevant portions of the inscription will be presented with the parallel features being placed side-by-side for the sake of quick analysis. The relevant portions include both the protasis and apodosis of each curse and, wherever possible, the protasis and apodosis of any blessings that appear in each text since blessings and curses essentially belong to the same genre.\textsuperscript{26} When cognate words appear in the text, a transliteration will appear in brackets in the translation. The translations used here, apart from texts written in Elamite, Old Persian, Hieroglyphic Luwian, and Urartian, are my own unless otherwise noted. In the case of these languages, reliable translations will be used with reference being made to the original wherever necessary or possible.

The main portion of each section will be devoted to a detailed comparison of the relevant portions of each version. Particular attention will be paid to concrete anchor points that connect the two passages together including cognate vocabulary, the use of lexical equivalents, the use of similar modes of expression, the use of similar imagery, and identity in subject matter and overall meaning.

Following Steymans, attention will also be paid to the differences between the two versions. Do the differences drown out the anchor points that connect the two passages together? What explanation can be given, if any, for the differences between the two passages? And if the individual blessings/curses had been found in two separate locations separated from their original

\textsuperscript{25} The term “donor text” refers to the text from which the other version(s) of the inscription (i.e. the receptor texts) were translated.

\textsuperscript{26} A curse can be defined as a wish or a promise that a divine being will make something negative happen to the party being cursed while a blessing can be defined as a wish or promise that a divine being will make something positive happen to the party being blessed. The only difference between a blessing and a curse is whether the thing being wished for or promised is positive or negative. The close relationship that blessings have with curses can be seen by the parallel blessings and curses used in Deuteronomy 28. The same phenomenon occurs in the blessings and curses of Hittite treaties.
context, would they still be recognizable as having a close historical relationship with each other?

The chapter will conclude with principles that can be developed from the analysis of each text that can later be applied to the parallel curses between EST and Deuteronomy 28.

2.4 The Assyrian-Aramaic Bilingual Inscription from Tell Fekherye

The first text to be examined is the Assyrian-Aramaic Bilingual Inscription from Tell Fekherye. The inscription was first discovered in 1979 when a statue dating to the neo-Assyrian period was accidentally discovered by a Syrian farmer while trying to expand his field with a bulldozer. The statue, which dates to the middle of the ninth century BCE, is a life-sized image of Hadad-yis‘ī, the governor or king of Guzan (Assyrian: l. 8, šakin māṭi ʿu guzani; Aramaic: l. 7, mlk gwzn). There are two inscriptions written on the statue. The first inscription appears on the front of the skirt of the figure depicted in the statue and is written in Assyrian while the second inscription, written on the back of the skirt, is written in Aramaic. The purpose of the statue was to guarantee Hadad’s blessing on Hadad-yis‘ī, his descendants, and his people and to guarantee that Hadad would hear his prayers (Assyrian: ll. 10-14, 21-23; Aramaic: ll: 7-27). For the text of the inscription see Ali Abou-Assaf, Pierre Bordreuil, and Alan R. Millard, La statue de Tell Fekherye et son inscription bilingue assyro-araméenne (Etudes Assyriologiques 7; Paris: Editions Recherche sur les civilisations, 1982).


Ibid.,138-9. The most significant piece of evidence for this date is the fact that Hadad-yis‘ī’s father, Shamash-nuri, was likely the same Shamash-nuri who served as the eponym for the Assyrian calendar in 866 BCE (139). For a discussion of the debate surrounding the date of the statue see Jonas C. Greenfield and Aaron Shaffer, “Notes on the Curse Formulae of the Tell Fekherye Inscription,” in ‘Al Kanfei Yonah: Collected Studies of Jonas C. Greenfield on Semitic Philology (ed. Shalom M. Paul, Michael E. Stone, and Avital Pinnick; 2 vols; Leiden: Brill, 2001), 1:264-5.

Millard and Bordreuil, “A Statue from Assyria,”136-9. Guzan is located approximately two kilometers from Tell Fekherye on the opposite side of the Khabur River at Tell Halaf. Tell Halaf was identified as Guzan when a cuneiform inscription was found that identified the city. The statue depicts Hadad-yis‘ī in a style similar to the 9th century BCE Assyrian statues of Ashurnasirpal II and Shalmaneser III, indicating Hadad-yis‘ī’s status as a subject of Assyria. The fact that the Assyrian version is written on the front of the statue as well as the designation of Hadad-yis‘ī as governor of Guzan rather than king also attest to his subordinate position to Assyria (Galter, “Cuneiform Bilingual Royal Inscriptions,” 41). It is difficult to know if Hadad-yis‘ī was an Aramaean client king or an Assyrian appointee over Guzan (Millard and Bordreuil, “A Statue from Assyria,” 139). While Hadad-yis‘ī himself was certainly Aramaic linguistically, his father’s name (Shamash-nuri) is Assyrian.
10, 13-15). According to the inscription, the statue was meant to be placed in the temple of Hadad in Sikan in order to guarantee these blessings (Assyrian: ll. 23-25; Aramaic: ll. 1, 15-16).

The text of the inscription, both in the Assyrian and Aramaic versions, can be divided into two distinct texts (Text A and B), both of which are complete and make sense on their own.\(^{31}\) The Akkadian version of Text A (Assyrian: ll. 1-18, Aramaic: ll. 1-12) is written in Standard Babylonian and was most likely written before Text B.\(^{32}\) In all likelihood Text A originally appeared on a different statue and was added to this statue at the same time that Text B was written (see Assyrian ll. 23-24; Aramaic l. 15).\(^{33}\) Text B (Assyrian: ll. 19-38, Aramaic: ll. 12-23), whose Akkadian version contains a number of distinctively neo-Assyrian features,\(^{34}\) was likely written after an elevation in status for Hadad-yis’tî (Assyrian ll. 23-24) and, along with Text A, was inscribed on this statue.\(^{35}\)

The purpose of the two texts are essentially same; the content, however, is much different. The most significant difference between the two texts is the number of curses that appear at the end of Text B: Text B contains ten curses while Text A contains only a single curse (Assyrian ll. 16-18, Aramaic ll. 11-12).

2.4.1 Analysis

We can begin our analysis by examining the curse in Text A. The curse in Text A is virtually identical in both the Assyrian and Aramaic versions of the curse:\(^{36}\)

\(^{32}\) Ibid., 39-40. Throughout this discussion we will continue to refer to this version as the Assyrian version for the sake of consistency.
\(^{33}\) Abou-Assaf, Bordreuil and Millard, *La statue de Tell Fekherye*, 67: “La phrase ‘il a fait cette statue mieux qu’auparavant’ (assyr. 1. 23 s., aram. 1. 15) permet de déduire l’existence d’un monument antérieur qui a été remplacé par le monument actuel.”
\(^{34}\) Galter, “Cuneiform Bilingual Royal Inscriptions,” 40.
\(^{35}\) Ibid., 67: “En réalité la redaction des inscriptions et quelques-unes de leurs differences suggèrent que l’expression de la piété de Hadad-yis’tî est passé par plusieurs étapes, culminant dans la realization de la statue que nous connaissons.”
\(^{36}\) All translations from this inscription are mine unless otherwise noted.
<table>
<thead>
<tr>
<th>Assyrian Text (ll. 16-18)</th>
<th>Aramaic Text (ll. 11-12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whoever removes my name (šumē) and puts his name (šumšu), may Adad (adad) the heroic be his legal adversary.</td>
<td>And whoever erases my name (šmy) from it and puts his name (šmh), may Hadad (hdd) the heroic be his opponent.</td>
</tr>
</tbody>
</table>

There are two main differences to note between these curses. First, the Assyrian version calls upon Adad to be the bēl dīnišu (lit. “master of his judgment” = “legal adversary”) of the person being cursed while the Aramaic version simply calls upon Hadad to be the person’s opponent (qblh). While both terms essentially have the same meaning, each term is expressed in the idiom of its own language. The translation technique used here was clearly not mechanistic. The second difference between the two curses is that the Aramaic version includes the word mnḥ (“from it”) while the Assyrian version has no equivalent. In this case the difference has to do with the style used in each version: the same issue appears in curse four of Text B (see below).

Besides these minor differences, the curse in each version is essentially the same, both in terms of its subject matter and mode of expression. In terms of vocabulary, there are two non-personal cognates shared between the two versions: (a) šumē (Assyr., “my name”) and šmy (Ar. “my name”) and (b) šumšu (Assyr., “his name”) and šmh (Ar., “his name”). The use of these cognates, however, is unremarkable since both versions simply use the standard word for “name” in each language.

The curses in Text B (Assyrian: ll. 26-38, Aramaic: ll. 16-23), on the other hand, show a much greater degree of variation than the curses in Text A:

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37 Akk. bēl dīnišu, lit. “master of his judgment.” This term is used in Akkadian texts to designate an opponent in court. See CAD D, 155.
<table>
<thead>
<tr>
<th>Curse #</th>
<th>Assyrian Text (ll. 26-38)</th>
<th>Aramaic Text (ll. 16-23)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protasis</td>
<td>(26-28) Whoever (mānnu ša) erases my name (šumē) from the heart(^38) of the furnishings (unūte)(^39) of the house (bīt) of Adad my Lord,</td>
<td>(16-17) Whoever (mn) erases my name (šmy) from the furnishings (m ’ny’) of the house (bt) of Hadad my Lord,</td>
</tr>
<tr>
<td>1</td>
<td>(28-29) may Adad my Lord not accept his food or his water (mēšu) from him.</td>
<td>(17-18) may my Lord Hadad not accept his food or his water (wmwh) from his hand.</td>
</tr>
<tr>
<td>2</td>
<td>(29-30) May Šala my lady do the same thing(^40) with his food and his water (mēšu).</td>
<td>(18) May swl my lady not accept his bread or his water (wmwh) from his hand.</td>
</tr>
<tr>
<td>3</td>
<td>(30-31) May he sow but let him not harvest (eṣīdi).(^41)</td>
<td>(18-19) And may he sow but may he not harvest (ḥṣd).</td>
</tr>
<tr>
<td>4</td>
<td>(31-32) May he sow a thousand but may he take in one seah.</td>
<td>(19) And may he sow a thousand (loads of) barley(^43) but may he take in a half-measure from it.</td>
</tr>
<tr>
<td>5</td>
<td>(32-33) May one hundred (mē) sheep not fill a spring lamb.</td>
<td>(20) And may one hundred (wm ’h) sheep nurse a lamb but may it not be satisfied.</td>
</tr>
</tbody>
</table>

\(^{38}\) Akk. \(\text{lībbî, “heart”}\). Strictly speaking this word could be omitted from the translation for the sake of smoother English. However, since the Aramaic version lacks an equivalent word in this section, it is important to keep this word in translation.

\(^{39}\) Akk. \(\text{unūte} \parallel \text{Ar. m ’ny’}\). These words are cognate with each other. The root of the Aramaic word \(\text{m ’ny’} \parallel \text{’nh}\). The \(\text{ūt}\) in Akk. \(\text{unūte}\) is an abstract suffix. See John Huehnergard, \textit{A Grammar of Akkadian} (2d ed.; Winona Lake, Indiana: Eisenbrauns, 2005), §14.4.

\(^{40}\) Akk. \(\text{KI.MIN, “ditto”}\).

\(^{41}\) Akk. \(\text{eṣīdi} \parallel \text{Ar. ḫṣd}\). The first root radical of Akk. \(\text{eṣēdum}\) in proto-Semitic would have been \(\text{ḥ}\). See Ibid., §§6.1 and 8.1.

\(^{43}\) Abou-Assaf, Bordreuil, and Millard, \textit{La statue de Tell Fekherye}, 54, translate \(\text{s’rym}\) as “barley”. Greenfield and Shaffer, “Notes on the Akkadian-Aramaic Bilingual Statue from Tell Fekherye,” 115, on the other hand, believe that \(\text{s’ryn}\) “has nothing to do with \(\text{s’rn}\) “barley” (37), but is an isolexeme with Gen. 26:12, ‘Jacob sowed in that land and that year attained (a yield of) a hundred-fold (\(\text{m’h s’rym}\)).’ Victor Sasson (“The Aramaic Text of the Tell Fakhriyah Assyrian-Aramaic Bilingual Inscription,” \textit{ZAW} 97 (1985), 100 n. 13), is less committal but suggests that \(\text{s’ryn}\) might refer to barley here since several specific items (i.e. animals and food) are mentioned in the immediate context. Edward Lipiński, \textit{Studies in Aramaic Inscriptions and Onomastics II} (OLA 57; Leuven: Peeters Publishers & Department of Oriental Studies, 1994), 66, challenges the validity of translating \(\text{s’ryn}\) as “measures”, both here and in Genesis 26:12. Lipiński notes that both Jewish (\textit{Berēshît Rabbâ} 64,6 and Targum \textit{Neofiti I}) and Syriac (Peshitta) translations of Genesis 26:12 understand \(\text{s’ryn}\) to mean “barley” rather than “measures”. Based on a parallel Aramaic-Assyrian text, Lipiński suggests that the measure used here is “loads of a donkey”.

<table>
<thead>
<tr>
<th>6</th>
<th>(33) May one hundred (mē) cows not fill a calf.</th>
<th>(20-21) And may one hundred (wm’h) cows nurse a calf but may it not be satisfied.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>(34) May one hundred (mē) mothers not fill a son.</td>
<td>(21) And may one hundred (wm’h) women nurse a young boy but may he not be satisfied.</td>
</tr>
<tr>
<td>8</td>
<td>(35-36) May one hundred (mē) female bakers (apiāte) not fill (ū-&lt;mal-&gt;la-a) an oven (tinūru).</td>
<td>(22) And may one hundred (wm’h) women bake (l’pn) bread in an oven (btnwr) but may they not fill it (yml’nh).</td>
</tr>
<tr>
<td>9</td>
<td>(36-37) May the gleaners glean (lilqute) on a refuse heap.(^{42})</td>
<td>(22) And may his men glean (llqtw) barley from a refuse pit and may they eat it.</td>
</tr>
<tr>
<td>10</td>
<td>(37-38) May a disease affecting the head, an epidemic (šibtu), and sleeplessness not be cut off from his land (mātišu).</td>
<td>(23) And may plague, the epidemic (šbt(^{44})) of Nergal, not be cut off from his land (mth).</td>
</tr>
</tbody>
</table>

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\(^{44}\) Abou-Assaf (*La statue de Tell Fekherye*, 37), Millard and Bordreuil (“A Statue from Assyria,” 138), Lipiński (*Studies in Aramaic Inscriptions and Onomastics II*, 72), Sasson (“The Aramaic Text,” 102), and Krzysztof J. Baranowski (“The Old Aramaic and Biblical Curses,” *Liber Annuus* 62 [2012], 178) translate šbt as “rod” or “staff”. This is based on the cognate בּשׁבַט in Hebrew and the fact that the identification of mwtn (“plague”) as the “rod of Nergal” fits well in this context. However, as Greenfield and Shaffer note (“Notes on the Curse Formulae,” 58), it seems best to translate šbt in line with its cognate in Akkadian, šibtu (“epidemic”). The translation “epidemic” is adopted here for at least two reasons. First, the association of šbt with the Mesopotamian god Nergal, along with the association of šibtu with Nergal in Mesopotamian texts (see CAD Š, 388) and the use of another cognate with an Akkadian word (mwtn=mūtānu) in the same curve, suggests that šbt was borrowed from Akkadian and should, therefore, be understood according to its Akkadian cognate. Fales (“Le double bilinguisme,” 247-8) sees this as evidence for linguistic interference from an earlier Mesopotamian curse on the Aramaic version of this curse. Second, while Akkadian texts speak of the “hand of Nergal” (EA 35:13, 37), I am not aware of any texts in Akkadian that speak of the “rod of Nergal”. Third, apart from the cognate in Hebrew and the term ḥqr (“rod, staff”) in Syriac, there is no decisive evidence that šbt meant “staff” or “rod” in Old Aramaic. Finally, if šbt did mean “rod” or “staff” in this curse, it would be difficult to explain the use of the cognate šibtu in the corresponding curse of the Assyrian version (see discussion below). In contrast to Branowski (“The Old Aramaic and Biblical Curses,” 178), I do not see the translation of šbt as “epidemic” as a “stylistically clumsy repetition”. The “epidemic of Nergal” is in apposition to “plague” and serves to further identify the mwtn plague, associating it with the god Nergal.
We can begin by noting the similarities between these two sets of curses. In this regard, it should be noted that each curse, apart from curse ten, is connected to the corresponding curse in the parallel version through clusters of concrete anchor points, including shared subject matter, cognate vocabulary, lexical equivalents, similar modes of expression, and similarity in imagery. For example, each version of curse one contains a wish that the god Adad/Hadad would not accept food or drink from the person being cursed (shared subject matter), uses the name of the same deity (cognate vocabulary), uses the same epithet for the deity (lexical equivalent), uses the language of “not accepting” (lexical equivalent), uses the word “food/bread” (lexical equivalent), and uses the word “water” (cognate vocabulary). Based on the combination of these anchor points, it should be clear that even if these curses were found on separate objects, they would still be easily recognized as having a close historical relationship with each other.

It should be noted, however, that even though there are a number of significant differences between the two versions of curse ten, they are still connected to each other through three concrete anchor points: first, each version deals with the subject of plague; second, both curses use a word from the root šbṭ (šibṭu/šbṭ) (cognate vocabulary); and, third, each version uses the language of disease not being “cut off from his land” (lexical equivalents). While it would be difficult to argue that these curses had a close historical relationship with each other if they were found on separate objects and in different literary contexts, the strength of the sequence of curses

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45 As in Hebrew, the term “bread” in Aramaic can be used as a more general term for food.
46 It should be noted that the cognate vocabulary used in these curses should not be attributed to linguistic interference. In each case, the cognate words are the words one would expect to see for the ideas expressed in the target language. For example, in four of the curses, both versions use cognates for the word “one hundred”. This, however, should not be surprising since the standard word for “one hundred” in each language happens to be cognate with each other. Something similar can be said for the word “oven” in curse eight: the terms used in each language are simply the standard words for “oven” in each language. See See Stephen A. Kaufman, *The Akkadian Influences on Aramaic* (Oriental Institute of the University of Chicago Assyriological Studies 19; Chicago: University of Chicago Press, 1974), 108. This means that the cognate vocabulary in these passages have no more significance for connecting the two passages together than lexical equivalents. Cf. Frederick Mario Fales, “Le double bilinquisime de la statue de Tell Fekhery,” *Syria* 60 (1983), 248-9.
47 While the words “cut off” and “his land” could be seen as separate concrete anchor points, the two terms belong together as part of a single expression.
would be enough to overcome the deficit caused by the differences between the two curses. That
being said, if these curses had no concrete anchor points to connect the two passages together,
there would be little justification for explaining the differences between the curses through
normal changes that happen when curses are translated from one language to another.

Despite the fact that the curses in these two passages share so many concrete anchor points,
there are a number of significant differences that need to be noted:

(a) First, in the Assyrian version, curses five through eight are simple wish curses while the
same curses in the Aramaic version are futility curses. Simple wish curses can be defined as
curses that express a desire that something negative would happen, whether directly or indirectly,
to the person or party being cursed.48 The main difference between simple wish curses and
divine wish curses is that simple wish curses leave out the name of the divine agent that would
carry out the curse.49 Futility curses, on the other hand, are made up of two parts.50 The first
part contains a description of an action that would be carried out for the benefit of the person
being cursed and is often worded in an exaggerated form. The second part contains a wish or
prediction that the action being described would not succeed.51 The main difference between the

48 Delbert R. Hillers, Treaty-Curses and the Old Testament Prophets (BibOr 16; Rome: Pontifical Biblical Institute,
1964), 26-27, refers to these curses as simple maledictions.
49 For the terminology used here see Paolo Merlo, “Literature,” in The Aramaeans in Ancient Syria (ed. Herbert
Niehr; HDO 106; Leiden: Brill, 2014), 121. Although Merlo is summarizing Hillers in this section, Hillers (Treaty-
Curses and the Old Testament Prophets, 12-18) does not give a name to this type of curse but simply calls it “the
curse by the gods or by a single god”.
50 Cf. Hillers, Treaty-Curses and the Old Testament Prophets, 28-29; Kandy Queen-Sutherland, “The Futility Curse
in the Old Testament,” (PhD diss., The Southern Baptist Theological Seminary, 1982), 48-50; Christoph Koch,
“Zwischen Hatti und Assur: Traditionsgeschichtliche Beobachtungen zu den aramäischen Inschriften von Sfire,” in
Die deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichtliche Perspektiven zur
„Deuteronomismus“ und zur Ausbildung der Bundestheologie im Alten Testament (ed. Markus Witte et al.; BZAW
365; Berlin: Walter de Gruyter, 2004), 95-96, 101-2; Martien Halvorson-Taylor, Enduring the Exile: The Metaphorization of Exile in the
Hebrew Bible (VTSup 141; Leiden: Brill, 2011), 27; Bob Becking, “Coping with Drought and Famine in Some
Post-Exilic Texts,” in Thinking of Water in the Early Second Temple Period (eds. Ehud Ben Zvi and Christoph
Levin; BZAW 461; Berlin: Walter de Gruyter, 2014), 248.
51 In the Old Testament, futility curses are worded as simple predictions rather than as wishes since YHWH himself
is presented as the person giving the curse through the speaker – the deity performing the curse does not have to
wish that the curse would happen; they simply need to do it. This matches the predictive form of curses in
Deuteronomy 28 and other places where YHWH is presented as giving the curse through a speaker. Cf. the
two genres in the Tell Fekherye Inscription is that futility curses have a slightly more dramatic effect on the hearer/reader than simple wish curses: in futility curses the drama of failed expectation is played out in the hearer/reader’s mind as the curses are read or recited to them.\textsuperscript{52}

Steymans uses this shift in genre to formulate the principle that the genre of curses can be transformed when curses are translated from one language to another. However, before coming to a conclusion about the validity of this principle, it is important to ask why the genre of these curses shifted in these particular situations. But, in order to answer this question, it is first necessary to know which version likely served as the donor text for the other. According to Greenfield and Shaffer, the Aramaic version of these curses served as the donor text for the Assyrian version.\textsuperscript{53} This is based on the richness of the language used in the Aramaic version as opposed to the bland formulation in the Assyrian version.\textsuperscript{54} Christoph Koch arrived at the same conclusion based on the fact that futility curses were commonly used in the Aramaic tradition and that the curses in the Assyrian version appear to be poor translations of the Aramaic

\textsuperscript{52} According to Steymans, \textit{Deuteronomium} 28, 159, the fact that the Assyrian version translates the futility curses as simple wish curses shows that simple wish curses in Akkadian could be seen as the functional equivalent of futility curses. While it is true that the curses in the Assyrian version have essentially the same meaning as the curses in the Aramaic version, the impact that a futility curse would have on the reader/hearer compared to that of a simple wish curse should not be underestimated.

\textsuperscript{53} Greenfield and Shaffer, “Notes on the Curse Formulae,” 265: “The editors have proposed that the inscription be divided into two main parts: Assyrian ll. 1-18 and 19-38, Aramaic ll. 1-12 and 12-23. We believe that alongside this division one following the original language of composition can be made: Assyrian original – Assyrian ll. 1-26 = Aramaic ll. 1-16; Aamaic original – Assyrian ll. 26-38 = Aramaic ll. 16-23.”

\textsuperscript{54} Ibid., 265. “The Aramaic is rich while the Assyrian equivalent is, except for the last curse, poor and secondary.”
version.\textsuperscript{55} Frederick Fales, noting the similarities between these curses and the curses in the Sefire I treaty, came to a similar conclusion.\textsuperscript{56}

It seems likely, then, that the Aramaic version of these curses served as the basis for the Assyrian version. The question that needs to be asked, then, is why did the Assyrian version translate the futility curses as simple wish curses? The most likely explanation is that the Assyrian version transformed these curses into simple wish curses because futility curses were not typically used in the Mesopotamian tradition.\textsuperscript{57} One difficulty with this solution, however, is that not all of the futility curses from the Aramaic version are translated as simple wish curses: curses three and four in the Assyrian version are also futility curses. The only discernible difference between these curses and curses five through eight is that the actions described in curses three and four are of a more realistic character than the actions described in curses five through eight: both deal with the simple action of sowing seeds. The actions described in curses five through eight, on the other hand, are completely unrealistic: they are formulated in an unrealistic way to heighten the sense of frustration in the second part of the curse. The formulation in the Aramaic version of these curses assumes, for the sake of effect, that the scenario could actually take place whereas the formulation in the Assyrian version communicates the same idea without assuming that the scenario could actually take place.

The most likely solution to this problem, then, is that curses five through eight in the Aramaic version were transformed into simple wish curses in the Assyrian version both because futility

\textsuperscript{55} Christoph Koch, “Zwischen Hatti und Assur,” 393 n. 65: “Die Richtung der Abhängigkeit ergibt sich m.E. aus der Tatsache, dass die aramäische Fassung eine geprägte aramäische Fluchgattung bietet, was in der assyrischen Fassung, die hier mehr schlecht als recht eine Übertragung in den assyrischen Fluchstil versucht, nicht in der Fall ist.” The Sefire Treaties, for example, contain several futility curses. See Sefire I: 21 24 in Fitzmyer, The Aramaic Inscriptions of Sefire, 44-45.

\textsuperscript{56} Fales, “Le double bilinguisme,” 249. Fales also notes that the Aramaic version was also influenced by the Assyrian tradition and suggests that both versions were written by a single scribe who was bilingual (ibid., 250).

\textsuperscript{57} Greenfield and Shafer (“Notes on the Curse Formulae,” 271) note that a similar theme can be found in the Annals of Assurbanipal: “even when the young camels, donkey foals, calves and lambs sucked seven times at the mothers who nursed them yet they could not satiate their stomachs with milk.”
curses were uncommon in the Mesopotamian tradition and, more tentatively, because of the exaggerated form of these particular futility curses. While it is true that the Assyrian version of these curses also appear in an exaggerated form, they do not assume, even for the sake of effect, that the scenario could actually take place. Curses three and four were most likely translated as futility curses in the Assyrian version because the scenario described in these curses is more realistic.

Despite these differences, however, the curses can still be recognized as essentially being the same curses. The subject matter of these curses, the main actors in these curses, and the lack of filling/satisfaction are essentially the same\(^58\) and serve as anchor points to connect these passages together. If these curses were not found on the same monument they would still likely be seen to have a close historical relationship with each other.

(b) Second, in curses one and two, the Assyrian version (Assyrian: ll. 26-30) prays that *Adad* and *Šala* would not accept food or water from the person who erases Hadad-yis‘ī’s name from the furnishings of the temple. The Aramaic curses (Aramaic: ll. 16-18) are virtually identical to the Assyrian version except for the fact that (1) in curse one the Aramaic version has the words “from his hand” (*mn ydh*) instead of “from him” (the third masculine singular pronominal suffix on the verb *maḥārum* [“to accept”]), (2) in curse two the Aramaic version has “from his hand” while the Assyrian version has no equivalent, and (3) the name of the goddess invoked in curse two seems to be different (see below). Assuming that the Assyrian version was translated from the Aramaic version, “from his hand” would have been deemed either unnecessary (curse two) or simply not in line with the grammar used in the Assyrian version (curse one). This shows that

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\(^58\) There are two main differences in the actors that are portrayed in these curses. In the Aramaic version of curse seven, the main actor is simply a woman while in the Assyrian version the main actor is a mother. In the Aramaic version of curse eight, the main actor is simply a woman whereas in the Assyrian version the main actor is a female baker. In both cases the Assyrian version is simply using a more specific term than the one in the Aramaic version, though the referents are clearly identical.
equivalence in meaning (i.e. translational acceptability) was deemed to be more important than formal equivalence (translational adequacy).

(c) Third, in curse two (Assyrian: ll. 29-30, Aramaic: l. 18) the Assyrian version invokes the goddess Šala while the Aramaic version invokes the goddess wsl. Greenfield and Shaffer suggest that the form wsl in the Aramaic version was due to metathesis and should actually be read wsl, making the goddess in the Aramaic version identical with the goddess of the Assyrian version. 59 Edward Lipiński, on the other hand, dismisses this suggestion and suggests that wsl represents the goddess Šuwala (=twl), a goddess attested in texts from Ugarit (Ugaritic and alphabetic Hurrian), Emar, and in a seventh century BCE text from Assyria that records an Egyptian scribe purchasing a house in Nineveh (SAA 6 142, 3 and r.3, a-mat d su-uʾ-la, “the maidservant of the goddess Suʾla,” the name of one of the owners of the house). 60 Lipiński also notes that the goddess Šuwala appears in a ritual text at Emar with the god Nergal, 61 who also appears in curse ten of Text B in the Tell Fekherye inscription. If Lipiński’s explanation is accepted, the Assyrian version of curse two simply replaced Šuwala with a goddess in the Assyrian pantheon whose name was phoenetically similar.

(d) Fourth, in the Aramaic version of the fourth curse (l. 19), the person being cursed sows a thousand barley seeds but only takes in a half-measure while in the Assyrian version the item being sown is not specified and the unit for measuring the reaping is different. The difference in unit is likely due to what would have been considered a low unit of measure in each language. The omission of the word “barley” in the Assyrian version is parallel with the omission of the same word in lines 36-37 where the Aramaic version (l. 22) also has barley (šʾrn). 62 It is not

60 Lipiński, Studies in Aramaic Inscriptions and Onomastics II, 31-33.
61 Ibid., 32.
62 This is another reason for assuming that šʾrn refers to barley in the fourth curse (Aramaic: l. 19).
entirely clear why the Assyrian version omits the word “barley” but the context is sufficiently clear to assume that something like “barley” was intended.

(e) Fifth, the Aramaic version of curse nine (Aramaic: l. 22) is quite similar to the Assyrian version (Assyrian: ll. 36-37) but at the end it says, “and may they eat it”. Again it is unclear why the Assyrian version would omit this part of the curse but it is possible that it may have been seen as a superfluous element since gleaners would naturally eat what they glean. Another possibility is that the Aramaic version was written in a more vulgar style than the Assyrian version and could, therefore, include elements that would have been considered beneath the style of the Assyrian version.

(f) Sixth, the Aramaic version of curse ten (Aramaic: l. 23) differs in at least three significant ways from the Assyrian version (Assyrian: ll. 37-38). First, based on the translation of šbṭ in the Aramaic version as “epidemic” rather than “rod”, the Assyrian version lacks an equivalent to the phrase zy nyrgl (“of Nergal”). While it is difficult to know for certain why the Assyrian version omitted the phrase “of Nergal”, it seems likely that it was omitted because the Assyrian translator was trying to preserve traditional phraseology used in Assyrian curses, which would have been interrupted by the addition of the phrase “of Nergal”.63

Second, the Assyrian version lists diʿu (“a disease affecting the head”) as the first in its series of ailments while the Aramaic version uses the word mwtn (“plague”). As Greenfield and Shaffer note, mwtn is a loanword from the Akkadian word mūtānu (“epidemic, plague”).64 But why did the Assyrian translator use diʿu instead of mūtānu when mūtānu is cognate with mwtn? If šbṭ zy nyrgl does, in fact, mean “the epidemic of Nergal” as argued above, a ready explanation is available. The Assyrian translator would likely have understood šbṭ zy nyrgl to be the central

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63 See the comments below about traditional lexical groupings as the explanation for why the curses in the Assyrian version of curse 10 are different from the Aramaic version.
element in the Aramaic curse, which explains why the cognate word šibṭu appears in the Assyrian version. Since the Assyrian translator wanted to adhere to traditional lexical groupings used in Akkadian curses, the translator added the word di’u by reflex since di’u and šibṭu appear side-by-side in several Akkadian curses in this order.65

Third, the Assyrian version includes a third ailment in its list of ailments as opposed to the two mentioned in the Aramaic version. The third ailment in the Assyrian curse is “sleeplessness” (dilipte). This third ailment may have been added because the translator wanted to adhere to traditional lexical groupings used in Mesopotamian curses: the word di’u often appears side-by-side with dilepte in Mesopotamian curses.66 It also appears side-by-side with šibṭu. The word dilepte was likely added as a reflex based on these other two words to conform this curse to traditional Mesopotamian usage.

Based on the differences between these two curses, Steymans formulated the principle that when curses are translated from one language to another in ancient Near Eastern texts, curses that contain lists can sometimes be expanded.67 However, in this case it is important to ask why the list in the Assyrian version is longer than the list in the Aramaic version. Based on the analysis given above, the list of ailments in the Assyrian version is longer because the translator was conforming the curse to traditional lexical groupings used in Mesopotamian texts. Simply saying that curses with lists can be expanded when translated from one language to another is insufficiently nuanced to be used as a principle that can be applied to other texts, including Deuteronomy 28. A more specific principle is that when a text displays concern for following traditional modes of expression, curses can be modified in translation to correspond to those

65 CAD D, 165.
66 CAD D, 142.
67 Steymans, Deuteronomium 28, 194: “Glieder einer Aufzählung werden vermehrt.”
modes of expression. When applying this principle it cannot simply be assumed that expansion of lists in curses is due to this phenomenon: other factors could be involved.

It should be reemphasized, however, that if the two versions of curse ten appeared on separate objects, it would not be apparent that these curses had a close historical relationship with each other. This is true despite the fact that these curses share three anchor points with each other. It is only when these curses are read in sequence with the other curses from the inscription that it can be seen that they have a close historical relationship with each other. However, the fact that these curses are connected to each other through three concrete anchor points warranted trying to find an explanation for why the two versions are not identical. This will be important as we analyse the parallels between EST and Deuteronomy 28.

Despite the differences between the curses in this part of the inscription, all of them, except for curse ten, are easily recognized as having a close historical relationship with each other based on the concrete anchor points that are shared between the two passages. In the case of curse ten, the strength of the sequence as well as the three concrete anchor points that do exist, were enough to compensate for the deficit caused by the differences between the curses.

2.4.2 Conclusions

There are several conclusions that can be drawn based on the comparisons between the Assyrian version of the Tell Fekherye Inscription and the Aramaic version. First, despite the differences between the curses in each version, the subject matter of the curses remained essentially the same throughout. The only significant difference was the use of *di‘u* (“disease affecting the head”) and *dilipte* (“sleeplessness”) in the Assyrian version of curse ten (Assyrian: ll. 37-38). But even there the central ailment šibṭulšḥ (“epidemic”) remained the same. Second, despite the shift in genre in curses five through eight, the curses are still recognizable as being essentially the same curses because of the concrete anchor points that connected the curses
together. Finally, even though the corresponding curses are essentially the same, the translator seems to have felt the freedom to make minor changes to the curses to fit the style and traditional language of the receptor language.

2.5 The Bisitun Inscription

The Bisitun (or Behistun) inscription, which dates to somewhere between 520 and 518 BCE, was written to commemorate the events of the first two years of the reign of King Darius I of Persia. As with most inscriptions from the Achaemenid period, the Bisitun Inscription was written in three different languages: Elamite, the language of administration in Susa, one of the four capitals of the Persian Empire; Old Persian, the language that would have been spoken by King Darius I; and Babylonian, one of the two languages used for administration in the Babylonian Empire, which the Persians had conquered only twenty years earlier. In addition to the versions found at Bisitun, two additional fragments written in Babylonian were discovered in Babylon and two fragmentary copies in Aramaic were discovered in Egypt, one at Elephantine and the other at Saqqara.

Scholars are generally agreed about the order that the inscriptions were written in: the Elamite version was written first, followed by the Babylonian version, and then the version written in Old Persian. However, there is disagreement about how these versions are related to each other and which version(s) served as the Vorlage for each text. According to Bae, the text of the inscription was originally given orally in Old Persian and was transcribed phonetically using the

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68 Galter, “Cuneiform Bilingual Royal Inscriptions,” 42; Rüdiger Schmitt, The Bisitun Inscription of Darius the Great: Old Persian Text (CII i.1; London: Corpus Inscriptionum Iranicarum and School of Oriental and African Studies, 1991), 18-19. The inscriptions referred to here do not include the minor inscriptions or supplements that are also found at Bisitun.
69 Chul-Hyun Bae, “Comparative Studies of King Darius’s Bisitun Inscription” (PhD Diss., Harvard University, 2001), 3; Galter, “Cuneiform Bilingual Royal Inscriptions,” 41.
70 Bae, “Comparative Studies,” 4.
71 Ibid., 3-4.
Aramaic script. Bae suggests that all three versions can be traced back to this single version, with the version written in Old Persian making use of the Elamite version, the Babylonian version, and the Old Persian version written in Aramaic characters. According to von Voigtlander, the oral dictation of this text may have been in Aramaic, a language that Darius may have learned while serving as an officer in Egypt. For von Voigtlander, both the Elamite and the Babylonian versions were translated at the same time from the same oral dictation in Aramaic. The Old Persian version, because of its correspondences with the Elamite version and its differences with the Babylonian version, was likely translated from the Elamite version. According to Schmitt, the inscription was originally given orally in Old Persian and transcribed into Elamite. At the same time, the Old Persian dictation may have been translated into Aramaic, which served as the Vorlage for the Babylonian version. The version written in Old was then translated from the Elamite version. While it is difficult to know for certain which reconstruction of the history behind these three versions is correct, it is clear that the relationship between these versions is complex.

2.5.1 Analysis

Unlike the inscription discovered at Tell-Fekherye, the Bisitun inscription contains both blessings and curses. However, since blessings belong to the same general genre as curses, they can be dealt with here as well. The blessings and curses from the inscription read as follows:

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72 Bae, “Comparative Studies,” 6.
73 Ibid., 7.
75 Ibid.
76 Ibid.
79 Ibid., 19.
80 For the sake of consistency, Bae’s translation of all three versions will be given here.
<table>
<thead>
<tr>
<th>Section #</th>
<th>Old Persian §§65-67</th>
<th>Elamite §§53a-c</th>
<th>Babylonian §§53a-c</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Darius the King says: You, whoever hereafter shall look at this inscription which I have written down, or these sculptures, should not destroy (them), as long as you are vigorous. Thus protect them!</td>
<td>[And Darius the King says: You, who will see hereafter this inscription, which I wrote! Do not destroy these sculptures and reproduction as long as you have strength. Thus you shall protect (it).]</td>
<td>Darius the King says thus: You, the one who hereafter will see that stele and those sculptures! Do not destroy them as long as you have power. Protect them.</td>
</tr>
<tr>
<td>2</td>
<td>Darius the King says: if you shall look at this inscription or these sculptures, (and) shall not destroy them and, as long as you have strength, shall protect them, may Ahuramazdā be pleased with you, and may you have much family and may you live long! And whatever you shall do, may Ahuramazdā make that successful for you!</td>
<td>And if you shall look at this inscription (and) this sculpture, [and shall not] destroy [them], (but) as long as there is strength thus you shall protect, may Ahuramazdā befriend you and you [shall expand] your family [and] may you live for a long time. And whatever you shall do, may Ahuramazdā it make successful!</td>
<td>If you see that stele and those sculptures (and) do not [destroy them, but as long as you have power, you protect them, may Ahuramazdā protect you, may he give you prosperity, may he love you, [may he increase your descendant(s), may he prolong your days. May whatever you do, may Ahuramazdā cause it to prosper in your hands!</td>
</tr>
<tr>
<td>3</td>
<td>Darius the King says: If you look at this inscription or these sculptures, (and) destroy them and not, as long as you have strength protect them, may Ahuramazdā be your destroyer, and may you have no family! And whatever you shall do, may Ahuramazdā let that go wrong for you!</td>
<td>And if you destroy this inscription (and) sculpture, (and) do not protect, may Ahuramazdā kill you and may you not expand your family. [And whatever you do,] may Ahuramazdā destroy [that one]!</td>
<td>If you see this stele and these sculptures and you destroy them and do not protect [them as long as you have power], [may Ahuramazdā curse [you] and may you have no descendants, and whatever you do, may [A] huramazdā remove (it) from your hand.</td>
</tr>
</tbody>
</table>

The blessings and curses in the inscription can be examined one section at a time:

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81 Schmitt, *The Bisitun Inscriptions of Darius the Great: Old Persian Text*, 72, translates this “may Auramazdā be friendly to you,” which is closer to the Elamite version than the translation given by Bae.
83 von Voigtlander, *The Bisitun Inscription of Darius the Great: Babylonian Version*, 61, translates this as “may he befriend you.” The Akkadian behind this translation is *li-ra am-ka* from the verb *râmu(m)* or *ra’amu*. Bae’s translation is to be preferred since *ramû(m)* is better translated as “to love.” See *CAD R*, 137-45.
(a) There are several differences between the blessings in section one. First, while the Old Persian and Elamite versions make reference to the inscription, the Babylonian version makes reference to the stele on which the inscription was written but does not mention the inscription itself. Second, both the Old Persian and Elamite versions make reference to the king writing the inscription (“which I have written down,” “which I wrote”) but the reference to the king writing the inscription is missing from the Babylonian version. This omission would be expected since the phrase “which I wrote” in both the Old Persian and Elamite versions modify the word “inscription”, which is also lacking in the Babylonian version. Third, the Babylonian version mentions both the stele and the sculptures in the initial address to the reader. The Elamite version also mentions the sculpture, but in the command rather than in the address. The Old Persian version is half-way between the two: the sculptures are mentioned in the address but the command and the address are part of the same sentence. Fourth, in addition to the sculptures, the Elamite version mentions something called a “reproduction,” while the other versions lack an equivalent for this word. According to Bae, the word used here, pattikara, is in Old Persian and is a gloss for the Elamite word innakkanuma (“sculpture”). As a gloss, it would have been unnecessary to reproduce an equivalent in the other two versions. Despite these differences, it is clear, however, that these versions represent the same blessing. The mention of King Darius, the action of seeing the inscription/stele, the command to not destroy the sculptures, and the actual blessing serve as anchor points connecting the versions together. Even the temporal/limiting qualifier, “as long as you are vigorous” (Old Persian), “as long as you have strength” (Elamite), and “as long as you have power” (Babylonian) are essentially the same and serve to anchor the three versions together.

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(b) There are also a number of differences in the blessing of section two. First, the version written in Old Persian introduces the section by repeating the introduction from section one, “Darius the King says,” while the same introduction is missing from the Elamite and Old Babylonian versions. Second, once again, instead of mentioning the inscription itself, as in the Old Persian and Elamite versions, the Babylonian version refers to the stele on which the inscription was written. Third, the verb in the first part of the blessing is different in each of the versions: the Old Persian version says, “may Ahuramazdā be pleased with you,” the Elamite version says, “may Ahuramazdā befriend you,” and the Babylonian version says, “may Ahuramazdā protect you.” It is unclear why the versions differ at this point but it is clear that the meaning of these blessings is slightly different. Fourth, the second blessing in the Babylonian version of this section is a prayer that Ahuramazdā would give prosperity to the person who protects the stele. This blessing is not found in the other versions. It may have served as a summary for the blessings that follow. Fifth, the third blessing in the Babylonian version is a prayer that Ahuramazdā would love the person who protects the stele. This blessing is missing in the other two versions. Once again it is unclear why the difference exists but it can be noted, however, that the language of love was common in texts written in Akkadian and may not have been as common in Old Persian or Elamite idiom. Sixth, the Old Persian and Elamite versions pray that Ahuramazdā would allow the person being blessed to live for a long time while in the Babylonian version the blessing is that the individual’s days be prolonged. The meaning is essentially the same in all three versions – the Babylonian version simply uses an idiom that is familiar from Hebrew, Aramaic, and Akkadian. Finally, the Babylonian version uses the typically Semitic idiom “in your hands” at the end of the blessing. In this case “may Ahuramazdā cause it to prosper in your hands” means, “may Ahuramazdā cause it to prosper through you” or “as you do it.” “In your hands” is missing from the other two versions.
Most of the differences in the section just examined are in the Babylonian version: except for the verb in the first part of the blessing, the Old Persian and Elamite versions are essentially the same. According to Steymans, the Babylonian version differs so significantly from the other two versions that if the inscription had not been found on the same monument with the other two inscriptions and if the name of the god Ahuramazdā had not been used, it would be difficult to think that the Babylonian version was a translation of the same text. However, even though the Babylonian version does differ at significant points, the anchor points in the Babylonian version are strong enough to connect it to the other two versions. The only substantial differences are the verb used in the first part of the blessing (“protect you”) and the addition of the blessing of prosperity and love. Besides these two differences, the rest of this section is essentially the same as the other two versions. One could immediately see that at least a close historical relationship existed between these curses if they were found in different contexts.

(c) The final section deals with the curse that would fall upon a person if they destroyed the inscription or the sculptures. Once again there are several differences between the three versions. First, as in the previous two sections, the Old Persian version introduces this section with the words, “Darius the King says,” which is missing in the other two versions. The Old Persian version has this introduction in all three sections. The only other place where this introduction occurs is in section one of the Old Elamite and Babylonian versions.

Second, as we noted in the previous two sections, the Babylonian version makes reference to the stele in the first part of the curse while the other two versions make reference to the inscription itself.

85 Steymans, Deuteronomium 28, 190. Steymans’ comment in this section was meant to apply to the entirety of the Babylonian version in the sections dealing with blessings and curses. However, the differences are more apparent in this section than the other two sections.
Third, both the Old Persian and Babylonian versions of the curse begin with the scenario of someone seeing the inscription/stele and then destroying it whereas the Elamite version begins with the scenario of destruction and omits the perpetrator seeing the inscription/stele. The reference to seeing the inscription/stele may have seemed superfluous to the translator of the Elamite version but it is difficult to know for sure why the translator of the Elamite version omitted this part of the curse.

Fourth, while the version written in Old Persian and, presumably, the Babylonian version,\(^{86}\) add the limiting qualifier “as long as you have strength/power” to protect the inscription/stele/sculptures, the limiting qualifier is missing in the Elamite version. Again, this may have seemed superfluous to the translator of the Elamite version since it is found in the previous two sections.

Fifth, the first curse listed in the apodoses of the three versions are different from each other. The Old Persian version says, “may Ahuramazdā be your destroyer,” the Elamite version says, “may Ahuramazdā kill you,” and the Babylonian version says “may Ahuramazdā curse you.” The Old Persian and Elamite versions have essentially the same meaning but differ in mode of expression. The curse in the Babylonian version is quite general and is open to interpretation: it does not demand that the perpetrator’s life be taken away. It is unclear why the Babylonian version differs at this point.

Sixth, the final curse in each of the three versions are different. The Old Persian version says, “And whatever you shall do, may Ahuramazdā let that go wrong for you,” the Elamite version says, “[And whatever you do,] may Ahuramazdā destroy [that one],” and the Babylonian version says, “and whatever you do, may Ahuramazdā remove (it) from your hand.” The Babylonian version has essentially the same meaning as the Old Persian version but is cast in a

\(^{86}\) The text is damaged at this point in the Babylonian version.
more Semitic form. The Elamite version wishes destruction on whatever the perpetrator does. While the curse in the Old Persian and Babylonian versions could potentially include destruction, the wording does not demand it. The Old Persian and Babylonian versions simply request that the perpetrators be unsuccessful in whatever they undertake.

Once again, however, even though the three versions differ from each other they are still easily recognizable as being the same text. There are a number of anchor points that connect the three versions together: the mention of the sculptures, the scenario of destroying and failing to protect the inscription/stele, the mention of the god Ahuramazdā, the curse on the expansion of the perpetrator’s family, and the curse on the perpetrator’s undertakings.

2.5.2 Conclusions

The blessings and curses in the three versions of the Bisitun inscription certainly do have a number of significant differences between them. Some of the differences, at least in the Babylonian version, were due to a desire for translational adequacy as opposed to translational acceptability. However, despite the differences between these versions, there are a sufficient number of anchor points between the three versions that even if the three sections examined here were separated from each other and were found in different locations they would still be easily recognized as either having a close historical relationship with each other.

2.6. Lydian-Aramaic Inscription

The next text to be examined is the Lydian-Aramaic Bilingual Inscription from Sardis. The inscription, which dates to the tenth year of Artaxerxes I of Persia (455 BCE), Artaxerxes II (394

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or Artaxerxes III Ochos (348 BCE), was written on the stone door of a family tomb. The inscription contains two versions of the same text, one in Lydian and the other in Aramaic. The inscription identifies the name of the family who owns the tomb and calls down curses on the person who would remove the stone or damage/destroy anything in the tomb. According to Elspeth Dusinberre, the names on the tomb suggest that the family who owned the tomb was Lydian. Dusinberre also suggests that the Aramaic version was included to warn off looters with both the threat of divine sanction and the threat of punishment from Persian authorities, whose administrative language was Aramaic. It seems more likely, however, that the use of Aramaic simply shows that a significant number of people in Sardis spoke Aramaic or could read Aramaic.

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Luwian Hieroglyphic Texts 2 (Innsbrucker Beiträge zur Kulturwissenschaft; Innsbruck: Institut für Sprachen und Literaturen der Universität Innsbruck, 2005), 119-47. Translations from both the Lydian and Aramaic versions are mine. The system of transliteration used for the Lydian inscription follows Gusmani.

88 Torrey, “The Bilingual Inscription from Sardis,” 191-2, gives both Artaxerxes I and Artaxerxes II as possibilities but prefers Artaxerxes I. The Aramaic version of the inscription begins with these words: “On the fifth of Marḥešwān, in the tenth year of Artaxerxes the King in the fortress of Sardis.”

89 Edward Lipiński, Studies in Aramaic Inscriptions and Onomastics II, 155, prefers this date on palaeographic grounds.

90 Lydian is an Indo-European language closely related to Luwian and Hittite. The language is written in a script closely related to the Greek alphabet. The Lydian-Aramaic Bilingual Inscription was key to deciphering the Lydian alphabet. For a brief history of the decipherment of the Lydian alphabet and research into the language itself see Gusmani, Lydisches Wörterbuch, 24-25.


92 Ibid., 116: “Thus the inscriber may be invoking not only the power of the gods to keep his tomb inviolate, but also that of the Achaemenid authorities (backed up by the Achaemenid army).”

93 For neo-Assyrian cultural influence on Lydian in the seventh century BCE see Simo Parpola, “Assyria’s Expansion in the 8th and 7th Centuries and Its Long-Term Repercussions in the West,” in Symbiosis, Symbolism, and the Power of the Past: Canaan, Ancient Israel, and Their Neighbors from the Late Bronze Age through Roman Palaestina (ed. William G Dever and Seymour Gitin; Winona Lake, Indiana: Eisenbrauns, 2003), 102-3. This cultural influence would have certainly led to at least some of the population of Sardis being proficient in Aramaic even up to the time of this inscription’s writing in the Achaemenid period. Edward Lipiński, Studies in Aramaic Inscriptions and Onomastics II, suggests, based on Obadiah 20, that a Jewish community lived in Sardis at this time and that their language would have been Aramaic. Regardless of which explanation is correct, the simplest explanation for the Aramaic version of the inscription is that a substantial number of people in Sardis read Aramaic rather or better than Lydian.
The Lydian version of the inscription was likely written first and then translated into Aramaic. The text contains only a single curse:

<table>
<thead>
<tr>
<th>Lydian Version (ll. 3-8)</th>
<th>Aramaic Version (ll. 4-8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whoever (damages)(^96) this stele or this burial chamber or this entrance corridor(^97) or whatever belongs to this burial chamber – whoever damages anything else,</td>
<td>And whoever (damages)(^98) this stele or cave or pillar(^99) which is before the entrance corridor(^100) of this cave – whoever(^101) damages or breaks anything,</td>
</tr>
<tr>
<td>Artemis of the Ephesians and Artemis of the Kolotians will devastate (his) courtyard and</td>
<td>may Artemis of Koloe and of the Ephesians destroy for him and his heir(^102) his</td>
</tr>
</tbody>
</table>

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\(^94\) This is based on the fact that the Lydian inscription comes first, the fact that the inscription was found in the Lydian capital (Sardis), and the fact that the family name on the tomb appears to be in Lydian.

\(^95\) I have translated the Lydian text from the transliteration of the Lydian text in Gusmani, *Lydisches Wörterbuch*, 250.

\(^96\) Understood from the verb that comes later on in the protasis.

\(^97\) Lyd. *laqirisav*. Littmann (Sardis: Volume VI, 26) translates this as “funerary couches”. Gusmani, *Lydisches Wörterbuch*, 159, suggests that *laqirisav* should be translated “dromos” based on evidence from Inscription 7 in his book. Inscription 7 is the only inscription to be found at the actual gravesite itself. By narrowing down the items that *laqirisav* could refer to based on comparing the other items mentioned in the inscription with a sketch of the grave site, the only item that *laqirisav* could refer to is the dromos, the passage leading up to the tomb.

\(^98\) Understood from the verb that comes later on in the protasis.

\(^99\) Ar. לדרה. The meaning and even the proper spelling of this term (ד and ר are difficult to distinguish) are unclear. Torrey (“The Bilingual Inscription from Sardis,” 188, 193), who attaches the ה to the following word, connects this word with the Persian word *dīraḥt* (“pillar”). Edward Lipiński, *Studies in Aramaic Inscriptions and Onomastics II*, 157, derives this word from the same root but translates it as “tree”. Kahle and Sommer, “Die lydisch-aramäische Bilingue,” 33, and *KAI II*, 306, translates this as *Mauer*, reading לדרה and translating it according to the Arabic cognate *rudha*. Though it is difficult to be certain my translation translates the word as “pillar” simply because a Persian loanword (דשתא, “pillar”) appears only a few words earlier, which suggests that a Persian background for this word might also be appropriate.


\(^101\) Ar. וירת. See discussion further below.

\(^102\) Ar. הרות or וירת. The מ, ר, and ד are difficult to distinguish in this text. Littmann (“Lydian Inscriptions,” 37) and Torrey (“The Bilingual Inscription from Sardis,” 198) read this word as מירת and connect it with the noun מירת, which means “heir” or “inheritor” (cf. מירת). If the word is read מירת (Kahle and Sommer, “Die lydisch-aramäische Bilingue,” 77, and *KAI II*, 308) then it could come from the verb מירת (“to break”). This explanation is attractive since this would be the second time in this inscription that a single Lydian verb is translated with two semantically related verbs in Aramaic. However, this verb seems to mean “to break” as in “to break bread” rather than “to break” in general. See מיר in Jastrow, 1256, and מירת in SL, 1269, and מירת (same word) in CSD, 469. Edward Lipiński, *Studies in Aramaic Inscriptions and Onomastics II*, 160, who reads the word as מירת, though with the meaning of “inheritance,” believes that the word originally belonged at the end of line seven but the inscriber ran out of room and decided to write it at the end of line eight. While this would certainly solve the difficulty with this word, it is difficult to see why the inscriber would append it to the end of line eight when it could easily have been inscribed at the beginning of line eight and, therefore, preserve the right order. In addition, when the scribe was approaching the end of a line and was running out of room, the writing appears to become smaller to allow for the words at the end to fit (see diagram in Torrey, “The Bilingual Inscription from Sardis,” 186). The writing on line seven, however, seems to become larger toward the end of the line. In addition, the term “inheritance” does not seem to suit this context very well.
2.6.1 Analysis

There are several observations that can be made about how these versions compare with each other:

(a) There are two main differences between the two versions in the protasis of the curses.

First, the Aramaic version includes the words אָרְחַת ל (pillar?) and לֶכֶל ב ("before, in front of"), which have no equivalent in the Lydian version. However, since the meaning of אָרְחַת is unclear it is difficult to know why the Aramaic version would have included these words when the Lydian version has no equivalent. Second, the Aramaic version includes a second verb in the protasis (יפרך, “to break”) while the Lydian version includes only a single verb. This may serve to intensify or fill out the meaning of the first verb (יחבל, “to destroy”), or may have been added for idiomatic reasons. The meaning of the verbs in Lydian and Aramaic clearly overlap so there is ultimately no difference between the two versions.

(b) The goddesses invoked in the curses (Artemis of Ephesus and Koloe) are identical in both curses. However, the place-names associated with Artemis in the Lydian version are inverted in the Aramaic version. The Aramaic version also has the name Artemis only once and the reference to Koloe in the Aramaic version is a place-name rather than a gentilic. It is unclear why these differences appear in the Aramaic version so it would be unwise to derive a translation

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103 Cf. Hebrew רֵבֶּץ ("place of lying down, resting or dwelling place").
105 Could this have been a traditional lexical grouping in the Aramaic speaking community of Sardis?
106 Cf. וַאֲפַשָּׁשׁ, "and of the Ephesians".
principle from this difference in the curse. Ultimately, the meaning of these two sections is identical.

(c) The Aramaic version includes the perpetrator and his heir in the curse while the Lydian version includes only the perpetrator. It is unclear why the Aramaic version would include the heir but there is no substantial difference in the meaning of the curse because of this.

(d) In the apodosis, the Lydian version includes six items that are put together in groups of two, with the items in each group connected to each other with the conjunctive suffix –k and with the words in the last two pairs beginning with the same letter (aaral biraλk | klidaλ kofuλk | qiraλ qelλk bill).107 The Aramaic version, on the other hand, does not group these items together with conjunctions and shifts קיננה (“his real estate”) to a position after “house” and before “dirt and water”. This may have been done for thematic reasons: the term “real estate” may have been shifted earlier because the term “real estate,” along with the first two items (“house” and “courtyard”), refers specifically to property while the terms “soil” and “water” refer more generally to natural features that are found on the property. This shows that the order of individual items can shift for reasons internal to the receptor text. This, combined with the lack of conjunctions in the Aramaic text, shows that the translator was not mechanistic in terms of how the Lydian text was translated.

(e) On the other hand, the use of the word אחר (“behind, after”) in the Aramaic version does seem to have been translated mechanistically from the Lydian text. The word אחר seems to function in the same way as akit (a particle that introduces a sentence), aktin (a particle that introduces a protasis), and fakmλ (a particle that introduces an apodosis) in the Lydian version.

107 bill is a 3csg pronoun in the dative case meaning “his”. Combined with qelλk it means, “anything that belongs to him”.
While the precise meaning of these words is not entirely clear, they seem to introduce the types of clauses mentioned above in the Lydian text. This is not a normal function for the word יִרְשָׁדָה.

These uses of the word יִרְשָׁדָה are likely due to linguistic interference from the Lydian text.

2.6.2 Conclusions

The differences between the two versions of these curses are only minor. There are only two differences in terms of sequence in the Aramaic text and only two additions to the Aramaic text that are not found in the Lydian text. On the other hand, the two versions are filled with lexical equivalents, so much so that the Aramaic version could be used to help decipher the Lydian language. If these curses were found in a separate location, it would be clear that these curses had a close historical relationship to each other because of the strength of their anchor points.

2.7 Azitawadda’s Phoenician-Luwian Bilingual Inscription from Karatepe-Aslantaş

Azitawadda’s Phoenician-Luwian Bilingual Inscription was first discovered by archaeologists in 1946 after rumours were heard of a lion-stone monument at a site locally known as Aslantaş near the Karatepe mountain range in eastern Turkey. The monument, which had been known to locals for some time, turned out to be a lion-base for a stone statue of Baal, which was lying beside it when the monument was discovered. On the back of the statue from the waist down was a twenty-line inscription written in what appeared at the time to be Old Aramaic but, after closer inspection, turned out to be Phoenician. Around the statue and the stone base were a

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108 Halet Cambel, *Corpus of Hieroglyphic Luwian Inscriptions, Vol. 2. Karatepe-Aslantas - The Inscriptions: Facsimile Edition* (Studies in Indo-European Language and Culture, New Series 8.2; Berlin: Walter de Gruyter, 1998), 1-2. Aslantaş is the usual name given to lion monuments in Turkey. Since Aslantaş was too generic a name, the archaeologists named the site after the Karatepe mountain range, not realizing that a local village also has the name Karatepe. To avoid confusion, the site is now referred to as Karatepe-Aslantaş.

109 Ibid., 2.

110 Ibid., 2.
number of fragments with text written in a Hieroglyphic script, which was later identified as Luwian, a language closely related to Hittite that was used in the Hittite and neo-Hittite states.\textsuperscript{111}

In the fall of 1947, archaeologists discovered two gatehouses at the site, each with identical inscriptions in Phoenician and Luwian Hieroglyphs.\textsuperscript{112} The Phoenician version of these inscriptions turned out to be the same text that was discovered the previous year on the stone statue of Baal, minus the final section of the statue inscription.\textsuperscript{113} While the inscription on the South Gate was in a poor state of preservation, the inscription on the North Gate was fairly well-preserved, making it the best preserved of the three Phoenician inscriptions.\textsuperscript{114}

Since Luwian Hieroglyphics were yet to be deciphered when the inscriptions were found, the Phoenician text was published first in order to facilitate the translation of the Luwian text\textsuperscript{115} on the assumption that the Luwian and Phoenician texts were two versions of the same text.\textsuperscript{116} This served as the major catalyst for the decipherment of Hieroglyphic Luwian.

The inscriptions were written on behalf of Azitawadda, the ruler of the Danunite Kingdom, to commemorate the building or rebuilding of the city where the inscriptions were found.\textsuperscript{117} The first part of the inscription deals with Azitawadda’s conquests, his building of settlements and fortified outposts, and how the god Baal had allowed him to establish peace in the area. The

\textsuperscript{111} For an overview of Hieroglyphic Luwian see Annick Payne, \textit{Hieroglyphic Luwian: An Introduction with Original Texts} (3\textsuperscript{rd} rev. ed.; Wiesbaden: Harrassowitz Verlag, 2014).
\textsuperscript{112} Cambel, \textit{Corpus of Hieroglyphic Luwian}, 3.
\textsuperscript{113} Ibid., 11.
\textsuperscript{114} Ibid., 7. “The reason for the North Gate, particularly its entrance passage and right gate-chamber, being in a much better state of preservation than the South Gate, is that the inclination of the hill below the North Gate is much less steep than that below the South Gate, which is extremely abrupt and drops some 200m. Once this south gatehouse was destroyed by conflagration, the wooden beams that provided both a levelling course and tensile strength between the stone substructure and the rising mudbrick walls disintegrated and these walls collapsed; the debris rolled down the hill, followed by the stone substructure of the frontal tower.”
\textsuperscript{115} Ibid., 5.
\textsuperscript{116} Ibid., 3.
\textsuperscript{117} There is considerable debate about the date of the inscription. Estimates have ranged from before the invasion of the region by Shalmaneser III in the ninth century BCE to early in the seventh century BCE. For a discussion of which version serves as the source text for the other see Annick Payne, “Multilingual Inscriptions and their Audiences: Cilicia and Lycia,” in \textit{Margins of Writing, Origins of Cultures} (OIS 2; ed. Seth L. Sanders; Chicago: The Oriental Institute of the University of Chicago, 2006), 129-30.
second part of the inscription deals with the building of the city itself at the command of Baal and Resheph-ŠPRM, the bringing of Baal-KRNTRYŠ to the city, and the sacrifices that were to be offered to Baal-KRNTRYŠ in the city. The third part of the inscription gives a series of blessings for both Azitawadda and the city and the final part consists of a curse for those who would remove Azitawadda’s name from the gate of the city. Both the blessings and curses will be examined in this section. The passage reads as follows:

<table>
<thead>
<tr>
<th></th>
<th>Phu/A III 2-19, IV 1-3</th>
<th>Luwian Text 273-412 (§49-75)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>And may Baal KRNTRYŠ bless Azitawadda with life and well-being and great strength above every king.</td>
<td>Let him bless Azatiwatas with health and life, and let him be made highly preeminent over all kings.</td>
</tr>
<tr>
<td>B2</td>
<td>May Baal KRNTRYŠ and every god of the city give to Azitawadda many days, many years, satisfying old age, and great strength above every king.</td>
<td>And may Tarhunzas the highly blessed and this fortress’s gods give to him, to Azatiwatas, long days and many years and good abundance, and let them give him all victory over all kings.</td>
</tr>
<tr>
<td>B3</td>
<td>May this city become the possessor of plenty [of grain] and wine.</td>
<td>And so let this fortress become (one) of the Grain-God and the Wine-God,</td>
</tr>
<tr>
<td>B4</td>
<td>And may this people who dwell in it become the possessor of oxen and the possessor of flocks and the possessor of plenty [of grain] and wine.</td>
<td>and so the nations that dwell in (it), and so the nations &lt;that&gt; he/they shall cause to dwell in (it), let them become (those) of sheep, oxen, the Grain-God and the Wine-God!</td>
</tr>
</tbody>
</table>

118 B=Blessing, C=Curse.
121 “Him” refers to the god Tarhunzas in §47.
122 Pho. שבע. This is normally translated as “abundance” or “plenty”. H. L. Ginsberg, “Ugaritico-Phoenicia,” JANES 5 (1973), 138, argues that שבע means “grain” based on a close parallel with Proverbs 3:10, where he argues that the cognate word also means “grain” rather than “plenty”. While שבע clearly refers to grain both in Proverbs 3:10 and in this inscription, the reference to grain seems to be implied rather than explicit. This can be seen by the use of the word in Genesis 41:29-31. It should be translated “plenty (of grain)".
| B5 | And may they give birth to many children, may they become exceedingly powerful, and may they serve Azitawadda and the house of Mpu greatly for the sake of Baal and the gods. | Much let them beget for us, and much let them make great, and much let them be in service to Azatiwatas and to Muksas’s house by Tarhunzas and the gods! |
| C – P1 | But if a king among kings or a ruler among rulers [or] a person who is a person of reputation erases the name of Azitawadda from this gate and puts [his] name – even if he loves this city – | If anyone from (among) kings or (if) he is a man (prince), and to him (there is) a manly (princely) name, proclaims this: “I shall delete Azitawata’s name from the gate(s) here, and I shall incise my name”; |
| C – P2 | or pulls out this gate which Azitawadda made and makes another gate for it and puts [his] name on it, | or (if) he is covetous toward this fortress, and blocks up (?) these gates which Azatiwatas made, and proclaims thus: “I shall make the gates my own, and I shall incise my name for myself”; |
| C – P3 | whether he pulls it out of covetousness or he pulls this gate out of hatred or malice | or (if) from covetousness he shall block them up (?), or from badness or from evil he shall block up (?) these gates, |
| C - A | may Baal of the Heavens and El, the Creator of the earth, the eternal sun, and all the generation of the sons of the gods eradicate that kingdom and that king and that person who is a person of reputation. | may celestial Tarhunzas, the celestial Sun, Ea and all the gods delete that kingdom and that king and that man! |
| B6 | But may the name of Azitawadda endure forever like the name of the sun and the moon. | Hereafter may Azatiwata’s name continue to stand for all ages, as the Moon’s and the Sun’s name stands. |

2.7.1 Analysis

We can begin by examining the blessings that appear in this text:

(a) Two of the three blessings in B1 are essentially the same: life=life and well-being=health.

However, the order is inverted in the Luwian version, which happens quite frequently in this inscription, including the sequence of oxen and flocks in B4 and the sequence of sun and moon

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123 P = Protasis. The numbers beside P are used to distinguish the various sections of the protasis.
124 A = Apodosis.
in B6. The third blessing in B1 has “strength” in the Phoenician version and “highly preeminent” in the Luwian version. While the two blessings are clearly expressed differently, they essentially communicate the same idea: if Azitawadda has more strength than any other king then he will be preeminent over every other king. A similar change is found in B2 where the Phoenician version has “great strength above every king” and the Luwian version has “let them give him all victory over all kings”. Once again, although the mode of expression is different, the meaning is quite similar.

(b) The name of the god invoked in B2 is different in each version: the Phoenician version invokes Baal KRNTRYŠ while the Luwian version invokes Tarhunzas. Tarhunzas was the Luwian storm god and head of the Luwian pantheon. Like Baal, he was often pictured with a bolt of lightening and was often associated with a bull. Baal KRNTRYŠ was clearly understood to be the same god as Tarhunzas and the translator saw no problem with substituting one name for the other to fit the linguistic/cultural context of the receptor text.

(c) In B2, Tarhunzas is given the epithet “the highly blessed”; the epithet is missing from Baal KRNTRYŠ’s name in the Phoenician version. This might suggest that “the highly blessed” was associated with Tarhunzas in the Luwian tradition but not with Baal KRNTRYŠ in the Phoenician tradition.

(d) In B3 and B4, the Luwian version wishes that the fortress would become the home of the Grain-God and the Wine-God while the Phoenician version wishes that the city would become the possessor in B3 of an abundance of grain and wine and, in B4, the possessor of oxen, flocks, an abundance of grain, and wine. The wish that the city would become the home of the

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125 See the references in Hawkins, Corpus of Hieroglyphic Luwian Inscriptions, Volume I, 65.
127 Martin Klingbeil, Yahweh Fighting from Heaven: God as Warrior and as God of Heaven in the Hebrew Psalter and Ancient Near Eastern Iconography (OBO 169; Fribourg, Switzerland: University Press, 1999), 245.
128 See Payne, Iron Age Hieroglyphic Luwian Inscriptions, 41. “Thus let this fortress become (the home) of the Grain-God and the Wine-God.”
Grain-God and the Wine-God appears to be a figurative way of wishing that the city would have an abundance of grain and an abundance of wine. The difference between the two versions is that the figurative language used in the Luwian version was transformed into a more prosaic form in the Phoenician version or *vice versa*, depending on which version served as the donor text for the other.¹²⁹

The curses show similar variation:

(a) In C-P1, the scenario of someone erasing Azitawadda’s name from the gate and replacing it with his own is described in the third person in the Phoenician version. In the Luwian version, the action is described using a quotation in the first person. It is not entirely clear why the difference exists here but the actions described in both versions are essentially the same.

(b) Something similar happens after this in C-P2: an action is described in the third person in the Phoenician version and is described in a quotation in the first person in the Luwian version. This time, however, the actions being described are slightly different. In the Phoenician version, the action involves pulling down the gate and building another gate with the person’s own name on it. In the Luwian version, the action only involves blocking up the gate, taking ownership of it, and inscribing one’s name on it. Once again it is unclear why the two versions differ at these points but the differences are significant.¹³⁰ However, the mention of Azitawadda, the gate, and putting one’s name on the gate are anchor points that connect the two versions together. If they were found in a different location it would be clear that these two versions had a close historical relationship with each other.

¹²⁹ This corresponds with Steymans’ third principle. However, this particular example was not used by Steymans since Steymans included only curses in his study rather than blessings and because he did not have access to the Luwian version of the inscription (*Deuteronomium* 28, 161).

¹³⁰ Perhaps the differences here are based on a misunderstanding on the part of the ancient translators.
(c) The names of the gods used in C-A are different in each version. The Phoenician version equates celestial Tarhunzas with Baal of the heavens and El, the creator of the earth, with Ea. The divine epithet used for El in the Phoenician version is missing in the Luwian version. In addition, the Phoenician version invokes “all the generation of the sons of the gods” while the Luwian version simply invokes “all the gods”. Regardless of which version served as the base text for the other, the difference between these two expressions shows once again that expressions can be translated into the idiom of the receptor text during translation rather than adhering to a woodenly literal form of translation.

(d) The imagery used in the apodosis of the curse is the same in both versions. Both versions curse the person who deletes Azitawadda’s name with being deleted or being eradicated themselves. In other words, what they do to the inscription will be done to them.

2.7.2 Conclusions

There are four types of differences that occur in translation that are illustrated by this inscription: (1) items listed in pairs can be inverted, probably to fit the normal sequence used in the receptor language; (2) rather than using lexical equivalents, different modes of expression can be used to express similar ideas; (3) the names of the gods invoked in the blessing or curse can be changed to the names of the equivalent gods in the receptor language; (4) figurative language can be transformed into a more prosaic form or vice versa; (5) third person statements can be transformed into the first person or vice versa depending on which version served as the source text for the other; and (6) individual elements in the blessings or curses can be transformed to correspond to the idiom of the receptor language. Despite these differences, however, the two versions are easily recognizable as representing the same text because of the large number of anchor points that exist between the two versions.
2.8 Urartian-Assyrian Bilingual Inscription from Kelishin

The final text to be examined is the Urartian-Assyrian Bilingual Inscription from Kelishin. This inscription was found in the 19th century on a stele near the Iraqi/Iranian border.\textsuperscript{131} The east side of the stele, facing toward Urartu, contains a forty-one line text written in Urartian, while the west side of the stele, facing toward Assyria, contains a forty-two line text written Assyrian.\textsuperscript{132} The text was written to commemorate a trip made by Išpuini, king of Urartu (r. 828-810 BCE), and his son Menua to build a pedestal for Haldi, one of the three chief gods of Urartu, in the city of Ardini (the Urartean name) or Musasir (the Assyrian name). The text, like other monumental texts, contains curses that would be brought against someone if they removed the text from the monument. The text reads as follows:\textsuperscript{133}

<table>
<thead>
<tr>
<th>Assyrian Text (ll. 35-42)</th>
<th>Urartian Text (ll. 25-42)</th>
</tr>
</thead>
<tbody>
<tr>
<td>When Ishpuini, son of Sarduri, (and) Menua, son of Ishpuini, came before Haldi to Musasir, they brought for (the?) dedication (a?) bibu of Haldi. They said thus: Whoever takes the bibu from the gates of Haldi, who makes light of its destruction (?), if anyone sees when it is taken, if (?) he hides (it) in a secret place (?), [whoever conceals (?) (it)], whoever in the town of Musasir, if he hears that (someone) carries off the bibu from the gates of Haldi, if he sees it (?), may Haldi blot out (?) his seed (?) upon the earth. [Whoever disturbs (?) this inscription from this place, whoever breaks (it), whoever says to anyone, “go break (it),”]</td>
<td>When Ishpuini Sardurihi (and) Menua Ishpuinihi came before Haldi to the town of Ardini, they brought (a?) niribe for dedication to Haldi, they said: Whoever takes the niribe from the gate of Haldi…, whoever causes someone else to take (it) somewhere, whoever hides it…, in the town of Ardini hears (that) someone has taken the niribe from the gate of Haldi, whoever encourages it, may Haldi wipe out (his) seed on the earth… whoever removes this inscription from this place, whoever breaks (it), whoever causes another (to do) these things, says “go destroy (it),”</td>
</tr>
</tbody>
</table>

\textsuperscript{132} Galter, “Cuneiform Bilingual Royal Inscriptions,” 37.
\textsuperscript{133} The translations of both versions are taken from Bennet, “The Urartian-Assyrian Inscription,” 382-3.
may Haldi, Adad (?), Shamash(?), (and?) the gods of Musasir [blot out (?)] his seed (?) upon the earth.  
may Haldi, Teisheba, Shiuni, (and?) the gods of the town of Ardini wipe out (his) seed on the earth.

2.8.1 Analysis

There are two curses in both versions of the text, each of which includes a protasis explaining the circumstances under which the curse would be unleashed and an apodosis containing the actual curse. There are several observations that can be made:

(a) The apodoses in the first curse are identical with each other. Both call upon Haldi (or Khaldi), the god of war,\textsuperscript{134} to wipe out the descendants of the person who committed one of the acts listed in the protasis.

(b) The apodoses in the second curse are identical with each other except for the fact that two of the names of the three gods are different and, as was the case in the introduction to the curses, the names used for the town are different (Assyrian: Musasir, Urartian: Ardini).\textsuperscript{135} As in the first curse, both apodoses call upon Haldi to wipe out the descendants of the person who committed one of the acts given in the protasis. However, the remaining two gods in the Assyrian list are Adad and Šamaš while the gods listed in the Urartian version are Teisheba and Shiuni. Haldi, Teisheba, and Shiuni are invoked in a number of curses listed by Benedict in the appendix to his publication of this text.\textsuperscript{136} Teisheba (or Theispas) was the Urartian weather/storm god and is the Urartian equivalent to the god Adad.\textsuperscript{137} Shiuni was the Urartian sun god and is the Urartian...


\textsuperscript{135} Both names refer to the same town, with Musasir being the Assyrian name for the town and Ardini being the Urartian name for the town.

\textsuperscript{136} Benedict, “The Urartian-Assyrian Inscription,” 85.

\textsuperscript{137} Chahin, \textit{The Kingdom of Armenia}, 139; Trevor Bryce, \textit{The Routledge Handbook of the Peoples and Places of Ancient Western Asia from the Early Bronze Age to the Fall of the Persian Empire} (London: Routledge, 2009), 751. Teisheba is pictured as a man standing on a bull with thunderbolts in his hand, like Adad/Hadad.
equivalent for Šamaš.\textsuperscript{138} This shows, once again, that when curses are translated the names of the gods can be substituted for the equivalents in the receptor language.

(c) The protasis of the first curse is not fully preserved in the Urartian version so it is difficult to know if it differs from the Assyrian version where the gaps occur in the text. However, there are at least two parts of the protasis in the Urartian version that differ from the Assyrian version. First, the Assyrian version lacks an equivalent for, “whoever causes someone else to take (it) somewhere”. Later on, the Urartian version also invokes the curse against whoever encourages someone to take the niribe from the gate of Haldi. This suggests that invoking the curse against someone who causes another person to do the forbidden action or encourages them to do so was a standard part of the Urartian curse tradition. This is confirmed by the similar wording in the protasis of the second curse and the phraseology used in Urartian curses given by Benedict in the appendix to his publication (i.e. “whoever encourages someone”).\textsuperscript{139} The Assyrian text may have omitted this element to simplify the Urartian version.

2.8.2 Conclusions

There are two types of translational changes that are illustrated by this text. First, the names of gods used in curses can be transformed into the equivalent of the gods in the receptor language. Second, traditional phraseology can be used when curses are translated from one language to another: the translation technique is not necessarily mechanistic. If the curses in each version were separated from each other and were found in different locations there are a

\textsuperscript{138} Chahin, \textit{The Kingdom of Armenia}, 139; Bryce, \textit{The Routledge Handbook}, 751. Shiuni is pictured as a man holding up a solar disk while kneeling.

\textsuperscript{139} Campbell, “The Urartian-Assyrian Inscription,” 384. The wording of the protasis in the first curse is $a \cdot lu \cdot še a \cdot i \cdot ni \cdot e \cdot i \cdot ū \cdot li \cdot [e-i] \cdot [hu-i] \cdot [di] \cdot [iš?] \cdot [e] \cdot ya \cdot me \cdot du \cdot li \cdot i \cdot ē$ (“whoever encourages another to take [it] somewhere”) while the wording later on in the protasis is $[a \cdot lu] \cdot še \cdot du \cdot li \cdot i \cdot e$ (“whoever encourages [it]”). The protasis in the second curse contains the following $a \cdot lu \cdot še a \cdot t \cdot [ni-e-i] \cdot [i-ni] \cdot li \cdot du \cdot li \cdot i \cdot e$ (“whoever causes/encourages another [to do] these things”).
sufficient number of anchor points to suggest they have a close historical relationship with each other.

2.9 Summary and Implications

At the beginning of this chapter we listed four types of changes that Steymans suggested could occur when curses are translated from one language to another: (a) curses with lists could often be expanded or reduced; (b) metaphors could be transformed into a more prosaic form or vice versa; (c) simple wish curses could be transformed into futility curses; and (d) the names of the gods used in the curses could be transformed to reflect their new setting. Each of these types of changes was found in the inscriptions that were examined. The common factor between each of these types of changes, though not always highlighted by Steymans, is that these changes reflect adaptation to the norms and conventions of the receptor language. To apply these principles to Deuteronomy 28 one would have to demonstrate that the differences between the parallel curses are due to the norms or conventions used in Deuteronomy 28 or the Hebrew tradition of curse making more generally.

The one item in this list that needs more discussion is the first principle, that curses with lists can be expanded or reduced. In the example from the Tell Fekherye Inscription, this principle is far too general. In the Tell Fekherye inscription, it is not the case of lists simply being expanded or reduced: the longer list in the Assyrian version was due to the translator conforming the curse to conventional patterns in Mesopotamian curses. If lists in the parallel curses of EST and Deuteronomy 28 are either longer or shorter than each other, this principle cannot be applied without looking for a reason within the context of Deuteronomy 28 or the Hebrew tradition in general for the expansion or reduction of the list.

In addition to the principles outlined by Steymans, there are a number of other types of changes that can occur: (a) items listed in pairs can be inverted, probably to fit the normal
sequence used in the receptor language; (b) rather than using lexical equivalents, different modes of expression can be used to express similar ideas; (c) third person statements can be transformed into first person statements or *vice versa*; (d) if the name of the god invoked in the curse is transformed, divine epithets can disappear if they are not traditionally associated with the god invoked in the curse; and (e) individual elements in the curses can be transformed to correspond to the idiom of the receptor language. In each of these principles, the changes occur to conform the curses to the conventions used in the receptor language.

Throughout this analysis, we have also seen the importance of anchor points that connect the versions with each other. Despite the differences between the versions of each text, each version was tied to the other(s) through clusters of anchor points. If the parallel curses of Deuteronomy 28 have a close genetic relationship to the parallel curses of EST, one would expect to find a significant number of anchor points in these parallels.
Chapter 3
EST and Deuteronomy 28: Freestanding Parallels

3.1 Introduction

As we saw in chapter 1, there are three broad types of historical relationships that can exist between two parallel passages: (a) a close historical relationship, (b) a loose historical relationship, or (c) no historical relationship. The multilingual texts examined in chapter 2 clearly belong to the first category: not only do the blessings and curses appear on the same object, the differences, in most cases, are so minor and the anchor points so clear that even if the parallels were found on separate objects most would be easily recognized as having a close historical relationship with each other. The situation, however, is quite different with the parallels between EST and Deuteronomy 28. Not only do the parallels not appear on the same physical object, they also appear in what are indisputably different literary contexts: whatever the relationship between EST and Deuteronomy 28, Deuteronomy, in whatever form, is clearly not a copy of EST. But apart from these obvious differences, the parallel curses in EST and Deuteronomy 28 show a much greater degree of variation in vocabulary, imagery, and mode of expression than was typically seen in the blessings and curses that were examined in chapter 2. For many, these differences suggest a relationship other than a direct or, in some cases, even a close historical relationship.

However, as we saw in chapter 2, the mere existence of differences between curses does not necessarily rule out the possibility of a close historical relationship. The possibility needs to be considered that the differences are due to the normal types of changes that occur when curses are adapted to new linguistic, cultural, religious, and, in the case of Deuteronomy 28, literary contexts. The purpose of chapters 3, 4, and 5 is to determine whether or not a close historical relationship is likely to exist between the parallel curses of EST and Deuteronomy 28. Central to
this examination will be the presence or absence of anchor points or clusters of anchor points and
whether or not the differences between the curses rule out the possibility of a close historical
relationship. The focus of this chapter will be on freestanding parallels, that is, parallels that do
not occur as part of a parallel sequence.¹ Chapter 4 will deal with the parallel between EST 472-
493 (=§56) and Deuteronomy 28:20-44, which has been quite important in recent discussions
about the relationship between EST and Deuteronomy 28.² Chapter 5 will deal with the more
well-established parallel between EST 418a-430 (=§§39A-42) and Deuteronomy 28:25a,26-35.

Each of the parallels will be examined according to the following criteria. First, using the
results of chapter 2, each parallel will be examined to see whether or not the anchor points
between the two passages are strong enough to suggest that a close historical relationship exists
between them. Second, these anchor points will be examined according to the criterion of
coincidence versus uniqueness. The focus here, however, will not be to determine whether or
not a close genetic relationship exists between the curses but to determine, more generally,
whether or not these anchor points could have been generated independently of each other
without any historical connection existing between them. Third, when the anchor points suggest
that a close historical relationship exists between the curses, the differences between the curses
will be examined to see whether or not they rule out the possibility of a close historical
relationship. This analysis will be carried out primarily using the results of chapter 2 but will

¹ In this case a distinction should be made between broad parallel sequences and narrow parallel sequences. Many
of the parallel curses in EST contain more than one clause or one sentence and, strictly speaking, contain more than
one curse. However, in these cases, the curses clearly build on each other and essentially deal with the same topic.
These narrow parallel sequences, when they appear outside the context of a broad parallel sequence, will be
considered to be freestanding parallels.
² E.g. “Deuteronomy 28 and Tell Tayinat,” Verbum et Ecclesia 34 (2), Art #870, 13 pages,
http://dx.doi.org/10.4102/ve.v34i2.870 (2013), 1-13; Bernard M. Levinson and Jeffrey Stackert, “Between the
Covenant Code and Esarhaddon’s Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy,” JAJ
3 (2012), 130; Karen Radner, “Assyrische faggi adé als vorbild für deuteronomium 28:20-44?” in Die
deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichtliche Perspektiven zur
„Deuteronomismus“ – Diskussion in Tora und Vorderen Propheten (ed. Markus Witte et al.; BZAW 365; Berlin:
Walter de Gruyter, 2006), 1.
also include the possibility of special adaptation to the context of Deuteronomy 28 and the possibility of mediation through one or more sources. Finally, in the case of parallel sequences, the sequences themselves will be examined according to these criteria to see whether or not a close historical relationship exists between the sequences themselves.

3.2 Free-Standing Parallels

The most commonly recognized freestanding parallel between EST and Deuteronomy 28 is the parallel between EST 528-533 (=§§63-64) and Deuteronomy 28:23-24. In recent scholarship, this is the only freestanding parallel where the two passages are considered to be serious candidates for having a close genetic relationship with each other. There are, however, a number of other freestanding parallels that have been put forward, both in the earlier period of research and in the more recent period of research, that need to be examined because, in many cases, they continue to be cited in commentaries and handbooks on ancient Near Eastern background material to the Bible as being close parallels between EST and Deuteronomy 28.

We can divide the freestanding parallels in this chapter into two separate categories: (a) those with few or no anchor points and (b) those with a significant number or cluster of anchor points. We can begin by examining the parallels with few or no anchor points.

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3 E.g. Jeffrey H. Tigay, Deuteronomy = [Devarim]: The Traditional Hebrew Text with the New JPS Translation (Jewish Publication Society Torah Commentary; Philadelphia: The Jewish Publication Society, 1996), 496: “The imagery of verse 23, and Leviticus 26:19, is so similar to an Assyrian curse that a literary relationship among the three passages is hardly questionable.” It should be noted that this parallel actually includes three curses, which together form a traditional sequential relationship. A traditional sequential relationship can be defined as a set of curses that appear side-by-side and are transmitted side-by-side in the tradition. A good example is the sequence of leprosy and blindness in EST 419-424, which is found in numerous texts apart from EST over an extensive period of time. This is different from larger sequences that are found in texts with a close genetic relationship to each other since the sequence itself is not part of the tradition but is only shared by the two texts because of their close genetic relationship with each other.
3.3 Parallels With Few or No Anchor Points

3.3.1 EST 443-445 || Deuteronomy 28:17

The parallel between EST 443-445 and Deuteronomy 28:17 was first identified by D.J. Wiseman in his publication of the treaty in 1958 and has continued to be cited as a close parallel between EST and Deuteronomy 28.⁴ The parallel reads as follows:⁵

<table>
<thead>
<tr>
<th>EST 443-445</th>
<th>Deuteronomy 28:17</th>
</tr>
</thead>
<tbody>
<tr>
<td>(443-445) May the sound of millstone and oven not exist in your houses. May grain for grinding disappear from you.</td>
<td>(28:17) Cursed will be your harvesting basket and your kneading bowl.</td>
</tr>
</tbody>
</table>

There are two main similarities between these two passages: first, both passages contain a wish or promise that the grain harvest would fail and, second, both passages contain a wish or promise that the implements used in bread making would cease to be used because of the lack of grain.⁷ There are, however, a number of significant differences between these two passages.

First, while both passages contain a wish or promise that the grain harvest would fail, the wish or promise is expressed in radically different ways in each passage. The wish in EST 443-445 is that the grain used for grinding would disappear from the party being cursed.⁸ The curse in Deuteronomy 28:17, on the other hand, is a simple promise that the harvesting baskets would be cursed, i.e. that there would be no grain for the baskets to carry. While both curses certainly do

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⁵ Translations from EST are my own based on the normalized text in Kazuko Watanabe, *Die adé-Vereidigung anläßlich der Thronfolgeregelung Asarhaddons* (BaghM.B 3; Berlin: Bebr. Mann, 1987). Quotations from the Akkadian text of EST are taken from Watanabe’s normalized text.

⁶ I have added the word *harvesting* to make it clear that the type of basket being cursed is for harvesting produce. Cf. Deuteronomy 26:2; Tigay, *Deuteronomy*, 258; S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy*, (3d ed.; ICC; Edinburgh: T & T Clark, 1895), 305.

⁷ Dennis McCarthy (*Treaty and Covenant*, 173) identifies the common subject matter between these two curses as “breadmaking utensils”.

⁸ The curse that comes before this one in EST might suggest that the lack of grain is due to locusts eating the harvest (EST 442). However, the curses before the curse of the locust have to do with a lack of seasonal flooding (EST 440-442), which means that the failed harvest could also be due to lack of water. The curse in EST 443-445 could be based on either or both of these scenarios.
deal with lack of grain, the subject matter in each curse can only be made to correspond to each other by ignoring the details of the curses and by appealing to the lowest common denominator.

The same thing is true of the other main connection between these two passages: the only way to make these curses correspond with each other is to find a lowest common denominator that both curses can be squeezed into. In this case, the lowest common denominator is implements used in bread making. However, the implements mentioned in these curses are completely unrelated to each other. In EST 443-445 the bread-making implements are a millstone, with a focus on the sound of the millstone not being heard, and an oven while in Deuteronomy 28:17 the focus is on a bowl or trough used for kneading. The only way to fit these curses into the same category is to use an overly broad category and to ignore the specifics.

It seems clear that there is no historical relationship between these curses. Both grain harvests and bread making were common activities in the ancient Near East and the failure of a grain harvest was always a common danger. The fact that both passages deal with a failed grain harvest and, in a very general way, with the resultant lack of bread making is simply due to shared cultural experience. There is no reason to connect these passages together on a historical level.

3.3.2 EST 442-445 || Deuteronomy 28:38

The next parallel to be examined is the parallel between EST 442-445 and Deuteronomy 28:38, which can be dealt with here because of the overlap with the previous parallel. The parallel reads as follows:

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9 McCarthy, Treaty and Covenant, 173.
10 For this parallel see McCarthy, Treaty and Covenant, 174; Bill T. Arnold and Richard S. Hess, eds., Ancient Israel’s History: An Introduction to Issues and Sources (Grand Rapids: Baker Academic, 2014), 117; Lundbom, Deuteronomy, 784.
Unlike the parallel between EST 443-445 and Deuteronomy 28:17, these two passages *are* connected to each other through a concrete anchor point: the mention of locusts, with the words used in each passage for locusts being cognate with each other (*erbû* || הָאַרְבֶּה). It is also significant that both passages connect a poor grain harvest with locusts consuming the crops.\(^\text{11}\)

However, despite these two connections, it seems unlikely that a close historical relationship exists between these two passages. This can be seen for two reasons. First, while both passages deal with locusts and lack of grain, the language used to express the lack of grain is completely different in each passage. EST 443-445 mentions millstones and ovens and the disappearance of grain is connected with the imagery of grinding. None of these images are used in Deuteronomy 28:38: it simply speaks of gathering little grain from the harvest. Second, the mention of locusts and poor grain harvests are not sufficiently unique to suggest that a close historical relationship exists between these two passages. Locusts were a common danger to grain harvests throughout the ancient Near East so it is not surprising to see locusts and poor grain harvests mentioned in two separate texts.\(^\text{12}\) Since the single anchor point shared by these two passages is not unique and can be explained through shared cultural experience, there is no reason for thinking that a close historical relationship exists between these two passages.

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\(^{11}\) Once again, it should be noted that EST 440-442 deals with a lack of seasonal flooding, which means that the lack of grain in EST 443-445 could also be the result of lack of water. The focus here, in any case, might not be on the cause but on the effect.

\(^{12}\) Cf. Joel 1:4-11.
The next parallel to be examined is the parallel between EST 414-416 and Deuteronomy 28:20. This parallel was put forward by Rintje Frankena in a list of correspondences that he drew up between the curses of EST and Deuteronomy 28.\textsuperscript{13} The curses read as follows:

<table>
<thead>
<tr>
<th>EST 414-416</th>
<th>Deuteronomy 28:20</th>
</tr>
</thead>
<tbody>
<tr>
<td>(414-416) May Aššur, king of the gods, the one who fixes destinies, decree an evil and horrible\textsuperscript{14} destiny for you. May he not grant to you the fullness\textsuperscript{15} of old age or the acquisition of extreme old age.</td>
<td>(28:20) YHWH will send against you curse, confusion, and rebuke in every undertaking of your hand\textsuperscript{16} that you do until you are destroyed and until you quickly perish because of your evil deeds by which you have forsaken me.</td>
</tr>
</tbody>
</table>

There are two main connections that can be drawn between these two passages: first, both passages begin with a wish that something bad would happen to the party being cursed and, second, both passages end with the party being cursed dying. As in the case of the previous two parallels, the problem with these connections is that the specifics of the passages are ignored and they are far too general to have any real significance. The language of fixing destiny and the perpetrator not reaching old age,\textsuperscript{17} which are central to the curses in EST 414-416, are completely missing from Deuteronomy 28:20. But not only are these key elements missing, the actual subject matter of the corresponding parts of Deuteronomy 28:20 are completely different. In EST 414-416 the curse is directly placed on the perpetrator and the “evil and horrible destiny” of the curse is made explicit in the second part of the curse: the “evil and horrible destiny” is that


\textsuperscript{14} Akk. \textit{lā ṭābti}, “which is not good”.

\textsuperscript{15} This reading is based on an emendation of the text by Watanabe. See Watanabe, \textit{Die adē-Vereidigung}, 191 for a justification for this reading. Parpola (SAA 26: 415) reads the word as \textit{a-ʾrak}’ and translates it as “long-lasting”. The advantage of Parpola’s reading is that \textit{arāku} (“to be long”) is a common word whereas \textit{šabūtu} “fullness” is unattested. The analysis presented here does not depend on a choice between either reading.

\textsuperscript{16} Lit. “in every stretching out of your hand” (ךָיָבְכָל־מִּשְלַח יָד).\textsuperscript{17} This is mentioned twice in EST 414-416 with different wording in each case: \textit{šabūt šēbūti} (“the fullness of old age”) and \textit{kīšid littārīj} (“the acquisition of extreme old age”). The language of “quickly perishing” could be stretched to make a connection with not reaching old age but the connection between the two ideas is far too loose to see any real connection between them.
they not reach old age. In Deuteronomy 28:20 the curse is not directly placed on the perpetrator but is placed on what the perpetrator does (i.e. “every undertaking of your hand”).  

Furthermore, the mention of death in the second part of 28:20 is not an explanation for the first part of the verse but indicates how long (עַד) the curse will last: it will be until they are completely destroyed. The similarities between these two passages are entirely superficial and there is no reason for thinking that there is any historical relationship between these curses.

3.3.4 EST 455-456 || Deuteronomy 28:21

The next parallel to be examined is the parallel between EST 455-456 and Deuteronomy 28:21. This parallel was first suggested by Frankena and continues to be cited in recent literature on Deuteronomy. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 455-456</th>
<th>Deuteronomy 28:21</th>
</tr>
</thead>
<tbody>
<tr>
<td>(455-456) May Nergal, the warrior of the gods, extinguish your life with his merciless dagger. May he place slaughter and pestilence in your hearts.</td>
<td>(28:21) YHWH will cause pestilence to cling to you until he brings you to an end from the land to which you are going to possess.</td>
</tr>
</tbody>
</table>

There are two main anchor points that connect these two passages together: (a) the use of the verb balû/belû (D - “to extinguish, bring to an end”) in EST 456 and the use of a verb with a similar meaning, כָלָה (Piel - “to complete, bring to an end”), in Deuteronomy 28:21 and (b) the mention of pestilence (Akk. mûtānu; Heb. רֶבֶנָ) in both passages. Lundbom also finds a possible connection based on the use of the word “dagger” in EST 455 and the possible use of

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18 Cf. Deut. 2:7.
19 Frankena, “The Vassal Treaties of Esarhaddon,” 145. See also Eckart Otto, Deuteronomium 23,16-34,12 (HThKAT; Freiburg: Herder, 2017), 1994. This parallel is also mentioned by Lundbom (Deuteronomy, 769-70) in connection with Deuteronomy 28:21 as well as Leviticus 26:25.
20 Otto, Deuteronomium 23,16-34,12, 1994. In this regard, it is significant that the LXX translates רֶבֶנָ as δάνατον (“death”) since the corresponding word in EST, mûtânu, is derived from the word mûtu (“death”). See Lundbom, Deuteronomy, 770. For the meaning of mûtânu see CAD M, 296-7. The word רֶבֶנָ occurs several times in the Old Testament (e.g. Ex. 5:3; 9:15; Lev. 26:25; etc.).
the word “sword” in Deuteronomy 28:22. This connection is only “possible” because the word “sword” in Deuteronomy 28:22 (חַרְבָּן) could also be pointed חֹרֶב (“heat, drought”), which has support in the Samaritan Pentateuch and Targum Onkelos and fits better in the context of Deuteronomy 28:22. The main problem with this connection, however, is that even if חַרְבָּן (“sword”) is the correct reading, חֹרֶב is part of a separate curse in Deuteronomy 28 and is completely independent of the mention of pestilence in Deuteronomy 28:21.

Many of the differences between these two passages can be explained by changes that one would expect to see if the curses of EST 455-456 were adapted to the context of Deuteronomy 28. The name of the god invoked in EST 455-456 as well as the divine epithet and any imagery that would be specifically associated with him (i.e. his merciless dagger) would naturally be changed or omitted when brought into the context of Deuteronomy 28. The phrase, “from the land to which you are going to possess,” in Deuteronomy 28:21 can be explained as an adaptation to the phraseology of Deuteronomy and the Mosaic setting of Deuteronomy.

There are, however, at least three important differences that cannot be explained along these lines: first, Deuteronomy 28:21 lacks an equivalent for the word “slaughter” in EST 456; second, the imagery used to describe the placement of pestilence on the recipient is different in each case; and, third, the object of the verb “to extinguish” in EST 455 is “your life” while the

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21 Ibid., 769-70.
22 Ibid., 771.
23 Not only are these words found in separate curses, the word “sword” is found partway down the list of afflictions in 28:22 and, therefore, is even further removed from the mention of pestilence in 28:21.
24 E.g. Deut. 4:5; 7:1; 11:10, etc. See also the similar phrase in Deuteronomy, “the land to which you are crossing over to possess” (Deut. 4:14; 6:1, etc.).
25 Steymans’ principle that curses with lists can be reduced does not apply in this situation. There is no discernable reason why the term “slaughter” would be left out of Deuteronomy 28:21 if it were dependent on the parallel passage in EST.
26 EST 456 speaks of pestilence (and slaughter) being placed in the recipients’ hearts while Deuteronomy 28:21 refers to pestilence clinging to the recipients. While there is a superficial similarity between these two ideas, there is no reason to think that the imagery of Deuteronomy 28:21 is in any way dependent on EST 456.
object of the verb “to bring to an end” in Deuteronomy 28:21 is simply “you”. While these differences may not seem significant when considered on their own, when these differences are combined with the differences that were mentioned earlier, there is very little that remains in these passages that can be used to establish a close historical relationship with each other.

The only parts of these two passages that can be used to establish a close historical relationship with each other are the two anchor points that were mentioned earlier. However, there are at least two reasons for believing that these anchor points are not strong enough to establish a close historical relationship between these two passages. First, the mention of pestilence is far too weak of an anchor point to connect these two passages together. Deadly plague or pestilence was a common feature throughout the ancient Near East and, understandably, was a fairly common topic in curses from this area.\footnote{See, for example, curse 10 of Text B of the Tell Fekherye inscription.} Without stronger evidence to connect these two passages together, there is no reason to believe that the mention of pestilence in each passage is due to anything other than shared experience. Second, while it is true that balû/belû (D - “to extinguish, bring to an end”) in EST 456 and כָּלָה (Piel - “to complete, bring to an end”) in Deuteronomy 28:21 have similar meanings, the connotation of the verb balû/belû is somewhat different from the connotation of the verb כָּלָה. The primary meaning of the verb balû/belû is “to extinguish” (D) or “to be extinguished” (G) and is often used in the context of extinguishing a fire.\footnote{CAD, 72-74.} While balû/belû may be used with other objects (e.g. life, enemies, criminals), in these cases the verb seems to be used metaphorically, comparing the cessation of a person’s life to the extinguishing of a fire. The verb כָּלָה, on the other hand, means “to finish/complete” or “to bring to an end”.\footnote{BDB, 478.} While the result is essentially the same, the
connotation is somewhat different. This means that these words, strictly speaking, are not lexical equivalents and are too weak to connect these two passages together, even with the mention of pestilence in both passages.

Given the weakness of these two anchor points, there is no reason to suggest that a close historical relationship exists between these two passages. This means that there is no reason to explain the differences between the two passages on the basis of the results of chapter 2. Before the results of chapter 2 can be used to explain these differences, a positive case needs to be made that these two passages have a close historical relationship with each other. When it comes to this parallel, a strong positive case is lacking.

3.3.5 EST 461-463 || Deuteronomy 28:22

The parallel between EST 461-463 and Deuteronomy 28:22 was first identified by Wiseman in his publication of the treaty.30 The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 461-463</th>
<th>Deuteronomy 28:22</th>
</tr>
</thead>
<tbody>
<tr>
<td>May Gula, the great chief physician, put sickness and exhaustion in your hearts31 and a persistent wound in your bodies. Bathe in blood and pus32 like water.</td>
<td>(28:22) YHWH will strike you with tuberculosis,33 and with fever and with inflammation and with violent heat and with drought34 and with blight and with mildew and they will pursue you until you perish.</td>
</tr>
</tbody>
</table>

30 D. J. Wiseman, The Vassal Treaties of Esarhaddon, 26 n. 201. Note that there is a misprint in the reference to Deuteronomy 28:22. The note puts the parallel at 20:22 but clearly 28:22 was meant – there is no Deuteronomy 20:22.

31 The words “in your hearts” (ina Śá-bi-ku-nu) were filled in by Watanabe where this line was damaged in each of the copies of EST discovered at Kālḫu (Watanabe, Die adê-Vereidigung, 116, and SAA 2.6, 461). This reading was confirmed by the copy of EST discovered at Tell Tayinat, which reads ina Śá-bi-ku-nu (MS T vi 41). See Jacob Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat: Text and Commentary,” JCS 64 (2012), 102.

32 The words “blood and pus” (da-mu u šar-ku), were filled in by Watanabe based on the use of this curse in other texts (Watanabe, Die adê-Vereidigung, 116, 195, and SAA 2.6, 462). This reading is confirmed by the copy of EST discovered at Tell Tayinat, which reads ŪŠ.MES šar-ku (MS T vi 42). See Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat,” 102. The only difference is that da-mu is written logographically in MS T vi 42, though it is possible that the use of da-mu in the editions published by Watanabe was simply an editorial decision rather than a firm decision about the form the word would have taken in actual copies of EST.

33 The precise meaning of these afflictions is uncertain. As Tigay (Deuteronomy, 262) points out, the terms that are used in this section are based on the symptoms that these afflictions produce. A detailed discussion of each term is unnecessary here since the specifics of these afflictions are not essential to the comparisons being made with EST.

34 Firkovich B19A reads נַיֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּפֶּp
The main connection between these two passages is that both passages deal with a series of sicknesses. Once again, however, there are no concrete anchor points that connect these two passages together and there are a number of differences that argue against a close historical relationship. First, none of the terms used in this passage are either cognate or lexical equivalents. While the first four afflictions listed in Deuteronomy 28:22 fall under the broad category of murṣu (“sickness”) in EST 461-463, this connection is far too general to serve as the basis for linking these two passages together: on this basis, EST 461-463 could be connected with virtually any curse with a list of sicknesses.\footnote{Incidentally, Arnold and Hess (Ancient Israel’s History, 116) connect EST 461-463 with Deuteronomy 28:27. This parallel can be left unexamined since it has the same weaknesses as the parallel being examined here.}

Second, the key images used in both EST 461-463 and Deuteronomy 28:22 do not appear in the other passage. The most striking image in EST 461-463 is found in the taunt at the end of the curse where the party being cursed is told to bathe in blood and pus. This imagery is completely missing from Deuteronomy 28:22. Similarly, the most striking image in Deuteronomy 28:22 is the image of the afflictions listed in the curse \textit{pursuing} the perpetrator(s) until they have perished. Once again, this imagery is missing from EST 461-463.

Third, Deuteronomy 28:22 contains three afflictions that do not fall under the category of human sickness: drought, blight, and mildew. The first item deals with lack of rain; the second item deals with the effects of extreme heat on crops, and the third item deals with the loss of crops through mildew.\footnote{Lundbom, Deuteronomy, 771-2.} EST 461-463, on the other hand, only deals with human sickness. Given the lack of any concrete anchor points, the lack of correspondence in key imagery, and the fact that these crop ailments are not found in EST 461-463, it seems clear that these passages do not have a close historical relationship with each other.
3.3.6 EST 453-454 || Deuteronomy 28:25

The final set of curses to be examined in this section is the parallel between EST 453-454 and Deuteronomy 28:25, which was also included in the list made by Frankena about the parallels between EST and Deuteronomy 28.37 The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 453-454</th>
<th>Deuteronomy 28:25</th>
</tr>
</thead>
<tbody>
<tr>
<td>(453-454) May Ištar, the lady of battle and combat, break your bow in a great battle. May she bind your arms and may she cause you to continually be under the power of your enemies.38</td>
<td>(28:25) YHWH will hand you over to be slaughtered before your enemies. You will go out to them on one road but you will flee before them on seven roads. And you will become an object of terror to all the kingdoms of the earth.</td>
</tr>
</tbody>
</table>

The main connection between these two passages is that both passages deal with military defeat. Once again, however, there is no reason for thinking that a close historical relationship exists between these two passages. None of the three key images in EST 453-454 (i.e. the breaking of the bow, the binding of the arms, the placement of the perpetrator under the feet of their enemy) are used in Deuteronomy 28:25 and there are no concrete anchor points in this passage to make up for this deficit. Military defeat was a common occurrence in the ancient Near East and a frequent subject in ancient Near Eastern curses. The fact that these curses share this common and very general topic is insufficient grounds for suggesting that a close historical relationship exists between the two passages.

3.3.7. Implications

After examining these parallels, it might seem unclear why this examination was necessary given how weak the case for a close historical relationship was in each case. There are essentially two reasons for why these parallels were included. First, several of these parallels

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38 Akk. ina šapal nak(i)rišša lišēšibkunu, “may she cause you to dwell under your enemies”. Their placement under the “feet” of their enemies is implied. See CAD Š1, 471-2. This idiom seems to have originated in the practice of a person bowing down at the feet of a superior to recognize the superior’s lordship over them.
continue to be cited as close parallels between EST and Deuteronomy 28. This examination shows that these passages should no longer be cited as close parallels between EST and Deuteronomy 28, with all of the implications that such a claim might have. Second, and most importantly, many of the parallels that we will examine in chapter 4 are just as weak or even weaker than the parallels examined here. Since the parallels in chapter 4 are so central to recent research on the relationship between EST and Deuteronomy 28, the analysis given here will be significant for the analysis of chapter 4 and the overall argument of this dissertation.

3.4 Parallels With a Cluster of Anchor Points

3.4.1 EST 194-196 || Deuteronomy 28:15

Having examined the freestanding parallels with few or no anchor points we can now move to an examination of curses that contain a cluster of anchor points. We can begin by examining the parallel between EST 194-196 and Deuteronomy 28:15.\textsuperscript{39} According to Eckart Otto, the original form of Deuteronomy 28:15 was borrowed directly from EST 194-196 and, along with Deuteronomy 28:20-44 and parts of Deuteronomy 13, formed part of a loyalty oath to YHWH that was meant to subvert the neo-Assyrian religious and political claims on Judah embedded in their copy of EST.\textsuperscript{40} The original form of Deuteronomy 28:15, on this reading, can be recovered simply by stripping verse 15 of any reference to the Mosaic setting of Deuteronomy. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 194-196</th>
<th>Deuteronomy 28:15a</th>
</tr>
</thead>
<tbody>
<tr>
<td>(194-196) (If)\textsuperscript{41} you do not obey (la tašammānī) everything he (i.e. Assurbanipal) says, (if) you do not act according to his command…</td>
<td>(28:15a) And it will be that if you do not obey (לֹא תִּשְׁמַע) the voice of YHWH your God by</td>
</tr>
</tbody>
</table>

\textsuperscript{39} While Deuteronomy 28:15, strictly speaking, is not a curse, it can be included in this discussion because it serves as an introduction to the curses that follow. The first part of this verse serves as the implied protasis of the curses that follow with the apodosis of verse 15 stands in place of the curses that follow.\textsuperscript{40} Eckart Otto, "Treueld und Gesetz: Die Ursprünge des Deuteronomiums im Horizont neuassyrischen Vertragsrechts," ZABR 2 (1996), 42. It is unclear whether Otto still holds to this position since it is not mentioned in his recent commentary dealing with this section (Deuteronomium 23,16-34,12, 1993).\textsuperscript{41} The “if” is understood from earlier in the context in EST 188.
There are at least four anchor points that connect these two passages together. First, both use a negated form of a verb from the root šm‘ to express the importance of obedience. The use of the root šm‘ in EST 194-196 is especially significant since introductory formulae in neo-Assyrian treaties typically speak of “sinning” against a treaty as opposed to “not hearing” the king. Second, there is a conceptual correspondence between “everything he (i.e. Assurbanipal) says” and “the voice of YHWH your God”: both tie obedience directly to the words of one’s sovereign. Third, the main condition in each passage is followed by a supplement that explains what it means to obey what Assurbanipal/YHWH says: it means to act (Akk. teppašāni, Heb. לַעֲשׂוֹת) according to his commands/laws. Finally, according to Otto, both passages serve to introduce a series of curses that follow.

While at first glance these anchor points seem fairly impressive, it seems highly unlikely that these passages have a close historical relationship with each other. There are several problems with making this connection. First, the conditional clause in EST 194-196 is of a completely different character from the conditional clause in Deuteronomy 28:15a. Otto’s translation of EST 194-196 assumes that the šumma clauses (i.e. conditional clauses) that characterize the stipulation sections of EST form part of a gigantic protasis that serves as an introduction to the curses that begin in EST 414. However, the šumma clause in EST 194-196 is much better understood as a positive imprecatory oath formula (šumma lā) with a suppressed apodosis, which

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42 See SAA 2 2: iv 17-18, v 8-9; SAA 2 12: 1-5; SAA 2 14: 8-15.
44 Frankena, “The Vassal-Treaties of Esarhaddon,” 125: “The grammatical structure of the text is interesting: the whole text has to be regarded as consisting of only one sentence construed in the form of a conditional construction, of which the protasis ends in l. 413 and the apodosis begins in l. 414.”
should be translated as a positive command or assertion.\textsuperscript{45} Parpola, for example, translates EST 194-196 as a positive command: “You shall hearken to whatever he says and do whatever he commands.”\textsuperscript{46} Deuteronomy 28:15, on the other hand, explicitly expresses the apodosis (“all these curses will come upon you and overtake you”) and is a real condition.

Second, EST 194-196 does not, in fact, introduce a series of curses as Otto seems to imply.\textsuperscript{47} The closest series of curses begins several paragraphs later, beginning in EST 414, and these curses have their own introductory formula in EST 410-413.\textsuperscript{48} It is significant in this regard that Deuteronomy 28:15 matches much more closely in function to EST 513-517 than to either EST 194-196 or EST 410-413.\textsuperscript{49} While EST 410-413 does introduce a series of curses, the curses are not threatened against people who would disobey the terms of the loyalty oath but against those who would throw away, deface, or destroy their copy of EST.\textsuperscript{50} EST 513-517, on the other hand, threatens curses against people who would sin against the terms of this loyalty oath just as

\textsuperscript{45} For this construction see GAG §185g; John Huehnergard, \textit{A Grammar of Akkadian} (2d ed.; Winona Lake, Indiana: Eisenbrauns, 2005), §36.3; and Edward Lipiński, \textit{Semitic Languages: Outline of a Comparative Grammar} (2d ed.; OLA 80; Leuven: Peeters Publishers & Department of Oriental Studies Bondgenotenlaan, 2001), §61.4. There are at least two reasons for understanding the šumma clause in EST 194-196 in this way. First, several of the šumma clauses in the stipulation sections of EST, including ones that come between EST 194-196 and EST 414, have their own apodoses (EST 73-82; 83-91; 108-122; 130-146; 146-151; 162-172; 198-200; 201-211; 237-248; 302-317; 318-327; 336-352; 360-372; 385-396). It would be difficult to see EST 194-196 as part of the protasis for the curses that begin in EST 414 given the presence of these šumma clauses with their own apodoses. Second, the curses that begin in EST 414 specifically have to do with consequences for damaging, destroying, or otherwise seeking to do away with one’s copy of EST (see the protasis in EST 410-413). The curses for breaking the actual stipulations of EST come much later, beginning in EST 518. It would be difficult to see these šumma clauses functioning as part of a protasis for the curses beginning in EST 414 since these curses have to do with how one handles their copy of EST and not with whether or not one breaks the specific stipulations of EST. For a discussion of arguments based on the verbal forms used in šumma clauses and šumma (lā) clauses, see Manfred Krebernik, “M. Weinfelds Deuteronomiumskommentar aus assyriologischer Sicht,” in \textit{Bundesdokument und Gesetz. Studien zum Deuteronomium} (ed. Georg Braulik; HBS 4; Freiburg: Herder, 1995), 32.

\textsuperscript{46} Otto, “Treueid und Gesetz,” 42.

\textsuperscript{48} The fact that EST 410-413 serves as an introduction to the curses that follow is another piece of evidence against seeing the šumma clauses earlier in EST as part of a gigantic protasis for the curses that follow.

\textsuperscript{49} Note that EST 513-517 introduces the series of curses that run from EST 518 to at least EST 554 – the broader context of these curses contains several introductions, whether given in a full form or through the use of the Akkadian equivalent for the word “ditto” (KI.MIN).

\textsuperscript{50} Parpola (SAA 2 6) translates EST 410-413 as follows: “If you should remove it, consign it to the fire, throw it into the water, [bury] it in the earth or destroy it by any cunning device, annihilate or deface it….” See textual note in section 1.3 above for the word “bury".
Deuteronomy 28:15 threatens curses against those who would violate the laws or terms of some version of Deuteronomy. But even here the wording is so different that no one suggests that a close historical relationship exists between these passages.\(^{51}\)

A third problem with this connection is that EST 194-196 is too far removed from the main body of parallel curses in EST to make any sense of its use in Deuteronomy 28. Why choose this passage when the parallel curses in EST already have their own introductory formulae? Why choose this passage when it has no relationship with the curses that appear much later on in EST? And why choose this passage when it has such a different function in EST? This type of random borrowing makes little sense.

When each of these factors is taken into consideration it seems clear that these passages do not have a close historical relationship with each other despite the strength of the anchor points that connect the two passages together.

3.4.2 EST 528-533 || Deuteronomy 28:23-24

As was mentioned earlier, the strongest and most commonly recognized freestanding parallel between EST and Deuteronomy 28 is the parallel between EST 528-533 (§§63-64) and Deuteronomy 28:23-24. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 528-533 (§§63-64)</th>
<th>Deuteronomy 28:23-24</th>
</tr>
</thead>
<tbody>
<tr>
<td>(528-529) May they make your ground like iron (parzilli) so that nothing may sprout from the midst of it.(^{52})</td>
<td>(28:23) Your skies (ךָשָׁמֶּי) which are above your head will be bronze and the earth which is beneath you iron (בַּרְזֶּל).</td>
</tr>
</tbody>
</table>

\(^{51}\) Parpola (SAA 2 6) translates EST 513-517 as follows: “If you should sin against this treaty which Esarhaddon, king of Assyria, [your] lord, [has concluded] with you concerning Assurbanipal, the great crown prince designate, (and concerning) his [brother]s, sons by [the same mother as Ass]urbanipal, the great crown prince designate, and the re[st of the off]spring of Esar[hadon, king] of Assyria, your lord…”

\(^{52}\) The phrase “so that nothing may sprout from the midst of it” has been translated in a number of different ways. Simo Parpola’s translation (SAA 2 6: 528-529) is essentially the same as the translation used here: “(so that) nothing can sprout from it”. Kazuko Watanabe (Die adê-Vereidigung, 169) translates the phrase as, “Nichts möge daraus aufgehen,” which also falls along the same lines as the translation used here. D. J. Wiseman (Vassal Treaties, 70) translates the phrase, “so that [none] of you may flourish.” Note that the brackets do not represent lacuna in all of the copies available to Wiseman but only in the base text used for his publication (ND. 4327), which is somewhat,
(530-532) Just as rain does not rain down from the midst of a bronze sky (šamāʾē), so may rain and dew not come in the midst of your fields or your irrigated land.  

(532-533) Instead of rain may charcoal rain down on your land.  

(28:24) YHWH will turn the rain of your land into dust and sand; it will come down on you from the skies until you are annihilated.

There are three main anchor points that connect these two passages together. First, both passages use the imagery of a bronze sky to indicate a lack of rainfall. While the imagery is left unexplained in Deuteronomy 28:23, the meaning is essentially clear in this passage.

Second, both passages compare the ground to iron, though the meaning of this imagery could be taken in more than one way in Deuteronomy 28:23. Third, the comparison of the sky to bronze and the ground to iron is followed by an additional curse that substitutes rain for some other though not intentionally, misleading. Erica Reiner (ANET, 539) has, “so that no one may cut a furrow in it.” The phrase in the original is mēmēni ina liḇbi ʾlā iparruʾa. The verb iparruʾa is G-Durative 3csg from the verb parāʾu. The verb parāʾu could be understood as two separate verbs. parāʾu A means “to cut through, to sever, to split” (CAD P, 181). However, there are no examples in CAD where it means “to furrow”. parāʾu B, on the other hand, means “to sprout, to flourish” (CAD P, 182). The same verb occurs a few lines later in EST 541, where it has to mean “to sprout” in its context. According to CAD (P, 182), parāʾu B is a denominative verb from pirʾu, “shoot, offshoot, leaf” (CAD P, 416). Wiseman’s translation is based on parāʾu B but he understands the word mēmēni (“somebody, anything”) to refer to people rather than to vegetation. However, the context makes it clear that mēmēni refers to vegetation.

54 There are several examples in Old Testament (Gen. 7:11; 8:2; 2 Kgs. 7:2, 19; Mal. 3:10) and Mesopotamian literature that picture rain coming from windows or floodgates (אֲרֻבֹת) in the sky. Presumably the picture of a bronze sky would suggest that these windows or floodgates had been closed up with no possibility of rain coming through. Similarly, Christoph Koch, (Vertrag, Treueid und Bund, 211) suggests that the picture in EST 530-532 is of a bronze canopy preventing the rain from falling down.
55 Lundbom, Deuteronomy, 772; Richard D. Nelson, Deuteronomy: A Commentary (OTL; Louisville: Westminster John Knox Press, 2002), 331; J. G. McConville, Deuteronomy (ApOTC 5; Leicester, England: Apollos, 2002), 404-5; Tigay, Deuteronomy, 263. Cf. Karl Elliger, Leviticus (HAT 4; Tübingen: Mohr Siebeck, 1966), 375. The fact that the meaning of this curse is clear can be seen by the fact that commentators were able to understand the significance of the imagery long before EST was discovered. See, for instance, John Calvin, The Covenant Enforced: Sermons on Deuteronomy 27 and 28 (ed. James B. Jordon; Tyler Texas: Institute for Christian Economics, 1990), 144. Duane Christensen, Deuteronomy 21:10-34:12 (WBC 6b; Nashville: Thomas Nelson, 2002), 684, is unique in his suggestion that the bronze sky in Deuteronomy 28:23 was meant to signify the hotness of the sun, despite the parallel to EST quoted on the following page. Peter Craigie, Deuteronomy (NICOT; Grand Rapids: Eerdmans, 1976), 326, and Edhard S. Gerstenberger, Leviticus: A Commentary (Louisville, Kentucky: Westminster John Knox Press, 1996), 415, combine both explanations: lack of rain and a burning hot sun. There is no reason, however, for thinking that this imagery includes the idea of a burning hot sun: the point is that no rain will be able to get through this barrier.
56 See the further discussion of this curse in chapter 6.
substance: charcoal in EST 532-533 and dust and sand in Deuteronomy 28:24. In addition to these three anchor points, EST 528-533 and Deuteronomy 28:23-24 share two cognate words: \textit{parzilli} = \textit{ברזל} and \textit{šamāʾē} = \textit{שמי}. However, as was the case with most of the cognate vocabulary in the curses of Text B in the Tell Fekherye inscription, these cognates are rather unremarkable since they are the normal words for these referents in each language.

There are, however, a number of differences between the curses. The most significant differences are (a) the inverted order of bronze and iron in Deuteronomy 28:23, (b) the difference in genre in the curse of the bronze sky in EST 530-532 and Deuteronomy 28:23; (c) the lack of explanations for the meaning of the bronze sky and iron ground in Deuteronomy 28:23; and (d) the difference in the items that are substituted for rain in EST 532-533 and Deuteronomy 28:24.

As we saw in the Bilingual Inscription from Sardis, the sequence of items in curses can sometimes be changed, sometimes for reasons that are readily explainable and sometimes for reasons that are not. The difference in the order of the bronze sky and the iron ground cannot be used as an argument against a close historical relationship.\footnote{The reason for this difference in order will be discussed in chapter 6.} As we saw in Text B of the Tell Fekherye Inscription, the genre of curses can be changed to fit the context and conventions of the receptor text. In the case of EST 530-532 and Deuteronomy 28:23 this could work either way: EST 530-532 is found in the context of simile curses and could easily have been changed to fit this context and the genre of the curse in Deuteronomy 28:23 could easily have been shifted since no simile curses are found in Deuteronomy 28 or anywhere else in the entire Hebrew Bible. The fact that EST 528-533 contains explanations for the imagery of the bronze sky and the iron ground while the explanations are missing from Deuteronomy 28:23 has no parallel in the inscriptions examined in chapter 2 but can easily be explained as being necessary in EST 528-
533 because of the conventions used in this section of EST while the same explanation was unnecessary for the conventions of Deuteronomy 28:23.\textsuperscript{58} The difference between the objects that take the place of rain can be explained either as an intensification of the language used in the source text or tradition (EST 532-533) or an adaptation to more realistic objects (Deut. 28:24). This will be discussed further in chapter 6.

Given the strength of these anchor points and the explanations that can be given for the differences between these curses, the only thing necessary to establish a close historical relationship is to establish the uniqueness of these anchor points, which, in this context, means that the anchor points were unlikely to have been generated independently by two separate authors with no historical connection existing between them.\textsuperscript{59} In this regard, it is important to note that, apart from Leviticus 26:19, these anchor points are found in no extant curses. As John Pairman Brown notes, the imagery of a bronze sky is found in Homer’s \textit{Iliad},\textsuperscript{60} but it is not found in the context of a curse and not in the presence of these other anchor points.

C. L. Crouch, though dealing with a slightly different issue, suggests that the words sky, earth, bronze, and iron are such common terms that their appearance in both EST 528-533 and

\textsuperscript{58} The implications of this explanation will be explored in chapter 6.
\textsuperscript{59} According to Tigay (Deuteronomy, 496), “The imagery of verse 23, and Leviticus 26:19, is so similar to an Assyrian curse that a literary relationship among the three passages is hardly questionable.” However, similarity in imagery does not necessarily point to a literary relationship: the uniqueness or the non-intuitive character of the imagery also need to be established.
Deuteronomy 28:23-24 is rather unremarkable: their occurrence in Deuteronomy 28:23-24 is not sufficiently unique, whether individually or grouped together, compared to its own tradition to make its audience associate these curses with the curses in EST 528-533.\textsuperscript{61} There are a number of problems, however, with Crouch’s argument. First, while the terms “bronze” and “iron” and the terms “skies” and “earth” are often grouped together, there are no other passages, apart from Leviticus 26:19, where both the sky and the ground are compared to these metals. The closest example is Job 28:2, which says that iron is taken from the earth.\textsuperscript{62} But in this case the ground is not being compared to iron; the ground is mentioned as the source of iron. The fact that bronze is also mentioned in this passage (i.e. bronze comes from ore) is not very relevant for this discussion: while three of the four key terms are used in Job 28:2, the comparative factor is completely missing. The fact that Leviticus 26:19 mentions all four items and does include the comparisons is significant, but it should not be used as evidence against the uniqueness of EST 528-533 and Deuteronomy 28:23-24. Rather, it should be seen as evidence for the possibility of a close historical relationship between all three texts.

The second problem with Crouch’s argument is that she does not give due weight to the combination of the curses of the bronze sky and iron earth and the substitution curse that follows (i.e. “YHWH will turn the rain of your land into dust and sand”).\textsuperscript{63} Surely this combination cannot be the result of coincidence. This unique combination of these four items and the substitution curse that follows strongly suggest that a close historical relationship exists between these two passages, though the precise nature of this connection will require more analysis.

\textsuperscript{61} C. L. Crouch, \textit{Israel & the Assyrians: Deuteronomy, the Succession Treaty of Esarhaddon, & the Nature of Subversion} (Atlanta: SBL Press, 2014), 131-2. Crouch (132) notes: “the overwhelming commonality of all of the individual terms as well as their frequent occurrence in pairs work against the suggestion that their combination in Deut 28:23 is meant to evoke the audience’s knowledge of an Assyrian treaty or loyalty oath text; there is nothing in these terms that would prompt its audience to enquire as to their origins in the first place.”

\textsuperscript{62} Ibid., 132.

\textsuperscript{63} Ibid., 132.
3.4.3 EST 448-451 || Deuteronomy 28:53-57

The final parallel to be examined is the parallel between EST 448-451 and Deuteronomy 28:53-57. This parallel was identified early on by Weinfeld,64 Frankena,65 and McCarthy66 but goes almost completely unmentioned in the most recent treatments of the relationship between EST and Deuteronomy 28.67 The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 448-451</th>
<th>Deuteronomy 28:53-57</th>
</tr>
</thead>
<tbody>
<tr>
<td>(448-451) May a mother bolt her door68 against her daughter. In your hunger, eat the flesh of your sons! In hunger and shortage of food, may a man eat human flesh. May a man clothe himself in the skin of another man.</td>
<td>(28:53) And you will eat the fruit of your belly, the flesh of your sons and your daughters whom YHWH your God has given you, during the siege and the trouble into which your enemy will bring you.</td>
</tr>
<tr>
<td>(28:54-55) As for the soft and very delicate man among you, his eye will be evil against his brother and against the wife of his bosom and against the rest of his sons whom he has left over so that he will not give a single one of them any of the flesh of his sons whom he is eating because it is all that is left over to him in the siege and trouble into which your enemy will bring you in all of your gates.</td>
<td></td>
</tr>
<tr>
<td>(28:56-57) As for the soft and delicate woman among you, who will not even set the sole of her foot on the ground because of her delicateness and softness, her eye will be evil against the husband of her bosom and against her son and against her daughter, her daughter69 who came out from between her</td>
<td></td>
</tr>
</tbody>
</table>

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65 Rintje Frankena, “The Vassal-Treaties of Esarhaddon,” 146. For Frankena, this parallel is part of a much larger parallel that runs from Deuteronomy 28:38-57, which he compares with EST 440-452.
67 Hans Ulrich Steymans, Deuteronomium 28 und die âde zur Thronnachfolgeregelung Asarhaddons: Segen und Fluch im Alten Orient und in Israel (OBO 145; Freiburg: Universitätsverlag, 1995), 346, dates Deuteronomy 28:53-57 at the earliest to the exilic period. This is because of the connections that the wider context has with Deuteronomy 30:1-10 and parallels in the book of Jeremiah. This would put Deuteronomy 28:53-57 much later than his date for Deuteronomy 28:20-44 and outside of the time period that he and Otto, for example, would allow EST to have had any influence on texts from Judah.
68 The words “bolt her door” (KÁ-šá le-di-il) were filled in by Watanabe based on the same wording used in other texts (Watanabe, Die adé-Vereidigung, 114, 194, and SAA 2 6, 448). This reading was confirmed by the copy of EST discovered at Tell Tayinat, which reads KÁ-šá le-di-il (MS T vi 25-26). See Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat, 101.
69 Lit. “her (female) afterbirth.”
There are two main similarities between these curses: first, both curses mention parents eating their own children in a time of desperate hunger and, second, both curses mention mothers keeping food from the rest of their family. Both images are concrete anchor points that connect these two passages together.

There are, however, a number of significant differences between these curses. First, in EST 448-450 the hunger is due to famine while in Deuteronomy 28:53-57 the hunger is due to an enemy siege. Second, Deuteronomy 28:53-57 lacks the imagery of a man clothing himself with human skin. Third, Deuteronomy 28:53-57 focuses equally on males and females in each of the two anchor points while EST 448-451 focuses only on sons being eaten and mothers bolting the doors against their daughters. Fourth, Deuteronomy heightens the effect of the curse by including even soft and delicate fathers and and soft and delicate mothers among those who eat their children and keep their relatives from sharing their food.

Despite the differences between these curses, a good argument can be made that a close historical relationship exists between these curses. While the differences between these curses, for the most part, cannot be explained on the basis of the analysis carried out in chapter 2, most of these differences can be explained on the basis of intensification and adaptation to the context of Deuteronomy 28. The fact that the famine in Deuteronomy 28:53-57 occurs in the context of a siege fits quite well in the context of Deuteronomy 28:49-52 with its mention of an attack by foreign invaders and sieges taking place throughout the land. The fact that Deuteronomy 28:53-

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70 This seems to be an expansion on the theme of cannibalism: just as human beings wear the skins of the animals they eat, they will wear human skin because they have eaten another human being.
does not mention a man clothing himself with the skin of another man might be explained by the fact that the other two scenarios mentioned in EST 448-451 are plausible while clothing oneself with human skin seems to be an unrealistic embellishment and would, therefore, be less likely to be carried over into the context of Deuteronomy 28. The equal attention given to both males and females can be considered an adaptation to the normal style used in Deuteronomy, which quite frequently includes both genders in contexts where this is allowed.\footnote{See Deut. 5:14; 7:3; 12:12, 18, 12:31; 13:6; 16:11, 14; 18:10; 28:32, 41.} The focus on soft and delicate men and women can simply be seen as an intensification of the curse, which does not detract from the central focus of the curse: keeping family members from joining in eating the flesh of their children because of their desperate hunger.

The final issue that needs to be addressed before coming to a conclusion about this parallel is whether or not two authors could have generated this material independently without there being a close historical relationship between these two passages. While the desperation described in these curses could easily have been generated by two independent authors, it seems unlikely that both anchor points would be present in the same text without there being at least a close common tradition that both of these passages drew from. What type of close historical relationship exists between these two passages will be discussed in chapter 6.

3.5 Summary and Conclusions

Of the nine curses or sets of curses examined in this chapter, only two were deemed likely to have a close historical relationship with each other. A key factor in this analysis was the presence or absence of concrete anchor points that connected the two parallel passages together. Before the differences between the curses can be explained along the lines of chapter 2, the anchor points need to be strong enough to warrant these types of explanations. If the curses have anchor points that were unlikely to have been generated by two authors working independently
of each other, this warrants an attempt to figure out why the differences between the two passages came into existence.

That being said, we also saw that the presence of strong anchor points does not necessarily point to a close historical relationship existing between two passages: both the context of the parallel curses, as well as the uniqueness of the anchor points, need to be taken into consideration. In the case of the parallel between EST 194-196 and Deuteronomy 28:15, the function of the conditional clause was completely different from the function of the conditional clause in Deuteronomy 28:15. The strength of this difference was sufficient to outweigh any similarity that they had in other areas.

In chapter 6 we will examine the parallel between EST 528-533 and Deuteronomy 28:23-24 and EST 448-451 and Deuteronomy 28:53-57 to see what type of close historical relationship might exist between these passages.
Chapter 4
Parallel Sequences: EST 472-493 and Deuteronomy 28:20-44

4.1 Introduction

In chapter 3, we saw that the vast majority freestanding parallels between EST and Deuteronomy 28 do not have a close historical relationship with each other. This was based primarily on the fact that most of the freestanding parallels either had no concrete anchor points or only one or two concrete anchor points that could easily be explained on the basis of shared experience. In terms of shared subject matter, we saw that in most cases the only way of finding a common subject matter was to appeal to the lowest common denominator and to ignore the specifics of the curses. In the two cases where we saw that a close historical relationship was likely to exist between the two passages, the two passages were connected to each other through a cluster of concrete anchor points whose combination was clearly not coincidental.

As we move forward to an examination of the parallel sequences between EST and Deuteronomy 28, the uniqueness of the combination of anchor points will play a much more significant role. In the case of parallel sequences, combinations of anchor points are not limited to the level of the individual curse but also extend to the other curses that are part of the parallel sequence. The combination of anchor points, whether within the individual curse or in the larger parallel sequence, has the potential to exert pressure on the analysis of the individual curses and will allow for a much greater degree of flexibility when evaluating the differences between the curses.

The purpose of this chapter is to examine the parallel between EST 472-493 (§56) and Deuteronomy 28:20-44 to see whether or not this parallel and the curses included in this parallel
have a close historical relationship with each other.\(^1\) This parallel has been at the center of recent discussions about the relationship between EST and the book of Deuteronomy.\(^2\) According to Steymans, Deuteronomy 28:20-44 follows the sequence of EST 472-493 with a few minor differences: the curses of EST 418a-430 (=§§38A-42) and EST 526-535 (=§§63-65) were added to Deuteronomy 28 where they fit thematically within the sequence of EST 472-493.\(^3\) For Steymans, the use of EST 472-493 as the model for Deuteronomy 28:20-44 makes sense historically since EST 472-493 is the paragraph that comes immediately before the oath that Manasseh would have been required to take when he swore to the terms of EST (EST 494-512 [§57]).\(^4\)

The most significant challenges to Steymans’ position have come in the recent monographs by Christoph Koch\(^5\) and C. L. Crouch.\(^6\) However, as we saw in chapter 1, neither Koch nor Crouch examined the entire sequence. Koch’s examination focused on only three examples that,}

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4. Steymans, *Deuteronomium 28*, 311; “Deuteronomy and Tell Tayinat,” 3. Steymans, “Deuteronomy and Tell Tayinat,” 4-5, also notes that the curses in §§54, 54A-C (Tayinat), and 55, which come just before EST 472-493 (=§56) are associated with deities from the Levant: Aramiš, Adad (connected here with rain), Śālā, Šarrat-Ekron, Bethel, Anath-Bethel, and Kubaba. Steymans also notes the possibility that Bethel in §54C might refer to the Israelite Bethel and that Bethel could be an alternative name for YHWH.


for him, showed the weakness of the parallel sequence as a whole.\textsuperscript{7} Crouch’s examination focused on a larger portion, the parallel between EST 472-481 and Deuteronomy 28:20-22, but failed to interact in any significant way with Steymans’ arguments.\textsuperscript{8} Crouch considered the parallel to be so unconvincing that she deemed it unnecessary to continue with the analysis of the entire sequence.\textsuperscript{9}

Despite the criticisms that have been made against this parallel, the parallel between EST 472-493 and Deuteronomy 28:20-44 continues to be cited as evidence for the relationship between EST and Deuteronomy 28.\textsuperscript{10} Part of the reason, no doubt, has to do with lack of exposure to and engagement with the critiques that have been offered by Koch, Crouch, and others. Another reason, no doubt, has to do with a lack of serious engagement with Steymans’ own arguments about EST 472-493 and Deuteronomy 28. But the most important reason for the continued belief that EST 472-493 is parallel with Deuteronomy 28 is the lack of a thorough critique of Steymans’ position using the type of methodology developed in chapters 1 and 2.

The purpose of this chapter is to offer such a critique.

We will begin by examining the individual curses in the sequence. As the analysis progresses, we will make comparisons with the sequence itself to determine whether or not the sequence should exert pressure on the analysis of the individual curses. Throughout the analysis,
we will make comparisons with the material examined in chapter 2 and the freestanding parallels examined in chapter 3.

4.2 EST 472-475 || Deuteronomy 28:20a

The first parallel to be examined is the parallel between EST 472-475 and Deuteronomy 28:20a. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 472-475</th>
<th>Deuteronomy 28:20a</th>
</tr>
</thead>
<tbody>
<tr>
<td>(472-75) May the great gods of heaven and earth who dwell in the world, as many as whose names are invoked in this tablet, strike you; may they look at you angrily; may they curse you angrily with a disastrous curse (arratu).</td>
<td>(28:20a) YHWH will send against you curse (המְאֵּרָה), confusion, and rebuke in every undertaking of your hand that you do…</td>
</tr>
</tbody>
</table>

We can begin by examining the curses in EST 472-475. EST 472-475 is essentially made up of four separate parts. The first part, which calls upon all of the gods who are mentioned in EST, serves broadly as the introduction to EST 472-493 but more narrowly to the four curses listed in EST 474-477 (i.e. the curses listed above and the first curse in the following section). This narrower function can be seen by the use of the third masculine plural precatives in these curses with “the great gods of heaven and earth” functioning as their subject. In terms of genre, the use of the phrase “the great gods of heaven and earth” identifies these curses as divine curses while the remainder of the curses in EST 472-493 are simple wish curses.

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12 Kazuko Watanabe, Die adé-Vereidigung anläßlich der Thronfolgeregelung Asarhaddons (BaghM.B 3; Berlin: Bebr. Mann, 1987), 117 and 166 has DIN[GIRMES G]ALMES based on ND4337. The damaged portion is preserved in the tablet from Tayinat (T vi 52).
13 Akk. ašibātu kibrāti. The word kibrātu refers to the four regions of the inhabited world. See CAD K, 331.
14 Parpola (SAA 2 6: 475) has “uproot you from among the living and curse you grimly with a painful curse.” The phrase “uproot you from among the living” is not found in any copy of EST at this point but is found in EST 476. Parpola seems to have taken this line accidentally from EST 476 and inserted it into EST 475. In EST 476 he translates the same phrase, “may they take possession of your life,” which means that Parpola actually translated this line twice.
15 Heb. רֶּת הַמִּגְּעוֹ. This word occurs only here in the Hebrew Bible, though its meaning can be inferred from the verb גָעַר and the noun גְעָרָה. It refers to the action of rebuking or restraining. See Jeffrey H. Tigay, Deuteronomy = [Devarim]: The Traditional Hebrew Text with the New JPS Translation (Jewish Publication Society Torah Commentary; Philadelphia: The Jewish Publication Society, 1996), 262.
The general wording of this introduction is found with some variation in several places in EST (§§57, 63, 77, 91, 92), mostly in the sections that contain simile curses. The basic formula is quite common in the Mesopotamian tradition and is found, among other places, on numerous Babylonian kudurrus (boundary stones). The phrase “who dwell in the world” does not appear to be a common divine epithet, though the word kibrātu (“world”) is found in other epithets. Assuming that EST 472-475 was borrowed by Deuteronomy 28:20a, it would be expected that this introductory formula would be omitted since YHWH is the only god mentioned in Deuteronomy 28 and since divine epithets can be changed or omitted when curses are translated from one language to another. This, however, leaves only a small portion of EST 472-475 that can usefully be compared to Deuteronomy 28:20a.

The second part of EST 472-475 is a wish that the gods who are mentioned in EST would strike (limḫaṣūkunu) the party who sought to do away with their copy of EST. The verb maḫāṣu generally means “to hit” someone or something. The effect of that hitting (i.e. wound, kill, etc.) and the instrument used to do the hitting are determined by the context in which the verb appears. When the subject of the verb is divine and the instrument is explicitly named, the instrument used to do the striking is usually sickness or disease. Since the instrument is left unnamed in EST 472-475, it can be assumed that the instrument being used is sickness or disease as in other contexts where the instrument is explicitly named.

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16 See BBst. No. 3, iv 22; No. 4, iv 5; No. 6, ii 37; No. 7, ii 36; No. 8, iii 24, iv 33, additional 6; No. 9, v 6.
17 See CAD K, 333.
18 Steymans (Deuteronomium 28, 301) attributes the omission of the divine epithet to the fact that most west Semitic curses do not use divine epithets. Steymans cites a number of Aramaic texts in support of this. Note, however, the use of divine epithets in Azitawadda’s Phoenician/Luwian bilingual inscription, which is a counter example to this.
19 The protasis for the curses in EST 414-493 (§§37-56) is found in EST 410-413 (§36). The curses that follow this introduction all have to do with damaging, destroying, or removing the recipients’ copy of EST. See Michael P. Streck, “Die Flüche im Sukzessionsvertrag Asarhaddons,” ZABR 4 (1998), 166-7.
20 CAD M1, 75-76.
Using the terminology developed here, Steymans sees a concrete anchor point between the use of the verb *maḥāṣu* in EST 474 and the lexical equivalent נָכָה in Deuteronomy 28:22, 27, 28, and 35. Steymans suggests that the use of *maḥāṣu* in EST 474 served as the trigger for the use of the word נָכָה in each of these verses. There are two main problems with this suggestion. First, the use of the verb נָכָה is quite natural in the context of Deuteronomy 28:22, 27, 28, and 35 and does not need the use of *maḥāṣu* in EST 474 to trigger its usage. In each of these cases, the curse has to do with YHWH striking the people of Israel with sickness or some kind of negative physical condition if they violate the terms of the covenant. It is only natural that the verb נָכָה would be used in these contexts. Second, and most importantly, the verb נָכָה is not found in Deuteronomy 28:20, the actual parallel with EST 473-475. In order to find a connection with Deuteronomy 28, Steymans is forced to find a connection with passages outside the immediate parallel. The use of these lexical equivalents seems to be due to shared modes of expression (i.e. both Hebrew and Akkadian use the language of striking in contexts like these) rather than to a close historical relationship existing between them.

The third part of EST 472-475 is a wish that the gods would look angrily (*likkelmûkunu*) upon the people who were being cursed. This is a fairly common motif in Mesopotamian curses and is often paired with the curse that follows in EST 475 (“May they curse you angrily with a disastrous curse”) or some variation of that curse. Looking at a person angrily is the prelude to making something bad happen to that person: it signals a negative disposition that will likely

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22 *Deuteronomium* 28, 301: “Dennoch liefert es hier das Stichwort für die „Schlagen“-Reihe Dtn 28,22.27.28.35.”
23 *CAD* N2, 152-3.
24 E.g. BBst. No. 5, iii 26-34. “May Anu, Enlil and Ea, Ninib and Gula, the lords of this earth, and all the gods whose shrines upon this stone are exhibited, look in anger upon him! With a curse that cannot be loosed may they curse him!” (Translation by King).
lead to negative action toward that person.\textsuperscript{25} It is significant that this curse does not appear in Deuteronomy 28:20a. There are no analogies from the inscriptions examined in chapter 2 to explain the absence of this curse from Deuteronomy 28:20a. This would have provided a very clear anchor point to connect these two passages together but its absence drives these passages further apart. The fact that this curse is absent from Deuteronomy 28:20a reduces even further the amount of EST 472-475 that can be connected to Deuteronomy 28:20a and demands that any anchor point between the two passages be strong enough to outweigh the deficit caused by the absence of this curse.

The fourth part of EST 472-475 is a wish that the gods who are mentioned in EST would curse (i.e. make bad things happen to) the people who would seek to do away with their copy of EST. This is the most general form that a curse can take: it leaves the specifics of the curse unmentioned but simply wishes in a general way that bad things would happen to the party that is being cursed. Both the verb used in this curse (\textit{līrurūkunu}) as well as the accusative noun (\textit{arratu}), which functions as the complement to the pronominal suffix on the verb, are cognates of the word \textit{הַמְאֵּרָה} (“curse”) in Deuteronomy 28:20. The word \textit{הַמְאֵּרָה} functions in a similar way to the cognate (\textit{arratu}) in EST 475: it signifies the bad thing(s) that will happen to the person who is being cursed without giving any specifics.

The use of the word \textit{הַמְאֵּרָה} in Deuteronomy 28:20 is significant because the normal word for “curse” in Deuteronomy is the word \textit{קְלָלָה}.

\textsuperscript{26} The word \textit{הַמְאֵּרָה}, on the other hand, occurs quite infrequently in the Hebrew Bible and only here in the book of Deuteronomy.\textsuperscript{27} The question that

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\textsuperscript{25} Cf. Ernst Weidner, “Hochverrat gegen Nebukadnezar II. Ein Grosswürdenträger vor dem Königsgericht,” \textit{AfO} 17 (1954-56), 3, Vs. 19-20: “He looked at him angrily, commanded that he not remain alive, and they slit his throat.” Translation after Weidner.

\textsuperscript{26} Deut. 11:26, 28; 21:23; 28:15, 45.

\textsuperscript{27} Deut. 28:20; Pr. 3:33; 28:27; Mal. 2:2; 3:9.
needs to be asked, then, is whether or not הַמְאֵּּרָה is a strong enough anchor point to suggest that these two passages have a close historical relationship with each other. There are at least two reasons for thinking that this is not the case:

(a) First, the word *arratu* is quite common in the Mesopotamian tradition:²⁸ there is no reason why the use of הַמְאֵּּרָה in Deuteronomy 28:20a should be connected with this particular curse from EST unless there are much stronger anchor points, within the individual curse or in the overall sequence, to connect the two passages together. Unfortunately, within the individual curse, this is the only anchor point that connects these two passages together.

(b) Second, the deficits caused by the other differences between EST 472-475 and Deuteronomy 28:20a far outweigh any connection that could be drawn due to the use of הַמְאֵּּרָה in Deuteronomy 28:20a. In addition to the differences that have already been mentioned, there are several parts of Deuteronomy 28:20a that are not found in EST 472-475. In Deuteronomy 28:20a, not only does it say that YHWH would strike the party being cursed with a curse, it also says that YHWH would afflict them with הַמְהוּמָה (“confusion”) and הַמִּגְעֶּרֶת (“rebuke”). Based on the available evidence, these words are not part of a traditional lexical grouping in Hebrew, which means that the type of addition found in Text B of the Tell Fekherye inscription cannot be used here to explain these differences. In addition, the three curses in Deuteronomy 28:20a (i.e. curse, confusion, and rebuke), in contrast to the curses in EST 472-475, are directed primarily against what the people do (“in every undertaking of your hand that you do”) rather than on the people themselves. This may be a fine distinction but it shows an important difference in mode of expression that also weighs in as evidence against a close historical relationship.

²⁸ See *CAD* A2, 304-5.
Steymans finds two other connections between these passages that also need to be considered. First, according to Steymans, both EST 472-475 and Deuteronomy 28:20 follow the *ellu-ebbu-namru* principle, a literary device common in Mesopotamian texts where the constituent elements become increasingly longer as the sentence progresses. In Deuteronomy 28:20, according to Steymans, this is accomplished through an increase in vowel length and an increase in the number of syllables: אֶתְהַמְמָה → אֶתְהַמְמָה → אֶתְהַמְמָה. In EST 472-475, according to Steymans, this is accomplished through the addition of an adverb to the second verb (*likkelmûkunu*) and the addition of a noun and an adjective to the third verb (*lîrurûkunu*). There are at least three problems, however, with this argument. First, Steymans is simply mistaken when he says that an adverb is added to the second verb in EST 472-475. The second element in the series is simply *likkelmûkunu*: there is no adverb in this part of the text. This means that this series does not actually follow the *ellu-ebbu-namru* principle. Second, why would the author of Deuteronomy 28:20a preserve the *ellu-ebbu-namru* principle from EST 472-475, which readers of both EST and Deuteronomy 28:20a might not have consciously detected, while allowing for much larger-scale differences that would clearly have drowned out such a subtle similarity? Third, even if EST 472-475 did follow the *ellu-ebbu-namru*, at best, this kind of argument could only be used to corroborate a case that had already been made on other grounds. This similarity is far too subtle to serve as an anchor point to connect these two passages together.

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31 It is possible that Steymans mistook the German adverb used in Watanabe’s translation (i.e. “euch böse anblicken”) as an element that was actually present in the text of EST itself. However, the entire phrase “euch böse anblicken” is simply a translation of the verb *likkelmûkunu*. See CAD N2, 152-4.

32 The first two verbs (*limhašûkunu* and *likkelmûkunu*) have the same number of syllables. The only difference is that the first verb has an ṣ while the second verb has an ū. Although not mentioned by Steymans, it seems unlikely that this difference is enough to salvage the *ellu-ebbu-namru* principle in this text.
The second additional connection is the use of a verb and a cognate noun in each passage: *arratu*...*līrūkunu* (“may they curse you with a curse”) in EST 475 and יְשַׁלַח...בְכָל־מִּשְׁלַח* (“he will strike…in every stretching out”). The use of these cognates, however, is entirely coincidental. The words used in EST 475 and Deuteronomy 28:20a have entirely different meanings (curse vs. striking) and have different grammatical relationships to their cognate in their respective passages: *arratu* functions as an object of *līrūkunu* indicating the instrument with which the direct object (indicated by the pronominal suffix) would be cursed while the phrase יְשַׁלַח is a prepositional phrase specifying the sphere in which the striking would take place. Both of these factors suggest quite strongly that the use of these cognates is due to coincidence rather than to the influence of one passage upon the other.

In terms of the larger sequence, Steymans identifies the subject matter of both EST 472-475 and Deuteronomy 28:20a as a general curse and as an introduction.33 While this summary fits well with the curses in EST 472-475, it does not fit well with the curses in Deuteronomy 28:20a. Deuteronomy 28:20a is neither an introduction nor a general curse: it is a promise that those who violate the covenant will be frustrated in all the activities they attempt to undertake.35 There is even less of a relationship between the subject matters of these curses than most of the freestanding parallels examined in chapter 3. This means that right from the very outset the parallel between EST 472-493 and Deuteronomy 28:20-44 as a sequence is called into serious question.

33 Steymans, *Deutoronomium* 28, 301, 311.
34 While Deuteronomy 28:20 certainly does introduce a new section because of its placement immediately after the אָרוּר curses in 28:16-19, it does not contain the formal features of an introduction like in EST 472-475.
Given the differences between EST 472-475 and Deuteronomy 28:20a and the weakness of the single anchor point that connects these two passages together, it is safe to say that these two passages do not have a close historical relationship with each other unless pressure can be exerted by the strength of the rest of the sequence.  

4.3 EST 476-479 || Deuteronomy 28:20b-21

The second parallel to be examined is the parallel between EST 476-479 and Deuteronomy 28:20b-21. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 476-479</th>
<th>Deuteronomy 28:20b-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>(476-479) Above may they uproot you from the living. Below in the underworld</td>
<td>(28:20b) …until you have been destroyed and until you quickly perish because of your evil deeds by which you have forsaken me.</td>
</tr>
<tr>
<td>may they deprive your ghost of water. May they chase you at night and during the daytime.</td>
<td></td>
</tr>
<tr>
<td>May you not be able to take refuge in a hidden place or a remote corner.</td>
<td>(28:21) YHWH will cause pestilence to cling to you until he brings you to an end from the land to which you are going to possess.</td>
</tr>
</tbody>
</table>

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37 Akk. *erṣeti*. The context (“below” and “ghost”) indicates that this refers to the underworld. For other examples where *erṣetu* refers to the underworld see CAD E, 310-11.

38 Akk. *ṣillu u šētu liktaššidākunu*. Parpola (SAA 2 6: 477-488) and Watanabe (Die adē-Vereidigung, 167) understand *ṣillu* (“shadow”) and *šētu* (“daylight”) to be the subjects of *liktaššidākunu* (“shadow and daylight will chase you”). It seems better, however, to see *ṣillu* and *šētu* as adverbial accusatives of place (note that nominative and accusative endings are identical in neo-Assyrian) denoting the sphere in which the gods would chase the people being cursed (cf. Erica Reiner, ANET, 539; Wiseman, VTE, 66; CAD $ S$, 151). This fits much better with the context of what comes before and after – the people being cursed would have no respite from the curse: they would have no respite in the grave, no respite either at day or at night, and there would be no safe place where they could flee. This translation also makes better sense of the curse – what would it mean for shadow and daylight to chase someone away?

39 Akk. *ina pusri šaḫāti lā tannemmišaš*. When used with *pusru* (“secret place, hiding place”) or *šaḫātu* (“corner, hiding place, refuge”), *emēdu* means “to go into hiding” (CAD P, 557; CAD Š1, 83).

40 Steymans, “Deuteronomy and Tell Tayinat,” 5-6, argues that the phrase “your evil deeds by which” is a later addition by the scribe who penned 28:45. Whether this phrase is an addition or not is not material to the comparison that will be made in this section.

41 Steymans, “Deuteronomy and Tell Tayinat,” 6, argues that the phrase “from the land to which you are going to possess” is an addition based an identical phrase in Deuteronomy 28:63. His position here ultimately has no bearing on the overall analysis given in this section.
We can begin with an examination of EST 476-479. EST 476-479 consists of four separate curses. The first curse calls upon the gods to take the life of the perpetrator and remove them from the land of the living. The second curse extends the punishment to the underworld and calls upon the gods to deprive the perpetrator of water in the underworld. These two curses belong together as a unit, which is indicated by the words that introduce each curse: eliš (“above”) and šapliš (“below”). The third curse is a wish that the gods would pursue the people being cursed both at nighttime and during the day: just as there is no place where they can flee, whether in the underworld (the second curse) or in the remotest corner of the earth (the fourth curse), there will be no time during the day or night when they will not be pursued. The fourth curse, as already mentioned, is a wish that the people being cursed would not be able to find a hiding place from the gods who are pursuing them.

The main similarity that Steymans identifies between these two passages is that both passages have to do with (a) the sphere of death and (b) being driven away from the place where one lives with the result that they can find no place to rest. Steymans acknowledges that Deuteronomy 28:21 lacks a reference to YHWH cursing people in the underworld but finds a connection between the sphere of the living in EST 476-479 and הָא דָּמָה in Deuteronomy 28:21: just as Israel

42 Both curses appear in LH column 50, 14-40, with almost identical wording and are associated with the god Šamaš. “Above may he uproot him from the living; below in the underworld may he cause his ghost to thirst for water (lišaṣmi).” Translation mine.
43 Steynan, Deuteronomium 28, 302-3. Steynan (“Deuteronomy and Tell Tayinat,” 5-6) also suggests tentatively that the use of the verb בָּזֶה in Deuteronomy 28:20 may have been inspired by the use of the cognate verb in EST 479: ak(a)lu u mê līzibûkunu (“May food and water abandon you”). According to him, the verb בָּזֶה originally appeared at the beginning of Deuteronomy 28:20 but was later shifted to the end. There are three main problems with this suggestion. First, based on the correspondences that Steymans sees between EST 472-493 and Deuteronomy 28:20-44, the cognate verb in EST 479 belongs to the next parallel in the sequence in Deuteronomy 28 (see below), not this parallel. Second, these verbs have completely different functions in their respective contexts and have different grammatical subjects: food and water abandoning the party being cursed is much different from Israel forsaking YHWH. Finally, Steymans’ explanation for how the verb בָּזֶה shifted from the beginning of 28:20 to the end of 28:20 seems overly complicated. The easiest explanation given all of the data is that the use of these cognates in both passages is purely coincidental: there is no reason to connect them together in any way.
44 Steymans, “Deuteronomy and Tell-Tayinat,” 7: “The Hebrew scribe did not adopt the Mesopotamian concern for the ghost of the dead in accordance to the general reluctance of the Hebrew Bible in dealing with the afterlife.”
would be driven from the land, the people being cursed in EST 476-479 would be driven away from the land of the living through death. Steymans finds confirmation for this connection in the fact that "pestilence" is translated in the LXX by the word "death", which would connect Deuteronomy 28:21 to the sphere of death mentioned in EST 476-479.

There are several problems with the connections that Steymans draws between these two passages. First, the connection that Steymans draws between “Above may they uproot you from the living” and "death" in Deuteronomy 28:21 is far too general to serve as an anchor point between these two texts. While it is true that "death" lies in the realm of “the living”, this focus or nuance (i.e. land as the realm of the living vs. realm of the dead) is completely missing from Deuteronomy 28:21. The reality is that there is no explicit reference to “the land of the living” or anything near that concept in Deuteronomy 28:20b-21, which significantly weakens the case for a close historical relationship between these two passages.

A second problem is that neither passage deals with the subject matter of being driven away from one’s home with the result that they can find no place to rest. The point of EST 476-479 is not that the people being cursed would be driven away from their homes; the point is that there is nowhere where the perpetrators can hide or escape where they can be safe from the curses that will be unleashed against them. The point of Deuteronomy 28:20b-21, which incidentally does not actually form its own unit, is that Judah/Israel will be destroyed if they violate the terms they were agreeing to. If a close historical relationship existed between these two passages one

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47 Deuteronomy 28:20b is a temporal clause that defines how long the curses in 28:20a would affect the people who are being cursed: it will affect them until they have been destroyed. Steymans has artificially detached Deuteronomy 28:20b from 28:20a to provide a closer connection with the parallel in EST.
would have expected that Deuteronomy 28:20b-21 would explicitly mention the idea that there is nowhere where the perpetrators can hide from the curse.

A third problem is the fact that the LXX’s translation of רֶבֶר (“pestilence”) as θάνατος (“death”) is conceptually dissimilar from the mention of the underworld in EST 476-479. The reason why the LXX translates רֶבֶר as θάνατος is that there is a close connection between pestilence/plague and death. As we saw in the Bilingual Inscription from Tell Fekherye, the Aramaic word used for plague in line 22 is mwtn, which is related to the word “death” (mwt) in Aramaic. The same is true of the Akkadian word mūtānu (“epidemic, plague”), which is related to the word “death” (mūtu) in Akkadian. The LXX’s translation of רֶבֶר as θάνατος should not be surprising. In any case, both plague/pestilence and the concept of death are quite removed from the idea of the underworld in EST 476-479. The underworld in EST 476-479 is a place, a place where ghosts live and a place where ghosts can eat and drink, not an abstract concept or state. These two concepts are far too dissimilar from a conceptual point of view for them to serve as anchor points connecting these two passages together, quite apart from the fact that this connection can only be made in Greek rather than Hebrew.48

In terms of subject matter, the main subject matter of EST 476-479, when considered on its own, is the inescapability of the curses that would be unleashed by the great gods of heaven and earth if someone sought to do away with their copy of EST. This subject matter is quite different from the one suggested by Steymans: the sphere of death and the loss of a place where a person can live and find rest.49 The wording of Steymans’ summary seems to have been formulated

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48 It should also be noted that the word “death” or “dead” does not occur in EST 476-479. The fact that ędēti refers to the underworld is indicated by the words “below” and “ghost”, not the use of the words “dead” or “death”.

49 Steymans (Deuteronomium 28, 303; “Eine assyrische Vorlage,” 128-29) uses the terms “Todessphäre”, “Ortlosigkeit”, and “Verlust des Ortes, an dem der Mensch Lebensraum und Rast finden könnte”.
with a view to connecting it with Deuteronomy 28:20b-21. The subject matter of Deuteronomy 28:20b-21, on the other hand, is destruction through the curses given in 28:20a (keeping in mind that Steymans arbitrarily disconnected 28:20b from 28:20a) and destruction through pestilence/plague. There is no mention anywhere in this passage of the underworld or the inability to flee from these curses. The subject matter of these curses are clearly different.\(^{50}\)

Once again, unless an enormous amount of pressure can be exerted from the parallel sequence between EST 472-493 and Deuteronomy 28:20-44, it is clear that these two passages have no historical relationship with each other.

4.4 *EST 479-481 || Deuteronomy 28:22-24 || EST 528-533*

The parallel between EST 479-481 and Deuteronomy 28:22-24, on Steymans’ reading, is much more complicated than the parallels examined up to this point. According to Steymans, Deuteronomy 28:22 was borrowed directly from EST 479-481.\(^{51}\) However, in the case of Deuteronomy 28:23-24, only the general subject matter of the curse (i.e. famine) was borrowed from EST 479-481 while the specifics of the curse were borrowed from EST 528-533 (=§§63-64), which also deals with the topic of famine. In other words, the curses of EST 528-533 were borrowed by Deuteronomy 28 where they fit thematically with the sequence of EST 479-481.\(^{52}\)

This means that there are two comparisons that need to be made here: first, Deuteronomy 28:22 needs to be compared with EST 479-481 to see if a close historical relationship exists between the curses and, second, EST 479-481 needs to be compared with EST 528-533 to see whether or not the one could legitimately serve as the trigger for the insertion of the other. The parallel between EST 479-481 and Deuteronomy 28:22 reads as follows:

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\(^{50}\) Note once again that Eckart Otto (*Deuteronomium 23,16-34,12*, 1994), who, in the past, followed Steymans quite closely, sees no connection between these two passages since EST 476-479 does not use the word “plague”: “Eine Rezeption von VTE §§6:476-479, wie von H. U. Stezmans vorgeschlagen, ist dagegen nicht plausibel, da von der Pest dort keine Rede ist.”

\(^{51}\) Steymans, *Deuteronomium 28*, 303.

EST 479-481 | Deuteronomy 28:22
--- | ---
(EST 479-481) May food and water abandon you. May famine, lack of food, starvation, and plague not be removed from before you. | (28:22) YHWH will strike you with tuberculosis, with fever, with intense fever, with violent heat, with drought, with blight, and with mildew. And they will pursue you until you perish.

EST 479-481 is made up of two simple wish curses. The first curse personifies food and water and wishes that food and water would leave the party that sought to do away with its copy of EST. In concrete terms, this refers to famine and drought. The second curse is an elaboration of the first curse: it is a wish that famine (sunqu), lack of food (ḥušaḫhu), starvation (bubūtu) and plague (mūtānu) would be a constant reality for those who were being cursed. The terms sunqu, ḥušaḫhu, and bubūtu have significant semantic overlap: all three terms refer to famine with the final term being used more specifically in certain contexts to refer to “hunger” or “starvation”.

Each of these terms are used quite frequently together in either groups of two or three and can be considered to be a stock lexical grouping in the Mesopotamian tradition.54 The word mūtānu, which was discussed earlier in the analysis of the parallel between EST 476-479 and Deuteronomy 28:20b-21, appears in at least one other Mesopotamian text with the other words used for famine in EST 479-481.55

There are two main connections that Steymans finds between EST 479-481 and Deuteronomy 28:22. The first connection has to do with the word plague (mūtānu) in EST 480 and the four

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54 See the examples in CAD S, 386; CAD H, 261; and CAD B, 301-2.

55 Cylinder Inscription of Tiglath-Pileser I viii 86 in E.A. Wallis Budge and L.W. King, *Annals of the Kings of Assyria* (vol. 1; London: The British Museum, 1902), 108. Budge and King understood the signs to mean “blood” (ŪŠ.MEŠ → dāmē) whereas CAD M2, 297 understands them to mean “plagues” (ŪŠ.MEŠ → mūtānē). Both readings are possible. CAD M2’s reading seems to be based on the parallel with EST 480, which uses a less ambiguous logographic sign: NAM.ŪŠ.MEŠ (mūtānu, “plague”). Assuming the reading in CAD M2 is correct, this section has all four words from the curse in EST but with two differences: the sequence of words is slightly different and the word mūtānu is plural in the Cylinder text.
diseases/sicknesses that are mentioned in Deuteronomy 28:22: tuberculosis (תְּלִיבָה), fever (חרדה), intense fever (חַדְקַד), and violent heat (רֹצֵחַ). According to Steymans these four diseases/sicknesses stand in the place of plague (מְטָנָה) in EST 480. Steymans finds a parallel for this type of expansion in the Bilingual Inscription from Tell Fekherye (Assyrian: ll. 37-38, Aramaic: l. 23): the final curse of the Aramaic version, which serves as the donor text for the Assyrian version, lists only one disease/sickness (מְטָנָה, “plague”) while the Assyrian version, on the other hand, lists three diseases/sicknesses: di’u (“disease affecting the head”), šibṭu (“plague”), and dilipte (“sleeplessness”). For Steymans, the fact that Deuteronomy 28:22 lists four diseases/sicknesses while EST 479-481 lists only one can be explained by the fact that curses with lists can be expanded when translated from one language to another.

Despite the superficial similarities between this parallel and the final curse of the Tell Fekherye inscription, there are serious problems with using this inscription as an analogy for understanding the differences between EST 479-481 and Deuteronomy 28:22. The most significant difficulty is that none of the words used in Deuteronomy 28 are cognate with or semantic equivalents to the word מְטָנָה (“plague”) in EST 480. In the Tell Fekherye inscription, on the other hand, one of the keywords in the Aramaic curse (שִֹבְתּ, “epidemic”) was cognate with one of the words in the larger list in the Assyrian version (šibṭu, “epidemic”). This provides a concrete anchor point between the two passages. The two additional words in the Assyrian version were likely added because they appear quite frequently in combination with šibṭu: they can be considered a traditional lexical grouping in the Mesopotamian tradition. It is not the case of three unrelated sicknesses appearing in the Assyrian version while a completely

56 Steymans, Deuteronomium 28, 303; idem, “Eine assyrische Vorlage,” 129.
57 The Aramaic version technically lists two diseases/sicknesses: מְטָנָה (“plague”) and Šbṭ (“epidemic). However, Steymans is right to see only one ailment listed here since šbṭ stands in apposition to מְטָנָה. See discussion in chapter 2.
different illness appears in the Aramaic version: one term is cognate and there is a clear rationale for the inclusion of the other two terms. This explanation simply does not fit with the case of Deuteronomy 28:22.

Steymans finds another connection between EST 479-481 and Deuteronomy 28:22 in the three other afflictions that are mentioned in Deuteronomy 28:22: שׁדָּפָה ("drought"), שלמוי ("mildew"). Steymans connects these three terms with the three terms used for famine in EST 480: sunqu ("famine"), ḥuṣahhu ("lack of food"), and ḥubūtu ("starvation").58 The problem with this connection, however, is that none of these words are cognate with the terms in the other version and none of them are lexical equivalents: they mean something completely different. The connection between these terms is even tenuous on a conceptual level: the terms in EST 480 all describe famine while the terms in Deuteronomy 28 have to do with conditions that cause famine without mentioning famine at all.59 These differences, combined with the other ones already examined, make it highly unlikely that a close historical relationship exists between EST 479-481 and Deuteronomy 28:22.60

The second issue that needs to be examined is whether or not a plausible case can be made that the imagery of EST 528-533 was inserted into the context of Deuteronomy 28:20-44 because of its thematic connection with EST 479. The curses read as follows:

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58 Steymans, Deuteronomium 28, 303.
59 Tigay (Deuteronomy, 262-3) is non-committal about whether or not these afflictions refer to afflictions that affect plants or human beings. If they do refer to affictions that affect plants, Tigay sees this as a transition to the theme of famine in 28:23-24.
60 Once again it is interesting to note that Otto in his recent commentary (Deuteronomium 23,16-34,12, 1994) sees no connection between these two passages: “In Dtn 28,22a formulieren die deuteronomischen Autoren einen Mottovers für die Flüche, ohne eine Vorlage in den VTE zu haben. Vielmehr fast dieser Fluch mit Krankheiten, Kriegen und Naturkatastrophen das thematische Spektrum der folgenden Flüche bis Dtn 28,44 zusammen.” In earlier publications, Otto seems to have accepted the entirety of Steymans’ argument that EST 472-493 is parallel with Deuteronomy 28:20-44. When commenting on these parallels for the sake of his commentary, however, Otto differs from Steymans at several points.
EST 479 | EST 528-533  
---|---  
(479) May food and water abandon you. | (528-29) May they make your ground like iron so that nothing may sprout from the midst of it.  
(530-532) Just as rain does not rain down from the midst of a bronze sky, so may rain and dew not come in the midst of your fields or your irrigated land. | (532-533) Instead of rain may charcoal rain down on your land.

The connection between these two passages is extremely thin. Steymans sees three connections between these passages or the larger context of these passages that made the author of Deuteronomy 28:20-44 insert EST 528-533 into the sequence of EST 472-493 at this point. First, both passages have to do with lack of food, with EST 479 speaking directly about the absence of food while EST 528-533 speaks about the conditions that would bring about the absence of food. Second, Steymans sees a connection between the introduction of EST 472-493 ("May the great gods of heaven and earth who dwell in the world, as many as whose names are invoked in this tablet") and the introduction to the paragraphs that contain EST 528-533 ("the gods, as many as are named in this treaty tablet").61 Third, Steymans also sees a connection between the use of the words "ground" and "skies" in EST 528-533 and the mention of heaven and earth in the introduction to EST 472-493.62 However, these connections are far too loose and far too remote from the curses in question to serve as a trigger for the insertion of the curses from EST 528-533 here. While it is not impossible that EST 479, for some reason, served as the trigger for the insertion of EST 528-533 in the sequence of Deuteronomy 28:20-44, there would

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61 Steymans, “Deuteronomy and Tell Tayinat,” 7, seems to have misquoted EST 526, which makes the connection with the introduction to EST 472-493 much stronger than it actually is. Steymans has “the great gods […] who are mentioned by name in this tablet” when every exemplar of EST that preserves this line (ND 4327, 4335, ms. T) simply has the word “gods” (DINGIRMEŠ) rather than the “great gods”.  
need to be overwhelming evidence from the other correspondences between EST 472-493 and
Deuteronomy 28:20-44 to substantiate this point since the connection between these two
passages is so weak. Thus far, the correspondences between EST 472-493 and Deuteronomy
28:20-44 are extremely weak, which means that the connection between EST 479 and EST 528-
533 seems to be unnecessary to explain the parallel between EST 528-533 and Deuteronomy

4.5 No Parallel - EST 481-483

The next set of curses in the sequence of EST 472-493 is EST 481-483. In this case there is
only a single curse:

<table>
<thead>
<tr>
<th>EST 481-483</th>
</tr>
</thead>
<tbody>
<tr>
<td>(EST 481-483) May dogs and pigs drag the braids(^{63}) of your young women and the beard locks(^{64}) of your young men back and forth right before your very eyes in the square of Aššur.</td>
</tr>
</tbody>
</table>

According to Steymans’ position in *Deuteronomium 28*, EST 481-483 has no equivalent in
Deuteronomy 28:20-44.\(^{65}\) This is quite significant given how much emphasis he places on how
the sequences of EST 472-493 and Deuteronomy 28:20-44 correspond with each other so
closely.\(^{66}\) But if the author(s) of Deuteronomy 28:20-44 were attempting to follow the sequence

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\(^{63}\) Akk. *sissī*. For the translation used here see Karlheinz Deller and Werner R. Mayer, “Akkadische Lexikographie:
*CAD M*,” *Or* 53 (1984), 83-84. According to Deller and Mayer, both *sissī* and *matnāti* in this context need to be
related to something specific to young women and young men respectively as they are reaching adulthood. Parpola
(SAA 2 6: 481-482) tentatively translates *sissī* as “teats” and *matnāti* as “penises.” Deller and Mayer rule out any
reference to sexual organs since the terminology for sexual organs is well known. Based on a lexical list that
equates *sissu* with *kiplu* ("twisting, twine"), Deller and Mayer identify *sissī* as “braids”. Based on the usage of
*matnu* in other contexts, Deller and Mayer suggest that it is synonymous with the word *ziqnu* ("beard") and suggest
that in this context *matnāti* means “beard locks”.

\(^{64}\) Akk. *matnāti*. The most attested meanings for this word are “sinews/tendons” and “bowstrings” (*CAD [M1]*, 412). For the translation used here see Deller and Mayer, “Akkadische Lexikographie: *CAD M*,” 83-84. See
discussion above.


\(^{66}\) Steymans, *Deuteronomium 28*, 309: “Die Reihenfolge der Themen gleicht sich in einer Genauigkeit, für die es
weder im bisher bekannten alt orientalischen Material noch in der Bibel weitere Parallelen gibt. Nach den in der
Einleitung dieses Buches genannten Gesichtspunkten kann die Ähnlichkeit zwischen VTE §56 und Dtn 28,20-44
als Einzigartigkeit (*uniqueness*) gewertet werden, die auf literarische Abhängigkeit zurückzuführen ist.”
of EST 472-493 so closely, why would there be no equivalent here? This speaks strongly against a close historical relationship between these sequences.

More recently, Steymans suggested that a connection exists between EST 481-483 and EST 534-535, which, according to Steymans, was one of three influences on Deuteronomy 28:25. The connection between EST 481-483 and EST 534-535 is that EST 534-535 mentions sons and daughters while EST 481-483 mentions “your young women” and “your young men”. The problem with this observation, however, is that neither sons and daughters nor young women and young men are found in Deuteronomy 28:25, which means that Deuteronomy 28:20-44, at least at this point, does not follow the sequence of EST 472-493. The connection that Steymans draws here occurs in the background to his reconstruction of the compositional history of Deuteronomy 28:25: it serves to connect EST 534-535 with the sequence of EST 472-493. However, it fails to connect Deuteronomy 28:20-44 with that same sequence.

4.6 EST 483-484 || Deuteronomy 28:25a, 26 || EST 425-427

The parallel between EST 483-484 and Deuteronomy 28:25a,26 is quite similar to the parallel between EST 479-481, Deuteronomy 28:22-24, and EST 528-533 that was just examined. According to Steymans, Deuteronomy 28:25a and 28:26 were borrowed from EST 425-427 but were inserted where they fit thematically with the curse in EST 483-484. In this case there is even less of a connection between EST 483-484 and Deuteronomy 28:25a,26 because, according to Steymans, the entirety of Deuteronomy 28:25a,26 was borrowed from EST 425-427 whereas in the previous parallel only part of the passage was borrowed from outside of EST 472-493.

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67 Although EST 481-483 has no corresponding curse in Deuteronomy 28:20-44, Steymans (Deuteronomium 28, 304) suggests that EST 481-483, along with EST 483-484, helped to trigger the insertion of the Ninurta curses from EST 425-427 into the sequence of Deuteronomy 28:20-44. However, if EST 483-484 were the primary trigger for inserting these curses, why would EST 481-483 be needed to serve this function?


69 For a discussion of whether or not Deuteronomy 28:25a can be separated from the rest of 28:25 see chapter 5.

This means that right from the beginning there will be no historical relationship between EST 483-484 and Deuteronomy 28:25a,26.71 The focus of this section, therefore, needs to be on whether or not EST 483-484 was likely to have served as the trigger for inserting the curses from EST 425-427 into the sequence of Deuteronomy 28:20-44. The two passages read as follows:

<table>
<thead>
<tr>
<th>EST 483-484</th>
<th>EST 425-427 (§41)</th>
</tr>
</thead>
<tbody>
<tr>
<td>May the earth not receive your corpses. May your grave be in the stomach of dogs and pigs.</td>
<td>May Ninurta, the preeminent one among the gods, cause you to fall with his furious arrows. May he fill the steppe with your blood. May he cause the eagle and the vulture to eat your flesh.</td>
</tr>
</tbody>
</table>

Unlike the previous parallel, EST 483-484 and EST 425-427 are quite similar to each other in subject matter. While there are no concrete anchor points that connect these two passages together, both deal with essentially the same subject matter: both contain a wish that the party being cursed would not receive a proper burial but that they would be eaten by animals. The animals in these curses are different but the idea is essentially the same. If close similarity in subject matter is the criterion for determining whether or not one passage can serve as the trigger for the insertion of another passage, these two passages certainly qualify.

The question needs to be asked, though, why such an insertion would have been necessary in the first place. If the author(s) of Deuteronomy 28:20-44 were trying to follow the sequence of EST 472-493, why not simply borrow the curse in EST 483-484? Why bring in a curse that is so remote from EST 483-484? Ultimately the case for this insertion is dependent on the cumulative case made for the parallel between EST 472-493 and Deuteronomy 28:20-44, which, as we have seen, has serious problems.

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71 Steymans, “Deuteronomy and Tell Tayinat,” 8, does see a connection between “the beasts” of Deuteronomy 28:26 and the animals in EST 483-484. Deuteronomy 28:26 mentions both birds and animals, which Steymans sees as a combination of EST 483-484 and EST 419-424. However, the combination of birds and beasts is so common in the Hebrew Bible that a borrowing from these two separate sections of EST seems unlikely.
4.7 EST 483-484 || Deuteronomy 28:25a-b || EST 534-536

In addition to the parallel between EST 483-484, Deuteronomy 28:25a, 26, and EST 425-427, Steymans also sees a connection between Deuteronomy 28:25a-b, EST 534-536 (=§65), EST 483-484, and EST 425-427.72 The parallel between EST 534-536 and Deuteronomy 28:25a-b reads as follows:

<table>
<thead>
<tr>
<th>EST 534-536</th>
<th>Deuteronomy 28:25a-b</th>
</tr>
</thead>
<tbody>
<tr>
<td>(534-536) Just as lead does not stand firm before fire, may you not stand firm before your enemy. You will not hold your sons or your daughters in your hands.</td>
<td>(28:25a-b) YHWH will hand you over to be slaughtered before your enemies. You will go out to them on one road but you will flee before them on seven roads.</td>
</tr>
</tbody>
</table>

Steymans argues that EST 534-536 was one of three texts that influenced the composition of Deuteronomy 28:25a-b: EST 534-536, EST 425-427, and EST 483-484 (from §56).73 Steymans sees three main connections between these passages. First, according to Steymans, the use of the term “enemies” (ךָאֹיְבֶּי) in Deuteronomy 28:25a-b was influenced by the use of the word enemy (nakrikunu) in EST 534-536.74 Second, the fleeing on seven roads in Deuteronomy 28:25a-b was influenced by the language of not being able to stand firm before one’s enemies in EST 534-536.75 Third, the mention of sons and daughters in EST 534-536 corresponds to the mention of young men and young women being dragged to and fro by dogs and swine in EST. This is supported by the fact that the passages that come before these curses in their own contexts (i.e. Deuteronomy 28:23-24 and EST 528-533) have a close historical relationship with each other. The subject matter of being defeated by one's enemies as well as the contents of EST 483-484 triggered the insertion of EST 425-427 into this section. For Steymans, this explains why the

72 Steymans, Deuteronomium 28, 291, 304-5.
73 Ibid., 304.
74 Ibid., 291, 304-5.
75 Ibid., 291.
curse of the eagles and the vultures eating flesh in EST 425-427 is found out of sequence in its equivalent in Deuteronomy 28:26.

There are a number of problems, however, with the connection that Steymans’ draws between these passages. First, just on the surface of things, this reconstruction seems much too complicated to be plausible from a historical perspective. One would have to imagine a Judean scribe feverishly trying to maintain the sequence of EST 472-493, where military defeat, at best, is only implied, while taking into consideration the sequence of EST 528-536, but choosing instead to use some of the wording of EST 425-427 (the eagles and vultures eating flesh) based on the shared language of military defeat in EST 425-427 and EST 534-536 as well as the connection between dogs and pigs eating corpses in EST 483-484 and eagles and vultures eating corpses in EST 425-427. Confusion at this point is understandable; that a Judean scribe from the seventh century BCE, according to Steymans’ dating, would have been able to sort through this seems rather improbable.

Second, the comparison with lead, the mention of sons and daughters, and the mode of expression (i.e. not standing firm) is not found in Deuteronomy 28:25a. While it is interesting that the wider contexts of each text share a similar sequence (i.e. bronze, iron, dust, enemies [Deut. 28:23-25] and iron, bronze, coal, enemies [EST 528-536]) it is even more interesting that the wording of EST 534-536 and the wording of Deuteronomy 28:25a are so different. At best, one could argue that the general topic of EST 534-536 influenced the general topic of Deuteronomy 28:25a. However, the difference in wording suggests that this may be due to coincidence and that the source for the sequence and wording of Deuteronomy 28:25a should be found elsewhere.

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76 While this is true in the case presented by Steymans, it is even more complicated when one considers the possibility that Deuteronomy 28:25a was influenced by the wording of Deuteronomy 28:7 rather than the other way around.
4.8 EST 485-486 || Deuteronomy 28:27-29a || EST 419-424

The next curse in the sequence is EST 485-486. Once again, Steymans suggests that this curse was substituted in the sequence of Deuteronomy 28:20-44 for curses from another section of EST: the curses in EST 419-424. The two passages from EST read as follows:

<table>
<thead>
<tr>
<th>EST 485-486</th>
<th>EST 419-424</th>
</tr>
</thead>
<tbody>
<tr>
<td>May your days be dark and your years be gloomy! May they decree darkness (<em>ekletu</em>), which will not become bright, for your fate!</td>
<td>(419-24) May Sin, the moonlight of heaven and earth, clothe you with leprosy. May he not invite you into the presence of god and king. Roam the steppe like the onager and gazelle. (422-424) May Šamaš, the sunlight(^{77}) of heaven and earth, not render an accurate oracle for you.(^{78}) May he confuse your eyesight! Walk about in darkness (<em>ekleti</em>)!</td>
</tr>
</tbody>
</table>

The main connection between these two passages is that both passages wish darkness upon the party being cursed using exactly the same word (*ekletu*).\(^{79}\) It is conceivable that the use of the word *ekletu* in EST 485-486 could have triggered the insertion of the Šamaš curse into the sequence of Deuteronomy 28:20-44. However, this would only be conceivable if a strong case could be made that Deuteronomy 28:20-44 followed the sequence of EST 472-493. In other words, the insertion of the Šamaš curse here needs to be supported by evidence from the parallel sequence but cannot be used as evidence for the parallel sequence since the parallel passage in Deuteronomy 28 does not demand an association with EST 485-486.

One glaring difficulty with suggesting that EST 485-486 served as the trigger for inserting EST 419-424 is that the curse of leprosy (i.e. the Sin curse) in EST 419-24 has no connection whatsoever with the curses in EST 485-486. Unfortunately, Steymans does not address this difficulty. Two possible explanations come to mind. First, since the Sin and Šamaš curses are so closely connected with each other in the Mesopotamian tradition, the Sin curse could have been

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\(^{77}\) Akk. *nur*, “light”. When used as an epithet of Šamaš, *nuru* clearly refers to sunlight.

\(^{78}\) For this translation see the suggestion by Tigay, *Deuteronomy*, 543 n. 20. See discussion below.

\(^{79}\) Steymans, *Deuteronomium* 28, 305.
drawn into the sequence of Deuteronomy 28:20-44 because of its association with the Šamaš curse. A second possibility is that the curse of leprosy could have been understood to be part of the dark days and gloomy years that the party being cursed in EST 485-486 would have experienced. Regardless of whether or not these explanations are plausible, the presence of the Sin curse has the same effect as any other difference between the parallel curses of EST and Deuteronomy 28: while an explanation for the difference may be possible, one would require a great deal of evidence on other grounds to warrant these types of explanations. In other words, the presence of the Sin curse creates a deficit that would need to be overcome by the strength of other connections in the parallel section or the parallel sequence. Given the evidence that has been examined so far, this counts as evidence against the parallel sequence between EST 472-493 and Deuteronomy 28:20-44.

4.9 EST 487 || Deuteronomy 28:29b

According to Steymans, the next curse in the sequence of EST 472-493, EST 487, has a direct connection to the curse in Deuteronomy 28:29b rather than serving as the trigger for the insertion of a curse from somewhere else.\textsuperscript{80} The curses read as follows:

<table>
<thead>
<tr>
<th>EST 487</th>
<th>Deuteronomy 28:29b</th>
</tr>
</thead>
<tbody>
<tr>
<td>May your life come to an end in distress and sleeplessness.</td>
<td>(29:29b) And you will be oppressed and robbed all of your days and there will be no one to save you.</td>
</tr>
</tbody>
</table>

There are two main connections that Steymans finds between these two passages. First, Steymans sees a connection between distress and sleeplessness in EST 487 and oppression and robbery in Deuteronomy 28:29b. Presumably, the connection between these terms is that the person being cursed would not be able to find rest because of the persons who are attacking them. The second connection that Steymans finds between these two passages is that both

\textsuperscript{80} Steymans, Deuteronomium 28, 305-6.
passages mention how long this distress would last: it would last until the person’s life came to an end (EST 487) or “all your days” (Deut. 28:29b).

There are two main problems, however, with finding a close historical relationship between these two passages. First, there are no concrete anchor points that connect these two passages together: there are no cognate words, no lexical equivalents, no shared imagery, and the subject matter of the curses are different. The only way to find a connection between distress and sleeplessness and oppression and being robbed is to read robbery and oppression into the context of EST 487 as the causes of distress and sleeplessness. However, there is nothing in the context of EST 487 to suggest that these are the causes. The fact that both passages speak about how long these curses would afflict the party being cursed seems to be irrelevant. Each passage expresses this in a different way and it is quite normal in curses to say that the curses would last until the party being cursed is killed. The only way to support these explanations would be if the parallel sequence between EST 472-493 and Deuteronomy 28:20-44 were strong enough to overcome these deficits.

Second, and most importantly, the curse in Deuteronomy 28:29b is not an independent curse: it is an extension of the curse in Deuteronomy 28:28-29a. Deuteronomy 28:29b is the result of being struck with blindness and not being able to find one’s way. To make this parallel work, Steymans had to separate Deuteronomy 28:29b from its immediate context and make it into an independent curse.

In terms of the shared sequence between EST 472-493 and Deuteronomy 28:20-44, it seems rather strange that the curses that come before and the curses that come afterward in Deuteronomy 28:20-44 would be borrowed from outside of EST 472-493 and that only half of a verse would be taken from EST 472-493. This type of complex borrowing seems rather unlikely and the explanation developed by Steymans for this borrowing seems rather *ad hoc.*
Based on these observations it seems clear that these two passages have no historical relationship with each other. This also accounts as evidence for Deuteronomy 28:20-44 not being based on the sequence of EST 472-493.

4.10  EST 488-489 || Deuteronomy 28:30-33a || EST 425-430

The parallel between EST 488-489 and Deuteronomy 28:30-33 is quite similar the parallels that were examined earlier. According to Steymans, EST 488-489 triggered the insertion of EST 425-430 into the sequence of Deuteronomy 28:20-44.81 The main issue that needs to be dealt with here is whether or not EST 488-489 has a close enough connection with EST 425-430 to trigger its insertion into the sequence of Deuteronomy 28:20-44. The curses read as follows:

<table>
<thead>
<tr>
<th>EST 488-489</th>
<th>EST 425-430</th>
</tr>
</thead>
<tbody>
<tr>
<td>(488-489) May a flood, a deluge that cannot be withstood, rise up from the heart of the land! May it bring devastation upon you!</td>
<td>(425-430) May Ninurta, the preeminent one among the gods, cause you to fall with his furious arrows. May he fill the steppe with your blood. May he cause the eagle and the vulture to eat your flesh. May Delebat, the bright star, cause your wives to lie down in the lap of your enemies before your very eyes. May your sons not rule your house. May a strange enemy divide all that you have.</td>
</tr>
</tbody>
</table>

According to Steymans, the irresistible flood mentioned in EST 488-489 does not refer to a literal flood but has military overtones: the flood refers to an army coming and devastating everything that lies before it.82 This, then, in combination with EST 534-536 (“Just as lead does not stand firm before fire, may you not stand firm before your enemy. You will not hold your sons or your daughters in your hands”), served as a trigger for inserting the curses of EST 425-430, which also refer to military defeat, into the sequence of EST 472-493 in Deuteronomy 28:20-44.

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81 Ibid., 306.
82 Ibid., 306.
There are several problems, however, with making this connection. First, as we saw in the previous examples, if the author of Deuteronomy 28:20-44 was trying to follow the sequence of EST 472-493, why not simply use the corresponding curse in EST 472-493? Why import a curse from another section? Second, why import this particular curse? There are other passages in EST that speak about military defeat. Why choose this particular passage? Third, even if the insertion of these curses is plausible, it would require a great deal of support from the parallels between the two sequences to warrant this explanation. However, the parallel sequence has already been seen to be quite weak.

4.11 EST 489-490 || Deuteronomy 28:33b-35

The next parallel to be examined is the parallel between EST 489-490 and Deuteronomy 28:33b-35. This is the first parallel that appears after the block of curses that Steymans believes was inserted elsewhere from EST. The curses read as follows:

<table>
<thead>
<tr>
<th>EST 489-490</th>
<th>Deuteronomy 28:33b-35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Let anything good be taboo for you. Let every form of sickness be your fate.</td>
<td>(28:33b) …and you will be continuously oppressed and crushed all your days.</td>
</tr>
<tr>
<td></td>
<td>(28:34) And you will be driven to madness by the sight that your eyes will see.</td>
</tr>
<tr>
<td></td>
<td>(28:35) YHWH will strike you with an evil boil on your knees and on your legs which cannot be healed, from the sole of your foot to your head(^{83}).</td>
</tr>
</tbody>
</table>

We can begin by examining the curses in EST 489-490. EST 489-490 is made up of two simple wish curses. The first curse is a wish that good (\textit{mimma ūbtu}) would be taboo or forbidden to the people being cursed. The second curse is a subset of the first curse: it is a wish that the people being cursed would be plagued with sickness.

\(^{83}\) Heb. תֶּּדֶּקַק, “your head”. This word is rarely used in the Old Testament but is cognate to the Akkadian word \textit{qaqqadum}. 
Deuteronomy 28:33b-35, on the other hand, is made up of three separate curses. The first curse is a prediction that the people being cursed will be oppressed and broken down by their enemies (i.e. “a people you do not know” in 33a) for the rest of their lives. The second curse is a prediction that the sight of the curses that have already been listed, presumably in verses 30-33, would cause the people being cursed to go insane. The third curse is a prediction that YHWH will strike the people being cursed with boils that cannot be healed. The opening words of this curse, יַכְכָה יְהוָה בְשִּׁחִים, are identical to the opening words of Deuteronomy 28:27. Most writers suggest that the use of these words marks off Deuteronomy 28:27-35 as a separate unit with the curse of the boils functioning as an inclusio tying these verses together.

It is difficult to see the connection between EST 489-490 and Deuteronomy 28:33b-35. The category that Steymans gives for EST 489-490 and Deuteronomy 28:33b-35 is “misery” (Elend). While “misery” might be a suitable category for EST 489-490, it is far too general to serve as the subject matter for Deuteronomy 28:33b-35. In fact, it would be difficult to argue that Deuteronomy 28:33b-35 has a single subject matter since the curses do not seem to belong together as an individual unit. Rather, Deuteronomy 28:33b should be connected with Deuteronomy 28:33a. The subject matter of Deuteronomy 28:33b is continual oppression from one’s enemies. The subject matter of Deuteronomy 28:34 is madness. The subject matter of Deuteronomy 28:35 is boils. While one could argue that the subject matter of Deuteronomy 28:35 corresponds with the second curse of EST 489-490 since “boils” falls under the category of sickness, it would be difficult to match the remaining curses of Deuteronomy 28:33b-34 with

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84 Once again, Otto (Deuteronomium 23, 16-34, 12, 1997-8) disagrees the parallel drawn by Steymans. Instead, Otto sees a connection between Deuteronomy 28:34-35 and EST 461-463. This parallel can be left unexamined since it has the same weaknesses that are seen in the parallel between EST 489-490 and Deuteronomy 28:33b-35. Cf. chapter 3 note 35 above.

85 Steymans, Deuteornomium 28, 306.
EST 489-490. Madness does not seem to fall under the category of sickness and oppression does not fall under the category of sickness either.

4.12 No Parallel – Deuteronomy 28:36-37

The next set of curses in the sequence of Deuteronomy 28:20-44 is Deuteronomy 28:36b-37. The curses read as follows:

<table>
<thead>
<tr>
<th>Deuteronomy 28:36-37</th>
</tr>
</thead>
<tbody>
<tr>
<td>(28:36-37) YHWH will send you and your king whom you have set over you to a nation that neither you nor your ancestors have known. And there you will serve other gods of wood and stone.</td>
</tr>
</tbody>
</table>

According to Steymans, Deuteronomy 28:36b-37 is an addition that came from the same scribe who composed Deuteronomy 28:63-65, which has similar wording. However, even with this part of the passage deleted, there is no parallel between Deuteronomy 28:36a and EST 472-493. Steymans tries to find a connection with EST 288, 293-294, and 301 but, even here, the subject-matter of these passages are quite different from the subject matter in Deuteronomy 28:36a: the only connection is that EST 301 and Deut. 28:36a both use the word “king”. Since these passages from EST do not occur as part of this sequence, they can be excluded from this examination. However, the fact that Steymans needs to appeal to passages outside the sequence of EST 472-493 shows the weakness of the overall parallel between EST 472-493 and Deuteronomy 28:20-44.

4.13 EST 490-493 || Deuteronomy 28:38-44

The final parallel to be examined is the parallel between EST 490-493 and Deuteronomy 28:38-44. The curses read as follows:

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87 Ibid., 9.
88 For Steymans’ analysis see Deuteronomium 28, 307-10.
<table>
<thead>
<tr>
<th>EST 490-493</th>
<th>Deuteronomy 28:38-44</th>
</tr>
</thead>
<tbody>
<tr>
<td>EST 490-493 – May pitch and bitumen be your food!</td>
<td>(28:38) You will bring much seed into the field but you will gather little because the locust will consume it.</td>
</tr>
<tr>
<td>May the urine of a donkey be your drink!</td>
<td>(28:39) You will plant vineyards and you will work them but you will not drink its wine and you will not gather its grapes because the worm will eat it.</td>
</tr>
<tr>
<td>May naphtha be your ointment!</td>
<td>(28:40) You will have olive trees in all your territory but you will not anoint yourself with its oil because your olives will drop off.</td>
</tr>
<tr>
<td>May the seaweed of a river be your cloak!</td>
<td>(28:41) You will become the father of sons and daughters but they will not belong to you because they will go into exile.</td>
</tr>
<tr>
<td>May spirits, ghosts, and evil demons choose your houses.</td>
<td>(28:42) As for all your trees and the fruit of your land, the whirring locust will take possession of them.</td>
</tr>
</tbody>
</table>

The main connection that Steymans finds between these two passages is that both passages contain the exact same sequence of curse topics: food, drink, ointment, and the home/homeland (*Heimat*).89 According to Steymans, the closest parallel to this sequence in Assyrian literature is found in the Treaty of Aššur-nerari V with Mati’-ilu, King of Arpad, but the sequence is different.90 The same is true of Micah 6:15, which contains three out of four of the curse topics.

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89 Ibid., 308: “Die Reihenfolge von Nahrung, Trank, Salbe, und Heimat stimmt zwischen dem VTE und Dtn 28 überein.”
90 SAA 2 2: 14-16. The sequence in this treaty is food, ointment, drink, clothing, and the home. The sequence in EST 490-493 is food, drink, ointment, clothing, and the home.
but in a different sequence.\footnote{91} For Steymans this points to a direct literary relationship between EST 490-493 and Deuteronomy 28:38-44.\footnote{92}

We can begin our examination of this parallel by looking at the individual sections that make up this parallel. The first curse in EST 490-493 is a wish that the party being cursed would be reduced to eating pitch (\textit{qīru}) and bitumen (\textit{kupru}). The parallel curse in Deuteronomy 28:38 is a futility curse that promises that locusts would consume the harvest and, thereby, nullify the hard work that was put into producing the crop. The most striking feature of the curse in Deuteronomy 28:38 is the presence of locusts. If this curse were to be examined on its own without comparison being made to EST 490-493, the subject matter of the curse would clearly be “Poor Harvest Due to Swarms of Locusts”. The subject matter of EST 490-493 is not simply “food” but “Being Reduced to Eating Pitch and Bitumen” or, more generally, “Being Reduced to Eating Undesirable Food.” The subject matter of these curses can only be made to match each other by ignoring the specifics of the curses and reducing the subject matter of these curses to the lowest common denominator, leaving behind a subject matter that would not have been identified had these curses been examined on their own. A much closer parallel to the curse in Deuteronomy 28:38 is found in EST 442-445, which was examined in chapter 3.\footnote{93} However, as we saw in chapter 3, this parallel was likely due to shared cultural experience rather than a close historical relationship.

The second curse in EST 490-493 is a wish that the party being cursed would be reduced to drinking the urine of a donkey. The parallel curse in Deuteronomy 28:39 is a futility curse that

\footnote{91} The sequence in Micah 6:15 is food, oil, and drink.
\footnote{93} EST 442-445 – “May the locust (\textit{erbû}), who depletes the land, eat your harvest. May the sound of millstone and oven not exist in your houses. May grain for grinding disappear from you.”
promises a poor grape harvest because of an infestation of worms that will eat the grapes. In a similar way to Deuteronomy 28:38, the most striking feature of the curse in Deuteronomy 28:39 is the worm eating the grapes and preventing a good harvest. The subject matter of this curse is not simply “Drink” but “Failed Grape Harvest Due to an Infestation of Worms”. This is much different from “Being Reduced to Drinking the Urine of a Donkey”.

The third curse in EST 490-493 is a wish that the person being cursed would be reduced to using naphtha (i.e. petroleum or pitch) as an ointment. The curse in Deuteronomy 28:40 is a futility curse, promising that the party being cursed would have many olive trees but would not be able to use the olive oil as an ointment because the olives would fall off the trees before they were ready. The subject matter in EST 490-493 is “Being Reduced to Anoint Oneself with an Undesirable Ointment” while the subject matter in Deuteronomy 28:40 is “Lack of Olive Oil Due to a Failed Olive Harvest.” Once again, there are no concrete anchor points to connect the two passages together and, when the specifics of the passages are considered, the subject matter of these curses is quite different.

Before considering the rest of the parallel, it should be clear that there definitely is some type of relationship between the sequences in these curses. Steymans is correct in noting that these curses do deal with the subjects of food, drink, and ointment. The first three curses in EST 490-493 are predicated on the lack of grain, wine, and oil, the very topics that are dealt with in Deuteronomy 28:38-40. There are two problems, however, with using this sequence as evidence for a close historical relationship and, more particularly, a direct historical relationship as suggested by Steymans. First, the sequence of grain, wine, and oil is quite frequent in the Hebrew Bible, so it should be no surprise that this sequence is found here. There is no need to

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94 Lundbom, Deuteronomy, 785.
95 For examples in Deuteronomy see Deut. 7:13; 11:14; 12:17; 14:13; 18:4; 28:51. Cf. Driver, Deuteronomy, 313, who refers to corn, wine, and oil as “the three staple productions of Palestine”.
appeal to EST 490-493 to explain this sequence, especially since grain, wine, and oil are not even mentioned in EST 490-493 but only lie in the background. Second, despite the loose similarity in sequence, the fact that there are no concrete anchor points and the fact that the specifics of the individual curses are so different makes it strange to make this type of connection. These curses clearly do not have a close historical relationship with each other. At best, these curses, but only these three curses, have a very loose historical relationship with each other.

The fourth curse in EST 490-493 is a wish that the party being cursed would be reduced to using seaweed as clothing. This curse has no parallel in Deuteronomy 28:38-44. According to Steymans, the author of Deuteronomy 28:20-44 replaced this curse with a curse about exile (Deut. 28:41). But why would the author of Deuteronomy 28:20-44 do this? What connection does wearing seaweed have with exile? Even if an explanation could be found for this, this clear lack of correspondence breaks up the sequence that Steymans said was so exact between these two passages.

There is also a curse in Deuteronomy 28:42 that does not have a parallel in EST 490-493. Steymans leaves this unexplained but notes that Deuteronomy 28:42 has a close connection to Deuteronomy 28:33. Once again, this breaks up the sequence proposed by Steymans.

The final curse in EST 490-493 is a wish that ghosts or demons would occupy the house(s) of the party being cursed. Steymans connects this curse with the curses in Deuteronomy 28:43-44. The connection that Steymans finds between these passages is that in both passages a foreign party has come into the land of the party being cursed and has made the party being cursed into

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96 It is surprising, therefore, that McConville (Deuteronomy, 402), though not convinced that a direct historical relationship exists between EST and Deuteronomy 28, considers this parallel to be a “notable” parallel. As we have seen in our examination, the similarities between these two passages are quite superficial.
97 Steymans, Deuteronomium 28, 309.
98 Ibid., 309.
99 Ibid., 309.
second-class citizens in their own land.\textsuperscript{100} However, having one’s house occupied by ghosts and demons is quite a bit different from foreigners making a person into a second-class citizen. There is also a great deal of difference between one’s house and one’s land. These differences, combined with the fact that there are no concrete anchor points to connect these two passages together, show that there is no historical relationship between these passages.

Based on this examination, it should be clear that EST 490-493 and Deuteronomy 28:38-44 do not have a close historical relationship with each other.\textsuperscript{101} The sequence that Steymans said matched so well between these two passages did not advance beyond the loose correspondence between the first three curses. Both passages had at least one curse that had no parallel in the other passage and the final curse of each passage cannot be made to correspond with each other in any convincing way.

4.14 Conclusions

Based on the examination given in this chapter it should be clear that EST 472-493 does not have a close historical relationship with Deuteronomy 28:20-44. Udo Rüterswörden’s confident assertion, “Seit Steymans Dissertation wird man einer Abhängigkeit von Dtn 28 von den VTE die Zustimmung kaum mehr versagen können,” cannot be maintained.\textsuperscript{102} There was not a single curse that, when considered by itself, could be considered to have a close historical relationship with the curse in the corresponding passage. The weakness of the parallel sequence itself, including the fact that there were some curses in the sequence that had no parallel in the other

\textsuperscript{100} Ibid., 309.
passage, the fact that nearly half of the curses were drawn from parts of EST other than EST 472-493, and the fact that the subject matters of the curses simply did not correspond with each other, means that the sequence itself cannot be used to exert pressure on the individual curses to make the case for a close historical relationship stronger. While the parallel between EST 472-493 and Deuteronomy 28:20-44 is certainly creative, it does not stand up to closer scrutiny.\textsuperscript{103} This will have important implications for the overall relationship between EST and Deuteronomy 28 that will be discussed in chapter six.

\textsuperscript{103} For example, Eckart Otto (\textit{Deuteronomium 23,16-34,12}, 1998-9), in his recent commentary, seems to have completely rejected the parallel between EST 472-493 despite his earlier acceptance of this position. This was likely due to the fact that in writing this commentary, Otto had to deal with the details of the parallels himself.
Chapter 5
EST 418a-430 and Deuteronomy 28:25a,26-35

5.1 Introduction

The final curses to be examined on this preliminary level are the curses in the parallel between EST 418a-430 (=§§38A-42) and Deuteronomy 28:25a,26-33.¹ This parallel, which normally only includes EST 419-430 and Deuteronomy 28:26-35, is considered by most scholars to be the strongest parallel between EST and Deuteronomy 28.² Even scholars who are generally negative about a close genetic relationship³ existing between EST and Deuteronomy 28 recognize that a close genetic relationship exists between these two passages.⁴

As we saw in chapter 1, the reason why this parallel is so striking is because of the non-intuitive character of the sequence shared by each passage:⁵

<table>
<thead>
<tr>
<th>EST</th>
<th>Deuteronomy 28</th>
</tr>
</thead>
<tbody>
<tr>
<td>EST 419-421 – Leprosy</td>
<td>Deut. 28:27 – Leprosy</td>
</tr>
<tr>
<td>EST 422-424 – Blindness</td>
<td>Deut. 28:28-29 – Blindness</td>
</tr>
<tr>
<td>EST 425-427 – Defeat/Food for Birds</td>
<td>Deut. 28:25-26 – Defeat/Food for Birds</td>
</tr>
<tr>
<td>EST428-430 – Spoils for the Enemy</td>
<td>Deut. 28:30-33 – Spoils for the Enemy</td>
</tr>
</tbody>
</table>

¹ Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford University Press, 1972; repr., Winona Lake, Indiana: Eisenbrauns, 1992), 122, sees the parallel as running from 28:26 to 28:35 but deals with the curses in Deuteronomy 28:34-35 in a slightly different way than they are dealt with by Steymans. Weinfeld’s view will be discussed at the end of this chapter.
² While EST 528-533 and Deuteronomy 28:23-24 are much more striking in terms of their similarities and the uniqueness of the imagery used in them, the connection is not strong enough by itself to point to a close genetic relationship between EST and Deuteronomy 28. See Moshe Weinfeld, “Traces of Assyrian Treaty Formulae in Deuteronomy,” *Bib* 46 (1965), 418: “It would, however, be rather audacious to make such assertions solely on the basis of this one isolated example.”
³ As a reminder, close genetic relationships are a subset of close historical relationships that include direct historical relationships, mediated lineal relationships, direct non-vertical genetic relationships, and mediated non-vertical genetic relationships.
⁴ Christoph Koch, *Vertrag, Treueid, und Bund: Studien zur Rezeption des altorientalischen Vertragsrechts im Deuteronomium und zur Ausbildung der Bundesteologie im Alten Testament* (BZAW 383; Berlin: Walter de Gruyter, 2008), 243-4, for example, who argues against a close genetic relationship in virtually every parallel between EST and Deuteronomy 28, recognizes neo-Assyrian influence on Deuteronomy 28:25-33. Using the terms of this study, Koch argues for a mediated non-vertical genetic relationship.
⁵ This table represents the version of this parallel that has the widest degree of consensus.
According to Moshe Weinfeld, who was the first to point out the significance of this parallel, the sequence of leprosy and blindness in Deuteronomy 28:27-29 has no internal rationale in the book of Deuteronomy but the same sequence in EST 419-424 has a ready explanation: the sequence can be explained by the fact that Sin and Šamaš appear side-by-side quite regularly in Assyrian and Babylonian texts.6 The best explanation, according to most scholars writing in this area, is that Deuteronomy 28:27-29 was borrowed from a neo-Assyrian source.

This conclusion was bolstered by Hans Ulrich Steymans in his analysis of the parallels between EST and Deuteronomy 28. Steymans examined virtually every Mesopotamian text with curses from the time of Hammurabi (18th century BCE) to the time of Esarhaddon (7th century BCE) – a total of 134 texts.7 Out of these texts, only eight could be found that contained more than two parallel curses in the same sequence as the curses in Deuteronomy 28:25,26-35 and EST 418a-427 (§§38A-42).8 For Steymans, this, in combination with the other parallels he identified, pointed conclusively to a direct historical relationship between EST and Deuteronomy 28.9

The purpose of this chapter is to reexamine the parallel between EST 418a-430 and Deuteronomy 28:25a,26-35 using the methodology developed in chapter 2 to see whether or not

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6 Weinfeld, “Traces of Assyrian Treaty Formulae,” 420: “Though the arrangement of the curses in Dt has no seemingly plausible explanation, the sequence of the parallel curses in the VTE is based on the hierarchy within the Assyrian pantheon.” Weinfeld seems to be focusing on only the first two curses in the sequence, the curse of leprosy related to the god Sin and the curse of blindness related to the god Šamaš, since he does not include a discussion of the remaining gods/curses and their places in the traditional order of the Assyrian pantheon. For a discussion of the sequence of the gods in this section and whether or not they do, in fact, follow the sequence of the neo-Assyrian pantheon see Spencer L. Allen, “Rearranging the Gods in Esarhaddon’s Succession Treaty (SAA 2 6:414-465),” WO 43 (2013), 1-24.

7 Hans Ulrich Steymans, Deuteronomium 28 und die âde zur Thronnachfolgeregelung Asarhaddons: Segen und Fluch im Alten Orient und in Israel (OBO 145; Freiburg: Universitätsverlag, 1995), 55-70.

8 Ibid., 143. It should be kept in mind that Steymans differs slightly from other authors on the precise parameters of this parallel.

9 Note that Steymans, Deuteronomium 28, 149, did not believe that this sequence by itself necessarily pointed to a close genetic relationship: “Die Besonderheiten der VTE im Rahmen der mesopotamischen Fluchüberlieferung beweisen jedoch noch nicht die direkte literarische Abhängigkeit der Parallele in Dtn 28. Prinzipiell wäre es vorstellbar, daß die offensichtlich in Mesopotamien überlieferten Motivbausteine auch in Juda bekannt waren und durch Zufall in beiden Ländern zu gelichartigen Texten kombiniert wurden. Damit würden die Ähnlichkeiten zwischen Dtn 28,25-33 und VTE §§ 39-42 doch ausschließlich auf der Tradition beruhen (coincidence).”
these passages do, in fact, have a close historical relationship with each other. We will begin by examining the curses of leprosy and blindness since these curses play such an important role in Weinfeld’s presentation of the material. We will then move on to an examination of the remaining curses, examining them first on their own and then as part of a sequence.10

5.2 EST 419-424 || Deuteronomy 28:27-29 – Leprosy and Blindness

5.2.1 EST 419-421 || Deuteronomy 28:27

We can begin by examining the parallel between EST 419-421 and Deuteronomy 28:27. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 419-421</th>
<th>Deuteronomy 28:27</th>
</tr>
</thead>
<tbody>
<tr>
<td>(419-421) May Sin, the moonlight11 of heaven and earth, clothe you with leprosy.12 May he not permit your going into the presence of god and king. Roam the steppe like the onager and gazelle!</td>
<td>(28:27) YHWH will strike you with an Egyptian boil and with hemorrhoids13 and with the scab and with a skin disease from which you cannot be healed.</td>
</tr>
</tbody>
</table>

EST 419-421 can be divided into three separate parts based on the verbs used in the paragraph. The first part is a divine curse that calls upon the god Sin to afflict the person being cursed with leprosy.14 The imagery of clothing is used to express the idea of leprosy covering the person’s entire body. The second part is a divine curse that illustrates two important consequences of being struck with leprosy: the person would no longer be permitted to enter the presence of the

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10 The examination in this chapter will follow the sequence of EST 419-430.
11 Akk. nannar, “light”. While nannaru does not by itself refer to moonlight, when used as an epithet of Sin, the moon god, it clearly refers to moonlight. See CAD N1, 260.
12 As Tigay, Deuteronomy = [Devarim]: The Traditional Hebrew Text with the New JPS Translation (Jewish Publication Society Torah Commentary; Philadelphia: The Jewish Publication Society, 1996), 543 n. 19, points out, the term used here for leprosy refers to a serious condition having to do with the skin but cannot be equated with what we identify today as leprosy. Despite this difficulty we will continue to use the term “leprosy” to translate this word.
13 The kethib is ובעפלים (“and with hemorrhoids”) while the qere is הבתרים (“and with tumours”). See Tigay, Deuteronomy, 263-4, and Duane L. Christensen, Deuteronomy 21:10-34:12 (WBC 6B; Nashville: Thomas Nelson, 2002), 679, 685.
14 Akk. saḫaršubbû. See CAD S, 36-37.
gods in their temples or the presence of the king. The third part is a taunt (rupdā, G-imperative cpl), with the party being cursed being told to roam the steppe like the onager (a wild Asiatic donkey) or the gazelle. This is a reference to the exclusion from society that was normally associated with leprosy.

The main feature that connects EST 419-421 with Deuteronomy 28:27 is the use of the word גָרָב (“scab”) in Deuteronomy 28:27. The word used for leprosy in EST 419-421 is SAHAR.ŠUB-pu, a logogram that represents an Akkadian loan word from Sumerian, saḥaršubbû (“leprosy”). In the Akkadian vocabulary list igi-duḫ-a = tāmartu (short version), a cognate of the word גָרָב, garābu (“leprosy”), is given as a synonym for saḥaršubbû. For Weinfeld, this suggested that גָרָב and saḥaršubbû represent the same affliction. In the terminology used in this study, this would be a lexical equivalent that serves as an anchor point to connect these two passages together.

However, despite the connection that can be drawn between גָרָב and saḥaršubbû, it would be difficult to argue on the basis of this parallel alone that these two passages have a close historical relationship with each other. This can be seen by the number of differences between these two passages and the lack of focus in Deuteronomy 28:27 on the גָרָב affliction. The following differences can be noted:

(a) First, both the second part and third part of EST 419-421 have no equivalent in Deuteronomy 28:27, even though the concept of exclusion would have been perfectly

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16 CAD S, 36-37.
18 Weinfeld, “Traces of Assyrian Treaty Formulae,” 418 n. 3: “Hebrew grb is some form of leprosy.” Whether these words do, in fact, represent the same affliction will be discussed in chapter 7.
understandable to both the writer and audience of Deuteronomy 28:27. Steymans suggests that the concept of exclusion was reduced merely to an innuendo (Anspielung)\textsuperscript{19} in Deuteronomy 28:27 because the curse in Deuteronomy 28:27 is directed toward Israel as a whole (2msg) rather than to individuals: the nation as a whole cannot be excluded from a temple or palace.\textsuperscript{20} Eckart Otto, on the other hand, suggests that the element of exclusion is missing because exclusion from the temple and palace makes little sense as a punishment in an oath that was meant to foster loyalty to YHWH.\textsuperscript{21} Coming from a different angle, Christoph Koch suggested that the language of exclusion might be missing because the temple in Jerusalem had already been destroyed when this part of Deuteronomy 28 was written.\textsuperscript{22} Each of these explanations assumes that the idea of exclusion was present in the source from which this curse was borrowed. While these explanations are certainly possible, it is equally possible that the idea of exclusion is missing because it was not present in the source from which this curse was borrowed. Given the other differences between these two passages, this may well have been the case.

(b) Second, the imagery of being clothed with leprosy has no equivalent in Deuteronomy 28:27 despite the powerful and memorable nature of this imagery. Why would the author of Deuteronomy 28:27 choose to exclude this imagery when it adds to the horror that was meant to be communicated by this curse? Steymans suggests that the author of Deuteronomy 28:27 simply changed the word “clothe” in EST 420 to strike” in Deuteronomy 28:27.\textsuperscript{23} This is based on the fact that the verb “to strike” in the Elamite and Persian version of the Bisitun inscription is translated as “to curse” in the Babylonian version.\textsuperscript{24} According to Steymans, there is no reason

\textsuperscript{19} Steymans, Deuteronomium 28, 293.
\textsuperscript{20} Ibid., 106-7.
\textsuperscript{21} Eckart Otto, Deuteronomium 23,16-34,12 (HThKAT; Freiburg: Herder, 2017), 1996.
\textsuperscript{22} Koch, Vertrag, Treueid und Bund, 219.
\textsuperscript{23} Ibid., 293.
\textsuperscript{24} See section 3 in the comparative chart in chapter 2. In the Old Persian version this is §67 and §53c in both the Elamite and Babylonian versions.
why something similar could not have happened here. The main problem with this explanation, however, is that §67 of the Old Persian version, §53c of the Elamite version, and §53c of the Babylonian version have at least five concrete anchor points that can overcome the deficit caused by the difference in the verb used in the Babylonian version. EST 419-421 and Deuteronomy 28:27, on the other hand, share only a single anchor point and differ from each other in numerous places. Without anchor points as strong as the ones in the Bisitun inscription to connect Deuteronomy 28:27 to the specific formulation of the curses in EST 419-421, there is no reason to believe that the author of Deuteronomy 28:27 replaced the verb “to clothe” in EST with the verb “to strike”.

(c) Third, there are three diseases or conditions in Deuteronomy 28:27 – the Egyptian boil, hemorrhoids, and a skin disease – that have no equivalent in EST 419-421. Steymans argues that this difference can be explained by the fact that curse ten of Text B of the Tell Fekherye inscription has a different number of diseases or conditions in the Assyrian version when compared with the Aramaic version, which shows that terms in one version can be represented by a larger number of terms when translated into another language. The problem, however, is that the terms used in the Assyrian version of the curse in the Tell Fekherye inscription are not random expansions of the curse in the Aramaic version: the use of a cognate word in the Assyrian version triggered the use of a stock lexical grouping based around the Assyrian word. The same cannot be said of Deuteronomy 28:27: these conditions or afflictions cannot be said to be equivalent to saḫaršubbû and there is no evidence to suggest that they form part of a

25 The five anchor points are the mention of the sculptures, the scenario of destroying or failing to protect the sculpture, the mention of the god Ahuramazdâ, the curse on the expansion of the perpetrator’s family, and the curse on all of the perpetrators’ undertakings.
26 This was likely meant to point back to the plague of boils in the tradition reflected in Exodus 9:8-12, which is referred to in a very general way in Deuteronomy 7:15. See J.G. McConville, Deuteronomy (AOTC 5; Leicester, England: Apollos, 2002), 405.
27 Steymans, Deuteronomium 28, 293.
traditional lexical grouping in Hebrew. The situations are quite different, which means that these additional afflictions count as a deficit against the case for a close historical relationship.

(d) Finally, from the opposite end, EST 419-421 has no equivalent for the phrase “from which you cannot be healed” in Deuteronomy 28:27, even though a similar idea is used in other Mesopotamian curses. Steymans suggests that this phrase was added to Deuteronomy 28:27 to connect it with the same expression in 28:35 because of the chiastic structure of Deuteronomy 28:27-35. While this explanation is certainly not impossible, given the other significant differences between these two passages, the best explanation might simply be that the source behind Deuteronomy 28:27 was quite different from the shape of the curse in EST 419-421.

In addition to these differences, there is a noticeable lack of focus on the גָרָב illness in Deuteronomy 28:27. While the saḫaršubbû illness is the only illness mentioned in EST 419-421 and serves as the basis for the additional curse and the taunt that follow it, גָרָב is the third in a series of four illnesses. This lack of focus on the גָרָב illness in Deuteronomy 28:27 suggests that this illness was not considered to be central to the curse in Deuteronomy 28:27.

Based on these differences and the lack of prominence given to the גָרָב illness in Deuteronomy 28:27, the single anchor point that connects these two passages together (i.e. the relationship between גָרָב and saḫaršubbû) is simply not sufficiently strong to establish a close historical relationship between EST 419-421 and Deuteronomy 28:27 when these passages are considered on their own.

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28 See EST 461-463: “May Gula, the great chief physician, put sickness and exhaustion in your hearts and a persistent wound in your bodies. Bathe in blood and pus like water.”
29 Steymans, Deuteronomium 28, 293.
30 This situation is different from the similar situation in curse ten of Text B of the Tell Fekherye inscription. The lack of focus on the cognate word in the inscription can be explained by the fact that the cognate word triggered a stock lexical grouping, which does not seem to be the case here.
5.2.2 EST 422-424 || Deuteronomy 28:28-29

The next parallel to be examined is the parallel between EST 422-424 (§40) and Deuteronomy 28:28-29. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 422-424</th>
<th>Deuteronomy 28:28-29</th>
</tr>
</thead>
<tbody>
<tr>
<td>(422-424) May Šamaš, the sunlight(^{31}) of heaven and earth, not render an accurate oracle(^{32}) for you. May he confuse your eyesight! Walk about in darkness!</td>
<td>(28:28-29) YHWH will strike you with madness, blindness, and bewilderment of heart. And you will grope in the middle of the day like the blind grope in the darkness and you will not make your ways prosper.(^{33}) And you will be oppressed and robbed all of your days and there will be no one to save you.</td>
</tr>
</tbody>
</table>

The structure of EST 422-424 is identical to the structure that we saw in EST 419-421. The passage can be divided into three parts. The first part is a divine curse calling upon the god Šamaš to not give an accurate oracle through extispicy, that is, to not give an accurate answer to a query made to Šamaš whose answer would be received through the examination of the internal organs of an animal.\(^{34}\) The key phrase in this curse is *dīn kitti aji idīnkunu*, which, based on Tigay’s understanding of the curse, we have translated as “may (he) not render an accurate oracle

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\(^{31}\) Akk. *nur*, “light”. When used as an epithet of Šamaš, *nuru* clearly refers to sunlight.

\(^{32}\) Akk. *din kitti*, lit. “a right/accurate decision.” However, the decision in question, as will be argued below, is the answer given to a query given through extispicy. The translation “oracle,” though not entirely accurate, makes the context of extiscipcy clear. For this translation see Tigay, *Deuteronomy*, 543 n. 20 and *CAD D*, 152.

\(^{33}\) Heb. מִשְׁלָחֵי דָּרְךָ. The Samaritan Pentateuch and the Peshitta have “your way” rather than “your ways”. McConville, *Deuteronomy*, 398, 400, accepts the singular reading and translates it, “and you will not succeed in finding it,” that is, “you will not succeed in finding your way.” While this makes sense in the context of verse 29, McConville’s translation does not correspond to the normal uses of the verb מִשְׁלָחֵי in the Hiphil when the verb appears with a direct object. While מִשְׁלָחֵי can simply mean “to be successful”, this meaning only occurs when the verb does not have a direct object. McConville’s translation is also problematic because virtually the same phrase is used in Joshua 1:8, which clearly does not carry the sense given to the phrase by McConville in this passage.

for you.”  

Wiseman, Reiner, Watanabe, and Parpola understand *dīn kitti aji idīnkunu* to refer to Šamaš not rendering a just legal judgment. While both translations are certainly possible based on the usage of these words, the rendering given by Wiseman, Reiner, Watanabe, and Parpola makes little sense in this context: the judgment here clearly refers to an unjust judgment given directly by Šamaš rather than to an unjust judgment through human judges or an individual god giving a person what is due them in terms of blessing or punishment. In the Hymn to Šamaš, for example, a merchant who loans out corn at the maximum standard will receive a prolonged life from Šamaš, great wealth, and will have many descendants. On the other hand, if a merchant weighs out corn at the minimum standard but requires a large payment for it, Šamaš will ensure that the curses of the people who curse him will be carried out. This hymn is particularly relevant since five copies of this hymn were found in Assurbanipal’s

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35 More literally, *dīn kitti* means “accurate/firm decision”. See BBst. 3 vi 9-10. *CAD* D, 152, translates *Šamaš u Adad “May Šamaš and Adad, the dispensers of oracles, never give him a correct decision.”* Cf. the translation given by King in BBst. 3 vi, 9-10: “May Shamash and Adad, the divine lords of right, not prosper his cause.” See also the translation of Hinke Kudurriv 18 in *CAD* D, 101: “May Šamaš and Adad give him a bad reputation and never give him a reliable decision” (*Šamaš u Adad lu mulammenu igivyirīša šununa dīn kitti u mēšari aj i-di-nu-šu*). This type of language does not seem to be used in extispicy texts from the reigns of Esarhaddon and Assurbanipal (see SAA 4) but seems to be fairly common in earlier texts. This fits well with the traditional character of the curses in this section.

36 VTE 422-423: “May Shamash, the light of the heavens and earth not judge you justly.”

37 ANET, 538: “May Shamash, the light of heaven and earth, not give you a fair and equitable judgment.”


39 SAA 2 6, 422: “May Šamaš, the light of heaven and earth, not judge you justly.”

40 For *dīnu* see *CAD* D, 152; for *kitti* see *CAD* K, 468-72; for *mīsaru* see *CAD* M2, 116-9; for the verb *dānu* or *diānu* see *CAD* D, 100-103.

41 There are three reasons for this. First, if this curse referred to human justice it would be difficult to make sense of the confusion of eyesight that comes afterward. Second, punishments given by Šamaš in curses, for the most part, are unambiguously in the sphere of providence rather than through negative influence on human judges. See the examples of Šamaš curses given in Steymans, *Deuteronomium* 28, 88-90. Third, the Šamaš hymn explicitly curses judges who miscarry justice, in this case through the acceptance of a bribe, which would seem to contradict this curse. See Wilfred G. Lambert, *Babylonian Wisdom Literature* (Winona Lake, Indiana: Eisenbrauns, 1996), 132-3, l. 98. On the other hand, in a Babylonian *kudurrū* from the reign of Marduk-Nādin-Aḫḫē (IM 90585), the curse of Šamaš might refer to Šamaš’s influence on human judges: “May Šamaš, the supreme judge of heaven and earth, the one who gives correct judgment to gods and human beings, not pay attention to his case. May he not let his case come to a decision.” (Translation mine). However, a good case could be made that this refers to providential justice as well. For the text see Alasdair Livingstone, “A Neglected *kudurrū* or Boundary Stone of Marduk-Nādin-Aḫḫē,” RA 100 (2006), 75-81.

42 Steymans, *Deuteronomium* 28, 294: “Auch dies steht im Bibeläquivalent, wenngleich erst in V. 29. Was anderes ist rettungslose Beraubung und Unterdrückung als massive Rechtlosigkeit?” This position is clearly wrong since the injustice, on this reading, has to do with Šamaš’s judgment, not with Šamaš bringing about a situation where the party being cursed experiences injustice.

43 On Wiseman, Reiner, Watanabe, and Parpola’s reading, the unjust judgment would have to refer to supernatural or providential justice as opposed to human/legal justice. Supernatural or providential justice can be defined as the gods or an individual god giving a person what is due them in terms of blessing or punishment. In the Hymn to Šamaš, for example, a merchant who loans out corn at the maximum standard will receive a prolonged life from Šamaš, great wealth, and will have many descendants. On the other hand, if a merchant weighs out corn at the minimum standard but requires a large payment for it, Šamaš will ensure that the curses of the people who curse him will be carried out. This hymn is particularly relevant since five copies of this hymn were found in Assurbanipal’s
curses could hardly be considered an unjust judgment. The fact that the party being cursed violated the terms of EST would make any judgment against them, by definition, just. A reference to an inaccurate oracle, on the other hand, fits well with (a) the reliance on extispicy in Mesopotamia during the neo-Assyrian period;\(^4^4\) (b) the fact that in the neo-Assyrian period Šamaš was the primary god who was called upon to give information through extispicy;\(^4^5\) and (c) the fact that this curse is followed by a curse dealing with the confusion of eyesight: if Šamaš were to give an inaccurate oracle, the party who consulted Šamaš would essentially be walking in darkness.

According to Lambert, there were two types of queries that were made through extispicy in Babylonian texts: ones that dealt with “events outside of the control of the questioner such as eclipses” and others that had to do with whether or not someone should take a certain course of action (using Lambert’s wording, “Should so-and-so do this?”).\(^4^6\) The query in EST 422-424 seems to be of the second type. With this type of question, “the questioner is generally putting forward a proposal in the hope that the two gods [or one god in this case] would endorse it.”\(^4^7\)

\(^4^4\) See the many examples in SAA 4. For a broader discussion on this issue see Jørgen Christian Meyer, “Omens, Prophecies and Oracles in Ancient Decision-Making,” in *Ancient History Matters: Studies Presented to Jens Erik Skydsgaard on His Seventieth Birthday* (ed. Karen Ascani et al.; Rome: “L’ERMA” di BRETSCHNEIDER, 2002), 173. It is interesting to note that Esarhaddon states that he was elevated to be crown prince over his older brothers because of an inquiry made through extispicy. See RINAP 4, Esar. 1, i 13-16 (translation Erle Leichty): “He questioned the gods Šamaš and Adad by divination, and they answered him with a firm ‘yes,’ saying: ‘He is your replacement.’ He heeded their important word(s) and gathered together the people of Assyria, young (and) old, (and) my brothers, the seed of the house of my father.”

\(^4^5\) In earlier (Babylonian) texts, both Šamaš and Adad were addressed together, though Šamaš was often addressed alone, especially after the initial mention of both gods. According to Lambert (*Babylonian Oracle Questions*, 8-10), in the texts written during the reigns of Esarhaddon and Assurbanipal, there were two sets of scribes that were used. The first set, the diviners who performed the extispicy rituals themselves, addressed their questions only to Šamaš. The second set, who wrote with a much higher quality than the diviners who performed the rituals, made it seem as though the inquiries were always made to both Šamaš and Adad.


\(^4^7\) Ibid.
An inaccurate decision would involve Šamaš endorsing a particular course of action when it would ultimately not succeed (cf. Judg. 20:18-26). 48

The second and third parts of the paragraph can be dealt with together since the third part follows logically from the second. The second part of the paragraph is a wish that Šamaš would confuse or darken the perpetrator’s eyesight. Based on the understanding of the curse adopted here, this refers not to literal blindness but to the inability of the person being cursed to gain accurate guidance for future decisions from Šamaš through extispicy. Alternatively, it could simply mean that the party being cursed would be unable to know what to do or to make wise decisions when needed, with extispicy being one means among many through which the party being cursed could seek guidance. The third section is a taunt based on the curse in the second section: the perpetrator is told to walk around in darkness. These two sections serve to illustrate the consequences of not receiving an accurate oracle/decision from Šamaš.

There are two main connections between EST 422-424 and Deuteronomy 28:28-29. First, both passages have to do with the removal of a person’s eyesight. However, in Deuteronomy 28:28-29 there are two additional afflictions that accompany the curse of blindness: madness (שׁיָגָע) and bewilderment of heart (תִּמְהוֹן לֵבָ). These two afflictions can be seen as additions to the core curse of blindness, since the second section of Deuteronomy 28:28-29 carries on with the imagery of blindness (“And you will grope in the middle of the day….”). Madness and bewilderment of heart, though not part of a stock lexical grouping with blindness, 49 have the

48 See ABL 1105 r. 9 quoted in CAD D, 152: “May Šamaš, the chief judge of heaven and earth, give us (only) misleading decisions” (<UTU> DI.KU₂ GAL šamē eršetim...di-i-ni pariktî liđin[annāšu]).
49 All three terms occur in Zechariah 12:4: “On that day – utterance of YHWH – I will strike every horse with bewilderment and its rider with madness. And on the house of Judah I will open my eyes and I will strike every horse of the peoples with blindness.” Rather than being a result of these three terms being a stock lexical grouping drawn upon independently by both passages, it seems more likely that Zechariah 12:4 is borrowing these terms from Deuteronomy 28:29. See David L. Petersen, Zechariah 9-14 and Malachi: A Commentary (OTL; Louisville: Westminster/John Knox Press, 1995), 114.
same ending as blindness (יון), which may have helped to trigger their use, and both madness and bewilderment of heart have a similar effect on the person being cursed: all three afflictions produce confusion, aimlessness, and helplessness. The final section of Deuteronomy 28:28-29 ("And you will be oppressed and robbed all of your days…") can be seen as an extension of the imagery of the blind groping in the darkness: just as the blind are open to robbery and exploitation because of their inability to see, the party being cursed will be a victim for the rest of their lives because of their inability to find guidance or use wisdom to get them out of their predicament. The fact that there will be no one to rescue them shows that, in addition to there being no way to escape through their wisdom or through the guidance of others, there will be no rescue from others as well. In terms of its wider context, this is the functional equivalent to “which cannot be healed” in Deuteronomy 28:27, showing the utter hopelessness of the situation.

The second similarity between these two passages is that both passages speak of a blind person moving about aimlessly in the darkness. However, there are a number of differences between these two sections. First, the curse in EST 424 is a taunt while the curse in Deuteronomy 28:29 is a simple promissory curse. If Deuteronomy 28:29 were dependent on EST or a text similar to EST, the difference in genre could be explained by the fact that Deuteronomy 28 does not use taunts in its curses. On this understanding, the taunt in EST or a text similar to EST could have been transformed to fit the conventions of Deuteronomy 28.

51 McConville’s interpretation of this passage (Deuteronomy, 406) highlights the issue of helplessness but does not account for the issue of confusion.
52 Cf. Jer. 19:7 – “I will make void the counsel of Judah and Jerusalem. In this place I will cause them to fall by the sword before their enemies and into the hand of those who seek their life. And I will give their corpse as food to the birds of the sky and to the beasts of the earth.” See also the translation of Deuteronomy 28:29 in Targum Pseudo-Jonathan given by Ernest G. Clarke, Targum Pseudo-Jonathan: Deuteronomy (ArBib 5B; Collegeville, Minnesota: The Liturgical Press, 1998), 77: “Then you will specify good advice for the relief of your anguish, but there will be no one among you to show the truth, just as the blind goes gropingly in darkness, for there are no passerby [sic] on the way to show (them) their direction on the way…..”
Second, EST 424 uses the imagery of walking about in darkness while Deuteronomy 28:29 uses the imagery of groping in darkness. While the overall meaning of these images is essentially the same, the imagery in Deuteronomy 28:29 is more vivid, which means that this could not be a straightforward borrowing from EST or a text similar to EST: it would have to be explained by reasons internal to Deuteronomy 28. Third, Deuteronomy 28:29 includes a simile that compares the groping that the cursed party would do during the middle of the day to the groping that a blind person would do in the darkness of their blindness. Neither the simile nor the contrast between daytime and darkness are mentioned in EST 422-424.

There are three additional differences between EST 422-424 and Deuteronomy 28:28-29 that need to be addressed:

(a) First, Deuteronomy 28:29 includes a clause saying that the party being cursed would not make their ways prosper (ךָוְלֹא תַצְלִיחַ אֶת־דְרָכֶּי). Like the section that follows (“And you will be oppressed and robbed…”) this can be seen as a consequence of being struck with madness, blindness, and bewilderment of heart: a person who is unable to get proper advice or to make wise decisions will be unable to be successful in whatever pursuits they undertake. Whatever the relationship between EST 422-424 and Deuteronomy 28:28-29, this clause clearly has no connection with EST 422-424.

(b) Second, Deuteronomy 28:29 includes two more additional clauses indicating that the party being cursed would be oppressed and robbed all of their days and that there would be no one to rescue them. As Steymans notes, these clauses have no equivalent in EST 422-424. However,

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53 For the same phrase, see Joshua 1:8.
54 This clause shows that Steymans’ understanding of Deuteronomy 28:29 (Deuteronomium 28, 295) is incorrect. While the previous section (i.e. the reference to being oppressed and robbed) could possibly refer to a general situation where injustice is experienced, it is difficult to see how the theme of injustice could be connected with this part of the curse.
55 Steymans, Deuteronomium 28, 295.
Steymans offers three explanations for why these clauses were included here. First, Steymans believes that these clauses are based on EST 487 (“May your life come to an end in distress and sleeplessness”) since, according to Steymans, Deuteronomy 28:20-44 follows the sequence of EST 472-493.\(^6^6\) However, as we saw in chapter 4, a close historical relationship between EST 472-493 and Deuteronomy 28:20-44 is untenable, which means that there is no reason to connect these two clauses with EST 487. Second, Steymans sees the oppression and robbery mentioned in these two clauses as the outworking of the larger theme of injustice in the Šamaš curse.\(^5^7\) The problem with this explanation, however, is that the theme of injustice is not actually found in Deuteronomy 28:28-29: Steymans has imported this idea from (a misunderstanding of) EST 422-424. It is more likely an extension of the imagery at the beginning of 28:29 that serves to illustrate the helplessness of a person who is blind. Third, Steymans believes that these clauses might have been added in order to match its equivalent in the chiasm that runs from Deuteronomy 28:27 to 28:35 (i.e Deut. 28:33).\(^5^8\) While there certainly is a connection between Deuteronomy 28:29 and 28:33 (both use the word עָשׁוּק, “oppressed”), it seems more likely that 28:29 influenced 28:33 rather than the other way around because of how well integrated this oppression is with the curse of blindness. It should be clear, then, that these two clauses are not based on EST 422-424 or a text similar to EST 422-424 and should be explained on internal grounds.

(c) Finally, Deuteronomy 28:28-29 lacks an equivalent to the inaccurate oracle mentioned at the beginning of EST 422-424.\(^5^9\) While the difference here should not be swiftly set aside, if Deuteronomy 28:28-29 were dependent on EST 422-424 or a text similar to EST 422-424, it

\(^{56}\) Ibid., 305-6.
\(^{57}\) Ibid., 295.
\(^{58}\) Ibid. “Wo Dtn 28 quantitativ von der VTE-Parallele abweicht, liegt ein struktureller Grund in der Palindromie des hebräischen Textes vor.”
\(^{59}\) It also lacks a reference to unjust judgment, which is the alternative way of understanding this curse.
would make little sense for Deuteronomy 28:28-29 to have an equivalent here since divination was strictly forbidden in the Deuteronomic Code (see Deut. 18:9-13). It is equally possible that the ultimate source behind Deuteronomy 28:28-29 lacked this part of the curse.

Despite the differences between these curses, the mention of blindness and moving around aimlessly in darkness function as concrete anchor points that connect these two passages together. The fact that Deuteronomy 28:28-29 includes both of these elements rather than simply one points in the direction of a close historical relationship, though they are not strong enough to point conclusively in this direction given the differences between the two passages.

5.2.3 The Sequence of Leprosy and Blindness

Up to this point, we have only examined the parallels between EST 419-421 and Deuteronomy 28:27 and EST 422-424 and Deuteronomy 28:28-29 when considered on their own. However, the case for a close historical relationship between these parallels has always depended not on the strength of the individual parallels but on the sequence shared by these two passages.60 Moshe Weinfeld, who was the first to recognize the significance of these parallels, pointed to the fact that the sequence of leprosy and blindness, associated with the gods Sin and Šamaš, are quite frequent in Mesopotamian curses.61 Note the following two examples from Babylonian kudurru from the 11th century BCE that show the connection between Sin and Šamaš:62

(a) BBst. 7, ii 16-20 – “May Sin, the light of the bright heavens, with leprosy that never departs clothe his whole body, so that he may not be clean till the day of his death, but must lie

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60 In a secondary way, it is also supported by their relationship to the sequence of curses that surround them.


62 See also LH column 50, 14-63. Spencer L. Allen, “Rearranging the Gods in Esarhaddon’s Succession Treaty (SAA 2 6:414-465),” WP 43 (2013), 11, rather curiously says that the sequence of Sin and Šamaš in that order is unique to EST and that “the scribe likely switched the [usual] order for thematic reasons.” Allen bases his conclusions on comparisons with the other treaties in SAA 2 and his conclusions are limited to treaties. However, the examples from these Babylonian kudurru show that this order is not unusual.
down like a wild ass at the outer wall of his city! May Shamash, the judge of heaven and earth, smite his countenance, so that his bright day may turn to darkness for him!"  

(b) BBst. 8, iv 7-11 – “May Sin, who dwells in the bright heavens, with leprosy (?) as with a garment clothe his body! May Shamash, the judge, the ruler of men, the great one of heaven and earth, decree the refusal of his right and oppose him with violence.”

These examples show that the sequence of leprosy and blindness makes sense in EST 419-424 because of their association with Sin and Šamaš, who are grouped together quite frequently in Mesopotamian texts, and because these curses form a traditional sequential relationship. However, the sequence of leprosy and blindness in Deuteronomy 28:27-29 has no logical explanation within Deuteronomy 28 itself. While the individual parallels examined in this section are not strong enough in themselves to point to a close historical relationship, the non-intuitive nature of the sequence of leprosy and blindness points to a close historical relationship.

What type of close historical relationship exists between these parallels will be examined in chapter 7.

5.3 EST 425-427 || Deuteronomy 28:25a,26

5.3.1. EST 425-427 || Deuteronomy 28:25a,26 as an Individual Parallel

The next parallel to be examined is the parallel between EST 425-427 (=§41) and Deuteronomy 28:25a,26. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 425-427</th>
<th>Deuteronomy 28:25a,26</th>
</tr>
</thead>
<tbody>
<tr>
<td>May Ninurta, the preeminent one among the gods, cause you to fall with his furious arrows. May he fill the steppe with your</td>
<td>(28:25a) YHWH will hand you over to be slaughtered before your enemies.</td>
</tr>
</tbody>
</table>

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64 Ibid., Babylonian Boundary-Stones, 47 (translation King).
65 Once again, a traditional sequential relationship can be defined as a set of curses that appear side-by-side and are transmitted side-by-side in the tradition.
blood. May he cause the eagle and the vulture to eat your flesh.

(28:26) And your corpse will become food for all the birds of the sky and for the beasts of the earth and there will be no one to scare them off.

EST 425-427 is made up of three closely related divine curses associated with Ninurta, the Akkadian god of war and hunting. The first curse is a wish that Ninurta would strike the people being cursed with his arrows. In more concrete terms, this is a wish that the people being cursed would be defeated by their enemies, with Ninurta being the one ultimately responsible for the outcome of the battle. The second curse is an expansion or amplification of the first curse: it is a wish that the defeat would be so devastating that the steppe would be filled with the blood of the people who are being cursed. The third curse is also an amplification of the first curse: it is a wish that the bodies of the people killed in battle would be eaten by eagles and vultures. This would have had at least two significant effects on those who heard this curse: there would be horror at the thought of having one’s body eaten by birds and there would be horror because of the implications that this might have for the person’s place in the afterlife.68

Deuteronomy 28:25a, 26, on the other hand, is made up two distinct curses. The subject matter of the first curse is identical to the subject matter of the first curse in EST 425-427: both deal with military defeat through divine agency. While the curse in Deuteronomy 28:25a explicitly mentions the secondary agent through whom the defeat would occur (i.e. your enemies), the secondary agent is left unmentioned in EST 425-427. This falls in line with the frequent use of secondary agency throughout the curses of Deuteronomy 28.69 The divine

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68 See Daniel T. Potts, *Mesopotamian Civilization: The Material Foundations* (Egyptology and Ancient Near Eastern Studies; London: The Athlone Press, 1997), 230: “From all of the above it should by now be clear that the proper burial of an individual was of paramount importance for his or her entry into the netherworld. Without due burial, a death demon would wander the face of the earth, and if a burial should be disturbed, and proper offerings for the dead interrupted, the death demon would vex the living until such time as a priest had performed rituals to guide the demon back into the underworld. For rich or poor, king or labourer, therefore, a proper, undisturbed burial was all important.”

69 E.g. Deut. 28:29, 30-33.
epithet in EST 425-427 has no equivalent in Deuteronomy 28:25a,26 but, as we saw in chapter 2, this can be explained by normal changes that occur when curses are translated from one religious context to another. The imagery of arrows in EST 425-427, which also lacks an equivalent in Deuteronomy 28:25a,26, can be explained along similar lines since Ninurta was often associated with bows and arrows, keeping in mind, however, that similar imagery is also used of YHWH in Deuteronomy 32:42.

The subject matter of the third curse in EST 425-427 is also identical with the subject matter of the second curse in Deuteronomy 28:25a,26: both deal with birds eating the perpetrators’ corpses after a decisive military defeat. There are, however, four significant differences between these curses.

(a) First, while EST 426-427 explicitly mentions eagles and vultures eating the corpses of the dead, Deuteronomy 28:26 simply mentions “the birds of the sky.”

(b) Second, in addition to the birds of the sky, Deuteronomy 28:26 also includes “the beasts of the earth” as eating the corpses of those who were left on the field. Echoes of this curse are found in a number of texts in the Hebrew Bible: 1 Sam. 17:44; Jer. 7:33; 15:3; 16:4; 19:7; and 34:20. While Jeremiah 19:7 certainly seems to have been influenced by Deuteronomy 28:26 and 29, the other references seem to have their own independent character. Assuming that Deuteronomy 28:26 is dependent on EST 426-427 or a text similar to EST 426-427, the mention of “birds of the sky” and “beasts of the earth” in Deuteronomy 28:26 could have been an adaptation of the Mesopotamian curse to a motif in the Judahite tradition. However, this could also be seen as a sign that these curses do not have a close historical relationship with each other.

70 J. Philip Hyatt, “Jeremiah and Deuteronomy,” in A Prophet to the Nations: Essays in Jeremiah Studies (ed. Leo. Perdue and Brian W. Kovacs; Winona Lake, Indiana: Eisenbrauns, 1984), 127, suggests that Deuteronomy 28:26 was taken directly from Jeremiah 34:20 and was then used to influence Jeremiah 7:33; 164; and 19:7. This would certainly undermine a connection between EST 426-427, but it seems, rather, that the imagery in most of these verses is only tangentially related to Deuteronomy 28:26.
and that they were developed independently of each other on the basis of shared cultural experience. Steymans suggests that the mention of “the birds of the sky” in Deuteronomy 28:26 was influenced by EST 426-427 while “the beasts of the earth” was influenced by the mention of dogs and pigs eating corpses in EST 483-484.\footnote{Steymans, “Deuteronomy 28 and Tell Tayinat,” Verbum et Ecclesia 34 (2), Art#870, http://dx.doi.org/10.4102/ve.v34i2.870 (2013), 8.} However, as we saw in chapter 4, the connection between EST 472-493 and Deuteronomy 28:20-44 is untenable, which makes it highly unlikely that EST 483-484 served as the basis for the insertion of “beasts of the earth” in Deuteronomy 28:26. It is much more likely that “birds of the sky” and “beasts of the earth” were simply a part of Judahite or, more narrowly, Deuteronomic idiom.

(c) A third difference between the curses is that Deuteronomy 28:26 also adds that there will be no one to scare off the birds and the animals who are eating the corpses, which corresponds to “from which you cannot be healed” in Deuteronomy 28:27 and “there will be no one to save you” in Deuteronomy 28:29. Regardless of whether or not this curse ultimately derives from EST 426-427 or a text similar to EST 426-427, this part of the curse is likely an adaptation to the style of Deuteronomy 28.\footnote{Contra Gottfried Seitz, Redaktionsgeschichtliche Studien zum Deuteronomium (BWANT 5/13; Stuttgart: W. Kohlhammer, 1971), 288-9, who sees Deuteronomy 28:25b as being written under the influence of Jeremiah 7:33 (“And the corpse of this this people will become food for the birds of the sky and the beasts of the earth and there will be no one to scare them off”). It seems more likely, however, that Jeremiah 7:33 is based on Deuteronomy 28:25b since the clause “and there will be no one to scare them off” can be understood stylistically as belonging to Deuteronomy 28 while there is no necessary connection in this clause to the context of Jeremiah 7:33.}

Steymans excludes Deuteronomy 28:25b from this parallel on the grounds that it was written under the influence of EST 483-484 and EST 534-535.\footnote{Steymans, Deuteronomium 28, 291, 304-5. See discussion in chapter 4.} Once again, however, as we saw in chapter 4, any influence from EST 483-484 is unlikely given the fact that the parallel between EST 472-493 and Deuteronomy 28:20-44 is untenable. We also saw that the connection between not being able to stand before one’s enemies in EST 534-536 and Israel going out to their
enemies on one road and fleeing before them on seven roads is too loose to suggest any type of historical connection. A much simpler explanation is that Deuteronomy 28:25b was written under the influence of the parallel blessing in Deuteronomy 28:7,\(^74\) though Deuteronomy 28:7 is generally understood to be written after and on the basis of Deuteronomy 28:25b.\(^75\) It is clear, however, that Deuteronomy 28:25b was not written under the influence of any passage from EST, though its relationship with Deuteronomy 28:7 suggests that Steymans is right to exclude this part of the verse from the parallel.

The same, however, cannot be said of the wish in EST 426 that Ninurta would fill the steppe with the blood of those who are slain in battle. This curse has no parallel in Deuteronomy 28:25a,26, despite Steymans’ suggestion that the word ניבלתך in 28:26 implies that this scene takes place in the wilderness or on the steppe:\(^76\) this connection is far too subtle to connect these two passages together. In *Deuteronomium 28* (1995), Steymans suggested that this part of the curse may have been omitted from Deuteronomy 28:25a,26 because the Aramaic translation of EST, from which Deuteronomy 28:25a,26 was borrowed, may not have copied out the entire curse from EST.\(^77\) This seems rather ad hoc. Presumably, Steymans no longer uses this argument since he now rules out the possibility of an Aramaic translation.\(^78\) The fact that this curse has no parallel in Deuteronomy 28:26 further divides these two passages from each other.

When considered on their own it is difficult to see how the motifs of military defeat and animals eating corpses can overcome the differences between the two passages and point to a

\(^74\) Lundbom, *Deuteronomy*, 773, and Nelson, *Deuteronomy*, 331, though it is unclear whether they are referring to how these verses relate to each other in the history of their composition or how these passages function in the final form of Deuteronomy 28.


\(^76\) Steymans, *Deuteronomium* 28, 297.


\(^78\) Steymans, “Deuteronomy 28 and Tell Tayinat,” 2.
close historical relationship. Military defeat and animals eating corpses would have been common enough in the ancient Near East and can easily be explained by shared cultural experience. The relationship is too weak to point to a close historical relationship.

5.3.2 EST 425-427 || Deuteronomy 28:25a,26 as Part of a Sequence

As we saw in the parallel between EST 419-424 and Deuteronomy 28:27-29, the non-intuitive character of a parallel sequence can exert pressure on the analysis of individual parallels and can overcome differences that, when considered on their own, might point away from a close historical relationship existing between two curses. In this regard, Deuteronomy 28:25a,26, or simply 28:26, is considered to be part of the larger parallel sequence between EST 418a-430 and Deuteronomy 28:25a,26-35, which would certainly make the case stronger that Deuteronomy 28:25a,26 has a close historical relationship with EST 425-427. One difficulty with this, however, is that Deuteronomy 28:25a,26 appears outside of the expected sequence: it appears before the curse of leprosy and blindness rather than afterward, as is the case with EST 425-427. At least four explanations have been offered to account for this difference in sequence:

(a) First, according to Weinfeld, the placement of Deuteronomy 28:26 before the curses of leprosy and blindness should not be surprising since the curses in EST 425-427 have no fixed place in EST: in ND 4329 they appear immediately after EST 428-430 while EST 431-432 appears where EST 425-427 should belong. However, the fact that a single copy of EST places EST 425-427 in a different sequence hardly qualifies as saying that EST 425-427 has no fixed place in EST. Furthermore, the sequence in ND 4329 (leprosy, blindness, entrance of Bel in Esangil, pillaging, eagle and vulture) also does not match with the sequence of Deuteronomy

28:25a,26-35: no copy of EST places the curse of the eagle and vulture before the curses of leprosy and blindness as in Deuteronomy 28:25-26.

(b) Second, according to Weinfeld, Deuteronomy 28:26 may not be in its original position. Instead, it may have originally come after the curse of blindness in 28:28-29 since the pillaging described in 28:30-33 would naturally follow from the type of military defeat described in 28:26. According to Weinfeld, 28:26 may have been removed from its original position because of its thematic connection with 28:25a, which also describes military defeat. However, there is no textual evidence to support this suggestion and there is no reason for supposing that Deuteronomy 28:26 belongs more naturally with Deuteronomy 28:30-33 than with 28:25a, apart from a desire to make the original form of this section match the sequence found in EST. A much better explanation from a thematic point of view would be to see the curses of leprosy and blindness as an insertion into the sequence of Deuteronomy 28:25a,26-35: the theme of military defeat would then flow seamlessly into the theme of pillaging. However, even in this case, there is no reason to believe that the original form of Deuteronomy 28 necessarily followed a perfectly logical thematic sequence, at least according to our standards.

(c) Third, Tigay suggests that Deuteronomy 28:26 could have been shifted earlier to fit better with the chiasm in Deuteronomy 28:23-42. Tigay’s analysis of the structure is as follows:

A. agricultural disaster (drought and hardened soil) (vv. 23-24)

B. defeat leading to becoming byword (vv. 25-26)

C. inflammation (v. 27)

D. madness, blindness (vv. 28-29a)

E. constantly abused and robbed (v. 29b)

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81 Ibid.
82 The following structure, including the wording, is taken directly from Tigay, Deuteronomy, 491.
F. oppression (vv. 30-33a)

E’. continually abused and downtrodden (v. 33b)

D’. madness from what one sees (v. 34)

C’. inflammation (v. 35)

B’. exile leading to becoming a byword (vv. 36-37)

A’. agricultural disaster (crop-destroying pests) (vv. 38-42)

While this is not the place to analyze or critique the structure suggested by Tigay, the placement of Deuteronomy 28:26 to a place earlier on in this structure would seem unnecessary since the key phrase in line B is becoming a byword, which occurs in verse 25. There is no reason why Deuteronomy 28:26 could not have been left after verse 29 where it would have appeared if Deuteronomy 28:25a,26-35 followed the structure of EST 418a-430: Deuteronomy 28:26 could easily fit under the category given in line F.

(d) Steymans argues that the curse in Deuteronomy 28:26 was shifted earlier in the sequence because it was inserted where it fit thematically with the sequence of EST 472-493 and Deuteronomy 28:20-44.83 Once again, since it is clear that there is no historical relationship between EST 472-493, which means that this explanation cannot be accepted.84

There is no reason, therefore, to suggest that the sequence of EST 418a-430 and Deuteronomy 28:25a,26-35 were originally identical at this point. This means that the parallel sequence between EST 418a-430 and Deuteronomy 28:25a,26-35 cannot be used in any straightforward way to justify the differences between EST 425-427 and Deuteronomy 28:25a,26. However, there are two other factors that need to be considered. First, the possibility needs to be considered that Deuteronomy 28:26 was borrowed from another treaty or source known to Israel

83 Steymans, Deuteronomium 28, 305.
84 See discussion of this individual section in chapter 4 as well as the overall analysis of the parallel between EST 472-493 and Deuteronomy 28:20-44 in chapter 4.
or Judah that had a different sequence from the curses in EST. Second, if the other curses in EST 418a-430 and Deuteronomy 28:25a,26-35 appear likely to have a close historical relationship with their parallels, this cluster of parallels would seem to have a similar effect as a parallel sequence. In other words, is it likely that these curse topics would appear in both texts in such close proximity without there being a close historical relationship between the individual curses? This would seem unlikely, but a final determination will have to wait until the final two parallels are examined.

5.4 EST 428-430 || Deuteronomy 28:30-33

5.4.1 EST 428-430 || Deuteronomy 28:30-33 as an Individual Parallel

The final parallel to be examined is the parallel between EST 428-430 (=§42) and Deuteronomy 28:30-33. The parallel reads as follows:

<table>
<thead>
<tr>
<th>EST 428-430</th>
<th>Deuteronomy 28:30-33</th>
</tr>
</thead>
<tbody>
<tr>
<td>(428-430) May Delebat, the bright star, cause your wives to lie down in the lap of your enemies before your very eyes. May your sons not rule your house. May a strange enemy divide all that you have.</td>
<td>(28:30) You will be betrothed to a woman but another man will violate her.(^{85}) You will build a house but you will not dwell in it. You will plant a vineyard but you will not use its fruit.</td>
</tr>
<tr>
<td>(28:31) Your cow will be butchered before your eyes but you will not eat from it. Your donkey will be seized right in front of you but he will not return to you. Your flock will be given to your enemies and there will be no one to save you.</td>
<td>(28:32) Your sons and your daughters will be given to another people and your eyes will look and strain after them all day long but there will be no power in your hand.</td>
</tr>
<tr>
<td>(28:33) A people you do not know will eat the fruit of your land and all your produce and you will be continuously oppressed and crushed all your days.</td>
<td></td>
</tr>
</tbody>
</table>

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85 The *kethib* for this word is ישגלנה (“he will violate her, he will rape her”) while the *qere* is ישכבנה (“he will lie with her”). The *kethib* should be read here since the *qere* is clearly a euphemism for the *kethib*. See Tigay, *Deuteronomy*, 265 and Christensen, *Deuteronomy 21:10-34:12*, 679.
We can begin by examining the curses in EST 428-430. EST 428-430 is made up of three divine curses associated with the goddess Delebat. All three curses have to do with negative consequences that would occur after an army has been defeated. The first curse is a wish that the persons being cursed would see their wives being raped by their enemies. The second curse is a wish that the sons of the perpetrators would not rule over their fathers’ households. The curse is unclear as to whether this would be due to the sons being killed or sold into slavery or whether this would be due to the household being plundered and ultimately destroyed. Either way, this would be devastating in a culture that placed a high value on passing down one’s property and possessions to one’s legitimate heirs. The third curse is a wish that the property of the persons being cursed would be divided up and taken away by their enemies. While the plundering of a person’s property might serve as an explanation for why the sons of the persons being cursed would not rule over their house, there is no necessary connection between the two.

There are three main connections between EST 428-430 and Deuteronomy 28:30-33. First, both passages begin with a curse containing a wish or a promise that the wives/betrothed of the persons being cursed would be raped by their enemies. Second, both passages include the sons of the persons being cursed in the consequences of the curse. Finally, both passages deal with the plunder of the person’s property.

Despite these similarities, there are a number of significant differences between these two passages. First, in EST 428-430 it is the person’s wife who would be raped while in Deuteronomy 28:30 it is the person’s betrothed. The difference here could possibly be explained on the basis of the difference in genre between the two curses. The fact that the marriage in Deuteronomy 28:30 would not have been consummated when the rape took place fits well with Deuteronomy 28:30 being a futility curse: before the marriage can be consummated, someone
else ends up taking her into his “bed”. Another possibility is that the curse here is being adapted to correspond to the wording of a similar passage in Deuteronomy 20:7 (see below).

Second, as we have already seen, the curses in EST 428-430 and Deuteronomy 28:30 are in a different genre: the curses in EST 428-430 are divine wish curses while the curses in Deuteronomy 28:30 are futility curses. As we saw in chapter two, curses can shift their genre to conform to the norms of the receptor text. However, the situation here is somewhat different from the situation in the Tell Fekherye inscription, where something similar happens. In the Tell Fekherye inscription, the original text, written in Aramaic, was in the more complex genre (i.e. futility curse) while the Assyrian version was in a simplified genre. In EST 428-430 and Deuteronomy 28:30, the situation is reversed: the curse in EST 428-430 is already in a simple genre but is made more complex in Deuteronomy 28:30. Furthermore, the futility curses in Text B of the Tell Fekherye inscription were transformed into simple wish curses in the Assyrian version because futility curses were uncommon in the Mesopotamian tradition. In the case of Deuteronomy 28:30, this type of transformation would have been unnecessary since divine curses were quite common in the Israelite/Judahite tradition. Some other explanation would be needed to explain why these curses were transformed if they were ultimately derived from EST 428-430 or a text similar to EST 428-430.

Third, Deuteronomy 28:30 includes two additional futility curses that are not found in EST 428-430 in any form: the curse of frustrated house building and the curse of frustrated vineyard

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86 Steymans, Deuteronomium 28, 298.
87 One possibility is that they were triggered by the futility-like motifs in the wider context (i.e. “there will be no one to scare them off,” “that cannot be healed,” etc. Deuteronomy 28:31-32 expresses the same type of language. However, it is also possible that these curses were dependent on a different source much closer than the parallel in EST.
planning (cf. Amos 5:11). These curses are echoed in the instructions for going to war in Deuteronomy 20:5-7, though not in the same sequence.

The officers will speak to the people saying, ‘Is there any man who has built (בָּנָה) a new house but has not dedicated it? Let him go and return to his house lest he die in battle and another man dedicate it. Is there a man who has planted a vineyard but has not used its fruit (וֹוְלֹא חִלְל)? Let him go and return to his house lest he die in battle and another man use its fruit (וּנֶּּיְחַלְל). Is there a man who is betrothed (שָׂאֵר) to a woman but has not married her? Let him go and return to his house lest he die in battle and another man marry her.

The curses in Deuteronomy 28:30 represent the realization of the יִֽהְּנָא clauses here in Deuteronomy 20:5-7, with the added note that it would be Israel’s enemies who would do these things instead of them.

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88 While the second curse in EST 428-430 (“May your sons not rule your house”) does mention the word “house,” it is of a completely different character than the curse of frustrated house building in Deuteronomy 28:30. The curse in Deuteronomy 28:30 has to do with the person being cursed not living in the house they have built whereas the curse in EST 429-430 has to do with sons not ruling the house of the party being cursed (אָתי ibēlā bītkun). The focus in EST 429-430 is on the sons of the perpetrator rather than the house itself. Steymans (“Deuteronomy 28 and Tell Tayinat,” 8) connects this second curse in EST 429-430 with Deuteronomy 28:32.

89 These three curses are also echoed in Jeremiah’s letter to the exiles in Jeremiah 29:5-6. Jeremiah’s use of these themes can likely be traced back to the book of Deuteronomy. For ancient Near Eastern parallels to the exemptions in these instructions and a very useful overview of how these exemptions have been interpreted see W. M. de Bruin, “Die Freistellung vom Militärdienst in Deut. XX 5-7: Die Gattung der Wirkungslosigkeitssprüche als Schlüssel zum Verstehen eines alten Brauches,” VT 49 (1999), 21-26.

90 Heb. מֲנוּחֵה. S.C. Reif, “Dedicated to יִֽהְּנָא,” VT 22, 495-501, following a suggestion made by Oliver Rankin, The Origins of the Festival of Hanukkah: The Jewish New-Age Festival (Edinburgh: T & T Clark, 1930), 27-45, and others, suggested that the verb יִֽהְּנָא does not mean “to dedicate” but “to begin” or “to initiate”. Reif (“Dedicated,” 496), using the definition and wording given by Rankin, does not think that the definition of “removing from the realm of the profane…to that of the sacred” is appropriate for the context of Deuteronomy 20:5 (cf. Lundbom, Deuteronomy, 584; Tigay, Deuteronomy, 187). While this is not the place to fully interact with Reif’s arguments, it is significant that the very next verse (Deut. 20:6) describes the initial eating of fruit from a vineyard as treating the vineyard as “common” or profaning. This suggests that the meaning “to dedicate” fits well in this context. On a practical level, the meaning would be the same as that suggested by Reif: 20:5 is referring to someone who has not occupied or made use of a house that has been built for them.

91 Lit. “not profaned it.” This may have been based on the tradition reflected in Leviticus 19:23-25, which says that the person who plants trees for food needed to wait until the fifth year before they could freely eat from their fruit. In the fifth year, the fruit trees could be treated as common, that is, they were permitted to eat its fruit. See Lundbom, Deuteronomy, 584-5; Tigay, Deuteronomy, 187; McConville, Deuteronomy 28, 319; S. R. Driver, A Critical and Exegetical Commentary on Deuteronomy (3d ed.; Edinburgh: T & T Clark, 1895), 238.

92 Cf. McConville, Deuteronomy, 406: “Verses 30-31 echo 20:5-7, a permission designed to prevent this kind of non-fulfillment.” See also Tigay, Deuteronomy, 265: “The most important personal endeavors, those that constitute grounds for draft deferment, will be made futile.”
There are three possible explanations for these similarities. First, the instructions for war in Deuteronomy 20:5-7 could have been based on the curses in Deuteronomy 28:30 in order to prevent the type of frustration depicted in these curses from taking place. This seems unlikely since in Deuteronomy 20:5-7 the possibility of not enjoying these things (i.e. a new house, a new vineyard, and a new wife) is not presented as something that could come about because of the fulfillment of a curse or as something that could itself cause a curse but as a natural consequence that could happen due to the very nature of warfare. It is the avoidance of these natural consequences, rather than the motivation to avoid or prevent a curse, that motivates the exemptions in these verses (cf. Deut. 24:5).

The second possibility is that Deuteronomy 28:30 has a close historical relationship with EST 428-430 but adapted the first curse and added the two remaining curses based on the wording of Deuteronomy 20:5-7. The third possibility is that Deuteronomy 28:30 was based on Deuteronomy 20:5-7 and has no historical relationship with EST 428-430.

A fourth significant difference between these parallels is that Deuteronomy 28:30-33 has no parallel with the second curse in EST 428-430: “May your sons not rule your house.” The closest parallel is found in Deuteronomy 28:32, where it says that the sons and daughters of the party being cursed will be given to another people. The emphasis here, however, is not on the

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93 There is no evidence at present that the appearance of these motifs in both passages are based on a common tradition drawn upon independently by both Deuteronomy 20 and Deuteronomy 28.
94 Alexander Rofé, “The Laws of Warfare in the Book of Deuteronomy: Their Origins, Intent and Positivity,” *JSOT* 32 (1985), 34: “Leaving aside the question of the relationship between these curses and Deut. 20.5-7, it would seem that the underlying intent of the officials’ declaration of exemption was precisely to prevent a curse from falling upon Israel.” Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox Press, 2002), 250, says something similar: “These regulations are intended to prevent Israel from coming under the influence of the curse of futility and to permit enjoyment of good things given by Yahweh.” Cf. de Bruin, “Die Freistellung vom Militärdienst in Deut. XX 5-7,” 26, 30-33.
95 This seems to be the implication of Rofé’s wording above.
96 Rofé, “The Laws of Warfare in the Book of Deuteronomy,” 34, sees the exemptions in 20:5-7 as expansions on Deuteronomy 24:5 along the lines of halakhic midrash.
98 This is yet another example of Deuteronomy including both sons and daughters rather than simply sons.
parents not having heirs to rule over their household but on the things that the people value (i.e. one’s children) being taken away from them, the pain that this causes, and their inability to do anything to prevent it. In this regard, Deuteronomy 28:32 comes much closer to the third curse in EST 428-430: “May a strange enemy divide all that you have.”

Fifth, none of the curses in Deuteronomy 28:31-33, strictly speaking, are parallel to the curses in EST 428-430. In a very broad sense, the curses in Deuteronomy 28:31-33 all fall under the category of the third curse in EST 428-430: “May a strange enemy divide all that you have.” However, there are no concrete anchor points to connect any of these curses together. One possible way to explain these differences is to appeal to the results of chapter 2: curses can sometimes be expanded when translated from one language to another. The problem with this possibility, however, is that the expansion here would be on a scale that was unseen in any of the examples given in chapter 2. It seems unlikely, then, that these verses can be explained through its translation from one language to another.

Another possibility is that Deuteronomy 28:31-33 is simply a creative adaptation of the third curse in EST 428-430. On this reading, the final curse in EST 428-430 was expanded to fill out what was meant when it says that a strange enemy would divide the possessions of the party being cursed. This possibility works quite well, though, it would be difficult to argue for a direct historical relationship when these differences are taken into consideration.

When considered on their own, the evidence for or against a close historical relationship is very close. The fact that these passages share two conceptual anchor points – the rape of one’s

99 See Deuteronomy 28:31 where donkeys and sheep are likewise taken away by their enemies.
100 Rintje Frankena, “The Vassal Treaties of Esarhaddon and the Dating of Deuteronomy,” *Oudtest. Studiën* 14 (1965), 149: “The compiler, however, did more than merely copy the Assyrian parallels by using these as a starting point for his own expositions: whereas the Assyrian text has only the house, he adds the vineyard, the ox, the ass, the sheep, the sons, the daughters and the fruit of the land, thus specifying the goods of the Assyrian text, which will be divided by a foreign enemy (nakru aḫu), which word the Hebrew text significantly translates with עם אחר, עם אביד, and לא ידעתי.”
wife/betrothed and the dividing of one’s property – points in the direction of a close historical relationship. However, the differences between the curses are quite strong and make the case for a close historical relationship less certain.

5.4.2 EST 428-430 || Deuteronomy 28:30-33 as Part of a Sequence

The question now needs to be asked about whether or not the differences between the two passages can be compensated for based on the position of these curses have in the sequence of EST 418a-430 and Deuteronomy 28:25a,26-35. As we saw earlier, the sequence of curses in EST 418a-30 and Deuteronomy 28:25a,26-35 are clearly not identical to each other in every way since Deuteronomy 28:26 appears outside of the expected sequence. That being said, three out of five of the elements in the sequence of EST 418a-30 are found in the sequence in Deuteronomy 28:25a,26-35 (leprosy, blindness, and pillage) and in the proper order, apart from the one missing element. This parallel is even stronger if, as will be seen shortly, EST 418a-c and Deuteronomy 28:34-35 are not part of the parallel sequence. This would mean that three out of four of the elements from EST 419-430 are found in their proper order in Deuteronomy 28:25a,26-33. While the weaknesses of the anchor points that connect EST 428-430 and Deuteronomy 28:30-33 will certainly have an impact on what type of close historical relationship exists between these curses, the proximity of the surrounding curses in virtually the same order that they appear in EST is enough to point in the direction of a close historical relationship.

5.5 EST 418a-c || Deuteronomy 28:34-35

The next parallel to be examined is the parallel between EST 418a-c and Deuteronomy 28:34-35. This parallel was identified by Steymans but was not included by Weinfeld in his discussion of overall parallel sequence.101 The parallel reads as follows:

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101 Steymans, Deuteronomium 28, 299-300.
EST 418a-c | Deuteronomy 28:34-35
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(418a-c) May Anum, the king of the gods, cause sickness, moaning, a disease affecting the head, sleeplessness, lamentation, and lack of physical well-being to rain on the entirety of your houses. | (28:34-35) And you will be driven to madness by the sight that your eyes will see. YHWH will strike you with an evil boil on your knees and on your legs which cannot be healed, from the sole of your foot to your head.

EST 418a-c is a single curse that wishes a number of different ailments to rain down on the party being cursed. However, none of the ailments in EST 418a-c corresponds to the ailments in Deuteronomy 28:34-35, which means that there are no concrete anchor points to connect these two passages together. The curse in Deuteronomy 28:35, though having its own independent character, seems to have been added here because of its connection with Deuteronomy 28:27.

Deuteronomy 28:34, on the other hand, is not really a curse per se but the natural consequences of having to witness the fulfillment of the curses in Deuteronomy 28:30-33. Finally, if Deuteronomy 28:34-35 is connected with EST 418a-c, it is quite removed from where one would have expected to see it in a sequence based on EST 418a-430. It seems quite clear that there is no historical connection between these curses.

5.6 Deuteronomy 28:34-35 and the Chiastic Structure of Deuteronomy 28:27-35

The final issue that needs to be addressed is an argument that was put forward by Moshe Weinfeld about Deuteronomy 28:34-35 and its relationship to Deuteronomy 28:27-28.

According to Weinfeld, Deuteronomy 28:34-35 closes the chiastic structure of the sequence that runs from 28:27 to 28:35. Weinfeld saw a correspondence between (a) the madness (מְשֻׁגָע) of 28:34 and the madness (שִׁגָעוֹן) of 28:28 and (b) the boils (שְׁחִּין) of 28:35 and the boils (שְׁחִּין) of

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102 Akk. di’u.
103 Akk. lā ṭūb šīrī.
104 Note that there is only a single verb (lišznīn) in this curse.
105 Both passages use the word ḥāṣṣā, “boils”. See McConville, *Deuteronomy*, 406.
28:27. For Weinfeld, this chiastic structure helps to confirm that Deuteronomy 28:27-35 is a separate literary unit within the context of Deuteronomy 28:1-45.107

Two observations can be made that are relevant to this chapter and for the overall concerns of this study:

(a) First, even if one were to accept the structure suggested by Weinfeld, Deuteronomy 28:34-35, strictly speaking, is not parallel to any of the curses in EST. The two places where Weinfeld sees a connection with Deuteronomy 28:27-28 (madness and boils) are in the parts of 28:27-28 that have no connection with the corresponding curses in EST. There is no reason, therefore, for Weinfeld to include verses 34 and 35 in the section that he believes was borrowed from neo-Assyrian treaties: at best, verses 34 and 35 were added at some point after the curses of Deuteronomy 28:27-33 were borrowed.

(b) Second, while it is possible that the curses in 28:34-35 were added to balance out the curses in 28:27-29, these curses seem to possess their own independent character.108 The madness in 28:34, for example, is quite different from the madness in 28:28: while the madness in 28:28 would be caused by YHWH as a punishment for unfaithfulness to the covenant and would result in poor decision-making, the madness in 28:34 is a result of the horrors that the people would see when the curses of 28:30-33 are enacted. The boils in 28:35 also seem to have somewhat of an independent character: the references to where the boils would strike on the body have no correspondence with 28:27.

107 Ibid.
108 Paul-Eugène Dion, “Quelques aspects de l’interaction entre religion et politique dans le deutéronome,” Science et Esprit 30 (1978), 48, words things much too strongly when he says, “il a fait des vv. 27-35 une composition centrale, au moyen du v. 33b, qui répète 29b; du v. 34, qui répète 28-29a, et du v. 35, qui répète 27.”
While it is possible that these curses were added here because of their verbal correspondences with 28:27-28, these curses clearly have no historical relationship with EST.\textsuperscript{109}

5.7 Conclusion

Having examined the parallels between EST 418a-430 and Deuteronomy 28:25a,26-35, it was determined that none of the parallels were strong enough on their own to point conclusively to a close historical relationship. However, the fact that four curses from EST 419-430 were repeated in Deuteronomy 28:25a,26-33, with three of them in the same sequence, was sufficient to overcome the differences between the curses and point to a close historical relationship between the curses. However, the differences between the individual parallels were significant and will have a significant impact on what type of close historical relationship these parallels are likely to have with each other. It was also determined that EST 418a-c and Deuteronomy 28:34-35 should not be considered as part of this parallel. The type of close historical relationship that exists between EST 419-430 and Deuteronomy 28:25a,26-30 will be discussed in chapter 6.

\textsuperscript{109} Dion, “Quelques aspects,” 48, once again, overstates his case in his comments about Deuteronomy 28:23-35: “Mais une fois connu le texte assyrien, la filiation du texte deutéronomique est indubitable.” While this might apply, to a certain extent, to the parallels in 28:23-33, it is clear that this cannot be said of 28:34-35.
Chapter 6
What Type of Close Historical Relationship is Likely to Exist?

6.1 Introduction

In chapters 3, 4, and 5, we examined the parallel curses between EST and Deuteronomy 28 to determine which of the parallels, if any, were likely to have a close historical relationship with each other. In most cases, it was determined that a close historical relationship was unlikely to exist between the curses. In several cases (i.e. EST 528-533 || Deuteronomy 28:23-24; EST 419-430 || Deuteronomy 28:25a,26-33; and EST 448-451 || Deuteronomy 28:53-57), however, there was sufficient evidence to suggest that a close historical relationship was likely to exist between the parallels. The precise nature of that relationship, however, was left unexamined. The purpose of this chapter, therefore, is to determine what type of close historical relationship exists between these curses.

In the earlier period of research, the similarities between these passages were generally explained as being due to neo-Assyrian influence on Deuteronomy 28. Few if any, however, attributed these similarities to a direct historical relationship, though it was often said that these curses were borrowed from a treaty text similar to EST (i.e. a direct non-vertical genetic relationship). It should be remembered that there are five types of close historical relationships that could exist between these curses: (a) a direct historical relationship, (b) a mediated lineal relationship, (c) a direct non-vertical genetic relationship, (d) a mediated non-vertical genetic relationship, or (e) a close common tradition. Most writers working in this area have fewer categories than these, which can sometimes lead to a lack of precision in how they argue their case and in the conclusions to which they come. J. G. McConville, Deuteronomy (ApOTC 5; Leicester, England: Apollos, 2002), 402-3, for example, seems to limit himself to two categories: either the parallel curses have a direct historical relationship with each other or they are part of a close common tradition. The fact that McConville does not consider the possibility of a mediated lineal relationship or a mediated non-vertical genetic relationship leads him to conclude that the differences between the curses are evidence for a close common tradition when they could easily be explained by mediation through one or more sources.

1 Incidentally, these are almost exactly the curses in Deuteronomy that Moshe Weinfeld (“Traces of Assyrian Treaty Formulae in Deuteronomy,” Bib 46 [1965], 417-25) argued were borrowed from a neo-Assyrian treaty.
2 It should be remembered that there are five types of close historical relationships that could exist between these curses: (a) a direct historical relationship, (b) a mediated lineal relationship, (c) a direct non-vertical genetic relationship, (d) a mediated non-vertical genetic relationship, or (e) a close common tradition. Most writers working in this area have fewer categories than these, which can sometimes lead to a lack of precision in how they argue their case and in the conclusions to which they come. J. G. McConville, Deuteronomy (ApOTC 5; Leicester, England: Apollos, 2002), 402-3, for example, seems to limit himself to two categories: either the parallel curses have a direct historical relationship with each other or they are part of a close common tradition. The fact that McConville does not consider the possibility of a mediated lineal relationship or a mediated non-vertical genetic relationship leads him to conclude that the differences between the curses are evidence for a close common tradition when they could easily be explained by mediation through one or more sources.
relationship). In recent years there has been a decided shift in focus toward the possibility of a
direct historical relationship. This shift was influenced, no doubt, by Steymans’ contention that
the sequence of Deuteronomy 28:20-44 was borrowed directly from EST 472-493, a position
that we saw in chapter 4 is untenable. It was also influenced, however, by the historical case that
had already been made that the author(s) of the parallel curses in Deuteronomy 28 could have
had access to the contents of EST. This chapter will argue that the case for a direct historical
relationship between the parallel curses of EST and Deuteronomy 28 is untenable and that the
most likely explanations, both for the similarities and the differences between the curses, are a
mediated non-vertical genetic relationship or the combination of a close common tradition,
shared experience, similarities in culture, and thematic development within the text itself.

6.2 Is a Direct Historical Relationship Plausible from a Historical Perspective?

We will begin by examining the issue of whether or not a direct historical relationship
between the parallel curses of EST and Deuteronomy 28 is plausible from the point of view of
access. This is roughly equivalent to what Meir Malul referred to as corroboration. The

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4 Weinfeld, “Traces of Assyrian Treaty Formulae,” 423 n. 3, suggested the possibility of direct literary dependence
but only if his explanation for why Deuteronomy 28:26 was out of sequence were proven correct: “If we are correct
in assuming that v. 26 rightfully belongs after v. 29 then we may regard all of the maledictions in this group as
having been directly taken from VTE 419-430.” In general, the differences between the curses were explained as
adaptations by the author(s) of Deuteronomy 28. The possibility of mediation through one or more sources was not
really considered. See especially Frankena, “The Vassal-Treaties of Esarhaddon,” 148: “[I]t is not only possible to
discover behind the words of Deut. xxviii 28-34 the phrasing of the Assyrian parallels, but an analysis of these
curses even tells us something about the working-method of the Judaean compiler.”

5 See, for example, Bernard M. Levinson and Jeffrey Stackert, “Between the Covenant Code and Esarhaddon’s
Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy,” JAJ 3 (2012), 130; Hans Ulrich
Steymans, “Deuteronomy 28 and Tell Tayinat,” Verbum et Ecclesia 34 (2) (Art #870: 13 pages,
http://dx.doi.org/10.4102/ve.v34i2.870, 2013), 1-2; Eckart Otto, Das Deuteronomium: Politische Theologie und
Rechtsreform in Juda und Assyrien (BZAW 284; Berlin: Walter de Gruyter, 1999), 3-4. Those who argue against a
direct historical relationship in the more recent period of research generally argue for a close common tradition or
a mediated non-vertical genetic relationship. For the latter see Christoph Koch, Vertrag, Treueid und Bund: Studien
zur Rezeption des altorientalischen Vertragsrechts im Deuteronomium und zur Ausbildung der Budestheologie im


7 See Levinson and Stackert, “Between the Covenant Code,” 130.

8 Meir Malul, The Comparative Method in Ancient Near Eastern and Biblical Studies (AOAT 227; Kevelaer:
Butzon & Berker; Neukirchen-Vluyn: Neukirchener Verlag, 1990), 99-112.
difference, however, is that in this section we will be dealing with whether or not a particular type of close historical relationship is plausible rather than dealing with the more general issue of whether or not a close historical relationship is plausible from a historical perspective.

There are three types of distances that need to be bridged for a direct historical relationship to be plausible: distance in time, distance in space, and, finally, distance in language/writing systems. For each of these distances to be bridged, the evidence need not be conclusive since our knowledge of both Assyria and Israel/Judah is far from exhaustive. However, a plausible case will need to be made that these distances can be bridged before the parallels can be examined in more detail. Each of these issues will be examined in turn.

6.2.1 Distance in Time

We can begin by dealing very briefly with the issue of distance in time. There are generally three dates or time periods that are given for the composition of Deuteronomy or Urdeuteronomium: the period of neo-Assyrian dominance in the seventh century BCE, a date after the destruction of Jerusalem in 587/6 BCE, and, for conservative and pre-critical scholars, the Mosaic period. According to the colophon at the end of EST, EST dates to the 18th day of Iyyar in the eponymy of Nabû-belu-uṣur, governor of Dur-Šarrukku, that is, to 672 BCE. A date for Deuteronomy sometime during the seventh century BCE clearly poses no problems for a direct historical relationship between these curses. In fact, the correspondences between EST

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9 See the comments by Levinson and Stackert, “The Limitations of ‘Resonance’: A Response to Joshua Berman on Historical and Comparative Method,” JAJ 4 (2013), 312, 317, with regard to using specific Hittite texts to date passages in Deuteronomy.


and Deuteronomy 28, in combination with other evidence,\(^\text{12}\) has been used to solidify the case for a seventh century BCE date for Deuteronomy.\(^\text{13}\)

A post-587/6 BCE date, on the other hand, might pose problems for the possibility of a direct historical relationship if, as Eckhart Otto argues, copies of EST would have been unavailable after the fall of the neo-Assyrian Empire in 612 BCE.\(^\text{14}\) Juha Pakkala, on the other hand, suggests that copies of treaties could have been kept in archives long after they went out of use.\(^\text{15}\) This, however, does not account for the fact that all of the extant copies of EST were smashed into pieces close to the time of the fall of the neo-Assyrian Empire: the destruction of these tablets was symbolic for release from neo-Assyrian rule.\(^\text{16}\) Since the extant copies of EST were all found in Assyria proper or, in the case of the copy discovered at Tell Tayinat, in an Assyrian provincial capital, it can be assumed that copies of EST held in vassal territories would have experienced a similar fate, especially since so many of the curses in EST were directed against those who would destroy or otherwise seek to do away with their copy of EST (EST 410-413).

While it cannot be proven with absolute certainty that no copies of EST would have been available to Judean writers after 612 BCE, it seems less likely that a direct historical relationship exists between the parallels if Deuteronomy is dated to the exilic or post-exilic period.

A Mosaic date for the composition of Deuteronomy, the standard position in pre-critical scholarship, is held by very few scholars today and is limited, for the most part, to conservative

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\(^{13}\) Frankena, “The Vassal-Treaties of Esarhaddon,” 153: “That the text of this Covenant should betray knowledge of the Assyrian treaties which it seems to replace seems only natural to me. The dating of Deuteronomy, moreover, would in that case find corroboration in a rather unexpected way.”

\(^{14}\) Otto, Das Deuteronomium, 69: “Diese Datierung wird durch die bislang nicht ausreichend berücksichtigte Tatsache gestützt, daß die neuassyrische Gattung der Loyalitätseide ihre Funktion in der Sukzessionssicherung bei irregulärer Thronfolge hat und derartige Loyalitätseide in spätbabylonischer und persischer Zeit unbekannt sind.”


\(^{16}\) Juha Pakkala, Intolerant Monolatry in the Deuteronomistic History (Publications of the Finish Exegetical Society 76; Göttingen: Vandenhoeck & Ruprecht, 1999), 45.

Jewish and Christian scholarship. But even in the case of conservative scholarship, allowance is often made for editorial updating. Once allowance is made for editorial updating, a direct historical relationship between the parallel curses cannot be excluded.

Based on these observations, a direct historical relationship between EST and Deuteronomy 28 can only be excluded on historical grounds if the earliest form of Deuteronomy that contained these curses is dated to the exilic or post-exilic period. This, however, does not rule out the possibility of a mediated lineal relationship, a mediated non-vertical genetic relationship, or a close common tradition. By implication this also means that if a direct historical relationship could definitively be established between EST and Deuteronomy 28 based on comparisons between the parallels, a post-587/6 BCE date for Urdeuteronomium would be less likely.

6.2.2 Distance in Space

The issue of distance in space has to do with whether or not the author(s) of the parallel curses in Deuteronomy 28 were likely to have had first-hand access to EST given the fact that the extant copies of EST were found in Assyria proper and, in the case of the copy discovered at Tell Tayinat, in the capital of an Assyrian province. As we saw in chapter 1, the issue of distance in space was solved quite early on, with the main lines of evidence being established already in the introduction to Wiseman’s publication of the treaty. The main lines of evidence can be summarized as follows:

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19 A direct non-vertical genetic relationship (i.e. another treaty between Assyria and Israel similar to EST) would likely also be excluded on these grounds.
(a) According to the Annals of Assurbanipal, “the people of Assyria” were gathered together from all over Assyria on the 12th day of Iyyar, six days before the date mentioned in the colophon of EST, to swear to an adê, the term used to designate EST, in order to protect Assurbanipal’s position as crown prince and his future position as king over Assyria. This is clearly a reference to the events surrounding the enactment of EST. Given the fact that at least four of the eight recipients of EST in the copies discovered at Kalḫu were vassals of Assyria, “the people of Assyria” in the Annals of Assurbanipal likely included the core of Assyria, the territories that had been incorporated into the Assyrian provincial system, and Assyria’s semi-independent vassal states.

(b) According to both Prism Text Nineveh A of Esarhaddon and Cylinder C of Assurbanipal’s Campaign against Egypt, Manasseh of Judah was a vassal of Assyria during the reigns of Esarhaddon and Assurbanipal. Given the fact that “the people of Assyria” in the Annals of Assurbanipal almost certainly included all of Assyria’s vassals, this means that a delegation from Judah, which may have included Manasseh himself, would have been present in Assyria to swear to the terms of EST when it was enacted in 672 BCE.

(c) According to EST 410-413, the parties who were required to swear to the terms of EST were expected to keep a copy of EST with them and were forbidden from destroying it or

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21 For a translation of this section of the inscription see Parpola’s translation in Neo-Assyrian Treaties and Loyalty Oaths, xxx (sic).
22 Parpola and Watanabe, Neo-Assyrian Treaties and Loyalty Oaths, xxxi. Parpola suggests that as many as seven of these rulers had become vassals of Assyria in the three-year period before the enactment of EST.
23 On the differences between provinces and vassal states as well as the process by which vassal states were incorporated into the provincial system see Simo Parpola, “Assyria’s Expansion in the 8th and 7th Centuries and Its Long-Term Repercussions in the West,” in Symbiosis, Symbolism, and the Power of the Past: Canaan, Ancient Israel, and Their Neighbors from the Late Bronze Age through Roman Palaestina (ed. William G Dever and Seymour Gitin; Winona Lake, Indiana: Eisenbrauns, 2003), 99-102; idem, “Neo-Assyrian Treaties from the Royal Archives of Nineveh,” JCS 39 (1987), 161 n. 3.
24 RINAP 4, Esar. 1, v 54-73a.
removing it from its place. This means that a copy of EST was likely brought back to Jerusalem after EST was enacted and put on display. The fact that this copy would have been put on display as opposed it being placed in an archive is confirmed (a) by the fact that the copy of EST from Tell Tayinat has a horizontal piercing on the tablet that would have allowed the tablet to rotate on its vertical axis for the purpose of display and (b) by the fact that the columns on the reverse side of the tablet go from left to right rather than from right to left, which shows that it was meant to be read continuously from the obverse side as it was rotated on its axis.

The main objection to this basic line of argument was put forward by Mario Liverani, who argued that EST was not directed toward Assyria in general or its vassal states but to Median princes who provided bodyguards for Esarhaddon’s court. If this were the case it would mean that a copy of EST would likely have been unavailable to writers in Judah during the 7th century BCE and would, therefore, rule out the possibility of a direct historical relationship.

Liverani’s position can be critiqued on a number of levels. However, the most decisive argument against Liverani’s position came with the discovery of a copy of EST at Tell Tayinat, the site of the neo-Assyrian provincial capital Kunalia, in 2009. Frederick Fales summarizes the significance of this discovery for Liverani’s position as follows:

The recipient of the Tell Ta’yinat tablet was neither a “Mede”, nor a “city-lord”, and more widely, not even one particular foreign chief, but was an unnamed Assyrian “governor of the

26 EST 410-413 is the protasis to the curses in EST 414-493. The fact that the recipients were required to keep a copy of EST is assumed in this section.
land of Kunalia” (LÚ.EN.NAM KUR Ku-na-[li]-a), together with his full retinue, comprising palace and village administrators, many ranks/corps of military, and civilian personnel attached to the army.\(^{31}\)

He continues:

At this point, working our way “back” toward Kalḫu from this exemplar…we may with greatly increased confidence define Esarhaddon’s adê of early 672 BC as a covenant of loyalty to the Assyrian Crown in view of the planned succession of Assurbanipal, which the aging ruler imposed on the totality of the empire, in its twofold division of Assyrian-ruled provinces and polities subjected to vassalage. Even more specifically, the covenant, implying a solemn oath to be sworn before Aššur and a multiplicity of gods, appears to have been directed to the representatives of all spheres and ranks of Assyrian officialdom…as well as to the heads of the many political-territorial units linked to Assyrian kingship and power far and wide….\(^{32}\)

Despite the recovery of this copy of EST and the fact that Manasseh was a vassal of Esarhaddon when EST was enacted, C. L. Crouch, in her recent monograph, questioned the likelihood that the contents of EST would have been accessible to the author(s) of the parallel curses in Deuteronomy 28.\(^{33}\) Crouch essentially offered three arguments. First, Crouch argued that there is only “ambiguous” evidence for copies of EST being held in the capitals of vassals who were required to swear to the terms of EST.\(^{34}\) According to Crouch, since Kunalia was an Assyrian provincial capital, the copy of EST at Tell Tayinat cannot be used as evidence for the presence of copies of EST in the capitals of Assyrian vassals. In a private communication with Jacob Lauinger, the epigrapher responsible for publishing the preliminary text of the copy of EST discovered at Tell Tayinat, Lauinger suggested that any treaty between Judah and Assyria would have been kept in Assyria rather than in Judah, which would have limited access to EST.\(^{35}\) This, however, seems to fly in the face of EST 410-413, which, along with the following paragraphs, threatens curses on those who would remove their copy, throw it into the fire, throw

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\(^{31}\) Fales, “After Ta’yinat,” 147.
\(^{32}\) Ibid., 147-8.
\(^{34}\) Ibid., 148-9.
\(^{35}\) Ibid.
it into water, bury it, deface it, or destroy it. This warning would make little sense if copies of EST were only kept in Assyria and were kept in the custody of Assyrian officials. Crouch’s observation about Kunalia being an Assyrian provincial capital, however, should temper Steymans’ statement that the “discovery of the EST at Tell Tayinat confirms the Assyrian enforcement of this text on western vassals.”

Second, citing an article by A. Berlejung, Crouch suggests that even if a copy of EST were held in Jerusalem, it would have been kept in the custody of the Assyrian qēpu who would have been assigned to Jerusalem. This would have severely limited access to EST by those in Jerusalem who might have otherwise been able to make use of EST. In a similar way, Crouch also suggests that access to EST, whether in Jerusalem or Assyria, would have been limited to only a few people from Judah who would have needed to be familiar with the contents of EST. Both arguments, however, do not obviate the fact that if a copy of EST were present in Jerusalem, the distance between Assyria and Judah would have been bridged. To make a plausible case that these authors had access to EST, one need only show in a general way that the distance between Judah and Assyria can be bridged: it is unnecessary to establish the minute details about who would have had access to EST and how. Based on the evidence presented above, it is clear that the distance between Assyria and Judah has been bridged. While this might not guarantee that the author(s) of the parallel curses in Deuteronomy 28 had access to EST, it certainly puts it within the realm of possibility, which is all that is necessary.

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36 Steymans, “Deuteronomy 28 and Tell Tayinat,” 2. Cf. Levinson and Stackert, “The Limitations of ‘Resonance,’” 320-23, for their backtracking on similar claims and their defense that their overall conclusions with respect to access are still valid.

37 Crouch, Israel and the Assyrians, 154.

38 Ibid., 150.

39 See the comment by Juha Pakkala, “The Dating of Deuteronomy,” 431, with regard to evidence used for the dating of Deuteronomy: “I am not convinced that theories concerning the Hebrew Bible can be placed in the scale of guilty (true), not proven, and not guilty (not true), because that seems like a demand rising out of the empirical sciences.”
6.2.3 Distance in Language

The most serious barrier to a direct historical relationship between EST and Deuteronomy 28 is the distance in language between Hebrew and Akkadian. The question that needs to be asked is whether a plausible case can be made that the author(s) of the parallel curses in Deuteronomy 28 had the linguistic skills necessary to make use of a text written in Akkadian. Three possibilities have been suggested for bridging this gap. First, several writers have suggested the possibility that knowledge of the contents of EST came to Judah through an official translation of EST into Aramaic.\(^{40}\) This possibility is supported by the increased use of Aramaic in both the western portion and in the core of the neo-Assyrian Empire in the century prior to the writing of EST.\(^{41}\) Second, several writers have suggested that a knowledge of Akkadian would have been unnecessary for the author(s) of the parallel curses in Deuteronomy 28 because an Assyrian official (\(qēpu\)), who would have been assigned to the court in Jerusalem because of Judah’s status as an Assyrian vassal, would have been available to make the contents of EST known to the officials of the court.\(^{42}\) Finally, as William Morrow concedes, it is possible that at least some

\(^{40}\) Steymans, *Deuteronomium* 28, 193. Cf. William S. Morrow, “Cuneiform Literacy and Deuteronomistic Composition,” *BO* 62 (2005), 211. In a later publication (“Deuteronomy 28 and Tell Tayinat,” 1-2), Steymans suggested that the discovery of a copy of EST at Tell Tayinat “dismisses the idea of an Aramaic translation of the EST used for Western vassals of Assyria.” Steymans also bases this conclusion on the use of sophisticated rhetoric in EST that would be unlikely to have been communicated through an Aramaic translation. These two arguments will be discussed further below.

\(^{41}\) See Paul-Alain Beaulieu, “Official and Vernacular Languages: The Shifting Sands of Imperial and Cultural Identities in First-Millennium B.C. Mesopotamia,” in *Margins of Writing, Origins of Cultures* (ed. Seth L. Sanders; Chicago: Oriental Institute, 2006), 188-9. Beaulieu lists several pieces of evidence for the increased use of Aramaic: (1) Aramaic epigraphs or annotations on tablets written in cuneiform; (2) the existence of Aramaean scribes as evidenced by the Nimrud Wine lists; (3) a text from Nineveh mentioning Aramaean scribes who had Aramaean names; and (4) a royal letter mentioning expert scribes “whether Assyrians or Aramaeans.” Cf. Morrow, “Cuneiform Literacy,” 208.

of Judah’s elite might have had a sufficient knowledge of Akkadian to become familiar with its contents, though this is the least likely possibility based on the available evidence.\footnote{Morrow, “Cuneiform Literacy,” 208. Steyman’s conclusion (“Deuteronomy 28 and Tell Tayinat,” 2) that some of the “scribes working in the administration of the state…were certainly able to read Assyrian cuneiform script” seems too certain given the available evidence.}

In the end, one has to grapple with the fact that there are several passages in the Hebrew Bible that seem to have a close genetic relationship with Mesopotamian sources.\footnote{E.g. Peter Machinist, “Assyria and Its Image in the First Isaiah,” \textit{JAOS} 103 (1983), 719-37; Shawn Zelig Aster, “Transmission of Neo-Assyrian Claims of Empire to Judah in the Late Eighth Century B.C.E.,” \textit{HUCA} 78 (2007), 1-44; David P. Wright, \textit{Inventing God’s Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi} (Oxford: Oxford University Press, 2009), 3-16} Regardless of whether one can prove that at least some Judean literates were familiar enough with Akkadian to make use of EST or other Mesopotamian documents, if a good case can be made for dependence on comparative grounds then the reality is that there must have been some avenue by which the distance in language could have been bridged, whether known to us or not. This means that the issue of distance in language need not be a barrier for accepting the plausibility of a direct historical relationship.

\textbf{6.2.4 Conclusion}

It seems plausible, then, from a strictly historical perspective that the parallel curses in Deuteronomy 28 could have been borrowed directly from EST, assuming that the curses were borrowed prior to 612 BCE. It should be remembered, however, that this does not necessarily mean that the author(s) of the parallel curses in Deuteronomy 28 actually did have access to EST or that they used it in a direct way: it only means that the possibility of a direct historical relationship cannot be excluded from a historical perspective.\footnote{Simo Parpola, “Assyria’s Expansion in the 8th and 7th Centuries,” 104, likely goes too far when he says, “There cannot be any doubt that, not only the king of Judah, but the ruling class of Judah as a whole was familiar with the central provisions of the treaties with Assyria, for vassal rulers were explicitly told to propagate them to their people. Indeed, it can be assumed that the treaties had, figuratively speaking, “entered the intestines of their sons and daughters like bread and wine,” as prescribed in VTE §72.” While this may have been a requirement in EST and, likely, any neo-Assyrian treaty that would have been made with Judah, it seems unlikely that the ruling class as a whole would have had this level of familiarity with these texts.}
6.3 EST 528-533 || Deuteronomy 28:23-24

Having examined whether a plausible case can be made that the author(s) of the parallel

curses in Deuteronomy 28 could have had access to EST we can now move on to an examination

of the parallel between EST 528-533 and Deuteronomy 28:23-24. This parallel, in my opinion,

is the key to understanding what type of close historical relationship exists between the more

firmly entrenched parallel between EST 419-430 and Deuteronomy 28:25a, 26-33. This means that the parallel between EST 528-533 and Deuteronomy 28:23-24 will receive proportionately more attention than the other parallels being examined in this chapter.

The two passages, along with a close parallel in Leviticus 26:19-20, read as follows:46

<table>
<thead>
<tr>
<th>EST 528-533</th>
<th>Deuteronomy 28:23-24</th>
<th>Leviticus 26:19-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>(528-529) May they make your ground like iron (kī parzilli) so that nothing may sprout from the midst of it.</td>
<td>(28:23) Your skies (šemā’im) which are above your head will be bronze (ḥosḥeṯ) and the land (ḥā’eretz) which is beneath you iron (ḥörith).</td>
<td>(26:19) And I will break your powerful pride and I will make your skies (šemā’im) like iron (ḥosḥeṯ) and your land (ḥā’eretz) like bronze (ḥannashim).</td>
</tr>
<tr>
<td>(530-532) Just as rain does not rain down from the midst of a bronze sky (šamā’ē), so may rain and dew not come in the midst of your fields or your irrigated land.</td>
<td>(28:24) YHWH will turn the rain of your land into dust and sand; it will come down on you from the skies until you are annihilated.</td>
<td>(26:20) Your strength will be consumed in vain for your land will not yield its produce nor will the trees of the land produce their fruit.</td>
</tr>
<tr>
<td>(532-533) Instead of rain may charcoal rain down on your land.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As we saw in chapter three, there are five significant differences between the curses of EST 528-533 and Deuteronomy 28:23-24: (a) the difference in sequence for the curse of the iron ground and the curse of the bronze sky; (b) the difference between the genre of the curse of the bronze sky in EST 530-532 and the same curse in Deuteronomy 28:23; (c) the lack of

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46 For translation notes and critical notes see the examination in chapter 3.
explanation for the meaning of the imagery of the bronze sky and the iron ground in
Deuteronomy 28:23; (d) the use of a simile in EST 528-529 versus the use of metaphors in
Deuteronomy 28:23; and (e) the difference in the items that are substituted for rain in EST 532-
533 and Deuteronomy 28:24. While the focus in chapter three was on the similarities between
these curses, the focus here will be on the differences and what these differences tell us about
what type of close historical relationship was likely to have existed between these parallels.

6.3.1 The Sequence of Bronze Sky and Iron Ground

Perhaps the most striking difference between the curses of EST 528-533 and Deuteronomy
28:23-24 is the difference in sequence between the curse of the bronze sky and the curse of the
iron ground: in EST 528-533 the curse of the iron ground comes first and the curse of the bronze
sky second while in Deuteronomy 28:23-24 the curse of the bronze sky comes first and the curse
of the iron ground second. The question that needs to be asked is which sequence is likely to
have preserved the original sequence of these curses, assuming that the author of EST 528-533
borrowed these curses from an earlier tradition.\textsuperscript{47} There are a number of reasons for suggesting
that the original sequence of the curses is preserved in Deuteronomy 28:23-24.

\textsuperscript{47} It can be safely assumed that the curses in EST 528-533 predate the writing of EST because of EST’s pervasive
usage of traditional Mesopotamian curses. Cf. Sebastian Grätz, Der strafende Wettergott: Erwägungen zur
Traditionsgeschichte des Adad-Fluchs im Alten Orient und im Alten Testament (BBB 114; Bodenheim: Philo, 1998),
124.
First, in both Hebrew and Akkadian, when sky and earth are paired together, the sequence is usually sky first and earth second. While an original sequence of earth and sky is not impossible, on an idiomatically level an original sequence of sky and earth is much more probable.

Second, the sequence of curses in Leviticus 26:19 also points to the fact that the curse of the bronze sky likely came first and the curse of the iron ground second. Like Deuteronomy 28:23, the sequence of curses is sky first and ground second, though the materials related to the sky (iron) and ground (bronze) are different. This is significant because, as most scholars recognize, Leviticus 26:19 is not dependent on Deuteronomy 28:23-24 (see Excursus 1 below). The fact that Leviticus 26:19 and Deuteronomy 28:23-24 are not lineally related points to an original sequence of sky first and ground second.

Third, the sequence of bronze sky and iron ground is also found in the story of Assurbanipal and Šamaš-šumu-ukin preserved in Papyrus Amherst 63. Papyrus Amherst 63, which R. C. Steiner dates to the beginning of the third century BCE, preserves elements in its story that likely...

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48 See examples in CAD §1, 342-3.
49 A notable exception in the Hebrew Bible is Genesis 2:4b: “When YHWH God made earth and skies….” The oddity of this sequence is underscored by the fact that the Samaritan Pentateuch and the Peshitta change the sequence to skies and earth. Grätz, Der strafende Wettergott, 121, suggests that the sequence of earth and heaven in EST 528-533 is unusual because in Mesopotamian, Syrian, and Ugaritic mythology the weather god gives priority to rain over water from the ground. This explanation seems overcomplicated: the reason why the sequence in EST 528-533 is unusual is because sky and ground are usually paired together in this order regardless of whether or not the context has anything to do with rain or water from the ground.
50 One could make the argument that the author(s) of Deuteronomy 28:23-24 saw the unusual sequence in EST and changed it to fit the expected sequence. This seems unlikely given the fact that the same sequence is found in Leviticus 26:19 despite the fact that the sequence of bronze and iron are reversed.
51 Most scholars see Leviticus 26:19 as drawing independently from the same tradition that produced EST 528-533 and Deuteronomy 28:23-24. See Delbert R. Hillers, Treaty-Curses and the Old Testament Prophets (BibOr 16; Rome: Pontifical Biblical Institute, 1964), 41-42. Moshe Weinfeld, Deuteronomy and the Deuteronomic School (Oxford: Oxford University Press, 1972; repr. Winona Lake, Indiana: Eisenbrauns, 1992), 117 n. 3, comes to a similar conclusion: “The fact that the same malediction is found in Lev. 26:19, which appears to be free from Assyrian influence and which has no sign of dependence on Deuteronomy may perhaps indicate that this metaphor could not be considered characteristically Assyrian.” See also Grätz, Der strafende Wettergott, 125; Koch, Vertrag, Treueid und Bund, 214; Jacob Milgrom, Leviticus 23-27 (AYB 3B; New Haven/London: Yale University Press, 2001), 2309.
go back to Assyria during the time of Assurbanipal. Steiner translates the relevant portion as follows: “The year in which was born our lord, our brother, Sarmuge, to you, bronze were the heavens, of iron, the earth…” This provides good evidence that the imagery of a bronze sky and an iron ground were in use and were in use in this order during the reign of Assurbanipal. It also seems to confirm, in line with the other points made earlier, that the sequence of bronze sky and iron ground was the original sequence.

The question that needs to be asked, then, is why do the curses in EST 528-533 appear in an unexpected sequence? Several reasons have been suggested. According to Steymans’ position in Deuteronomium 28 (1995), the curse of the iron ground was placed first because of the priority of irrigation in Mesopotamian agriculture over rainfall. While this explanation is certainly not impossible, the sequence of bronze sky and iron ground in Papyrus Amherst 63 shows that there was no difficulty with placing imagery associated with rainfall before imagery (possibly) associated with irrigation in a Mesopotamian context. In order to prove his point, Steymans would have had to show a consistent pattern of priority of ground over sky in contexts like these. This kind of evidence, however, is lacking.

Sebastian Grätz, on the other hand, suggests that the unusual sequence of iron and bronze in EST has to do with the relative hardness of the metals in the curses of EST 528-534 (iron,

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54 Steiner and Nims, “Ashurbanipal and Shamash-Shum-Ukin,” 70. “Sarmuge” is the name given to Šamaš-šumu-ukin in this text.
56 The word “possibly” is used here because the curse of the iron ground in EST 528-529 does not appear to have anything to do with irrigation. See discussion below.
57 Steiner and Nims, “Ashurbanipal and Shamash-Shum-Ukin,” 70.
bronze, and lead), which descend from the hardest metal to the weakest metal. Though not mentioned by Grätz, it may also have to do with the relative amount of heat that is needed to melt each of these metals, with iron melting at 1538°C (2800°F), bronze at 950°C (1742°F), and lead at 327°C (621°F). In fact, the issue of melting is explicitly mentioned in the curse of lead in EST 534-536. Either way, the possibility remains that the curse of the iron ground was shifted to the first position to allow for this descending sequence.

It seems more likely, however, that the sequence of ground first and sky second was formulated because of the connections that the curse of the iron ground has with the curse of the narrow brick that comes immediately before it (EST 526-527): “Ditto, ditto, may the gods, as many as whose names are mentioned in this treaty tablet, make the ground as narrow as a brick for you.” There are two points of connection between these curses. First, both curses use the word “ground” (kaqquru in EST 526-527 and kaqqarkunu, “your [pl.] ground” in EST 528-529) in very close proximity to each other: they are separated by only a single word (lusiqqūnekkunu at the end of EST 527). Second, both curses compare the ground to something hard. Although the focus in EST 526-527 is on the narrowness of brick, both curses compare the ground to something hard. Both of these connections likely served as a trigger for shifting the curse of the iron ground to the earlier position. The curse related to lead in EST 534-536 was likely added afterward because of the descending sequence of metals. This means that the original sequence

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58 Grätz, Der strafende Wettergott, 121. Steymans, “Deuteronomy and Tell Tayinat,” 7, seems to have adopted this position: “The EST lists the metals in a sequence of decreasing hardness – from iron to lead – in the following §65.”
59 Charles Gilmore, Materials Science and Engineering Properties (Stamford, CT: Cengage Learning, 2015), 6. The lack of availability of tin after the collapse of 1200 BCE was likely one factor in the decreased use of bronze after 1200 BCE.
60 Grätz, Der strafende Wettergott, 121.
61 Akk. K L M N K L M N, “ditto”. This is a reference back to the introductory formula in EST 513-517, which warns the recipients against breaking the terms of the treaty. Cf. EST §§71-86.
62 The issue of genre also needs to be taken into consideration. This will be dealt with further below.
63 This can be seen by the fact that the curse of the iron ground and the curse of the bronze sky have nothing to do with fire or their relative hardness when compared to each other.
in the tradition used by EST was likely sky first and ground second and the sequence in EST or one of its ancestors was shifted for contextual reasons.

*Excursus 1 – The Relationship of Leviticus 26:19-20 to Deuteronomy 28:23-24 and EST 528-533*

Before moving on to the next main point, it is important to ask how Leviticus 26:19-20 is related to both Deuteronomy 28:23-24 and EST 528-533. We can begin by examining its relationship to Deuteronomy 28:23-24.

There are a number of significant differences between Leviticus 26:19-20 and Deuteronomy 28:23-24 that point away from a direct historical or even a mediated lineal relationship. First, the metals associated with the skies and the ground are reversed in Leviticus 26:19: in Leviticus 26:19 the sky is transformed into iron rather than bronze and the ground is transformed into bronze rather than iron. Second, Leviticus 26:19 describes the transformation of the sky into iron and the ground into bronze using similes (i.e. like iron/like bronze) rather than through metaphor. In this regard, Leviticus 26:19 is much more similar to the curses in EST 528-533 than the curses in Deuteronomy 28:23-24. Third, Leviticus 26:19 is written with second masculine plural possessives, as in EST 528-533, rather than the second masculine singular possessives used in Deuteronomy 28:23-24. Fourth, Leviticus 26:19 lacks the final curse in Deuteronomy 28:23-24, the substitution of dust and sand for rain. Fifth, Leviticus 26:20 has no parallel in Deuteronomy 28:23-24, though Grätz sees a parallel between Leviticus 26:20 and EST 528-529.⁶⁴ Finally, Leviticus 26:19 lacks the phrases, “which are above you” and “which are below you” as modifiers of the words sky and land. When combined together these differences point away from a direct historical relationship between these two passages.

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⁶⁴ Grätz, *Der strafende Wettergott*, 125.
We also need to ask what type of relationship exists between Leviticus 26:19-20 and EST 528-533. Several scholars, most notably D. R. Hillers,65 Moshe Weinfeld,66 Sebastian Grätz,67 and Christoph Koch68 argue that Leviticus 26:19 is not directly dependent on EST 528-533. Most commentators on Leviticus, following Hillers, make the same argument. Hillers’ comments in this area, however, come more in the form of assertions rather than arguments.69 The only direct comparison that Hillers makes between Leviticus 26:19 and EST 528-533 is the observation that Leviticus 26:19 is poetry written in 3 + 2 metre while the curses in EST 528-533 are prose.70 Even without rejecting Hillers’ assertion that Leviticus 26:19 is poetry rather than prose, this difference in style is hardly grounds for ruling out direct literary dependence.

Hillers’ position is also flawed because he does not deal with the similarities between EST 528-533 and Leviticus 26:19-20. The following similarities can be noted. First, both ground curses compare the ground to their respective metals using a simile rather than a metaphor. This is significant given the use of metaphor in Deuteronomy 28:23 rather than a simile. Second, both passages put the curse related to iron first rather than the curse related to bronze. While it is significant that Leviticus 26:19 compares the sky to iron while EST 528-529 compares the ground to iron, the fact that iron appears first in each passage might be significant. Third, both passages mention the fact that, as a result of these curses, vegetation will not spring up from the ground (EST 528-529 || Lev. 26:20). Finally, both passages use masculine plural pronominal suffixes.

65 Hillers, Treaty-Curses, 41-42.
66 Weinfeld, Deuteronomy and the Deuteronomic School, 117 n. 3.
67 Grätz, Der strafende Wettergott, 125.
68 Koch, Vertrag, Treueid und Bund, 214.
69 Hillers, Treaty-Curses, 42: “Thus Leviticus is not directly dependent on Deuteronomy here, nor is either directly dependent on the Mesopotamian curse. We cannot explain both the resemblances and differences by naively supposing that an Israelite writer got this curse from an Assyrian treaty.”
70 Ibid., 41.
While a number of conclusions could be drawn from these similarities, the possibility cannot be ruled out that Leviticus 26:19-20 is lineally descended from EST 528-533. While a direct historical relationship seems to be ruled out by the differences, a mediated relationship through non-literary means is possible and could explain some of the differences between the two sets of curses. It is equally possible, however, that the similarities are due to a mediated non-vertical genetic relationship or even a close common tradition. The evidence is not sufficiently clear to choose one way or the other. It seems clear, however, that a direct historical relationship can be ruled out.

6.3.2 The Difference in Genre for the Curse of the Bronze Sky

Another significant difference between the curses of EST 528-533 and Deuteronomy 28:23-24 is the difference in genre between the curses of the bronze sky in each text. In Deuteronomy 28:23 the curse of the bronze sky is a divine promissory curse while in EST 530-532 the curse is a simile or ceremonial curse. Simile curses can be divided into two separate clauses: the first clause begins with a comparative (kī ša, “just as”) and provides a concrete illustration of what will happen in the curse proper if the curse is fulfilled while the second clause contains the actual curse, building upon the imagery of the first clause. As we saw in chapter 3, several writers have suggested that Deuteronomy 28:23-24 could not have been directly dependent on EST 528-533 because of the difference in genre between the two curses. However, as Text B of the Tell Fekherye inscription makes clear, the genre of curses can be changed in translation when the genre of the source text is rare or unknown in the receptor language. While there are hints that simile curses were known in Israel/Judah at some point in their history (Gen. 15:9-17 and Jer. 34:18), there are no examples of simile curses in either Deuteronomy 28 or Leviticus 26. If

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Deuteronomy 28:23-24 were dependent on EST, it would have been natural for the author to transform the simile curse into a different genre. In other words, the difference in genre is not sufficient grounds by itself to suggest that Deuteronomy 28:23-24 is not directly dependent on EST 528-533.

However, a good argument can be made that the earliest form of the curse of the bronze sky was not a simile curse and was only secondarily transformed into a simile curse either in EST or the source from which the curse in EST was ultimately borrowed. This would mean that the curse of the bronze sky in Deuteronomy 28:23 preserves an earlier form of the curse and was, therefore, not likely to have been lineally descended from EST or a treaty text similar to EST.

The argument can be laid out as follows:

(a) First, it seems likely that the curse of the bronze sky and the curse of the iron ground circulated with each other in a traditional sequential relationship. This can be seen by the complementary nature of the metallic imagery used in these curses, the natural pairing of heaven and earth together, the fact that both images refer to conditions that produce famine, their grouping together in both Deuteronomy 28:23 and Leviticus 26:19, their grouping together, along with the curse of the narrow brick in EST 526-527, as a single paragraph in every exemplar of EST except for one copy from Kalhu (ND 4327), and the appearance of the

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73 Contra Grätz, Der strafende Wettergott, 125.
74 This does not mean that Deuteronomy 28:23 does not contain any additions to the original form of this curse. It simply means that the overall character of this curse preserves an earlier form than the one attested in EST.
75 This is based on the assumption that a treaty text similar to EST would lay out the curse of the bronze sky in a similar or identical way.
76 As we saw in chapter 3, a traditional sequential relationship can be defined as a set of curses that appear side-by-side and are transmitted side-by-side in the tradition, like the curse of leprosy and the curse of blindness in EST 419-424.
77 Koch, Vertrag, Treueid und Bund, 211.
78 Watanabe, Die adê-Vereidigung, 198-9, “Beachte, daß nur Text 27 zwischen §63 und §64 einen Trennungsstrich aufweist, d.h. die beiden Paragraphen gehören zusammen.” The same is true of the copy of EST discovered at Tell Tayiant. See Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat,” 120; Steymans, “Deuteronomy and Tell Tayinat,” 7. Cf. Paul Lawrence, The Books of Moses Revisited (Eugene, Oregon: Wipf & Stock, 2011), 82, “Furthermore, the Assyrian scribes drew a line before line 530 suggesting that they considered this a new idea with no special connection with what went before.” This is clearly not the case. However, even if a dividing line had
imagery of the bronze sky and iron ground together in Papyrus Amherst 63. 79 Despite their difference in genre in EST 528-533 and the paragraph divider that appears between them in ND 4327, it seems clear that the curse of the bronze sky and the curse of the iron ground belong with each other in a traditional sequential relationship. 80

(b) Second, it seems unlikely that these curses would have circulated together in a traditional sequential relationship while appearing in different genres as they now appear in EST 528-532. 81 The reason for the difference in genre in EST 528-532 can be seen by the hinge or pivot role that these curses play in the wider context of EST 518-544. EST 518-544 is made up of eleven curses in two different genres with EST 528-533 appearing at the juncture where these two genres meet. The first part, EST 518-529, is made up of seven divine wish curses with the final curse being the curse of the iron ground (EST 528-529). The second part, EST 530-544, on the other hand, is made up of four simile curses 82 with the curse of the bronze sky (EST 530-533) appearing as the first curse. The fact that the curse of the bronze sky and the curse of the iron ground are divided from each other on the basis of genre appears to be a function of the context of EST 518-544 rather than anything inherent to the traditional sequential relationship. It would be strange to think that this traditional sequential relationship circulated independently from the surrounding context of EST and that the pair just happened to have one curse from each of the two surrounding genres that just happened to allow it to function as the perfect transition from the one genre to the next. This seems too convenient. It seems unlikely, therefore, that these

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79 Steiner and Nims, “Ashurbanipal and Shamash-Shum-Ukin,” 70.
80 Cf. Steymans, “Deuteronomy and Tell Tayinat,” 7, writes, “It is one single curse and the Judean scribe was right in taking it up completely.”
81 Note once again that the curse of the iron ground is a divine wish curse while the curse of the bronze sky is a simile curse.
82 It should be noted that the curse of the bronze sky is followed by a supplementary curse in EST 532-533 that can be classified as a substitutionary simple wish curse (“Instead of rain may charcoal rain down on your land”). However, since this curse is merely a supplementary curse, it does not affect the overall pattern of curse genres in this section.
curses would have appeared in two separate genres apart from the pressure exerted by the surrounding context.\textsuperscript{83}  This means that the curses were either originally both divine wish curses or both simile curses.

(c) Third, it seems unlikely that the curse of the iron ground would have originally appeared in the form of a simile curse.  This can be seen by the nature of the genre.  If the curse of the iron ground appeared as a simile curse it would look something like this: “Just as nothing sprouts from iron ground, may nothing sprout from your fields and your meadows.”  The problem with this is that the first part of a simile curse almost always uses non-figurative imagery to serve as the basis for the comparison made in the second part of the curse.  This goes back to the origin of simile curses as ceremonial curses: the first part of the curse was literally acted out in front of the parties who were hearing the curse.  Though the genre clearly outgrew its original function as ceremonial curses,\textsuperscript{84} the concrete nature of the first part of the curse was always retained.  The only exception is the curse of the bronze sky, though in this case “bronze” might stand primarily for the colour of the sky and only secondarily for its hardness.  Be that as it may, it would be difficult to give a similar explanation for the meaning of iron ground – “iron ground” would serve as figurative language in a genre that always uses non-figurative language in this section.  This means that it is difficult to fit the curse of the iron ground into the form of a simile curse.

(d) Fourth, this means that both the curse of the iron ground and the curse of the bronze sky likely originated as divine wish curses.  Confirmation for this can be found in the observations just made about how the curse of the bronze sky fits into the genre of a simile curse.  While it is

\textsuperscript{83} This point can be reinforced by the fact that simile curses tend to be transmitted in blocks with other simile curses.  There are, to be sure, several divine wish curses interspersed with simile curses in the wider context of EST 518-663, but these divine wish curses are usually grouped in blocks with each other and seem to have no relationship whatsoever with the simile curses that dominate this overall section.\textsuperscript{84} This can be seen (a) by how many simile curses are used in EST compared to Sefire I – there simply would not have been time to act out all of these curses and (b) by the fact that many of these curses would be impossible to act out (e.g. EST 537-539 – how does one act out a mule having no offspring?).
possible to make the curse of the bronze sky work as a simile curse by seeing bronze primarily as a reference to the colour of the sky rather than its hardness, it still is somewhat different from the very concrete language normally used in the first half of simile curses. Though certainly not conclusive by itself, this might serve as evidence that the original form of this curse was not a simile curse but rather a divine wish curse. However, when taken together with the arguments presented earlier, it seems to confirm the fact that both the curse of the bronze sky and the curse of the iron ground originally circulated together as divine wish curses.

This means that Deuteronomy 28:23-24 preserves an earlier version of the curse of the bronze sky than the one preserved in EST 528-533. Of course, Deuteronomy 28:23-24 likely transformed an original divine wish curse into a divine promissory curse but the difference between these two genres is only small. This means that it is unlikely that Deuteronomy 28:23-24 is lineally descended from EST or from a treaty text with a curse section substantially similar to that of EST. While one could argue that Deuteronomy 28:23-24 adapted the curses in EST 528-533 and just happened to end up with a form close to the original form of these curses, this would seem rather incredible.

What explanation can be given, then, for the fact that the curse of the bronze sky appears as a simile curse in EST 530-532? There were likely two factors involved. First, as we saw earlier, the curse of the iron ground was likely shifted earlier because of its connection with the curse of the narrow brick in EST 526-527, which shifted the curse of the bronze sky closer to the simile curses that came afterward. Second, since the imagery of a bronze sky could be made, though not perfectly, to fit into the genre of simile curses, it was transformed into a simile curse in order to match the simile curses that come afterward. The same, however, could not be done with the curse of the iron ground because the curse of the iron ground cannot be made into a simile curse without violating the conventions of the genre.
Excursus 2: The Origin of the Curse of the Bronze Sky and the Curse of the Iron Ground

Several scholars, most notably Kazuko Watanabe, Sebastian Grätz, and Christoph Koch, have argued that the curse of the bronze sky and the curse of the iron ground originate in the western (i.e. Hittite, Aramaic, Hebrew) or west-Semitic tradition of curse making. Three main arguments have been offered to support a western origin for these curses:

(a) The first argument is the fact that the curse of the bronze sky in EST is found in the form of a simile curse. There are a number of reasons why this is considered significant. First, the simile curses in EST have very few literary predecessors in the Mesopotamian tradition of curse-making but are quite common in Aramaic texts with curses in them, which suggests that the simile curses in EST originated outside of Mesopotamia. Second, the simile curses in EST are written in neo-Assyrian while the curses that clearly come from the Mesopotamian tradition reflect distinctively Babylonian linguistic forms. This also points to an origin outside of Mesopotamia for these simile curses since they are not part of the earlier tradition. Third, the section containing the simile curses in EST include a number of Aramaisms, which, according to Koch, can hardly be a coincidence if these curses originate outside of Mesopotamia. Fourth, the fact that simile curses originate from the west-Semitic tradition can be seen by the language

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86 Sebastian Grätz, *Der strafende Wettergott*, 124-5.
87 Koch, *Vertrag, Treueid und Bund*, 210-16.
91 Koch, “Zwischen Hatti und Assur,” 399. The Aramaic loanwords listed by Watanabe (*Die adê-Vereidigung*, 204) include kamâni (EST 594; listed only as a possibility), limriskunu (EST 602), and pipispu (EST 603; listed only as a possibility). Note that Watanabe does not draw the same inference that Koch does for this data.
used to enact treaties or covenants in the west-Semitic tradition. Both in Hebrew and in Aramaic, the language used for enacting a treaty is “to cut a treaty” (Heb. הארתח, Ar. וֹר). Based on the use of the demonstrative זי (“this”) in the treaty between Bar-Ga’yah, king of KTK, and Mati’el, king of Arpad, this idiom seems to have been used in a quite literal way when a treaty was enacted in certain cases: “[Just as] this calf is cut in two, so may Mati’el be cut in two, and may his nobles be cut in two!” This suggests that the language of cutting a covenant may have originated with the use of simile curses similar to the one used here. The fact that the language of cutting a treaty is so embedded in the west-Semitic tradition points to a west-Semitic origin for simile curses, which, by implication, would include the curse of the bronze sky in EST.

According to Koch, the treaty between Aššur-nerari and the Aramaic king of Arpad Mati’-ilu provides evidence for how simile curses may have been adopted into neo-Assyrian treaties. The treaty between Aššur-nerari and Mati’-ilu contains several simile curses. This is likely due to the fact that simile curses were commonplace in Aramaic treaties (e.g. Sefire I, where Mati’-ilu of Arpad was one of the parties) and, as other neo-Assyrian treaties demonstrate, neo-Assyrian treaties often incorporated local elements in the treaties they made with their vassals. A good example of this can be found in the copy of EST discovered at Tell Tayinat, which

93 Cf. Hayim Tadmor, “Treaty and Oath in the Ancient Near East: A Historian’s Approach,” in Humanizing America’s Iconic Book: Society of Biblical Literature Centennial Addresses 1980 (Chico, California: Scholars Press, 1982), 137, “Thus, the idiom ‘to cut a covenant’ would be an isogloss that separates the western from the eastern, or Mesopotamian, treaty terminology in which compacts were ‘bound’ or ‘established’ but never ‘cut.’” Tadmor (136) also notes that the same idiom is found in Phoenician in the incantation from Arslan-Tash (ברות א柊).
96 Koch, “Zwischen Hatti und Assur,” 399. For the simile curses in this treaty see SAA 2 2, 10-35.
contains several curses that mention the names of local deities (e.g. Šarrat-Ekron, Bethel, and Anath Bethel).\(^97\) The same phenomenon also occurs in the treaty between Esarhaddon and Baal, king of Tyre, which includes curses that would be enacted by Bethel, Anath-Bethel, Baal Shamaim, Baal Malagê, and Baal Saphon.\(^98\) According to Koch, the Assyrians may have become familiar with simile curses through treaties made with Aramaic-speaking peoples that incorporated local simile curses.\(^99\) These curses were then adopted and used in treaties or loyalty oaths with other peoples.

Three observations can be made about Koch’s argument here. First, even if the simile curses in EST were borrowed from the west-Semitic tradition of curse-making, Deuteronomy 28:23-24 could still have been borrowed directly from a neo-Assyrian source.\(^100\) The curse of the bronze sky and the curse of the iron ground could have originally come from the west, been adopted into neo-Assyrian treaties, and then reintroduced into a Hebrew context that might have been unaware of its western origins. Second, based on the analysis given above, it seems unlikely that EST or its source(s) borrowed the curse of the bronze sky in the form of a simile curse. The fact that these curses are found in the context of other simile curses cannot be used to support a west-Semitic origin for these curses since this was likely not their original form. Third, Koch offers no explanation for why the curse of the iron ground is not in the form of a simile curse in EST.\(^101\) The best explanation, based on the evidence given above, is that neither the curse of the bronze sky nor the curse of the iron ground originated as simile curses.

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\(^{97}\) Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat,” 118 (Ms T vi 47, vi 48=§54B-C).

\(^{98}\) SAA 2 5, 10-13.


\(^{100}\) Koch, *Vertrag, Treueid und Bund,* 213, acknowledges this possibility: “Für die Beziehung zu Dtn 28,23f ist mit dieser Feststellung jedoch noch nicht allzu viel gewonnen; denn die Flüche könnten ja zuerst aus dem Westen in neuassyrische Vertragstexte und später von dort – quasi als Reimport – nach Juda gelangt sein.”

\(^{101}\) Ibid., 211.
(b) Second, Koch argues for a western origin for the curse of the bronze sky and the curse of the iron ground based on the fact that the imagery of a bronze sky and also an iron sky is found in Homer’s *Iliad.* There are two problems, however, with this argument. First, Homer only uses the imagery of the bronze sky but does not use the imagery of the iron ground. It is conceivable that two cultures could compare the sky to bronze without there being interaction between them: the fact that both images are not found together makes this connection inconclusive. It is also conceivable that the imagery of a bronze sky in Greek sources was influenced by direct or indirect interaction with the neo-Assyrian Empire, though this possibility should not be pressed given the deeply embedded nature of this imagery in the idiom used in the *Iliad.* Second, the imagery of a bronze sky and iron ground also appears in the story of Assurbanipal and Šamaš-šumu-ukin in Papyrus Amherst 63, which shows that both images used together were current in Mesopotamia during the reign of Assurbanipal and provides a closer analogy to the curses in both EST 528-533 and Deuteronomy 28:23-24 than the image of the bronze sky in the *Iliad.* While it is possible that the origin of the imagery of the bronze sky stems from the west-Semitic tradition, the closest extra-biblical analogy comes from Mesopotamia.

(c) Sebastian Grätz, followed by Koch, argued for a western origin for these curses because the combination of rain and dew in EST 528-533 is unique when compared to similar curses in the Mesopotamian tradition associated with Adad, which normally combine rain with spring

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104 See the examples in Brown, *Israel and Hellas*, 106.

105 Steiner and Nims, “Ashurbanipal and Shamash-Shum-Ukin,” 70.
water. The combination of rain and dew, on the other hand, is found in both Ugaritic literature, associated with the god Baal, and the Old Testament. According to Grätz, this serves to support the other evidence already mentioned that these curses have a west-Semitic origin.

This final argument is quite compelling. The one issue is that the curse of the bronze sky in EST 530-532 is not specifically associated with Adad but with all of the gods who are mentioned in this tablet (EST 526-527). However, the typical curses associated with Adad contain the same type of language except for the fact that rain is associated with spring water rather than dew. Despite this caveat, this pairing of terms serves as good evidence for a west-Semitic origin for this curse. Once again, however, this does not mean that Deuteronomy 28:23-24 was not borrowed from a neo-Assyrian source. This curse may have been taken into the Mesopotamian tradition from the west but could have been introduced back into the west through a Mesopotamian source.

Steymans, in contrast to Watanabe, Koch, Grätz, argued for a Mesopotamian origin based on the priority given to the iron ground in EST 528-533, which, according to him, reflects the priority of irrigation over rainfall in Mesopotamia. Steymans also interpreted the curse of the iron ground in terms of how difficult it would be to build irrigation canals if the ground were hard. As we saw in chapter 3, this final point is likely based on a mistranslation. Also, the priority given to iron in EST 528-533 was likely done for thematic reasons rather than a reflection of the priority of irrigation over rainfall.

107 Grätz, *Der strafende Wettergott*, 119-20
108 Ibid., 120.
109 Steymans, *Deuteronomium* 28, 288-9. Note again that Steymans seems to have changed his position and now attributes the sequence to the decreasing hardness of metals in these curses. See “Deuteronomy and Tell Tayinat,” 7.
110 Ibid.
On balance, it seems as though the curse of the bronze sky and the curse of the iron ground originated in the western tradition of curse making. While this does not settle the issue of what type of close historical relationship Deuteronomy 28:23 has with EST 530-532, it does raise the possibility of a close common tradition rather than a lineal or a non-vertical genetic relationship.

6.3.3 The Lack of Explanatory Phrases or Curses in Deuteronomy 28:23

The third significant difference between the curses of EST 528-533 and Deuteronomy 28:23-24 is the lack of explanatory phrases in Deuteronomy 28:23 for the curse of the bronze sky and the curse of the iron ground. In EST 528-529, the primary curse (“May they make your ground like iron”) is followed by an additional curse\(^ {111}\) that explains the intended effect of having ground like iron (“may nothing sprout from the midst of it”).\(^ {112}\) However, in Deuteronomy 28:23 the imagery of the iron ground is left unexplained.\(^ {113}\)

Something similar happens for the curse of the bronze sky in EST 530-532 and Deuteronomy 28:23, though the situation is somewhat different because of the difference in genre. Unlike the curse of the iron ground in EST 528-529, the curse of the bronze sky in EST 530-532 does not involve the sky actually becoming like bronze: the picture of a bronze sky and the lack of rainfall that accompanies it are used to form the basis for the wish in the main clause of the curse (i.e. “Just as...so may rain and dew not come in the midst of your fields or your irrigated land”).\(^ {114}\) Be that as it may, the meaning of the imagery of the bronze sky is explicitly explained in EST

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\(^ {111}\) The translation given in the comparative chart above words this curse as though it were a purpose clause. However, from a strictly grammatical point of view, it should be viewed as a separate sentence: there are no grammatical features to indicate that it is a purpose clause. In terms of semantic function, however, it serves to explain the significance of the imagery in the main curse.

\(^ {112}\) This translation reflects the actual wording of the curse. For the translation of the verb parā’u as “to sprout” rather than “to cut through” see the translation notes for this curse in chapter 3.

\(^ {113}\) The issue of whether or not the curse in EST 528-529 should be used to interpret the meaning of the curse of the iron ground in Deuteronomy 28:23 will be discussed in chapter 7.

\(^ {114}\) It is difficult to know precisely what the author of EST 530-532 meant in the first part of the curse when he refers to a bronze sky. Was he picturing the bronze-like appearance of the sky when there are no rain clouds? Was he thinking metaphorically about bronze sheets that cover up the surface of the sky, including the holes that let down rain? This issue will be discussed further in chapter 7.
530-532 but is left unexplained in Deuteronomy 28:23. That being said, the fact that the imagery is explained in EST 530-532 should come as no surprise because of the genre of the curse: the protasis of a simile curse is intentionally vivid so that the curse in the main clause will be understood and have its intended effect.

At first glance the curse of the iron sky and the curse of the bronze ground in Leviticus 26:19 seem to follow the same pattern as the curses in EST 528-533 since Leviticus 26:20 seems to serve as an explanation for the effect that the curses will have: “Your strength will be consumed in vain for your land will not yield its produce nor will the trees of the land produce their fruit.” On closer examination, however, the function of Leviticus 26:20 is quite different from the explanations given in EST 528-533. In EST 528-533 a separate explanation is given for each image. In Leviticus 26:20, on the other hand, only one explanation is given to cover both curses. More importantly, the explanation in Leviticus 26:20 does not explain the specifics of the imagery of each curse. There is no mention of the iron sky preventing rain from coming on the ground or the bronze ground preventing vegetation from springing up from it. In other words, the explanation in Leviticus 26:20 does not explain the imagery of the curses but explains one of the effects that drought would have on the land: both fruit trees and crops will not produce their harvests. There is no necessary connection between this explanation and the specifics of the imagery used in Leviticus 26:19.\textsuperscript{115} It seems clear that Leviticus 26:20 does not have a close historical relationship with EST 528-533 and functions quite differently from the explanations given in EST 528-533.

The question that needs to be asked, then, is which form of the curse of the bronze sky and the curse of the iron ground preserves the earlier version of the curses, the ones that explicitly

\textsuperscript{115} Leviticus 26:20 could either be a separate curse that was placed here because of a broad thematic relationship with Leviticus 26:19 or it could have been added by the author of Leviticus 26 to supplement the curses in Leviticus 26:19.
explain the imagery of the curses (EST) or the ones that leave the imagery of the curses unexplained (Deut. 28:23; Lev. 26:19)? While it is difficult to say with absolute certainty which form of the curse represents the earlier version, on balance it seems likely that the form of the curse without the explanation preserves the earlier version. There are two reasons why this explanation is more likely:

(a) First, as we saw earlier, the explanation for the curse of the iron ground in EST 528-529 is not a purpose clause but is actually a separate curse that builds on the first curse by explicitly wishing for its consequences to take place. This type of grouping of closely related curses is common in EST and in the Mesopotamian tradition in general.\(^{116}\) If the curse of the bronze sky were originally a simple wish curse it would likely have a similar form: “May they make your sky like bronze. May rain and dew not come in the midst of your fields.” This type of grouping does not seem to be found in the western tradition of curse making and is likely to be distinctively Mesopotamian. If these curses were originally imported from the western tradition of curse making, they likely did not have these explanatory curses. These explanatory curses were likely added at some point to conform these curses to the Mesopotamian style.\(^{117}\)

(b) Second, it is significant that both Deuteronomy 28:23 and Leviticus 26:19 lack explanations for this imagery, especially since it is unlikely that Deuteronomy 28:23 and Leviticus 26:19 have the same type of relationship to EST as each other and since Leviticus 26:19 is almost certainly not dependent on Deuteronomy 28:23. The fact that Leviticus 26:19 has a supplementary curse in Leviticus 26:20 is also highly suggestive: if the source from which Leviticus 26:19 borrowed these curses had explanations similar to the ones in EST 528-533, one

\(^{116}\) Cf. EST 419-421 – “May Sin, the moonlight of heaven and earth, clothe you with leprosy. May he not permit your going into the presence of god and king. Roam the steppe like the onager and gazelle!”

\(^{117}\) The fact that these explanations were not added because the imagery was unclear can be seen by the use of this imagery in Papyrus Amherst 63 without explanation.
would have expected these explanations to be used rather than what is actually found in Leviticus 26:20. This points, though not conclusively, to the fact that the original form of these curses lacked these additional explanatory curses.

6.3.4 Simile vs. Metaphor

The fourth significant difference between EST 528-533 and Deuteronomy 28:23-24 is the fact that the curse of the iron ground in EST 528-533 uses a simile to compare the ground to iron (“May they make your ground like iron…”) while the curse in Deuteronomy 28:23-24 uses a metaphor (“…and the earth which is beneath you will be iron.”). In Leviticus 26:19, both the curse of the iron sky and the curse of the bronze ground use similes rather than metaphors. Using textual criticism as a model, if EST 528-533 and Deuteronomy 28:23-24 were variants of the same text, the use of the metaphor in Deuteronomy 28:23-24 would seem to be the harder and, therefore, earlier reading since the comparison involved in the use of metaphors is not explicit. Corroboration for this reading can be found in the phrasing of the curse of the bronze sky in EST 528-533. While the curse of the bronze sky is somewhat different because of its form as a simile curse, it is significant that the term “bronze sky” is a metaphor rather than a simile (“Just as rain does not rain down from the midst of a bronze sky…”), just like the curses in Deuteronomy 28:23-24. This can be seen by the fact that the sky is implicitly compared to bronze without the use of a comparative: the sky is simply said to be bronze. While it would be difficult to formulate this curse with the use of an explicit comparative (e.g. “just as rain does not rain down from the midst of a sky that is like bronze”), the fact that no comparative is used might point to the fact that the original form of the curse of the bronze sky, as well as the curse of the iron ground, did not use comparatives. Once again, this evidence is not conclusive but the accumulation of evidence points toward Deuteronomy 28:23 preserving the earlier form of the curse.
6.3.5 *The Substitution of Rain for Another Substance*

The final significant difference between the curses of EST 528-533 and Deuteronomy 28:23-24 is the difference in substances that would serve as substitutes for rain. In EST 532-533, the substitute for rain is charcoal while the substitute for rain in Deuteronomy 28:24 is dust and sand. The second clause in Deuteronomy 28:24 (“it will come down on you from the skies until you are annihilated”) is clearly an adaptation of the curse to the language and context of Deuteronomy and can safely be left aside in this discussion. Unfortunately, the evidence is insufficient to show which passage preserves an earlier version of the curse. The most that can be said is that the imagery in Deuteronomy 28:24 (dust and sand) is much more realistic than the charcoal mentioned in EST 532-533. The imagery of dust and sand shows in a graphic way the natural consequences that would occur if the land were subjected to drought – the dryness of the ground would produce large amounts of dust and sand.\(^{118}\) The curse in EST 532-533, on the other hand, seems to be a metaphor for the intensity of the heat that would occur during the time of the drought.\(^{119}\) The evidence, however, is insufficient to show which curse preserves the earlier version.

6.3.6 *Conclusion*

Based on the evidence given above, the differences between the curses of EST 528-533 and Deuteronomy 28:23-24 suggest that Deuteronomy 28:23 preserves the earlier version of the curse of the bronze sky and the curse of the iron ground. There are at least four implications that can be drawn from this. First, it seems highly unlikely that Deuteronomy 28:23 stands in a lineal relationship (i.e. a direct or mediated relationship) with the curses of EST 528-533. Second, it

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\(^{118}\) S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (3d ed.; ICC; Edingburgh: T&T Clark, 1895), 308, compared this to the weather phenomenon known as sirocco, which is characterized by strong winds, intense heat, and the air being filled with dust and sand. Cf. Tigay, *Deuteronomy*, 263.

\(^{119}\) For other examples of this imagery being used see *CAD P*, 324-5.
seems unlikely that Deuteronomy stands in a lineal relationship with a different neo-Assyrian treaty similar to EST (i.e. a direct non-vertical or mediated non-vertical relationship), assuming that the curse of the bronze sky and the curse of the iron ground would have had a similar form to the one in EST. Third, unless the curse of the bronze sky and the curse of the iron ground had a different form in other neo-Assyrian texts or in neo-Babylonian texts, it can be safely assumed that EST 528-533 and Deuteronomy 28:23-24 are part of a close common tradition that might have been drawn upon independently by each text. However, the possibility needs to be considered that Deuteronomy 28:23-24 was borrowed from a neo-Assyrian text with curses that appeared in a form quite different from EST 528-533. Fourth, the possibility that these curses are only part of a close common tradition will have important implications for the curses in EST 419-430 and Deuteronomy 28:26-33 since it is highly improbable that EST 528-533 and Deuteronomy 28:23-24 would have a different type of close historical relationship to EST than Deuteronomy 28:26-33 if this entire parallel has a close genetic relationship with EST.

6.4 EST 419-430 || Deuteronomy 28:25a,26-33

In chapter 5 we saw that a good case could be made that a close historical relationship exists between the parallel sequence in EST 419-430 and Deuteronomy 28:25a,26-33. This was based primarily on the close correspondence between the sequence of curses in these passages. However, when considered on their own, none of the correspondences between the individual curses were strong enough to point conclusively to a close historical relationship between the curses.

Given the amount of difference between the individual parallels that make up this sequence, there are three issues that need to be addressed to determine what type of close historical relationship exists between them. First, is there any evidence to suggest that at least some of the differences between EST 419-430 and Deuteronomy 28:25a,26-33 are due to interference from
one or more mediating sources? If so, this would rule out the possibility of either a direct or a
direct non-vertical genetic relationship but would leave open the possibility of a mediated lineal
relationship, a mediated non-vertical genetic relationship, or a close common tradition. Second,
is there any evidence to suggest that the correspondences between these curses are due to lineal
descent from EST? If so, this would rule out the possibility of a non-vertical genetic relationship
or a close common tradition. Third, is it possible to explain the correspondences between these
curses as being due to a close common tradition or do they necessitate either a lineal relationship
or a non-vertical genetic relationship with EST? Each of these questions will be examined in
turn and the results of this examination will be compared with the results our earlier examination
of EST 528-533 and Deuteronomy 28:23-24 to determine which type of relationship is the most
probable.

6.4.1 Direct vs. Mediated Historical Relationship

The first issue that needs to be addressed is whether any of the differences between EST 419-
430 and Deuteronomy 28:25a,26-33 point to interference from one or more mediating sources.
While not all of the differences between these curses can be attributed to mediation through one
or more sources, there is clear evidence in EST 419-421 and Deuteronomy 28:27 that there were
one or more sources between Deuteronomy 28:27 and its source in the Mesopotamian tradition.
There are three elements in Deuteronomy 28:27 that point to a mediated relationship:

(a) First, the use of the word גָּרָב ("scab, leprosy") rather than a more common word for
leprosy like צָרַע points to mediation through either an Aramaic source or through a Canaanite
source. As we saw in chapter 5, the word for leprosy in EST 419 is saḥaršubbû. Assuming that
the curse in Deuteronomy 28:27 can ultimately be traced back to a Mesopotamian curse that used
the word saḥaršubbû, the best explanation for why saḥaršubbû appears in Deuteronomy 28:27 as
the relatively rare word גָרָב is the fact that the cognate word for "leprosy" in Akkadian, *garābu* ("leprosy"), is listed as a synonym for *saḥaršubbû* in the Akkadian vocabulary list *igi-duḫ-a = tāmartu* (short version).^{120} However, the word *garābu* does not actually appear in EST itself and would not have been read aloud with the logogram that represented *saḥaršubbû* (**SAḤAR.ŠUB-bu**): it is simply a synonym that has no inherent connection with EST 419. The question that needs to be asked, then, is how the word *garābu*, which does not appear in EST, could have served as a trigger for translating *saḥaršubbû* as גָרָב? There are two possible explanations. First, the author Deuteronomy of 28:27 could have borrowed the curse directly from a Mesopotamian source and, because of his extensive knowledge of Akkadian synonyms, chose to use a synonym of *saḥaršubbû* in Akkadian to serve as the basis for his translation of the word into Hebrew rather than translating it directly from the word itself. This seems rather unusual and overly complicated. To make this scenario even less probable, as we will see in chapter 7, גָרָב in Hebrew does not seem to have the same meaning as its cognate in Akkadian.

A much simpler explanation is that the word גָרָב was used because of interference from one or more mediating sources in Aramaic or a dialect of Canaanite. While גָרָב is not particularly common in Hebrew and may not even mean "leprosy",^{121} (**"leprosy"**) is quite common in Syriac and the equivalent in Aramaic, גָרָב, likely had the same meaning when not under the

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^{121} There are three occurrences in the Hebrew Bible: Leviticus 21:20; 22:22; and Deuteronomy 28:27. The question of whether גָרָב actually means "leprosy" will be discussed in chapter 7.
influence of Hebrew. If an Aramaic-speaking scribe translated *saḥaršubbû* into Aramaic and understood *saḥaršubbû* to mean “leprosy,” it would only be natural for the scribe to translate it using the word `גרבא`. A Hebrew scribe, seeing `גרבא` in an Aramaic text or hearing it orally, would naturally associate it with the cognate word in Hebrew (`גָרָב`) and translate it accordingly.

Two other scenarios work along similar lines: (a) a Hebrew translator, presumably in the exilic period, who was more familiar with Aramaic than Hebrew, could have translated *saḥaršubbû* as `גרב` or (b) the curse could have entered the Hebrew tradition via a Canaanite source since `grbt` seems to have meant “leprosy” in Ugaritic. The simplest and most likely explanation from a historical perspective, though, is that `גרב` was used because of a mediating source in Aramaic.

As was seen earlier, Steymans argues that the discovery of a copy of EST at Tell Tayinat written in cuneiform as well as the sophisticated rhetoric used in EST rule out the possibility of EST being translated into Aramaic for western vassals. There are several reasons why this argument does not impinge on the argument being made here. First, Steymans’ argument only affects the conclusions being made here if the parallel curses in Deuteronomy 28 are lineally related to EST or if the Aramaic version was an official translation of EST: a non-vertical genetic relationship, a close common tradition, mediation through an unofficial Aramaic translation, or...

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124 A Hebrew translator more proficient in Aramaic than Hebrew is a less likely possibility based on the fact that access to neo-Assyrian or neo-Babylonian treaties would have most likely occurred while Israel or Judah were vassals of Assyria or Babylon. Interference from a Canaanite source is less likely since Canaanite curses that are extant tend to be quite different from Mesopotamian curses.
125 This source could have been an official Aramaic translation of EST or another neo-Assyrian treaty. It could also have been another source that incorporated Mesopotamian curses. Either way, it would involve a mediating source between a neo-Assyrian treaty or loyalty oath and Deuteronomy 28.
mediation through an adaptation of EST would be unaffected by this argument. Second, it is unclear why the discovery of a copy of EST at Tell Tayinat would rule out the possibility of an Aramaic translation of EST for western vassals. There seems to be no compelling reason why an Aramaic version written on papyrus could not have accompanied the cuneiform version. More importantly, however, the copy of EST discovered at Tell Tayinat was not written for western vassals but for the governor of an Assyrian province. It would seem strange to make generalizations about western vassals based on a copy addressed to an Assyrian governor. Third, there seems to be no reason why the sophisticated form of the language in EST would have prevented Assyrian scribes from translating the text into Aramaic. Steymans’ conclusion simply does not follow. While it is true that a hypothetical Aramaic version would be less sophisticated than the Assyrian version, there seems to be no reason why it would be impossible or undesirable to produce this type of translation. Fourth, the evidence presented here clearly points to mediation through an Aramaic source, whether lineally through EST or through some other Mesopotamian source.  

The second element that points to a mediated historical relationship is the fact that גָּרֵב is accompanied by other diseases or conditions in Deuteronomy 28:27 and the fact that גָּרֵב does not have a prominent position among them. There are three other diseases or conditions that are listed along with גָּרֵב in Deuteronomy 28:27: שְׁחִּין מִצְרַיִּים (“boils of Egypt”), ע פָלִּים (“hemorrhoids”), and חֶּּרֶּס (“scab, itch”). This final word is a *hapex legomenon* in the Hebrew Bible but is cognate with the word חרסא in Aramaic and ܚܪܣܐ in Syriac with the same

127 While no position is taken here about what that source may have been or who may have been responsible for producing that source, Koch suggests the possibility that scribes in Judah were trained in the Aramaic scribal tradition and that Mesopotamian material may have been mediated through this tradition. See Koch, *Vertrag, Treueid und Bund*, 288-9.
meaning. Once again this could point to Aramaic influence, though of a different character than was the case with גָרָב. More significantly, גָרָב appears third in the list of these afflictions and is given no special prominence. Given the importance of leprosy in the traditional sequence of leprosy and blindness, one would have expected גָרָב to be in a more prominent position if the significance of this sequence was understood. Instead, the author of Deuteronomy 28:27 seems to show no awareness of the central place that גָרָב should have in the sequence of Deuteronomy 28:27-29.

Something similar happens in the final curse of Text B of the Tell Fekherye Inscription (Assyrian ll. 37-38; Aramaic l. 23). The central affliction in the Aramaic portion is šbṭ (“epidemic”) while the cognate word in the Assyrian version (šibṭu) appears second in a list of four afflictions. However, the situation in Deuteronomy 28:27 is somewhat different from the situation here. This can be seen for at least two reasons. First, the occurrence of the word šbṭ in the Aramaic version of the Tell Fekherye inscription seems to have triggered the insertion of a traditional lexical grouping in the Assyrian version of the text, where šibṭu appears second. There is no evidence for something similar happening in Deuteronomy 28:27. Second, there is no evidence that this final curse in the Aramaic version (Aramaic l. 23) was part of a traditional sequential relationship with the previous curse (Aramaic l. 22) (i.e. gleaning from a refuse pit followed by plague). The curse of leprosy and the curse of blindness, on the other hand, form part of a stable traditional sequential relationship that shows very little variation in the central

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128 CSD. 158.
129 The difference between these two instances is that גָרָב has an equivalent in EST while חֶּרֶס does not. Some explanation other than translation would be required to explain the presence of this word.
130 There are two afflictions mentioned in the Aramaic version of this curse: plague and epidemic. As we saw in chapter 2, “epidemic” seems to stand in apposition to “plague”, meaning that both ultimately have the same referent.
portions of the curses, which means that the analogy from the Tell Fekherye inscription does not apply to this situation.\footnote{131} The best explanation for these extra curses in Deuteronomy 28:27 is that they were added at some point after the connection between the curse of leprosy and the curse of blindness was no longer understood, which points to a mediated historical relationship.

The third element that points to a mediated historical relationship is the final clause of Deuteronomy 28:27 (“from which you cannot be healed”), which appears to modify all four conditions or diseases in Deuteronomy 28:27. As we saw in chapter 5, the wording of this final clause is reminiscent of an expression used in Mesopotamian curses: “May the goddess Ninkarrak...cause a grievous malady to break out upon his limbs, an evil demonic disease, a serious carbuncle which cannot be soothed (ša la ipaššeḫu).”\footnote{132} This parallel, though certainly not identical, suggests that this final clause in Deuteronomy 28:27 was influenced by a curse other than the curse of leprosy from the Mesopotamian tradition since this element is not found in the traditional curse of leprosy. This suggests that when this clause was added, the relationship between leprosy and blindness was no longer understood, which, again points to a mediated relationship.

The evidence presented here suggests quite strongly that there were at least one or more mediating sources between Deuteronomy 28:27 and the Mesopotamian text it was ultimately borrowed from. Based on the use of גָרָב in Deuteronomy 28:27, it seems most likely that this curse was mediated through an Aramaic source. Based on the other differences, which point to

\footnote{131} The primary variations that occur in the curse of leprosy are (a) the use of a euphemism to refer to leprosy, (b) the addition of “as with a garment” to supplement the language of clothing with leprosy, and (c) differences in the content and formulation of supplementary curses that show the consequences of a person being struck with leprosy. Variations in the curse of blindness will be discussed below. In neither curse, however, are other afflictions added. This type of addition would break the traditional sequence.

\footnote{132} LH column 51, 50-69. Translation by Marta T. Roth, \textit{Law Collections from Mesopotamia and Asia Minor} (2d ed.; SBLWAW 6; Atlanta, Georgia: Scholar’s Press, 1995), 139-40. See also EST 461-463: “May Gula, the chief physician, put sickness and exhaustion in your hearts and a persistent wound (simmu lazzu) in your bodies. Bathe in blood and pus like water.” Using the terminology used in this study, these passages might be said to have a loose historical relationship with each other.
the fact that these curses were borrowed when the relationship between the curse of leprosy and blindness was no longer understood, it seems unlikely that this source was an Aramaic version of EST that was produced at the same time the Akkadian version of EST was produced. The differences suggest that there was a fair amount of distance between Deuteronomy 28:27 and a context where the close relationship between the curse of leprosy and the curse of blindness were understood. Assuming that the other curses in this sequence were borrowed at the same time, this also suggests that the other curses in this sequence were mediated through one or more sources as well, even if the differences between the other parallels can be explained by something other than a mediating source. In other words, this would seem to rule out the possibility of a direct historical relationship with EST or a direct non-vertical genetic relationship with EST, which fits well with the conclusions that were drawn earlier about the relationship between EST 528-533 and Deuteronomy 28:23-24.

6.4.2 Specific Lineal Descent from EST

The second issue that needs to be addressed is whether or not the sequence or clustering of curses in Deuteronomy 28:25a,26-33 demands that Deuteronomy 28:25a,26-33 be lineally descended from EST (i.e a mediated lineal relationship) as opposed to another neo-Assyrian treaty (i.e. a mediated non-vertical genetic relationship). There at least two questions that need to be answered in order to deal with this issue: (a) Do other neo-Assyrian treaties have the same sequence or cluster of curses as EST 419-430 and Deuteronomy 28:25a,26-33? and (b) Is there other evidence to suggest that Deuteronomy 28:25a,26-33 is not lineally descended from EST 419-430?

We can begin by answering the first question: are there other neo-Assyrian treaties that have the same sequence or cluster of curses as EST 419-430 and Deuteronomy 28:25a,26-33? There are currently thirteen extant treaties or loyalty oaths from the neo-Assyrian period that can be
of EST.\textsuperscript{133} Of these thirteen texts, only nine preserve at least some of their
curses.\textsuperscript{134} Of these nine, only six have their curse sections relatively intact.\textsuperscript{135} Of these six, none
match the sequence or clustering of curses in EST 419-430 and Deuteronomy 28:25a,26-33. For
some this points to the uniqueness of this sequence or clustering of curses and suggests that
Deuteronomy 28:25a,26-33 is lineally descended from EST 419-430. It should be remembered,
however, that the six extant treaties with curse sections relatively intact only represent a
fragment of the number of neo-Assyrian treaties that once existed.\textsuperscript{136} Parpola lists forty-seven
treaties that are mentioned in Assyrian sources from the eighth and seventh centuries BCE.\textsuperscript{137} Of
these forty-seven references, only four are included among the thirteen treaties that are extant
today.\textsuperscript{138} This means that this list of forty-seven treaties only represents a portion of the number
of treaties that were actually written during the neo-Assyrian period, which in turn means that the
number of treaties that are currently extant is only a sampling of the treaties that must have once
existed.\textsuperscript{139} So, despite the fact that the sequence or clustering of curses in EST 419-430 and
Deuteronomy 28:25a,26-33 is unique when compared to extant neo-Assyrian curses, it would be
somewhat rash to conclude that Deuteronomy 28:25a,26-33 must be lineally descended from
EST 419-430.\textsuperscript{140}

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\begin{itemize}
\item \textsuperscript{133} Simo Parpola, “Neo-Assyrian Treaties from the Royal Archives of Nineveh,” \textit{JCS} 39 (1987), 186-7. Parpola lists
fourteen texts. However, as Parpola notes in the introductory note to SAA 2 14 that text 10 from this article,
originally published by Grayson, “Akkadian Treaties of the Seventh Century B.C.,” \textit{JCS} 39 (1987), 135-8, was
actually misidentified as a treaty and was actually part of the inscription that was published further on in the same
article by Grayson (155-7). In a later article (“International Law in the First Millennium,” in \textit{A History of Ancient
Near Eastern Law} [ed. Raymond Westbrook; vol. 1 of \textit{A History of Ancient Near Eastern Law}; HdO 72; Leiden:
Brill, 2003], 1047), Parpola lists the number at twenty-two. However, as he mentions in a footnote (1047, n. 2), this
includes ten copies of EST made to different rulers. This leaves thirteen extant neo-Assyrian treaties, including
EST.
\item \textsuperscript{134} SAA 2 1; SAA 2 2; SAA 2 3; SAA 2 4; SAA 2 5; SAA 2 6; SAA 2 9; SAA 2 11; SAA 2 12.
\item \textsuperscript{135} SAA 2 1; SAA 2 2; SAA 2 5; SAA 2 6; SAA 2 9; SAA 2 11.
\item \textsuperscript{136} Parpola, “Neo-Assyrian Treaties,” 162.
\item \textsuperscript{137} Ibid., 184-5.
\item \textsuperscript{138} Ibid. 162 n. 7.
\item \textsuperscript{139} Ibid.
\item \textsuperscript{140} Contra David M. Carr, “The Many Uses of Intertextuality in Biblical Studies: Actual and Potential,” in \textit{Congress
Volume Helsinki 2010} (ed. Martti Nissinenen; VTSup 148; Leiden/Boston: Brill, 2012), 528: “These elements,
pointed out by others, help clinch the case for a specific relationship between these portions of Deuteronomy 13 and

\end{itemize}
Judah or even Assyria and Israel could have had a similar sequence or a similar cluster of curses and could have been used as the ultimate source for Deuteronomy 28:25a,26-33. While lineal descent from EST is certainly possible, especially if only these curses are taken into consideration, a firm conclusion cannot be reached until more evidence is available.

The next question that needs to be asked is whether or not there is any evidence against Deuteronomy 28:25a,26-33 being lineally descended from EST 419-430? Based on our examination of the parallel between EST 528-533 and Deuteronomy 28:23-24 it seems unlikely that Deuteronomy 28:25a,26-33 is lineally descended from EST 419-430. As we saw earlier, it seems unlikely that Deuteronomy 28:23-24 has a different type of relationship to EST than Deuteronomy 28:25a,26-33 given their proximity to each other and the length of the sequence in Deuteronomy 28:25a,26-33. This means that they are likely descended from the same document if both have a close historical relationship with their parallels in EST. Based on our analysis of EST 528-533 and Deuteronomy 28:23-24 it was determined that Deuteronomy 28:23-24 is likely not lineally descended from EST 528-533, which, by implication, means that Deuteronomy 28:25a,26-33 is not lineally descended from EST 419-430. This leaves two possibilities open: a mediated non-vertical genetic relationship and a close common tradition.

28 and the Esarhaddon vassal treaty. They go far beyond the much weaker argument that the closest existing non-biblical analogy to a given biblical text is text X.” There are several problems with this argument. First, Carr does not define what he means by “specific relationship”. Presumably he means some kind of lineal relationship between EST and Deuteronomy 28. However, a mediated non-vertical genetic relationship, a direct non-vertical genetic relationship, and a close common tradition are also specific types of relationships. Second, Carr does not deal with the issue of whether these elements are unique to EST or whether these parallels might have been found in texts that are not extant.

However, if some of the curses in this sequence can be shown to not have a close historical relationship with EST, the question of whether or not these curses are descended from the same text would be reopened.

141 Tigay, Deuteronomy, 497, seems to argue for a close common tradition given his reconstruction of how curses may have been added to neo-Assyrian texts: “What may have happened is this: Assyrian scribes used longer and shorter lists of curses for various occasions. They had an outline of topics, the order of which was based on traditional groupings of the gods who inflicted each curse; following the outline was more important than the exact wording of the curses. One segment of this outline, similar or identical to that followed in §§39-42 of the Esarhaddon treaty, became known to Israelite scribes, perhaps from a treaty between Assyria and Israel or some nearby state, but possibly from some other literary genre such as a monument. Deuteronomy drew on this outline but worded the curses in its own way and possibly modified the order to suit the chiastic structure of its section B1…The parallels within the Bible itself show that blessings and curses of this sort, even if some were ultimately
6.4.3 Close Common Tradition

The final issue that needs to be addressed in this section is whether or not the similarities between the curses of EST 419-430 and Deuteronomy 28:25a,26-33 can be explained on the basis of a close common tradition rather than through a mediated non-vertical genetic relationship. In this section, I will argue that a plausible case can be made that the similarities between EST 419-430 and Deuteronomy 28:25a,26-33 are due to a combination of a close common tradition, shared experience, similarities in culture, and thematic development from within the text itself. However, rather than comparing the sequence and cluster of curses in EST 419-430 and Deuteronomy 28:25a,26-33 with other Mesopotamian curses, as was done by Steymans,143 and trying to find other texts with similar sequences and curse clusters, in this section I will argue that most of the clustering of curses in Deuteronomy 28:25a,26-33 is not due to dependence on a Mesopotamian source but can be explained by these other factors.

As we saw in chapter 5, there are a number of significant differences between EST 425-427 and Deuteronomy 28:25a,26, including the fact that Deuteronomy 28:25a,26 appears outside of the expected sequence. These differences are multiplied when the entirety of Deuteronomy 28:25 is included in the comparison and not artificially removed from it. As we saw in chapter 5, the possibility needs to be considered that Deuteronomy 28:25 is based on the blessing in Deuteronomy 28:7: “YHWH will cause your enemies who rise up against you to be slaughtered before you. They will come out to you on a single road but they will flee from you on seven roads.” The reference at the end of Deuteronomy 28:25 to Israel becoming an object of terror to all of the kingdoms of the earth seems to be a ghastly reversal of the blessing in Deuteronomy 28:10: “And all the peoples of the earth will see that the name of YHWH is called upon you and

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143 Steymans, *Deuteronomium 28*, 143-9
they will fear you.” It is quite easy to see how this blessing could be transformed into this curse but it is difficult to see how this curse could have been transformed into this blessing.

Once this connection with Deuteronomy 28:7 and 28:10 is established, the differences between EST 425-427 and Deuteronomy 28:26 (“And your corpse will become food for all the birds of the sky and for the beasts of the earth and there will be no one to scare them off”) become more pronounced.144 The best explanation for the conceptual similarity between EST 425-427 and Deuteronomy 28:26, then, is likely shared cultural experience (i.e. animals eating unburied corpses) and shared cultural values (i.e. the horror of being eaten by animals rather than being buried).145 The theme of being eaten by the birds of the sky and the beasts of the earth is quite common in the Hebrew Bible.146 While some of these examples, no doubt, can be traced back to Deuteronomy 28:26 as their source, the phraseology used in Deuteronomy 28:26 seems to be part of a tradition in Judah/Israel that could be drawn upon as occasion demanded.

The sequence of leprosy and blindness in Deuteronomy 28:27-29, on the other hand, is clearly not due to shared cultural experience or coincidence since the sequence is quite common in the Mesopotamian tradition due to their association with the gods Sin and Šamaš, yet there is no reason internal to Deuteronomy 28 for why these curses should appear in sequence with each other. As we saw earlier, these curses were likely mediated through one or more sources before they reached Deuteronomy 28. The fact that this sequence occurs in texts as early as the Code of Hammurabi all of the way into the neo-Assyrian period means that these curses by themselves cannot be used to point to a close genetic relationship with EST but merely point to the fact that this sequence is part of a close common tradition.

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144 See the differences noted in chapter 5.
145 E.g. Deut. 21:22-23.
146 See 1 Sam. 17:44; Jer. 7:33; 15:3; 16:4; 19:7; and 34:20. Cf. 2 Sam. 21:10; 2 Kgs. 9:35; Isa. 34:3;Ezk. 39:17; Ps. 79:2.
The final set of curses to be examined are the curses in Deuteronomy 28:30-33. As we saw in chapter 5, these curses are only superficially similar to the curses in EST 428-430: only one of the three curses in Deuteronomy 28:30 is similar to the parallel in EST 428-430 and none of the curses in Deuteronomy 28:31-33 correspond to any of the curses in EST 428-430. Deuteronomy 28:30 is based on the instructions for going to war in Deuteronomy 20:5-7. While one could argue that the first curse in EST 428-430 (“May Delebat, the bright star, cause your wives to lie down in the lap of your enemies before your very eyes.”) was simply being adapted by the author of Deuteronomy 28:30 to match the language used in Deuteronomy 20:5-7, it is equally possible that Deuteronomy 28:30 was simply based on Deuteronomy 20:5-7 with no connection to EST 428-430 whatsoever. This seems to be confirmed by the nature of the curses in Deuteronomy 28:31-33. The curses in Deuteronomy 28:31-33 seem to be more than a simple expansion of the final curse in EST 428-30 (“May a strange enemy divide all that you have.”): these curses have the appearance of being a traditional sequence of futility curses, perhaps being triggered by the futility curses in Deuteronomy 28:30.

In terms of sequence, the placement of the curse in 28:30 can be explained by the final sentence of Deuteronomy 28:29: “And you will be oppressed and robbed all of your days and there will be no one to save you.” This part of the verse triggered the insertion of Deuteronomy 28:30-33, which can be understood as an expansion of the type of oppression and robbery mentioned in 28:29. This means that the placement of Deuteronomy 28:30-33 after the curse of blindness can be explained on grounds internal to Deuteronomy 28.147

The placement of the curses of leprosy and blindness can be explained by the similar sequence in Deuteronomy 28:21-26. Deuteronomy 28:21-26 begins with disease (28:21-22) and ends with military defeat (28:25-26). Deuteronomy 28:23-24 was inserted into its present

147 Driver, *Deuteronomy*, 311.
position because of the mention of drought in 28:22. Similarly, Deuteronomy 28:27-35, which Weinfeld and others identify as an independent unit,\textsuperscript{148} likewise begins with disease (28:27) and ends with the consequences of military defeat (28:30-33), with the curse of madness, blindness, and confusion (28:28-29) coming in between because of its traditional relationship with the curse of leprosy. The particular consequences associated with military defeat, as was mentioned earlier, were likely triggered by the reference to being oppressed and robbed in 28:29b, which, in turn, is an extension of the metaphor of blindness used in 28:29a. The curses in 28:34-35, though independent, were added because of their verbal connection with 28:27-29, to close off this section. It is also possible that, in addition to this function, 28:34-35 also introduces the following section and continues the pattern of disease first followed by military defeat.

Those who see a close genetic relationship between EST 419-430 and Deuteronomy 28:25a,26-33, apart from Steymans because of the connection that he makes with EST 472-493, seem to have no explanation for the current placement of the curse of leprosy after Deuteronomy 28:25a,26 or, assuming that 28:25a,26 is not in its original position, after 28:23-24. The explanation given here is able to account for the position of Deuteronomy 28:27-29 and 28:30-33 as well as 28:25-26 without having to appeal to the wider sequence of EST 419-430.

The only issue that remains is whether the curse of the bronze sky and the curse of the iron ground in Deuteronomy 28:23-24 prevents one from concluding that the similarities between EST 419-430 and Deuteronomy 28:25a,26-33 are due to a combination of a close common tradition (28:27-29), shared cultural experience (28:25-26), and thematic development within the passage itself (28:30-33). In other words, does the proximity of the curses of the bronze sky and iron ground to the curses of leprosy and blindness in Deuteronomy 28:27-29 cancel out the conclusions that have been drawn in this section and point in the direction of a mediated non-

vertical genetic relationship? While it is certainly possible to make this argument, it is also possible to argue that the presence of these curses in such close proximity is coincidental.

There are three lines of evidence that can be used to substantiate this point:

(a) First, the curses in Deuteronomy 28:23-24 and the curses in Deuteronomy 28:27-29 seem to be at different stages of development. Deuteronomy 28:23-24 seems to preserve a fairly pristine form of the curse of the bronze sky, the curse of the iron ground, and, possibly, the substitution curse that comes afterward. The curses in Deuteronomy 28:27-29 seem to be at a later stage of development: these curses were likely mediated through an Aramaic source and are far enough removed from their source in the Mesopotamian tradition since the connection between leprosy and blindness and the centrality of leprosy in the sequence has been lost. While it is not impossible that the curses in Deuteronomy 28:23-24 and Deuteronomy 28:27-29 stem from the same source, the differences point to them stemming from different sources and clearly point to them not being lineally descended from EST.

(b) Second, the fact that the curse of the bronze sky and the curse of the iron ground (EST 528-533) are quite distant from the curse of leprosy and the curse of blindness in EST (EST 419-424) points to their being borrowed from separate sources. At a minimum, this distance argues against a lineal relationship with EST. It also argues against a non-vertical genetic relationship because the text from which these curses would have been borrowed would have had to have had an entirely different makeup from EST: the curse of the bronze sky and the curse of the iron ground would have had to have been in a more pristine form and these curses would have had to be in closer proximity to the curses of leprosy and blindness. It makes much more sense to suggest that they were borrowed from separate sources and that their placement in such close proximity in Deuteronomy 28 is due to coincidence.
(c) Finally, the curse of leprosy and the curse of blindness are quite common in the Mesopotamian curse tradition, which means that it should not be surprising to see these curses in a chapter with clear Mesopotamian influence without these curses having been borrowed from the same text as every other curse that may have come from a Mesopotamian source.

These three reasons combined suggest that the presence of Deuteronomy 28:23-24 in the same context as Deuteronomy 28:27-29 does not cancel out the arguments presented earlier about Deuteronomy 28:25-26 and 28:30-33 not having a close historical relationship with their parallels in EST. In fact, they reinforce this possibility. While it is impossible to know when they were borrowed and from which sources, it seems likely that the similarities between EST 419-430 and Deuteronomy 28:25-33 as well as the similarities between EST 528-533 and Deuteronomy 28:23-24 are due to a combination of a close common tradition, shared cultural experience, and thematic development from within the text itself.

6.5 **EST 448-451 and Deuteronomy 28:53-57**

The final parallel to be examined in this chapter is the parallel between EST 448-451 and Deuteronomy 28:53-57. The parallel here is slightly different from the other parallels examined in this chapter since (a) Deuteronomy 28:53-57 is somewhat removed from the context of Deuteronomy 28:23-24 and Deuteronomy 28:25-33 and (b) since most writers recognize that Deuteronomy 28:53-57 belongs to a different redactional layer than the other two sets of parallels.149 As a result, most writers in the recent period of research do not see a close genetic relationship between these curses, despite the fact that they see a direct historical relationship between the other parallels examined in this chapter as well as between the parallel curses in EST 472-493 and Deuteronomy 28:20-44. However, as we saw in chapter three, it does seem likely that EST 448-451 and Deuteronomy 28:53-57 do have a close historical relationship with

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149 See discussion in chapter 3.
each other, which means that it is necessary to ask what type of close historical relationship exists between these curses without \textit{a priori} ruling out any possibilities.

There are three main issues that need to be dealt with here: (a) first, does a late date for Deuteronomy 28:53-57 narrow down what type of close historical relationship can exist between these two passages? (b) second, is there evidence to suggest direct lineal descent from EST? and (c) third, is there evidence to support the possibility of a mediated historical connection?

6.5.1 \textit{Implications of a Late Date for Deuteronomy 28:53-57}

The first issue that needs to be addressed is whether or not a late date for Deuteronomy 28:53-57 narrows down what type of close historical relationship it might have with EST 448-451. Steymans dates this part of the chapter to the exilic period at the earliest because of connections that this section has with Deuteronomy 30:1-10 and the book of Jeremiah.\textsuperscript{150} This means that Deuteronomy 28:53-57 falls outside of the time period where it could be directly dependent on EST 448-451.

If one assumes that Deuteronomy 28:53-57 can be dated to the exilic period, this would seem to rule out the possibility of a direct historical relationship. As we saw at the beginning of this chapter, it seems unlikely that any copies of EST survived intact after the fall of the neo-Assyrian Empire in 612 BCE. This is based on the conditions of the tablets of EST that have been discovered up to this point. It is also based on how much attention is given in EST to warning the recipients against destroying their copy of the tablet: destroying a copy of the tablet is tantamount to rejecting the terms of the agreement and Assyria’s hegemony over the region. It can be assumed that once the Assyrian Empire was in decline, most tablets would have been destroyed. The same is likely true for treaty tablets made between Assyria and Judah, which means that a direct non-vertical genetic relationship would be excluded as well. However, even

\textsuperscript{150} Steymans, \textit{Deuteronomium 28}, 346.
an exilic date for Deuteronomy 28:53-57 does not exclude lineal descent from EST or a treaty
text similar to EST: this simply raises the likelihood that the curses were mediated through one
or more source.

However, it is not altogether clear that Deuteronomy 28:53-57 should be dated to the exilic
period, especially because of its connections with EST 448-451. This means that the possibility
remains that the similarities between these curses could be based on a direct historical
relationship or a direct non-vertical genetic relationship.

6.5.2 Specific Lineal Descent from EST

The second issue that needs to be addressed is whether there is any evidence for specific
lineal descent from EST. We can begin to answer this question, first, by noting other parallels to
this curse. In the introduction to her publication of EST, Watanabe lists a number of parallels to
the curses found in EST 448-451.\textsuperscript{151} Both the curse of eating human flesh (i.e. “may a man eat
human flesh”) and the curse of clothing oneself in the skin of another human being are found in a
number of weather omen texts related to the god Adad.\textsuperscript{152} Quite significantly, they are not found
with the opening curses of EST 448-451 (i.e. “May a mother bolt her door against her daughter.
In your hunger, eat the flesh of your sons!”), which circulated on their own in other texts (see
below). This means that the curse of eating human flesh and the curse of clothing oneself in the
skin of another human being belong together in a traditional sequential relationship and
circulated separately from the opening curses of EST 448-451. This is quite significant for the
analysis here since the curse of eating human flesh and the curse of clothing oneself in animal
skin have no parallel in Deuteronomy 28:53-57. While Deuteronomy 28:53-57 does deal with

\begin{itemize}
\item \textsuperscript{151} Watanabe, \textit{Die adê-Vereidigung}, 32-33.
\item \textsuperscript{152} E.g. Erlend Gehlken, \textit{Weather Omens of Enûma Anu Enlil: Thunderstorms, Wind and Rain (Tablest 44-49)}
(Leiden: Brill, 2012), 81: “…for fifty-five years men will eat human flesh, men will dress in human skin” (Tablet
46, 015’).
\end{itemize}
the issue of cannibalism, it deals specifically with the issue of eating one’s own children, which finds a much closer parallel in the opening curses of EST 448-451.

Unlike the curse of eating human flesh and the curse of clothing oneself in the skin of another human being, the opening curses of EST 448-451 do not seem to have circulated with each other in a traditional sequential relationship. While the image of a mother bolting her door against her own daughter is found in several Mesopotamian texts, it is not found in the context of parents eating their own children. Similarly, while other curses deal with the threat of a person eating the flesh of their own children, they are not found in the context of a mother bolting the door against her own children. This points to the possibility of a close historical relationship existing between EST 448-451 and Deuteronomy 28:53-57.

It should be remembered, however, that Deuteronomy 28:53-57 does not speak about a mother bolting her door against her daughter but a mother having an evil eye against her family and keeping the food to herself. While this certainly does not rule out the possibility of a lineal relationship between these two passages, it makes the case for a lineal relationship less than straightforward. When this is combined with the fact that extant treaties from the neo-Assyrian period are only a fragment of the number of treaties that must have existed at one time, it should make one cautious about suggesting that a lineal relationship exists between these two passages. That being said, a lineal relationship cannot be ruled out.

6.5.3. Evidence for a Mediated Connection

The final issue that needs to be addressed is whether or not there is evidence in Deuteronomy 28:53-57 for a mediated historical connection, either lineally through EST or through a treaty with a curse section similar to EST. Unfortunately, the evidence for a mediated historical

153 See the examples given by Watanabe (Die adé-Vereidigung, 33).
154 E.g. SAA 2 2, IV, 10-11.
connection is indecisive. All of the differences between the first two curses of EST 448-451 and Deuteronomy 28:53-57 can be explained on the basis of adaptation to the context of Deuteronomy 28, expansion, and the intensification of the curse. While the details of Deuteronomy 28:53-57 that are not present in EST 448-451 might suggest something other than a direct historical relationship, this type of adaptation, expansion, and intensification could easily have been carried out directly on the text of EST. This means that the evidence of mediation is inconclusive: a mediated lineal relationship or a mediated non-vertical genetic relationship are just as probable as a direct historical or a direct non-vertical genetic relationship. A close common tradition cannot be ruled out either.

6.5.4 Conclusion

Unfortunately, no firm conclusion can be drawn about the parallel between EST 448-451 and Deuteronomy 28:53-57. The evidence could support any one of the five major types of close historical relationships. It should be noted, however, that even though the evidence is capable of going in any one of these five directions, Steymans and others do not allow for the possibility of a direct or even a mediated lineal relationship. Surely if the other curses suggest by Steymans have a direct historical relationship with EST, it would make sense that a passage like Deuteronomy 28:53-57 would also have the same type of relationship. This shows how comparisons between curses can sometimes be determined by preconceived ideas rather than a by a detailed examination of the evidence.

6.6 Conclusion

There are two main conclusions that can be drawn from the examination given above. First, it seems highly unlikely that any of the parallels examined in this chapter have a direct historical relationship with each other. This can be seen (a) by the fact that Deuteronomy 28:23-24 seems to preserve an earlier version of the curse of the bronze sky and the curse of the iron ground than
the versions in EST 528-533 and (b) by the fact that Deuteronomy 28:25a,26-33 shows signs of having been mediated through one or more sources. Second, the parallel between EST 419-430 and Deuteronomy 28:25a,26-33 should be limited to EST 419-424 and Deuteronomy 28:27-29. This can be seen by the fact that Deuteronomy 28:25-26 and 28:30-33 are dissimilar enough from their parallels in EST to call into question their having a close historical relationship with EST. Third, the best explanation for the similarities between the remaining curses is a combination of a close common tradition, shared cultural experience, and development from within the text itself.

With this analysis complete we can now move on in chapter 7 to an examination of wider interpretive issues as they relate to EST and Deuteronomy: the issue of whether or not the parallel curses in EST have the same meaning in Deuteronomy and the significance of EST for understanding the final form of Deuteronomy.
Chapter 7
The Use of EST for the Interpretation of Deuteronomy

7.1 Introduction

The purpose of this chapter is to determine what implications this study has for the role that EST should play in (a) determining the meaning of the parallel curses in Deuteronomy 28, (b) evaluating wider interpretive issues based on the relationship between EST and Deuteronomy, and (c) interpreting the final form of the book of Deuteronomy. As we saw in chapter 1, in both the earlier period of research as well as in the more recent period of research, EST has been understood to be essential background for Deuteronomy.\footnote{Moshe Weinfeld, Deuteronomy 1-11 (AYB 5; New York: Doubleday, 1991), 6-9; Meredith G. Kline, Treaty of the Great King, The Covenant Structure of Deuteronomy: Studies and Commentary (Grand Rapids: Eerdmans, 1963; repr., Eugene, Oregon: Wipf & Stock, 2012).} In this chapter, however, we will argue that EST has very little value for understanding both the meaning of the parallel curses in Deuteronomy 28 and the final form of the book of Deuteronomy. We will begin by examining the role that EST should play in understanding the meaning of the parallel curses in Deuteronomy 28 and then move on to a discussion of the other two areas listed above.

7.2 The Use of EST for Understanding the Parallel Curses of Deuteronomy 28

Based on the frequency with which EST is cited in commentaries and other material dealing with the background and meaning of Deuteronomy 28, EST is generally understood to be essential background for understanding the meaning of the parallel curses in Deuteronomy 28.\footnote{It should be kept in mind, however, that parallels with EST are cited quite frequently in the secondary literature without any comment being made about why the parallel is significant. This is something that needs to be changed both to add clarity about why the parallels are being cited and to avoid confusion about what type of significance the parallel curses in EST have for the parallel curses in Deuteronomy 28.} In this section, we will deal with the issue of how much importance should be given to EST in understanding the parallel curses of Deuteronomy 28.
From the outset we can say that EST has no significance whatsoever for understanding the meaning of the curses in Deuteronomy 28 that do not have a close historical relationship with curses in EST. This is true for most of the curses that were examined in chapter 3 and for all of the curses that were examined in chapter 4. This means that these curses should no longer be cited as parallels with Deuteronomy 28 since they are not related to each other historically and because they shed no light on the meaning of the curses in Deuteronomy 28.

For the curses in Deuteronomy 28 that do have a close historical relationship with EST, most are perfectly understandable as they stand in the context of Deuteronomy 28 and receive no additional illumination from the parallel curses in EST:

(a) The curse in Deuteronomy 28:26, which deals with corpses being eaten by the birds of the air and the beasts of the earth, is perfectly understandable on its own and there is no additional information that can be gleaned from its parallel in EST 425-427 to make the curse any clearer.

(b) The meaning of Deuteronomy 28:30-33, likewise, receives no illumination from the parallel curses in EST 428-430. This can be seen for a number of reasons. First, as we saw in chapter 5, most of the curses in Deuteronomy 28:30-33 have no parallel in EST 428-430, which means that none of these curses can be illuminated by the curses in EST 428-430. Second, the difference in genre between the curses in the two passages, though not necessarily a barrier to establishing a close historical relationship, does have a significant bearing on the meaning and psychological impact that these curses have. The frustration curses in Deuteronomy 28:30-33 have a different effect on the reader when compared with the divine wish curses in EST 428-430. Also, the frequent references to the impossibility of rescue or deliverance in Deuteronomy 28:30-33 also has an important effect that is not present in EST 428-430. The curses in Deuteronomy 28:30-33 need to be dealt with on their own terms. Third, the instructions for war in Deuteronomy 20:5-7 are much more relevant for understanding the curses of Deuteronomy 28:30
than the curses in EST 428-430 since the curses in Deuteronomy 28:30 clearly reflect the language and concerns of Deuteronomy 28:5-7. This background is also important for understanding the remaining curses in Deuteronomy 28:31-33 since Deuteronomy 28:30 sets the tone for the entire section.

(c) Something similar can be said for the parallel between EST 448-451 and Deuteronomy 28:53-57, which deals with cannibalism due to extreme hunger. The curses in EST 448-451 are much shorter and contain less information than the curses in Deuteronomy 28:53-57. For background information to be helpful in illuminating the meaning of a biblical text, the background material usually needs to contain more information than the passage it is illuminating. The reason why biblical texts often need this type of background information is precisely because they are ambiguous and leave important pieces of background information unexplained. In this case, Deuteronomy 28:53-57 is much more useful for explaining the meaning of EST 448-451 than the other way around, particularly in the first curse of EST 448-451 when it says, “May a mother bolt her door against her daughter,” since this curse is left unexplained in EST.

In addition, many of the details of Deuteronomy 28:53-57 are different from the details in EST 448-451. Once again, this does not necessarily rule out a close historical relationship but the differences do have a significant bearing on the meaning of these passages in their own contexts.

The real significance of this parallel, however, lies in the compositional history of this passage: the parallel between EST 448-451 and Deuteronomy 28:53-57 shows that Deuteronomy 28:53-57 does not necessarily assume that the conquest and destruction of Jerusalem had already taken place. In terms of meaning, however, Deuteronomy 28:53-57 is understandable on its own terms and receives no additional illumination from the parallel in EST 448-451.
There are, however, three examples where the meaning of the parallel curses in EST are said to be essential for understanding the meaning of the parallel curses in Deuteronomy 28. We can examine each of these parallels in turn:

(a) First, according to Weinfeld, the meaning of the term גָרָב in Deuteronomy 28:27 is illuminated by the meaning of saḫaršubbû in EST. In the Akkadian vocabulary list igi-duḫ-a = tāmartu (short version), saḫaršubbû (“leprosy”) is equated with the word garābu, which is cognate with the word גָרָב in Deuteronomy 28:27. As a result, Weinfeld translates גָרָב in Deuteronomy 27:27 as leprosy. The problem with this line of thinking, however, is that even though the cognate words in Aramaic and Syriac do refer to leprosy, it is not entirely clear that גָרָב refers to leprosy in Hebrew.

The word גָרָב appears only three times in the Hebrew Bible: Leviticus 21:20; 22:22; and Deuteronomy 28:27. In Leviticus 21:20, גָרָב is listed with a number of deformities, disabilities, or conditions that would exclude a descendant of Aaron from offering sacrifices on the altar of YHWH. However, according to Leviticus 21:22, despite the fact that people with these conditions were excluded from offering sacrifices, they could still eat from the food that was

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4 B. Landsberger and O. R. Gurney, “igi-duḫ-a = tāmartu, short version,” AfO 18 (1957-58), 83. Cf. CAD G, 46. Weinfeld (*Deuteronomy and the Deuteronomic School*, 117 n. 5) also makes reference to the cognates in Syriac and Aramaic, though his main focus seems to be on the Akkadian word garābu.
5 In this regard, it is significant that no published versions of the English Bible translates גָרָב as “leprosy”. Most translate גָרָב as “scab”, “scurvy”, or “fester sore”. In addition, it is significant that BDB, HALOT, and DCH do not offer “leprosy” as a gloss for גָרָב. While HALOT (201) notes that the cognates in Akkadian, Aramaic, and Syriac mean leprosy, the translation that it suggests is “fester rash”. DCH (2:373), on the other hand, defines גָרָב as eczema.
6 See Jacob Milgrom, *Leviticus 17-22* (AYB 3A; New Haven: Yale University Press, 2000), 1828. The list of those excluded includes those who are blind, lame, have a mutilated face, have a limb that is too long, have a broken foot, have a broken hand, is a hunchback or a dwarf, or who has crushed testicles.
offered on the altar, both the holy food and the most holy food.\(^7\) This seems quite different from the restrictions and exclusion that one would face if they were afflicted with \(רָעִיתוֹ\) ("leprosy"), which would exclude someone from the assembly of Israel altogether (cf. Num. 5:2-3).\(^8\) It seems unlikely, then, that \(גָרָב\) should be understood as leprosy since \(צָרַ עַת\) only excludes someone from officiating at the altar: they are not excluded from the community and they are still permitted to eat food that was offered on the altar.\(^9\)

The same conclusion can be reached based on its other usage in Leviticus 22:22. In Leviticus 22:22, \(גָרָב\) appears in a similar list of deformities, disabilities, or conditions that would exclude an animal from being presented as a well-being offering to YHWH. This means that \(גָרָב\) could also afflict animals. \(רָעִיתוֹ\) ("leprosy"), on the other hand, is only said to strike human beings.

Quite naturally, both the Peshitta and Targum Onkelos translate \(גָרָב\) in Deuteronomy 28:27 with the cognate terms \(ܓܪܒܐ\) and \(גרבא\), both of which refer to leprosy.\(^{10}\) The LXX, on the other hand, translates \(גָרָב\) as \(ψώρᾳ ἀγρίᾳ\), which means "with a malignant itch".\(^{11}\) The Vulgate translates \(גָרָב\) as \(scabie\), which means "scab" or "itch". The cognate term in Arabic, \(jarab\), refers to scabies, an itchy skin condition caused by mites.\(^{12}\)

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\(^7\) For the distinction between holy food and most holy food, see Milgrom, *Leviticus 17-22*, 1829.


\(^9\) Ibid., 1829, “Nevertheless, \(גָרָב\) should not be equated with \(ṣār’at\); otherwise, Lev 21, a priestly text, would have used the latter term.”

\(^{10}\) DJBA, 298; CSD, 77; SL, 255. A. Murtonen, *Hebrew in its West Semitic Setting: Part One, Sections Bb, C, D and E* (SSL13; Leiden: Brill, 1989), 140.

\(^{11}\) LSJ, 2029.

as a moist boil (משפט) while the Rabbis identified it as a dry boil. Finally, Milgrom quotes Dr. Nancy East of the School of Veterinary Medicine, University of California at Davis, who identifies נרבע as eczema, which produces a severe itch.

While it is impossible at this point to know for certain the precise condition identified by the word נרבע, based on the evidence from Leviticus 21:22 and 22:22, the translation of נרבע in non-Aramaic/Syriac sources, as well as the understanding of this term in Rabbinic literature, it seems likely that נרבע refers to some kind of itchy skin condition that can afflict both human beings and animals, but does not refer to leprosy. In other words, נרבע does not appear to be semantically equivalent to the word garābu. As we saw in chapter 6, Deuteronomy 28:27 can likely be traced back to an Akkadian curse that was filtered through an Aramaic source. The Aramaic cognate for נרבע was likely used to translate saḥaršubbū ("leprosy") and was mistakenly translated by the word נרבע in Hebrew due to the fact that these words are cognates. This means that, although EST might be useful in explaining the prehistory of this curse, reliance on EST might actually lead to a misunderstanding of what נרבע means in this context.

(b) Second, according to Weinfeld, the meaning of the curse of blindness in Deuteronomy 28:28-29 can only be understood against the backdrop of the curse of blindness in EST 422-424. As Weinfeld notes:

Indeed, it is the very nature of the Shamash curse that enables us to comprehend the meaning of the curse of blindness and wandering in darkness mentioned in Deut. 28:28-9. The translation of a very influential medical handbook written in Arabic in the tenth century CE. According to Bos, jarab corresponds to the Greek words ψώριασις and ψώρα, the word used to translate נרבע in the LXX.

13 Milgrom, Leviticus 17-22, 1829.
14 Ibid. 1877-8.
15 Something similar occurs in the LXX when Hebrew words are translated into Greek according to the meaning of the cognate word in Aramaic.
darkness and blindness here signify anarchy and social lawlessness….The savior (משיע) to which this verse makes reference is undoubtedly the judge who saves the oppressed from the hands of his oppressors.16

There are two main problems with Weinfeld’s conclusions. First, Weinfeld rejects the straightforward meaning of Deuteronomy 28:28-29 when considered on its own in favour of an interpretation from EST that does not fit well with the particulars of this passage. The blindness in Deuteronomy 28:28-29, when considered on its own, is not metaphorical for lack of justice but is metaphorical17 for confusion and the inability to think well in critical moments.18 This can be seen by (a) the use of the terms “madness” and “bewilderment of heart” on either side of the word for blindness in Deuteronomy 28:28 and (b) the reference to Israel not being able to make their ways prosper, a clear reference to an inability to make the kinds of decisions they would need to make to be successful in what they were doing (cf. Job. 5:12-14). It is difficult to make sense of these verses if they refer to lack of human justice.

Not only are Weinfeld’s conclusions problematic based on a straightforward reading of Deuteronomy 28:28-29, they are also problematic based on a straightforward reading of the parallel curses in EST 422-424. There are two possible ways that the key phrase in EST 422 (דִּינָךְ...
*kitti aji idīnkunu* can be understood, neither of which match with the conclusions that were drawn by Weinfeld. While Weinfeld did not go into any detail about how he came to his interpretation of EST 422-424, it seems as though he understood the unjust legal decision in EST 422-424 to refer to legal/human justice.\(^\text{19}\) This seems to be the only explanation for his mention of social lawlessness and the identification of the saviour in Deuteronomy 28:29 as a human judge. However, as we saw in chapter 5, if *dīn kitty aji idīnkunu* refers to an unjust legal decision it seems clear that this would have to refer to supernatural/providential justice rather than justice in a human court: it is Šamaš who is not rendering a just legal decision, not human judges. Given the examples of supernatural/providential justice in the Hymn to Šamaš, this supernatural/providential justice would be exercised in the same areas that are normally covered under blessings and curses: disease, length of life, good harvests, many descendants, victory/defeat in warfare, and so on, not in a human court of law. This means that the case for the saviour in Deuteronomy 28:29 being a human judge cannot be made simply by appealing to the parallel in EST 422-424: the two curses are quite different on this level.\(^\text{20}\)

However, as we saw in chapter 5, a much better explanation for the phrase *dīn kitty aji idīnkunu* is that it refers to Šamaš not giving an accurate oracle through extispicy. In this case, the meaning of EST 422-424 is quite similar to the meaning of Deuteronomy 28:28-29 when considered on its own: both refer to the inability to make decisions in the future that will work to their advantage or would make their ways prosper. That being said, the particulars of each curse are quite different, especially when it comes to the means for making decisions that would work to their advantage: in EST 422-424 these decisions would be made through extispicy while in

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\(^\text{19}\) This problem is quite common in works dealing with the parallel curses between EST and Deuteronomy 28. While the curses in Deuteronomy 28 often do receive detailed exegetical treatments, the meaning of the curses in EST seem to be presented as being self-evident: there is no exegesis or interaction with other possible interpretations, even when alternative interpretations exist.

\(^\text{20}\) The type of “saviour” in Deuteronomy 28:29 is not specifically identified, which means that any saviour, whether human or divine, would be lacking. See McConville, *Deuteronomy*, 406.
Deuteronomy 28:28-29 these decisions would, presumably, be made through wisdom or wise counsel (cf. Ahithophel’s advice to Absalom in 2 Sam. 16:20-17:4).\textsuperscript{21}

Despite the fact that the meaning of Deuteronomy 28:28-29 did end up meaning something similar to the parallel curses in EST 422-424, Weinfeld’s interpretation shows the dangers of using parallel passages to interpret and even to overrule the plain-sense meaning of passages when considered on their own. In this case, Weinfeld’s interpretation of EST 422-424 was wrong, but this shows precisely where the danger lies: the interpretation of Deuteronomy 28:28-29 is held hostage in a sense to the interpretation of EST 422-424 – if EST 422-424 is understood in one way then Deuteronomy 28:28-29 needs to be understood in that way as well; if EST 422-424 is understood in a different way, then Deuteronomy 28:28-29 needs to be understood in that way instead. In this case, however, Deuteronomy 28:28-29 is clear enough on its own to be understood without reference to EST. EST 422-424, based on how it is normally translated, has the potential for distorting that meaning.

(c) Finally, it has often been suggested or implied that the meaning of the curses in Deuteronomy 28:23-24 is illuminated by the parallel curses in EST 528-533. There are two questions that need to be asked in this regard. First, were the curses in Deuteronomy 28:23-24 likely to have been misunderstood before the discovery of the parallel curses in EST? Second, do the curses in EST 528-533 actually have the same meaning as the curses in Deuteronomy 28:23-24 and, therefore, confirm how these curses should be understood when considered on their own?

\textsuperscript{21} See, once again, the translation for Deuteronomy 28:29 in Targum Pseudo-Jonathan given by Ernest G. Clarke, \textit{Targum Pseudo-Jonathan: Deuteronomy} (ArBib 5B; Collegeville, Minnesota: The Liturgical Press, 1998), 77: “Then you will specify good advice for the relief of your anguish, but there will be no one among you to show the truth, just as the blind go gropingly in darkness, for there are no passerby \textit{sic} on the way to show (them) their direction on the way….”
We can begin by looking at the curse of the bronze sky. The curse of the bronze sky clearly has the same meaning in both passages: both communicate the idea of lack of rain. Based on commentaries that were written before the discovery of EST, it seems clear that the curse of the bronze sky was understandable within the context of Deuteronomy 28 without the help of EST. For example, Basil the Great writes: “What is meant by ‘a heaven of brass’? Absolute dryness and lack of aerial waters through which the earth produces its fruits.” Similarly, John Calvin writes: “And just as he earlier said that God will open His good treasure from heaven to give us rain in due season, so now he says that God will make our heaven as brass, and our earth as iron….” Finally, John Gill writes:

And the heaven that is over thy head shall be brass,… Or like brass, not for its clearness, brightness, and splendor, or for its being spread out like a molten looking glass which was of brass, Job 37:18; but for its dryness and hardness, no moisture being in it, or passing through it; no showers or rain nor dew being let down from it.”

It seems, then, that there was little difficulty understanding the curse of the bronze sky before the discovery of EST. While EST 528-533 is certainly helpful for confirming the meaning of this imagery, the meaning of this imagery can easily be understood within the context of Deuteronomy 28.

The situation is somewhat different with the curse of the iron ground. It is not entirely clear that the curse of the iron ground has the same meaning in both EST 528-533 and Deuteronomy 28:23-24. In EST 528-529 the comparison of the ground to iron signifies the fact that the ground would become so hard that vegetation would be unable to penetrate the surface of the ground.

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25 These examples show, at least in this case, that EST adds no new information that aids in our understanding of these particular curses. This does not mean that biblical texts are always understandable on their own or that parallel passages cannot be used to illuminate passages from the Old Testament. It simply means that in this case, the curse was completely understandable on its own.
The curse in Deuteronomy 28:23, which provides no explanation for the imagery, has been understood in a number of different ways in the history of interpretation. Targum Pseudo-Jonathan understood the imagery to mean that the ground would become so hard that it would be unable to produce moisture to water the vegetation. Ambrose understood the imagery to mean that the ground would be so hard that it would refuse to take in seeds that were cast upon it and allow them to grow. Jeffrey Tigay, presumably based on Erica Reiner’s translation of EST 528-529, understood the imagery to mean that the ground would be so hard that the ground would be too difficult to plow. A. D. H. Mayes, presumably following the interpretation reflected in my translation of the curse in chapters 3 and 6 (cf. SAA 26, 528-529), understood the imagery to mean that plants would be unable to penetrate the surface of the ground. Others provide either a very vague explanation for what the curse means, leaving the details of the imagery

26 See chapter 3 for a discussion of the translation issues in this passage.
28 CSEL 82 2:43. Quoted in Lienhard and Rombs, Exodus, Leviticus, Numbers, Deuteronomy, 323: “And the earth is iron when it rejects crops and refuses to receive. It is as if in hostile hardness the seed is cast upon the earth, which should be a fruitful field, but it is hard and hostile. The earth ought to nourish the seeds as if in the bosom of a gentle mother. But when does iron bear fruit? When does copper let loose showers?”
29 Tigay, Deuteronomy, 263. The fact that Tigay’s understanding of Deuteronomy 28:23 is based on the parallel curse in EST can be seen from the fact that he says that the “meaning of these metaphors is clarified by a parallel Assyrian curse,” i.e. EST (Deuteronomy, 263). For the same explanation in the parallel in Leviticus 26:19 see Gordon J. Wenham, The Book of Leviticus (NICOT; Grand Rapids: Eerdmans, 1979), 331.
30 A. D. H. Mayes, Deuteronomy (NCB; London: Marshall, Morgan & Scott, 1979), 354: “When the heavens are brass the rain cannot get through, and with the earth as iron the plants cannot grow up.”
unexplained, or offer no explanation whatsoever. The fact that commentators offer more than one explanation for this imagery points to the ambiguity of the curse in Deuteronomy 28:23.

The question that needs to be asked, then, is whether EST 528-529 should be used to decide which interpretation of the curse of the iron ground is correct. While some writers move quite quickly to EST 528-529 to explain the curse in Deuteronomy 28:23, the possibility needs to be considered (a) that Deuteronomy 28:23 simply misunderstood the point of the imagery of the original curse; (b) that the original meaning of the imagery in either text was lost through the process of mediation through one or more sources, or (c) that EST 528-533 might have missed the main point of the imagery since Deuteronomy 28:23-24 preserves an earlier version of the curse. Given the ambiguity of the imagery in Deuteronomy 28:23-24 and the secondary character of the explanation given in EST, the most that can be said about the earth becoming like iron in Deuteronomy 28:23 is that it means that the ground would become dry and hard and would be unable to produce plant life. The specific implication of that dryness, whether it means that the ground would be impossible to plough, or that it would have no moisture in it, or that plants would be unable to penetrate the surface of the ground, needs to be supplied by the reader.


33 Despite the fact that this interpretation, at least for some of its adherents, is based on a misunderstanding of EST 528-529, it is not impossible that this could have been one of the many ways that Deuteronomy 28:23 was understood. See below.

34 It is interesting to note that John Gill (1697-1771) includes all three interpretations in his comments on Deuteronomy 28:23 (An Exposition of the Old Testament, 139). His commentary on Leviticus 26:19 also includes Ambrose’s explanation of the ground being too hard to take the seed (An Exposition of the Old Testament, [6 vols.; Philadelphia: William W. Woodward, 1817], 1:747).
It seems clear, then, that EST is not essential for understanding the meaning of the parallel
curses in Deuteronomy 28. In some cases, the parallel curses in EST can lead to a
misunderstanding of the parallel curses in Deuteronomy 28. While the parallel curses in EST
might help to explain why the גָרָב sickness is followed by the curse of blindness, this lies on the
level of compositional history rather than on the level of how these curses were meant to be understood in the context of Deuteronomy 28.

7.3 EST and Wider Interpretive Issues

In the more recent period, EST has played an important role in understanding the
compositional history of Deuteronomy. In this section, we will limit ourselves to the use of EST
to detect an underlying anti-Assyrian polemic in the earliest form of Deuteronomy, the issue of succession in Deuteronomy, and the issue of the date for the earliest form of Deuteronomy.35

7.3.1 Anti-Assyrian Polemic

As we saw in chapter 1, the parallels between EST and Deuteronomy 28 have been used to suggest that the original form of Deuteronomy was written as a response to Assyria’s religious and political claims over Judah in the 7th century BCE. The first to make this suggestion was Rintje Frankena, who suggested that Deuteronomy may have been written as a substitute for EST, replacing love and loyalty to the Assyrian king with love and loyalty to YHWH.36 The

35 The compositional history of Deuteronomy 28 and the compositional history of Urdeuteronomium as a whole lie outside the scope of this study. For studies of the compositional history of Deuteronomy 28 that do not see a direct historical relationship with EST, see Josef G. Plöger, Literarkritische, formgeschichtliche und stilkritische Untersuchungen zum Deuteronomium (BBB 26; Bonn: Peter Hanstein Verlag, 1967), 130-217, and Gottfried Seitz, Redaktionsgeschichtliche Studien zum Deuteronomium (BWANT 5/13; Stuttgart: W. Kohlhammer, 1971), 254ff.
36 Rintje Frankena, “The Vassal Treaties of Esarhaddon,” Oudtest. Studiën (1965), 152. Cf. Thomas Römer, The Invention of God (tr. Raymond Geuss; Cambridge, Massachusetts: Harvard University Press, 2015), 204; Kenton L. Sparks, God’s Word in Human Words: An Evangelical Appropriation of Critical Biblical Scholarship (Grand Rapids: Baker Academic, 2008), 90: “Given this historical context, the publication of Deuteronomy in the form of a Neo-Assyrian treaty, and the pious ruse of depositing this new text in the temple, would have been an effective way of making the religious point that Judah’s covenant relationship with Yahweh was older and more important than its treaty with Assyria. Consequently, the treaty form of the book of Deuteronomy is best understood as a polemic against Neo-Assyrian oppression.”
correspondences between EST and Deuteronomy 28 would, therefore, be natural since Deuteronomy was ultimately based on EST.

A similar argument was put forward by Eckart Otto, though for him the anti-Assyrian element lies in the prehistory of Deuteronomy.\(^{37}\) According to Otto, the parallel passages in Deuteronomy 13 and 28 were taken over directly from EST to form a Judean loyalty oath to YHWH at some point during the reign of Josiah.\(^ {38}\) This loyalty oath would have consisted only of the parallel passages in Deuteronomy 13 and 28 and would, therefore, lie in the prehistory of Deuteronomy.\(^ {39}\) In other words, this loyalty oath served as one of the sources for *Urdeuteronomium* but did not constitute *Urdeuteronomium* itself. However, this borrowing served as the basis for the development of covenant theology in Deuteronomy.\(^ {40}\) This loyalty oath was then combined with a revision of the Covenant Code with significant influence from Middle Assyrian law to form the earliest form of Deuteronomy.

The most thorough critique of the idea of an anti-Assyrian polemic in Deuteronomy was given by C. L. Crouch in her book *Israel & the Assyrians: Deuteronomy, the Succession Treaty of Esarhaddon, & the Nature of Subversion.*\(^ {41}\) Crouch’s argument focuses on two main issues:

(a) whether the audience of Deuteronomy would have had the access and the requisite

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\(^{37}\) Steymans (“Deuteronomy 28 and Tell Tayinat,” 3) seems to have misunderstood Otto’s position when he says that this loyalty oath was the first edition of Deuteronomy.


\(^{40}\) Ibid., 74.

knowledge to see allusions to EST in Deuteronomy and (b) whether the parallels would have been distinctive, frequent, and recognizable enough for the target audience to recognize a specific reference to EST.\textsuperscript{42}

As we saw in chapter 1, however, much of Crouch’s argument fails if the subversive intent was not meant for a general audience. It also fails if the subversive intent lay in the prehistory of Deuteronomy as in Otto’s reconstruction rather than in the earliest form of Deuteronomy. If the parallel passages in Deuteronomy 13 and Deuteronomy 28 by themselves constituted a Judean loyalty oath that was meant to circulate among Judah’s political and religious elites, the authors themselves could have intended that the loyalty oath subvert the contents of EST even if the references to EST would not have been understood by a general audience. Further, even if the religious and political elites of Judah could not have recognized allusions to EST on their first reading or hearing, the authors of the loyalty oath could have easily communicated this intention orally, which often has to be done even today when allusions are not understood by a particular audience. An author-oriented approach would allow for more flexibility in some of the areas critiqued by Crouch compared with the audience-oriented approach reflected in her argument.

Despite these issues with Crouch’s approach, it seems unlikely that the earliest form of Deuteronomy was meant to subvert the political and religious claims of Assyria over Judah as expressed in EST. As Levinson and Stackert point out, Otto’s suggestion that the original form of Deuteronomy 13 and 28 formed a subversive loyalty oath that was eventually used as a source for the earliest form of Deuteronomy makes it less likely that this subversive intent would have been carried over into the earliest form of Deuteronomy:

Otto’s view of Deut 13 and 28 as originally independent of the Deuteronomic revision of CC creates a weakness in his overall argument. Its support comes mainly from the lack of similar reuse of EST in Deuteronomy outside of chapters 13 and 28. Yet this limited attestation of specific language from EST need not indicate that these two chapters represent a separate

\textsuperscript{42} Ibid., 92.
compositional stratum. Moreover, the claim for separate compositional strata raises the possibility that those revising CC were not aware of the specific Assyrian origins of Deut 13 and 28 and therefore did not harbor the anti-Assyrian motives that Otto attributes to them.\textsuperscript{43}

For those who argue for a direct historical relationship between EST and Deuteronomy 28, Otto’s model seems to be the best model since it explains why references to EST are only found in Deuteronomy 13 and 28.\textsuperscript{44} However, this very model suggests that an anti-Assyrian polemic would not have been present in the earliest form of Deuteronomy since those who incorporated this material may not have been aware of the Assyrian origins of these curses and the remainder of the material that formed the original form of Deuteronomy would have drowned out any reference to a neo-Assyrian treaty.

A similar conclusion can be drawn based on the results of chapter 6. In chapter 6, we saw that the parallel curses in Deuteronomy 28, which are much fewer than would be accepted by Otto, Levinson, or Stackert, were either related to EST through a close common tradition or a mediated non-vertical genetic relationship. In either case, both of these relationships are far too removed from a possible neo-Assyrian source for a subversive intent to be either intended by the author or recognized by its audience. The same would be true even if these curses were related to each other through a mediated lineal relationship since any knowledge of the source of these curses in EST would likely have been limited individuals who were several steps removed from the writing of the earliest form of Deuteronomy.

It seems highly improbable, therefore, that the earliest form of Deuteronomy was written to subvert neo-Assyrian political and religious claims over Judah. Given the evidence of mediation

\textsuperscript{43} Bernard M. Levinson and Jeffrey Stackert, “Between the Covenant Code and Esarhaddon’s Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy,” \textit{JAJ} 3 (2012), 137.

\textsuperscript{44} Based on the results of chapter 6, I do not think this model best explains how the parallel curses from EST entered the Israelite/Judahite tradition. These curses were likely taken over from one or more Mesopotamian sources, whether through literary or oral means, and were incorporated into an Israelite or Judahite document simply because they served as a useful supplement to curses that already existed in the Israelite/Judahite tradition. These curses would have undergone changes in the Israelite/Judahite tradition before being incorporated into the book of Deuteronomy.
through one or more sources, those who incorporated these curses into Deuteronomy may not have even been aware of their (possible) neo-Assyrian origin. In any case, the remaining material that made up the earliest form of Deuteronomy would have drowned out the relative importance of these curses.

7.3.2 The Issue of Succession

Another way that the purpose of EST is said to have affected the compositional history of Deuteronomy is the transference of the idea of succession from EST to the context of Deuteronomy. Unlike the issue of anti-Assyrian polemic in the book of Deuteronomy, the issue of succession is specifically related to the purpose of EST and cannot be said to have been borrowed from a neo-Assyrian treaty text similar to EST since EST uniquely deals with the issue of succession.\(^{45}\) There are two ways that the issue of succession is said to be important for understanding the book of Deuteronomy, each of which will be examined in turn.

7.3.2.1 The Succession of Joshua to Moses

First, several writers have suggested that the issue of succession in EST is somewhat similar to the issue of succession between Moses and Joshua in Deuteronomy (Deut. 31:1–8).\(^{46}\) While this issue is only peripherally related to the relationship between EST and Deuteronomy 28, the possible use of EST by Deuteronomy 28 is an important factor in the overall case made for the influence of EST on Deuteronomy.

There are a number of problems, however, with comparing the circumstances surrounding the writing of EST and the issue of succession in Deuteronomy. First, the language of loyalty in Deuteronomy is not directed toward Joshua but is directed toward YHWH. This is not simply a

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\(^{45}\) SAA 2 3, i.e. Sennacherib’s Succession Treaty, also deals with the issue of succession but there is no reason to connect this treaty with Deuteronomy.

minor difference that can be usefully noted to bring out how Deuteronomy transformed the material of EST for its own purposes: it completely negates any correspondence between Joshua’s succession and Assurbanipal’s succession. Second, Joshua’s succession of Moses, while important, is not a major theme in Deuteronomy, which means that the overall situation presented in the final form of Deuteronomy is quite different from the circumstances surrounding the composition of EST. Third, the language of loyalty directed toward YHWH in Deuteronomy is completely unrelated to the issue of succession. YHWH is not presented as succeeding a previous sovereign; Israel is presented as renewing their commitment to YHWH as they are about to enter the Promised Land. The issue of succession in EST, therefore, has no relationship to Joshua’s succession of Moses.

7.3.2.2 The Deuteronomic Code as the Successor to the Covenant Code

Second, Bernard Levinson and Jeffrey Stackert have suggested that the book of Deuteronomy presents the Deuteronomic Law Code as the successor to the Covenant Code based on the use of EST in Deuteronomy 13 and 28 and the extensive reworking of the Covenant Code in Deuteronomy. According to Levinson and Stackert, the original form of the book of Deuteronomy was not written to undermine neo-Assyrian religious or political claims but was written to secure the position of the Deuteronomic Code as the replacement or successor to the Covenant Code. For

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47 Weinfeld, *Deuteronomy 1-11*, 6: “The covenant in the land of Moab, which is concluded at the time that Moses nominates Joshua as his successor (Deut. 3:23-29; 31:1-8), resembles then formally the situation found in the *VTE*. The difference is only that the contents of the Mosaic covenant are divine law and the sworn pledge refers to God, whereas the *VTE* are concerned with stipulations of a political nature, referring to the human suzerain. Formally, however, the two documents are very similar.”


49 Ibid., 136-9. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 13, in the past saw Deuteronomy as an anti-Assyrian text: “In chapter 13, the text’s authors clearly drew upon the neo-Assyrian vassal treaties and transferred the penalty for disloyalty from the Assyrian overlord to Yahweh, just as they strove to replace the vassal treaty that bound Judah to Assyria with Deuteronomy itself as a new covenant binding Judah to the Great King.” Cf. idem, “Esarhaddon’s Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1,” *JAOS* 130.3 (2010), 342: “The instrument of Neo-Assyrian imperialism, as
Stackert and Levinson, this explains why the use of EST in Deuteronomy is so limited: the focus of Deuteronomy is on law rather than on Judah’s relationship with Assyria. The main reason for Deuteronomy’s use of EST was not to exert religious or political independence from Assyria but to exploit the idea of succession. This means that, for them, both EST and the Covenant Code were borrowed during the same “compositional event” with the focus being on the Covenant Code rather than on EST.

While the case for the Deuteronomic Code replacing the Covenant Code is based primarily on Levinson and Stackert’s arguments about the use of the Covenant Code in the Deuteronomic Code, the connection with EST is based on the use of the so-called canon formula in Deuteronomy 13:1 (Eng. 12:32) and its relationship to the similar formula in EST 57-61 (§4).

Deuteronomy 13:1 anticipates the possibility that people would not accept this new formulation of the law and might even rebel against it, just as Esarhaddon anticipated that some would reject the kingship of his son Assurbanipal. Deuteronomy borrowed language from EST to ensure that the Deuteronomic Code would be accepted as the Covenant Code’s successor.

The purpose here is not to offer an overall critique for Levinson and Stackert’s views of the relationship between the Deuteronomic Code and the Covenant Code. It is also not the purpose here to offer a critique of Levinson and Stackert’s arguments about the relationship between EST and Deuteronomy 13. The purpose here is to see what implications this study has for the theory being presented here. There are at least three points that can be made:

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50 Ibid., 137.
51 Ibid., 136: “In our view, each of these objections finds a solution in the recognition that Deuteronomy exploited CC and EST in a single compositional event.”
52 Ibid., 131-2, 137-8. SAA 2 6, 57-61 (Parpola): “You shall neither change nor alter the word of Esarhaddon, king of Assyria, but serve this very Assurbanipal, the great crown prince designate, whom Esarhaddon, king of Assyria, your lord, has presented to you, and he shall exercise the kingship and dominion over you.”
53 Ibid., 137. “Thus, EST is more than a literary source that informs the wording of Deuteronomy’s apostasy laws and several of its curses; it is also more than an inspiration for shaping Deuteronomy as a loyalty-oath. EST provides a conceptual template for Deuteronomy’s reorientation and subversion of CC’s laws.”
(a) First, Levinson and Stackert’s theory depends on Deuteronomy being directly dependent on EST, which, as we saw in chapter 6, is untenable. While it is possible that Deuteronomy 13 could have a different relationship to EST than Deuteronomy 28, an important part of their case, according to them, depends on there being a direct historical relationship between EST and Deuteronomy 28.\textsuperscript{54} As Levinson and Stackert put it themselves: “Even though there are both thematic and linguistic correspondences between Deut 13:2-12 and EST, these are relatively unremarkable until they are set alongside the parallels that have been adduced with Deut 28.”\textsuperscript{55} The fact that the parallel curses in EST and Deuteronomy 28 do not have a direct historical relationship with each other seriously undermines their case. But even a mediated lineal relationship would also undermine their case: once the passages are mediated through one or more sources, the idea of succession would likely be lost, especially since the parallels they adduce do not explicitly mention succession.\textsuperscript{56}

(b) Second, Levinson and Stackert’s theory does not explain why Deuteronomy 28 would have borrowed curses from EST. The parallels between EST and Deuteronomy 28 play no role in their argument for the borrowing of the concept of succession: the only function of these parallels is to make the parallels between EST and Deuteronomy 13 more plausible. For the sake of argument, one could grant that parts of Deuteronomy 13 were borrowed from EST to convey

\textsuperscript{54} Ibid., 134-5. Levinson and Stackert rely primarily on Weinfeld’s arguments about Deuteronomy 28:26-33 but also mention the parallel between EST 472-493 and Deuteronomy 28:20-44, which, as we saw in chapter 4, clearly does not have a close historical relationship with EST.


\textsuperscript{56} See the similar critique (Levinson and Stackert, “Between the Covenant Code,” 137) they offer to Otto’s position mentioned above: “Moreover, the claim for separate compositional strata raises the possibility that those revising CC were not aware of the specific Assyrian origins of Deut 13 and 28 and therefore did not harbor the anti-Assyrian motives that Otto attributes to them.” The same can be said for the idea of succession.
the idea of succession. But how do the curses in Deuteronomy 28 contribute to this, especially since they are so far removed from Deuteronomy 13? It seems like these curses are quite irrelevant to the discussion.

(c) Third the idea of succession is completely absent from Deuteronomy 28. It is also absent from Deuteronomy 13: this needs to be read into the text based on one’s views of the relationship between the Covenant Code and the Deuteronomic Code. If the individual curses in Deuteronomy 28 can mean something different from their corresponding curse in EST, it seems almost impossible that the concept of succession could be carried over simply by borrowing passages from EST that, by themselves, have nothing to do with succession. So even if direct historical dependence were plausible, and it is not, it seems like this kind of conceptual borrowing is impossible based on the evidence at hand.

7.3.3 The Date of Deuteronomy

The final issue that needs to be addressed in this section is the importance of EST for determining the date of the earliest form of the book of Deuteronomy. At least since the article published by Frankena, the correspondences between EST and Deuteronomy 28 have been used to confirm a seventh century BCE date for Deuteronomy, a date which had already been established on other grounds.\(^{57}\) The fact that EST would likely have been unavailable after the fall of the neo-Assyrian Empire in 612 BCE has been used to establish a *terminus ad quem* for the writing of the earliest form of Deuteronomy.\(^{58}\) Steymans places the *terminus ad quem* earlier at 622 BCE, the year when the Torah scroll was discovered in the temple during the reign of Josiah, though such a connection with the reform of Josiah has been questioned extensively.

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57 See Mayes, *Deuteronomy*, 105. See the useful discussion of the role of cult centralization and the social conditions in Judah after 701 BCE in Altmann, *Festive Meals in Ancient Israel*, 32-33.

Jeffrey Stackert is perhaps the boldest in suggesting that *Urdeuteronomium* was written around 670 BCE based on the direct historical relationship between EST and the parallel passages in Deuteronomy 13 and 28.\(^\text{59}\)

What conclusions does this study have for the dating of Deuteronomy? The conclusions of this study would allow for a date in the seventh century BCE, the exilic period, or anytime in between if the dating is based simply on the borrowing of these curses from a neo-Assyrian source. Once allowance is made for a mediated historical relationship, whether a mediated lineal relationship or a mediated non-vertical genetic relationship, there is no difficulty pushing the date of the earliest form of Deuteronomy past 612 BCE.\(^\text{60}\) A neo-Assyrian origin for these curses only makes it likely that these curses were first introduced into Judah before 612 BCE. The conclusions of this study would also allow that these curses were borrowed before the enactment of EST in 672 BCE and, if the similarities are based on a close common tradition, the introduction of these curses could have happened before the neo-Assyrian period. In addition, until more information is recovered about the neo-Babylonian treaty tradition, a neo-Babylonian dating for the borrowing can also not be excluded. In short, the parallel curses between EST and Deuteronomy 28 add little to the discussion about the dating of Deuteronomy since any possible borrowing would have been mediated through one or more sources.

7.4 EST and the Interpretation of the Final Form of Deuteronomy

The final issue that needs to be addressed is the implications that this study has for the role that EST should play in the interpretation of the final form of Deuteronomy. Based on the


\(^{60}\) Cf. Altman, *Festive Meals in Ancient Israel*, 35, “As a caveat, however, the date of Deuteronomy’s use of these metaphors, symbols, and rhetoric cannot be determined by the suggestion of the connection itself. So none of these factors – possible agreement between text and archaeology with regard to cult centralization, the historical developments between Judah and Assyria, loyalty oath language, or any others mentioned here – can be said to function as a smoking gun. Nonetheless, each set of data can be profitably incorporated into a unified reconstruction of the situation into which the DC was conceived.”
conclusions made in this chapter and in the previous chapters, it should be clear that EST should play virtually no role in understanding the final form of Deuteronomy, with the likely exception of Deuteronomy 13,\textsuperscript{61} and is unnecessary for understanding the meaning of the curses in Deuteronomy 28. Possible connections between EST and Deuteronomy are limited to Deuteronomy 13 and 28. This strongly suggests that EST is of little or no interpretive value for the remainder of the book. As for the parallel curses in Deuteronomy 28, the meaning of these curses are essentially clear on their own and do not receive any additional illumination from their parallels in EST.\textsuperscript{62} In fact, the parallel curses in EST actually have the potential for distorting the meaning of their parallel curses in Deuteronomy 28 if the meaning of these curses are read into Deuteronomy 28.

In the end, the parallel curses in Deuteronomy 28 need to be read in terms of their setting in the final form of Deuteronomy: these are the curses that Israel would experience if they fell into idolatry when they entered the Promised Land and failed to live up to the conditions outlined in the final form of Deuteronomy. Apart from the fact that these curses appear in the final form of Deuteronomy, the fact that Deuteronomy 28 in its present form contains several clear references to the ostensible Mosaic setting of Deuteronomy 28 points clearly in this direction.\textsuperscript{63} While earlier forms of Deuteronomy or its literary precursors are certainly worthy of study, the final form of Deuteronomy needs to be seen as its own entity and should, therefore, be interpreted in light of its own literary setting rather than through the lens of a neo-Assyrian document that is potentially several steps removed from its final form.

\begin{flushleft}
\textsuperscript{61} While not taking a position on the relationship between the parallel sections of EST and Deuteronomy 13, the uniqueness of Deuteronomy 13 within the Hebrew Bible and the similarities it shares with EST suggest that EST has the potential to illuminate the final form of Deuteronomy in at least this chapter.

\textsuperscript{62} It should be kept in mind that, regardless of what relationship these curses have with each other, the curses of EST had the potential to illuminate the parallel curses in Deuteronomy. In the case of these curses, however, the meaning of these curses are sufficiently clear without the help of EST.

\textsuperscript{63} Deut. 28:1, 8-11, 13, 15, 21, 27(?), 45, 58, 63, 68.
\end{flushleft}
7.5 Conclusion

In conclusion, despite the importance given to EST in scholarly discussion of Deuteronomy 28, EST has very little significance for understanding Deuteronomy 28. While it may have some significance for understanding the sequence of curses in Deuteronomy 28:27-29, it has no impact on understanding the meaning of these curses. Deuteronomy needs to be interpreted on its own terms and with reference to its own literary setting.
Chapter 8
Summary, Conclusions, and Areas for Further Research

8.1 Summary and Conclusions

The results of this study can be summarized according to how conclusively the evidence points to these results presented here. The most certain conclusions will be summarized first with the least conclusive results coming last.¹

In chapter 3, we saw that most of the freestanding parallels between EST and Deuteronomy 28 do not have a close historical relationship with each other. This includes the parallels between EST 443-445 and Deuteronomy 28:17, EST 442-445 and Deuteronomy 28:38, EST 414-416 and Deuteronomy 28:20, EST 455-456 and Deuteronomy 28:21, EST 461-463 and Deuteronomy 28:22, EST 453-454 and Deuteronomy 28:25, and EST 194-196 and Deuteronomy 28:15a. Similarly, in chapter 5 we saw that no historical relationship exists between EST 418a-c and Deuteronomy 28:34-35. These conclusions, from both chapters 3 and 5, were based primarily on the fact that these parallels had either very few or no anchor points to connect the two passages together. In the cases where the parallels did have concrete anchor points, these anchor points were too isolated and too generic to suggest that they were due to a close historical relationship existing between the two passages. Although several of these parallels continue to be cited in the secondary literature as part of a canon of parallels between EST and Deuteronomy 28, there is no reason to believe that these passages have a close historical relationship.

In chapter 4, we examined Steymans’ proposal that EST 472-493 served as the donor text for Deuteronomy 28:20-44, with paragraphs from elsewhere in EST being inserted into the sequence of Deuteronomy 28:20-44 where they fit thematically with the sequence of EST 472-493. The

¹ Rejection of or disagreements with the less conclusive results should by no means lead to a rejection of the more conclusive results.
results in this chapter were quite similar to the results of chapter 3: in no instance did we see that a close historical relationship existed between these curses. In many cases, the parallels between EST 472-493 and Deuteronomy 28:20-44 were much weaker than the freestanding parallels examined in chapter 3 that clearly did not have a close historical relationship with each other. The only way to make this parallel work is to (a) ignore the specifics of the curses in EST 472-493, (b) force these curses rather painfully into the mold of the topics dealt with in Deuteronomy 28:20-44, (c) skip several curses in EST 472-493 that do not have a parallel with Deuteronomy 28:20-44 and vice versa, and (d) to replace almost half of the curses in EST 472-493 with curses from elsewhere in EST. Despite the clear weakness of Steymans’ position, this parallel has become part of the canon of parallels between EST and Deuteronomy 28: it continues to be cited and serves as a key component in arguments about other parallels between EST and Deuteronomy. These other comparisons may or may not have some validity when considered on their own, but, to the extent that their validity depends on the parallel between EST 472-493 and Deuteronomy 28:20-44, they are fundamentally flawed.

In chapters 3 and 5 we saw that a close historical relationship was likely to exist between (a) EST 528-533 and Deuteronomy 28:23-24, (b) EST 448-451 and Deuteronomy 28:53-57, and, (c) more reservedly, between EST 419-430 and Deuteronomy 28:25a,26-33. This was based primarily on the non-intuitive character of the sequence or cluster of curses/motifs that are shared by these passages. While these similarities do not necessarily imply vertical descent from EST, they do suggest that some type of close historical relationship exists between these curses.

In chapter 6, we saw that both a direct historical relationship and a mediated lineal relationship between EST 528-533 and Deuteronomy 28:23-24 are unlikely. This can be seen by the fact that Deuteronomy 28:23-24 preserves an earlier version of the curse of the bronze sky and the curse of the iron ground than the version preserved in EST 528-533. This, combined
with the use of the word גָרָב in Deuteronomy 28:27 to represent the word saḥaršubbû in a curse similar to the one preserved in EST 419 and the fact that the author of Deuteronomy 28:27-29 does not seem to understand the significance of the sequence of leprosy and blindness, suggests that Deuteronomy 28:25a,26-33 also does not have a direct or a mediated lineal relationship with EST 419-430. This would also seem to rule out the possibility of a direct non-vertical genetic relationship for the same reasons. The evidence for Deuteronomy 28:53-57 is more ambiguous but, given the lack of direct or mediated influence from EST elsewhere in Deuteronomy 28, it seems unlikely, though not impossible, that it could be lineally descended from EST 448-451. The most likely explanations for the similarities between these passages and their parallels with EST, therefore, are a mediated non-vertical genetic relationship and a close common tradition.

In chapter 7, we saw that the wider context and overall purpose of EST should not be used to interpret the book of Deuteronomy, either in its earliest form or in its final form. Deuteronomy shows no evidence of having any concern to present the Deuteronomic Code as being the successor to the Covenant Code, regardless of what type of relationship actually exists between these two codes, and the issue of Joshua succeeding Moses is of a completely different character from the issue of succession in EST. Based on the fact that any relationship with a neo-Assyrian source was likely mediated through one or more sources and the fact that the closest parallels between EST and Deuteronomy are essentially isolated to Deuteronomy 13 and 28, it also seems unlikely that Deuteronomy was written to subvert neo-Assyrian religious and political claims over Judah, either in the minds of its author(s) or with respect to their intended audience.

We also saw in chapter 7 that EST has very little value for interpreting the curses in Deuteronomy 28 that do have a close historical relationship with EST. In each case, the curses in Deuteronomy 28 are sufficiently clear on their own to be understood and do not require the parallel curses in EST for them to be understood. In the case of Deuteronomy 28:30-33, the
curses are so integrated with the parallel in Deuteronomy 20:5-7 and likely include curses from another tradition that any comparison with EST actually distracts from the main points being made in these curses. In several cases, most notably the use of נְבָא in Deuteronomy 28:27, the parallel curses in EST might actually lead to a misunderstanding of these curses. While the sequence of leprosy and blindness in EST 419-424, which also occurs in other Mesopotamian curses, does help one to understand the sequence of curses in Deuteronomy 28:27-29, this lies on the level of the pre-history of the text and there is no reason to believe that the author(s) of Deuteronomy 28:27-29 actually understood the significance of this sequence.

Finally, in chapter 6 we argued that the best explanation for the parallels between EST and Deuteronomy 28 is a combination of a close common tradition (28:23-24, 27-29), shared cultural values/experience (28:25-26), developments from within the text itself (28:30), and influence from other sources (28:31-33) rather than a mediated non-vertical genetic relationship. The fact that Deuteronomy 28:23-24 and 28:27-29 are part of a close common tradition rather than a non-vertical genetic relationship can be seen by how distant these curses are from each other in EST and by their differing stages of development: Deuteronomy 28:23-24 preserves an earlier form of the curses in EST 528-533 while Deuteronomy 28:27-29 shows evidence of mediation and development. The sequence of leprosy and blindness entered the Israelite/Judahite tradition of curses from an unknown Mesopotamian source and was likely mediated to Deuteronomy through several sources while the curse of the bronze sky, the curse of the iron ground, and the substitution of rain for dust and sand likely came from a west-Semitic source, though mediation through a Mesopotamian source is also a possibility.

8.2 Implications and Areas for Further Research

An obvious area for further research is the relationship between the parallel passages in EST and Deuteronomy 13. While the methodology used here will, no doubt, differ substantially from
the methodology that would be needed to analyze the similarities between EST and Deuteronomy 13, some of the concerns expressed here may be relevant for analyzing the significance of these parallels. For example, is it possible that the similarities between EST and Deuteronomy 13 lie more in how the parallels are summarized than in the actual content of the passages themselves? Or, assuming that the parallel passages in Deuteronomy 13 are lineally descended from EST, is there any evidence that the author(s) of Deuteronomy 13, either in its original or final form, knew where the material came from and/or intended the wider context of EST to have a bearing on the meaning of Deuteronomy 13 or the document into which it was incorporated? The analysis given here will raise important questions like these for the analysis of these parallels.

This study will also have important implications for the evaluation of recent reconstructions of the compositional history of Deuteronomy 28 and the earliest form of Deuteronomy. The models presented by Levinson and Stackert, Steymans, and Otto in his earlier work, which rely heavily on the parallel between EST 472-493 and Deuteronomy 28:20-44, are placed in serious doubt based on the results of this study.

This study will also have important implications for the study of the relationship between biblical law and ancient Near Eastern law codes. Law codes are similar to curses in the sense that the way that individual laws are formulated are relatively stable. The importance of anchor points and signs of mediation might have significance for these studies as well.

Finally, this study will have important implications for use of ancient Near Eastern parallels to interpret both the earliest and the final form of the book of Deuteronomy. While certain features of the book of Deuteronomy can ultimately be traced back to Mesopotamian sources, the possibility needs to be considered that we as modern readers might understand more of the Mesopotamian background to this material than the original writers or readers did. This is
almost certainly the case with the sequence of leprosy and blindness in Deuteronomy 28:27-29
and it is likely the case in other areas as well.

In the end, one can say that the book of Deuteronomy contains material from a close common
tradition (something old) and material that is lineally related to specific Mesopotamian sources
(something borrowed), but the ultimate result was something new: something that needs to be
understood, interpreted, and appreciated on its own terms and, only when necessary and relevant,
against the backdrop of these other influences.
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