

Covenant Making in Anatolia and Mesopotamia

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The Hittites, as is well known, were the first to elaborate a format of international treaty. This consisted of (1) a preamble, (2) a historical prologue, (3) a basic stipulation of allegiance, (4) covenantal clauses, (5) invocation of witnesses, (6) blessings and curses, and (7) the oath-imprecation and some other formalities such as the deposit of the written document, a stipulation of periodic reading, and the provision of duplicates.¹

The Egyptians, who dominated the southern Syrian region at the same time the Hittites dominated the area of northern Syria, did not use this type of treaty format when establishing relations with their vassals. We have evidence about loyalty oaths of vassals to the Egyptian overlord but no attestations of written treaties.² It seems that the Egyptian sovereign did not deem it necessary to develop any kind of negotiation with his subject; he was only interested in making sure that the imposition of his rule upon his vassal was made properly known and insured.

The Assyrians in the first millennium B.C.E. developed a treaty typology that seemed to continue the Hittite treaty tradition³ but differs in three major points. (a) It did not contain a historical prologue. (The fragmentary treaty of Assurbanipal with the tribe of Kedar⁴ seems exceptional, but in fact the historical reference there does not function as the Hittite historical prologue, which, as will be noted, served as a kind of apology.) (b) The Assyrian treaty elaborated the curses, on the one hand, and omitted the blessings, on the other. (c) In the Hittite treaty a great part of the covenantal stipulations was devoted to the commitment of the overlord

1. Cf. V. Korošec, *Hethitische Staatsverträge, Ein Beitrag zu ihrer juristischen Wertung*, Leipziger rechtswissenschaftlicher Studien 60 (Leipzig, 1931).

2. See M. Weinfeld, "The Loyalty Oath in the Ancient Near East," *UF* 8 (1976), 413; cf. D. Lorton, *The Juridical Terminology in International Relations in Egyptian Texts through Dynasty XVIII* (Baltimore-London, 1974), 163ff.; S. Ahituv, "The Alliance Oath of the Canaanite Vassal to the Pharaoh," in Y. Avishur and J. Blau, eds., *Studies in Bible and the Ancient Near East Presented to Samuel E. Loewenstamm* (Jerusalem, 1978), 5–60 [in Hebrew]. The nonexistence of written treaty documents in Egypt explains the lack of a proper term for treaties. The term for "loyalty oath" in Egyptian is *sdḫy tryt*, the exact meaning of which is not clear; see Lorton, *ibid.*, 132; Ahituv, *ibid.*, 56. The expression *nr*, which renders Akkadian *riksu/rikiltu* in the treaty between Ramses II and Hattušiliš III, denotes "terms, stipulations," or rather "relating to the documents"; cf. Lorton, *ibid.*, 163.

3. Cf. M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford, 1972), 59ff.

4. Cf. S. Parpola and K. Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths*, State Archives of Assyria 2 (Helsinki, 1988), 68–69.

to come to the aid of his vassal when necessary. This is not found at all in the Assyrian treaty. The historical prologue in the Hittite treaties served, as already indicated, as a sort of apology. The Hittite sovereign mentions in the prologue his gracious deeds towards his vassal and his ancestors, which should in turn arouse his vassal's loyalty. Even if we take the historical prologue as the legal basis of the subjugation presented to the gods, as argued by A. Altman,⁵ one cannot deny its apologetical nature. They had to explain their domination of foreign territory. Such apologetic arguments were out of place in the Assyrian imperialistic ideology. The Assyrian emperor saw himself as king of the universe by appointment of his gods and therefore felt that it would be both necessary and humiliating to justify his demand for loyalty by referring to his gracious deeds in the manner of the Hittite kings.

In fact, the Assyrians were quite familiar with the literary pattern called "historical prologue" as may be learned from the Neo-Assyrian royal grants. In the framework of a grant to his servant for exceptional service, the emperor recounts the gracious deeds of the rewarded servant,⁶ but when demanding loyalty, the emperor does not recount his gracious acts toward the vassal. Maintaining loyalty to the sovereign is an elementary duty of all subjects.

This attitude explains the lack of blessings in the Assyrian treaty. The Hittites felt it necessary not only to justify their demands for loyalty but also to endow divine blessings to those who show loyalty. The Assyrians did not feel that someone who maintains loyalty deserves special blessings; therefore, blessings were altogether eliminated from the treaty formulation. On the contrary, the Assyrians felt that the list of curses should be expanded in order to terrorize any vassal who would think of disobedience. By the same token, the stipulation that the sovereign should come to the aid of a vassal in time of danger was eliminated because the Assyrian sovereign imposes obligations and does not commit himself to anything unless he finds it necessary to do so voluntarily in exceptional cases.

The arrogance of the Assyrian king may also explain the lack of any sign of affection from the sovereign toward his vassal. In the Hittite treaties, along with the demand for love and devotion on the part of the vassal, come expressions of affection from the side of the sovereign. Thus the Hittite king says to his vassal: "I shall not reject you, I shall make you my son" (*anāku ul anassuka ana mārūttiya eppuškami*);⁷ "you will enjoy the favor that the king will bestow upon you" (*tammar dumqa ša šarru . . . udammiqakku*).⁸ The vassal here is sometimes presented as the precious property (*sikiltu*) of the Hittite sovereign.⁹ The Assyrians never

5. "The 'Deliverance Motif' in the 'Historical Prologues' of Suppiluliuma I's Vassal Treaties," in P. Artzi, ed., *Confrontation and Co-existence*, Bar Ilan Studies in History 2 (Ramat Gan, 1984), 41-76.

6. Cf. M. Weinfeld, "The Covenant of Grant in the Old Testament and in the Ancient Near East," *JAOS* 90 (1970), 184-203.

7. E. F. Weidner, *Politische Dokumente aus Kleinasien*, *Bo. St.* 8-9 (Leipzig, 1923), 40, no. 2: obv. 24.

8. *PRU* 4, 17, 132:17-18 (p. 36).

9. The king calls himself, on the one hand, "the beloved and *sikiltum* of the God Adad" (see D. Colton, "The Seal Impressions from Tell-Atchana/Alalach," *AOAT* 27 [1975], 12-13, 170-71); on the other hand, the suzerain king calls his vassal *sglt*. Thus, e.g., in a letter from the Hittite suzerain to the

proclaim such things. They demand the vassal's utmost love: "love me as you love yourselves"; "serve me with all your heart";¹⁰ but no sign of affection from the royal side is indicated anywhere.

It seems that the affectionate love that characterizes the Hittite treaties is rooted in the Hurrian-Hittite political sphere. It is especially in the letters of Tuš-ratta, the Mittani ruler, that the treaty is defined as *aḫḫūtu u ra'amūtu*, "brotherhood and love."¹¹ This hendiadys passed to the Greeks in the form of *philia kai summachia*¹² and it is not impossible that it reached them through the Achaeans, i.e., Ahijjawā, who had treaty relations with the Hittites, as has been recently established by Hans Güterbock.¹³

The Hittite treaty formulation grew out of the political circumstances of the ancient Near East in the middle of the second millennium, but when they were adopted by the Assyrian empire those elements which did not suit the imperialistic mentality were removed and other elements, like the threatening curses, were elaborated.

The Hittites and the Assyrians had in common a dramatization of curses when administering the treaty oath. But in contrast to treaty procedure in Mari, Alalāḫ, Greece and ancient Israel, we do not find amongst the Hittites and the Assyrians any sacrifices for the ratification of the covenant. Indeed, the sacrificial covenant was common even in the third millennium. Thus in the treaty between Naram-Sin and the Elamites we find sacrifices offered and statues erected at the Elamite sanctuary.¹⁴ The stele of the vultures, which relates the covenant between Lagash and Umma, describes the sacrifice of a bull and two doves.¹⁵ In the Mari documents we meet with two traditions of covenantal ritual: the provincial tribes preferred a goat and a puppy for the ritual ceremony of covenant-making, whereas the king of Mari insisted on killing an ass.¹⁶ In the Alalāḫ documents the covenant involves cutting the neck of a lamb.¹⁷ In a later Alalāḫian document we find offerings in connection with the oath that the parties had taken.¹⁸ Similar features characterize the ancient Israelite covenant. At the covenant of Abraham we find that Abraham prepares for the ritual a calf, a goat, a ram, a dove, and a pigeon

vassal king of Ugarit, the great king says: "Why have you not gone for the last year or two to the sun (i.e., the Hittite king) . . . you are his servant and *sḡlt*?" For reference and discussion of the text, see S. E. Loewenstamm, "Am Segulla," in M. Bar-Asher et al., eds., *Hebrew Language Studies Presented to Professor Z. Ben-Hayyim* (Jerusalem, 1983), 321–28 [in Hebrew].

10. "Love" here means loyalty, as I have shown in my article, "The Loyalty Oath," 383–84.

11. Cf. EA 17:12ff.; 19:13ff.

12. Cf. my article, "Covenant Terminology in the Ancient Near East and Its Influence on the West," *JAOS* 93 (1973), 192.

13. "The Hittites and the Aegean World, Part I: The Ahhiyawa Problem Reconsidered," *AJA* 87 (1983), 133–43.

14. W. Hinz, "Elam's Vertrag mit Naram Sin von Akkade," *ZA* 24 (1967), 91–95.

15. Cf. J. S. Cooper, *Presargonic Inscriptions* (New Haven, 1986), 36 and the references there; see also G. Steiner, "Der Grenzvertrag zwischen Lagasch und Umma," *Acta Sumerologica* 8 (1986), 219ff.

16. *ARM* II 37; cf. M. Held, *BASOR* 200 (1970), 32–40.

17. D. J. Wiseman, "Abban and Alalāḫ," *JCS* 12 (1958), 126:39–42 (*kišād l immeru iṭbuḫ*).

18. Cf. S. Smith, *The Statue of Idrimi* (London, 1949), lines 55–56, 89–90; see the thorough investigation of E. L. Greenstein and D. Marcus, *JANES* 8 (1976), 59–96.

(Gen. 15:9).¹⁹ The calf, the goat, and the ram chosen for the ceremony are three years old like the three-year-old animals taken for the covenant in Greece.²⁰

In covenantal sacrifices blood played an important role. Thus we find in the Sinaitic covenant that the blood of the slaughtered bulls is sprinkled on the people entering the covenant (Exod. 24:6). A parallel phenomenon is attested in ancient Greece. In the work of Aeschylus, "Seven against Thebes," the warring princes take an oath by touching the blood of a slaughtered bull (42–48). Passing between pieces of cut animals during the taking of an oath, which is attested in ancient Israel, is also found in Greece. In the Laws of Plato we read that making a commitment in connection with electing a candidate to the assembly was carried out by passing through pieces of the sacrifices while approaching the altar (753d). As E. Bickerman has shown, this covenantal rite is to be distinguished from the same ritual procedure performed for purification purposes found amongst the Hittites in connection with a magical ceremony associated with lustration of the army.²¹

It seems striking, therefore, that in Hittite and Assyrian treaties the sacrificial element is absent. This could be best explained by the supposition that in the formally developed treaty formulation, the proclamation of the oath replaced the sacrificial ceremony. The treaty became valid not by virtue of the ritual but by the oath imprecation, the *māmītu*. The performance of a ceremony would serve no more than a symbolic and dramatic end: to impress upon the vassal the inevitable consequences of violating the covenant. Thus, for example, in the treaty between Assurnirari V and Mati²ilu of Bit Agusi of the eighth century B.C.E., a ram is brought forward not for sacrificial purposes but to serve as an example of the punishment awaiting the transgressor of the treaty:

This ram was not taken from its flock for sacrifice . . . if Mati²ilu (should violate) the covenant . . . then, as this ram, which was taken from its flock and to its flock, will not return, so Mati²ilu with his sons . . . to his city shall not return . . . as the head of this ram shall be struck off so shall his head be struck off. . . .²²

Dramatic acts of this sort were performed not only with animals; similar acts were performed with wax images and other objects.²³ There is an exceptional case in one of the Hittite treaties published by Otten (between Hattuša and Huḫazalma) of the pre-imperial period, where we find the slaughter of lamb before the taking of the oath.²⁴ However, this might be seen as vestige of old peripheral practice.

In the matter of ratifying the treaty the sacrificial ceremony became obsolete in the Hittite as well as in the Assyrian empire. As I have shown elsewhere,²⁵ a

19. For the sacrificial nature of the rite in Genesis 15, cf. S. E. Loewenstamm, "Zur Traditionsgeschichte des Bundes zwischen den Stücken," *VT* 18 (1968), 500f. (published in English in *AOAT* 20 [1980], 278–80).

20. Cf. Weinfeld, "Covenant Terminology," 198.

21. "Couper un alliance," *Studies in Jewish and Christian History* (Leiden, 1978), 1:9f.

22. Cf. Parpola and Watanabe, *Neo-Assyrian Treaties*, 8–9.

23. See Weinfeld, "Loyalty Oaths," 400–401.

24. H. Otten, "Ein Hethitischer Vertrag aus dem 15/14 Jahrhundert v Chr. (KBO XVI 47)," *Istanbuler Mitteilungen* 17 (1967), 56:15'.

25. *Deuteronomy and the Deuteronomical School*, 102–4.

similar development is to be discerned in ancient Israel. Thus in the old Pentateuchal sources the covenant is linked to blood sacrifices, as indicated beforehand, while in Deuteronomy of the seventh century the covenant is based solely on the oath and the blessings and curses. With respect to the historical prologue, however, the Hebrew tradition in all its stages follows the Hittite line, which stresses the deliverance motif as well as the affectionate attitude of the sovereign, and not the Assyrian approach.