Laura Quick*

»But You Shall Surely Report Concerning Him:« In Defense of the Priority of LXX Deuteronomy 13:9

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In an influential essay from 1995, Bernard M. Levinson argued against the scholarly consensus which, he reported, had almost universally conceded the priority of LXX Deut 13:9 over the MT of Deut 13:10.¹ The second law outlined in Deut 13:6–11 is one of the more difficult stipulations in the book of Deuteronomy, commanding the religiously sanctioned execution of one's own spouse, son, or daughter in the case of incitement to apostasy. This is extended in vv. 12–15 to apply to an entire city, should its inhabitants also conspire together. Compounding the problem of the interpretation of these unpalatable injunctions, the LXX offers a variant reading which ensures that any such killing should conform to the laws of due process (as found in Deut 17:6; 19:15; cf. Num 35:30) – and scholarly consensus had long advocated that the MT should be restored in light of this reading.² But Levinson argued that this solution mapped a postexilic »Jewish« view onto the earlier Israelite text, and that the variant reading is actually an exegetical correction of the religiously problematic MT *Vorlage*. Instead, Levinson finds a context to support the MT in the Neo-Assyrian treaty tradition represented by Esarhaddon's Succession Treaties, known as EST.³

Whereas the MT reads *וְיָרָא הָרֹגֶנּוּ יָדְךָ תְּהִיָּה בּוֹ בְּרִאשׁוֹנָה לְהַמִּיתוֹ*, »rather shall you kill him, your hand shall be first against him to put him to death« (MT Deut

¹ Bernard M. Levinson, »But You Shall Surely Kill Him!: The Text-Critical and Neo-Assyrian Evidence for MT Deuteronomy 13:10,« in *Bundesdokument und Gesetz: Studien zum Deuteronomium*, ed. Georg Braulik, HBS 4 (Freiburg: Herder, 1995): 37–63.

² Thus Johannes Hempel recommended the priority of the LXX variants of chapter 13 in his widely influential editions of the Hebrew text of Deuteronomy, first as probable in BHK³ (Rudolf Kittel, *Biblica Hebraica* [Stuttgart: Württembergische Bibelanstalt, 1937], 285); and then without reservation in BHS (Karl Elliger and Wilhelm Rudolph, *Biblica Hebraica Stuttgartensia* [Stuttgart: Deutsche Bibelgesellschaft, 1987], 310).

³ See Donald J. Wiseman, »The Vassal-Treaties of Esarhaddon,« *Iraq* 20 (1958): 1–99, for the *editio princeps*.

*Kontakt: Laura Quick, Princeton University, Department of Religion, 1879 Hall, Washington Road, Princeton, NJ 08544, USA, lquick@princeton.edu

13:10), the LXX reads ἀναγγέλλων ἀναγγελεῖς περὶ αὐτοῦ αἱ χεῖρές σου σονται ἐπ' αὐτὸν ἐν πρώτοις ἀποκτεῖναι αὐτόν, »you shall report him, and your hands will be first upon him« (LXX Deut 13:9). The first two words of the Greek, retroverted to Hebrew *הגד תגידנו, enjoyed a period of scholarly consensus as the most plausible original *Vorlage*: the probable interchange of ד/ר and the transposition of consonants could conceivably explain the corruption of the original Hebrew into the MT.⁴ Thus the Hebrew can be revised to remove any notion of summary execution: »do not conceal him but *report him.«⁵ Levinson denies the plausibility of this suggestion based upon two criteria. First, he argues that the LXX, as the sole witness to the variant reading, falls down in the face of other versions which agree with MT Deut 13:10. Secondly, he utilizes Neo-Assyrian evidence to make his case. With recourse to EST § 12, Levinson is able to defend the originality of this contentious motivation to cold-blooded murder: the Deuteronomic injunction reflects the apparently normative Neo-Assyrian practice for dealing with a threat to the sovereign, execution.⁶ Alongside the variant reading in LXX Deut 13:9 concerning the reporting rather than the execution of the inciter to apostasy, Levinson finds two further problems with the reading of the second law in Deut 13: the translation and meaning of כסה in MT Deut 13:9; and the requirement of the execution of an entire city (MT Deut 13:16).⁷ Accordingly, he has devoted a number of articles to the difficulties in this chapter.⁸ Since the publication of these articles, Levinson's arguments for the originality of the reading witnessed by MT Deut 13:10 have found wide accord, evident from their acceptance into BHQ.⁹ It seems that Levinson's argument has become the normative position concerning the primacy of the MT in the case of Deut 13:10.

⁴ So Karl Budde, »Dtn 13.10 und was daran hängt,« *ZAW* 36 (1916): 187–197.

⁵ For הגד in the sense of »report«, see e. g. Lev 5:1; Prov 29:24. The hiphil of this verb is used in the sense of denouncing a person in Jer 20:10 and Job 17:5.

⁶ Levinson, »»But You Shall Surely Kill Him!««

⁷ As outlined in Bernard M. Levinson, »*The Right Choral*«: *Studies in the Biblical Law and Interpretation*, FAT 54 (Tübingen: Mohr Siebeck, 2008), 90.

⁸ Levinson has treated the translation of כסה in idem, »Recovering the Lost Original Meaning of עליו ולא תכסה (Deuteronomy 13:9),« *JBL* 115 (1996): 601–620. Levinson has made similar arguments for the priority of MT Deut 13:1 and 13:7a on the basis of parallels to EST, see idem, »Textual Criticism, Assyriology, and the History of the Interpretation of Deuteronomy 13:7a as a Test Case in Method,« *JBL* 120 (2001): 211–243; idem, »The Neo-Assyrian Origins of the Canon Formula in Deuteronomy 13:1,« in *Scriptural Exegesis: The Shapes of Culture and the Religious Imagination, Essays in Honour of Michael Fishbane*, ed. Deborah A. Green and Laura S. Lieber (Oxford: Oxford University Press, 2009): 25–45; and idem, »Esarhaddon's Succession Treaty as the Source for the Canon Formula in Deuteronomy 13:1,« *JAOS* 130 (2010): 337–347.

⁹ See Carmel McCarthy, *Biblia Hebraica Quinta*, Fascicle 5: *Deuteronomy* (Stuttgart: Deutsche Bibelgesellschaft, 2007), 91f.

Yet in spite of the gathering scholarly consensus, I argue that this argument is flawed, both on text critical and contextual grounds. I will begin by considering the text critical assumptions which underpinned Levinson's treatment of the versions, arguing that Levinson has missed a fundamental step in the process of his textual exegesis, moving from *recensio* to *emendatio* without the crucial step of *examinatio*: the evaluation of the variant readings. Secondly, I will consider the inscriptional evidence employed by Levinson to explicate the difficult MT of Deut 13:10. While Deuteronomy does indeed share significant characteristics with the ancient Near Eastern treaty tradition, I will suggest that the *native Northwest Semitic* manifestation of this tradition is better placed to serve as a parallel to the Hebrew Bible than any *Mesopotamian*, *Akkadian* exemplar such as EST. The book of Deuteronomy also betrays significant commonalities to the Sefire Treaties, inscriptions written in Old Aramaic during the eighth century BCE. By using Northwest Semitic material to reorient our view on an ancient world usually seen primarily through a biblical or Mesopotamian lens, I will demonstrate that LXX Deut 13:9 betrays a native Northwest Semitic tradition for dealing with inciters to apostasy, one that did indeed cohere with the laws of due process as found elsewhere in the Hebrew Bible (Deut 17:6; 19:15; cf. Num 35:30). This insight will be further utilized in order to explicate the translation and meaning of כסה in MT Deut 13:9, and the requirement of the execution of an entire city, each time demonstrating the coherence between the laws in Deut 13 and the Aramaic treaty tradition.

1 The Analysis of the Versions: *recensio*, *examinatio*, *emendatio*

Levinson begins his treatment of the problem by collating all of the readings of the passage in question, the process known as *recensio* in traditional treatments of textual criticism. Levinson records readings from the MT (presumably Lenin-grad Codex B19A), the LXX, Samaritan Pentateuch, Peshitta, Vulgate, Targum Neofiti I, Targum Pseudo-Jonathan, and Targum Onqelos. The Judaeen desert witnesses to Deuteronomy unfortunately do not preserve the relevant passage; nor does the Qumran Temple Scroll (11QT^a) provide any relevant data, since the top part of col. 55 is missing. Essentially the question Levinson asks of all these textual witness is whether they are in agreement with MT Deut 13:10, and hence if they reflect the reading (הרג תהרגו). Thus he constructs a table in which agreement with the MT is represented by a plus, and disagreement by a minus. In so doing, he demonstrates the following results:

Fig. 1: Attestations of הרג תהרג (נו) (Deut 13:10) in the Versions.¹⁰

MT	+
LXX	—
Samaritan Pentateuch	+
Peshiṭta	+
Vulgate	+
Targum Neofiti 1	+
Targum Pseudo-Jonathan	+
Targum Onqelos	+

Levinson reads this data as follows: »Every single ancient witness reflects the wording הרג תהרג—with the single exception of the LXX, which is thereby isolated in its variant.«¹¹ Accordingly, Levinson argues that the Septuagint translators have harmonized MT Deut 13:10 with Deut 17:2–7, »which overlaps with this passage both in the topic of apostasy and in its language:«¹² «על פי שנים עדים או שלשה עדים יומת המת לא יומת על פי עד אחד on the testimony of two or three witnesses shall a person be executed; a person must not be executed on the testimony of a single witness» (Deut 17:6). Levinson thus moves from the observation that the LXX is the only representative of the alternative reading, to argue for the priority of the majority reading represented by the other ancient versions which follow a proto-Masoretic text. The LXX variant is then explained away as a later exegetical variant, rather than an alternative witness to an earlier tradition.

This argumentation ignores a central tenet of the textual critic: *Manuscripta ponderantur, non numerantur*, »Manuscripts are to be weighed, not counted.«¹³ The *observation* that the LXX is the only witness to this particular reading is not enough to make an *argument* that this reading is therefore a bad one. Beyond the collection of the various textual witnesses, these witnesses must be evaluated, the process traditionally known as *examinatio*. Numerical distribution is not enough to make a case for the priority of a particular tradition, not in the least because Levinson does not distinguish between witnesses with and without independent value. If the various Targumim, Vulgate translation, and Peshiṭta translation utilized by Levinson are most probably dependent upon a proto-MT,

¹⁰ See Levinson, »But You Shall Surely Kill Him!«: 179.

¹¹ Ibid.: 178 f.

¹² Ibid.: 182.

¹³ See e. g. P. Kyle McCarter, Jr. *Textual Criticism: Recovering the Text of the Hebrew Bible* (Philadelphia: Fortress, 1986), 71.

then their value as independent witnesses is surely undermined.¹⁴ A sense of proportion is thus essential when bearing in mind the differences between the LXX and other ancient translations. In particular, the argument that the LXX translator has harmonized his text with Deut 17:2–7 requires further consideration. In MT Deut 17:7, the accuser is the one to begin the execution of the accused, before the rest of the people are to follow, a process described as »the hand (sg.) ... shall be on him ... to kill him, and afterward the hand (sg.) of the people« (i. e. יד...תהיה בו...להמיתו ויד כל העם). This is reminiscent of MT Deut 13:10: »your hand (sg.) shall be on him ... to kill him, and afterward the hand (sg.) of the people« (ידך תהיה בו להמיתו ... ויד כל העם). In the LXX of Deut 17:7, the translator has preserved the singular noun »hand« (ἡ χεῖρ) in both instances. Yet in the LXX of Deut 13:9, the plural αἱ χεῖρες, »hands«, is provided both times. If the LXX of Deut 13:9 reflects an emendation to make the practice described in the verse consistent with Deut 17:7, then why is the plural »hands« preserved against »hand« in both MT and LXX Deut 17:7? Surely this attempt at consistency would also extend to grammatical number. The process of harmonization which Levinson describes does not ring true for LXX Deut 13:9.

2 The Ancient Near Eastern Treaty Tradition: The Neo-Assyrian Evidence

If the weight Levinson places upon the numerical distribution of the variants is denied, and the idea of LXX Deut 13:9 as an exegetical variant is undermined, then Levinson's argument on the basis of the textual versions is surely weakened. As well as determining whether a particular reading is secondary or a gloss, a second means by which a reading can be evaluated is via context. Levinson moves from his treatment of the evidence of the ancient versions to what he argues is an additional corroboration for the primacy of MT Deut 13:10, the Neo-Assyrian treaty tradition. This is not the first time such material had been used in the text critical analysis of MT Deut 13:10. Moshe Weinfeld, one of the first scholars to point out similarities between Deut 13 and the Succession Treaties,¹⁵ had previously made his own case concerning the use of this tradition as a means to assess the priority of the various witnesses to the Hebrew Bible. However, Weinfeld used the Neo-Assyrian treaty to make the opposite case than Levinson, suggesting that

¹⁴ Emanuel Tov, *Textual Criticism of the Hebrew Bible* (Minneapolis: Fortress, 1992), 123.

¹⁵ Moshe Weinfeld, »Traces of Assyrian Treaty Formulae in Deuteronomy,« *Biblica* 46 (1965): 417–427. Weinfeld was later to develop these insights in idem, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972): 59–157.

EST actually confirms the originality of the LXX reading of Deut 13:9. In the Succession Treaties, wherever disloyalty is found, the treaty partner must report it, expressed in the frequently used phrase: »If you listen to, conceal and do not report ...« (šumma tašammâni tupazzarâni... lâ taqabbâni; ll. 108–122, 500–512; cf. 130–146, 336–352, 368–369). In particular, EST § 10, which like Deut 13:6 identifies possible sources of disloyalty (albeit here to Esarhaddon and his son Assurbanipal and not the Israelite God), describes a process for apprehending the inciters to disloyalty which Weinfeld argues confirms the priority of the same process which is described in LXX Deut 13:9: »you shall come and report it to Assurbanipal« (tašammâni tupazzarâni lâ tallakâninni ana Aššur-bâni-apli; ll. 119–120).¹⁶ A similar argument was made by Paul-Eugène Dion in his treatment of Deut 13 in light of the Neo-Assyrian treaty tradition, who further corroborated the originality of LXX Deut 13:9 by observing that elsewhere in Deuteronomy the lexeme הָרָג is not found, despite the frequency with which the book speaks about killing.¹⁷

Though Levinson is clearly in favor of prioritizing EST as a source with which to understand the book of Deuteronomy, he disputes the particular formulation of Weinfeld and Dion in this context. Instead of EST § 10, Levinson would prefer EST § 12 as the inspiration behind Deuteronomy's treatment of inciters to apostasy:

*šumma ammar šabātīšunu du'ākīšunu mašākunu lâ tašabbatāšanūni lâ tadukkāšanūni
šumšunu zar'ašunu šumma ammar šabātīšunu du'ākīšunu lâ mašākunu uznē ša Aššur-bāni-
apli*

If you are able to seize them and kill them, then you shall seize them and kill them! If you are unable to seize them and kill them, you shall inform Assurbanipal.

Here, summary execution is the normative response to disloyalty. Levinson thus argues that § 12 of Esarhaddon's Succession Treaties »confirm that the MT of Deut 13:10 perfectly reflects normative Neo-Assyrian practice for dealing with a threat to sovereign.«¹⁸ It is surely problematic that the Succession Treaties can be utilized to confirm either variant reading of this clause in Deuteronomy, depending on the particular clause favored by the interpreter. But moreover, underlying Levinson's argument concerning EST is the assumption that the book of Deuteronomy reflects a Neo-Assyrian horizon and hence adopted Neo-Assyrian legal tra-

¹⁶ Weinfeld, *Deuteronomy and the Deuteronomistic School*, 97.

¹⁷ Paul-Eugène Dion, »Deuteronomy 13: The Suppression of Alien Religious Propaganda in Israel During the Late Monarchic Era,« in *Law and Ideology in Ancient Israel*, ed. Baruch Halpern and Deborah W. Hobson, JSOTSup 124 (Sheffield: JSOT Press, 1991): 147–216.

¹⁸ Levinson, »But You Shall Surely Kill Him!«: 190 f.

ditions in departure from normative Israelite legal process (so Deut 17:6; 19:15; cf. Num 35:30). Connections between the book of Deuteronomy and various ancient Near Eastern treaty traditions (first of all Hittite, then Neo-Assyrian) have been forwarded ever since the discovery and decipherment of the relevant documents. In particular, affinities between the curses in Esarhaddon's Succession Treaties and in Deut 28 have been noted.¹⁹ However, the nature of the relationship is not clear-cut, and a specific relationship between the book of Deuteronomy and EST has been called into question by some scholars.²⁰

While I do not wish to deny the relationship between the book of Deuteronomy and the Neo-Assyrian treaty tradition, nevertheless I do not believe that Deuteronomy can be understood according to Mesopotamian conceptions alone. Instead, I find a better mirror for the type of treaty tradition reflected in the book of Deuteronomy in a Northwest Semitic treaty text in Old Aramaic, the Sefire Treaties. Unlike the Akkadian, cuneiform Succession Treaties, these inscriptions are written in a Northwest Semitic language, and from a Syrian state that was geographically as well as structurally closer to Israel and Judah than was the Neo-Assyrian world. Recently Melissa Ramos has argued for syntactic and lexical similarities between the curses of futility in these treaties and similar curses in Deut 28:38–41. She has suggested that the futility curse reflects a particularly Northwest Semitic literary tradition.²¹ This insight suggests that great emphasis should be placed on the Sefire Treaties as repositories of a specifically Northwest Semitic tradition of treaty ratification. Given the similarities Ramos has demonstrated between the curses in these treaties and those in the book of Deuteronomy, it seems likely that Deuteronomy also partook in this tradition.

3 The Ancient Near Eastern Treaty Tradition: The Evidence in Old Aramaic

The three stone stelae that comprise the Sefire Treaties preserve versions of a treaty concerning Mati'-el of Arpad;²² and introduce to the world for the first time

¹⁹ For a review of the literature see Laura Quick, *Deuteronomy 28 and the Aramaic Curse Tradition* (Oxford: Oxford University Press, 2017), 12–40.

²⁰ Most recently by Carly L. Crouch, *Israel & the Assyrians: Deuteronomy, the Succession Treaty of Esarhaddon, & the Nature of Subversion*, ANEM 8 (Atlanta: SBL, 2014).

²¹ Melissa Ramos, »A Northwest Semitic Curse Formula: The Sefire Treaty and Deuteronomy 28,« ZAW 128 (2016): 205–220.

²² The figure known as Mati'ilu from a near-contemporary Assyrian treaty promising loyalty to Assur-nerari V in 754 BCE (SAA II, 2), but ultimately taking part in the Urartian-led anti-Assyrian

his treaty partner, the previously unknown Bar-Ga'yah of KTK. As the first – and thus far the only²³ – treaty texts discovered in Aramaic, and moreover some of the longest texts written in Old Aramaic, the treaties have been subject to numerous enquiries. Crucial to the study here undertaken is the debate concerning the identity of Bar-Ga'yah and KTK, and related to this, the ability of the treaties to witness an Aramaic literary tradition of treaty ratification and correlated curses. The dispute concerning Bar-Ga'yah and KTK has a long history,²⁴ but essentially concerns the identification of Bar-Ga'yah as an Assyrian overlord and hence the Sefire treaties as an Aramaic translation of an Assyrian imposed treaty: according to this argument, the importance of the Sefire treaties is mitigated, evidencing not the long speculated upon but little known Aramaic literary tradition, but instead merely reflecting Assyrian literary tropes translated into a native language. This approach can take different forms, albeit with the same ramifications: Jean Cantineau was the first to connect the treaties of Bar-Ga'yah of KTK with Mati'-el of Arpad to the Neo-Assyrian treaty of Assur-nerari V with Mati'ilu of Arpad, as an Aramaic counterpart (if not exact translation²⁵) of the latter text.²⁶ Alternatively, André Lemaire and Jean-Marie Durand suggested that Bar-Ga'yah be understood as Šamši-ilu, an Assyrian *turtanu* of the eighth-century, and KTK as Til Barsip.²⁷ Both hypotheses suppose that »Bar-Ga'yah« and »KTK« have been used as ciphers for Assyrian counterparts, with the aim of hiding unpopular Assyrian overlords

coalition defeated by Tiglath-pileser III in 743 BCE, whereupon Arpad was annexed to Assyria in 740 BCE. Since the Sefire inscriptions presuppose the political autonomy of Arpad, they must be dated prior to this event.

23 Although Frederick Mario Fales has tentatively suggested that the recently discovered stele from Bukān may also reflect a treaty text in Old Aramaic: »Evidence for West-East Contacts in the 8th Century BC: The Bukān Stele,« in *Continuity of Empires (?): Assyria, Media, Persia*, ed. Giovanni Lanfranchi et al., HANEM 5 (Padova: S.A.R.G.O.N., 2003): 131–147 (146).

24 For the history of scholarship, see John D. Hawkins, »KTK,« *RIA*^v (1983): 254–256.

25 Any attempt to understand the Aramaic inscriptions as a »translation« of this Assyrian treaty has been seriously undermined by the comparative analysis of both treaties by Christoph Koch, *Vertrag, Treueid und Bund: Studien zur Rezeption des altorientalischen Vertragsrechts im Deuteronomium und zur Ausbildung der Bundestheologie im Alten Testament*, BZAW 383 (Berlin: De Gruyter, 2008), 52–77. Simply put, the treaties, while possessing some overlap dictated by their shared genre, diverge in serious and significant way.

26 Jean Cantineau, »Remarques sur la stele araméenne de Sefiré-Soudjin,« *RA* 28 (1931): 167–178.

27 Lemaire and Durand, *Les inscriptions araméennes de Sfiré*. The identification of KTK with Til Barsip rested on the suggestion that KTK was the Hittite/Luwian name for that state, however it has been shown that the Hittite name for Til Barsip was Masuwari: John D. Hawkins, »The Hittite Name of Til Barsip: Evidence from a New Hieroglyphic Fragment from Tell Ahmar,« *Anatolian Studies* 33 (1983): 131–136.

and thus finding widespread acceptance in Aramaean Arpad. Yet Frederick Mario Fales has argued that such subterfuge would seem »an improbably and unnecessarily subtle measure«. In support of this judgment, he refers to a border agreement made between Mati'-'el's father 'Ataršumki with Zakkur of Ḥamath, to the advantage of the latter, openly sanctioned by the Assyrian crown, and employing no such devices of concealment.²⁸

What these approaches all overlook is the evidence of the Sefire tablets themselves: the use of the designation »All Aram« to refer to the Aramaean Transjordanian states, and including in this larger entity the locale of KTK (KAI 222 A1:3–6).²⁹ Instead, with Fales and Paul-Eugène Dion, it must be concluded that Bar-Ga'yah was a local Aramaean ruler and KTK a state of the Aramaean Euphratic area.³⁰ Even so, this Aramaean ruler was fully conversant with Assyrian religious and hence political and ideological forms: the gods invoked as part of his pantheon are largely Assyrian, in contrast to the West Semitic deities preferred by Mati'-'el (KAI 222 A1:7–14). Has the Aramaean ruler been so subjected to the Assyrian ideological regime that any native tendencies in his scribal class have become entirely distorted? Carly L. Crouch is firmly on the side of those scholars who deem the Sefire treaties to be an Aramaic rendition of the treaty between Assur-nerari V and Mati'ilu of Arpad, arguing for conceptual overlap between the texts. Nevertheless, according to Crouch they are *not simply the same text* but

represent related but distinct conventions regarding the literary representation of political and ritual power negotiations, with their respective authors able to record these events and their implications with a remarkably limited degree of correspondence in their structure and contents.³¹

Though I disagree with Crouch's assertions concerning the relationship of the Sefire treaties to the Assur-nerari V treaty, the implications that she draws from this are astute. Even if Bar-Ga'yah and his scribes were conversant in Assyrian treaty forms and expressions – and affinities to these in the Sefire inscriptions shows that they surely were – nevertheless the Aramaic texts differ from the

²⁸ Fales, »Evidence for West-East Contacts in the 8th Century BC«: 144.

²⁹ See Nili Wazana, »From Biq'at to KTK: »All Aram« in the Sefire Inscription in the Light of Amos 1:5,« in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of His Seventieth Birthday*, ed. Chaim Cohen, et al. (Winona Lake: Eisenbrauns, 2008): 713–732.

³⁰ See Fales, »Evidence for West-East Contacts in the 8th Century BC«: 145; and Paul-Eugène Dion, *Les Araméens à l'âge du fer: histoire politique et structures sociales*, Études bibliques 34 (Paris: Gabalda, 1997), 131 n. 87.

³¹ Crouch, *Israel & the Assyrians*, 101.

Neo-Assyrian treaties in distinctive and undeniable ways. Though utilizing a genre wielded by the Assyrian state, the Aramaic scribes have transformed the tradition according to native literary conventions. Some scholars have tried to account for the idiosyncratic features of the Sefire treaties on the basis of influence from the Hittite treaty traditions³² – perhaps the peripheral Aramaean states were less familiar with literary developments taking place in the Mesopotamian heartland and hence clung to older forms, or perhaps they encountered the earlier traditions through Luwian mediation (albeit no treaty texts have thus far been recovered in hieroglyphic Luwian). Yet there are features in the Sefire treaties that are unknown from either the Neo-Assyrian or Hittite exemplars.³³ Jonas C. Greenfield's study of stylistic aspects of the treaties, especially concerned with idiomatic usage, specific terminology and poetic technique, deemed these to have much in common with other better attested Northwest Semitic literary traditions from Ugarit and the Hebrew Bible;³⁴ similarly William S. Morrow has argued that the form and syntax of the treaties are notably distinct from the Neo-Assyrian exemplars.³⁵ What all this speaks in favor of is the possibility that, far from being mere Targum of the better-represented Hittite and Neo-Assyrian genres of treaties and curses, the Sefire treaties actually provide access to a developed but little attested Northwest Semitic literary tradition.³⁶ And the book of Deuteronomy also reflects such a tradition, as witnessed by the curses in Deut 28 which demonstrate close affinities to the Sefire Treaties.³⁷

Can the Sefire Treaties provide any insight into the treatment of disloyalty in the Northwest Semitic world? Like the Esarhaddon Treaties (and Deut 13), the third tablet of the Sefire treaties provides the expected legal stipulations concern-

³² E.g. Amnon Altman, »How Many Treaty Traditions Existed in the Ancient Near East?«, in *Pax Hethitica: Studies on the Hittites and Their Neighbours in Honour of Itamar Singer*, ed. Yoram Cohen et al. (Wiesbaden: Harrassowitz, 2010): 17–36.

³³ So the double presentation of the treaty partners (KAI 222 A1:1–6; B2:1–6); the inclusion of the gods as partners in the treaty; and the public presentation of the treaty upon stelae (although cf. Deut 5:22).

³⁴ Jonas C. Greenfield, »Stylistic Aspects of the Sefire Treaty Inscriptions,« *AOH* 29 (1956): 1–18.

³⁵ William S. Morrow, »The Sefire Treaty Stipulations and the Mesopotamian Treaty Tradition,« in *The World of the Aramaeans III: Studies in Language and Literature in Honour of Paul-Eugène Dion*, ed. P.M. Michèle Daviau et al., JSOTSup 326 (Sheffield: JSOT Press, 2001): 83–99.

³⁶ On the possibility of the existence of a developed Aramaic literary tradition as early as the ninth century, see Laura Quick, »'To Hear and To Accept': A Word Pair in the Tell Fakhariyah Bilingual Inscription,« *JSS* 62 (2016): 413–429.

³⁷ See Ramos, »A Northwest Semitic Curse Formula«.

ing an individual who attempts to incite others to speak against the vassal overlord:

כל גבר זי יבעה רוח אפוא וימלל מלך לחית לעלי [את ל] תקח מליא מן ידה הסכר תהסכרהם
(KAI 222 C:1–2) בידי

Any man who rants and utters evil words against me, [you] must [not] accept such words from him. You must hand them (i. e. the men) over into my hands.

Here the expression in Old Aramaic, *הסכר תהסכרהם*, »you shall deliver them up«, corresponds morphologically and functionally to the emendation of Deut 13 based on the LXX of Deut 13:10: *הגד תגידנו**, »*you shall report them.« Both the Sefire inscription and the Deuteronomic law of LXX Deut 13:10 reflect the idea of disclosure leading to the arrest of the guilty individual. This stands in contrast to the expected execution of the accused in the Neo-Assyrian treaties which Levinson utilizes in his treatment of the law. In this case, I argue that the LXX of Deut 13:10 reflects the original tradition.

Elsewhere, Levinson has considered the correct translation and interpretation of MT Deut 13:9, *ולא תכסה עליו*, usually translated with the force »nor shall you conceal him« (RSV) or »shield him« (NRSV; JPS):

If anyone secretly entices you—even if it is your brother, your father’s son or your mother’s son, or your own son or daughter, or the wife you embrace, or your most intimate friend—saying, »Let us go worship other gods«, whom neither you nor your ancestors have known, any of the gods of the peoples that are around you, whether near you or far away from you, from one end of the earth to the other, you must not yield to or heed any such persons. Show them no pity or compassion *and do not shield them*. But you shall surely kill them ... (Deut 13:7–10).

According to Levinson, the common idea underlying these modern translations is that the law forbids the addressee from concealing or shielding the inciter from disclosure to the outside world. This is particularly convincing given the textual emendation of MT Deut 13:10 in light of LXX Deut 13:9, thus providing the semantically logical expression »do not conceal him *but report him«, as discussed above. Levinson disputes this interpretation, arguing that such translations fail to reflect the semantic force of the Hebrew idiom *כסה + preposition על*. Instead, though Levinson allows that the piel of *כסה* can denote »to conceal« (through silence), by once again making recourse to § 12 of EST, Levinson would prefer an alternative interpretation. The Neo-Assyrian treaties require the reporting of, and once the conspiracy becomes grave, the execution of the inciter to disloyalty. According to Levinson, Deut 13 sharpens this case by focusing the law upon family members, requiring an even graver solution which forfeits the requirement

to first report the incident: »*you shall not condone him*, but you shall surely kill him.«³⁸

Recourse to the Sefire treaties again provides additional data for understanding Deut 13. Here, the law specifically relates to the possibility that asylum might be given to the inciter:

והן יקרק מני קרק חד פקדי או חד אחי או חד סרסי או חד עמא זי בידי ויהכן חלב לתס[ך]
 ל[הם] לחם ולתאמר להם שלו על אשרכם ולתהרם נבשהם מני רקה תרקהם ותהשבהם לי והן
 לי[שב] בארקד רקו שם עד אהך אנה וארקהם והן תהרם נבשהם מני ותסד להם לחם ותאמר
 להם שבו לתחתכ[ם] ואל תפנו באשרה שקרתם בעדיא (KAI 222 C:4–7)

Now if a fugitive flees from me, one of my officials, or one of my brothers, or one of my courtiers, or one of the people who are under my control, and they go to Aleppo, you must not gi[ve th]em food or say to them, »Stay quietly in your place«; and you must not incite them against me. You must placate (them) and return them to me. You must placate (them) and return them to me. And if they [do] not [dwell] in your land, placate (them) there, until I come and placate them. But if you incite them against me and give them food and say to them, »Stay where [yo]u are and do not (re)turn to his region«, you shall have been false to this treaty.

Here, the treaty requires the vassal to prevail upon the fugitive to return to his overlord, and failing this, to keep the fugitive in Aleppo, most likely a part of the territory of Arpad at this time. Clearly, the fugitive could not be forced by the vassal to return. This particular clause is not known from elsewhere in the ancient Near East, where the extradition of fugitives is the particular duty of a vassal and is a standard clause in most of the Neo-Assyrian treaties. Instead, in the Sefire treaties the requirement is merely to report the asylum seeker's existence to the overlord, in order for the overlord to deal with the apostate himself. According to Jonas C. Greenfield, this particular aspect of the treaty relates to normative law in Arpad, where the sanctity of Aleppo as a place asylum was taken for granted: »[t]he vassal treaty between Bar-Ga'yah of KTK and Mati'el of Arpad suspended these normal provisions, but did not cancel them entirely; for the vassal was not required to return the fugitive physically, but to keep him there if persuasion was not effective.«³⁹ The requirement of cities to be set apart in Deut 19:1–13 (or the »cities of refuge« in Exod 21:12–14; Num 36:9–34; and Josh 20:1–9) as places of asylum for those involved in accidental manslaughter, suggests that the idea of

³⁸ Levinson, »Recovering the Lost Original Meaning of עליו ולא תכסהו«.

³⁹ Jonas C. Greenfield, »Asylum at Aleppo: A Note on Sfire III, 4–7,« in *Ah, Assyria ...: Studies in Assyrian History and Ancient Near Eastern Historiography Presented to Hayim Tadmor*, ed. Mordechai Cogan and Israel Eph'al (Jerusalem: Magnes, 1991): 272–278 (273).

asylum was also known to the authors of the Deuteronomic law code.⁴⁰ Accordingly, we might suggest that the second law of Deut 13 is concerned with the possibility of the apostate seeking asylum, and consequently requires that the individual is »not concealed« (cf. Ps 32:5; 40:11; Prov 28:13, where the piel of כסה indeed requires such a translation), but is instead »reported« (cf. LXX Deut 13:10). To kill the individual would be to suspend the normative practice of asylum known in both the Sefire treaties and in Deuteronomy.

Even the problematic requirement of Deut 13:12–15 that an entire city be slaughtered finds affinities with stipulations from Sefire. As Weinfeld has noted, a further parallel to Deut 13 in the Sefire Treaties is found in Deut 13:16, where we read: הכה תכה את ישבי העיר ההוא לפי חרב, »You shall surely put the inhabitants of that city to the sword«. This has striking verbal and ideational similarities to the third stele of the Sefire Treaties, KAI 222 C:13–14: והן קריה הא נכה תכוה בחרב, »And if it be a city, then you shall smite it by the sword«.⁴¹ This is suggestive of the idea of חרם, »the ban«, which is found elsewhere in Deut 13 הכה תכה את ישבי העיר ההוא לפי חרב החרם אתה ואת כל אשר בה, »you shall put the inhabitants of that town to the sword, utterly destroying it and everything in it«; Deut 13:15) and in other parts of the Hebrew Bible (Num 21:2; Deut 20; Jos 6; 1 Sam 15; Mal 4:6; etc.). Though חרם itself simply means devotion to God (cf. Lev 27:28), when applied to the entire population of a city, the utter destruction of that population group is required.⁴² The word occurs with the same meaning in a Moabite inscription, the Moabite Stone (KAI 181:17); while at least two Aramaic incantations bowls threaten to bring the ban, חרם, upon the accursed.⁴³ The semantic and functional equivalencies between Deut 13:16 and the Sefire Treaties suggests that חרם may also have been a feature of the Aramaean world, as a characteristic Northwest Semitic requirement for the devotion of the summarily executed to God or gods. Whereas an individual who incites disloyalty need only be reported about, should this disloyalty extend to an entire city, then only the destruction of that city would suffice.

In this paper, I have reconsidered the suggestions of Bernard M. Levinson concerning the textual history, translation and interpretation of the second law in Deut 13. Levinson argues that the treatment of apostates requires the following

⁴⁰ See e.g. Moshe Greenberg, »The Biblical Conception of Asylum,« *JBL* 78 (1959): 125–132; and Joseph Milgrom, »Sancta Contagion and Altar/City Asylum,« in *Congress Volume: Vienna, 1980*, ed. John A. Emerton, VTSup 32 (Leiden: Brill, 1981): 278–310.

⁴¹ See Weinfeld, *Deuteronomy and the Deuteronomistic School*, 99.

⁴² For a discussion of this problematic commandment, see Susan Niditch, *War in the Hebrew Bible: A Study in the Ethics of Violence* (Oxford: Oxford University Press, 1993), 23–77.

⁴³ Charles D. Isbell, *Corpus of Aramaic Incantation Bowls* (Missoula: SBL, 1975), 20; 29 f.

provision: »you shall not *condone him*, but you shall surely *kill him*« (MT Deut 13:8–9). While Levinson used evidence from Neo-Assyrian treaties to support the priority of the MT of Deut 13:9 against the variant reading behind the LXX, in this treatment I have suggested that Northwest Semitic inscriptions, the Sefire Treaties, may provide an important witness to treaty formation in the ancient Near East – and in particular to the specifically Northwest Semitic manifestation of the tradition. In this context it was noted that the Sefire Treaties deviate from the normative Neo-Assyrian genre in several distinctive and characteristic ways. Each of the three elements which Levinson found problematic in the second law of Deut 13 – the variant reading in LXX Deut 13:9 concerning the reporting rather than the execution of the inciter to apostasy, the translation and meaning of כִּסָּה in MT Deut 13:9, and the requirement of the execution of an entire city – all find precedence in the Sefire Treaties, suggesting that both Deut 13 and these treaties witness the normative Northwest Semitic procedures for dealing with an individual inciter to conspiracy or apostasy, reflecting the idea of asylum for the accused (Deut 19:1–13), and the laws of due process (Deut 17:2–7). The graver threat, in which an entire city becomes disloyal, requires a harsher punishment, and so only in this instance is the requirement for slaughter. In these matters, the Deuteronomic law code is both internally consistent, and consistent with the inscriptional evidence that witnesses the treatment of a conspirator in the Northwest Semitic world, against his treatment in the East Semitic world as reflected in the Neo-Assyrian treaties.

Abstract: In this article, I reconsider the suggestions of Bernard M. Levinson concerning the textual history, translation and interpretation of the second law in Deut 13. While Levinson used evidence from Neo-Assyrian treaties to support the priority of the MT of Deut 13:9 against the variant reading behind the LXX, I suggest that Northwest Semitic inscriptions, the Sefire Treaties, may provide an important alternative witness to treaty formation in the ancient Near East – and in particular to the specifically Northwest Semitic manifestation of the tradition.

Zusammenfassung: In diesem Artikel überdenke ich die Vorschläge von Bernard M. Levinson bezüglich der Textgeschichte, Übersetzung und Interpretation des zweiten Gesetzes in Dtn 13. Während Levinson Belege aus neuassyrischen Verträgen nutzte, um die Priorität des MT von Dtn 13,9 gegenüber den unterschiedlichen Varianten der LXX zu stützen, schlage ich vor, dass nordwestsemitische Inschriften, die Sefire-Verträge, ein wichtiger alternativer Zeuge für die Vertragsbildung im Alten Orient und insbesondere in der nordwestsemitischen Erscheinungsform dieser Tradition sind.

Résumé: Dans cet article, je réévalue les propositions de Bernard M. Levinson au sujet de l'histoire textuelle, la traduction et l'interprétation de la seconde loi de Deutéronome 13. Alors que Levinson fait référence aux traités néo-assyriens pour défendre l'antériorité du TM de Dt. 13.9 contre la variante lue derrière la Septante, je propose que les inscriptions nord-ouest sémitiques, les traités de Séfiré, proposent un modèle alternatif pour la formation des traités dans le Proche-Orient ancien, en particulier celui de la tradition nord-ouest sémitique.