Leviticus

The Priestly Laws and Prohibitions from the Perspective of Ancient Near East and Africa

JOHNSON M. KIMUHU

Studies in Biblical Literature | 115

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Studies in Biblical Literature

Hemchand Gossai
General Editor

Vol. 115

PETER LANG
New York • Washington, D.C./Baltimore • Bern
Frankfurt am Main • Berlin • Brussels • Vienna • Oxford

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Library of Congress Cataloging-in-Publication Data

Kimuhu, Johnson M.
Leviticus: the priestly laws and prohibitions from the perspective
of ancient Near East and Africa / Johnson M. Kimuhu.
p. cm. — (Studies in biblical literature; v. 115)
Includes bibliographical references and index.
1. Family—Biblical teaching. 2. Kinship—Biblical teaching. 3. Bible.
O.T. Leviticus—Criticism, interpretation, etc. I. Title.
BS1255.6.F32K56 222'.1306—dc22 2007051201
ISBN 978-1-4331-0200-4
ISSN 1089-0645

Bibliographic information published by **Die Deutsche Bibliothek**.
Die Deutsche Bibliothek lists this publication in the "Deutsche
Nationalbibliografie"; detailed bibliographic data is available
on the Internet at http://dnb.ddb.de/.

The paper in this book meets the guidelines for permanence and durability
of the Committee on Production Guidelines for Book Longevity
of the Council of Library Resources.

© 2008 Peter Lang Publishing, Inc., New York
29 Broadway, 18th floor, New York, NY 10006
www.peterlang.com

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Printed in Germany

Dedicated to
the loving memory of my mother Leah Nyakĩo,
my father Joseph Kĩmũhu,
my father-in-law
John Mwangi,
and
our dear daughter
Leah Nyakĩo

Inyuothe Ngai aromũiga
handũ hega
rĩerainĩ

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EDITOR'S PREFACE

More than ever the horizons in biblical literature are being expanded beyond that which is immediately imagined; important new methodological, theological, and hermeneutical directions are being explored, often resulting in significant contributions to the world of biblical scholarship. It is an exciting time for the academy as engagement in biblical studies continues to be heightened.

This series seeks to make available to scholars and institutions, scholarship of a high order, and which will make a significant contribution to the ongoing biblical discourse. This series includes established and innovative directions, covering general and particular areas in biblical study. For every volume considered for this series, we explore the question as to whether the study will push the horizons of biblical scholarship. The answer must be *yes* for inclusion.

In this extensive study Johnson Kimuhu examines copiously the formulation, transmission and function of the Levitical laws. In an important widening of the application of these laws, Kimuhu not only examines these Hebrew laws in their Ancient Near Eastern context, but goes beyond the legal and sociological alignment and elicits theological implications. A second, and I believe equally significant component of this study are the implications for understanding these Hebrew prohibitions notably for an African appropriation. This area of Hebrew biblical scholarship historically has certainly generated much to be reckoned with, and Kimuhu's book not only further expands the biblical horizon, but does so in a direction that seriously and emphatically expands the discourse.

The horizon has been expanded.

Hemchand Gossai
Series Editor

PREFACE

The main concern of this book is the understanding of biblical laws: how they were formulated and transmitted, and their function. Were they actually laws, prohibitions, or even taboos? The book is based mainly on the study of the priestly laws and prohibitions in the book of Leviticus in light of other sources in the ancient Near East, with some reflections on oral traditions in sub-Saharan Africa.

This book is divided into two parts. The main focus in the first part is family laws with respect to incestuous marriages and forbidden unions in the Hebrew Bible and the ancient Near East. I do an exegetical study of the family laws and forbidden unions in the book of Leviticus in light of the patriarchal narratives in Genesis. I also examine incest in Egypt and Canaan, and in Hittite Law and the Code of Hammurabi, and also the *Gattungen* of the Priestly laws especially in Lev 18 in light of other legal texts, both biblical and nonbiblical. Finally, I consider the stream of tradition, and the concept of polarization of Israel against her neighbors. I find that the narratives in Genesis do not provide the composition framework for the family laws with respect to incestuous marriages. I also find that incest in Egypt was practiced in royal families during the pharaonic times, but not among common people. It was widespread during the Ptolemaic and Roman times. The lifestyle of the Canaanites reflected the lifestyle of the Semitic people in general, and they were not notoriously licentious.

Concerning the stream of tradition in the ancient Near East, I find that the first cuneiform texts were written within the cultural continuum, which was effectively maintained by scribal tradition. A process of step-by-step textual growth and improvement might have affected some texts. I also find that the author of Priestly family laws in Leviticus deviated from the tradition preserved in the other texts by including laws on incest that are not found in the other codes. The author of the Priestly family laws depended partly on the Covenant Code, but more on the Deuterononomic sources. The notions of idolatry as sin and the punishment of nations in the Priestly family laws (Lev 18) are also found in Deuteronomic History. In the background of Holiness Code, there stands the Hittite Laws in terms of both structure and content.

I conclude that the family laws and forbidden unions in the book of Leviticus are theological. They are applied as points of departure for the commandments for dispossession. These laws do not therefore reflect the

sins of the Canaanites and Egyptians, nor do they reflect a desert setting. They are postexilic and a product of the ancient Near Eastern legal tradition that provided their framework.

The second part of this book deals with the Hebrew Bible's understanding of prohibitions from the point of view of African interpretation. The study mainly focuses on the Kikuyu people of Kenya. This study reflects my previous major paper at St. Paul's United Theological College, Kenya. In this paper, I investigated some theological and hermeneutical problems in the Kikuyu Bible translation, with special reference to sin in the Hebrew Bible. In this study, I realized that my efforts to have a clear understanding of the theological and hermeneutical problems of sin in the Kikuyu Bible translation were curtailed by the lack of a deep knowledge in the study of taboo, which, to my surprise, dominated many aspects of life of the Kikuyu people. Also, my experience as a Bible translator with the Bible Society of Kenya pushed my desire to do research on taboo even further. During my life as a translator, I encountered several Hebrew words that function to mark off untouchable zones or objects or to impose restrictions in relation to sancta (a holy place).

In part two of this book, I have tried to define the idea of taboo anthropologically by considering different cultures of Polynesia. The Hebrew Bible terminologies that connote taboo in certain contexts have become a major part of this research and are thoroughly examined. I also make an attempt to subject to scrutiny the problem of interpretation and translation of various Hebrew taboo words into the native languages likely to be encountered by translators, commentators, and even preachers in Africa. I do so by analyzing very carefully the Kikuyu words that express the idea of taboo.

ACKNOWLEDGMENTS

I am indebted to many people without whose help this piece of work representing my academic journey would not have been finished.

I wish to express my thanks to Johann Beks who introduced me to the study of Hebrew language for the first time in 1985 at St. Paul's United Theological College, Kenya. I feel very much indebted to my supervisor, Prof. Alastair Hunter, Senior Lecturer in Hebrew and Old Testament in the department of Biblical Studies at the University of Glasgow, for giving me his time, skills and supervision in my MTh. research. My gratitude is also due to all the teaching staff involved in the Postgraduate Research Training Course at the university. Needless to say, I found their contribution to my research exceedingly valuable. I also wish to thank Professors Walter J. Houston at Mansfield College, Oxford University, and the late Robert P. Carroll at Glasgow University, my external and internal examiners, for their support, which I found of great use in guiding my revisions. And to Florence Martin and Winnie Kamau I owe special thanks for their indispensable service in typing the entire MTh. research**.**

At Graduate Theological Union, Berkeley, California, I benefited greatly from Professors Gina Hens-Piazza, Bob Coote, and Polly Coote. I also wish to thank my supervisor Professor Tammi Schneider at Claremont Graduate University, and the other members of my research committee, Professors Kristin De Troyer and Marvin A. Sweeney, for their constructive comments and guidance. Their wisdom has greatly helped to shape and give meaning to various aspects of my doctorate research.

My studies at Claremont Graduate University would not have been possible if it were not for the generous award of the Stuart Jardine Wolfenden Scholarship for my tuition and the university research grant, and also grants from St. Andrews Presbyterian Church, Long Beach, California, and Global Ministries. Other grants and scholarships came from the Reformed Church in the Netherlands to study at the University of Glasgow, and from San Francisco Theological Seminary to study at the Graduate Theological Union. Above all, I am grateful to the Presbyterian Church of East Africa for invaluable support in my ministry.

Finally, I owe more than can be described to my wife Wangarĩ and our children Kĩmũhu, Mũthoni, Mwangi, and Ndũngũ for their unfaltering support, love, and sacrifice. My mother Leah Nyakĩo, who went to be with

the Lord in June of 2006, and my mother-in-law Esther Mũthoni, though living thousands of miles away, have been a great source of encouragement through their ceaseless prayers. Thank you Nyakĩo and Mũthoni. I also wish to thank my brothers and sisters who have always been very close to my two elderly mothers, helping them meet their daily needs, and more importantly, their medical needs. *Ngai aromũrathima mũno mũno inyuothe rĩu nginya tene ona tene!*

ABBREVIATIONS

AL	The Assyrian Law
ANET	Ancient Near Eastern Texts Relating to the Old Testament
AOAT	*Alter Orient und Altes Testament*
ASV	American Standard Version (1901)
BASOR	*Bulletin of the American School of Oriental Research*
BBE	The Bible in Basic English (1949/1964)
BibArch	*Biblical Archaeologist*
CE	Codex Eshnunna
DBY	The Darby Bible (1884-1890)
DV	Douay Version
H	Holiness Code
HC	The Codex Hammurabi
HL	The Hittite Law
JBL	*Journal of Biblical Literature*
JCS	*Journal of Cuneiform Studies*
KJV	King James Version
JPS	The Jewish Publication Society
JOSTSup	*Journal for the Study of the Old Testament: Supplement Series*
JSOT	*Journal for the Study of the Old Testament*
KTU	Keilalphabetische Texte aus Ugarit (Cuneiform Alphabetic Texts from Ugarit)
NAB	New American Standard Bible (1995)
NAST	New American Standard Translation
NEV	New English Version
NJB	New Jerusalem Bible
NRSV	New Revised Standard Version
OC	Oral Code
P	Priestly editor/redactor
RSV	Revised Standard Version (1952)
SBL	Society of Biblical Literature
VT	*Vetus Testamentum*
YLT	Young Literal Translation (1862-1898)
UBS	United Bible Societies

INRODUCTION

In the book of Leviticus, the Priestly lawgiver mentions the Canaanites and Egyptians as the nations whose social behavior regarding sexual relationships and matters of kinship should be avoided by Israelites as they enter into the Promised Land (cf. 18:1–5). This is followed by a list of family relationships within which sexual relationships and marriages are forbidden (vss. 6–23). The lawgiver again returns to the unacceptable behavior of the Canaanites, this time omitting the Egyptians, and insists that the Israelites should not emulate them (vss. 24–34). In chapter 20, similar rules regarding family laws are given, but more attention is given to punishment for those who violate these rules.

However, there is no evidence in the ancient Near East that indicates that the prohibited sexual relationships and marriages were a major aspect of the lifestyles of the Canaanites and Egyptians. This raises a fundamental question: Why then did the Priestly lawgiver single out the Canaanites and Egyptians? Other subsidiary questions are: (1) By mentioning the Canaanites together with Egyptians, does the lawgiver suggest that a homogeneous incestuous practice prevailed among these nations—their incestuous relationships were the same? 2) Does the lawgiver's statement "You shall not do as they do" (vs. 3) suggest that the Israelites were a *tabula rasa*, whose lifestyle would have remained pure and uncontaminated without their association with the cultures of the Canaanites and Egyptians?

First, I shall demonstrate in this book that there is disagreement between the (1) biblical texts, (2) some modern scholars' interpretation that the Canaanites and the Egyptians were notoriously licentious, and (3) the actual practices in the lands of Canaan and Egypt. Second, I shall illustrate that the condemnation of these nations should be seen in a broader context, that is, in light of the biblical motif of polarization of Israel against her neighbors, such as the Canaanites, Egyptians, Amorites, Jebusites, Hivites, Hittites, Girgashites, and Perizzites. In other words, the family laws and forbidden unions, and the issue of polarization in the book of Leviticus reflect a genre found in the Deuteronomic sources and also the Covenant Code, and that the setting of these laws is not the desert, but they instead reflect postexilic Israel. Third, I shall demonstrate that in terms of structure and content, Hittite Law stands in the background of the family laws and forbidden

unions in this book. The family laws in the book of Leviticus are a product of ancient Near Eastern legal tradition.

In part two of this book, I shall be guided by the Priestly's statement: "You are to distinguish between the holy and the common, and between the unclean and the clean" (10:10). As this text shows, humankind has throughout lived in a world torn between choices from time immemorial, for example, between clean and unclean. However, opinion varies from society to society as to what should be considered clean or unclean. This problem has been much more compounded by the need to set the criteria to be used in determining what objects or acts are to be avoided due to their inherent impurity, and who should impose such prohibitions.

For these injunctions to be respected and honored they must come from the mouth of a chief or a priest or a king. In the Hebrew Bible, it is the priest in the name of YHWH who sets ritual guidelines. He helps his people to make the distinction between the holy and the common and between the clean and the unclean (cf. Lev 10:10). YHWH is considered to be the author of the "pure-impure" rules. That means Israel was by no means unique in the ancient world insofar as associating restrictions (especially on diet) with the cult of their God. Subsequently, for Israel to be a special people as is required by God, they have no choice but to be holy just as He is holy, something that calls for a complete adherence to these regulations. The Hebrew Bible exhibits very close affinities with other tribal societies as far as the "pure-impure" rules are concerned, both in their formulation and content. While in other societies, such as in Polynesia, academics have used the term "taboo" to describe these prohibitions, in the Hebrew Bible words like טמא "unclean," קדש "holy," חרם "separate or devote," and שקץ "abomination," have been applied to convey the same idea.

In different parts of Africa, the need to translate the Bible into indigenous languages implies that, among other biblical concepts and terminologies, Hebrew words conveying the idea of taboo have to be translated. But how would that be done given that African natives have different names describing their innumerable taboos covering all the spheres of life? Obviously, translation and interpretation of such words pose almost irresolvable problems, not only for translators in their effort to decide which words to use but also for readers who may find inadequate translation meaningless.

A study to attempt to unearth the underlying problems with regard to interpretation and translation is quite opportune at this time in the history of Bible translation in Africa. It is hoped that this book will shed more light not only on the difficulties inherent in the process of translation but also on the seriousness with which such Hebrew words or concepts should be treated by Bible translators, consultants, theologians and students of the Hebrew Bible in Africa.

PART ONE

Understanding Biblical Laws and Prohibitions from the Perspective of Ancient Near East

CHAPTER ONE

Scholarly Works and Methodology

Scholars in social-scientific fields, such as anthropology, psychology and psychoanalysis, sociology,[1] and biblical and ancient Near Eastern textual studies, have dealt with the problems posed by the study of family laws and forbidden unions, in one way or another, for decades. How did the ancient societies define relatives who were proscribed as sexual and marriage partners? What criteria did they use? Why did certain societies proscribe certain marriages and unions while others did not? What is the significance of comparative cultural study in the understanding of the Hebrew Bible family laws and forbidden unions?

While it is significant for us to have at least a glimpse of family laws and forbidden unions as understood by different scholars in various fields of studies, more attention will be devoted to surveys of scholarly works that have shown great interest not only in the Hebrew Bible legal system in general but also in the Priestly family laws and forbidden unions found especially in the book of Leviticus.[2] This section will be divided in two: biblical and nonbiblical works. Under the biblical works ancient Near Eastern texts will also be examined,[3] while for nonbiblical works scholarly works in anthropology, sociology and psychoanalysis will be briefly reviewed. Later in part two of this book the scope of the study in biblical laws will be expanded to include prohibitions and taboos.

Review of Nonbiblical Scholarly Works

The study of incest prohibition and its origin is a phenomenon that has puzzled many anthropologists,[4] sociologists and psychologists in their attempts to understand kinship. While some scholars have noted that the subject of kinship has occupied a special and important position in anthropology,[5] a detailed survey of scholarly works outside the Hebrew Bible from the perspective of anthropology, sociology, and psychology falls outside the scope of this book.[6]

There are many social-scientific scholarly works dealing with the subject of kinship, but only a few works discuss incest and its origin in detail. Many scholarly works only mention it in passing,[7] or they avoid the subject altogether.[8] The study of incest and its origin features most prominently in the works of the twentieth-century scholars such as Durkheim, Levi-Strauss and Freud.[9] Probably the decline of the study of incest and its origin in the years that followed should be attributed to the fact that scholars began to lose interest in the study of kinship in general. Schneider, for example, argues that kinship—like totemism, the matrilineal complex and matriarchy—is a nonsubject, since it does not exist in any culture known to man. Kinship is an artifact of the anthropologists' analytic apparatus and has no concrete counterpart in the cultures of the societies he studied.[10]

In this section we shall therefore rely more on the early twentieth-century works of Durkheim, Lévi-Strauss, and Freud. The reason for choosing these works is that they deal extensively with the prohibition of incest and its origin, which is our main focus in this section. Lévi-Strauss's work is especially important for this study because of its emphasis on structural analysis, which is central to the discussion of various aspects of this research. However, more recent works, for example, by Wolf and Durham will also be examined.[11] Other recent works, though less detailed with regard to the study of incest, will include those of Fox and Jones.[12]

Emile Durkheim

We shall begin this section by examining incest as seen through the lens of Durkheim, a sociologist. The following is a summary of his approach: beginning by tracing a practice or institution as nearly as possible to its origin, he considers the fact that as the practice is transformed during the course of its development, the factors on which it depended for its existence also vary, and the transformations depend on the nature of the point of departure.[13] Durkheim's study is mainly based on an intensified investigation of exogamous marriage among the aborigines of Australia. It is interesting to note that Durkheim has avoided drawing heavily on comparisons from outside the region under investigation. Only in rare cases does he digress from the main subject. This may be is a precursor to the argument that comparison of a cultural phenomenon is most fruitful when all the societies

under consideration share a common geographical environment and are broadly similar in scale and general culture.[14] More about this approach which scholars call "typological approach" will be discussed later in this chapter in our discussion on methodology.[15] For now let us consider some general observations that Durkheim makes about incest among the aborigines of Australia.

For Durkheim, incest has its origin in exogamy.[16] Exogamy is the most primitive form that the system of matrimonial prohibitions, for reasons of incest, has assumed. All such prohibitions observed in ancient societies are derived from exogamy. In its complete elementary state, it does not extend beyond the uterine clan. From there it extends, at first partially and then later totally, to the paternal clan.[17] However—and here we have a contradiction of terms—Durkheim argues that exogamy permits marriages between very close kin: for example, a man can marry his mother's brother's children.[18] He cites Abraham and Sarah his half-sister (Gen 20:12) and Tamar and Ammon her half-brother (2 Sam 18:13). Here Durkheim seems to deviate, and goes outside the context of the aborigines of Australia.

Incest prohibition is not only a sociocultural issue; it is at the same time a religious one. Durkheim traces the origin of incest prohibition to exogamy. However, exogamy is in turn traced to totemism. He remarks that since the totem is a god and totemism a cult, it is in the religious beliefs of ancient societies that one must go to look for the cause of exogamy.[19] In general, Durkheim argues that exogamy is similar to the other ritual taboos, for example, the horror of blood menstrual, which would prohibit a man coming into contact with his mother or sister among the ancient people.[20] Durkheim concludes that sexual prohibitions do not differ in their nature from the ritualistic prohibitions.[21]

Durkheim's contribution to the study of incest has received credence, but it has also been criticized.[22] Albert Ellis, a psychologist, psychotherapist, and marriage and family counselor, has reexamined his theory, explaining the origin of incest in terms of exogamy, which is in turn expressed in terms of ritual taboo and religious belief. She observes that behind these taboos and religious beliefs lie biological tendencies that produce the ritual taboos. However, after working intensively with hundreds of patients and clients, Ellis admits that it is fairly easy to observe that irrational religio-superstitious beliefs may well be biologically rooted, and that they may well influence exogamic or incestuous behavior. Furthermore, it is difficult to know the

answer to every question about the operation of these inborn (biological) tendencies.[23]

Most recently, Durkheim's work has attracted the attention of Jones, a historian by training rather than a sociologist.[24] Jones is a scholar who for several years taught the history of social theory in the sociology department at the University of Illinois and is an authority on the works of Durkheim.[25] He is less interested in whether or not Durkheim's theories were "true" than in the institutional and intellectual process whereby they emerged. He is also less concerned about pointing out why they were wrong than to describe why they were right.[26] Jones's approach is based on the study of what he calls "studying intellectual history," or "the history of ideas." He observes that these historiographical considerations notwithstanding, his primary aim is to tell a story about the sometimes-obsessive inquiry of European intellectuals between 1865 and the First World War into the meaning and significance of totemism. Seemingly, this problem is not peculiarly "Durkheimian." After reviewing other works by writers during Durkheim's time such as John F. McLennan, William R. Smith, James G. Frazer, Freud, Franz Boas, and later Lévi-Strauss,[27] to be discussed below, Jones observes that these scholars make one mistake. They confuse the identification of human beings with animals and plants and the designation of groups based on kinship.[28] Jones argues that this problem is based on the "universal" nature of the issues at stake as understood by these nineteenth century writers, and later by Lévi-Strauss. He observes that they

> … indeed shared some such assumptions about "what the world is like," including the belief that all human societies pass through the same developmental stages; that all human beings have a common psychological nature; that the differences in their beliefs and practices might thus be explained by placing them at the steps of the evolutionary ladder; that similar beliefs and practices discovered in different times and places might be usefully compared; that their similarity might be referred to independent autonomous creation rather than historical diffusion; that irrational or dysfunctional institutions might be explained as "survivals" in later evolutionary stages of beliefs and practices that were once useful and reasonable; and so on.[29]

While Jones is of the opinion that the questions these classic writers were asking as shown below, were "not good," he however admits the fact that these writers were concerned more with their own questions rather than ours—or questions that were contingent on their particular context.[30] In this

book, Jones has not offered any solutions to the mistakes that the classic writers made, as indicated above. But this should not surprise us, for right at the beginning of his work he alludes to the uncritical nature of his approach to the history of ideas.[31] However, even having said that, Jones work is significant for this study since it helps us to see the direction in which the subject of incest is going. Jones states:

> This is not to say that people stopped asking about the origin of religion, or its earliest form, or whether exogamy or magic precedes it, and so on. But those who asked it were increasingly assumed to be either undergraduates or members of the lay public, who had not passed through graduate departments and been sufficiently socialized to know that these are simply not "good questions."[32]

Jones's discussion about the kind of questions that need to be asked in the study of kinship in general and incest in particular is consistent with the present research. While the question of the origin of incest is not relegated to the background, the main focus in this study as mentioned at the beginning of this chapter, is an attempt to understand why the Priestly lawgiver uses the laws on prohibited sexual relationships and marriages to condemn the Canaanites and Egyptians. According to Wolf, this is the right question to be asked even in the field of anthropology, as far as the study of incest is concerned:[33] Wolf argues that while the problem of incest is as hotly debated in the twenty-first century as it was in the twentieth century, the focal point of the debate will shift from the question of why we avoid incest to the question of why we condemn it.

Claude Lévi-Strauss

Lévi-Strauss has examined in great detail the structures of kinship from the point of view of social anthropology and the science of comparative sociology, which seeks to identify universal laws governing human social behavior.[34] He identifies two structures of kinship: elementary structures and complex structures. By definition, elementary structures of kinship are systems in which the nomenclature permits the immediate determination of the circle of kin and of affines, that is, possible spouses and prohibited spouses; while "complex structures" refers to systems that limit themselves to defining the circle of relatives and leave the determination of the spouse to

other mechanisms, economic or psychological. He further clarifies the definitions of these terms:

> The preceding definition would thus confine the term "elementary structures" to those systems, which, like cross-cousin marriage, lead to an almost automatic determination of the preferred spouse. On the other hand, systems like several in Africa and our own contemporary society, which are based on a transfer of wealth or on free choice, would be classified as complex structures.[35]

Lévi-Strauss admits that the line separating the structures is difficult to define,[36] and his work is not without problems.[37] For him, man is both a biological being and a social individual.[38] This relationship is reflected in Lévi-Strauss's frequent use of expressions such as "nature and society," "nature and culture," "natural process" and "cultural process," "biological and social," and "biological cause" and "social cause." But it is difficult to determine the point of transition between natural and cultural facts, and how they are connected. Lévi-Strauss also presupposes that it is easy to recognize universality as the criterion of nature. With this understanding, Lévi-Strauss proceeds to say that incest constitutes a rule, which among all the social rules possesses a universal character.[39] This is followed by an example of places where he finds incest rules prevail: Egypt, Peru, Hawaii, Madagascar, and Burma.[40] He makes an important observation: the prohibitions of incest and penalties vary in their field of application depending on how each group defines close relatives.[41] The prohibition of incest extends beyond the historical and geographical limits of culture.[42] Finally, after examining various theories of the nature of incest prohibitions as propounded by different scholars whose ideas are seemingly split,[43] Lévi-Strauss chooses a middle way. For him, the origin of the incest prohibition is neither purely natural nor a composite mixture of elements from both nature and culture. Instead, it is the fundamental step of which, by which, but above all in which the transition from nature to culture is accomplished.[44]

Lévi-Strauss's approach is not without problems. According to Needham, Lévi-Strauss's work is exceedingly defective. It suffers from serious lacks with regard to sources. It contains numerous ethnographical errors and misinterpretations of the facts, and, in spite of the quality of his insights, it cannot be said that Lévi-Strauss has employed them to their proper effect in the analysis of any single system.[45] Needham further remarks that Lévi-Strauss's "elementary structures" is problematic; that is, Needham

does not know what it actually means.[46] For Needham, it is a work of a brilliant and speculative intelligence, if also a most intricate and contradictory one, and it is an expression of imaginative and literary qualities, which in other of his endeavors have brought Lévi-Strauss wide acclaim.[47]

Lévi-Strauss's work has also been criticized by Mitchell.[48] Mitchell's main interest is in understanding and challenging the oppression of women, based on psychoanalysis developed by Freud and others. However, in the same spirit, she has also discussed Lévi-Strauss's understanding of exogamy and the issues arising from the exchange of women.[49] She links Lévi-Strauss's work on kinship and marriage with Freud's "unconscious."[50] Incest prohibition forces one family to give up one of its members to another family; the rules of marriage of some ancient societies function as a means of exchange and as an unconsciously acknowledged system of communication.[51] Accordingly, exogamy needs to be viewed as a form of exchange of women for wealth. While Mitchell accepts the fact that Lévi-Strauss repudiates (rejects) anti-feminism, she thinks he has not done enough. For Mitchell, incest taboo becomes the unconscious content, while the basic kinship relationship remains the visible form.[52] Thus, marriage in general is an archetype of exchange and can be seen to serve the exchange function by setting up a new locus of relationships.[53]

Sigmund Freud

Freud presupposes that a comparison between the psychology of the aborigines of Australia and the psychology of neurotics shows numerous points of agreement.[54] He chooses these people for study because they are the "most backward and miserable of savages," and they have an unusual great horror of incest. Their incestuous practices are based on totemic exogamy, and all those who are descended from the same totem are blood-relatives. A group that descended from the same totem forms a single family, and within that family even the most distant degree of kinship is regarded as an absolute hindrance to sexual intercourse. This avoidance extends far beyond the totemic societies of Australia.

Freud maintains that the horror of incest is essentially an infantile feature and that it reveals a striking agreement with the mental life of neurotic patients.[55] He arrives at this conclusion after considering the

relationship between son-in-law and mother-in-law, which is psychologically characterized by hostility between them and makes it hard for them to live together.[56] This observation is based on psychoanalytical studies—a boy's earliest choice of objects for his love is an incestuous one, usually his mother and his sister.[57] He liberates himself when he matures whereas a neurotic does not free herself.[58]

However, Freud's view that incest taboo is essentially an infantile feature, or that it came into being in the dim past, has been challenged by Shepher, who remarks that Freud has trouble explaining how these taboos have survived to the present.[59] Shepher rejects Freud's explanation whereby he invokes the concept of the "collective mind," in which mental processes occur just as they do in the mind of the individual. He criticizes Freud for negligence of the sort of "impetus" needed to activate "inherited disposition," or what Shepher calls "genetic inheritance," an interpretation of Freud's "inherited psychical disposition" needed to activate his inherited disposition toward guilt. Shepher concludes that Freud's analysis is problematic with respect to the necessity for prohibition and the reaction of horror that attends incest. Furthermore, it is not clear whether Freud had in mind taboos—deliberate cultural prohibitions—or rather, innate dispositions toward feeling guilt about certain kinds of events.

For Fox, Freud's work is not totally erroneous. It has more than a fifty percent chance of being right. Fox accepts Freud's myth of the primal horde, or "Oedipus complex."[60] He argues that indeed something like it must take place, and the marks left by this process are what contribute to the incest avoidance mechanisms between parents and children.[61] He further maintains that we have several inbuilt mechanisms that lead us to avoid incest (mother-son and brother-sister) and to the readiness of males to inhibit incestuous impulses where they occur toward women controlled by other males or toward women they themselves control (father-daughter).[62]

Fox's inclination toward Freud's work is evident in his earlier book where he devotes a whole chapter to the problem of incest, or what he calls "intra-familial sexual relationships."[63] In this book he emphasizes the need to make a distinction between incest and exogamy. According to Fox, incest pertains to sexual relations; exogamy pertains to conjugal relations (relating to marriage or the relationship between husband and wife). Many writers use "incest taboo" or "exogamy" as though these were one and the same phenomenon.[64] Fox's main objective in this book is to explain the ban on

intra-familial sex—the incest taboo, or incest avoidance.[65] According to Fox, the reasons that people are motivated to avoid incest are that people do not want to commit incest, or they shy away from it, or are horrified; there is an instinctive aversion to incest; we all do want to commit incest. Fox calls this aversion "natural desire" theory, and the proponents of this theory are followers of Freud.[66] He goes on to say that we are all consumed with incestuous desires that we repress.[67] However, Fox admits the fact that it is difficult to tell exactly how this process works. His understanding of the origin of incest taboo is based on Freudian Oedipus complex. He remarks:

> In the primeval situation, the young males of the horde killed off the old male in order to get at the females he monopolized. But because they had been conditioned to obey him they felt remorse and guilt about this and so renounced the females. We have been guilty about it ever since, and so although we still have incestuous desire, we repress them through the mechanism of our inherited guilt.[68]

However, while Freud's Oedipus complex, or Fox's Myth of the Primal Horde, may explain son-mother incest, it does not accommodate other forms of incest (for example, among siblings), a problem that Fox finds difficult to solve in his statement that breakdowns are more likely between brother-sister and father-daughter, but throughout the population as a whole, they are likely to be relatively few.[69] We shall see later in the study about incest in ancient Egypt that brother-sister and father-daughter unions are not unknown. But, having said that, Fox's understanding of the universality of incest taboo is worth noting. He maintains that there is not in fact universal horror of incest, and many societies do not have severe penalties for it; some practice it, and yet others do not seem to have genuine indifference to it. By and large, incest does not occur or is forbidden or both, but it does not follow that in all times and in all places it is outlawed for the same reasons and for the same motives. Societies, cultures and personalities differ markedly and so do the reasons for action.[70]

Incest: African Perspective

The study of incest prohibition is inexhaustible. Other aspects of this phenomenon need to be examined: the role of "the living dead," the process of identifying a marriage partner, automatic suffering as a result of violating

incest taboo, and removing incest taboo. This time we shall turn our attention to Africa.

In some societies in Africa, according to John Mbiti, "the living-dead" are displeased with incestuous marriages and would therefore bring misfortune to those concerned.[71] It is feared that children of close relatives will die. Therefore, marriage is not allowed between close relatives in these societies. A person is allowed to marry only from another clan (exogamous), and where marriage may be allowed within the same clan, it is carefully scrutinized to make sure that the couple is not closely related.[72]

Among the Kalenjin of Kenya, before the marriage process begins, a full process of identification of the marriage partners is conducted. The forbidden relationships included members of the same totem, against whom there is an absolute taboo, and cross-cousins to the third remove.[73] Jomo Kenyatta also sees such a process among my community, the Kikuyu of Kenya. He says that

> …marriage among the Kikuyu means the linking of two families in bonds which are social and economic as well as biological, and which are, in fact, the connecting-links of tribal life. The code which regulates the behavior of relations by marriage is, therefore, most important in its bearings on the whole structure of social life, and has to be very carefully learnt and punctiliously followed.[74]

On the basis of this fact, and probably others, various incest prohibitions covering a wide range of extended family, especially so the *mũhĩrĩga* (clan), were to be imposed among the Kikuyu. In his list of Kikuyu taboos in general, M.N. Kabetu has included a few incest taboos.[75] For example, it is taboo for a person to sleep with his mother or mother-in-law or his father's wife, particularly if his father is alive, for that is tantamount to wishing him dead. It is also taboo for a man to sleep with his sister, a stepsister, aunt, or wife's mother.

The violation of incest taboos in some cultures is a transgression punishable by civil law, which in its severest form is death. Such extreme penalties are not known among the Kikuyu, for any punitive measures resulting from violation of any taboo follows automatically.[76] In any case, if the problem is not discovered in good time and purification done, the victim is said to die a very gradual death.

Interestingly, among the Kikuyu people a way is sought to evade or circumvent the problem of incest prohibition. The elders take a sheep and

place it on the woman's shoulders, and it is then killed, the intestines are taken out, and the elders solemnly sever them with a sharp splinter of wood. They announce that they are cutting the clan, by which they mean that they are severing the bond of blood relationship of the clan, which exists between the pair. Insofar as there was clan-relationship between them, their union was incestuous, but when this relationship is ended, the incest disappears. The marriage being "regularized," no fatal consequences are to be feared.[77]

Critique of the Study of Kinship

The heading of this section is taken from Schneider, whose primary objective is a critical examination of the presuppositions that are part of the study of kinship and the very idea of "kinship."[78] However, our trajectory will be different. We are concerned with the problems inherent in the study of kinship as they impact our understanding of incest prohibitions. Ostensibly, the main problem regarding the subject of kinship—or incest, for that matter—has to do with the question of "kinship structure" and "genealogical relations." Do these terminologies reflect real life? Does kinship structure, or genealogical relations, exist? How about the concepts of "simple societies," and "complex societies"? How do they help us understand the nature of kinship? Are there ways of understanding relationships other than through "biology" and "nature?"[79]

Schneider's position on the study of kinship is that it is a nonsubject since it does not exist in any culture known to man, and it is an artifact of the anthropologists' analytic apparatus and has no concrete counterpart in the cultures of the societies under investigation.[80] Schneider further argues that if kinship is by definition a set of genealogical relations, this definition says nothing about how persons who occupy these genealogically defined positions: mother, father, and so on. It does not say how they should behave or what their role should be.[81] The problem with terminology is also expressed by Beidelman.[82] In his study of the Kaguru people of Tanzania, Beidelman has pointed out that the English term "incest" itself is not entirely appropriate in the sense that it suggests a set of prohibitions comparable to those in European societies. He argues that marriage-wise, the most basic rule in Kaguru society is the observation of tribal endogamy, and it is considered best if one Kaguru marries another. A Kaguru may only marry a member of the matrilineal peoples neighboring them.

The problem of understanding kinship has further been compounded by what Janet Carsten terms as "changes in marriage arrangements and gender relations, and by new reproductive technologies."[83] In her book, Carsten maintains that the fundamental social relationships are no longer grounded in "biology" or "nature." These developments have prompted anthropologists to take a fresh look at idioms of relatedness in other societies, and to review the ways in which relationships are symbolized and interpreted in our own society.[84] In Cartsen's book "kinship" is not necessarily the only way of expressing "being related." Using the Nuer of Sudan as an example, Hutchison, in the same book, shows that under the conditions of profound social and political upheaval experienced in southern Sudan, the connections and disconnections of Nuer relatedness have come to be understood not only in terms of blood and cattle but also through the media of money, paper, and guns.[85]

In view of the above observations, some scholars have come to the conclusion that the problem of incest and its origin, which falls under the subject of kinship, remains unresolved. This is the opinion of, for example, Fredrick Barth.[86] Barth has observed that anthropology has been unable to produce a generally acceptable theory of incest and exogamy. He argues that

> … the very extensive debate on descent and filiation, which has raged among anthropologists of various persuasions, has not produced adequate generalizations or a comparative understanding of descent systems. This is mainly because it has been unjustifiably simplistic in its view of relationship of native concepts and social life: in part it has focused on these concepts *in vacuo*, in part it has assumed an essay identity between native concepts and their social life.[87]

Incidentally, other scholars think that the study of kinship has not completely waned and still remains important in other academic disciplines.[88] Peletz, for example, argues that while the studies of kinship as a terminological system and as a symbolic system "in its own terms" have both waned, studies of kinship in terms of social relations among variably situated actors engaged in the practice of social reproduction within broader political, economic contexts have become central to contemporary anthropology.[89] The study of kinship is alive and well and still vital to the discipline, though often carried out under other rubrics and aliases (gender, social inequality, social history, and the entailments of capitalist transformation, modernity, and post modernity).[90]

Conclusion

The following are the results of our brief survey of non-biblical scholarly works—sociology, anthropology, and psychoanalysis. First, scholars are unanimous regarding the widespread nature of incest prohibitions. It extends beyond any historical and geographical limits. They also seem to agree on the fact that incest prohibition has undergone a kind of metamorphosis, a historical development: from infantile to puberty (adult), as seen in Freud's work;[91] from elementary structure to complex structure; and being biological phenomena to social phenomena.[92] Second, there is no agreement concerning its origin. It can be traced to anything and anywhere (in different social sources) depending on the interest of the researcher: with exogamy as the framework, early childhood libido, in totem, in the horror of blood, in the need to exchange women for wealth, in the living-dead, and so on. Third, there is a serious problem in drawing the demarcation line between various facets of incest prohibition. It can occur between the "elementary structures" and "complex structures," and also between "exogamy" and "endogamy." Finally, some societies thoroughly scrutinize marriage partners to avoid incestuous relationships, but should violation happen accidentally, some societies have mechanisms in place to break the taboo. In many cases, however, the victims are punished severely.

Generally speaking, while a study of this kind can be interesting it is at the same time enshrined with many problems. But even having said that, given the sacredness and secretiveness with which sex was regarded among many tribal societies, it would have been abnormal and undesirable for any person to engage in marriage—or sex for that matter—with a close blood relative.[93] It is most likely that early societies favored the less familiar women, outside their own kinship groups. However, this statement only compounds the problem since some societies sanction incestuous relationships, for example, the Egyptians.[94] As Ellis has noted, we may not know the answer to every question about incest problems,[95] at least not for now. It is with this background that we now enter into the world of the Hebrew Bible!

But how relevant are the results from the preceding sociological, anthropological and psychoanalysis review? The following statements are significant. While Durkheim's work investigating exogamous marriage among the aborigines of Australia has been referred to by many scholars as a methodological paradigm for understanding different cultural and social

issues,[96] Durkheim's concept of exogamy that begins by tracing a practice or institution as nearly as possible to its origin is important, even though his results have been challenged by some scholars. The fact that the practice exogamy is transformed during the course of its development, and that the factors on which it depended for its existence are also varied,[97] will be pursued further in this study, but from a biblical perspective in order to understand the historical development of laws of incest in the Hebrew Bible. His mention of exogamic marriages between very close kin, as seen in Abraham and Sarah his half-sister (Gen 20:12) and Tamar and Ammon her half-brother (2 Sam 18:13) is especially interesting.[98]

Some of the results of Lévi-Strauss's work have been challenged.[99] However, two topics he has addressed are helpful in our understanding of Priestly laws in Lev 18: structure of kinship and the universality of rules of incest. His understanding of the structure of kinship as emerging from one level to another, for example, "elementary structures" and "complex structures," is illuminating as far as the diachronic analysis of the structure of Lev 18 is concerned, and for the purpose of establishing the basis of the formation of laws in this text, which is pointed out by Rolf P. Knierim.[100] His assertion that incest constitutes a rule that among all the social rules posses at the same time a universal character is also fundamental in the understanding of incest rules in Lev 18. If they, too, are universal, how should they be interpreted in light of other ancient Near Eastern societies? Furthermore, from the point of view of "social anthropology, the science of comparative sociology, which seeks universal laws governing human social behavior,"[101] other observations are deemed helpful in this study. This is evident not only in the concern different societies have shown in dealing with the problem of incest as is in the case of African cultures whereby totem among the Kalenjin, and the *muhiriga* (clan), among the Kikuyu are observed. Similar issues will be pursued later in this study from the perspective of Israel and the understanding of expanded family. The use of taboo is equally important, for it explains how ancient societies used different forms of laws of prohibitions to deal with the same behavior. Freud's work is also important in that he deals with issues arising from the understanding of the origin of incest, even though he does so from the point of view of psychoanalysis, which attributes the horror of incest to an infantile.

Review of Scholarly Works on the Bible and Ancient Near East

The study of the entire chapter 18 of the book of Leviticus is indeed significant for the understanding of incest in the Hebrew Bible. However, the review of scholarly works in this section will mainly focus on the understanding of issues arising from the condemnation of the Canaanites and Egyptians as depicted in this chapter, though other matters pertinent to this study will also be briefly considered. This will also involve doing a detailed exegetical analysis of the whole chapter later in chapter two of this study.

The scholarly works in this section will be divided into four categories. The first group will represent scholars who argue that the Priestly laws reflect the abominations of the Canaanites and Egyptians. The second group will represent scholars who argue that the Priestly laws are not unique, that is, they do not stand alone, for the genre which they categorize as "apodictic laws," exists elsewhere in the Hebrew Bible. The third group will represent scholars who maintain that the Priestly laws reflect the covenant formulary found elsewhere in the Hebrew Bible. The fourth group will represent scholars who assert that the Priestly laws reflect the legal system of the ancient Near East. The final group will represent scholars who contend that the Priestly laws have nothing to do with the Canaanites, for they depict the incestuous relationships of Israel's ancestors and other incestuous practices found in the Hebrew Bible in general. This last aspect of our study is placed here for the sake of continuity. For the chapter that follows will address issues that arise from the wholesale attribution of Priestly laws in Lev 18 mainly to the narratives in Genesis, especially by Carmichael.

Priestly Laws and the Canaanites and Egyptians

In their attempts to unearth the mysteries that surround the origin of incest in the Hebrew Bible, many scholars have advanced different views concerning the licentiousness of the Canaanites and Egyptians as portrayed by the Priestly lawgiver. In this section, different works that have dealt with the portrayal of the Canaanites in the Hebrew Bibles as seen in Noth, Milgrom, and Gottwald will be briefly reviewed.[102] This will be followed by a review of literature that has addressed the question of the genre of our text. This will include Alt, von Rad, Epstein, and Bigger.[103] Other issues pertinent to this study include the identification of our text with covenant formulary, the

understanding of incest laws from the perspective of narratives especially in Genesis, and finally works on the priestly laws from the point of view of ancient Near Eastern legal texts.

Noth maintains that the Canaanites and Egyptians whom he calls "enemies" of the people of Israel had to be punished for their guilt for transgressing the law of YHWH.[104] He claims that the Canaanites were particularly licentious and promiscuous from a sexual point of view, and their expulsion from the land in favor of Israel's occupation was, in the Hebrew Bible's view of history, a punishment for their guilt,[105] and that this guilt had consisted especially in sexual licentiousness. Furthermore, the God of Israel, with his holy name YHWH, would not tolerate such behavior.[106] Noth, however, admits that the mention of Egypt along with Canaan (vs. 3a) is unusual. He suggests that perhaps it is simply based on the consideration that the Israelites, here in their supposed position at Sinai, could not yet have knowledge of the Canaanites as a warning example, but only of the Egyptians, whose way of life is here equated with that of the Canaanites.[107] He further, argues that in Israel's eyes, Canaan was particularly characterized by sexual license.[108]

Milgrom is even more critical.[109] He, too, admits that the whole problem of sexual immorality lies with the Canaanites and not the Egyptians, and since only they are responsible for polluting the land and being expelled from it (vss. 24–25, 27), the purported sexual debauchery of the Egyptians has no function in Lev 18 except to allude to Ham's sin with Noah.

Does the problem of the erroneous mention of the Egyptians together with Canaanites in this context have anything to do with the understanding of the geography of this place and the identification of the Canaanites? Probably yes! Words are dynamic and they acquire different meaning as time goes by and the terms in question seem to obey the same rule.[110] Over the years in the history of Israel, the meaning of the phrases "the land of Canaan" and "the land of Egypt" continually changed depending on the politics of the day. Milgrom argues that the "land of Canaan" appears in the Pentateuch, Joshua, and Judges, but thereafter, in its territorial sense as Israel's land, it does not occur. He goes on to say that in the prophetical books, it bears a different meaning: the Phoenician coast (Isa 23:11; cf. Zeph 2:5), the Hebrew language (Isa 19:18), or merchants (Ezek 16:29; 17:4; Hos 12:8; Zeph 1:11).[111] He concludes that at least from the Babylonian exile on, the term אֶרֶץ־כְּנַעַן (land of Canaan) fell out of use and that this chapter,

including its redaction framework, was composed before the exile.[112] Gottwald observes that Syria-Palestine did not develop a single, clearly defined pattern of regional, political, and ethnic terms comparable to those that reached certain standardization in Egypt and Mesopotamia.[113] However, he admits that, even there, variations and obscurities exist, especially in ethnic designations, as each major political and population change required adjustments in terminology.

In the Hebrew Bible there are different nuances characterizing the term "Canaanites" in the J, D, and E strata. Gottwald has remarked that at times, especially in the J stratum, "Canaanites" is the preferred term for all the inhabitants of Palestine west of the Jordan River, those east of the Jordan being called "Amorites." At other times, especially in the E and D strata, the Canaanites are omitted or restricted to the coastal plains and the Jordan Valley, "Amorites" serving as the more inclusive term for the general population of Palestine or for those living in the hills. This problem is compounded further by lack of what Gottwald calls "normative term for the region and its peoples," which leads him to say that the Hebrew Bible frequently speaks of a cluster of peoples in the area west of Jordan referred to as the Canaanites, Amorites, Jebusites, Hivites, Hittites, Girgashites, and Perizzites.

However, what is not a problem about this term is that the Canaanites are the bad boys, so to speak, economically,[114] sociologically, and more so religiously. Gottwald rightly argues that for the most part Canaan and Canaanites seem to designate a reference to peoples as enemies of YHWH and Israel something that often retain a socio-economic dimension.[115]

In general terms, scholars have viewed the transgressions of the Canaanites in different ways. Some are in agreement with the above scholars who support the idea that sexual immorality forms the abominable practices of the Canaanites and Egyptians, even though some tend to exonerate the latter.[116] Others find that there is evidence of bestiality in the land of Canaan, but no incest.[117] Still others maintain that the Priestly lawgiver exaggerated the sexual sins of the Canaanites and Egyptians.[118] An extreme view is found among scholars who contend that the evils are a fiction.[119] Interestingly, there are other scholars who do not seem to be concerned about the issues that arise from the condemnation of the Canaanites and Egyptians,[120] and still while others are undecided whether the sins were actually practiced by these nations.[121]

Priestly Laws and Apodictic Laws

The study of genre in the Priestly laws is another dimension of this study that needs to be addressed.[122] The identification of genre is helpful in understanding what kind of literature in question, what literary category it belongs to, and what its characteristic features are.[123] Here the works of Alt, von Rad, Epstein and Bigger will be examined.[124]

Alt distinguishes two forms of law in the Hexateuch, namely, "casuistic" and "apodictic,"[125] even though this distinction is not without criticisms.[126] Casuistic laws take up a good half of the Book of the Covenant (Exod 20:22–23:33; and the Holiness Code (Lev 17–26) and are arranged in unbroken passages and in clear order of subject matter, apart from a few unimportant dislocations.[127] Apodictic law, on the other hand, can be distinguished from the whole body of casuistic laws even where they touch on the same subject or overlap. They always form a short series of simple clauses, all similarly worded, always expressing a categorical prohibition and dealing with matters with which casuistic law is never concerned.[128] More importantly is Alt's attribution of the origin of casuistic laws of Israel to the Canaanites. He suggests that Israel adopted them from the Canaanites, who had a legal system of their own, probably written in the Babylonian language and in cuneiform script.[129]

Von Rad's definition of apodictic laws is significant for the present work in that he connects apodictic laws directly with prohibitions.[130] For him, while apodictic laws appear in more general commands (and they are more often in prohibitions) they do not usually define the case with reference to every detail. They are concerned rather to express fundamental prohibitions or commands, taking no account of particular circumstances. Von Rad argues that even in those cases in which apodictic laws include directions for punishments, the important point is the basic issue, "whoever shall, he who…" Such types are found especially from the Decalogue (Deut 5:6–21) and the Dodecalogue (Deut 27:15–26), but they are also found elsewhere in the book of Deuteronomy.[131]

Von Rad's definition fits our text, which is about prohibitions that are not defined with any detail. Nonetheless, punishment is spelled out—the Israelites will be vomited out, even though breaking of the same prohibitions has different consequences in Lev 20.[132] Von Rad contends that the apodictic law in Deut 23:1 prohibits intercourse with one's wife using terminology

similar to that in Deut 27:20, but replacing the sexual term with לָקַח, "to take," or "to marry." Further, in his discussion of the laws in Deut 22:22–29, he sees some similarities with the Priestly laws, but he does not see any interdependence. This group of laws resembles the group of very ancient commands in Lev 18:6ff., and also Deut 27:20.[133] He contends that in these passages we are dealing with ordinances that regulate a definite sociological form of community life, namely, living together in the framework of the extended family. Hence, they are ordinances that by their nature reach back into times very early to the period before the existence of the state.

Other observations made by von Rad include the fact that the apodictic laws belonged originally to the tribe ethos of the great clans.[134] Again, not every command formulated in the apodictic manner originated in the cult as a sacral law of YHWH.[135] However, while the texts in Deuteronomy and Leviticus are apodictic in nature and exhibit some similarities in other respects, and while von Rad rejects the notion of interdependence, other scholars support this idea. Epstein, for example, advocates not only for a historical development of apodictic laws regarding marriage in the Hebrew Bible, but also for the interdependence between Deuteronomic and Priestly laws. Epstein provides a comprehensive survey of Jewish law on the subject of marriage as it has developed historically from the beginning of the earliest records to the present day, by examining biblical, apocryphal, and rabbinic writings.[136]

Concerning the laws of incest, Epstein has investigated their historical development: not merely the passage of time, but also the play of forces in historic succession.[137] The investigation also covers the forces that brought changes in the laws of incest. He identifies five main stages: the pre-Deuteronomic stage (the tenth century B.C.E.), the Deuteronomic stage, the Levitical code, the Talmudic stage, and finally, the Karaitic stage. Following this development, Epstein argues that the full list of incestuous prohibitions in the Levitical code, in implicit or explicit form, ratifies the incestuous prohibitions of earlier legislation (pre-Deuteronomic and Deuteronomic), namely against sexual relations with mother, maternal or paternal sister, step-mother, or mother-in-law.[138] One more observation made by Epstein—and one which is important for this study—is the dependence of Priestly laws on Deuteronomic laws for the formulation of the laws on incest. For example, quoting Deut 27:20, "Cursed be he who lies with his father's wife, for he has uncovered the skirt of his father," he points out that the Levitical legislator may be considered an exegetical derivation from this text.[139]

In his article, Bigger deals with form-critical, traditio-historical, redactional and sociological problems presented by Lev 18, even though more space seems to be devoted to form-critical issues. While in this article Bigger has dealt with the question of the setting in time of the Priestly laws, he has also looked at the problem of interdependence between the Deuteronomic and Priestly laws. He makes the following observations. First, the series of curses in Deut 27:15–26 (which include four sexual offenses, involving bestiality, and incest with one's father's wife, sister and mother-in-law) were motivated by concerns similar to those behind the laws of Lev 18, but they exhibit no signs of interdependence.[140]

Second, concerning the origin and *Sitz im Leben* of the laws in Lev 18:7–23, Bigger points out that the family laws of Lev 18 demand societal order and purity that must begin from the local family group.[141] He contends that the legal complex, which provided the kernel of the chapter based on laws, first circulated in a short series with a specific theme for specific situations. Ten laws were first brought together to form a Decalogue,[142] and this was both modified and expanded by the Holiness redactor H1 who added an introduction and conclusion to the legal complex. The chapter was then further modified first by the redactor H2 and later by P when the Holiness Code (chapters17–26) was incorporated into the Priestly Code.[143] Third, verses 3–4, which mention the Egyptians and the Canaanites, may be the work of the P redactor.[144]

More will be said about this review below with regard to observations on the entire section on review of biblical and ancient Near Eastern works. It will suffice here to point out that the Priestly laws in H are identified with other laws in the Hebrew Bible as apodictic. These laws are also characterized by many changes during the process of their formulation. The setting of both apodictic laws in general, and the laws of incest in particular is significant in this study, and it deserves further investigation later in chapter eight of this book.

Priestly Laws and the Covenant Formulary

Theories of origin of incestuous relationships in Lev 18 do not end with the above approaches. Another view with which some scholars attempt to establish whether this text exhibits any similarities with the covenant

formulary found elsewhere in the Hebrew Bible will be considered, a concern that follows George E. Mendenhall, who identifies the structure of the covenant with the structure of the Hittite suzerainty treaty.[145] Wenham, who identifies the schema in Lev 18 with the Hittite pattern, as in Exod 20, the book of Deuteronomy, and Jos 24, has undertaken a comparative study between the covenant formulations in other Hebrew Bible texts and in the Priestly laws.[146] He identifies the following:

vs. 2 Preamble: "I am YHWH your God"[147]
vs. 3 Historical retrospect: "Egypt where you dwelt"
vs. 4 Basic stipulation: My rules alone shall you observe"
vs. 5 Blessing: "He shall live by them"
vss. 6–23 Detailed stipulations
vss. 24–30 Curses[148]

If we accept this schema, which I think we should, it is an indication that the Priestly laws do not stand alone, and the study of other related texts is fruitful for the understanding of Hebrew Bible legal system.[149]

According to Milgrom's assessment, however, the schema shown above is not helpful because it does not reflect the schema of the Hittites or other treaties found in the Hebrew Bible.[150] He argues that since the "blessing," which is a major component of the Hittite treaties is missing, the text is disqualified from the list of such treaties. He maintains further that the fact that the historical retrospect lacks any of YHWH's salvific acts renders the covenant-treaty analogy unusable. But Milgroms' argument does not consider the fact that ancient treaties did not include all the elements shown in the above schema in the same order.[151] It was the need of the lawgiver and the prevailing circumstances of the day that dictated the content and order of a treaty. According to Baltzer, the schema can be found with minor variations in all the treaties.[152] But more important is the fact that for Baltzer the structural regularity does not go hand in hand with uniformity in detail. He argues that the treaties give the impression of having been reworked in each case to conform to the special situation for which they were framed. Von Rad expresses similar sentiments, though from a different perspective. In his discussion of apodictic laws, which have the same origin as the Hittites, he argues that the style is not always the same. [153]

This review is relevant with regard to the identification of the laws in our text with Hittite treaty, as far as the structure is concerned. However,

since our text has similarities with other biblical codes, and also given the universal nature of these laws as indicated earlier under the rubric "Review of Nonbiblical works," other methods need to be applied for a better understanding of these laws.

Priestly Laws and the Ancient Near Eastern Legal Texts

Neufeld has done a comprehensive survey of the laws and customs relating to marriage among the ancient Hebrews.[154] Each chapter of his work is followed by a review of ancient Near Eastern legal texts, namely, the Code of Hammurabi, Assyrian Laws, the Hittite Code, and some Nuzi texts[155] and ancient Arab customs. He does so in his attempt to answer the question: Was Hebrew law a system entirely independent of these earlier systems and, if not independent, to what extent can one, by comparing these other systems with the Hebrew law, see a definite or probable influence upon the Hebrew system derived from the systems referred to?[156] Neufeld admits that his comparative method is very general and does not deal with any details nor analyze any historical aspects.[157] He observes:

> The Biblical laws are in harmony with the other Semitic systems. The fusion during the course of time of the races of Israel, Canaan, Babylonia, the Hittite Empire and Assyria naturally resulted in a considerable fusion between their legal systems despite their racial differences.[158]

But how does Neufeld explain the existence of this harmonious relationship between the Hebrew Bible legal system and their counterparts in other Semitic legal systems? The complexity inherent in this problem is evident in the way Neufeld has dealt with this subject. A summary of some his remarks will be helpful. First, Neufeld has pointed out that many legal conceptions of the Hebrews reflect a fundamentally Bedouin outlook. Therefore, the earliest form of their customs must be sought in the Arabia of the nomads.[159] The cuneiform legal system may have influenced the Israelite legal system.[160] But Neufeld at the same time argues that there is no indication that the Hebrew legal phraseology[161] had been taken from the cuneiform law codes and that a detailed analysis of their similarities shows that these often correspond only in general but not in detail.[162] This raises serious questions of methodology.[163] For example, how did these similarities

in legal phraseology come about? Was it a literary accident or was there some degree of literary dependence?

Second, concerning the influence of the Egyptian on the Hebrew Bible legal system, Neufeld argues that there is no trace of such influence at all, and no Egyptian law book has ever been found.[164] But at the same time he asserts that the close historical connection between these two societies suggests that the Egyptians must have affected ancient Hebrew legal conceptions. This assumption seems to be based on speculation. Third, it is difficult to understand why Neufeld argues that the Canaanites did not absorb the culture of the Egyptians who ruled them in the fifteenth century B.C.E.,[165] and yet the same society had considerable effect on Hebrew life, for example, on the language and religious practice and ethics.

Nonetheless, Neufeld's contribution to this subject is not minimal. Especially illuminating is his general observation that

> …the Biblical laws had their background in other legal systems, but in no respect was the influence of such a legal system so considerable or accepted so blindly that there should be any doubt in the mind of the intelligent student that the Hebrew law as a whole was essentially the product of the Hebrew genius in adapting customs to meet aims and needs and more specially to reflect the intense religious spirit of that people. Everything suggests that what was accepted from other legal systems was re-arranged, sublimated and ethicised. Biblical laws were on the whole purely Hebrew, suited to the Hebrew needs and spirit; they were a product of Hebrew genius, ideas, necessity and psychology.[166]

Hoffner has examined the question of the identity of the Hittites in the Hebrew Bible, and their law, religion and mythology.[167] Unfortunately, while he identifies some similarities between the Hebrew Bible and the Hittites as far as law, religion and mythology are concerned,[168] he argues that the available evidence does not support the idea that the Hittites of the Hebrew Bible originated from Anatolia. How then do we account for these similarities? This seems to be a methodological issue, as Malul has indicated.[169] However, it is important to point out that Hoffner's assessment of the prohibited sexual relations in both the Biblical law, especially Lev 18, and the Hittite law is useful. It will be a good starting point for us, as we explore the Hittite laws in light of the Priestly laws, in order to establish whether their similarities have anything to do with the latter in its various stages of literary formulation.

Nussbaum has attempted to clarify what the Bible asserts about Canaanite sexual customs in order to distinguish clearly between what the Bible explicitly asserts to have been a sexual practice of the Canaanites and what practices interpreters have thought implicit in the biblical portrayal.[170] Each section of his work is followed by an examination of extra biblical texts, namely, Mesopotamian, Hittite, and Egyptian. He has especially looked into the extent and depth of contact that these peoples may have had with the Canaanites in order to discover whether any of these sexual customs were practiced in neighboring civilizations and to discover the attitudes of these civilizations towards such practices in order to gain perspective on the biblical attitude.

Nussbaum's investigation does not only examine the prebiblical ancient Near Eastern literature but also Hellenistic and postbiblical Jewish sources. He points out at the outset that the most explicit charges leveled at the Canaanites are connected to their expulsion and subjugation by the Israelites. He therefore examines all other biblical pronouncements concerning the dispossession of the Canaanites to determine whether other reasons are given and, if so, to determine whether the sexual theme can be linked to a specific school or theory within Israelite civilization. Nussbaum is of the opinion that Lev 18 and 20 may have been simultaneously either contemporary or retrospective rationalizations of the expulsion of the Canaanites and warnings to the Israelites, which may also have been retrospective. He argues that even in retrospect they would express a bias that arose from the need to stigmatize the enemy.[171]

Nussbaum suggests that the sexual accusations directed by Lev 18 and 20 at the Canaanites may have resulted from the priestly authors' concern with טָמְאָה (unclean), and especially with those acts which rendered the land impure. They also have resulted from an inclination common to many societies to focus upon the sexual lives of their enemies and victims. He maintains that similar views concerning banishment and exile were common to neighboring civilization, and thus the viewpoint presented in these chapters may have been considered acceptable to the many ancient societies.[172] Nussbaum concludes that by noting that in many ways these passages in Lev 18 and 20 express and reflect not only very ancient concepts, but concepts which have been expressed in Mesopotamia, Greece, and many other civilizations; thus these are two of the most universal of the biblical passages.[173]

Other scholars alluding to the importance of other cultures in the ancient Near East not mentioned in the Hebrew Bible include Milgrom, Basset, and von Rad.[174] For Milgrom, the omission of the Babylonians, Assyrians, and Hittites can hardly be accidental. He remarks that H must have been fully cognizant that these peoples shared many taboos.[175] Basset seeks solution to the incest of Absalom among the Hittite myths. He equates Absalom's relation with his father's concubine, in 2 Sam 16:20–23, with castration in his effort to supplant him and take over the kingdom.[176] Using idiomatic interpretation Basset looks for analogy in the Hittite myth of a son castrating his father and taking over the throne. In his consideration of a marriage between a man and his father's wife (Deut 22:30), Tigay compares this practice with that of the Assyrians. He remarks that in the middle Assyrian laws a man may marry his father's former wife.[177] Von Rad's assessment of laws in Deuteronomy already mentioned above is helpful here. His position is that the ancient Near East influenced the Israelite legal system. Referring to "conditional laws" in the Book of the Covenant,[178] he argues that they extended also far beyond Israel.[179] He further contends that it was in fact only after the conquest of Palestine that Israel became familiar with the general legal system of the ancient Near East.

Priestly Laws and the Hebrew Bible Laws in General

This section is crucial for the understanding of the chapter that follows in this book. Different scholarly works that have shown, either explicitly or implicitly, their inclination towards the attribution of the origin of the formulation of laws in our text to the patriarchal narratives will be reviewed here. Many biblical scholars like Milgrom, Victor P. Hamilton, Carmichael, and others,[180] are of the opinion that the prohibited incestuous practices referred to in the book of Leviticus have their origin in the Hebrew Bible itself.[181] However, there are two different views that emerge from their analysis. Some scholars argue that the practice should be traced in the sin of Canaan in Gen 9, while others maintain that Israel's ancestors are to blame.

A number of scholars link the curse of Canaan in Gen 9:18–27, directly to the prohibitions in the Priestly laws.[182] This is the story where Noah drank wine, became drunk, lay uncovered in his tent, and Ham, the father of Canaan, saw the nakedness of his father.[183] When Noah awoke from his wine and knew what his youngest son had done to him, he cursed Canaan. For

Ross, both Egyptians and Canaanites are Hamites,[184] and since Ham, the father of the Canaanites acted with moral abandon when he saw the nakedness of Noah due to lack of filial respect, a curse was pronounced on his descendants, who would act with the same moral abandon.[185] Ross maintains that this curse was collective. It was a curse upon the Canaanites as a whole and not individuals. Regarding the connection between Gen 9 and Lev 18, Ross sees a deep-seated form of immorality that had developed over the years in the early history of Israel. He states:

> In fact, the moral abandon of Ham's descendants went so much further than Ham's that they really did deserve the curse. By the time of the conquest the "sin of the Amorites" (Gen 15:16) was indeed full: their wickedness had spread throughout the land and even perverted their religion. The expected consequence of such self-destructive wickedness was judgment. Leviticus 18:25 shows this close connection by saying that the Canaanites had become so corrupt that the land itself would heave them out.[186]

Ross' interpretation of these two texts is not an isolated case. From Walter Brueggemann's point of view, the story of Canaan has both political and theological significance.[187] He argues that, beyond providing political foundation, the larger intent of Leviticus and Gen 9 is to sharpen the theological contrast between Israel and Canaan. The prohibitions of sexual violation and indignity embody a rejection of Canaanite ways of life and self-securing. B. Vawter connects the term "Canaan" with "Palestine." He contends that the perspective is Palestinian throughout. He further says that the biblical author has seen in the story the explanation of the fact that the Canaanites lost possession of their land and became subject to all the Semites (Israel), and also to the Japhethites, "who dwell in the tents of Shem."[188] But Wenham is even more emphatic. He links the curse of Canaan directly with the immorality of the Canaanites in Priestly laws. He says that the Canaanites are notorious throughout the Hebrew Bible for their aberrant sexual practices, and that Lev 18:3 links both the Canaanites and Egyptians as peoples whose habits are abominable.[189]

While Genesis 9, the text on the curse of Canaan, plays a significant role in the understanding of the Priestly laws, there are other stories that militate against its dominance in this debate. The second view is concerned about the incest of Israel's ancestors in general. As some scholars maintain, the lawgiver has nothing to do with the story of Canaan in Gen 9. For these scholars, the issue at stake is the incestuous relationships found in the

Hebrew Bible that prompted the lawgiver to proscribe such practices in light of H.

Milgrom has made an attempt to trace the Levitical laws in the Hebrew Bible especially in the Pentateuch.[190] But it is Carmichael's work that has meticulously related all the Levitical laws in chapters 18–20 to the narratives in the Hebrew Bible.[191] Carmichael is categorical about the abominations of the Canaanites and the Egyptians:

> My scrutiny of the incest rules suggest that it was the behavior of the ancestors of the Israelites, not Egyptian or Canaanite behavior, that the lawgiver condemned.[192]

He observes that in every time and place, it is typical for one group to blame another for sexuality that is deemed damnable. Carmichael rejects the attack on the Canaanites and Egyptians, for, as he argues, there are many indications in the Hebrew Bible traditions, which potentially offer a license for incestuous unions.[193] He gives the following examples: daughters of Lot produce sons by their father (Gen 19);[194] Abraham marries his half-sister Sarah (cf. Gen 20);[195] Jacob marries two sisters who are his first cousins (Gen 29); Nahor marries his niece (that is, his brother's daughter, Gen 11); Judah's daughter-in-law, Tamar (Gen 38),[196] seeks a remedy for her childless state by having intercourse with her father-in-law; and Moses' father marries his aunt (that is, his father's sister). In 2 Samuel, David's daughter Tamar tells her half-brother, Ammon, who is sexually harassing her, that he should go to their father so that David can find a proper way by which the two siblings can marry (2 Sam 13).[197]

Consequently, Carmichael attributes the entire formulation of the Levitical laws not to Israel's ancestor in general but to the patriarchs in particular. Israel's patriarchs are the cause of the Priestly laws on incest. He asserts:

> The founding fathers of the nation Abraham, Jacob, Judah, Moses and David were outstanding figures in the Israelite tradition. It surely mattered to the lawgiver that the issue of incest arose with them. The patriarch's incestuous involvements are the key to the case I will make for a new way of understanding how the incest rules of Lev 18 and 20 came to be formulated.[198]

Carmichael contends that interpreters throughout the centuries were not aware of how the Priestly laws came to be formulated in the first instance,

and that their automatic assumption that the rules necessarily governed the society of the time is a wrong one.[199] It was the behavior of the ancestors of the Israelites, not Egyptians' or Canaanites' behavior that the lawgiver condemned.[200] Carmichael is convinced that the Egyptians and the Canaanites are here treated as the scapegoat:

> In every time and every place, it is typical for one group to blame another for sexuality that is deemed damnable. The Germans blamed syphilis on the French, the French on the Spanish, and the Spanish on Native Americans. Homosexuality has been termed the English disease, the term "bugger" means that it was the Bulgarians who engaged in homosexuality, and the word "sodomite" refers to the homosexual activity of the natives of Sodom. AIDS has been blamed on Africa. In a pre-Socratic Greek source we are told that the "Persians think it seemly that not only women but men should adorn themselves, and that men should have intercourse with their daughters, mothers and sisters, but the Greeks regard these things as disgraceful and against the law. According to the Bible, (sexual) harlotry started with the Canaanites (Gen 34).[201]

Conclusion

The sources on this subject are inexhaustible. However, several views emerge after a careful reflection on the scholarly works so far reviewed. Indeed, while some of these views agree, most of them are conflicting. Given the importance of Carmichael's work in this study, this section will begin by assessing the conclusions at which he arrives. While Carmichael argues that we can relate biblical rules about incest to the founding fathers of the nation, he at the same time emphasizes that the links between the laws and the narratives in the Bible represent Israelite literary activity equivalent to that found in the broader ancient Near Eastern cultural world.[202] He argues that the ancient Near Eastern codes represent a literary tradition that was used to inform the practice in the world.

Unfortunately, Carmichael has not shown how and at what point ancient Near Eastern texts influence or inform Israelite literary activity, especially the composition of Priestly laws. Furthermore, attributing en masse the Priestly laws in Lev 18 to the ancestors of Israel—Abraham, Jacob, Judah, Moses and David—shows his failure to consider other equally important factors which may have had influence on the writing of these laws, for example, Deuteronomic laws, the covenant formulary in the Hebrew Bible

which is traced in the Hittite laws, and in general the affinity with ancient Near Eastern legal texts, and the like. Reading all the prohibitions in Lev 18 into the patriarchal narratives limits the scope of the Priestly lawgiver, whose texts generally seems to reflect the universal character of this phenomenon in the ancient world. Carmichael's approach has, therefore, led to many erroneous exegetical assumptions.[203]

In the preceding sections works by scholars in the fields of anthropology, psychoanalysis, sociology, and biblical and comparative studies involving ancient Near Eastern legal texts were reviewed. Generally speaking, both biblical and nonbiblical (sociological, anthropological and psychoanalytical) scholarly works seem to agree on the fact that incest prohibitions are universal, though not homogeneous, since different ancient societies defined incest taboos differently. The development of the concept of incest changes with time. A historical development, orally or literary, can be traced in all societies.

In the review of biblical scholarly works, following Alt, the genre of our text is identifiable with "apodictic laws," a genre that is found in other texts of Hebrew Bible (Deut 5:6–21, 27:15–26, also in 15:1; 16:19; 16:21–17:1; 23.17), the other genre being casuistic laws. However, Alt's attribution of the origin of casuistic laws of Israel to the Canaanites—Israel adopted from the Canaanites, who had a legal system of their own, probably written in the Babylonian language and in cuneiform script—has been proved wrong.

Other description of Lev 18 is that it contains prohibitions or commands that do not reflect any particular circumstances. The biblical laws of incest exhibit the same characteristics as prohibitions and taboos in other ancient societies studied by anthropologists and sociologists. The prohibitions reflect cultural changes in society. This phenomenon is seen in the historical development of apodictic laws regarding marriage in the Hebrew Bible, as expressed by Epstein.[204]

The laws in Lev 18 do not only share a common characteristic in terms of genre with other biblical texts; they also owe their formulation to Deuteronomic laws. Does this literary dependence suggest that the Priestly laws may have depended on other sources as well for their literary formulations? The redactional assessment of the Priestly laws by Bigger, and the discussion of the issue of the *Sitz im Leben* are illuminating and will be pursued further in chapter eight.

While our text shares some characteristics with other biblical texts, it also resembles other ancient Near Eastern texts, for example, with the

structure of the Hittite suzerainty treaty, identified by Mendenhall and advocated by scholars like Wenham but rejected by Milgrom and Baltzer. The idea of Hittite influence on the formulation of the laws in our text will be pursued further in this study but from the point of view structural analysis.

Different theories put forward by various scholars were examined—theories that trace the origin of Priestly laws in various places, namely, in the sin of Canaan in Gen 9, in the Deuteronomic laws, in the covenant formulary in the Hebrew Bible as reflected in the Hittite laws, in Israel's ancestors in general—particularly the patriarchs—and in ancient Near Eastern legal texts. Biblical scholars are not unanimous in this debate concerning whether or not the Canaanites and the Egyptians are linked with the prohibitions in Lev 18. Ostensibly, one has to move outside the conventional method, which searches for this phenomenon in the Priestly laws, sin of Canaan, covenant formulary, and Israel's ancestors. Such a move has been made by Nussbaum, who traces the Priestly laws in all the biblical pronouncements concerning the dispossession of the Canaanites in order to determine whether other reasons are given and, if so, to determine whether the sexual theme can be linked to a specific school of thought or theory about Israelite civilization.[205] The same trajectory will be followed in the present study, even though Nussbaum's work lacks details in various aspects of this subject.[206]

Following Nussbaum, and in view of the conflicting theories that have characterized this review which certainly necessitate an alternative reading, the Priestly laws will be treated as a case whereby the lawgiver characterizes Israel's neighbors as the source of evil that would afflict the society unless the Israelites avoided them. The Canaanites and the Egyptians are the enemies of Israelites. Not only the reason why these nations are portrayed as enemies will be explored, but also the trend of characterization of these nations in the Hebrew Bible. This will be done by considering whether sins other than incest are considered harmful to the Israelites as long as Israel's neighbors practice them.

Methodology

In this book the following methods will be employed: diachronic, synchronic, and comparative. The comparative method will be based mainly on the analysis of epigraphic and archaeological evidence from the ancient

Near East. However, given the fact that diachronic, synchronic, and comparative methods may be interpreted differently, there is need to explain what they mean in this study and how each method will be applied accordingly.

Diachronic Approach

The diachronic approach, as described by Stephen R. Haynes and Steven L. McKenzie, refers to the use of historical-critical methods such as source criticism, form criticism, tradition-historical criticism, and redaction criticism.[207] These methods emphasize the historical, archaeological, or literary backgrounds or roots of a text and the development of the text through time. All these methods are applicable to the Priestly laws in Lev 18, in order to highlight more precisely the contemporary historical and social realities in the environment of the origin of the incest laws.[208] This will entail establishing the original intention of the author by identifying the time of composition, the author and addressees of the text, and its individual layers.[209] Methodologically, however, primary attention will be given to the form-critical approach and redaction criticism.

Form-Critical Approach

Here Marvin A. Sweeney's definition of form-critical method will be used.[210] Form criticism is a method of linguistic textual analysis that may be applied both synchronically and diachronically to texts in either written or oral form. Insofar as its object is the interpretation of biblical literature, it functions in tandem with other critical methodologies. It focuses especially on the patterns of language that appear within the overall linguistic configuration or form of a text and the role that these patterns play in giving shape and expression to the text.[211] This definition fits the investigation in this book in several ways: the investigation deals with a written text and oral tradition, and this method will interact with other methodologies.[212] However, this method will not be applied synchronically, which Sweeney indicates would require much larger texts.

Most importantly, following Sweeney, is the assumption made by the form-critical method that there is an intimate relationship between language

and the social and literary settings in which it arises and functions, settings which generate common or recurring conventions of language or genres to meet needs for human communication and self-expression.[213] The study of the incest laws in Lev 18 will be guided by this understanding, in order to determine not only their social setting but also their literary setting. The latter will not be examined in isolation: an attempt will be made to closely compare the literary setting of these laws with their counterparts in ancient Near East, especially the Hittite laws. Such comparison is based on the fact that form criticism necessarily inquires beyond the individual texts to the construction-elements and the formative models of the language used by the Hebrew Bible authors.[214]

However, the similarities between these laws and their neighbors necessitate the need to go beyond the Hebrew Bible texts to the construction elements and formative models of the language used by the ancient Near Eastern texts. Methodologically speaking, to determine whether or not a text has any parallels with another text raises the question of classifying the material under consideration in terms of genre, or "type." According to Richter, there are three aspects of determining textual types: the content as the starting point, the evaluation of historicity, and the choice of "type" designation based on similarities in other literature.[215]

One more aspect of form-critical method need to be considered, as pointed out by Muilenburg and which is also consistent with Richter's understanding of form criticism: determining the scope of a pericope. According to Muilenburg, the scope of a pericope can be determined by discerning the relation of the beginning to the end, where the opening words are repeated or paraphrased at the close.[216] According to Richter, for methodical reasons, it is imperative to distinguish the individual text and the "text-type" in research: "form" applies to the individual text, and "type" to a "text-type."[217] Both Muilenburg's and Richter's views are significant for our investigation of Priestly laws in Lev 18. This text has been treated as comprising several fragments, thus concealing the central theme of the text, which is the condemnation of the sins of Canaan and Egypt. Accordingly, following Muilenburg and Richter, an attempt will be made to state as clearly as possible how this text should be read as a pericope—or, using Richter's words, as an "individual test," or Knierim's "text-entity."[218] The other aspects of determining the "type," like evaluating the historicity of the text

and similarities in other literature as indicated by Richter will be dealt with accordingly in chapter six of this book.

Finally, form criticism that needs to be considered here has to do with structure. Locher, following Knierim,[219] has rightly noted that the task of type or genre criticism (Locher uses here "type" and "genre" interchangeably) would be to compare and to investigate texts with related characteristics of structure, whether or not they can be assigned to one text, or one type of *Gattung*.[220] Knierim underscores the significance of structure as seen in his description of a genre. For him, a genre is a "structural model," "conventional structure" or "scheme" (*Strukturmuster*) of approximate value, and the occurrence of at least two congruous or similar units is the foundation for its identification.[221] However, he argues that form-critical understanding of structure is different in that it investigates that kind of structure, which is the basis for the formation of a text and into which a text is cast.[222] Knierim's thought will be put into consideration in our discussion of the structure of both the biblical law codes and cuneiform from the point of view Lev 18, and, as Knierim has indicated, the purpose for this approach will be to establish not only the genre and the setting, but also the compositional process behind the text.[223]

Redaction Approach

Redaction criticism as a method of biblical investigation traces the history of a text from its written form through its expansion by additions or commentary, and through its incorporation into larger complexes, up to its final setting in the present context.[224] It determines the historical factors and intentions of the statements operative in this history. In order to understand the redactional work involved in our text two models will be followed from Bigger and Epstein.[225] Following Bigger, the extent of both P and H redactors in the text will be explored, and then, following Epstein, the development of the Hebrew law of incest, namely, its pre-Deuteronomic stage, and its Deuteronomic stage will be investigated in wider scope, with the hope that this approach will shed more light on the understanding of the same laws in the Priestly laws.

Synchronic Approach

The synchronic approach, as described by Haynes and McKenzie, refers to literary methods such as structural criticism, narrative criticism, reader-response criticism,[226] and poststructural criticism. These methods tend to focus on the text itself in its final form, the relationships between a variety of textual elements, and the interaction between texts and *readers*. Methodologically, the approach in chapter two of this book will especially involve reader-response criticism of Lev 18. This approach is not intended to view authorial intention (diachronic analysis) of the text under discussion as irretrievable, or irrelevant to the interpretive process[227] as Haynes and McKenzie have pointed out.[228] The approach is aimed at allowing us to interact with the text in light of its own context, linguistic and literary competence,[229]or structural unity of the text, and to bring other texts within our text, in order to fill in the gaps. As Wolfang Iser has noted:

> If one regards the sentence sequence as a continual flow, this implies that the anticipation aroused by one sentence will generally be realized by the next, and the frustration of one's expectations will arouse feelings of exasperation. And yet literary texts are full of unexpected twists and turns, and frustration of expectations. Even in the simplest story there is bound to be some kind of blockage, if only because no tale can ever be told in its entirety. Indeed, it is only through inevitable omissions that a story gains its dynamism. Thus whenever the flow is interrupted and we are led off in unexpected directions, the opportunity is given to us to bring into play our own faculty for establishing connections— for filling in the gaps left by the text itself.[230]

Attention will be given to the linear arrangement of words, sentences[231] or verses and the content that can be assigned to the unit, and then fill in the gaps left by our text. However, the categories of form (genre), which could be accommodated comfortably under this rubric will not be considered.[232] Instead, the issues arising from genre will be treated separately in chapter six.

Comparative Approach

A comparative method will be employed to analyze epigraphic and archaeological evidence from the ancient Near East in order to understand

the sins of the Canaanites and the Egyptians with regard to the incest and sexual behavior depicted in the Hebrew Bible.[233] Malul has presented a detailed survey of the various applications of comparative method in biblical research and the criticisms voiced in the scholarly literature against its erroneous applications.[234] His main concern is to address the question of how one could determine whether or not there is an historical (genetic) connection between a certain biblical passage or phenomenon and its ancient Near Eastern parallel. Two different comparative approaches are distinguished in this monograph: the "historical comparison" approach and the "typological comparison" approach.

According to Malul, "historical comparison," or what he calls the diffusionist approach, assumes a historical connection or a common tradition between the compared societies. This connection could be the result of a common source or an influence of one culture or society upon the other. On the one hand, "typological comparison" approach, or the *evolutionist* approach, explains the similarities and parallels discovered between historically unrelated cultures, cultures that are far apart both geographically and chronologically, on the basis of the assumption of a universally underlying spiritual unity of man.[235] Malul emphasizes the need to examine the immediate and wider context of biblical texts before resorting to external evidence and the need for considering the issues of "coincidence versus uniqueness."[236] He argues that examining the immediate and wider biblical context before using external evidence proves to be altogether valid but must be applied to both sides of the equation. Concerning coincidence and uniqueness, Malul says that

> it seeks to answer the question whether differences and/or similarities that are observed between the phenomena or sources under comparison are the result of coincidence or whether they are unique: Do the same phenomena reflected in the compared sources exist in other cultures outside the "historic stream" of the Hebrew Bible and the ancient Near East—in which case their common occurrence in both the Hebrew Bible and ancient Near East is a mere coincidence; or are they confined to this specific "historic stream"—in which case they are unique and their occurrence in both the Hebrew Bible and the ancient Near East is, therefore, significant. Data for answering these questions are sought in both the immediate and wider contexts of the compared sources, as well as in distant cultures that are outside the "historic stream" of the cultures, which produced these sources.[237]

Finally, applying the above methods on biblical laws of the goring ox in Exod 21:28–32, Malul concludes that these laws are closely dependent upon their Mesopotamian counterparts, and that the biblical author or editor knew the Mesopotamian laws first-hand. He may even have had a copy (or copies) of them in front of him when he composed, or edited, his biblical version.[238] Now, how do these methodological concerns raised by Malul apply to our text? One thing is clear; there are similarities between the Priestly laws and the ancient Near Eastern texts. What is not clear, and needs to be investigated, is whether the similarities should be viewed as "historical" (*diffusionist*) or "typological (*evolutionist*)." The other question that needs to be asked is whether the similarities are as a result of the fact that all of these people lived in similar climates and conditions, or are they a result of literary dependence? Following Malul, the data to answer these questions will be sought in the biblical and nonbiblical contexts. This will begin with the Priestly laws, and then examine other related texts in the Hebrew Bible, and then ancient Near Eastern texts. The prevailing historical circumstances at the time will also be investigated to establish the point of contact between biblical and ancient Near Eastern texts if there was any.

Interdependence of Methods

The use of a plethora of methods in this study,[239] as indicated above, will certainly allow various texts featured in this book to dialogue with one another.[240] However, making such methodological distinctions as the work progresses can be not only a painstaking task, but also misleading as Haynes and McKenzie have noted.[241] Easy distinctions break down where authors attempt to describe their methods in the simplest terms. Even scholars who think of themselves as theoretical purists (whether of the historical or literary variety) will often utilize insights from "the other side" when such prove illuminating. However, having said that, every effort will be made to indicate the method that is being applied in each section of this study.

Notes

[1] See for example, Claude Lévi-Strauss, *The Elementary Structures of Kinship* (Boston: Beacon Press, 1969); Sigmund Freud, *Three Essays on the Theory of Sexuality,* trans. and ed. James Trachey (New York: Avon Books, 1975); Freud, *Totem and Taboo, Some Points of Agreements between the Mental Lives of Savages and Neurotics,* trans. and ed. James Strachey (New York: W.W. Norton, 1989); Ilona N. Rashkow, *Taboo or Not Taboo: Sexuality and Family in the Hebrew Bible* (Minneapolis: Fortress Press, 2000); Emile Durkheim, *The Origins and Development of the Incest Taboo* (New York: Lyle Stuart, 1963).

[2] See, for example, Calum M. Carmichael, *Law, Legend, and Incest in the Bible* (Ithaca, NY: Cornell University Press, 1997); E. Neufeld, *Ancient Hebrew Marriage Laws, with Special References to General Semitic Laws and Customs* (London: Longmans, Green and Co., 1944); Allen P. Ross, *Holiness to the Lord: A Guide to the Exposition of the book of Leviticus* (Grand Rapids, MI: Baker Academic, 2002); Daniel Nussbaum, "The Priestly Explanation of the Exile and its Bearing upon the Portrayal of the Canaanites in the Bible" (Master's thesis; University of Pennsylvania, 1974); Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary* (Anchor Bible; Garden City, NY: Doubleday, 2000); Martin Noth, *Leviticus, A Commentary* (The Old Testament Library; Philadelphia: Westminster Press, 1977); Gordon J. Wenham, *Genesis 16–50* (Word Biblical Commentary 2; Dallas, TX: Word Books, 1994); Stephen F. Bigger, "The Family Laws of Leviticus 18 in the Setting," *JBL* 98 (1979): 187–203; Louis M. Epstein, *Marriage Laws in the Bible and the Talmud* (Harvard Semitic series; Cambridge, MA: Harvard University Press, 1968); Gerhard von Rad, *Deuteronomy, A Commentary,* trans. Dorothea Barton (London: SCM Press, 1966); Albrecht Alt, "The Origins of Israelite Law," in *Essays on Old Testament History and Religion,* trans. R.A. Wilson (Oxford: Blackwell, 1966), 81–132; Norman K. Gottwald, *The Tribes of Yahweh: A sociology of the Religion of Liberated Israel, 1250–1050. B.C.E.* (Maryknoll, NY: Orbis, 1979).

[3] At this juncture, we are here assuming with Meir Malul, *The Comparative Method in Ancient Near Eastern and Biblical Legal Studies* (Alter Orient Altes Testament 227; Kevelaer: Butzon & Bercker, 1990), that the world of the Hebrew Bible and the ancient Near East shared similar traditions: literary, religious, legal, historiographic, and any others. See more under the methodology section of this book.

[4] Roger M. Keesing remarks that a central question in social anthropology for decades has asked why human societies prohibit mating between siblings, and between parents and children, as incestuous. Why are there incest taboos? (*Cultural Anthropology: A Contemporary Perspective* [2nd ed.; New York: Holt, Rinehart, and Winston, 1981)]. Whereas Keesing argues that incest was accepted in Ptolemaic and Roman Egypt (see chapter three of this book), the Azande of Africa, Peru, and Hawaii, he nevertheless points out that the incest taboo is universal.

[5] For more details, see C.C. Harris, *Kinship* (Concepts in Social Thought; Minneapolis: University of Minnesota Press, 1990), 10. See also Richard Feinberg, who says that kinship has occupied a central position in anthropological discourse for well over a century ("Introduction: Schneider's Cultural Analysis of Kinship and Its Implications for Anthropological Relativism," in *The Cultural Analysis of Kinship, The Legacy of David M. Schneider,* ed. Richard *Feinberg* and Martin Ottenheimer [Urbana: University of Illinois, 2001], 1).

[6] For a detailed history of the concept of kinship in anthropology and the debate about its meaning and significance, see Harris, *Kinship,* 1–26; Rodney Needham, ed., *Rethinking Kinship and Marriage* (A.S.A. Monographs, no. 11; London: Tavistock Publications, 1971), xiii-cxvii; Robin Fox has sketched briefly the history of anthropological research on kinship (*Kinship and Marriage: An Anthropological Perspective* [Cambridge Studies in Social Anthropology, no. 50; Harmondsworth: Penguin, 1967; reprint Cambridge: Cambridge University Press, 1983], 13–25). See also Arthur P. Wolf, "Introduction," in *Inbreeding, Incest and the Incest Taboo,* ed. Arthur P. Wolf and William H. Durham (Stanford, CA: Stanford University Press, 2005), 1–23. In his review, Michael G. Peletz, "Kinship Studies in the Late Twentieth-Century Anthropology," in *Annual Review of Anthropology* 24 (1995): 343–372, has examined the state of play of kinship studies in late twentieth-century anthropology, paying close attention to theoretical advances and shifts in methodology and intent that have occurred since 1970s. A. Kuper has provided a history of the study of kinship since nineteenth century (*The Invention of Primitive Society: Transformations of an Illusion* [London: Routledge, 1988]). For an introductory textbook of this subject, see Ladislav Holy, *Anthropological Perspectives on Kinship* (London: Pluto, 1996).

[7] See Robert A. Jones, *The Secret of the Totem, Religion and Society from McLennan to Freud* (New York: Columbia University Press, 2005), 195–196; Richard Feinberg and Martin Ottenheimer, eds., *The Cultural Analysis of Kinship: The Legacy of David M. Schneider* (Urbana: University of Illinois, 2001), 12, 74–75, 134, 147, 178, 206; T. O. Beidelman, "Some Kaguru Notions about Incest and other Sexual Prohibitions," in *Rethinking Kinship and Marriage,* ed. Rodney Needham (London: Tavistock Publications, 1971), 181–201; Fox, *Kinship and Marriage,* 54–76; Marilyn Strathern, *Kinship, Law and the Unexpected, Relatives are Always a Surprise* (Cambridge: Cambridge University Press, 2005), 31; Ladislav Holy*, Kinship, Honor and Solidarity, Cousin Marriage in the Middle East* (Themes in Social Anthropology; Manchester, UK: Manchester University Press, 1989), 28–29, 33; Jack Goody, ed., *The Character of Kinship* (Cambridge: Cambridge University Press, 1973), 6, 94, 95; Rodney Needham, *Mamboru, History and Structure in a Domain of Northwestern Sumba* (Oxford: Clarendon Press, 1987), 149–150.

[8] For more details, see David M.A. Schneider and Kathleen Sand Gough, eds., *Matrilineal Kinship* (Berkeley: University of California Press, 1961); Rodney Needham, Rethinking *Kinship: Structure and Sentiment, A Test Case in Social Anthropology* (Chicago: University of Chicago Press, 1960).

[9] For more details, see Durkheim, *Incest; Les Formes élémentaires de la vie Religieuse,* trans. Joseph Ward Swain (1912; reprint, New York: Free Press, 1915); Lévi-Strauss, *Elementary Structures*; *Totemism,* trans. Rodney Needham (Boston: Beacon, 1964); Freud, *Theory of Sexuality.*

[10] David M.A. Schneider, *A Critique of the Study of Kinship* (Ann Arbor: University of Michigan Press, 1984), vii.

[11] Wolf and William H. Durham, eds., *Inbreeding, Incest and the Incest Taboo* (Stanford, CA: Stanford University Press, 2005).

[12] Fox, *Kinship and Marriage*; Jones, *Religion and Society.*

[13] Durkheim, *Incest*, 13.

[14] For more information on this method, see Edmund R. Leach, "The Comparative Method in Anthropology," in *International Encyclopedia of the Social Sciences,* vol. 1, ed. David L. Sillis (New York: Macmillan, 1968), 344. For the usefulness and limitations of comparative method, see also Emilio F. Moran, "Introduction: Norms for

Ethnographic Reporting," in *The Comparative Analysis of Human Societies: Toward Common Standard for Data Collection and Reporting,* ed. Emilio F. Moran (Boulder, CO: L. Rienner, 1995), 1–20; and Thomas A. Gregor and Donald Tuzin, eds., *Gender in Amazon and Malanesia, An Exploration of the Comparative Method* (Berkeley, CA: University of California Press, 2001), 1–16. Gregor and Tuzin have pointed out that at its most basic level, all anthropology is comparative. There is no way to talk about cultures and their institutions without at least implicitly comparing them to other cultures.

15 For an account on the merits and demerits of a typological approach, see Robert L. Carneiro, *Evolutionism in Cultural Anthropology: A Critical History* (Boulder, CO: Westview Press, 2003), 181–184.

16 Totemic exogamy is the prohibition of sexual intercourse between members of the same clan. The word "totem," as a rule, refers to an animal that stands in a peculiar relation to the whole clan—the common ancestor of the clan, a guardian and helper. For more information on this definition, see also Freud, *Totem and Taboo*, 5. Commenting on Freud's work, Joseph Shepher has noted that for Freud totemism, incest taboos, and exogamy often coexist (*Incest, Biosociol View* [New York: Academic Press, 1983], 55).

17 Durkheim, *Incest,* 52.

18 Ibid., 66.

19 Ibid., 69.

20 Ibid., 70.

21 Ibid., 80.

22 Albert Ellis, "The Origins and the Development of the Incest Taboo," in *Incest, The Nature and Origin of the Taboo,* by Emile Durkheim (New York: Lyle Stuart, 1963), 123–168.

23 Ellis, "Incest Taboo," 143.

24 Jones, *Religion and Society.*

25 See especially Durkheim, *Formes élémentaires.*

26 Jones, Religion *and Society*, 6.

27 John Ferguson McLennan, *Primitive Marriage: An Enquiry into the Origin of the Form of Capture in Marriage Ceremonies* (Classics in Anthropology; Edinburgh: Black, 1865); "Totem," in *Chambers' Encyclopedia: A Dictionary of Universal Knowledge* (London: W. & R. Chambers, 1868), 753–54; William Robertson Smith, "Animal Worship and Animal Tribes among the Arabs and in the Old Testament," in *The Lectures and Essays of William Robertson Smith,* ed. John Sutherland Black and George Chrystal (London: A. and C. Black, 1912), 455–83; James George Frazer, *The Golden Bough: A Study in Magic and Religion* (2nd ed., New York: Macmillan, 1900); Freud, *The Interpretation of Dreams,* trans. Joyce Crick (Oxford: Oxford University Press, 1999); Franz Boas, "The Origin of Totemism," in *American Anthropologist* 18 (1916): 319–26; and Lévi-Strauss, *Totemism.*

28 Jones, *Religion and Society*, 302. Concerning the association of incest with animals, Patrick Bateson is of the opinion that incest should be restricted to human social behavior where culturally transmitted proscriptions limit sexual contact and marriage with close kin, while inbreeding avoidance should be used for behavior that makes mating with close kin less probable in both humans and nonhuman animals ("Inbreeding Avoidance and Incest Taboo," in *Inbreeding, Incest and the Incest Taboo,* ed. Arthur P. Wolf and William H. Durham [Stanford, CA: Stanford University Press, 2005], 24).

29 Jones, *Religion and Society,* 303–304.

30 Ibid., 305.

31 Jones, *Religion and Society,* 6.

[32] Ibid., 305.
[33] Wolf, "Introduction," 21.
[34] For more details of this definition and the scope of social anthropology, see M.N. Srinivas, "Introduction," in A.R. Radcliffe-Brown, *Method in Social Anthropology,* ed. M.N. Srinivas (Chicago: University of Chicago Press, 1958), ix–xxi. See also George E. Marcus and Michael M.J. Fischer, *Anthropology as Cultural Critique, An Experimental Moment in the Human Sciences,* 2nd ed. (Chicago: University of Chicago Press, 1999), 17–44. In this section, which Marcus and Fischer have entitled "Ethnography and Interpretive Anthropology," they explain the meaning of subfields of anthropology, for example, archaeology, biological anthropology, and social cultural anthropology.
[35] Lévi-Strauss, *Elementary Structures*, xxiii. See also Marshall D. Sahlins, "Evolution: Specific and General," in *Evolution and Culture,* ed. Marshall D. Sahlins and Elman R. Service (Ann Arbor: University of Michigan Press, 1960), 28. According to Carneiro, complexity is the hallmark of evolution. Cultural evolution is a movement in the direction of increased complexity (*Critical History,* 161ff).
[36] Lévi-Strauss, *Elementary Structures*, xxiv.
[37] See for example, Juliet Mitchel*, Psychoanalysis and Feminism, Freud, Reich, Laing and Women* (New York: Vintage Books, 1975), 370–376.
[38] Lévi-Strauss, *Elementary Structures*, xxiv.
[39] The use of the term "universal" can be misleading. What it means in the present study needs to be made clear, as it is mentioned time and again. While incest prohibitions are found in many societies in the world, the ways in which they are defined vary considerably from society to society. Thus, the term "universality" does not imply "uniformity." In turn, this problem calls for the need to define carefully our approach in comparative studies discussed later under methodology.
[40] Ibid., 9.
[41] For more information on penalties among ancient societies, see Adolf E. Jensen, *Myth and Cult Among Primitive Peoples,* trans. Marianna Tax Choldin and Wolfgang Weissleder (Chicago: University of Chicago Press, 1963), 310; and F. Steiner, *Taboo* (London: Cox & Wymam, 1967), 21.
[42] Lévi-Strauss, *Elementary Structures*, 10.
[43] Ibid., 12–25.
[44] Ibid., 24.
[45] Needham, *Kinship and Marriage*, ccii.
[46] Ibid., xciii. See also P.G. Riviére, "Marriage: Reassessment," in *Rethinking Kinship and Marriage,* ed. Rodney Needham (A.S.A. Monographs 11; London: Tavistock Publications, 1971), 127. Riviére blames Lévi-Strauss for inconsistency between definitions and classificatory criteria, especially in the use of "elementary structure."
[47] Needham, *Kinship and Marriage*, xciv.
[48] Juliet Mitchell, *Psychoanalysis and Feminism,* 370–376; and Rashkow, *Sexuality and Family,* 19-20.
[49] Mitchell, ibid.
[50] Ibid., 370–381.
[51] Ibid., 370.
[52] Ibid., 373.
[53] Ibid., 374.
[54] Freud, *Totem and Taboo,* 4, 9 and 13.
[55] Freud, *Theory of Sexuality,* 91. Freud further says that the simplest course for the child would be to choose as his sexual objects the same persons whom he has loved since his

childhood with what may be described as damped-down libido. But in postponing of sexual maturation, time has been gained in which the child can build among other restrains on sexuality, a barrier against incest and can thus take up into himself the moral precepts that expressly exclude as his object-choice, blood relations, and the persons whom he has loved in his childhood. Respect for this barrier is essentially a cultural demand made by society.

56 Freud, *Totem and Taboo,* 19.

57 For critique of Freud's work, see Mitchell, *Psychoanalysis and Feminism,* xiii and 370. See also Rashkow, who argues that exogamy and endogamy help to regulate socioeconomic forces, that is, a woman is the basic social currency. Incest prohibitions provide a collective male sanction against aggressive males who might attempt to seize power over society's basic commodity, beginning with their own female relatives (*Sexuality and Family*, 19–20).

57 Freud has pointed out that the Oedipus complex is the nuclear complex of the neuroses, and constitutes the essential part of their content. It represents the peak of infantile sexuality, which, through its after-effects, exercises a decisive influence on the sexuality of adults. Every new arrival on this planet is faced by the task of mastering the Oedipus complex; any one who fails to do so falls a victim to neurosis (*Theory and Sexuality*, 92).

58 Freud, *Totem and Taboo,* 22.

59 Shepher, *Biosocial View,* 136 and 138.

60 Fox, *The Red Lamp of Incest: An Enquiry into the Origins of Mind and Society* (Notre Dame, IN: University of Notre Dame Press, 1983).

61 Ibid., 61.

62 Ibid., 216.

63 Fox, *Lamp of Incest,* 54.

64 Fox, *Kinship and Marriage*, 55. In *Lamp of Incest*, Fox further clarifies this distinction by using the terms "incestuous sex" to refer to incest, and "incestuous marriage to refer to exogamy (216). The problem is also evident in the prohibitions of Lev 18. Biblical scholars are not in agreement as to the meaning of the prohibitions. Do they refer to incest (intra-familial sex-incest taboo) or to exogamy?

65 Ibid., 55.

66 Ibid., 60. See also Hill Gates, "Refining the Incest Taboo," in *Inbreeding, Incest and the Incest Taboo,* ed. Arthur P. Wolf and William H. Durham (Stanford, CA: Stanford University Press, 2005), 139–160; and Mark T. Erickson, "Evolutionary Thought and the Current Clinical Understanding of Incest," in *Inbreeding, Incest and the Incest Taboo,* ed. Arthur P. Wolf and William H. Durham (Stanford, CA: Stanford University Press, 2005), 161.

67 Ibid., 161.

68 Fox, *Kinship and Marriage,* 61.

69 Fox, *Lamp of Incest,* 216.

70 Ibid., 63. See also Gates, " Incest Taboo," 155.

71 John S. Mbiti, *African Religions and Philosophy* (Nairobi: Heinemann 1983), 137. Something needs to be said about the much-used phrase "the living-dead" by Mbiti (137). Insofar as this phrase signifies the involvement of the ancestral spirits in regulating the modalities of the religious life of the living with whom they had close association, it fails to disentangle the problem of how incest prohibitions started, because it is that which is hated by the living that the living-dead hates. Again, what came first, incest or the living-dead? Or put in other words, since the living-dead were at one time the living, what explanations did they have of the existence of incest

prohibitions? Certainly, we should not trace the origin of incest among the dead, but among the living, and even though we should admit that Mbiti was not trying to help us in our struggle of finding out how this concept began, the problem remains very much unresolved.

72 Mbiti, *African Religions,* 137.

73 B. E. Kipkorir, *The Marakwet of Kenya* (Nairobi: East Africa Literature Bureau, 1973), 50.

74 Jomo Kenyatta, *Facing Mount Kenya* (Nairobi: Heinemann Educational Books, 1971), 168.

75 M. N. Kabetu, *Kirira kia Ugikuyu* (Nairobi: East Africa Literature Bureau, 1970), 105–108.

76 See also the Nandi of Kenya whose victim was flogged by the women who stripped for the purpose and destroyed the offender's house. For more details on the violation of incest prohibitions, see A. S. Diamond, *Primitive Law Past and Present* (London: Methuen & Co., 1970), 260.

77 For mare details, see Steiner, *Taboo*, 1967), 112.

78 Schneider, *Study of Kinship*.

79 Schneider has remarked that kinship has been defined in terms of the relations that arise from the process of human sexual reproduction. Human sexual reproduction has been viewed by anthropologists as an essentially biological process, part of human nature, regardless of any cultural aspects which may be attached to it (*Study of Kinship*, 165).

80 Schneider, *Study of Kinship,* vii. Feinberg points out that in the mid-1970s, following an announcement by David Schneider that kinship did not exist in any culture known to humankind, kinship studies largely dropped from sight ("Introduction," 2).

81 Schneider, ibid., 128. Peletz observes that theories and debates about what were once taken to be the basic building blocks of kinship (kinship terminologies, so-called rules of descent, marriage, and post-marital residence) no longer occupy their long privileged position of centrality within the discourse of anthropology ("Kinship Studies," 345). Holy expresses similar sentiments (*Honor and Solidarity,* 5). Most classical objects of anthropological interest, such as the "segmentary lineage structure," the "system of indirect exchange," and so on, are anthropologist constructs whose counterpart in the realities of the people who are supposed to have or to operate them is difficult to locate precisely.

82 Beidelman, "Sexual Prohibitions," 183.

83 Janet Carsten, "Introduction: Cultures of Relatedness," in *Cultures of Relatedness, Approaches to the Study of Kinship*, ed. Janet Carsten (New York: Cambridge University Press, 2000), 1.

84 Carsten, "Cultures of Relatedness," 1.

85 Sharon E. Hutchison, "Identity and Substance: The Broadening bases of Relatedness among the Nuer of southern Sudan," in *Cultures of Relatedness, Approaches to the Study of Kinship*, ed. Janet Carsten (New York: Cambridge University Press, 2000), 55–72. For the new kinship studies, see Strathern, *Law and the Unexpected,* vii.

86 Fredrick Barth, "Descent and Marriage Reconsidered," in *The Character of Kinship,* ed. Jack Goody (Cambridge: Cambridge University Press, 1973), 3–19.

87 Barth, "Descent and Marriage," 6.

88 See also Feinberg. However, Feinberg has pointed out that while anthropologists were loosing interest in kinship, scholars in other academic disciplines and ordinary people the world over continued to treat it as a vital concern. Sociologists, psychologists, political scientists, economists, and theologians still examining variations in household

organization, make claims about a putative connection between poverty, crime, and allegedly pathological familial forms ("Introduction," 3).

89 Peletz, "Kinship Studies," 366.

90 Ibid., 367.

91 Freud, *Totem and Taboo.*

92 Lévi-Strauss, *Elementary Structures,* xxiii.

93 See Keesing, *Cultural Anthropology*, 263. Keesing says that "cultural reinforcement of psychobiological barriers, and culturally fostered abhorrence of what otherwise might be temptations, have served to rule out incest in most times and places." Note, however, the acceptance of marriage between cross-cousins among the Maolans according to Sahlins (*Culture and Practical Reason* [Chicago: University of Chicago, 1976], 29).

94 For more information about the practice of sibling marriage see, for example, Walter Scheidel, "Ancient Egyptian Sibling Marriage and the Westermark Effect," in *Inbreeding, Incest and the Incest Taboo*, ed. Arthur P. Wolf and William H. Durham (Stanford, CA: Stanford University Press, 2005), 93–108.

95 Ellis, "Incest Taboo," 143.

96 See for example, Lévi-Strauss, *Elementary Structures*; Gottwald, *Tribes of Yahweh*; and Radcliffe-Brown, *Social Anthropology.*

97 Durkheim, *Incest Taboo*, 13.

98 Ibid., 66.

99 See Mitchell, *Psychoanalysis and Feminism,* 370.

100 See Rolf P. Knierim, "Old Testament Form Criticism Reconsidered," *Interpretation* 27 (1973), 439 and 460. Knierim has applauded Lévi-Strauss's work, which aims at discovering the fundamental patterns of the human mind that underlie its overwhelming diversity of expression and uncovering the unconscious structure that underlies each institution and each custom, in order to obtain a principle of interpretation valid for other institutions and other customs—the genre.

101 For more details of this definition and the scope of social anthropology, see M.N. Srinivas, "Introduction," ix–xxi.

102 Noth, *Leviticus*; Milgrom, *Leviticus17–22*; and Gottwald, *Tribes of Yahweh.*

103 Alt, "Israelite Law"; von Rad, *Deuteronomy*; Epstein, *Marriage Laws*; and Bigger, "Family Laws."

104 Noth, *Leviticus,* 143.

105 Cf. Gen 15:16.

106 Cf. vss. 2b, 4b, 5b, 6b, 21b, 30b.

107 More will be said later about the juxtaposition of Egypt with Canaan in our discussion about Egypt.

108 Cf. Gen 9:20–25

109 Milgrom, *Leviticus, 17–22.*

110 More about problems with regard to translation will be said later in our discussion about Egyptian archaic words on kinship.

111 Milgrom, *Leviticus 17–22*, 1529.

112 Milgrom further observes that the priestly memory that the land of Canaan was once an Egyptian province (the borders of the promised land, Num 34:1–5 [P]) corresponds to those under the New Kingdom Egypt.

113 Gottwald, *Tribes of Yahweh,* 498–99.

114 Gottwald, *Tribes of Yahweh,* 99, has pointed out that a few texts overtly employ the primary mercantile meaning, that is, the Canaanite is a trader (Isa 23:8; Prov 31:24; Zeph 1:11; Zech 11:7,11).

115 Ibid., 99. He further remarks that the term "Canaanite" carries in some instances, if not a specifically mercantile reference, at least an upper-class overtone alluding to royalty or aristocracy.

116 S.H. Kellogg, *The Book of Leviticus* (The Expositor's Bible; London: Hodder and Stoughton, 1906); J.R. Porter, *Leviticus* (The Cambridge Bible Commentary; New English Bible; London: Cambridge University Press, 1976); Ross, *Holiness.*

117 For scholars who find evidence of bestiality in the land of Canaan, but no incest, see Baruch A. Levine, *Leviticus: The Traditional Hebrew Text with the New JPS Translation* (The JPS Torah Commentary; Philadelphia: The Jewish Publication Society, 1989); and Philip J. Budd, *Leviticus; based on the New Revised Standard Version* (New Century Bible Commentary; London: Marshall Pickering, 1996).

118 Milgrom, *Leviticus 17–22.*

119 L.L. Grabbe, *Leviticus* (Sheffield: JSOT Press, 1993).

120 N.H. Snaith, *Leviticus and Numbers; based on the Revised Standard Version* (London: Nelson, 1967); Mark F. Rooker, *Leviticus* (New American Commentary 3A; Nashville, TN: Broadman &Holman, 2000).

121 Samuel E. Balentine, *Leviticus* (Interpretation, a Bible Commentary for Teaching and Preaching; Louisville, KY: John Knox Press, 2002).

122 The genre will be discussed in detail in chapter six.

123 For more details, see James Muilenburg, "Form Criticism and Beyond," *JBL 88* (1969): 2–3.

124 Alt, "Israelite Law," 81–132; von Rad, *Deuteronomy*; Epstein, *Marriage Laws*; and Bigger, "Family Laws."

125 Alt, "Israelite Law," 81–132.

126 For a detailed criticism of Alt's distinction between casuistic and apodictic laws, see Rifat Sonsino, *Motive Clauses in Hebrew Law, Biblical Forms and Near Eastern Parallels* (Dissertation series, Journal of Biblical Literature 45; Missoula, MT: Scholars Press, 1979).

127 Alt, "Israelite Law," 88.

128 Ibid., 123.

129 Ibid., 125–128. Alt's view that attributes the origin of casuistic laws to the Canaanites and apodictic laws to Israel has been challenged by some scholars, and it does not agree with the views expressed in this book.

130 Von Rad, *Deuteronomy,* 18.

131 Cf. Deut 15:1; 16:19; 16:21–17:1; 23:17. For more details on the understanding of the conquest and punishment in Deut 5–11, see Norbert Lohfink, *Das Hauptgebot: Eine Untersuchung literatischer Einleitungs-fragen zu Dtn 5–11* (Analecta biblica 20; Rome: E Pontificio Instituto Biblico, 1963), 205.

132 Perhaps we can borrow a leaf from the HL to explain the difference between Lev 18 and 20. In the former there is no punishment for the offenders, unlike in the latter. A similar feature appears among the Hittites. According to Harry A. Hoffner, "Incest, Sodomy and Bestiality in the Ancient Near East," in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Sixty-fifth Birthday,* ed. H.A. Hoffner (Alter Orient und Altes Testament 22; Neukirchen-Vluyn: Neukirchener, 1973), 90. He argues that from ancient written sources of Israel, Canaan, and Hatti bestiality was practiced and at least in Israel and Hatti it was considered an improper combination. In Israel the only disposition of such a case known to us was execution. But now for the first time we can see how in Hatti the earlier and more rigorous treatment of the offender was lightened giving way to a purification ritual and payment of a fine. Could Hoffner's argument be applied to

priestly laws, that is, treat Lev 20 (with punishment) as earlier or later (whatever, the case may be) than Lev 18 (without punishment)?

133 Von Rad, *Deuteronomy,* 143.

134 Ibid., 18.

135 Ibid., 18. Von Rad argues that this is the explanation of the fact which has hitherto been difficult to understand: that parallels to some apodictic maxims in Deuteronomy occur in the early Egyptian Instruction of Amen-em-Opet, which certainly knew nothing of the traditions of the Israelite cult of YHWH (Deut 25:13–16 with Amen-em-Opet 16 [false weights and measures], Deut 19:14 with Amen-em-Opet 6 [removal of landmark] or the formula 'take care' in Deut 24:8 with Amen-em-Opet 2 and17).

136 Epstein, *Marriage Laws*, vii–viii.

137 Ibid., 220.

138 Ibid., 230. See Bigger's criticism in "Family Laws," 188. Bigger remarks that Epstein added to the chapter all other data in the Hebrew Bible and reconstructed a synchronic model of the entire Hebrew incest system, including hypothetical prohibitions which were, Epstein thought, the logical extensions of existing prohibitions, but for which there was no biblical evidence. According to Bigger, these speculations added to the fact that the Hebrew Bible data is essentially diachronic and cannot readily be converted into synchronic patterns, and are therefore fatal to his proposed reconstruction. Ostensibly, Bigger's criticism seems unwarranted because whatever assumptions and conclusions Epstein makes are very much based on traditio-historical method as opposed to a synchronic paradigm.

139 Epstein, *Marriage Laws*, 232.

140 Ibid., 187–188.

141 For detailed accounts of the extended family in the Hebrew Bible, see Porter, *The Extended Family in the Old Testament* (Occasional Papers in Social and Economic Administration; London: Edutext Publications, 1967), 10ff; Karel van der Toorn, *Family Religion in Babylonia, Syria and Israel: Continuity and Change in the Forms of Religious Life* (Studies in the History and Culture of the ancient Near East; Leiden: E. J. Brill, 1996), 195. See more on the use of ethnoarchaeological data for the understanding of extended family in Carol Myers, "The Family in Early Israel," in *Families in Ancient Israel,* ed. Leo G. Perdue and others (Louisville, KY: Westminster John Knox Press, 1997), 12–15; Joseph Blenkinsopp, "The Family in First Temple Israel," in *Families in Ancient Israel* (same volume), 51. Blenkinsopp postulates two parents and between two and four children in one family unit. Other works on this subject include John J. Collins, "Marriage, Divorce, and Family in Second Temple Judaism," in *Families in Ancient Israel* (same volume), 104–162; and Leo G. Perdue, "The Israelite and Early Jewish Family: Summary and Conclusions," in *Families in Ancient Israel* (same volume), 163–222. The question of whether or not the setting of the laws in our text should be sought in local family will be discussed in chapter eight.

142 See also Noth who says that the heart of the chapter was no doubt the complex of the apodictic prohibitions in vss. 7–18, in both form and content, a relatively self-contained whole which may originally have been "decalogical' or dodecalogical" (*Leviticus,* 134). See also Clark W. Malcom, "Law," in *Old Testament Form Criticism*, ed. John H. Hayes (Trinity University Monographs Series in Religion 2; San Antonio, TX: Trinity University Press, 1974), 109.

143 Bigger, *"Family Laws,"* 203.

144 Ibid., 191.

145 George E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* XVII (1954): 50–76. See also James K. Hoffmeier, *Ancient Israel in Sinai: The Evidence for the*

Authenticity of the Wilderness Tradition (Oxford: Oxford University Press, 2005), 177–192.

146 Wenham, *The Book of Leviticus* (Grand Rapids, MI: Eerdmans, 1979), 249–250. For a detailed study on treaties or covenants in the Hebrew Bible, see Klaus Baltzer, *The Covenant Formulary in Old Testament, Jewish, and Early Christian Writings,* trans. David E. Green (Philadelphia: Fortress Press, 1971), 9–10.

147 According to Lohfink, the covenant formula "you are my people," and "I am your God" in the book of Deuteronomy explains a covenant closed in Moab. However, the book has the evidence of the word ברית, and covenant formula and the textual and *dispositionellen* parallel to ancient Near Eastern international legal texts ("Bund als Vertag im Deuteronomium," *Zeitschrift für Alttestamentliche Wissenschaft* 107, no. 2 [1995]: 213–239).

148 Lohfink, "Bund als Vertag im Deuteronomium," 213–239.

149 Priestly laws are not included in Baltzer's list of treaties. His list includes among others, Jos 24:19–22; Exod 19:3–8; 34; Deut 1–4: 40; 29–30; Neh 9–10, and so on. Baltzer has studied the Hebrew Bible treaties in detail and his approach is plausible. In his approach he is not limited to the Hebrew Bible but he steeps himself into the ancient Near Eastern literature especially among the Hittites.

150 Milgrom, L*eviticus 17–22*, 1516.

151 See for example, Jos 24:19–22. Here, "blessing" is missing, unless we want to assume with Baltzer, *Covenant Formulary,* 25, that it is implied in "after having done you good."

152 Baltzer, *Covenant Formulary*, 25.

153 Von Rad, *Deuteronomy*, 18.

154 Neufeld, *Hebrew Marriage Laws,* 7.

155 The Code of Hammurabi, Assyrian Laws, the Hittite Code, and some Nuzi texts reflect the mixed Hurrian and Semitic culture of Northern Mesopotamia, which is in agreement with the Code of Hammurabi by five or six centuries. For more details, see Neufeld, ibid., 2.

156 Neufeld, *Hebrew Marriage Laws,* 3.

157 For a historical development of marriage laws, see Epstein, *Marriage Laws.*

158 Neufeld, *Hebrew Marriage Laws*, 9.

159 Ibid., 2.

160 Cf. CH §60 with Lev 19:23–26 in Neufeld, ibid., 15.

161 In certain instances, Hebrew legal phraseology is the same as in their counterparts in the other Semitic legal codes. This position will become clear in our discussion about the relationship between our text and other biblical and extrabiblical codes later in chapters six and seven. However, there are scholars who seem doubtful about the connections that these laws have, for example between Deuteronomic Code and the CH, as seen in Clemens Locher, *Die Ehre einer Frau in Israel: Exegetische und rechtsvergleichende Studien zu Deuteronomium 22, 13–21* (Orbis biblicus et orientalis 70; Freiburg, Schweiz: Universitätsverlag, 1986), 81.

162 Neufeld, *Hebrew Marriage Laws*, 10. Neufeld compares the Code of Hammurabi with such as those found in Exod 21:2 (cf. CH §117); Exod 21:6; 22:7 (cf. CH §§20, 23, 103, 106–107, 126, 131, 206, 227, 240, 249, 266, 281); Exod 21:16 (cf. CH §14); Exod 21:22 (cf. CH §§209–214); Exod 21:23 (cf. CH §§196, 197, 200); Exod 22:6–11 (cf. CH §§124–126); Exod 22:10 (cf. CH §§266); Exod 22:18; Lev 20:27 (cf. CH §2); Lev 19:16; Deut 22, 13–21 (cf. CH §127); Lev 19:23 (cf. CH §60); Num 5:11–31 (cf. CH §132); Deut 19:19 (cf. CH §§3–4).

163 See more under this book's section on comparative method.
164 Ibid., 16.
165 Ibid., 17.
166 Ibid., 18.
167 Hoffner, "Some Contributions of Hittitology to Old Testament Study," *TB* 20 (1969): 27–55.
168 The use of mythology in understanding the subject under discussion will be discussed later. However, it is important to note, in agreement with Walter Burket, that while theories on the origin of myths are not lacking, to what extent they prove to be fruitful in further investigation is another question ("Literarische Texte und Funktionaler Mythos *Ištar* und *Ithrasis*," in *Funktionen und Leistungen des Mythos: Drei altorientalische Beispiele,* by Jan Assman, Walter Burkert, and Fritz Stolz [Orbis biblicus et Orientals; Göttingen: Vandenhoeck und Ruprecht, 1982], 63).
169 Malul has criticized Hoffner's understanding of the relationship between the Hittites and the Canaanites, arguing that the confused reader is faced with the dilemma of how to relate to this comparison and what Hoffner should learn from it about the type of relationship between the Hittite of the Hebrew Bible culture and the Hebrew Bible (*Comparative Method*, 61). He argues that if the evidence of some sort of historical tie between the Anatolian Hittite culture and the culture of Canaan and the Hebrew Bible is basically negative, then drawing comparisons between the two unrelated cultures has no significance. Of course, Hoffner's comparison could be typological, using Hittite evidence for illuminating similar biblical phenomena; but he does not clearly define his goal. Moreover, from the rest of his discussion one gets the unmistakable impression that he is himself guided by some preconception about a historical tie at the background of the two cultures; but if so, it is in direct contradiction to the results of his empirical research stated at the beginning of his article.
170 Nussbaum, "Portrayal of the Canaanites," 4–6.
171 Ibid., 111.
172 Ibid., 114.
173 Ibid., 115.
174 Milgrom, *Leviticus 17–22*; F.W. Basset, "Noah's Nakedness and the Curse of Canaan," *VT* 21 (1971): 232–237; and von Rad, *Deuteronomy.*
175 Milgrom, *Leviticus 17–22,* 1515–1520.
176 Basset, "Noah's Nakedness," 236.
177 Jeffrey H. Tigay, *Deuteronomy=[Devarim]: The Traditional Hebrew Text with the New JPS Translation/Commentary* (The JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1996), 209.
178 Cf. Deut 15:12ff; 21:15–17; 18–22; 22:13–29; 24:1–4; 25:1–3, 5–10.
179 Von Rad, *Deuteronomy*, 17.
180 Milgrom, *Leviticus 17–22*, 1515–1520; Victor P. Hamilton, *The Book of Genesis Chapters 18–50* (The New International Commentary on the Old Testament; Grand Rapids, MI: Eerdmans, 1995); and Carmichael, *Legend and Incest.*
181 Milgrom, who here relies on Nussbaum's "Portrayal of Canaanite," accepts the fact that there is no extra-biblical evidence that the Canaanites were steeped in sexual immorality (*Leviticus*, ibid.). He then wonders where H got that idea. He remarks that sexual depravity was a means of both stigmatizing an ancient enemy, the Canaanites, and sending a dire warning to Israel that it will suffer the same fate, expulsion from the land, if it follows the same practices. Alternatively, H may have exaggerated the sexual sins of the Egyptians and Canaanites so that Israel would break all ties with them.

[182] William D. Reyburn and Euan McG. Fry are of the opinion that vs. 18 was added later and it anticipates the cursing of Canaan in vss. 25–27 (*A Handbook on Genesis* [New York: United Bible Society, 1997], 216).

[183] Basset, who gives this text idiomatic meaning erroneously reads into it sexual interpretation in his argument that the offense mentioned here undoubtedly, involved sexual intercourse ("Noah's Nakedness," 236). This is not the case. The text needs to be interpreted literally-Noah was drunk and in his unconscious mood caused by intoxication, his manhood laid bear and accidentally exposed to Ham. While a curse is used here to show the seriousness of the matter, other communities use taboos for similar situations. Among the Kikuyu people of Kenya, for example, if a man, the owner of a homestead, falls down on the ground in his compound, whether drunk or not, this is a taboo; its violation necessitates ritual cleansing. Given that in many societies in antiquity no pants (in the modern sense) were worn by men, taboos and curses were imposed to remind men to behave more responsibly especially when they became drunk. Claus Westermann too, rejects the notion of sexual intercourse (*Genesis 1–11, A Commentary,* trans. John J. Scullion [Minneapolis, MN: Augsburg, 1984], 488).

[184] Ross, *Holiness,* 343. He has discussed this issue in more detail in his work "The Curse of Canaan," in *Bibliotheca Sacra* 137 (1980): 223–40.

[185] Milgrom claims that Canaan was cursed (Gen 9:25) instead of his father, Ham, the real perpetrator of the sexual crime against Noah (Gen 9:22), has been a conundrum that has vexed the ages (*Leviticus*, 1515–1520). His explanation is that Canaan was cursed instead of his father Ham (Gen 9:20–22) because the sons of Noah were blessed by God (Gen 9:1); thus Ham's curse was passed down to his son Canaan.

[186] Ross, *Holiness*, 343. See also Milgrom, *Leviticus 17–22,* 1515–1520.

[187] Walter Brueggemann, *Genesis* (A Bible Commentary for Teaching and Preaching; Atlanta: John Knox Press, 1982), 90.

[188] B. Vawter. "Genesis" *A New Catholic Commentary on Holy Scripture* (Nairobi: Nelson, 1981), 187. For the identification of Canaan with Canaanites, see also John Skinner, *A Critical and Exegetical Commentary on Genesis* (International Critical Commentary on the Holy Scriptures of the Old and New Testaments 1; 2nd ed.; Edinburgh: Clark, 1951), 186. However, Skinner does not link it with the sins of incest mentioned in Lev 18.

[189] See also Wenham, *Genesis,* 201. Concerning the link between Lev 18 and Gen 9, see Milgrom, who argues that it could well be that the author of the exhortatory envelope (vss. 1–5, 24-30) had the Noahide episode in mind (*Leviticus,* 1515–1520).

[190] Milgrom, *Leviticus 17–22,* 1515–1520.

[191] Carmichael, *Legend and Incest.*

[192] Ibid., 40.

[193] Carmichael, *Legend and Incest*, 5.

[194] Skinner makes a very plausible comment about the incest of the drunk Lot. While incest was held in abhorrence by Israel (as by the ancient Arabs), it was at one time regarded as justified by extreme necessity, so that deeds like those here related could be told without shame (*Genesis,* 314). If Skinner's observation is true, can we find justification for the other stories mentioned above? How would such motives, if at all available, impact on our understanding of incest in the Hebrew Bible?

[195] In Gen 12ff., and 20:2ff., we have a story about Abraham's marriage to his half-sister Sarah. While there does not seem to be any problem at this time around, the lawgiver condemns such practices in Lev 18, as Wenham rightly points out (*Genesis*, 367). However, Tammi J. Schneider has pointed out that not all scholars take the references in Genesis as "truth" (*Sarah, Mother of Nations* [New York: Continuum, 2004]). See, for

example, ibid., 8, where she hints at the problem of genealogies: whether they were primary in Genesis.

196 Wenham has pointed out that whereas consorting with prostitutes was regarded as very foolish in Prov 7, sexual intercourse with one's daughter-in-law was punishable by death according to later law in Lev 20 (G*enesis,* 367).

197 Balentine shares a similar view. Israel's history contains the memory of how influential such practices could be on its own ancestors. The cases of Abraham and Sarah (Gen 20:2, 12), Judah and Tamar (Gen 38:12–19), Reuben and Bilhah (Gen 35:22), Amram and Jocebed (from whose union came Aaron and Moses; Exod 6:20), and Amnon and Tamar (2 Sam 13:7–14) are cases in point (*Leviticus,* 152). For a detailed study about these kinds of marriages, see Carmichael, especially 14–61. Concerning the story of Ammon and Tamar, Tammi Schneider is of the opinion that Tamar's suggestion in vs. 13 "Now therefore, I pray you, speak to the king; for he will not withhold me from you," was an attempt to reject his advances (verbal communication).

198 Carmichael, *Legend and Incest*, 5.

199 Ibid., 2.

200 Ibid., 39–40.

201 Ibid., 139.

202 Ibid., 5.

203 Carmichael's assumptions have not gone unchallenged. For example, Hamilton has disputed Carmichael's argument that Deut 22:30, "A man shall not take his father's wife, nor shall uncover her who is his father's," was influenced by the patriarchal narrative. The expression "father's wife" refers to one's stepmother, and it is marriage with a stepmother that is prohibited (*Genesis,* 387).

204 Epstein, *Marriage Laws*, vii–viii.

205 Nussbaum, "Portrayal of Canaanites," 114.

206 This is a Masters thesis covering a very wide rage of topics.

207 Stephen R. Haynes and Steven L. McKenzie, "Introduction," in *To Each Its Own Meaning,* ed. Stephen R. Haynes and Stephen L. McKenzie (Louisville, KY: Westminster John Knox Press, 1999), 7.

208 Odil Hannes Steck, *Old Testament Exegesis, A Guide to the Methodology,* trans. James D. Nogalski (Resources for Biblical Study 33; Atlanta, GA: Scholars Press, 1995), 27–47.

209 Steck, *Old Testament Exegesis*, 47.

210 Marvin A. Sweeney, "Form Criticism," in *To Each Its Own Meaning*, ed. Stephen R. Haynes and Stephen L. McKenzie (Louisville, KY: Westminster John Knox Press, 1990), 58–89. See also Steck, *Old Testament Exegesis*, 21–22, and Muilenburg, "Form Criticism and Beyond," 2–3. J. Muilenburg rightly argues that the student must know what kind of literature it is that he is reading, what literary category it belongs, and what its characteristic features ("Form Criticism and Beyond," *JBL* 88 [1969]: 4).

211 Sweeney, "Form Criticism, 58.

212 Muilenburg, "Form Criticism," 4.

213 Muilenburg, "Form Criticism." For German terms generally used in form criticism, e.g. *Gattung* for "genre," *Sitz in Leben* for "setting in life" or "social setting," *Sitz im Literatur* for "literary setting," *Formgeschichte* for "the history of form," and *Gattunggeschichte*, for "the history of genres," see Sweeney, "Form Criticism," 59–60.

214 Steck, *Old Testament Exegesis,* 21–22.

215 Wolfgang Richter, *Exegese als Literaturwissenschaft: Entwurf einer alttestamentlichen Leteraturtheorie und Methodologie* (Göttingen: Vandenhoeck & Ruprecht, 1971), 127.

216 Muilenburg, "Form Criticism and Beyond," 2–4.

217 Richter, *Exegese als Literaturwissenschaft*, 74.
218 Knierim, "Form Criticism Reconsidered," 461.
219 Ibid., 443.
220 Locher, *Ehre einer Frauin Israel,* 81.
221 Knierim, "Form Criticism Reconsidered," 445.
222 Ibid., 460.
223 See also Malcom, "Law," 101. For Malcom, form criticism has now enabled scholars to go behind the immediate literary context and process and reconstruct something of the life setting and development of the different legal genres and formulas.
224 Steck, *Old Testament Exegesis*, 79–98.
225 Bigger, "Family Laws"; and Epstein, *Marriage Laws.*
226 Haynes and McKenzie, *To Each Its Own meaning,* 7; Jane P. Tompkins has remarked that the reader-response criticism is not a conceptually unified critical position, but a term that has come to be associated with the work of critics who use the words reader, the reading process, and response to mark out an area for investigation ("An Introduction to Reader Response Criticism," in *Reader-Response Criticism: From Formalism to Post-Structuralism,* ed. Jane P. Tomkins [Baltimore: Johns Hopkins University Press, 1980], ix). For criticism of this approach, see Edgar V. McKnight, "Reader-Response Criticism," in *To Each Its Own Meaning,* ed. Stephen R. Haynes and Stephen L. McKenzie (Louisville, KY: Westminster John Knox Press, 1999), 247.
227 Steck has pointed out that one should object to determining meaning for biblical texts derived from literary studies or New Literary Criticism if one believes one is able to arrive at sound conclusions without the qualification that these texts are historical entities with historical, linguistic, and structural characteristics. The historical origin of biblical texts cannot, under any circumstances, be disregarded in the process of understanding (O*ld Testament Exegesis*, 25).
228 Haynes and McKenzie, *To Each its Own Meaning*, 7.
229 McKnight, "Reader-Response Criticism," 240.
230 Wolfgang Iser, "The Reading Process: A Phenomenological Approach," in *Reader Response Criticism: From Formalism to Post-Structuralism*, ed. Jane P. Tompkins (Baltimore, MD: Johns Hopkins University Press, 1980), 55. See also William K. Gilders, *Blood Ritual in the Hebrew Bible, Meaning and Power* (Baltimore, MD: Johns Hopkins University Press, 2004). Gilders' book is a valuable resource for the study of blood ritual. Drawing from his earlier studies in the Judaism in Antiquity and recent theoretical approaches, Gilders investigates blood manipulation in the Hebrew Bible. He employs a reader-oriented method, which is informed by "interpretive community." Furthermore, when meaning cannot be constructed from the "world of the text," Gilders employs a process of reading that involves "conceptual gap-filling." Gilders, argues that the reader plays a vital role in constituting the "meaning" of any text, and as long as a text remains unopened and unread, it has no meaning (10). He points out that meaning comes into being only when the text is read, and the reader's contribution is irreplaceable. The assumptions made by Gilders are true for this study, especially "gap-filling" in our exegesis of Lev 18.
231 McKnight, "Reader Response Criticism," 240–41.
232 Ibid., 240–241.
233 See Malul, *Comparative Method*.
234 Ibid., 13–19.
235 See the universality of incest rules among the Kikuyu, Polynesia, and Kelenjini, and so on, discussed under the section on anthropology in chapter one.

236 Malul, *Comparative Method,* 157–158.

237 Malul, ibid., 157–158.

238 Ibid., 159. John van Seters has criticized Malul. He argues that in order to support the belief in historical connection between biblical and cuneiform laws, one must be able to make a case for sufficient cultural contact, either direct or mediated, between the Mesopotamia of the second millennium B.C.E. law codes and the first millennium B.C.E. biblical authors—the chronological and geographical gaps involved are large (*A Law Book for the Diaspora* [Oxford: Oxford University Press, 2003], 30–31).

239 See Steck, *Old Testament Exegesis*, 19, for the usefulness of intermingling of methodological steps, even though Steck warns against determining the execution of exegetical work by a corresponding partition.

240 The nature of this study is in itself very intertextual. However, due to the difficulties involved in defining intertextuality as a method, we decline to use this term. See Ellen J. van Wolde, *Words Become Worlds: Semantic Studies of Genesis 1–11* (Biblical Interpretation Series 6; Leiden: E.J. Brill, 1994), 163. Wolde argues that intertextuality theorists see a text as an unending universe, from which no escape is possible: for them everything is a text and everything has become intertext. Wolde maintains that the term intertextuality can only function as an instrument for analysis and model for explanation when it is defined more closely, and is not understood so generally that everything is (inter)text (164). Furthermore, Wolde insists that historical-critical exegesis directs all its attention to the genesis of the text and the intention of the writer (166). The latter is then viewed as a spider web and catches its reader in it. The reader only has to follow the pattern of the web in order to discover the meaning of the text. Intertextual relationships too, according to this approach, are products of the writer's giving of meaning. The author or editor used other texts in his or her writing process: s/he indicates these explicitly or implicitly, by means of quotations, allusions, ironic allusions and suchlike. A good reader is one who knows, or discovers, which texts the author used when writing.

241 Haynes and McKenzie, *To Each Its Own Meaning*.

CHAPTER TWO

Family Laws in Leviticus 18

The Priestly laws on incest are found in Lev 18 and 20. Following the divisions in A.R.S. Kennedy,[1] this is in the fourth section of the book of Leviticus. The section in which the two chapters are found is commonly called the Holiness Code (*Heiligkeitsgesetz*), which comprises chapters 17–26. The section under consideration begins with laws relating to sacrifice and kindred topics (Lev 17). This is followed by Lev 18, which concerns the proscribed sexual relations of Canaan and Egypt. Chapters 19–25 contain the seasons and other matters. Chapter 26 is the close, and chapter 27 is an appendix.

The study of chapter 18 has been directly linked to chapters 19–20, which address moral laws of the Israelite community.[2] Many scholars insist that chapters 18–20 should be viewed as a unit, with 18:1–5 providing the general introduction and 20:22–26 forming the conclusion by calling Israel to holiness.[3] A unifying expression in chapters 18–20 is the repeated phrase "I am the Lord your God," which occurs almost fifty times in these three chapters.

Chapter 18 has been variously divided,[4] but just two models will be mentioned here. The first model divides the chapter into four sections: the introduction (vss. 1–5); the forbidden degrees (vss. 6–18); other breaches of sexual morality (vss. 19–23); and finally the conclusion or summary (vss. 24–30). The other model divides the chapter into two sections. The first section has two parts: kinship of the first degree (vss. 6–10), and kinship of the second degree (vss. 11–15). The second section has three parts: relationship through marriage (vss. 16–19), relations outside the family (vss. 20–23), and the conclusion or summary (vss. 24–30). However, Kennedy has pointed out that this arrangement breaks the homogeneous group with identical formulation comprised in vss. 6–18, and is open to other objections.[5]

For the purpose of this study, the boundaries or divisions of this text, which will guide us throughout our discussion, need to be stated.[6] First, vss. 1–30 will be considered as a complete pericope, but for a better understanding of the text other boundaries will be set up within the text as follows: vs. 3 כְּמַעֲשֵׂה אֶרֶץ־מִצְרַיִם וּכְמַעֲשֵׂה אֶרֶץ־כְּנַעַן לֹא תַעֲשׂוּ "according

to the deeds of the land of Egypt and according to the deeds of the land of Canaan you shall not do"; vs. 24 כִּי־אֵלֶּה נִטְמְאוּ הַגּוֹיִם אֲשֶׁר־אֲנִי מְשַׁלֵּחַ מִפְּנֵיכֶם "for by all these the nations I am casting out before you defiled themselves"; and vs. 27 (כְּנַעַן) כִּי אֶת־כָּל־הַתּוֹעֵבֹת הָאֵל עָשׂוּ אַנְשֵׁי־הָאָרֶץ "because all these abominations they did the men of the land."

In verse 3, the verb תַּעֲשׂוּ (qal imperf 2nd pers masc pl) refers to the addressee, the people of Israel; " you shall (not) do," while the object of the verb is מַעֲשֵׂה אֶרֶץ־מִצְרַיִם and מַעֲשֵׂה אֶרֶץ־כְּנַעַן "the deeds of the land of Egypt" and "the deeds of the land of Canaan." What is the verb תַּעֲשׂוּ doing here? In general, the Hebrew imperfect represents a state which is regarded by the speaker at any moment as still continuing, in process of accomplishment, or even as just taking place; that is, the occurrence may be represented as certainly imminent.[7] Here, the meaning of the verb תַּעֲשׂוּ represents an event that is imminent. This meaning is implied in the statement, "you shall not do as they do in the land of Canaan, to which I am bringing you" (vs. 3).

However, in the list of the forbidden relationships which begins in vs. 7, we are not told explicitly whether these are the מַעֲשֵׂה אֶרֶץ־מִצְרַיִם "deeds of the land of Egypt" or the מַעֲשֵׂה אֶרֶץ־כְּנַעַן "deeds of the land of Canaan" mentioned in vs. 3. The reader has to wait for this information until vss. 24 and 27. It is here that we are informed that the list of prohibited relationships actually refers to the מַעֲשֵׂה אֶרֶץ־כְּנַעַן "deeds of the land Canaan" mentioned in vs. 3: "Do not defile yourselves by any of these things, for by all these the nations I am casting out before you defiled themselves; …for all of these abominations the men of the land did, who were before you, so that the land became defiled (vss. 24 and 27)." Note that מַעֲשֵׂה אֶרֶץ־מִצְרַיִם "the deeds of the land of Egypt," and מַעֲשֵׂה אֶרֶץ־כְּנַעַן "the deeds of the land of Canaan," are dropped at this point. However, while the former, "the deeds of the land of Egypt," disappears from the scene completely, the latter, "the deeds of the land of Canaan," is replaced with "the nations I am casting out before you" (vs. 24), and "the men of the land" (vs. 27), both of which, in light of the context, refer to the same people of the land of Canaan mentioned in vs. 3.

From the standpoint of the phrases in vss. 24 and 27, which exclude the land of Egypt, it is difficult to know what the "men of Egypt" did, for the writer chooses to omit them when punishment is declared. What does this mean for this study? Are the evils mentioned throughout the entire chapter about the men of Canaan? Why are the Egyptians mentioned in vs. 3, only to

be omitted in vs. 27? These questions cannot be answered adequately in this chapter, and will have to wait until chapter eight. However, basing our understanding of this text on the omission of "the men of Egypt," in vss. 24 and 27, which should have been included, the text is intended for the Canaanites. Otherwise, vss. 24 and 27 should read, "Do not defile yourselves by any of these things, for by all these *the men of the land of Egypt* and the nations I am casting out before you defiled themselves; …for all of these abominations *the men of the land of Egypt* and the men of the land did, who were before you, so that the land became defiled." According to John E. Hartley, the customs in view are cultic practices rooted in fertility rites and alternative patterns of family relationships.[8]

The relationship between vss. 3, 24, and 27 can be represented in the following manner:

vs. 3	vss. 24 and 27
כְּמַעֲשֵׂה אֶרֶץ־מִצְרַיִם	בְּכָל־אֵלֶּה נִטְמְאוּ הַגּוֹיִם
according to the deeds	by all these the nations
of Egypt	defiled themselves
כְּמַעֲשֵׂה אֶרֶץ־כְּנַעַן	אֶת־כָּל־הַתּוֹעֵבֹת הָאֵל עָשׂוּ אַנְשֵׁי־הָאָרֶץ
according to the deeds of	for all of these abominations
the land of Canaan	the men of the land did

These phrases clearly mark the beginning and the end of the deeds that the men of Canaan are accused of doing. For example, the phrase "by all these the nations defiled themselves," in vs. 24, and "all these abominations the men of the land did," in vs. 27, obviously refers to all the deeds included in vss. 7–23. For H, the list is exhaustive and complete. It is a unit in its own right, though Kellogg argues that the prohibitions in this chapter are not given as an exhaustive code of laws upon the subjects traversed, but rather deal with certain gross offences against the law of chastity.[9] It is a complete unit or a set of rules.[10] It is not complete in the sense that it includes every rule there is about the subject of incest[11] which has wrongly been assigned to Lev 18, but as seen in the eyes of the Priestly's concern for purity, something which is clear in the lawgiver's use of the phrase כָּל- "every/all." So, what sins did the men of the land commit?

According to source H, the men of Canaan uncovered the nakedness of their near of kin (vs. 6);[12] they uncovered the nakedness of their mothers (vs. 7); they uncovered the nakedness of their stepmothers (vs. 8); they uncovered the nakedness of their sisters and stepsisters (vs. 9); they

uncovered the nakedness of their sons' daughters and their daughters' daughters (vs. 10); they uncovered the nakedness of their fathers' wives' daughters (vs. 11); they uncovered the nakedness of their fathers' sisters (vs. 12); they uncovered the nakedness of their mothers' sisters (vs. 13); they uncovered the nakedness of their aunts (vs. 14); they uncovered the nakedness of their daughters-in-law (vs. 15); they uncovered the nakedness of their brothers' wives (vs. 16); they uncovered the nakedness of women and their daughters (vs. 17);[13] they took a woman as a rival wife to her sister, while her sister is yet alive (vs. 18); they uncovered the nakedness of a menstruant (vs. 19); they had unions with their neighbors' wives (vs. 20); they sacrificed their children to Molech (vs. 21); they lay with men as with women (vs. 22); and men and women had unions with animals (vs. 23). A careful assessment of the structure of this chapter reveals that a section introduces the people who do the deeds shown in the text, and another section informs the reader about the punishments as consequences for doing these things. This is the pattern that emerges:

MEN OF CANAAN	DEEDS OF MEN OF CANAAN	MEN OF CANAAN
(introduction)	(stipulation)	(punishment)
vss. 1–5	vss. 6–23	vss. 24–30

Demarcating the edges of this text in this manner is helpful. It will enable us not only to determine its immediate context but also to stay focused on the issues that arise from the text without wandering unnecessarily for lack of clear understanding of the limits of the text.

The immediate context of Lev 18 is the preceding chapter 17, and the subsequent chapter 19. But what light do these two chapters shed on chapter 18? What is the relationship between chapter 18 and the other two chapters? Or, how does one tell which passage or passages of the immediate context (previous or subsequent) are specifically presupposed by our text?[14] The problem inherent in this question is evident in how scholars have dealt with this problem. For example, Carmichael has suggested that we ignore the immediate context altogether.[15] From his perspective, one should read the prohibitions in their immediate context but relate each rule back to the issue that the lawgiver picked up from the body of biblical narratives with which he was working. Unfortunately, this understanding led Carmichael astray. Leviticus 18 is dealing with prohibitions, or laws, and not prose, and while it is true that narratives do generate laws and that the differentiation between

"narrative" and "law" is problematic,[16] it is erroneous, methodologically, as Carmichael asserts, to compare non-narrative material with prose. This fact will become clear later in our discussion about Carmichael's approach to the prohibitions in Lev 18, and the way he links all of them to the patriarchal narratives.

It is difficult to determine how far one should go from the text under discussion, backward or forward, in order to determine the limits of the immediate context. It is accurate, however, to point out that chapter 17, except for its concern for holiness, like the rest of the material in H, does not offer anything fruitful as far as our text is concerned, since its main focus is the slaughter of animals. However, seen from the point of view of the wider context of the structure of texts in the biblical and extrabiblical law codes, to be discussed in chapter six, the mention of animals in this text, which precedes laws on incest and forbidden unions in Lev 18, is significant.

In Leviticus 19, we have a wide range of laws and commandments that are representative of the basic teaching of the Torah. To be more specific, it echoes the Ten Commandments.[17] So, while Lev 17 and 19 are both concerned about the holiness of Israel, the latter is closer to our text than the former since it is dealing with laws, but the former, even though it is in the form of a narrative, is equally connected to our text.

Having shown, though briefly, the limits of the immediate context, there is need to consider the larger context. The larger context would in our case include the entire content of H (17–26). However, determining the limits of H as a single unit is not without problems. Careful scrutiny of the content of the book of Leviticus in its entirety shows that the idea of holiness, which is basically the factor that is applied in determining the boundaries of H,[18] does not begin in Lev 17. For example, in Lev 10:8–11, the concern for holiness is emphatically raised:

> And the LORD spoke to Aaron, saying, Drink no wine nor strong drink, you nor your sons with you, when you go into the tent of meeting, lest you die; it shall be a statute for ever throughout your generations. You are to distinguish between the holy and the common, and between the unclean and the clean; and you are to teach the people of Israel all the statutes which the LORD has spoken to them by Moses.

This text is significant in the understanding of the extent of H.[19] In fact, Lev 10:8–11 should be seen as the watershed on the laws of holiness. H begins here![20] Verse 11 explains clearly the reason for the laws of holiness. It is the

"Priestly Teaching Manual," or "Curriculum," so to speak: אֲלֵיהֶם בְּיַד־מֹשֶׁה וּלְהוֹרֹת אֶת־בְּנֵי יִשְׂרָאֵל אֵת כָּל־הַחֻקִּים אֲשֶׁר דִּבֶּר יְהוָה, "and you are to teach the people of Israel all the statutes which the LORD has spoken to them by Moses." It is Aaron's responsibility to teach the people these statutes.

The term הַחֻקִּים "statutes," is crucial for the understanding of the boundaries of H. It is used in this form only in two places in the entire book of Leviticus; in 10:11 and 26:46. In 10:10–11, Aaron is instructed to teach the people of Israel כָּל־הַחֻקִּים, "all the statutes," for the sole purpose of distinguishing בֵּין קֹדֶשׁ וּבֵי הֹחֹל וּבֵין הַטָּמֵא וּבֵין הַטָּהוֹר "between the holy and the common, and between the unclean the unclean." Then the rules on foods follow immediately in chapter 11. The הַחֻקִּים does not appear again in this form until the end of chapter 26, in vs. 46. Here, we have אֵלֶּה הַחֻקִּים, "these are the statutes" and "ordinances and laws which the LORD made between him and the people of Israel on Mount Sinai by Moses." Indeed, this statement concludes the entirety of H or Priestly Teaching Manual or Curriculum that begins in 10:11.

The use of לְהוֹרֹת (hifil inf constr) "to teach," further supports our argument. This verb appears only here and in Lev 14:54.[21] In 10:11, Aaron is to teach "all the statues," while in 14:54, the verb is used at the end of the rules governing the treatment of leprosy and a variety of symptoms, to show (teach) for the purpose of distinguishing when it is unclean and when it is clean. So, the teaching of the statutes does not begin in this book until after 10:11, and it does not end until 26:46. Given the wide range of material covered in this section of the book and the emphasis on teaching of the statutes, for the purpose of the present study the term Priestly Teaching Manual is preferred to the terminology H, and in our understanding the Priestly Teaching Manual, is found in Lev 10:11–26:46, not Lev 17–26. The importance of teaching in this text is also emphasized by Gerstenberger, who observes that the distinction between pure and impure and the "teaching" of all the commandments of God (vss. 10ff.) represents the priests' public tasks.[22] Viewing our text from the perspective of a wider context beyond the traditional limits of H will consequently make it possible for us to deal with difficult issues appearing in our text, such as the law on a menstruating woman (vs. 19), which appears out of place in the midst of laws about incest.

Incidentally, the word "statutes," is used in our text in 18:3, something that indicates the continuation of the theme of teaching, which begins in 10:11, that is, the theme about the things that Israel needs to do in order to be

a holy nation. This fact further supports the argument that it is in the perspective of teaching "all the statutes," that the series of topics that follow after 10:11 should be understood. In fact, it is in the same spirit that the list of the things to be taught follows immediately in chapter 11, after the need to teach the people is announced in 10:11.

The "statutes" and "ordinances," or "prohibitions," or "laws"—for that matter, whatever language is used to covey this idea after the declaration "you are to teach all people" in 10:11, are all aimed at keeping the people of Israel as a holy nation, and Lev 10:11–26:46 reflect that idea. This then is the Priestly Teaching Manual or "course outline:" rules on clean and unclean foods (chapter 11), rules on childbirth (chapter 12), dealing with leprosy (chapter 13), dealing with lepers (chapter 14), dealing with bodily discharges (chapter 15), the slaughter of animals (chapter 17), avoiding the abominations of Canaan and Egyptians (chapter 18), ritual and moral holiness (chapter 19), penalties for violation of holiness (chapter 20), holiness of priests (chapter 21), the use of holy offerings (chapter 22), appointed festivals (chapter 23–24), Sabbatical Year (chapter 25), and, finally, reward for obedience (chapter 26). It can be argued that the Priestly Teaching Manual (Holiness Code) is incomplete without Lev 11–15, as shown below, even though some scholars attribute the presence of the קדוֹשׁ theme in this section to a redactor:[23]

CALL TO TEACH ALL STATUTES	_____	RULES ON HOLINESS
Lev 10:11		Lev 11–26:46

The other support for this argument is seen in the narrative on the death of Aaron's sons Nadab and Abihu in 10:1ff.[24] Structurally, the story of the death of Nadab and Abihu fits very well with 16.1ff. In chapter 10, Nadab and Abihu offer unholy fire, God causes the fire to consume them and they die. They are buried outside the camp, for as the Lord says through Moses, "I will show myself holy among those who are near me, and before all the people I will be glorified" (10:3). Incidentally, the events that follow after the death of Nadab and Abihu are described for the second time in Lev 16: "The LORD spoke to Moses, after the death of the two sons of Aaron, when they drew near before the LORD and died" (vs. 1). The relationship between the two cases in Lev 10 discussed above, that is, the call to Aaron to teach the people of Israel all the statutes, and the narrative on the death of the son's of Aaron, and the entire Priestly Teaching Manual, can be represented thus:

DEATH OF NADAB AND ABIHU AND HOLINESS (Lev 10)	RULES ON HOLINESS (11–15)	NADAB AND ABIHU (16)	RULES ON HOLINESS (17–26:46)

Whatever the case may be at this juncture,[25] the structure of these texts, and especially the location of both incidents on the story of Nadab and Abihu, shows some connectedness to chapters 11–26, with chapter 10 as the prelude.[26] The other possibility is to see Nadab and Abihu as markers (chapters 10 and 16) that begin two major sections of this book, chapters 11–15 and 17–26.

Now, why should one think that the Priestly Teaching Manual would include only chapters 17–26, and omit the materials found in chapters 11–16?[27] Based on the above observations, any theory that advocates for such disunity is implausible, untenable, and it disregards the two indicators in 10:11 and 26:46, which clearly mark the beginning and end of the Priestly Teaching Manual.

It should be admitted, however, that the problem of H is complex. As a result, this is not the place to discuss it in detail. But, in view of the issues raised above, there is enough reason to suggest that the immediate and larger contexts of chapter 18 will require that we understand it in light of the demand for holiness by YHWH, and that that demand revolves around the tabernacle.[28] As a result, it would be rash, and certainly unfruitful, to seek the origin of the prohibitions of chapter 18 in the patriarchal narratives or even in the ancestors of Israel in general, for the contexts both immediate and large do not warrant that kind of interpretation, as Carmichael seems to suggest. It is logical to argue that if such an interpretation can be assigned to chapter 18, we would equally be tempted to do the same with the other prohibitions in this book. For example, to what source do we trace the prohibition against eating a rock badger in 11:5, and of course, those other rules about meat eating? Do we trace them to the ancestors of Israel? If not, where?

As the investigation of the prohibitions in Lev 18 continues, in the background that larger context is significant—the whole Priestly Teaching Manual (10:11–26:46),[29] and also the texts outside this book. This is not to say that the texts outside the book of Leviticus, especially those in the patriarchal narratives, are treated here as the origin of the prohibitions—but on the contrary. This work demonstrates that the patriarchal narratives are not the sources of the laws in our text. Our text reflects the theme of the

Priestly Teaching Manual in general, and other laws in the Hebrew Bible and nonbiblical laws in particular.

Men of the Land Introduced (vss. 1–5)

Chapter 18 begins with a declaration of God's supremacy, "And the LORD said to Moses, Say to the people of Israel, I am the LORD your God" (vss. 1–2).[30] Immediately after this statement follows the accusations leveled against the Canaanites and Egyptians and the need to keep God's statutes and ordinances:

> You shall not do as they do in the land of Egypt, where you dwelt, and you shall not do as they do in the land of Canaan, to which I am bringing you. You shall not walk in their statutes. You shall do my ordinances and keep my statutes and walk in them. I am the LORD your God. You shall therefore keep my statutes and my ordinances, by doing which a man shall live: I am the LORD (vss. 3–5).

The statement "as they do in the land of Egypt, where you dwelt, and you shall not do as they do in the land of Canaan, to which I am bringing you" reminds the people of Israel of where they are theologically, historically and geographically in relation to the two nations. Theologically, YHWH reigns supreme—"I am the Lord,"[31] which is repeated in vss. 4 and 5. He therefore controls their destiny, and even the destiny of their enemies. He is in control of their past (Egypt), present (the Tent of Meeting, אֹהֶל מוֹעֵד), and future (Canaan). Historically, Israel stands between its two enemies: "the land of Egypt" and "the land of Canaan." While the powers of one enemy (Egypt) have been subdued, the land of Canaan has yet to be conquered, and YHWH stands as the judge: "You shall do my ordinances and keep my statutes and walk in them" (vs. 4). Furthermore, he judges the men of Canaan through nature, that is, "the land vomited them out" (past, vs. 28), but in vs. 24, YHWH will cast them out.[32]

Two different phrases are used to describe the behavior of the men of the land: in vs. 3 מַעֲשֵׂה "deeds," and in vss. 26 and 27 תּוֹעֵבֹת "abominations." The phrase הַתּוֹעֵבֹת can be used in a ritualistic sense to refer to unclean foods, idols, and mixed marriages. The generic term מַעֲשֵׂה is replaced later in vss. 26 and 27 with תּוֹעֵבֹת, a more specific term that describes the character of the men of Canaan from a ritualistic perspective.[33] The use of

this term later in our text is consistent with the act of being symbolically vomited out; the men of the land have been ritually defiled by the abominable deeds shown in vss. 7–23. Consequently, the land has ritually vomited them out.

After the subjects (Egypt and Canaan) and their deeds are introduced, the Priestly lawgiver turns to the "deeds of YHWH" that Israel is supposed to do—to walk in them. The language now changes. It is different from the tone describing the deeds of Egypt and Canaan. It is no longer מַעֲשֵׂה "deeds" and הַתּוֹעֵבֹת "abominations," but חֻקִּים "statutes," and מִשְׁפָּטִים "justice." They must do God's justice (deeds) and walk in his statutes. By observing YHWH's ordinances, keeping his statutes, and walking in them, one shall live, while doing the deeds and abominations of the men of the land causes the land to vomit out the victims.

The term מַעֲשֵׂה "deeds" (common noun masc sing const with prefix particle כְּ "as") is critical. It does not only point to the deeds of the men of Canaan as shown in our text but also to the deeds of the "men of Israel," that is, in the text it refers to the Canaanites, but on the ground it is about the sins of the ancestors of Israel in general and the patriarchs in particular, as Carmichael argues here:

> Once we recognize the link between the rules in Leviticus 18 and certain narratives in the book of Genesis, the puzzling arrangement and formulations of the rules are not puzzling at all. The reason that the prohibition about sexual relations with parents is the first in the series in Lev 18, and that it was formulated at all, is because legends in the book of Genesis determined the lawgiver's concerns. Moreover, because Levitical rules were formulated as a reaction to what went on in these legends, and not to what went on in ordinary life,[34] it becomes understandable why many of the rules strike us as implausible.[35]

As we navigate through our text, an attempt will be made to establish whether the abominations associated with the "men" of the land actually mean the deeds of the "men" of Israel. This is important because this information will shed more light in the subsequent chapters of this study, as the same prohibitions among other ancient Near Eastern societies are discussed.

Deeds of the Men of the Land Stipulated (vss. 6–23)

As already indicated above, according to the Priestly writer it is imperative that the people of Israel know how to distinguish between clean and unclean (holiness and unholiness), in light of the deeds of the men of the land in accordance with the Priestly Teaching Manual. We now turn to a detailed study of the abominations of the men of the land as shown below. It should be noted here that all the laws in this section (vss. 6–23) are treated as a complete copula of laws supposedly depicting the sins of the Canaanites.

Nakedness of the Near of Kin (vs. 6)

For the Priestly lawgiver, to approach any one near of kin to him to uncover nakedness (vs. 6), among other evils, is generally a common practice in Egypt,[36] where the people of Israel once lived, and in Canaan, where they are going. Then he proceeds in the verses that follow (vss. 7–18)[37] to show what he means by "anyone near of kin."

However, the phrase כָּל־שְׁאֵר בְּשָׂרוֹ, which literally means "any or all remainder of his flesh," is problematic. This fact is evident in the renderings in the following Bible versions: "any that is near of kin to him" (KJV), "any that is his near relation" (DBY), "anyone near of kin to him" (RSV), "any blood relative of his" (NAB), "any relation of his flesh" (YLT). To whom do all these different renderings refer? The answer lies with the Priestly lawgiver as seen in the following prohibitions (vss. 7–18). There are two types of relatives: "consanguineous," or blood relatives, and "affinity," or relatives by marriages. The men of the land are accused of violating both types of incest prohibitions. They uncover the nakedness of the blood relatives and relatives by marriage, and also involve themselves in other sexual vices.

What does the phrase תְּגַלֵּה עֶרְוַת "uncover the nakedness" mean? Does it refer to marriage, to casual sexual relationship, or to both? This phrase is a common euphemism for sexual intercourse, both licit and illicit. It also refers to marriage relation, and the laws that follow in vss. 7–18 are directed against incestuous marriages.

What these terms mean needs to be made clear by considering the way in which they are applied by the Priestly lawgiver to refer to the unwanted unions. The story of Canaan in Gen 9:20ff. will be included as a catalyst,

since it is frequently quoted by many scholars as a major source of the laws in question. This is the story about Ham seeing the nakedness of his drunken father Noah:

> Noah was the first tiller of the soil. He planted a vineyard, and he drank of the wine, and became drunk, and lay uncovered in his tent. And Ham, the father of Canaan, saw the nakedness of his father, and told his two brothers outside. Then Shem and Japheth took a garment, laid it upon both their shoulders, and walked backward and covered the nakedness of their father; their faces were turned away, and they did not see their father's nakedness. When Noah awoke from his wine and knew what his youngest son had done to him, he said, "Cursed be Canaan; a slave of slaves shall he be to his brothers" (vss. 20–25).

Here, we shall consider the infinitives of the root verbs used in Lev 18, 20, and Gen 9:

vss. 7–13, 15–16, 17a	תְגַלֵּה עֶרְוַת: to uncover the nakedness
vs. 14	תְגַלֵּה עֶרְוַת and תִקְרָב: to uncover the nakedness; to go near
vs. 17b	תְגַלֵּה עֶרְוַת and תִקַּח: to uncover the nakedness; to take
vs. 18	תִקַּח לְגַלּוֹת עֶרְוָתָהּ: to take; to uncover the nakedness
vs. 19	תִקְרַב לְגַלּוֹת עֶרְוָתָהּ: to go near; to uncover the nakedness
Lev 20:17	יִקַּח רָאָה אֶת־עֶרְוָתָהּ גִּלָּה: to take; to see; to uncover the nakedness
Gen 9	יַרְא אֶת עֶרְוַת: to see nakedness
Lev 18:20, 22, 23	שָׁכַב: to lie

In verses 7–13, 15–16 and 17a, party X is warned not to uncover the nakedness of party Y. The Hebrew phrase used for "uncovering" is גָּלָה. In verse 14, party X is prohibited from going near and uncovering the nakedness of party Y. Here, two different phrases are used: "to go near" and "to uncover." The Hebrew phrase used for "to go near" is קָרַב (infinitive form). Verses 18 concerns party X taking and uncovering the nakedness of party Y, while vs. 19 has party X prohibited from going near to uncover the nakedness of party Y. Another new word has been added to our list in vs. 18, "to take," which in Hebrew is לָקַח. In Leviticus 20:17, it is even more elaborate: party X should not "take," "uncover," and "see" the nakedness of party Y. Here another new Hebrew word, רָאָה "to see," is added to our list, as shown here below:

TAKE	UNCOVER	SEE
לָקַח	גָּלָה	רָאָה

GO NEAR
קָרַב

Genesis 9 is strange if seen from the point of view of Lev 18 because it lacks all the elements needed for balancing the equation: going near, taking, uncovering, and seeing. Here, party X only "sees" the nakedness of Y, instead of "going near/taking," "uncovering," and "seeing." Ross is right in his assessment of this text, that is, the "seeing" is not the same as the "going near/taking," "uncovering," and "seeing."[38] Ross observes that the Hebrew יַרְא אֶת עֶרְוַת "to see the nakedness" is used in scripture for shameful exposure, mostly of a woman or as a figure of a city in shameful punishment exposed and defenseless. This is quite different from the Hebrew idiom עֶרְוַת גִּלָּה "he uncovered the nakedness of" used for sexual violation."[39] However, the situation is different from the point of view of Basset, who maintains that the original offense in the Genesis story was in part sexual.[40] Seeking support from Lev 18 and 20, Basset argues that the expression "to see the nakedness" has idiomatic force and means to have sexual intercourse.

While Basset rightly takes into account the fact that רָאָה "to see" is used in a parallel construction with גִּלָּה "to uncover" in 20:17, he fails to see the importance of the parallelism.[41] The phrase "to see the nakedness" is not used singly in the other related texts to refer to proscribed union. It is always accompanied by other phrases such as "to uncover" and "to go near" or " "to take." In other words, the verb "to see" used in a sexual context requires another verb as qualifier in order to mean sexual intercourse, for example, "to go near/to take" and "to uncover."

Basset has missed the fact that the verb "to uncover" is a common denominator in all these passages (except in Genesis), and seems to suggest the motive or intent of the act involved—that is, sexual intent. If this assessment is true, which seems to be the case, all the passages in Lev 18 and 20 discussed above are about party X uncovering the nakedness of party Y with sexual intent in mind, and party X is male while party Y is female. The three verbs used in our text are key to the understanding of the forbidden relationships, namely, "to go near," "to take," and "to uncover." Note that Lev 18 does not use the verb "to see." It is used in Lev 20:17. In Genesis 9 the story of Canaan and the nakedness of father, the "seeing" is not the same as the "taking," "going near," or "approaching" and "uncovering" in Lev 18, and it does not, therefore, suggest sexual intent.[42]

In the Genesis 9 story, Ham does not "uncover" his father's nakedness or "go near" or "approach" or "take" his father Noah. These verbs are not used in the story. He only sees his nakedness. In other words, he only sees what has been uncovered accidentally as a result of Noah's intoxication. Sexual intent is exhibited in the emphasis on party X "taking" or "going near" party Y and "uncovering" the nakedness of party Y. The Priestly lawgiver makes sure that these verbs are used almost interchangeably in order to convey sexual intent, unlike in the Gen 9 story where the text does not tell us that Ham went to Noah and uncovered his nakedness. The notion of sexual intent is highly doubtful in the Genesis story.

Another term that refers to sexual relationships is שָׁכַב "to lie." It is found in vss. 20, 22, and 23, but like in Gen 9, the word גָּלָה "to uncover" is missing. The verb "to lie" does not need another verb to qualify it such as "to uncover" or "to go near," as seen in other related texts.[43] In conclusion, Gen 9 does not refer to sexual intercourse. In Leviticus 18, the verb גָּלָה "to uncover" is used in the same way as שָׁכַב "to lie" found in vss. 20, 22, and 23— all of which express sexual intent.[44]

Nakedness of the Mother (vs. 7)

It is curious to see how the Priestly lawgiver juxtaposes the nakedness of "your father" with "your mother" in vs. 7. What assumptions is he making? Such a combination is also seen in the Covenant Code in Exod 20:12, "Honor your father and your mother, that your days may be long in the land which the LORD your God gives you." This command is repeated in Deut 5:16. In both cases there is a call to honor both parents. Beginning family laws with a law regulating the relationship between children and their parents is a common characteristic of law codes both biblical and extrabiblical.

The command to honor one's parents seems to be somehow linked to the prohibition against uncovering the nakedness of one's father, "for she is your mother." In Exodus 20:12, the command to honor one's parents is to be observed "in the land which the LORD your God gives you." In our text the prohibition against uncovering the nakedness of one's parents is to be observed "in the land of Canaan, to which I am bringing you." Respect to the parents seems to be the Priestly lawgiver's concern. Like in the Covenant Code, the Priestly lawgiver too is concerned about honoring one's parents.

By extension, for Israel to uncover the nakedness of their father, which is the nakedness of their mother, like the Canaanites (the men of the land), they will have failed to recognize this fact—that is, parents are supposed to be honored but not to have their nakedness uncovered. However, this explanation lacks any merit, given the diversity of prohibitions covered in our text,[45] though it is helpful in that it enables us to see the connectedness that exists between a father and mother in the eyes of the biblical lawgivers.

Let us now examine Carmichael's treatment of this passage, as an attempt to answer the question of who this is that uncovered the nakedness of his father or the nakedness of his mother.[46] Who fits this description? According to Carmichael the answer is to be found in Gen 9 and 19—Ham's offense against his father, Noah (Gen 9:20–27).[47] Ham looks upon Noah's nakedness and informs his two brothers, Shem and Japheth, who carefully walk back and cover their father with a garment. When Noah finds out that Ham has "violated him" (to use Carmichael's language)[48] he curses Ham's son: "Cursed be Canaan; a slave of slaves shall he be to his brothers" (vs. 25). Carmichael points out that whatever the precise nature of the offense, the Priestly lawgiver used the incident to reflect on the potential sexual offense of a son against his father.[49]

However, while Carmichael is undecided about the nature of the violation, it does not seem to pose any difficulties for Milgrom.[50] His position is that this verse and equivalent statements in vss. 8, 10, 12, and 16 simply imply that a liaison with one's mother is tantamount to having sex with one's father, a taboo so deeply embedded in the Israelite psyche that it requires no legislation.[51] The prohibition is mentioned twice—that is, "your father" and "your mother"—because there is double incest with the father (vs. 7a) and with the mother.[52] Also, the stress on the motive for the prohibitions indicates the primary reason: "she is your mother," so the incest with the father is secondary.[53] While there is a problem with Milgrom's assertion, he is right so far as the juxtaposition of father and mother also serves a heuristic purpose because this is the first specific prohibition in the list, and it lays down the principle of consanguinity and affinity as the bases for prohibited unions in regard to honor of parents.

Carmichael finds another incident of children uncovering the nakedness of their father in Gen 19, the story of Lot and his two daughters. He contends that there is merit in reading the first part of the rule about the father (the nakedness of your father) to include an offense by either a son or a

daughter.[54] The incident pertinent to the rule occurs when Lot's daughters inebriate their father and lie with him in order to produce offspring by him.[55]

Now, let us make an attempt to unwrap Carmichael's theory in both stories; the stories of Ham-Noah and of Lot and his two daughters which according to Carmichael prompted the Priestly lawgiver to proscribe the forbidden relationship in Lev 18:7. Verse 7 is paraphrased in light of the two stories. Note that the phrases that are problematic have been italicized:

> Lev 18:7: *You shall not uncover* the nakedness of *your father*, which is the nakedness of *your mother*; she is your mother.
> Gen 9: *Ham uncovered* the nakedness of *his father*, which is the nakedness *of his mother*; who is his mother.
> Gen 19: *Lot's daughters uncovered* the nakedness of *their father*, which is the nakedness of *their mother*; who is their mother.

There are several problems with the two paraphrases. In the first, Ham appears as though he is "uncovering" the nakedness of his father, which would imply sexual intent. But as we saw earlier this is not the case because in Gen 9 the word "to see" is used instead of "to uncover." Again, the phrase "which is the nakedness of your mother" does not apply to Ham because in this story the issue is not about mother but a father and his son.

In the second paraphrase about Lot's daughters, a similar problem with mother is evident. The two daughters uncover the nakedness of their father. So, the issue of uncovering "the nakedness of your mother" does not arise. After all, she is already dead. Again, the Hebrew possessive case ךָ, referring to "your father" in Lev 18:7, is masculine not feminine—that is, it concerns a man and his father. A plural feminine possessive case would be needed in order to include the two daughters of Lot and their father. This is not the case here. In other words, Carmichael's argument, which can be represented as shown below, is inapplicable in Lev 18:

Gen 9	HAM	HIS FATHER HIS MOTHER
Gen 19	LOT'S DAUGHTERS	THEIR FATHER THEIR MOTHER

Is this the relationship that the Priestly lawgiver has in mind in Lev 18? Did Ham and Lot's daughters uncover the nakedness of their mothers and fathers

at the same time? This interpretation is misleading because the mothers are not mentioned at all in both cases.

Carmichael, Milgrom, and others, who see a double incest in vs. 7—a son's union with his father and his mother—have probably been influenced by the translation of the phrase עֶרְוַת אָבִיךָ וְעֶרְוַת אִמְּךָ evidenced in the following Bible translations:[56] "The nakedness of thy father, or the nakedness of thy mother" (KJV); "The nakedness of thy father, even the nakedness of thy mother" (ASV); "The nakedness of your father, which is the nakedness of your mother" (RSV); "The nakedness of thy father, and the nakedness of thy mother" (DBY); and "You may not have sex relations with your father or your mother" (BBE). The variations in these translations are clear indications of the problem of translation in the phrase "the nakedness of your father, which is the nakedness of your mother," a problem that has been avoided altogether by some scholars.[57] Why are these versions saying different things and yet all of them refer to the same phrase? What is the Priestly lawgiver actually saying?

The main problem with Carmichael, Milgrom, and others is to be found in the translation of the Hebrew וְ (*waw* copula) which in the above translations has been rendered "and," "or," "even," and "which is."[58] This ambiguity could be avoided by applying "functional equivalence," formerly called "dynamic equivalence," as pointed out by Eugene A. Nida.[59] The emphasis in this approach is placed on achieving the clearest communication of the meaning of the Bible's original language texts in the process of transferring the meaning from the ancient source text into the modern receptor language, a method that has become dominant in Bible translation since it was pioneered in the 1960s by the Bible Society translation specialists. This method, which is opposed to the literal approach to Bible translation, was dominant prior to the 1960s. According to Nida, this approach considered that formal correspondence or equivalence, or "word for word substitutions," would in general serve to guarantee accuracy in the transfer of meaning from the ancient biblical language to a modern receptor language.[60] This method will be used to resolve any issues arising from translation problem of "double incest in Lev 18.[61]

The Hebrew וְ in vs. 7 should be translated as a copulative *waw*.[62] A copulative *waw* is inserted by way of explanation between words in opposition, for example, in 1 Sam 28:3, "in Ramah and in his own city," and Dan 4:13, "a watcher, the holy one." [63] In 1 Samuel 28:3, we have a story about the death and burial of Samuel: "Now Samuel had died, and all Israel

had mourned for him and buried him in Ramah, his own city." The phrase בָּרָמָה וּבְעִירוֹ "in Ramah and in his city" describes the place where the burial takes place. A literal rendering of this phrase would read: "in Ramah and in his city." This is certainly an awkward translation, for it implies that Samuel was buried at two different places, that is, at Ramah and at his city, which is not the case. The correct rendering is "in Ramah, that is, his city"—or "in Ramah, his own city," following the RSV. In Daniel 4:13, King Nebuchadezzar recounts the signs and wonders that the Most High God has worked for him: "I saw in the visions of my head as I lay in bed, and behold, a watcher, a holy one, came down from heaven." The watcher is described in Hebrew as עִיר וְקַדִּישׁ "a watcher, a holy one." The phrase "a watcher and a holy one" suggests two different objects, instead of "a holy watcher," or "a watcher, the holy one." In view of the above observations, how should we render the phrase עֶרְוַת אָבִיךְ וְעֶרְוַת אִמֵּךְ "nakedness of your father and nakedness of your mother," using functional equivalence? This phrase seems to obey the rule of the *waw* copulative and not *waw* conjunctive or *waw* explicative, as suggested by Milgrom.[64] The *waw* explicative if applied properly can be fruitful in that its aim is to make clear or explicit the meaning of the phrase עֶרְוַת אָבִיךְ וְעֶרְוַת אִמֵּךְ "nakedness of your father and nakedness of your mother." Unfortunately, the conclusion reached by Milgrom suggests that he has used *waw* conjunctively, or "the nakedness of your father and the nakedness of your mother." The RSV has rendered this phrase correctly: "the nakedness of your father, which is the nakedness of your mother." It is also correct to say "the nakedness of your father, that is, the nakedness of your mother." That means that it is the nakedness of a son's mother that the Priestly lawgiver has in mind, and not the actual nakedness of the father.

In conclusion, using both the rule of *waw* copulative and the principle of "functional equivalence," this verse is not about a person literally uncovering the nakedness of his father, as many scholars have argued, for it is the nakedness of the father's wife that is at stake. Therefore, it is not about Ham and Lot's daughters, as Carmichael contends.[65] Ham accidentally uncovered the nakedness of his father, not the nakedness of his mother. After all, the Hebrew legal system has its own mechanism of imposing rules or dealing with cases done accidentally.[66] The law prohibiting the son uncovering the nakedness of his father's wife, which is at the top of the list of family laws,[67] signifying its importance in the eyes of the Priestly lawgiver cannot be

accidental! The passage is not about Lot's daughters, either.[68] The two uncovered the nakedness of their father and not their mother. The prohibition in Lev 18:7 has nothing to do with females uncovering the nakedness of their fathers but vice versa.

Nakedness of a Stepmother (vs. 8)

After prohibiting a union between a son and his blood mother, the Priestly lawgiver turns to a law similar to it—and of equal importance since it involves the son's father. This law is about a stepmother: "You shall not uncover the nakedness of your father's wife; it is your father's nakedness" (vs. 8). Here, we have a problem of the definition of women in a polygamous family setting. Who is a stepmother in the Hebrew Bible's understanding? Since in verse 7 the full blood mother is mentioned, then here a full "wife," or a "concubine" is meant. Is a concubine called a wife and, at the same time, a concubine? In most cases when a man has several categories of women in his homestead they are distinguished accordingly, as Epstein has shown:[69] queen-wife (Gen.16: 4, גְּבִירָה; Songs 6:8, 9, מַלְכָּא), lawful wife (Gen 24:3; Lev 18:11, אִשָּׁה), concubine (Gen 22:24, 25:6, 35:22, פִּילֶגֶשׁ), the captive-wife (no biblical term; the non-technical term is שבויה), the slave-wife (אָמָה), and the slave-girl (שִׁפְחָה אָמָה). However, Epstein has pointed out that these terms are not technical and that they interchange.[70]

Now to whom among these categories of women does the text refer in saying "You shall not uncover the nakedness of your father's wife?" What criterion would guide us in answering this question? Let us look at what other exegetes have said about it, but more importantly, at the language used by the Priestly lawgiver. Snaith and Nahum M. Sarna have alluded to Reuben's relation to Bilha in Gen 35:22 to illustrate the kind of relationship referred to in this passage.[71] This is the incident where Reuben lays with Bilha his father's concubine (פִּילֶגֶשׁ). Milgrom not only refers to Reuben's case, but also Adonijah's in 1 Kings 2:13–25. He argues that a prohibition against such would follow from the experience that such unions lead to disaster.[72]

According to Carmichael the motivation for this prohibition should be sought in Reuben-Bilha story.[73] The lawgiver generalized from this patriarchal incident the inclusion of any wife of the father, even if the father has divorced his wife or is dead. Furthermore, the reason that the lawgiver

would have set down the offense even though it is explicitly cited in Gen 35:22 is that, from his point of view, Jacob's condemnation is too mild.[74] Therefore, it seems right to remind ourselves that we have mentioned only incidents whereby a son violates his father's rights; but the question of the identity of this woman being violated still lingers on, for while scholars seem to agree that Reuben and Adonijah are to blame, her identity remains obscure. We still have to put to test the language used by the Priestly lawgiver to express this idea, which has escaped the attention of many scholars. The language used in the two incidents above and also in Lev 18:8 will be examined here—Gen 35:22, פִּילֶגֶשׁ אָבִיו (concubine of his father), 1 Kings 2, אֶת־אֲבִישַׁג הַשּׁוּנַמִּית (Abishag the Shunammite), and Lev 18:8, אֲבִיךָ־ אֵשֶׁת (the wife of your father). [75]

The circumstances leading up to Reuben's act are not stated in the text. We are only told abruptly that "While Israel dwelt in that land Reuben went and lay with Bilha his father's concubine; and Israel heard of it" (vs. 22). Then Reuben is cursed by his aged father for this act: "Unstable as water you shall not have pre-eminence because you went up to your father's bed; then you defiled it—you went up to my couch" (Gen 49:4)! What is stated clearly here is the fact that he lay with his father's concubine. Note that the concubine is not named. But the writer avoids any confusion that might arise from this unnamed concubine by making sure that the reader knows about the death of the second wife of Jacob, Rachel, the only other possible candidate. In fact, this incident follows immediately after we are told that Rachel has died from childbirth complications and been buried in Gen 35:19. Reuben's act does not involve Jacob's second wife; she dies before the crime is committed. We can conjecture here that if the act took place before the death of Rachel and the victim is not named, then, logically speaking, there is every reason to believe that this unnamed woman would have been Rachel. The observations made here are important for the understanding of our text; a clear distinction is made in the Genesis text between a "wife" and a "concubine."

The case of Adonijah in 1 Kings 1–2, is even more problematic if taken to refer to the prohibition in Lev 18:8. Abishag is a young virgin (1 Kings 1:2, נַעֲרָה בְתוּלָה "young virgin") from Shunem on the northern rim of the plain of Jezreel, a nurse to King David, and beautiful (vs. 4).[76] The king does not know her sexually. Her "patient," king David, dies (2:10). Then Adonijah, who is also described as a handsome man (1:6), approaches King

David's wife Bathsheba to request that Solomon, who is now king, allow him to take Abishag as his wife. Bathsheba readily consents, but Solomon pronounces death for Adonijah. The fact that Bathsheba accepts Adonijah's proposal without any hesitation whatsoever may serve as an indication that such a practice was not viewed as anathema and was very much within the boundaries of the culture of the day.

In this episode, Abishag is nowhere called David's wife, not even at the level of a concubine; she is David's nurse, and David is dead. David dies without knowing Abishag. What could be wrong with Adonijah, a handsome man, marrying Abishag, a beautiful woman? After all, as Epstein has pointed out, a son inheriting his father's wives, except the chief wife, was a common concept in oriental antiquity.[77] Why then would the Priestly lawgiver think this is wrong, as Milgrom argues?[78] Does the lawgiver's statement "You shall not uncover the nakedness of your father's wife," mean that Israel should not act as Adonijah does? By paraphrasing Lev 18:8, the theories of Milgrom and Carmichael seem to suggest:

> "You shall not uncover the nakedness of your father's nurse (when your father is dead); it is your father's nakedness." (Milgrom)
> "You shall not uncover the nakedness of your father's concubine; it is your father's nakedness" (Carmichael).

Both interpretations are very unlikely. The Priestly lawgiver carefully distinguishes the uses of these different terminologies. The prohibition is neither about a "concubine" nor a "female nurse," and the application of the phrase אֵשֶׁת־אָבִיךָ "wife of your father" should be seen as the lawgiver's effort to make such distinctions clear.

Bush is right in pointing out that the original word rendered "wife" is אִשָּׁה, which is also the only term that Hebrew affords for "woman."[79] In fact, the word אֵשֶׁת (noun fem sing const of אִשָּׁה) is used ninety-eight times to mean "the wife of." Consequently, Lev 18:8, אֵשֶׁת־אָבִיךָ, "wife of your father," may be compared with, for example, שָׂרָה אֵשֶׁת אַבְרָהָם "Sarah, wife of Abraham" (Gen 20:18); רָחֵל אֵשֶׁת יַעֲקֹב "Rachel, wife of Jacob (Gen 46:19); צִפֹּרָה אֵשֶׁת מֹשֶׁה "Zipporah, wife of Moses (Exod 18:2), and finally in Lev 18:8, אֵשֶׁת אָבִיו "wife of his father."[80]

In conclusion, the phrase "the nakedness of your father's wife" does not have any parallel in all the places where it has been sought by different scholars, that is, in the Reuben-Bilha and Adonijah-Abishag stories. It is not

about a concubine or female servant,[81] but a lawful wife[82] who is distinguished by the use of the Hebrew term אִשָּׁה. It is such a wife that we find in Deut 27:20, and Lev 20:11,[83] and it is the violation of such a woman that is punishable by death (Lev 20:11), and a curse (Deut 27:20) for such an act is tantamount to uncovering one's father's skirt.

Nakedness of a Uterine Sister or Half-sister (vs. 9)

In verse 9, we have a prohibition against brother-sister incest:

> You shall not uncover the nakedness of your sister, the daughter of your father or the daughter of your mother, whether born at home or born abroad.

Interestingly, like in the case of "the nakedness of your father" above, here, too, we have a problem of identity. Who is called "sister" in the statement, "You shall not uncover the nakedness of your sister, the daughter of your father or the daughter of your mother, whether born at home or born abroad"? In verse 11, a prohibition against brother-sister incest is mentioned: "You shall not uncover the nakedness of your father's wife's daughter, begotten[84] by your father, since she is your sister." For a better understanding of the nature of brother-sister relationship that is condemned here, we shall discuss vs. 9 in detail together with vs. 11 later.[85]

Nakedness of Grandchildren (vs. 10)

After prohibiting a union involving children, that is, between a son and his sister in vss. 9 and also in 11, the Priestly lawgiver turns to a union involving parents and their children in vs. 10: "You shall not uncover the nakedness of your son's daughter or of your daughter's daughter, for their nakedness is your own nakedness." But why does the lawgiver impose this restriction? Again, the story of Lot and his two daughters (Gen 19:31–36) has been suggested as a possible source of "nakedness of grandchildren" by Carmichael.[86]

Carmichael argues that the lawgiver derived his prohibition against a man's having a relationship with a granddaughter from his examination of the episode of Lot's daughters in the wider context of Abraham's family.[87]

This is his explanation: Lot is Abraham's nephew, the son of his brother Haran. The incident involving Lot's daughters lying with their father was pertinent to the first rule, prohibiting intercourse with a parent. The lawgiver looked at this incident again and used it to derive his prohibition against a sexual relationship between a man and his granddaughter. This time he scrutinized the incident in its wider context as part of the history of Abraham. The lawgiver had reflected on the reasoning of the daughters of Lot, who say that there is no man in the earth to impregnate them. The lawgiver condemns the action of the daughters in resorting to intercourse with their father. According to him, the daughters' intercourse with their granduncle Abraham would presumably have been acceptable.[88]

Carmichael's interpretation of this prohibition has two problems. First, and this is something he himself admits later,[89] Lot cannot be condemned for violating this prohibition because it was his daughters' initiative while he was an aged and drunk person. Second, Abraham violates his granddaughters only theoretically, for no granddaughters are actually violated. The violation is imaginary. In fact, Carmichael is reading this idea into Abraham's story; in modern language this allegation is defamatory. The prohibition is about a grandfather violating his granddaughter and does not involve a granduncle. It is therefore not true that the tradition highlighting Abraham's sexual activity when he is very old would bring up the issue of sexually active aged male seeking sex with a female relative two generations removed from him, as Carmichael claims.[90]

Nakedness of a Stepsister (vs. 11)

In verse 11, we have another prohibition on brother-sister unions:

> You shall not uncover the nakedness of your father's wife's daughter, begotten by your father, since she is your sister.

The other law prohibiting brother-sister unions was mentioned in vs. 9. According to Milgrom, the phrase "your sister, the daughter of your father or the daughter of your mother, whether born at home or born abroad" in vs. 9 refers to a full sister and a half-sister at the same time,[91] while "your father's wife's daughter, begotten by your father" in vs. 11 refers to a stepsister who is not the daughter of the addressee's father or mother.[92] Three categories of

"sister" can be identified in these definitions: a full sister, a half-sister (same father but different mothers), and a stepsister (the daughter of a stepmother by a union with someone other than the addressee's father). For Levine, the "daughter of your father" (vs. 9), refers to a daughter born into the household (half-sister), whereas "the daughter of your mother" means the daughter born outside of it at a time that the man's mother was not part of his father's household, while vs. 11 is repetition of vs. 9. So vss. 9 and 11 are about a half-sister and a stepsister, respectfully.[93]

Porter does not see any overlap in vss. 9 and 11.[94] He contends that vs. 9 is concerned about a woman brought up in the family or in another home, and that the regulation applies to all such persons who were now living together in one unit.[95] Unfortunately, as our desire is to seek clarity, and in a language that with which we are familiar (full sister or half-sister), Porter has not explained what "born in the family" or "outside" means.

Let us consider an alternative reading of vss. 9 and 11:

vs. 9 אֲחוֹתְךָ בַת־אָבִיךָ אוֹ בַת־אִמֶּךָ "your sister daughter of your father or your mother"

vs. 11 בַּת־אֵשֶׁת אָבִיךָ "daughter of the wife of your father"

Here we have a situation similar to vs. 7, where we had a problem with the use of *waw*. We saw how the literal rendering of *waw* has led many exegetes to see two different naked parents in vs. 9, the father and the mother, instead of just the nakedness of the mother. Similarly, in vs. 9 exegetes have seen two different "sisters" instead of one (a uterine sister), and worse still they have seen an overlap between vss. 9 and 11. Unlike in vs. 7, where the two nouns "father" and "mother" are joined by a *waw*, here we have a conjunction אוֹ "or" in בַּת־אָבִיךָ אוֹ בַת־אִמֶּךָ.

However, before we make any comments, let us see how this conjunction is used elsewhere in the Hebrew Bible, and then compare the results with our text. Genesis 24:55 will be considered here—the marriage between Isaac and Rebekah. Abraham's servant has made known his master's request about his son Isaac's marriage to his own kinsmen, and the request is accepted. He is ready to return back to his master accompanied by Rebekah. But her brother and her mother say "Let the maiden remain with us for a while, at least ten days; after that she may go." The Hebrew phrase יָמִים אוֹ עָשׂוֹר ("days or ten days") used to express the duration (days, some days, a few days, or ten days). This phrase has been variously translated: "a

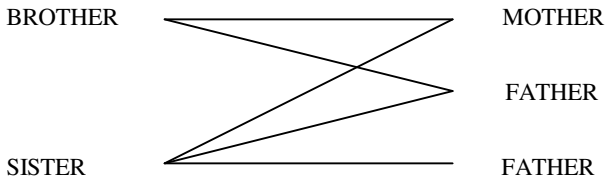
while, at least ten days" (RSV); "a few days, at the least ten" (KJV); "a few days, say ten" (NAB); "{some} days, or {say} ten" (DBY); and "a week or ten days" (BBE). Ostensibly, all these versions have avoided the literal translation, "days or ten," except for BBE, which has "a week or ten days." But the BBE rendering is erroneous because the word "week" would probably require its Hebrew equivalent שָׁבוּעַ.

Let us turn to our text to see how best we can render the Hebrew conjunction אוֹ ("or") in the phrase בַּת־אָבִיךָ אוֹ בַת־אִמֶּךָ ("the daughter of father or the daughter of your mother"). The confusion we find in this verse could be resolved by applying both the use of the Hebrew conjunction "or," as applied above, and the theory of functional equivalence. As the "nakedness of your father" and the "nakedness of your mother" in vs. 7 means the nakedness of the mother, similarly, the "daughter of your father" or the "daughter of your mother" means the "daughter of your mother," that is, the uterine sister. In other words, the statement "the nakedness of your sister, the daughter of your father or the daughter of your mother, whether born at home or born abroad," should read: "the nakedness of your sister, the daughter of your father, that is, the daughter of your mother, whether born by your father, or born in the house (מוֹלֶדֶת בַּיִת), or born by another man, or outside the house (מוֹלֶדֶת חוּץ). The Priestly lawgiver's concern is the avoidance of a union between a brother and his uterine sister. We may want to identify her as a full sister or half-sister, but only with the understanding that such classification using modern language tends to obscure the main concern of the writer, which is the avoidance of a union with a brother and sister from the same womb. The text is not about two different sisters but one, that is, uterine sister, whether born by the man's father or another man who is not his father.

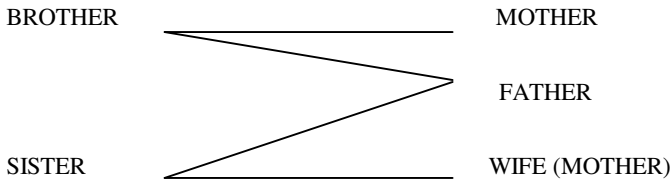
Translating this verse in this manner makes a lot of sense especially in light of the phrase "whether born at home or born abroad."[96] Kennedy has reached the same conclusion. He argues that there is good evidence that this verse should run as follows: "the nakedness of your sister, the daughter of thy mother…even her nakedness."[97] Note he has omitted "the daughter of your father," as an attempt to avoid the confusion. However, while Kennedy has not shown us how he has arrived at this conclusion, methodologically, rendering this verse in this way definitely solves our problem. The issue as we have already seen is not whether the "sister" in question is a full sister or half-sister, but a sister who shares the same womb with the addressee (his brother), and it does not matter whether the two come from different fathers.

Verses 9 and 11 are said to overlap, as argued by some scholars. Our concern now is to establish whether vs. 11 also refers to a uterine sister as in vs. 9. Let us now scrutinize the phrase בַּת־אֵשֶׁת אָבִיךָ "daughter of the wife of your father") in vs. 11. It is clear that in this phrase the word "mother" is not mentioned; instead we have "the wife of your father" ("who is not your mother"). Again, unlike in vs. 9, which begin with "the nakedness of your sister," vs.11 begins with "the nakedness of the daughter of your father's wife." Verses 9 and 11 can be represented in a diagram as follows:

vs. 9. The daughter of your father; the daughter of your mother



vs. 11. The daughter of your father's wife



In verse 9, the relationship can be seen in two ways: the "brother" shares the same mother and father with the "sister," while the "sister" can also share the same father (full sister) with the addressee.[98] But there is also the possibility of the "sister" having a different father altogether (half-sister). The case in vs. 11 is different from vs. 9, as the above diagram shows. While the addressee shares the same father with the "sister," the latter's mother is related to the addressee as a wife of his father. Are we here dealing with a uterine sister? The relationship expressed in vs. 11 defies that definition. As a result there is no overlap between vss. 9 and 11. Here, we have a brother and his stepsister. Hence, the relationships proscribed in vss. 9 and 11 are about a uterine sister and a stepsister, respectively. One is about maternal sister (vs. 9), while the other is about paternal sister (vs. 11).[99] These

observations rule out the possibility of an overlap,[100] unlike Neufeld's assertion that no other interpretation is possible if this verse is to establish a category independent of vs. 9, and there is no reason to suppose that the law repeated itself in so cumbersome a manner.[101]

Now we conclude our investigation by saying that in both vss. 9 and 11 we have prohibitions against a union between a brother and his uterine sister. Our next concern is to examine how different scholars have linked the prohibitions in vss. 9 and 11 to Abraham, the ancestor of Israel. Carmichael is not right about this matter.[102] The story of Abraham does not indeed fit the description of the forbidden relationship in vs. 9, whose emphasis is a relationship with a uterine sister. Sarah is Abraham's paternal half-sister, that is, same father but different mothers. Abraham's father is Terah who is also the father of Sarah (Gen 20:12). Abraham in fact admits Sarah is "the daughter of my father (not the daughter of his mother as in vs. 9, "the daughter of your father, that is, the daughter of your mother) and she became my wife" (Gen 20:12).[103] Carmichael's attribution of the origin of both vss. 9 and 11 to the story of Abram, and using it as the basis for supporting his argument, that it is precisely this relationship that the lawgiver prohibits, misses the distinction that the lawgiver makes between a maternal half-sister (same mother but different fathers) and paternal half-sister (same father but different mothers). This error has resulted in Carmichael's understanding of both vss. 9 and 11 as referring to the same law.[104] He observes:

> The next three rules[105] pose a very obvious puzzle. There is first a prohibition against intercourse with a half-sister, either a daughter of the same father or a daughter by the same mother from a previous marriage. There is next a prohibition against a man's relationship with a granddaughter. The third prohibition is again intercourse with a half-sister, this time more narrowly defined: she and her brother have the same father but a different mother.[106]

Following the above observations, Abraham's story does not fit in vs. 9; neither does it fit in vs. 11, in Carmichael's understanding, because the two laws do not represent the same law about half-sister. One is about a uterine sister or half-sister (vs. 9), while the other law (vs. 11) is about a stepsister. Sarah is not Abraham's maternal half-sister or a stepsister. Therefore, any theory that claims to seek the origin of vss. 9 and 11 in the patriarchal narratives should be able to accommodate the main concern of the Priestly

lawgiver in these two verses—namely, the violation of a uterine sister or a stepsister (paternal) by her brother.

Nakedness of Aunts (vss. 12 and 13) and of a Father's Brother's Wife (vs. 14)

After the union between the parents and their children is condemned, the Priestly lawgiver moves on to proscribe unions between children and their parents' brothers and sisters in vss. 12–14:

> You shall not uncover the nakedness of your father's sister; she is your father's near kinswoman. You shall not uncover the nakedness of your mother's sister, for she is your mother's near kinswoman. You shall not uncover the nakedness of your father's brother, that is, you shall not approach his wife; she is your aunt.

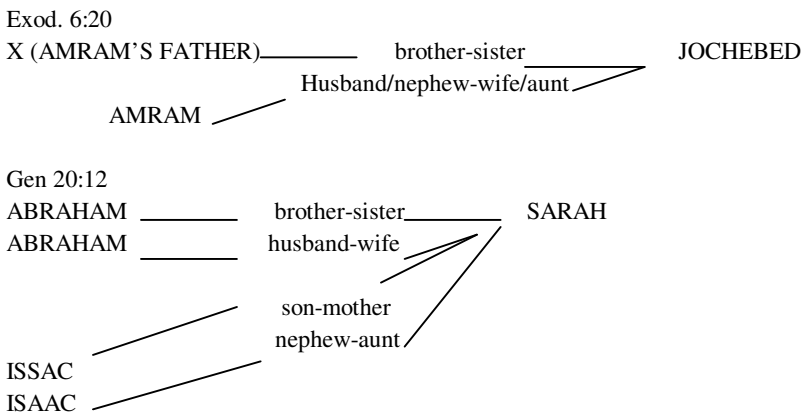
In verses 12 and 13, we have two prohibitions that are almost similar in phraseology, except in gender and a few minor details.[107] One is about the "nakedness with your father's sister," while the other is about the "nakedness of your mother's sister." The reason given for the first one is that "she is your father's near kinswoman,"[108] while for the second is "she is your mother's near kinswoman." A man is forbidden to have union with either.

The prohibition against "uncovering the nakedness of your father's sister" starts the group of collaterals related within two degrees of relatedness.[109] This prohibition is new to the Israelites and contrary to their former usage (Exod 6:20).[110] Neufeld has pointed out that previous to the Mosaic law, paternal aunt marriages were at least occasionally practiced by the Hebrew nation, for it is generally admitted that Moses himself was the offspring of this very connection between his father Amram and his aunt Jochebed (Exod 6:20).[111]

What could have prompted the Priestly lawgiver to impose the rules on paternal and maternal aunts? Was it the Amram-Jochebed incident, or something else? We now examine Carmichael's interpretation. Carmichael argues that these rules prohibit a union between a nephew and his aunt, the sister of his father or of his mother.[112] He finds two cases of "father's sister" in the Hebrew Bible from which the lawgiver received his motivation: the case of Amram-Jochebed and Abraham-Sarah.

The relationship in the first case involves Amram marrying his father's sister Jochebed, while in the other case we have Abraham marrying his paternal half-sister. According to Carmichael, the Priestly lawgiver found this practice in the generation of patriarchs in the book of Genesis and Moses in the book of Exodus. The relationship is that of Moses' own parents: "And Amram took Jochebed his aunt to wife" (Exod 6:20). The Hebrew term דֹּדָה ("aunt") can refer to either a father's brother's wife or a father's or mother's sister.[113] As we learn from Num 26:59, Jochebed is in fact Amram's father's sister. Therefore, Amram's relationship to Jochebed is the same as Isaac's to Sarah.[114] Isaac's relationship to Sarah is not just son-to-mother. She is also his aunt because she is his father's sister.

It is most unlikely that the prohibitions regarding one's father's sister (vs. 12), or mother's sister (vs. 13), refer to both Amram-Jochebed and Isaac-Sarah. Let us examine these relationships in more detail. For a better understanding of the unions depicted in the two incidents, see the diagrams below:



A quick glance at the above diagrams shows some similarities and differences between the two cases. They are similar because in both cases a brother-sister relationship is mentioned: Amram's father and Jochebed, and Abraham and Sarah. But the differences outweigh the similarities. Amram marries his father's sister, but Isaac does not marry his father's sister. Conversely, Abraham, Isaac's father, marries his sister, Sarah, but Amram's father does not marry his sister, Jochebed. The relationship between Amram and Jochebed is wife and aunt, while for Isaac and Sarah is son-mother and nephew-aunt. Note that nowhere are we told that Sarah is Isaac's wife. In this

case Isaac never marries his father's sister—in other words, his aunt. Do the forbidden unions between a man and his aunts in vss. 12 and 13 actually reflect these patriarchal narratives?

Amazingly, Amram marrying his father's sister Jochebed is beneficial to the Priestly Teaching Manual. Out of this union comes Moses and Aaron who are supposedly the authors and, at the same time, teachers of these laws:

> And the LORD said to Moses, "Say to the people of Israel, I am the LORD your God. You shall not do as they do in the land of Egypt, where you dwelt, and you shall not do as they do in the land of Canaan, to which I am bringing you. You shall not walk in their statutes" (Lev 18:3).

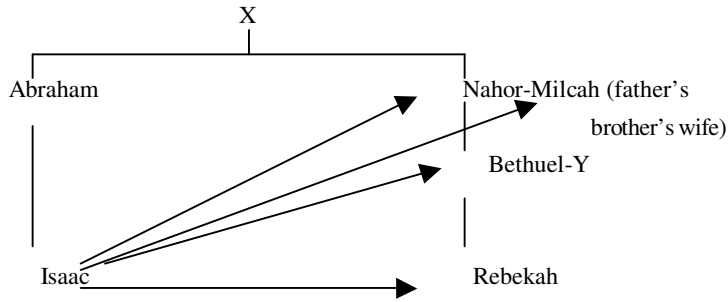
Are Moses and Aaron saying that they shall not do like their father Amram? He married their father's sister, that is, their aunt Jochebed. Do the forbidden relationships refer to Isaac? If Isaac were to marry Sarah, as the hypothetical marriage proposed by Carmichael seems to suggest, then he would be marrying his own real mother, who is at the same time his aunt. How could such a rule have come from an imaginary union between Isaac and Sarah? Sarah is already too old to bear children, and even giving birth to Isaac calls for YHWH's intervention:

> So Sarah laughed to herself, saying, "After I have grown old, and my husband is old, shall I have pleasure?" The LORD said to Abraham, "Why did Sarah laugh, and say, 'Shall I indeed bear a child, now that I am old?'[115] Is anything too hard for the LORD? At the appointed time I will return to you, in the spring, and Sarah shall have a son" (Gen 18:12–14).

The fact that Sarah is Isaac's uterine mother and that she is too advanced in age to bear children is significant enough to weaken Carmichael's argument that it is the relationship between Isaac and Sarah that primarily determined the topic of the rule in Lev 18:14.[116] However, if it is true that the Priestly lawgiver used patriarchal narratives to formulate the laws in Lev 18, then the case of Amram and Jochebed may point in that direction: he married his father's sister. But this claim is weak, for it does not account for the prohibition against a union between a man and his mother's sister. For example, from where did this rule come? It is incorrect to suggest that this rule has the same sources—Amram-Jochebed and Abraham-Sarah—as Carmichael maintains: "The rule covers both a father's sister and mother's

sister because the reference to Amram's aunt in Exod 6:20 is indeterminate."[117]

Let us now consider a union between a man and his father's brother's wife, that is, his uncle's wife in vs. 14: "You shall not uncover the nakedness of your father's brother, that is, you shall not approach his wife; she is your aunt."[118] The forbidden practice according to Carmichael is the story of Isaac and Rebekah in Gen. 24. Rebekah is the granddaughter of Isaac's uncle Nahor and Nahor's wife Milcah. The rule speaks initially about uncovering the nakedness of a father's brother. Thus it takes up a relationship between a nephew and an uncle, which is Isaac's relationship with Nahor.[119] If the Priestly lawgiver ever used the patriarchal narrative to formulate laws on incest just about a father's brother, without the mention of the "brother's wife," then here we have a case, and Carmichael is right. The proscription is not against a union between a man and his brother, but with his brother's wife, as shown here:



According to the Priestly lawgiver, the issue is not just about union with "your father's brother" but also with approaching his wife, for "she is your aunt." The above diagram shows the following relationships from the point of view of Isaac: Abraham is his father; Nahor is his uncle, that is, his father's brother; Milcah is his father's brother's wife; Bethuel is his father's brother's son, that is, his cousin; Y (name not given) is his cousin's wife; Rebekah is his cousin's daughter. The only person who fits the lawgiver's description is Milcah, the wife of Nahor, brother of Abraham, father of Isaac. Milcah is Isaac's father's brother's wife, and the Priestly law in vs. 14 prohibits the uncovering of "the nakedness of your father's brother, that is, you shall not approach his wife; she is your aunt."

Following Carmichael's argument, if the forbidden union is about Isaac, then it implies that Isaac married Milcah, his father's brother's wife, who is

his aunt. However, this is not what is happening in Isaac's story. He is not married to Milcah. His wife is Rebekah, the daughter of his father's brother's son, Bethuel. Rebekah is the granddaughter of Isaac's father's brother Nahor.

There is no law against this kind of union—approaching your father's brother's granddaughter. Again, Rebekah is not Isaac's aunt, a union with whom is prohibited in the preceding verses (vss. 12, 13). This marriage has nothing to do with the law prohibiting a union between a man and his paternal uncle's wife, as stated by the Priestly lawgiver, even though the word uncle is not used here. In other words the uncovering of one's "father's brother's wife" is different from uncovering one's "father's brother's granddaughter," that is, Rebekah.

Nakedness of a Daughter-in-law, a Brother's Wife, and Others (vss. 15–17)

Verses 15–17 are treated together in this section, not because they form a unit as far as we are concerned, but because some scholars attribute their origin to one source; the story of Judah and Tamar in Gen 38. According to the Priestly lawgiver, the following unions are forbidden in vss. 15–17:

> You shall not uncover the nakedness of your daughter-in-law; she is your son's wife, you shall not uncover her nakedness. You shall not uncover the nakedness of your brother's wife; she is your brother's nakedness. You shall not uncover the nakedness of a woman and of her daughter, and you shall not take her son's daughter or her daughter's daughter to uncover her nakedness; they are your near kinswomen; it is wickedness.

In verse 15 we have a prohibition against uncovering the nakedness of a son's wife (cf. Ezek 22:11). The penalty for the violation of this rule is found in Lev 20:12: "And if a man lies with his daughter-in-law, both of them shall surely be put to death: their blood shall be upon them." This rule corresponds to vs. 8, but in a reversed order:

> vs. 8 "You shall not uncover the nakedness of your father's wife"
> vs. 15 "You shall not uncover the nakedness of your son's wife"

So, a son should not have any union with his father's wife, in the same way a father should not have any union with his son's wife.

Verse 16 is about the uncovering of "the nakedness of your brother's wife."[120] In Leviticus 20:21, the same prohibition is repeated together with the penalty: "And if a man shall take his brother's wife, it is an unclean thing: he has uncovered his brother's nakedness; they shall be childless." However, this prohibition is applicable only when the brother is alive for there is provision for marrying the wife of a deceased brother in order to raise children for him (Deut 25:5–10).[121]

In verse 17, the Priestly lawgiver prohibits the uncovering of "the nakedness of a woman and of her daughter," and the taking of "her son's daughter or her daughter's daughter to uncover her nakedness," that is, with a stepdaughter or granddaughter. The verb "taking" most likely suggests "to marry."[122] Neufeld has noted that the prohibition against marriage with a stepdaughter or step granddaughter—the offspring of the wife by a former marriage—once again reinforces the assumption that a union with a daughter was considered one of the gravest offences and was punished accordingly.[123] The order of the relationships that are forbidden in vss. 15–17 can be represented as shown below:

vs. 15 "the nakedness of your son's wife"[124]
vs. 16 "the nakedness of your brother's wife"
vs. 17 "the nakedness of a woman and her daughter"
vs. 17 "the nakedness of a woman and her son's daughter"
vs. 17 "the nakedness of a woman and her daughter's daughter"

These unions will be discussed in light of their association with the patriarchal narratives, seen through the lens of Carmichael.[125] Who in the patriarchal narratives and from Carmichael's perspective represents "son's wife," "brother's wife," "a woman and her daughter," "a woman and her son's daughter," and "a woman and her daughter's daughter?"

In general, Carmichael maintains that vss. 15–17 reflect the story of Judah and Tamar (Gen 38). The lawgiver sets down this rule against a sexual relationship with a daughter-in-law in response to Judah's dealings with Tamar.[126] Does verse 15 really refer to a union with a daughter-in-law who, as Carmichael rightly says, disguises herself as a prostitute and seduces Judah? The way Tamar is portrayed in the text is worth noting: "And when Tamar was told, 'Your father-in-law is going up to Timnah to shear his sheep,' she put off her widow's garments and put on a veil, wrapping herself up, and sat at the entrance to Enaim, which is on the road to Timnah; for she

saw that Shelah was grown up, and she had not been given to him in marriage" (vss. 13–14). The narrator seemingly emphasizes very carefully every move that Tamar makes in a very dramatic way: she puts off her widow's clothes, puts on a veil, wraps herself up, and then goes to Timnah. Probably, Tamar goes to Timnah to seduce Judah, for she has heard "Your father-in-law is going up to Timnah to shear his sheep" (vs. 13). Again, she also knows that Judah is very vulnerable (in fact the death of Judah's wife and the Judah-Tamar incident are placed next to each other) this time around because his wife, Shua's daughter, has died (vs. 12). When Judah sees her, he takes her to be a harlot, for she has covered her face (vs. 15).

The story of Judah and Tamar sounds like the story of Lot and his two daughters: in both cases women take initiative. Furthermore, in both cases there is an element of the men "not knowing." Lot is drunk with wine, and Judah is drunk with lust. The faculty of recognition is incapacitated in both Lot and Judah. Here, we may be allowed to ask whether it was in these circumstances that the prohibited unions with "a brother's wife" (vs. 16), "a woman and her daughter" (vs. 17), "a woman and her son's daughter" (vs. 17), and "a woman and her daughter's daughter" (vs. 17) arose.[127] After all, it is for a good reason that the two incidents take place—procreation. In both cases there is a sense of desperation: Tamar has desperately waited to have children by Judah's son Shelah, but to no avail; in the case of the two daughters of Lot, there is no one to give them children.

Carmichael has hinted that the story of Tamar and Judah is responsible for all the prohibitions in vss. 15–17 because Tamar has several sexual relationships within the same family; with Judah and his two sons Er and Onan. He nevertheless admits that even though this story features a woman, in his rules the lawgiver addresses males. If the law is about males, how then does the Priestly lawgiver use it against women without giving a clue? Carmichael's interpretation of vss. 15–17, distorts the nature of the law applied here. The Priestly lawgiver is concerned about a man taking a woman and her daughter or a woman and her son's daughter or a woman and her daughter's daughter. This is not the role Tamar is playing in the Judah-Tamar story.

Verses 15–17 do not reflect the story of Tamar and Judah in any way. Even if we hypothetically accept the argument that Tamar had several relationships within the same family, no grandchildren are involved. It is therefore not correct, following Carmichael's argument, to say that Tamar's

actual or potential sexual liaisons with what amounts to three generations of men in the same family inspired the lawgiver to set down a rule that prohibits a man from having sexual relations with three generations of women in the same family.[128] Twisting these laws, as Carmichael does, in order to support Tamar's influence renders them very unrealistic. Again, it is not correct to conjecture that the dramatic developments of legend, rather than of a real-life situation have triggered the lawgiver's thinking, for even if such an explanation fits this verse it may not be applicable to the other laws in Lev 18.[129]

The impossibility of the Priestly lawgiver being motivated by Lot's incident in order to impose rules against a union between a son and his father's wife was discussed earlier.[130] It is safe to maintain even here that the context and circumstances militate against the association of the laws in vss. 15–17 with the patriarchal narrative as depicted in the Judah-Tamar story.

Nakedness of a Wife and Her Sister (vs. 18)

The law prohibiting the marriage of a woman as a rival wife to her sister seems consistent with Carmichael's persistence on a direct link of the Priestly laws with patriarchal narrative.[131] While there is a problem with whether the prohibition is referring to "a wife to her sister" or "a wife together with her sister," there is no dispute that the design of this prohibition reflects Jacob's marriage to Rachel (Gen 29:27–30), while Leah was still alive.[132]

Kellogg has, however, pointed out that the law mentioned here does not touch the question for which it is so often cited, but was evidently only intended as a restriction on prevalent polygamy.[133] He remarks further that polygamy is ever likely to produce jealousies, and that this phase of the evil would reach its most extreme and odious expression when the new and rival wife was a sister to the one already married. It would practically annul sisterly love and give rise to such painful and peculiarly humiliating dissensions, as we read of the sisters Leah and Rachel.[134] Interestingly, no penalty is provided in the Bible for a breach of this prohibition,[135] and, as Schneider has noted, the marriage of Jacob to a cousin on the mother's side does not seem to be in conflict with the laws of Leviticus concerning incest.[136] Schneider further argues that while the law in Lev 18:18 had not yet been given (and so poor Jacob may have had no idea), as a result of this

incident, or whatever reasons, marrying a sister becomes a violation of Israelite law.[137]

Nakedness of a Menstruating Woman (vs. 19)

Verse 19 prohibits a man from approaching "a woman to uncover her nakedness while she is in her menstrual uncleanness."[138] This is not the first time this phenomenon is mentioned in this book. As we noted earlier concerning the wider context of our text, this law reflects the Priestly author's concern of purity raised in chapter 15:19–24. Here, we have a detailed account about a menstruant. Ritual purification in order to keep the people of Israel separate from their uncleanness, lest they die in their uncleanness by defiling God's tabernacle that is in their midst, is prescribed (vs. 31). The nakedness of a menstruant and the penalty[139] for violating her are mentioned in Lev 20:18, where it is said that both the male and the female shall be cut off from among their people. In Genesis 31:35 we have another incident involving a menstruant. This is the story of Rachel and her father Laban. Laban is looking for the household gods, but he cannot find them because Rachel has taken them and put them in the camel's saddle and sits upon them (vs. 34). Then she says to her father "I cannot rise before you, for the way of women is upon me."[140]

The mention of a menstruant in the example cited above is illuminating since it reveals the fact that Lev 19 is not peculiar in the Hebrew Bible, even though the differences, as determined by the context and phraseology are striking. In Leviticus 15:19–24, while the regulations concerning the cleansing of a menstruant are stipulated, the section concludes: "And if any man lies with her, and her impurity is on him, he shall be unclean seven days; and every bed on which he lies shall be unclean" (vs. 24). In Leviticus 18:19, the issue is uncovering the nakedness of a woman while she is in her menstrual uncleanness. Here, we may also include Lev 20:18, which is about a man who lies with a woman having her sickness.[141] Chapter 12 deals with the impurity resulting from childbirth of a male child which is compared to the uncleanness of a menstruant: "If a woman conceives and bears a male child, then she shall be unclean seven days; as at the time of her menstruation, she shall be unclean" (Lev 12:2).

Having looked at the way a menstruant is viewed in the book of Leviticus, though briefly, there is good reason to believe that, generally speaking, the question of "uncleanness" plays a major part in Lev 18, and that it should be understood in light of the wider context of the Priestly Teaching Manual that begins in Lev 10:11.[142]

However, in Gen 31:35, a different scenario emerges. Jacob and his family are running away from Laban, who realizes after they have left that his household gods are missing. He pursues them and, after catching up with them, he searches for these gods virtually everywhere: in Jacob's tent, in Leah's tent, in the tent of the two maidservants, and in Rachel's (vs. 33). Note that this is an incident that refers to a female whose "the way of women is upon her," and her father who is looking for his gods. After all, we do not know whether it is true or not, since she is protecting herself by hiding them.

Making a distinction between the contexts of the texts we looked at in Leviticus and the one in Genesis is significant for us as we try to understand the relationship between the laws in Leviticus and the Laban-Rachel narrative. As has always been the case throughout this chapter: the question is, is the Priestly lawgiver influenced by the Laban-Rachel story? Put in another way, are the texts on uncleanness in Leviticus resultant from this one text in Genesis? The Genesis story features in Carmichael's discussion about a menstruant in Lev 18:19. Carmichael's frustration in this discussion is clear, as his conclusion shows: "what happens between Rachel and her father does not prompt the formulation of the rule prohibiting sexual contact with a menstruant."[143]

Adultery (vs. 20)

Verse 20 condemns adultery, lying carnally with just anyone's wife. This rule is included in the Decalogue in Exod 20:14 and Deut 5:18. Levine has noted that the offspring of an adulterous union is undoubtedly illegitimate. Apart from the sin of adultery, children born out of such unions are stigmatized.[144]

Here, Carmichael is at pains to explain why a rule about adultery follows a rule against intercourse with a menstruating woman. He remarks that one cannot determine any intelligible link between them by considering each rule in relation to the other.[145] The reason is that it was necessary for Carmichael to oppose the attitudes shown by Abraham and Sarah on this occasion. They

actively encourage adultery as they sojourn in Egypt (Gen 12:10–20).[146] However, Levine has rightly remarked that the rule on adultery is basic to biblical religion.[147] The Abraham-Pharaoh story has nothing to do with the law in Lev 18:20.

Sacrificing Children to Molech (vs. 21)

In verse 21, the focus shifts from sexual relationships shown in the preceding verses to sacrifice to Molech: "You shall not give any of your children to devote them by fire to Molech, and so profane the name of your God: I am the LORD." It is not very clear at this juncture why the lawgiver has made this abrupt shift: from laws dealing with forbidden sexual relationships, to a law dealing with the sacrifice of children to Molech.[148] Consequently, different scholars have advanced different theories to explain this shift.

First, the general character of religion of Israel guarantees that it had highly sinful tendencies and involved both male and female prostitution (cf. 1 Kings 14:24; 15:12; 22:46; 2 Kings 23:7).[149] Second, the probability is that children were given to the authorities at the shrine to be trained as male and female temple prostitutes (cf. Lev 20:4–5).[150] Third, the placement of this prohibition in a context regarding sexual conduct is curious, although there is a term connection in the occurrence of "seed" (18:21).[151]

A brief summary of the worship of Molech, following Tigay,[152] is necessary. The first reference to the cult of Molech in the Torah occurs in Lev 18:21, and it is soon followed by statements in 20:1–5. According to 2 Kings 23:10, King Josiah destroyed a cult site in the environs of Jerusalem where children had been sacrificed to Molech during the earlier reign of Manasseh, king of Judah. King Josiah also defiled Topheth, which is in the Valley of Benhinnom, so that no one might consign his son or daughter to the fire of Molech. It is quite clear that Deut 18:10 refers to the same phenomenon. In 2 Kings 16:3, King Ahaz of Judah burned his son in fire. 2 Kings 3:27 relates that a Moabite king sacrificed his son and successor in the heat of battle and was subsequently granted victory. The story of Jephthah's daughter, recounted in Judges 11, implies that Jephthah eventually sacrificed his daughter in fulfillment of a vow.[153]

However, the case of Abraham's attempt to sacrifice his son Isaac is unreasonable from the perspective of our text. Tigay has pointed out that

God's demand for the sacrifice of Abraham's son, as test of obedience and faith, is incomprehensible unless Abraham is presumed to have thought that God might desire such a sacrifice.[154] But Carmichael suggests that since Abraham is living among the Canaanites at the time, the lawgiver focuses on Isaac's near fate and, alert to the history of succeeding generations, linked it to later Canaanite practice of offering children by fire to the Canaanite god Molech.[155] He argues further that to confuse YHWH with Molech would be, in the language of the law, to profane the name of the Israelite god. I shall argue later in chapter eight that the law on idolatry is central to the understanding of the family laws and forbidden unions in our text, and that the laws as they are stipulated here have nothing to do with the patriarchal narratives, for they owe their origin in other law codes.

Man-to-Man Union (vs. 22)

Verse 22 takes us back to the proscribed unions discussed above between a man and a woman in vss. 7–20, but this time around the prohibited union is between a man and another man: "You shall not lie with a male as with a woman."[156] According to Levine, two biblical narratives highlight this kind of relationship, one is about the men of Sodom in Gen 19, and the other is about the concubine at Gibeah in Judges 19.[157] Tigay remarks that although Gibeah was an Israelite town, the story clearly implies that Gibeah's Israelite residents had descended to the abominable ways of the surrounding Canaanites. It is also thought that the pagan priests called *kedeshim*, regularly engaged in homosexual acts.[158] He argues that the term מְחִיר כֶּלֶב "the pay of a dog," mentioned in Deut 23:18–19, refers to the wages of a male prostitute who usually serviced men in ancient societies.[159] Carmichael pushes the sins of Sodom even a step further. The condemnation of homosexuality in Lev 18:22 takes up directly from the Sodom story.[160] He further maintains, in support of the homosexual character of Sodom's sin, that the story is an etiological myth that attempts to explain why that particular region of the world is sterile by attributing to its inhabitants the offense of homosexuality. The place of this law immediately after the law on idolatry is questionable. Is this law connected with idolatry?

Bestiality (vs. 23)

In verse 23, the lawgiver takes us to another level of sexuality; this time involving creatures other than human beings. Its place, too, is curious. Why is it placed immediately after the law on man-to-man union and the law on idolatry? Are these three laws connected? The rule in this passage applies to both males and females: "And you shall not lie with any beast and defile yourself with it, neither shall any woman give herself to a beast to lie with it." The violation of this rule and its penalty is spelled out in Lev 20:15–16: the man or woman and the beast is killed.

We do not have any explicit example from outside our text of the proscribed union. The closest we can come is by following Carmichael, who suggests that the topic of bestiality refers to Shechem's union with Dinah (Gen 34).[161] He observes that Shechem was the son of the Ass (Hamor in Hebrew), and Dinah was the daughter of the Ox, that is, Jacob/Israel (Gen 49:6), where the hamstrung ox stands for the weakened house of Jacob/Israel in Gen 34:3. The Levitical lawgiver translated the figurative use of an animal for a human in the Shechem story into a literal relationship between an animal and human. Specifically, the son of an ass (Hamor) lay with Dinah. Carmichael goes even further to suggest that the motivation for the lawgiver was that the Canaanites celebrated their god with a heifer. The theme can also be found in the Adam and Eve story; before a suitable partner for him is conjured up, Adam tries to find a partner among animals (Gen 2:18–25).[162]

This argument seems an understatement. For example, in Gen 49:5–7, there is not the slightest evidence of bestiality. Here, Simeon and Levi are cursed by their dying father Jacob for their anger, for it is fierce, and their wrath, for it is cruel. Their swords are called weapons of violence, and in their anger they slay men, and in their wantonness they hamstring oxen. The examples Carmichael gives in support of bestiality in the patriarchal narratives do not reflect historical reality, or "the contemporary societal problems confronting the legist himself."[163]

Men of the Land Punished (vss. 24–30)

At the beginning of this chapter, the need to state clearly the beginning and the end of the text under discussion was pointed out. This was done

following the wording of the text. Three main sections were identified: vss. 1–5, 6–23, and 24–30.[164] This distinction was made by identifying two main phrases which mark the beginning and the end: "You shall not do as they do in the land of Egypt and Canaan" (vs. 3), and "for all of these abominations the men of the land did" (vs. 27). The final section of this chapter, which comprises vss. 24–30, is mainly on punishment. It spells out the consequences for doing the abominable things prohibited in vss. 6–23. The structure that emerged can be represented in the same way, but using different terminology:

SUBJECT (vss. 1–5)	OBJECT (vss. 6–23)	VERB & RESULT (vss. 24–30)
Canaan & Egypt	abominations	they do all of them and are punished

The final section of our text (vss.24–30 will be discussed in light of the theme of punishment, as shown in the scheme above.

The theme of punishment begins by reminding the reader about all the evils of vss. 6–23, this time mentioning Canaan and omitting Egypt (vs. 24). Then, the punishment follows. It is in two phases: 1) the nations,[165] who are said to be defiled, are going to be cast out by the Lord, but at the same time the land that they have defiled has already vomited them out (vs. 25). If Israel, as natives or strangers, does not keep God's statutes and his ordinances (vs. 26), the land will vomit them out (vs. 28), or they will be cut off from among their people (vs. 29). However, Nussbaum has noted that a comparison with other biblical pronouncements concerning the expulsion of the Canaanites shows that this is not the only explanation of the Canaanite expulsion in the Hebrew Bible, and it is perhaps even identifiable as a theory of one particular school within ancient Israel, namely, the priestly school.[166]

In Leviticus 18:1–5, Egypt is juxtaposed with Canaan in our text. In our discussion so far the issue whether by mentioning Egypt the lawgiver was referring to the past sins of the Egyptians or the present has not been considered: should the phrase "as they do in the land of Egypt" (אֶרֶץ־מִצְרַיִם כְּמַעֲשֵׂה), be taken literally? The response to this question will require a diachronic approach, which is beyond the scope of this chapter. As a result it will suffice here to look very briefly at Porter's comments.[167]

Porter thinks that the mention of Egypt was not referring to the past sins but the present, that is, not to what the Egyptians were doing during the time of the slavery of the Israelites but to incestuous practices during the period

before and after the exile.[168] He remarks that in the context of "the law of holiness," the mention of Egypt has a reference contemporary to the text. In the years immediately before the exile, the influence of Egypt and its cults was very marked in Judah and, after the fall of Jerusalem, a number of Jews migrated there and adopted the worship of the country—this may be the point made in Jer 44:8. But Porter also thinks that the Israelites are still being haunted by the sins they committed while they were in Egypt. Israelites were considered to have worshipped the gods of Egypt during their stay there and to have subsequently never entirely cast off their influence (cf. Ezek 20:7–8, 24).

Apart from the incestuous relationships mentioned in the Levitical laws, Egypt is also accused of excessive harlotry practices, as indicated by Milgrom's remarks that Egypt was reputed for its licentiousness (Ezek 16:26ff; cf. 23:3, 20–21).[169] He also reminds us about Potipha's wife and Sarah in Pharaoh's harem. Concerning brother-sister marriage, he says that it prevailed among Egyptian royalty and was well known. Other forms of incest prevailing in every period, according to Milgrom, include aunt-nephew, uncle-niece, and so on. However, while he attributes a high level of incest to Egypt, he also argues, probably inadvertently, that Egypt was erroneously juxtaposed with the Canaanites as people whose evil deeds should not be emulated by the people of Israel.

In view of the brief observations above, without a shadow of doubt, the Hebrew Bible portrays the Egyptians' morality as a bad example that should not be emulated by the Israelites. But it is still not clear whether the lawgiver in Leviticus is referring to past or present sins of the Egyptians, or the sins of Israelites committed in Egypt—sins that were still haunting them. Our judgment on these issues will be suspended until we have a glimpse of what was happening on the ground in Egypt in the next chapter.

Conclusion

The discussion on prohibitions in Lev 18, in both the immediate and larger contexts of our text, has managed to show how difficult it is to attribute the origin of these prohibitions to the patriarchal stories. The problems arising from using such a method were so overwhelming that even the few examples that may be considered depicting incidents in the patriarchal narratives

appear negligible, for example, the law prohibiting union with two sisters when one of them is alive and the question of homosexuality in the story about Sodom and Gomorrah.[170]

Our study of incest in chapter one showed how scholars have sought its origin in many places: in exogamy, early childhood libido, in totem taboos, in the horror of blood, in the need to exchange women for wealth, and so on. This problem left us wondering whether the origin can be found anywhere at all. The search is not yet over, for even in this place—that is, in the patriarchal narratives—it is not found. However, our consideration of the larger context of Lev 18 was revealing; the prohibitions in this chapter are not unique for they are a reflection of the entire Priestly Teaching Manual which begins in Lev 10:11 and ends in 26:46. Furthermore, the few examples taken from the books of Deuteronomy and Exodus also indicate their affinity with those in our text. This situates the genre of our text tentatively in the law and not in the narratives.[171]

In our consideration of the edges of our text, it was repeatedly alluded to the need to treat vss. 1–5 as an introduction of Canaanites, vss. 6–23 as a unit on the abominations of Canaan, and vss. 24–30 as punishment of Canaan. Viewing vss. 6–23 as a unit will make it easier for us to compare these prohibitions later with other laws, both within and without the Hebrew Bible, as a complete whole.

Notes

1 A.R.S. Kennedy, ed., *Leviticus and Numbers* (The New Century Bible; New York: H. Frowde, 1910).

2 See Rooker, *Leviticus,* 239.

3 See Kellogg, *Leviticus,* 379.

4 See for example Bigger, "Family Laws," 193, vss. 1–2a; vss. 2b–4; vss. 5-6; vss. 7–18 or 7–23; vss. 24–30. Bigger has identified two major redactional strata in vss. 24–30. The former has links with H1 and should be identified with that redactor (26a, 27a, and 29 linked with vss. 5–6). The latter was constructed around H1 (vss. 24, 25, 27b, 28, and 30) and can be identified as the work of H2. However, we are not dealing with redactional work of Lev 18 in this chapter.

5 Kennedy, *Leviticus and Numbers*, 126.

6 See also Schneider, *Mother of Nations,* 8.

7 See E. Kautzsch, ed., *Gesenius' Hebrew Grammar,* 2nd ed. (revised in accordance with the twenty-eight German ed. by A.E. Cowley [1910]; Oxford: Clarendon Press, 1910), 125–135.

[8] John E. Hartley, *Leviticus* (Dallas, TX: Word Books, 1992), 293. The issue of fertility rites among the Canaanites will be discussed in detail in chapter four.

[9] Kellogg has pointed out that chapters 18, 19, and 20, by a formal introduction (18:1–5) and formal closing (20: 22–26), are indicated as a distinct section very commonly known as "the Law of Holiness" (*Leviticus,* 379–380).

[10] See also Erhard S. Gerstenberger, *Leviticus: A Commentary* (Old Testament Library; Louisville, KY: Westminister John Knox Press, 1996), 246.

[11] See also Walter Kornfeld, *Levitikus* (Die neue Echter Bibel; Würzburg: Echter, 1983), 70.

[12] According to Klaus Grünwaldt, vs. 6 is a secondary introduction by the H author (*Das Heiligkeitsgesetz Leviticus 17–26: Ursprüngliche Gestalt, Tradition und Theologie* [Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 271; Berlin: De Gruyter, 1999], 197).

[13] Grünwaldt has noted that in vss. 7–17a, it is not a question of prohibition of incest between blood relatives, but between relatives in general (*Heiligkeitsgesetz Leviticus 17–26,* 199). For Henning Graf Reventlow, vss. 7–17a is the original section of Lev 18, and it refers to old Israelite sexual writings (*Das Heiligkeitsgesetz formgeschichtlich untersucht* [Wissenschaftliche Monographien zum Alten und Neuen Testament 6; Neukirchen: Neukirchener Verlag, 1961], 57). For more details on the groups of תגלה לא- speeches (7–17a), see also Karl Elliger, *Leviticus* (Handbuch zum Alten Testament; Tübingen: Mohr, 1966), 229–232.

[14] See Steck, *Old Testament Exegesis*, 61.

[15] Carmichael, *Legend and Incest*, 45–46.

[16] See Milgrom, *Leviticus 17–22,* 1593; and also Andreas Ruwe, "The Structure of the Book of Leviticus in the Narrative Outline of the Priestly Sinai Story (Exod 19:1–Num 10:10)," in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler (Leiden: Brill, 2003), 57–58. Ruwe argues that Leviticus is a narrative text. The twenty-seven chapters of Leviticus form a narrative context. It is not an independent narrative, but is part of the priestly narrative context of Sinai pericope, Exod 19:1–Num. 10:10.

[17] For more details, see Tigay, *Deuteronomy*, 124.

[18] For more details on the understanding of "Holiness" and "Holiness Code," see Walther Zimmerli, "Heiligkeit nach dem sogenannten Heiligkeitsgesetz," *VT* 30, no. 4 (1980): 493–512. Zimmerli has shown that the root קדש appears 66 times in H, 102 times in Exodus, 152 times in Leviticus, and 80 times in Numbers.

[19] Ruwe argues that the question of how H was originally linked to the priestly writings has not been answered adequately (*Heiligkeitsgesetz und Priesterschrift: literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17, 1–26, 2* [Forschungen zum Alten Testament 26; Tübingen: Mohr Siebeck, 1999], 1 and 33). However, Ruwe defends the thesis that Lev 17–26 is an integral complex part of the Priestly Sinai text or "Sinai history of Priestly writing," which include Exod 19:1–Num 10:10.

[20] See Budd, *Leviticus*, 158.

[21] According to Hartley, 14:54–57 is a summary statement that functions as a conclusion to both chapters 13 and 14. It states that this is the regulation or instruction (תורה) concerning grievous growths on a person (*Leviticus,* 199).

[22] Gerstenberger, *Leviticus,* 124.

[23] See, for example, Levine, "Leviticus: Its Literary History and Location in Biblical Literature," in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler (Leiden: Brill, 2003), 17.

[24] For a detailed discussion on who are Nadab and Abihu and the nature of violation in Lev 10, 16, Exod 6, 24, 28, and Num 17, see Rolf Rendtoff, "Nadab and Abihu," *Reading from Right to Left: Essays on the Hebrew Bible in Honor of David J.A. Clines*, ed. J. Cheryl Exum and H.G.M. Williamson (London: Sheffield Academic Press, 2003), 359–363.

[25] Issues arising from the historical development of the texts in question will be dealt with later in chapter six.

[26] See also Henry T.C. Sun, "An Investigation into the Compositional Integrity of the So-Called Holiness Code (Leviticus 17–27)," (PhD diss, Claremont Graduate University, 1990, 487–496. Sun views Lev 11–26 as one unit. According to Sun, chapters 11–15 and 16ff. (except for 26:46, 27:34) are two main subdivisions within Lev 11–27. For other scholars who support a bifurcation into 1–10 and 11–27 of the book of Leviticus, see Hartley, *Leviticus,* xxxii, and Moses H. Segal, *The Pentateuch* (Jerusalem: Magnes, 1967), 45–57. Segal, for example, argues that the whole idea of "The Book of Holiness" is erroneous since chapter 17 has no reference at all to holiness. He has three divisions: Lev 1–7, 8–10 and 11–27.

[27] According to Ludwig Massmann, for a better working hypothesis, the Holiness Code is part of the macro-structure (an integral part of the Priestly writings) of the book of Leviticus (*Die Ruf in die Entschiedung: Studien zur Komposition, zur Entsthung und Vorgeschichte, zum Wirklichkeitsverständn zur kanonischen Stellung von Lev 20* [Beihefte zur Zeitschrift für die alttestamentiche Wissenschaft 324; Berlin: De Gruyter, 2003], 29). See also Ruwe, *Heiligkeitsgesetz und Priesterschrift,* 1ff.

[28] Kellogg has pointed out that the opening words of the book, "And the Lord said," connect it in the closest manner with the preceding book of Exodus, where God gave commandment for the building of the tabernacle or the "tent of meeting." In it he might manifest his glory and from time to time communicate his will to Israel. As mediators between him and the people, the priesthood was appointed, the duties and vestments prescribed (*Leviticus*, 18).

[29] For a discussion on two divisions of the book of Leviticus, chapters 1–10 and 11–26, already mentioned above, see also Ruwe, *Heiligkeitsgesetz und Priesterschrift,* 43–44.

[30] Elliger calls the phrase "Speak to the people of Israel and say to them," in vs. 2a, "representative formula" (*Leviticus*, 233). The same type as in 17: 1–2a is placed at the beginning of the chapter. Elliger further observes that vss. 2b–5 and 24–30 are introduction narratives.

[31] For a list of the references of the formula "I am the Lord" in the Holiness Code, see W.C. Martin Feucht, *Untersuchungen zum Heiligkeitsgesetz* (Theologische Arbeiten 20; Berlin: Evangelische Verlagsanstalt, 1964), 52. According to Feucht, this formula is used most frequently in H.

[32] Some comments made by the nineteenth and early twentieth century commentators are worth mentioning here. They all portray Egypt and Canaan as sinful nations and that the punishment mentioned in Lev 18 is somehow justified. For example, Charles H. Mackintosh has observed that the Egyptians and the Canaanites were all wrong. But he asks, how was Israel to know this? Who told them? How came they to be right and all besides wrong? (*Notes on the Book of Leviticus,* 2nd ed. [New York: F.H. Revell, 1861], 304). See also George Bush, who says that not only had that abandoned (Canaan) race been guilty of a total apostasy from the worship of the true God, substituting in his room the sun, and moon and host of heaven, and bowing down to

stocks and stones and creeping things, but they had also mingled with their idolatry every vice that could degrade human nature and pollute society (*Notes, Critical and Practical on the Book of Leviticus* [New York: Ivison, Phinney, Blakeman, 1942], 171).

[33] While this chapter is mainly about laws which on the purity scale are not of the same nature as those found in the sections on uncleanness as a result of contact with unclean foods (chapter 11), and men and women bodily discharges (chapter 15), the Priestly lawgiver is careful enough to remind his reader that the material found here is supposedly a continuation of the Priestly Teaching Manual that began in 10:11; distinguishing things that are תּוֹעֵבֹת (abomination) or unclean from those that are clean, in this case YHWH's statutes and justice.

[34] Milgrom rejects the notion that the prohibitions are literary creation (*Leviticus 17–22,* 1593). He argues that these were real cases facing the legist, not some literary allusion from the distant legendary past.

[35] Carmichael, *Legend and Incest*, 14.

[36] Kellogg argues that the prohibition of incestuous union with a sister or half-sister (vss. 9, 11) was an iniquity that was very common in Egypt, having the sanction of royal custom from the days of the Pharaohs until the time of the Ptolemies (*Leviticus,* 380). More will be said about this assertion in our discussion about incest in Egypt in the chapter that follows.

[37] The grouping of these verses together does not signify a major break in this study. All the verses between the introduction in vss. 1–5 (about the subjects; Egypt and Canaan) and the conclusion in vss. 24–30 (punishment) are treated the same and they serve the same purpose, that is, the portrayal of the men of Canaan as evil people.

[38] Schneider, referring to the Sarah-Abimelech incident in Gen 20, rightly maintains that in the Hebrew Bible the term "to take" sometimes means just "to take," and in this case Abimelech never has the chance to take her sexually (*Mother of Nations*, 86). However, for this study, in the texts where the verb "to take" is used with other verbs such as "to see" and "to uncover," the verb always has a sexual connotation.

[39] Ross, *Holiness*, 230.

[40] Basset, "Noah's Nakedness," 233. See also John Sietze Bergsma and Scott Walker Hahn, "Noah's Nakedness and the Curse on Canaan (Gen 9:20–27)," *JBL* 124 (2005), 34–39. For Bersmand Hahn, ראה ערות אבו in Gen 9:22 is a euphemism for sexual intercourse—but for heterosexual (maternal) incest rather than homosexual intercourse. Any form of sexual intercourse in Gen 9:22 is rejected in this study.

[41] Ross has rejected Basset's interpretation on the same ground. Basset has failed to see the difference between Gen 9 and Lev 20:17, a difference that is marked by the use of parallelism (*Holiness*, 230).

[42] Ross argues that there is no evidence that Ham actually did anything other than see the nakedness of his uncovered father. To the writer of the narrative, that was apparently serious enough to incur the oracle on Canaan (*Holiness,* 230). He further observes that there seems to be a taboo in the Hebrew Bible against such "looking" that suggests an overstepping of the limits by identification with the object seen (Gen 19:26; Exod 33:20; Judg 13:22; 1 Sam 6:19). This taboo is not peculiarly a Hebrew Bible phenomenon, as we saw earlier in section concerning taboo imposed by Kikuyu people on the owner of a homestead who gets drunk and falls on the ground in his homestead with his nakedness accidentally exposed. For detailed lists of Kikuyu taboos and prohibitions see, L.S.B Leakey, *The Southern Kikuyu before 1903* (London: Academic

Press, 1976), 165–167, 204–206, 248, 250, 277, 296–298, 301, 302, 786, 1208–1209, 1233–1234.

43 Cf. Lev 18 and Deut 27:20–23.

44 According to Wolde, the verb שכב "to lie down," occurs in the Hebrew Bible with the prepositions עם and את, both indicating "have sexual intercourse with" ("Love and Hatred in Multiracial Society: The Dinah and Scheme Story in Genesis 34 in the Context of Genesis 28–35," *Reading from Right to Left: Essays on the Hebrew Bible in Honor of David J.A. Clines*, ed. J. Cheryl Exum and H.G.M. Williamson [London: Sheffield Academic Press, 2003], 437).

45 Examples sought outside our text should always be treated with caution, for while one example fits in one situation, it may not necessarily fit elsewhere given the diversity of prohibitions in this text. This problem of generalization has characterized the study before us for ages, and has tended as result to obscure the meaning of the text.

46 Carmichael, *Legend and Incest,* 15.

47 Ibid., 16.

48 Carmichael admits here that he does not know what this violation actually entailed.

49 Cf. Ezek 22:10.

50 Milgrom, *Leviticus 17–22*, 1537.

51 Ibid., 1537.

52 See Anthony Philips, "Uncovering the Father's Skirt," *VT* 30, no. 1 (1980): 38–43. For Philips, it is much more natural to understand Lev 18:7a in its present form as prohibiting sexual relations with either of one's parents, and that the conjunction should be given its ordinary meaning (39).

53 Milgrom, *Levitic*us *17–22,* 1538.

54 Carmichael, *Legend and Incest*, 17.

55 Ibid., 16.

56 See, for example, Milgrom, *Leviticus 17–22*, 1538ff; Snaith, *Leviticus and Numbers*, 122–123; Philips, "Father's Skirt," 38–43.

57 See Snaith, who remarks that this verse is not easy to translate (*Leviticus and Numbers,* 122–123). He suggests "the nakedness of your father and mother."

58 See also Neufeld, *Hebrew Marriage Laws,* 194. Carmichael maintains that the law and the narrative stand in an integral relationship and once the extent of the connection is seen the puzzling custom in the law becomes wholly intelligible. The process is one of looking back, tidying up, purging error, and presenting an ideal program of law, morality and national purpose (*Legend and Incest*, 325).

59 See for example Eugene A. Nida, *Toward a Science of Translating with special Reflections to Principles and Procedures Involved in Bible Translating* (Leiden: E.J. Brill, 1964), 159; and also Nida and C.R. Taber, *The Theory and Practice of Translation* (Leiden: E.J. Brill, 1969), 201.

60 Jan De Ward and Nida, *From One Language To Another* (Nashville: Thomas Nelson, 1986), 36–40.

61 My experience as a Bible translator with the Kenya Bible Society in the 1990s is certainly useful in dealing with issues with regard to translation, especially the use of dynamic/functional equivalents. For criticism of functional equivalence, see Y.C. Whang, "To Whom Is a Translator Responsible—Reader or Author?" in *Translating the Bible Problems and Prospects,* ed. Stanley E. Porter and Richard S. Hess (Journal for the Study of the New Testament Supplement Series 173; Sheffield: Sheffield Academic Press, 1999), 46–62. See also D.A. Carson, "The Limits of Functional Equivalence in the Translation, and Other Limits, Too," in *The Challenge of Bible*

Translation: Communicating God's Word to the Word: Essays in Honor of Ronald F. Youngblood, ed. Glen G. Scorgie, Mark L. Strauss, and Steven M. Voth (Grand Rapids, MI: Zondervan, 2003), 65–113.

62 See Wilhelm Gesenius, *Gesenius' Hebrew-Chaldee Lexicon to the Old Testament: Numerically Code to Strong's Exhaustive Concordance, with an English Index of more than 12,000 entries,* trans. Samuel Prideaux Tregelles (Grand Rapids, MI: Baker Books, 1979), 135.

63 Cf. also Ps 68:10. However, I shall not discuss this text because the copulative *waw*, here, links a noun and a verb (נַחֲלָתְךָ וְנִלְאָה) instead of linking two nouns, which is the case with the passage we are examining.

64 Milgrom, *Leviticus 17–22,* 1537.

65 Carmichael, *Legend and Incest*, 16. Milgrom rejects Carmichael's argument in this regard (*Leviticus 17–22*).

66 See for example Exod 21:12–14, "Whoever strikes a man so that he dies shall be put to death. But if he did not lie in wait for him, but God let him fall into his hand, then I will appoint for you a place to which he may flee. But if a man willfully attacks another to kill him treacherously, you shall take him from my altar, that he may die." One does not punish a person for a crime committed accidentally. Ham's crime was committed accidentally. Consequently, the precept on mother cannot be based on this accident.

67 For Neufeld, the uncovering of the father's nakedness was the cardinal sin (*Hebrew Marriage Laws,* 195).

68 Neufeld has remarked that this is a prohibition only against intercourse between a son and his mother. It does not include a relationship between a daughter and her father (194).

69 Epstein, *Marriage Laws,* 35.

70 For more information, see also Schneider, *Judges* (Berit olam; Collegeville, MN: Liturgical Press, 2000), 245–269, for the definition and usage of the term פִּילֶגֶשׁ in the Hebrew Bible, especially in the "raped concubine" of Judg 19–20. Schneider has noted that the major issues concerning פִּילֶגֶשׁ that are regularly highlighted in the biblical stories are what the status of their children is when compared to the children of the women/wives, and what a פִּילֶגֶשׁ of a ruler means politically (248).

71 Snaith, *Leviticus and Numbers,* 122–123; Nahum M. Sarna, *Genesis: The Traditional Hebrew Text with New JPS Translation* (The JPS Torah Commentary; Philadelphia: The Jewish Publication Society, 1989), 244–245. Sarna has pointed out that Torah legislation of Lev 18:8 and 20:11, reinforced by curse of Deut 27:20 forbids a sexual relationship between a son and the wife of his father. Sarna also mentions the case of Adonijah-Abishag story.

72 Milgrom, *Leviticus,* 1538. In Genesis story (49:3–4), Reuben is cursed by his father for defiling his bed.

73 Carmichael, *Legend and Incest*, 16.

74 Ibid., 16.

75 The consequences of sons sleeping with their father's concubine are an issue a number of times, for example, when Reuben slept with Bilha (Gen 35:22), when Abner slept with Saul's concubine (2 Sam 16:21–22, and 2 Sam 20:3); (Schneider, *Judges,* 248). Interestingly, Schneider does not include the Adonijah-Abishag incident which some scholars erroneously use to explain the prohibition on "the nakedness of your father's wife" (Lev 18:8).

76 For more details, see P. Fannon, "1 and 2 Kings," in *A New Catholic Commentary on Holy Scripture*, ed. Reginald C. Fuller (Nairobi: Nelson, 1981), 329.

77 Epstein, *Marriage Laws,* 38.

78 Milgrom, *Leviticus 17–22,* 1538.

79 Bush, *Leviticus,* 177. For more references where אִשָּׁה is used as the conventional way of referring to a "wife" see, for example, Ruth 4:13; and 2 Sam 12:10.

80 Cf. Lev 20:11, and Deut 27:20.

81 See Epstein, *Marriage Laws*, 53.

82 Epstein, *Marriage Laws*, 35.

83 Ibid., 51. Epstein maintains that both Deuteronomic and the Levitical laws prohibiting marriage with a father's wife make no mention of any difference between the father's principal wife and his concubine, as does the Code of Hammurabi.

84 Noth has noted that the daughter is declared to be "a sister," in a peculiar phrase, and that it could be a later addition because of the phrase "begotten by your father." It looks as though originally it had not been a definitely demarcated circle of blood relationship that was being considered, but rather those normally living together in the circle of the grandparents in tents or house (*Leviticus*, 135).

85 Tigay has drawn our attention to the fact vss. 9 and 11 overlap, something that has attracted critical attention since Talmudic times (*Deuteronomy*, 121). Some scholars, such as Budd have avoided making any distinctions—only a sister, father's flesh and mother's flesh are meant (*Leviticus,* 257).

86 Carmichael, *Legend and Incest,* 23–24.

87 Ibid., 23–24

88 Ibid. Carmichael imagines a union between Abraham and Lot's daughters as their granduncle.

89 Ibid., 25.

90 Carmichael, *Legend and Incest,* 25.

91 Milgrom, *Leviticus 17–22,* 1539.

92 Ibid., 1541.

93 Levine, *Leviticus,* 120.

94 Porter, *Leviticus,* 146.

95 Ibid., 146.

96 For Neufeld, this prohibition against a union with collaterals of the first degree is very extensive in its application (*Hebrew Marriage Laws,* 196). Reventlow argues that originally the words in vs. 9 were in apodictic prohibition about a "sister" (half sister), while vs. 11 was about a "stepsister" (*Heiligkeitsgesetz formgeschichtlich*, 54). See also Elliger, *Leviticus*, 232.

97 Kennedy, *Leviticus,* 126–127.

98 See Elliger, *Leviticus*, 231. He argues that vs. 9 is about a "full-sister" or "daughter of the same mother."

99 Milgrom is right. Leviticus 18:9 and 11 are two different cases (*Leviticus 17–22,* 1593).

100 See also Ruwe, *Heiligkeitsgesetz und Priesterschrift,* 168; and Rudolf Kilian, *Literarkritische und Formgeschichtliche Untersuchung des Heiligkeitsgesetze* (Bonner biblischer Beiträge 19; Bonn: Peter Hanstein Verlag, 1963), 21–36.

101 Neufeld, *Hebrew Marriage Laws,* 199.

102 Carmichael, *Legend and Incest*, 21.

103 Other scholars, such as Neufeld, argue that the prohibition is of late origin. Sarah, the wife of Abraham, was his half-sister. In the time of David, however, the story of Tamar and Ammon (2 Sam 13:11) shows that the prohibition was regarded as a serious one. The arguments of Tamar, her refusal, and the attitude of David and Absalom to Ammon's love and defilement of his sister prove beyond doubt that a union between

brother and sister was regarded not only with shame and ignominy, but also with loathing and revulsion. In Jerusalem, in Ezekiel's times, such marriages actually did take place in spite of the prohibition (Ezek 22:11); (*Hebrew Marriage Laws,* 197). We need to point out here that the Judah-Tamar incident was also rape not just sex with sibling.

104 Milgrom has criticized Carmichael's understanding of vss. 9 and 11 (*Leviticus 17–22,* 1591ff.). He states that Carmichael makes two basic philological errors that undermine his narrative associations. Rendering מוֹלֶדֶת as "born," he deduces that 18:9 refers to Sarah who was born abroad (חוּץ), that is, outside Canaan, and that 18:11, a case that ostensibly repeats in part vs. 9, refers to Gen 20:12, where Abraham states that he and Sarah have the same father.

105 Carmichael has treated vss. 9–11as one sub-unit (*Legend and Incest*, 20).

106 Carmichael, *Legend and Incest*, 20.

107 The two prohibitions in vss. 12 and 13 are grouped together in Lev 20:19, and the same penalty is provided for a breach of either. See Neufeld, *Hebrew Marriage Laws,* 200.

108 The penalty for sexual intimacy with a father's sister is laid down in Lev 20:19 and consists of an unspecified divine punishment expressed in two words עֲוֹנָם יִשָּׂאוּ, which applies to both parties and certainly does not involve anything so drastic as death penalty (Neufeld, *Hebrew Marriage Laws,* 200).

109 Neufeld, *Hebrew Marriage Laws,* 200.

110 Ibid., 200.

111 Bush, *Leviticus,* 189. See also Kellogg, *Leviticus,* 381.

112 Carmichael, *Legend and Incest*, 26.

113 In his criticism on Carmichael's interpretation of the Hebrew term דּוֹדָה, Milgrom has pointed out that Carmichael has erred regarding this term (18:14), for it refers to the wife of the paternal uncle (20:20), and cannot mean a father's son or mother's sister (*Leviticus*, 1593).

114 Carmichael, *Legend and Incest,* 27.

115 Schneider has a different translation for this text: "After I am worn-out, there will be to me joy, and my husband old!…Shall I in truth bear a child, old as I am"? (*Mother of Nations*, 69). She observes that despite some commentators' speculations, the text does not define the nature of her laughter.

116 Carmichael, *Legend and Incest,* 27.

117 Ibid., 28.

118 According to Neufeld, this prohibition against intercourse with a paternal aunt by marriage seems to be more stringent than the two foregoing prohibitions (*Hebrew Marriage Laws*, 200). In Leviticus 20:20, the sin which they shall bear (חֶטְאָם יִשָּׂאוּ) is supplemented by the provision עֲרִירִים יָמֻתוּ "they shall die childless," a phrase which of necessity cannot imply the death penalty but merely imposes the curse of either total childlessness of the marriage—if the expression is to be identical with the עֲרִירִים יִהְיוּ "they shall be childless" in 20:21—or childless at the time of the parents' death, so that their own children would predecease them.

119 Carmichael, *Legend and Incest,* 29–30.

120 Neufeld argues that there is no reason to suppose that this prohibition was limited, as in the HL, to the life of the brother or the continuance of the marriage (*Hebrew Marriage Laws,* 202).

121 See the story of Ruth 1:11ff.

122 For Neufeld, the terminological laxity of the legislator is clearly displayed in this verse where לְגַלּוֹת עֶרְוָתָהּ and לֹא תִקַּח are both used alternately obviously without any difference in meaning (*Hebrew Marriage Laws,* 203).

123 Ibid., 204.

124 According to Neufeld, despite the severe punishment which the law imposed, the severe condemnation of the uncovering of the nakedness of a daughter-in-law by Ezekiel (Ezek 22:11) leaves little doubt that the prohibition was violated in ancient Israel with impunity (202).

125 Carmichael, *Legend and Incest*, 35.

126 Ibid., 35.

127 According to Elliger, vs. 17b marks the beginning of a section that ends in vs. 23 (*Leviticus*, 232). Elliger remarks that this section does not exhibit the same uniformity as the previous section (vss. 7–17a).

128 Carmichael, *Legend and Incest,* 37–38. What Carmichael calls "three generations of men" is actually two generations: one old generation (Judah), and one young generation (Judas's sons).

129 See comment by Milgrom, *Leviticus 17–22*, 1591ff., on narratives and literary allusion mentioned above.

130 See my comment on vs. 7.

131 Carmichael, *Legend and Incest*, 47–48,

132 See for example, Carmichael, ibid., 46ff.; Kellogg, *Leviticus*, 382, and Kennedy, *Leviticus*, 128.

133 Kellogg, *Leviticus,* 382.

134 Ibid., 382.

135 Neufeld, *Hebrew Marriage Laws,* 204.

136 Schneider, "Leah: Underrated Matriarch," paper delivered at SBL (Nov 2006), 6.

137 Ibid., 6.

138 See also Kristin De Troyer and others, eds., *Wholly Woman, Holy Blood, A Feminist Critique of Purity and Impurity* (Harrisburg, PA: Trinity Press International, 2003). In this book, as the title shows, the writers have approached "uncleanness" from a feminist perspective. The issues discussed include, for example, semantics of taboo, menstrual impurity in Lev 15, blood as a threat to holiness, and so on.

139 Levine, *Leviticus,* 122. Levine comments that this prohibition is distinctive in that it governed a man's sexual relations with his own wife.

140 See Schneider, "Leah: Underrated Matriarch," 7. She argues that Rachel pretended that she had a period.

141 Kathleen O'Grady, "The Semantics of Taboo, Menstrual Prohibitions in the Hebrew Bible," in Wholly *Woman, Holy Blood, A Feminist Critique of Purity and Impurity,* ed. Kristin De Troyer and others (Studies in Antiquity and Christianity; Harrisburg, PA: Trinity Press International, 2003), 9.

142 See also De Troyer, "Blood, A Threat to Holiness or Toward (Another) Holiness?" in Wholly *Woman, Holy Blood, A Feminist Critique of Purity and Impurity*, eds. De Troyer and others (Studies in Antiquity and Christianity; Harrisburg, PA: Trinity Press International, 2003), 46–47. She discusses the role "uncleanness" has played both in the past and present day. For De Troyer, women were banned from the altar because their menstruation was regarded as cultic impurity. Again, "female blood" is one of the major reasons why "women are not being ordained." See also O'Grady, "Semantics," 12ff.

143 Carmichael, *Legend and Incest*, 49.

144 Levine, *Leviticus,* 122.
145 Carmichael, *Legend and Incest,* 51.
146 Ibid., 52.
147 Ibid.
148 See Kellogg, *Leviticus,* 386. Carmichael has pointed out that a rule about the sacrifice of children follows, bewilderingly, a rule about adultery (*Legend and Incest,* 52).
149 See also A. Noordtzij, *Bible Students Commentary, Leviticus* (Grand Rapids, MI: Zondervan, 1982), 187.
150 Snaith, *Leviticus*, 125.
151 Rooker, *Leviticus,* 245.
152 For more details, see Tigay, *Deuteronomy,* 258–261, Excursus 7, "The Cult of Molech in Biblical Israel."
153 Tigay, *Deuteronomy,* 258–261.
154 Milgrom, *Leviticus 17–22,* 1586–1591. He raises the following questions: Were the firstborn sacrificed to YHWH? To Molech? He rejects categorically the notion that originally Israel sacrificed its firstborn males to YHWH, except in popular belief. Milgrom cites 2 Kings 3:27, where the king of Moab took his eldest son who was to reign in his stead, and offered him for a burnt offering upon the wall.
155 Carmichael, *Legend and Incest*, 53.
156 For Rooker*, Leviticus*, 247, lesbianism is not mentioned in the Old Testament, but it is condemned in Talmudic law and New Testament. However, Kennedy, remarks that the penalty for the unnatural crimes of sodomy (Gen 19: 5) and bestiality was death to all concerned (Lev 20: 13, 15ff.; Exod 22:19); (*Leviticus*, 128).
157 Tigay, *Deuteronomy,* 123.
158 Ibid., 123.
159 Tigay, *Deuteronomy,* 123.
160 Carmichael, *Legend and Incest*, 55.
161 Ibid., 56.
162 Carmichael, *Legend and Incest,* 56.
163 This is consistent with Carmichael's understanding of how these Priestly laws were formulated as stated earlier. Their formulation is not based on what went on in ordinary life, and this fact explains why many of the rules strike us as implausible (*Legend and Incest*, 14). However, throughout this study, the problem is not with laws, but the approach; looking for their origin at the wrong places. See also Milgrom, *Leviticus,* 1593.
164 According to Massmann, vss. 1–5 are parallel to vss. 24–30 (*Ruf in die Entschiedung*, 190). The speech in vs. 3 is about Egyptians and Canaanites, while the speech in vs. 28 is about the nations. The warning concerning the deeds of the land of Egypt and Canaan in vs. 3 corresponds to the warning of pollution in vss. 24, 26, and 30.
165 Bush has observed that the Canaanites being divided into several clans and tribes are spoken of in the plural, as "nations," and they, it appears, were so completely overrun with these foul abominations that a righteous God could bear with them no longer. As they were now lying under his curse so they were shortly by his sword wielded by the hands of the chosen people to be completely destroyed (*Leviticus,* 199).
166 Nussbaum, "Portrayal of Canaanites," 90.
167 Porter, *Leviticus*, 143.
168 Ibid., 143.
169 Milgrom, *Leviticus 17–22*, 1590ff. See also Balentine, *Leviticus,* 152. He argues that both Egypt and Canaan are reputed to have built the powerful hegemonies in conjunction with sexual practices that chapters 18 and 20 prohibit, especially

incestuous marriage (for example, father-daughter, brother-sister). See also Rene Peter-Contesse and John Ellington, *A Translator's Handbook on Leviticus* (New York: United Bible Societies, 1990), 271. They argue that the Egyptians practiced intermarriages of near relatives, which are forbidden in vs. 6.

170 According to Milgrom, there are only two obvious relationships contained in the narratives: Tamar the daughter-in-law of Judah in Gen 20:12 and Tamar the sister-in-law of Onan in Gen 20:21 (*Leviticus 17–22,* 1592).

171 The genre of our text will be discussed in detail later.

CHAPTER THREE

Incest among the Ancient Egyptians

In this section, our investigation of sexual behaviors of the ancient Egyptians is an attempt to understand the reason that the Priestly lawgiver condemns them:

> Say to the people of Israel, I am the LORD your God. You shall not do as they do in the land of Egypt, where you dwelt…You shall not walk in their statutes. You shall do my ordinances and keep my statutes and walk in them. I am the LORD your God. You shall therefore keep my statutes and my ordinances, by doing which a man shall live: I am the LORD (Lev 18:2–5).

What exactly did the ancient Egyptians do when the Israelites were living in their land, and why does the Priestly lawgiver warn the Israelites not to emulate them?

This investigation will begin by examining briefly the history of ancient Egypt in the pharaonic, Ptolemaic, and the Roman periods, and the problems of chronology. These periods were characterized by one form of incest or another. The problems regarding source materials inherent in this study will be considered:[1] archaeological, textual, and representational.[2] This will be followed by examination of the sexual behavior of the ancient Egyptians in each period, which will include brother-sister marriage —royal and nonroyal. Under this rubric incestuous unions involving, for example, fathers and daughters, cousins, stepsiblings, and uncles and nieces will be discussed. Other aspects of the sexual life of the ancient Egyptians—like prostitution, adultery, homosexuality, bestiality, abuses of corpses, and masturbation by gods—will be looked at here.

Finally, the question of sources will be addressed. Having looked at the various practices mentioned above, an attempt will be made to understand the reason why the ancient Egyptians behaved in the way they did. This will involve examining life in the private sphere, choice of marriage partners, wedding ceremonies, divorce, the preservation of property, closed nature of royal family, the Greeks, the gods, and dowry.

Historical Background

The study of incestuous unions in ancient Egypt mainly centers on the royal families. A brief historical background of Egyptian nobility is therefore necessary. The history of ancient Egypt is divided into many dynasties, according to Manetho and other Egyptian documents like the Turin Canon (Turin King List, or Royal Canon of Turin). Manetho describes thirty dynasties of Egyptian kings, extending from Menes (c. 3000 B.C.E.) said to have unified the Upper and Lower Egypt, to the Thirtieth Dynasty from 380–343 B.C.E.

Three historical periods in the history of ancient Egypt will feature prominently in this study: the New Kingdom (c. 1550–1069 B.C.E.), the Ptolemaic Period (332–30 B.C.E.), and the Roman Period (30 B.C.E.–395 C.E.). The New Kingdom, according to Barbara H. Fowler, was the golden age of Egyptian civilization, and, as Emelie Kuhrt has noted, it was a time when Egypt was at its most spectacularly wealthy and powerful.[3] Even though there were political shifts, dynastic crises, and occasional setbacks for imperial power, Fowler has noted that they never lasted long enough to fundamentally shake Egypt's power over an immense area, embracing northern Sudan in the south and stretching into southern Syria and Lebanon in the South. It was a time rich in academic sources for all kinds. This was not only a time of prosperity in material gains and political stability, but it was also a time rich in love poems[4] and incestuous unions.

To the Eighteenth Dynasty (c. 1550–1295 B.C.E.) belong famous figures that are implicated in brother-sister marriages.[5] These figures include, for example, Queen Hatshepsut—who, as Fowler has shown, conducted a peaceful reign and built her temple and tomb in the Valley of the Kings opposite Thebes—and Akhanten and his beautiful queen Nefertiti, who fostered an almost monotheistic worship of Aton as a beneficent sun god and inspired a vibrant new naturalism in the visual arts.[6]

Allan B. Lloyd maintains that during the Ptolemaic Period (332–30 B.C.E.), a very remarkable development within this royal house was the establishment of full brother-sister marriage.[7] Lloyd further says that this usage—which was initiated by Ptolemy II, who married his full-sister Arsinoe II—has frequently been claimed to have evolved on the basis of Egyptian historical precedent, a notion that has persisted into recent literature, despite the total lack of reliable pharaonic evidence that full-sister marriage was ever practiced by Egyptian kings.[8]

The land of the pharaohs and their Hellenistic successors, the Ptolemies, became part of the Roman Empire in 30 B.C.E.–311 C.E. under Octavian who in 27 B.C.E. changed his name to Augustus.[9] During this period, there were many brother-sister marriages. Peacock argues that about one sixth of all marriages were those between brothers and sisters.[10] For this reason Egypt has acquired a reputation of being the cradle of incest.[11] Peacock has noted that during this time Isis, sometimes identified with Hathor, became a very popular goddess.[12] Isis was both wife and sister to Osiris and was very much adored by men and women to whom she was queen of heaven and earth, and of life and death. She looked favorably on all women's activities to such an extent that she was at one time the goddess of prostitutes as well. The reasons for the prevalence of incestuous practices in ancient Egypt in these three historical periods will be discussed later in this chapter.

Different works referenced in this study use different dates to refer to the same event,[13] dynasty, or king, depending on the chronology the writer uses: "high," "middle,"[14] or "low." It is important to have a working knowledge of the chronology of ancient Egypt, for, as Ward has rightly put, the absolute chronology of Egypt has been one of the major time-frames for ancient chronology in general, and it is important that scholars in other disciplines understand that dates for Egypt are not as absolute and well-established as they are often thought.[15]

Robins' approach is plausible. She consistently commits to the same chronology, which she clearly indicates right at the beginning of her work.[16] This is a timeline of Egyptian ancient history covered in her discussion about women in ancient Egypt. However, while she admits that the dates in the chronology are approximate, she has not stated what chronology—high, middle, or low—she has used, and we are left to figure it out for ourselves. Robins' wisdom will be used here by showing the timeline that we are going to use right at the outset of our discussion, but unlike Robins, and given the complexity of the Egyptian chronology, an attempt will be made, even though briefly, to indicate the chronology of the sexual behavior of ancient Egypt that we are going to use in our study and the reasons for doing so.

Knowing what chronology we are using is important not only for the present chapter but also for our discussion in subsequent chapters about incestuous unions in Hittite laws in chapter five and later, the historical development of the same in the Hebrew Bible. Furthermore, Ward argues that an absolute chronology for the archaeological phases of Canaan and the

historical events that they mark must depend on written sources from outside that region. Egypt offers such a primary source, with its copious written materials, a clear-cut succession of dynasties, and a supposedly dependable chronological framework.[17]

Ian Shaw makes the following observations with regard to the understanding of Egyptian chronology.[18] First, the traditional Egyptian Chronology is based on biographies on the walls of tombs, lists of kings on temple walls, stratigraphic evidence of archaeological excavations, and other pieces of information. Second, in the pharaonic, Ptolemaic, and Roman periods, the "traditional" absolute chronologies rely on complex webs of textual references, combining such elements as names, dates, and genealogical information into an overall historical framework that is more reliable in some periods than others. Third the so-called intermediate periods (2160–2055 B.C.E. and 1650–1550 B.C.E.) have proven to be particularly awkward phases, partly because there was often more than one ruler or dynasty reigning simultaneously in different parts of the country.

The reconstruction of the Egyptian calendar and its link with the chronology as a whole is based on the observations of the heliacal rising of the Dog Star, Sirius.[19] According to Ward, Egyptologists have proposed three possible locations for the observation of the heliacal rising of Sirius, namely, Memphis or Heliopolis (north), Thebes (south), and Elephantine (further south). For every degree of latitude southward along the Nile, the heliacal rising of Sirius is observed one day earlier. This means a reduction by four years per day per degree of latitude in terms of absolute chronology. Between Memphis/Heliopolis and Elephantine there are six degrees of latitude. These three locations in turn have established three possible chronologies: high chronology which has Sothic sighting in Memphis or Heliopolis; a middle and low chronology, which has Sothic sighting from Thebes, and an ultra-low chronology, which has Sothic sighting from Elephantine.[20]

As Elias J. Bickerman has noted, dating many reigns of kings in the ancient Near East has been very much influenced by the fixing in time of Hammurabi, of the First Dynasty of Babylon.[21] However, Bickerman argues that synchronizing of these dates with Hammurabi is characterized by many problems regarding the fixing of high, middle and low dates. The high chronology places Hammurabi at 1856–1814 B.C.E. (evidence for this date comes from Platanus Crete, where ceramics that relate to early Twelfth

Dynasty material were discovered at the Middle Minoan I[22] Palace at Cnossus). The middle chronology places Hammurabi at 1792–50 B.C.E. using the Assyrian king lists (ceramic evidence and data from astronomical tablets). The low chronology places Hammurabi at 1728–1686 B.C.E. (evidence for this date comes from the Assyrian king lists and the fifteenth-century cylinder seals of the first Babylonian Dynasty found at Nuzi and Arrapha). For K.A. Kitchen, synchronisms between Hittite Suppiluliuma and Amarna Pharaohs;[23] Neferhotep I of Egypt (Thirteenth Dynasty) and Yantin of Bablos; and Yantin-'Ammu of Bablos and Zimri-lim of Mari (contemporary of Hammurabi) point to a low chronology: Hammurabi (1728–1686 B.C.E.), Zimri-lim (1711–1698 B.C.E.), Yanti-'Ammu (1705–1680 B.C.E.) and Neferhotep I of Egypt (1696–1685 B.C.E.).[24]

Ward, while admitting that there are strictures on any attempt to create an absolute chronology, applauds Kitchen for contributing to this debate a working hypothesis for high and low chronology.[25] Ostensibly, the use of high-low chronology is a matter of choice, for, as Ward has stated, there is no evidence to support the existence of a national observatory for "official sightings:"[26] low chronology (south-Elephantine), or high chronology (north-Memphis or Heliopolis).

For the sake of convenience and consistence and not conviction, this study will stick as much as possible to "low chronology" following Shaw, Betsy M. Bryan, and Lloyd.[27] Not because it is the best, but because much of our discussion somehow reflects these articles, among other works.[28] The following will be our working chronology:[29]

Pre-dynastic Period		?–3000 B.C.E.[30]
Early Dynastic Period	(dynasties I-II)	c.3000–2686 B.C.E[31]
Old Kingdom	(dynasties III-VIII)	2686–2160 B.C.E.
First Intermediate Period	(dynasties IX-XI)	2160–2055 B.C.E.
Middle Kingdom	(dynasties XII-XIV)	2055–1650 B.C.E.
Second Intermediate Period	(dynasties XV-XVII)	1650–1550 B.C.E.
New Kingdom	(dynasties XVIII-XX)	1550–1069 B.C.E.
Third Intermediate Period	(dynasties XXI-XXV)	1069–664 B.C.E.
Late Period	(dynasties XXVI-XXX)	664–332 B.C.E.
Ptolemaic Period		332–30 B.C.E.
Roman Period		30 B.C.E.–395 C.E.

The study before us is not characterized only by problems with chronology but also by problems with source materials. Scholars who have

ventured into the study of this subject have encountered a number of problems in this regard: archaeological, textual, and representational (reliefs and paintings).[32] Other inherent problems are found in both the translation and interpretation of various archaic words. But while the aspect of translation of various archaic words referring to various issues of marriage plays an important role understanding incest in Egypt, the main problem revolves around written sources. There seem to be only scanty materials from which scholars can conclusively draw information. Hopkins puts it rightly in his statement that the origins of the practice are lost in the mists of time or in Egyptian records, which need to be taken seriously as the main problem around which this study revolves.[33]

Inadequacy of written sources is seen also in the distribution of resources in Egypt, that is, who owned what and how much. Robins admits the fact that while there seems to be abundant source materials in the New Kingdom, we know far less than we would like about the workings of the ancient Egyptian economy.[34] She, however, maintains that the economic affairs of men and women of the elite class were essentially different.

Abominations of the Ancient Egyptians

We now begin to explore in detail the reasons for the Priestly statement "You shall not do as they do in the land of Egypt, where you dwelt…(Lev 18:3)." Marriages between kin were not unknown in ancient Egypt. But what was the nature of these relationships? Who was marrying whom, and why? When did these kinds of marriages take place in the history of ancient Egypt? Why were certain groups or classes of people involved in this practice more than the others? There is a tradition that brother-sister and father-daughter marriages were mostly confined to the royalty of Egypt. Why only in the royal family? In tales from Egyptian mythology, to be discussed later, gods' marriages between brothers and sisters and fathers and daughters were common from the earliest periods. Was this the reason why the Egyptian kings practiced incestuous marriages? Were the kings incarnations of these gods who are said to have practiced incestuous unions? In the following section, these and other pertinent questions that will arise from this subject will be addressed.

Pharaonic Times Royal Family Incestuous Marriages

Many scholars who have shown interest in this subject agree that royal family marriages existed in ancient Egypt. Jaroslav Černy conducted an inquiry into consanguineous marriages, especially between brothers and sisters in Egypt in the pharaonic times.[35] He analyzed records of four hundred and ninety marriages ranging from the First Intermediate Period to the Eighteenth Dynasty. The conclusion was that there is enough evidence for brother-sister marriage within the royal family. Černy further noted that it has been generally maintained that a number of Egyptian kings were married to their sisters, and enough evidence seems to have been adduced to accept that, within the royal families, the custom is proven.[36]

However, while the issue of the existence of this practice is not disputed, the question of whether the practice involved a full brother-sister relationship or are between a half-brother and a half-sister remains unresolved, for no documents actually state this relationship explicitly, as pointed out by Bryan.[37] Pestman maintains that full brother-sister relationships actually took place.[38] He cites the marriage between Ahura and her brother Neneferkaptah as an example:

> In the Sente-novel the marriage between Ahura and her brother Neneferkaptah is described; the pharaoh, their father, gives the instruction: Let Ahura be taken to the house of Neneferkaptah tonight; let everything beautiful be taken with her, everything! There upon Ahura continues: I was taken to the house of Nenefekaptah as a wife (*hm.t* [The Pharaoh had]) a present consisting of silver and gold be brought to me; the people of the place had (it) be brought to me, everything. Neneferkaptah feasted with me; he himself received the people of the palace, he slept with me on the said night.[39]

The case of Ahura, the daughter Merneptah (1213–1203 B.C.E.) mentioned above by Pestman somehow falls under the genre of love stories, poems or songs—in which case it is difficult to tell whether an incestuous relationship is actually meant. According to Pestman, from the Eighteenth Dynasty (1550–1295 B.C.E.) onwards, a man calls his wife or beloved his "sister," by which brother-sister incestuous relationship is not meant.[40] Geraldine Pinch does not have any doubts whatsoever regarding the relationship involved in these marriages. The cases that have been identified involve children of the same father but different mothers—a half brother and half sister.[41] Černy is firm on this issue: in all cases covering pharaonic

times, there is proof that the married couple were half-brother and half-sister, and we have no certain instance of marriage between full brother and sister.[42]

The following incestuous relationships within the royal families have been identified, though not without ambiguity. Some kings took as wife their own sisters or stepsisters. Bryan has pointed out that either Seqenera Tao II or Kamose married his half-sister Ahhotep.[43] Bryan and Erman have shown that Ahmose I (Amenophis I) married his sister Ahmose-Nefertiti by whom he fathered Ahmose-ankh and Amenhotep I. Amenhotep I married his sister the daughter of his mother Ahmose-Nefertiti. Tuthmosis I was married to his half-sister Hatshepsut who served as his "great royal wife," and was also "god's wife of Anum." Tuthmosis IV, Ramesses II, Merenptah, and Siptah are also said to have married their sisters.[44]

Pharaonic Times Nonroyal Family Incestuous Marriages

The problems we have encountered in our attempt to understand incestuous relationships in the royal families are not peculiar. Similar problems are also evident in non-royal incestuous marriages. While almost all scholars involved in this study—for example, Johnson, Pinch, Černy, Lynn Meskell, Lloyd, and Erman—are unanimous in holding that nonroyal incestuous marriages were very rare in pharaonic times, there is disagreement about the nature of the few incestuous cases found outside the royal families.[45] For example, what was the frequency of these cases? Who were involved? Were they full or half brothers and sisters?

Johnson has noted that there is no motive for incestuous unions outside the royal families; in the royal families succession to the throne (which normally descended through females) seems to have encouraged incest.[46] Some scholars, Pinch, for example, will only say that outside the royal family, brother-sister marriages seem to have been very rare in Egypt before Roman times without indicating whether a full or half-brother-sister relationship is meant.[47]

After a careful scrutiny of 490 marriages, Černy concluded that outside the royal families we know of the certain occurrence of consanguineous marriage in the Twenty-second Dynasty (945–715 B.C.E.) and two practically certain cases in the Middle Kingdom. There are further two possible, though not very probable, Middle Egyptian instances, and one

Twentieth-Dynasty (1186–1069 B.C.E.) case is very doubtful.[48] For Meskell, there are only two cases from the First Intermediate Period to the beginning of the Eighteenth Dynasty (1550 B.C.E.), and even these two instances fail to provide evidence for a marriage between siblings.[49] However, this is not the case for Lloyd, who argues that half-brother and half-sister unions existed among the nonroyal community but that full brother-sister marriage does not seem to have been acceptable outside the royal house.[50]

Erman has also mentioned cases of incestuous practices involving two stonemasons who directed the work in the quarries of Hamanmat. Each of them had "his sister" with him,[51] though Černy rejects Ermans's view that each man was accompanied by "his sister" and that these two women were in reality their wives.[52] He further argues, that the pronoun *.f* used in *snt.f* "his sister" can refer only to the second quarryman,[53] which means that only one woman is meant and not two. Erman, however, is flexible on this point. While the two women could have been sisters of the quarrymen, they also may not have been real sisters, since in Egyptian lyrics the lover always speaks of "my brother" or "my sister," and in many cases there can be no doubt that the "sister" signifies his "beloved," or his "mistress."[54]

Finally, we can only say with Hopkins that the few cases shown above do not justify any assumption that brother-sister marriages were common in early Egyptian society outside the royal family.[55] After all, as Johnson, Lloyd, Manniche, and Černy have pointed out, even in the royal family there is only one case that seems certain of a brother marrying a full sister.[56]

Ptolemaic and Roman Times Incestuous Marriages

The history of incestuous relations in both the royal and nonroyal families during pharaonic times is shrouded with many uncertainties as we have noticed above. This is not the case in Ptolemaic and Roman times. During these two periods, the question is not whether there were incestuous unions both in the royal and nonroyal families, but the reason why this practice was so widespread. Manniche rightly says:

> The royal family of the last three centuries B.C.E., of Greek descent, provided numerous examples of marriage between closely related persons, and for this reason Egypt has acquired a reputation of being almost the cradle of incest.[57]

Unlike during pharaonic times, where scholars have attempted to piece together scanty pieces of information, there is enough evidence of the existence of incestuous practices during Greek and Roman periods. Hopkins has shown that the evidence for brother-sister marriages in Egypt comes primarily from household census returns (written in Greek, the official language of Roman administration in Egypt).[58] According to Hopkins, every fourteen years between C.E. 19–20 and 257–258, the Roman governor of Egypt ordered district officials to carry out a household census of the whole population to serve as a basis of taxation. The brother-sister marriage was a lawful, publicly celebrated union between full brother and sister, complete with wedding invitations, marriage contracts, dowries, children, and divorce.[59] However, Hopkins laments the fact that very little is known of the social class to which households in the census returns belonged.[60] According to Hopkins' analysis, around two thirds of the households in Egypt during the Roman period comprised conjugal families (of siblings) or multiple families linked by kinship, while most of the remaining households were occupied by solitary persons or families extended by the presence of co-resident kin.[61] Furthermore, about one sixth of all marriages were those between brothers and sisters.

The high level of incestuous practices during this period raises the question of whether the ancient Egyptian society experienced the effects of inbreeding, for example, high mortality, inability to produce, and albinism. Hopkins has addressed this problem in his work accordingly.[62] Unfortunately, the census records are not very useful in this regard. Hopkins remarks that the mortality rate was already very high in the Roman Egypt, and surviving sources are silent about it. However, he accepts the fact that infants and children suffering from serious congenital malformations may have slightly increased that high death rate. But the chances were small that families would maintain brother-sister marriage in successive generations, since only about forty percent had any sons along with any daughters surviving to marriageable age.

In conclusion, brother-sister marriages were rare in ancient Egypt until the Roman period,[63] and even those rare cases are found in the royal families. The reasons that incestuous marriages were so frequent during this later period will be discussed later.

Other Types of Incestuous and Forbidden Unions

Scholars are unanimous that other incestuous marriages were practiced in Egypt. But investigation into this area is not without its own problems. Robins, for example, has underscored the fact that we are hampered in research into these matters because in most cases there is not enough information to trace the progenitors of both husband and wife back more than one or, at the most, two generations.[64] For Pestman the situation is not completely desperate. Genealogical trees that are available indicate that it was not unusual for an Egyptian to choose his marriage partner from the family circle; so the deeds concerning marriage show marriages between uncle and niece, or between cousins.[65] Meskell, too, admits that marriage between cousins, stepsiblings, and uncles and nieces was fairly common.[66] Also according to Pinch, though a few cases of uncle-niece marriages are known, father-daughter marriages appear to be peculiar to the royal family. People could marry either paternal or maternal first cousins.[67]

A number of kings were involved in brother-sister marriages, as mentioned above. There are a few incidents of father-daughter marriages among the royal families during pharaonic times. For example, as Manniche has shown, Ramesses II married his progeny—not just one daughter, but also three, and his aunt Sethos II.[68] Manniche further observes that Amenophis III[69] may have had a relationship with one of his daughters, too, depending on the way in which the evidence is interpreted. This may also have been the case with Akhanten. King Seneferu of the Old Kingdom may have also had offspring by his own daughter.[70] Ancient Egyptians did not only engage in incestuous relationships but also in other licentious behavior, such as prostitution, bestiality, and sexual abuse of corpses. However, as Manniche maintains, it cannot be ascertained on the basis of the available material whether temple prostitutes existed as in the Near East,[71] though in her work later, she has shown that there were priestesses of different rank in the temples, some even bearing the title of "god's wife," or, referring to one of the creation legends, "hand of the god."[72] She argues further that this does not necessarily mean that they had sexual intercourse with the gods or with priests in the temple.

Outside the temple the situation was different. There is unambiguous evidence for the practice of prostitution, though it did not happen without being condemned. There are numerous documents from the workmen's

village of Deir el-Medina, as Manniche has hinted, telling of women who were neither wives nor mothers but belonged with the others.[73] Stories of gods are also witness to existence of prostitution, as seen in the case of Isis who, while fleeing with her son Horus, lodged in the house of a prostitute. King Cheops, who built the greatest pyramid, is said for lack of money to have made his daughter sit in a chamber and exact payment.[74] However, although prostitution was a well-established aspect of erotic behavior, Manniche argues that it was something that the Egyptians themselves condemned.[75]

There are many examples of adultery cases from Deir el-Medina, as Robins has pointed out.[76] Similarly, for Manniche, administrative documents reveal how adultery flourished in the lower classes.[77] She cites a case in the manuscript that was written down in the reign of Sethos II (c. 1210 B.C.E.). In this tale the wife of a man called Anubis attempts to seduce Bata her husband's younger brother. Manniche sees a close parallel between this episode and the biblical tale of the wife of Potiphar.[78]

While prostitution seems to have been practiced in ancient Egypt, it was also condemned, and men were advised against it, just as they were also recommended to abstain from relations with prostitutes.[79] According to C.J. Eyre, a small number of New Kingdom papyri contain lists of complaints or accusations concerning illegal or immoral behavior, and more specifically malfeasance. A common element in these indictments is the accusation of fornication with married women.[80]

However, the form of punishment applied to adulterers and adulteresses varied depending on the individuals involved because there was no codified law about it.[81] If a married woman committed adultery, she might lose her life[82] or, in Graeco-Roman times, she would be divorced by her husband.[83] For Eyre, willing adultery the man received a thousand lashes and the woman had her nose cut off. The literary norm in Egypt, however, was that adultery resulted in death, but in practice adultery resulted in divorce or repudiation and not death.[84]

Homosexuality does not seem to have been widespread in ancient Egypt, available evidence shows. There was a time when men wore women's garments thus creating a problem of identity between men and women. Manniche contends that there are a few examples to suggest homosexuality was indulged in for pleasure. Raping another man was an act of aggression, a means of gaining power over an adversary.[85] Homosexuality among women

is even more sparsely documented, though it is condemned in *The Book of the Dead*. A passage in an Egyptian dream book dealing with the dreams of women runs as follows: "If a woman has intercourse with her, she will experience a bad fate"—proving at least that the possibility of female homosexuality was recognized.

The problems of sexuality in ancient Egypt seem to revolve around the royal families. Ostensibly, they are responsible for sending wrong signals to their subjects. Not only did they marry their sisters and daughters, but they also wore women's clothes. Manniche has remarked that pictorial evidence is ambiguous on this matter. In some of the sketches showing two persons in an intimate situation it is difficult to distinguish the sex of the participants.[86] During Amarna times (1550–1352 B.C.E.), as Manniche maintains, men and women of the upper class imitated the royal couple and wore identical loose garments, which reflects the male image adapting to the female. King Akhnaten depicts himself in the image of his wife Nefertiti with small firm breasts, a narrow waist, and heavily rounded hips and thighs. As Nefertiti sometimes wears diadems and crowns it is often difficult to tell the difference between the two. There is little evidence for female homosexuality or lesbianism in ancient Egypt. Therefore, what could be seen as homosexuality is probably not.

While there is little evidence for women's homosexuality, interestingly, bestiality existed only in the imagination of the ancient Egyptian society. Manniche cites a case where women had open intercourse with a he-goat in a ritual act, for, as she argues, the virility of the Apis bull was strengthened by the women showing their private parts to it.[87] Furthermore, in the dream books there are various combinations of animals and men, which show that these relations existed in the erotic imagination of the Egyptians, if not in actual fact. In the Egyptian imaginations, men may copulate with jerboas, swallows and pigs, whereas women have a choice between mouse, horse, donkey, ram, wolf, lion, crocodile, snake, baboon, ibis or falcon. Manniche observes that most frequently the dreams are an omen of bad fate.

Finally, in ancient Egypt it is said that corpses were sexually abused (necrophilia) and that gods masturbated. According to Manniche, it was reported that the embalmers abused the corpses of the most beautiful women.[88] Concerning masturbation by the gods, Manniche has cited one creation legend that describes how the god of creation created the other gods

with his hand, that is, by masturbating. The sun god created himself in the beginning:

> When this first step had been completed he produced two other gods, Shu, the air, and Tefenet, the humidity, by masturbation. These two in turn united to create Geb, the earth, and Nut, the sky. Nut arched her back over Geb, and in the most obvious fashion, they became the parents of Osiris, Isis, Seth and Nephthys. With later addition of Horus, son of Isis and Osiris, nine gods had now been created in the world: Ennead.[89]

Origin of Incestuous Relationships in Egypt

Our review of works in anthropology and sociology, and even psychoanalysis, in chapter one showed how many scholars have painstakingly tried to understand why many communities, in various stages of human history, have viewed incestuous marriage as loathsome and have consequently imposed prohibitions or taboos. They have shown that we do not seem to have enough information on why certain communities sanction it while others do not.[90] Similar concerns have been raised concerning incest in Egypt. Why did incestuous marriages exist in Egypt? There are several reasons for this practice: to satisfy love passion; to emulate gods, and to preserve wealth within the royal families. In the following section we shall explore these factors in detail. But in order to do so we shall need to look at private life in ancient Egypt in general. A detailed study of private life is beyond the scope of this study, here, but we shall examine marriage: choosing a marriage partner, wedding ceremonies, dowry and divorce.[91]

In a study involving marriage a clear understanding of private life, both of the ruling class and of the peasantry is necessary. However, such clarity is not possible in the absence of enough sources of information. Pinch maintains that while legal documents can provide valuable insights into private life, they mainly relate to an urban middle class of artisans, priests, and minor officials. Illiterate peasant farmers formed the bulk of the population, but their homes rarely survived and little is known about their customs and living conditions.[92]

An investigation of the issues arising from marriages would definitely entail at least some knowledge of family structure—how different family members are biologically and legally related to one another from one

generation to the next.[93] Important as this knowledge is, it is not readily available to scholars who have shown interest in this area. Pinch, for example, has stated that the surviving evidence on family structures and the nature of Egyptian marriage is often hard to interpret.[94]

The choice of a marriage partner is a significant aspect of any marriage,[95] but again written sources are lacking. Robins says that little is said in the sources about where one might look for a marriage partner.[96] But Pinch is even more critical, saying that virtually nothing is known about how people met or chose their marriage partners.[97] She suggests that the couples's parents may have arranged many marriages, but it is unlikely that the children were compelled to marry people whom they had never met.[98]

Another problem for studying choice of marriage partners is the question of virginity. Was virginity considered a significant criterion for determining the suitability of a given bride for marriage? Adequate information about virginity, too, is lacking according to Pinch.[99] No definite evidence shows that virginity was considered essential in a bride; marriage settlements do not mention this point. Worse still is the term "incest," which Pinch says is not mentioned among the sexual crimes listed in religious texts.[100] This is consistent with the argument by Anne K. Capel and Glen E. Markoe that marriage in ancient Egypt was a totally private affair in which the state took no interest and of which it kept no record.[101] They contend that there is no evidence for any legal or religious ceremony establishing marriage, although probably parties were held.

However, the available evidence indicates that it was not unusual for an Egyptian to choose his partner from the family circle, as noted by Pestman.[102] So the deeds concerning marriage show marriages between uncle and niece, or between cousins. In a few cases it is clear that the two spouses are even half-brother or half-sister, children of the same father but of a different mother.[103] From the Late Period marriage might be patrilocal (wife moves to husband) or, very rarely, matrilocal (husband moves to wife), as Lloyd has pointed out. They strikingly illustrate one of the more unexpected features of Egyptian social life throughout Pharaonic times: the very high degree of independence enjoyed by women. [104]

Polygamy and the keeping of concubines was practiced, but in very rare cases. Concerning polygamy, Erman, Robins, Pestman, and Kuhrt, all agree that many Egyptians were monogamous, but there was no proscription against multiple marriages.[105] Regarding the keeping of concubines there is

archaeological evidence that suggests that a married man could have a concubine, even if his legal wife had been able to bear children. The concubine is to have the same status as a legal wife.[106]

Having considered briefly how a person in ancient Egypt chose a marriage partner, we need now to know what happens between the time when a person has identified his would-be wife, all the premarriage conditions met, all arrangements made, and the wedding ceremony.[107]

The issues of dowry as a motive for brother-sister marriages in ancient Egypt is interesting, for should a brother marry his sister, then no dowry would be needed. Such an argument, however, as Hopkins has maintained, is only applicable on a theoretical level.[108] He argues that if we assume that on the whole husbands married wives of equal wealth and status, then giving a daughter in marriage to someone outside the family would cost a dowry, but equally the son's outside bride would bring a dowry into the family. Again, both sexes inherited estates when their parents died, that is, a daughter inherited her family's resources, but equally the son's outside wife would inherit part of her family's estate and would so enrich the son's household. Hopkins concludes:

> Logically, brother-sister marriage should have conferred no appreciable advantage in wealth, via dowry and inheritance, compared with outside marriage. Some Egyptians may have thought or believed that a brother-sister marriage would be economically advantageous, that is, the marriage ceremony might be less expensive: only one set of relatives to invite, the family lands would be kept intact, and so the family would be saved the cost of sub-dividing the house and of working fragment land.[109]

Cases of divorce were not unknown in ancient Egypt.[110] There is evidence for this from a number of deeds, as Pestman has pointed out.[111] According Pestman, these deeds were drawn up for divorce, but studies examined any type of deed, which may be drawn with reference to marriage, and stray remarks in other non-juridical texts.[112] There were many reasons for divorce, even though, as Robins maintains, it is not always clear what all the possible grounds for this may have been.[113] Divorce could take place when the husband found a new woman, and for a man who married young there might be great temptation to take a younger, prettier, or more socially suitable wife as his career progressed. Infidelity and infertility on the part of the woman would surely have been high on the list of reasons for divorce.

Women could also initiate divorce, in which case infidelity[114] on the side of the man might also have been a cause.

So far, we have been exploring ancient Egyptian life in general from the point of marriage to see whether some aspects of private life could have contributed to incest. Our main concern in this exploration was to gain more insights into the reasons or motives, which made the Egyptians so vulnerable to incestuous unions. From the scattered information above, nothing seems extraordinary. We shall now turn to more specific factors that many scholars say are responsible for the bad reputation of ancient Egypt as "the cradle of incest."[115]

Love Passions

Some of the incestuous relationships could have been motivated by individuals need to satisfy their love passions, as E. A. Wallis Budge[116] has shown. Well-to-do young men often married their sisters, and the sister-wife is often mentioned in inscriptions. In some cases, such marriages were the result of affection pure and simple. However, Budge argues that the main motivation was the desire, deep-seated in the mind of the Egyptians, to keep property in the family.[117] Hopkins, too, admits that affection between brothers and sisters might have played some part in incestuous relationships. It seems clear that care, affection, and love did mark some brother-sister marriages, just as it marked other marriages between unrelated partners.[118] But material gain seems to have been a major motivation for brother-sister marriages, even though love and affection cannot be ruled out as a possible cause.

Following Budge and Hopkins, who support the notion of love and passion between a brother and sister,[119] however, we may be allowed to ask this question: why did love and passion contribute to this practice during pharaonic times? After all, brothers and sisters often love one another without engaging in marriage. Incidentally, during this period (New Kingdom), there emerged a genre to express (or to justify) this love passion between a brother and sister: love poems.

Manniche observes that during the New Kingdom love poems made their first appearance, and they were easily fitted into an existing lyrical form. There are no rhymes but there is a certain rhythm, which may be

difficult to enjoy in full nowadays when no one knows how the language was actually pronounced. The poems are loaded with symbolism and there is much play on words.[120] Two examples from Fowler will suffice here:[121]

MY BROTHER'S voice disturbs
my heart and makes me ill.
Although he is among
the neighbors of my mother,
I cannot go to him.
My mother is very good
at commanding me and says
"Do not visit him."
Nevertheless my heart
is vexed when I think of him,
for my love has captured me.
He is confused of heart,
and I am just the same!
He does not know how I
long to embrace him
or he would send a message
to my mother. O my brother,
I am decreed for you
by Hathor,[122] the Golden One.
Come to me that I
may behold your loveliness,
And may my father and mother
rejoice. May all the people
rejoice in you together,
rejoice, my brother in you!

IT'S SEVEN whole days since I
have seen my sister: A sickness
pervades me. My limbs are lead.
I barely see my body.
Should physicians come,
their drugs could not cure
my heart, nor could the priests
diagnose my disease.
Should they say, "Here
she is," that would heal me.
Her name would restore me.
Should her messengers
come and go, that
is what would revive my heart.
More potent than medicine
my sister is to me.
More powerful too is she
than the compendium.
Her arrival from outside
is my amulet. At the sight
of her I regain my health.
She widens her eyes at me,
and my body becomes young.
She speaks and I am strong.
I embrace her. She banishes
the sickness from me. But she
has left me for seven whole days.

These poems may well have been lyrics for songs sung at banquets such as those that can be seen in Egyptian tomb paintings, where women mingled freely with men. Musicians who during the New Kingdom were women more often than men, play harps, lyres, lutes, clarinets, and oboes while others sing or dance acrobatically or more sedately to their tunes.[123] Fowler has noted that the terms "brother" and "sister" are terms of endearment within the poems and imply no blood relationship.[124] The boys and girls who speak them appear to be just that, young persons no more than thirteen or fourteen years old. Those who composed these verses were by no means

children, for the apparent simplicity of their lines is the result of a highly sophisticated artistry.[125]

Let us make some brief comments about what is happening with these love poems by considering the "speaker," what he or she is saying, and the "timing" of these poems. The poems are said to be sung by girls and boys thirteen and fourteen years old, but the language is presumably that of adults: "O my brother I am decreed for you by Hathor;" She widens her eyes at me and my body becomes young;" "Should physicians come their drugs could not cure my heart, nor could the priests diagnose my disease;" "He does not know how I long to embrace him or he would send a message to my mother;" "I embrace her; She banishes the sickness from me," and so on. The "speaker" seems to be an adult.

The time when this genre flourishes best is during the New Kingdom. Coincidentally, this is also the period that records the highest number of incestuous unions in the royal families of all pharaonic times. In fact, seven of out nine kings implicated in this practice come from the New Kingdom—namely, Ahmose I (married his sister), Amenhotep I (married his sister, Ahmes Nefertiti),[126] Tuthmosis I (married his sister), Tuthmosis IV (married his sister), Amenophis III (had a relationship with one of his daughters), Akhanten (married his daughter), Ramesses II (married his sister/ daughter), Merenptah (married his sister), and Siptah (married his sister). Only two incestuous kings belong to the Middle Kingdom, namely, Seqenera Tao II or Kamose[127] (one of them married his sister), and Seneferu (had offspring by his own daughter) belongs to the Old Kingdom.

What can we deduce from these observations? One thing seems to be obvious, that is, following our observations earlier where we hinted out that the royal families are to blame for sending wrong signals to their subjects in matters of sexuality, here, too, we have a case where a genre emerged to reflect the incestuous practices of the royal families. It is interesting that the composition of this genre is attributed to children of thirteen and fourteen years old, as Fowler has indicated. A child is a mirror of the society in which it is born. It seems logical, therefore, to argue that the author, whether a boy or girl, was most likely from the royal family, or was a person who was well informed about the activities taking place at the palace, thus the genre is a reflection of what was going on at that place regarding incestuous practices. Note that in all our discussions the incestuous relationships are restricted to the palace and that the common populace is hardly involved.

Preservation of Property

The issue of the preservation of property within the royal family as a factor that contributed to incest in ancient Egypt seems to attract the most attention among scholars.[128] Pinch, for example, argues that the fact that it was common for all the sons and daughters of a marriage to inherit equal shares in their parents' estate might have encouraged marriage between close relatives in order to keep property in the family.[129] Hopkins is very clear on the issue of property and marriages. For at least eight hundred years before the Roman conquest, Egyptians finalized marriages by formal contract, not just in the upper strata of society, but also among men and women of moderate means,[130] even though Hopkins also is cautious against using inheritance to support brother-sister marriage.[131] But more importantly, some wives were given substantial rights to their husband's property, and they preserved these rights if they were widowed or divorced.[132] Shaw, however, who agrees with Hopkins' analysis of the Roman census almost in its totality, objects to the notion of property as the main reason for brother-sister marriage during the Graeco-Roman Period Egypt.[133]

What were women's means of acquiring property, and how much were they supposed to possess? Women's property was acquired through inheritance, dowry, divorce, and business. According to Meskell, both men and women inherited equally from their parents, and any property that a woman brought into marriage remained her own. If the marriage was dissolved by divorce or the death of her husband, she would keep this property and also one third of the wealth that the couple had acquired together, unless it was her adultery that brought on the dissolution of her marriage.[134] Apart from the property a woman brought into marriage from her parents, she could also acquire wealth through business.[135] Meskell says that scenes depicting women trading are known from tomb scenes from Old Kingdom times onwards.[136] There was also a possibility for the wife to acquire property by work and by gifts that her husband gives to her during marriage.[137]

However, while women seem to have enjoyed a great deal of privileges as far as the means of acquiring wealth was concerned, they nevertheless were handicapped in regard to government employment. According to Robins, only men were scribes and could hold any sort of government posts for which they would receive a salary in grain and other commodities, since

there was no money. By contrast, women were excluded from the bureaucracy and therefore from receiving such income directly.[138] Furthermore, according to Johnson's reading of pictorial and other evidence, examples of occupations that women filled included the manageress of dining hall, the superintendent of a workshop of weavers, the head of a wig workshop, and the conductress of the singers in the royal harem.[139]

Property acquisition had an influence on women's status. It guaranteed a stable and an unshakable marriage in regard to divorce. A person divorcing his wife because of his own fault paid heavily to her, as Pestman rightly observes: thus, the wife obtains considerable property. If she is repudiated by her husband, the divorced woman is no worse off financially, but for the husband, on the other hand, the repudiation of his wife involves so many financial obligations that, without doubt, this works as a check to rash actions on his part.[140] The records are clear on this issue, as Pestman has shown:

> If I repudiate you as a wife, be it that I hate you, be it that I want another wife than you, I shall give you 5 (*deben*) of money…and I shall give you half of all and everything that I possess and I shall acquire together with you from this day and afterwards.[141]

Pestman also discusses the question of administration of property.[142] The issue is whether a woman also could administer her own affairs and dispose of her own property. Pestman says that a woman, married or unmarried, is quite free to perform legal acts with regard to her own property without the interposition of her husband being required for legal validity and without there being any question of other restrictions whatsoever.[143]

It is true from the above evidence that women owned property, but did they have any political power? As we continue with our discussion on the question of what factors may have motivated incestuous marriage in ancient Egypt, we need to deepen our knowledge on issues pertaining to women and political power. It is interesting to recognize the fact that in Egypt women-kings seem to have had tremendous power (for example, queens Neith-Hetep and Meret-Neith,[144] the god's wives Ahmose Nofretary, Hatshepsut and Nefrure, [145] and Nefertiti and Cleopatra).[146] Robins has noted that kingship in ancient Egypt was essentially a male institution underpinned by the king's identification with Horus and other male gods, but a few women held the office.[147] She observes that it is possible that a woman called Neitiqerty was king at the end of the Sixth Dynasty. Other women kings are Sobekneferu

(end of the Twelfth Dynasty), and Tawosret (at the end of the Nineteenth Dynasty), who both reigned for a very short time. The one woman who had a reign of any length and who did not come as the final ruler of a dynasty (excepting the Ptolemies) was Hatshepsut of the Eighteenth Dynasty. Hatshepsut was the wife of her half brother Tuthmose II, who technically ascended the throne after the death of his father, Tuthmose I. Due to the young age of the Pharaoh, Hatshepsut became his regent. They ruled together for a number of years until she proclaimed herself Pharaoh—something almost unheard of, despite the higher status of women in Egypt compared to women in other cultures at the time.[148] But was this a marriage of equals?[149] Probably yes, especially if seen from the perspective of the acquisition of property.[150]

The power of Egyptian women is also evident in the manner in which women were buried. Casson has shown that as far back as the Old Kingdom times there were women of the royal family of sufficient importance to be buried with pharaoh-like splendor.[151] This kind of positive portrayal of women is also expressed by Redford, who says that women frequently held priestly titles during the Old Kingdom, a practice that declined in the Middle Kingdom and then reappeared in the Third Intermediate Period.[152]

In light of the aforementioned information, some scholars have questioned previous studies that have tended to portray the role of Egyptian women negatively. For example, Meskell has stated that previous studies have tended to overplay the personal freedoms of elite women, treating women as a homogeneous group without considering the entire social spectrum.[153] Budge also expresses similar sentiments:

> It has been said that the Egyptians, like other Orientals, regarded women as their inferiors and as playthings, but everyone who has read Oriental history, or who knows the east even as it is to-day, is well aware that whenever the wise mothers of families in a village or town have decided collectively that an order of the local council in respect of their homes and families is or is not to be carried out, they usually have their way.[154]

It seems right to point out that positive or negative portrayal of ancient Egyptian women depends very much on interpretation of the source materials, a task that is susceptible to subjectivity depending on the standpoint of the researcher. The language used in this kind of discussion clearly points in that direction, for example, “male domination,” “women

were adjunct" and "women's guilt towards their husbands,"[155] "men's power to judge,"[156] and so on. We shall now consider a few cases of negative portrayal of women in ancient Egypt, as depicted in the world of scholarship.

Egypt's society was typically male-dominated: the word of the man of the house was law, and a wife was in many ways her husband's chattel.[157] For Meskell, nonroyal women rarely owned funerary stelae, or had statutes, inscribed goods in their own right: normally they were an adjunct on their husbands' monuments.[158] Again, they were beaten up by their husbands "Let it not be known that your wife has annoyed (you); give her a sound trashing and let her take possessions with her."[159] A husband's right to private justice is seen in the power to judge his wife on various domestic disputes. Saporetti argues that her being subjected to the domain of private justice, where her husband was the judge, also evidences the total and absolute dependence of the woman.[160] Generally, one can say that if a woman was guilty of any crime against her husband, whether it pertained to him personally, or to his property and whether her offence was light or serious, it was up to the husband to impose a penalty or to forgive her.[161]

McDowell gives another example of negative portrayal of women with regard to leadership. Women in Deir el-Medina had little economic independence and, like almost all Egyptian women, were barred from positions of authority or administrative responsibility.[162] McDowell, however, remarks that this was an old practice, for one of the most striking features of the Pharaonic civilization was the confidence reposed in its womenfolk to carry on the work of their men during the absence or disposition of the latter.

Did education play any role in determining the status of women in the ancient Egyptian society, positively or otherwise? While comparatively little is known about education,[163] it is most likely that elite women enjoyed a privileged position in the society, especially in the political power sharing. Pinch has rightly noted that literacy was the key to success in the Egyptian society.[164] Girls of the highest class were taught to read and write, and these skills were perpetuated in the female line if literate mothers passed on their knowledge to their daughters.[165] However, Robins argues that the ambitions of the elite for their sons centered around giving them proper scribal training and setting their feet on the bureaucratic ladder, the ideal being that the son should inherit the office of his father. By contrast, women were excluded from the official bureaucratic structure.[166]

As we conclude this discussion there is need to restate that even though children from relatively poor backgrounds had access to formal education,[167] the place of the majority of women outside the high or elite class seems to have been restricted to their homesteads. Robins' work, which describes the typical life of an ordinary Egyptian woman in antiquity, is here quoted at length:

> We have no information on the families and households of the majority of the population. Excavation has uncovered little, while the monuments of the elite reveal nothing. We can conjecture that most people lived in mud-brick villages by the river or some other water source. The men worked in the fields, or in one of the humble professions: potter, gardener, baker, or fisherman. Their wives were probably concerned with food preparation, weaving, and other household tasks, and with child rearing. They had to go the river to get water, wash the dishes, and do the laundry. Women may also have had to work in the fields. With regard to size of family, it seems likely that a large number of children would be desirable to provide free agricultural labor, and also ensure that some children would survive to provide for their parents in old age. Infant mortality was high. However, women did have jobs outside their own homes, especially as servants.[168]

Closed Royal Family

The other factor of significant value in this debate is the issue of succession and closed royal family, or what Casson calls the "need to keep the royal line as pure as possible."[169] We have already alluded to several women who held the highest positions in the government of ancient Egypt. The time is opportune for us now to examine how succession and the need to keep the royal family pure may or may not have contributed to brother-sister marriages. The fundamental question in this regard is whether ancient Egypt was patriarchal or a matriarchal. Did the throne pass down from one generation to another through the father or mother? Like in many issues that we have discussed in our entire trajectory—which in most cases appear unresolved—here, too, there is a good deal of unresolved academic argument over how the succession to the throne worked in ancient Egypt.[170] While there are some scholars who seem to be in favor of identifying patrilineal type of succession, others opt for matriarchy.

B.G. Trigger is of the opinion that in the Early Dynastic Period the lengths assigned to reigns of this period suggest that the throne was normally

passed from generation to generation, and probably from father to son, as it was in later times.[171] Barry J. Kemp seems to agree with Trigger that succession was patriarchal.[172] However, Kemp has shown that there was an unusual manipulation of the succession involved, that is, while the succession was patrilineal, royal mothers and wives had a symbolically critical matriarchal role, which Hatshepsut attempted to turn into real power.[173] Kemp has noted further that this manipulation could also have resulted from automatic succession in the New Kingdom, whereby the heir, in order of preference, should be a son of the chief queen or of a lesser queen or alternatively, the husband of a chief queen's mother.

For Johnson, the right to the throne normally descended through females—a child's status was determined by its mother.[174] The heiress, the eldest-born of the existing king, or his favorite Great Wife conveyed the right to rule to her husband, who was almost certainly a half-brother and in some cases may even have been a full brother. The daughter then became Great Wife or Queen. Johnson holds that the issue of blood was critical. The greater the quantity of blood relationship was on both sides, the surer the title to the throne. This system did not always work, but female royal blood usually played a part whenever there was a peaceful transfer from one dynasty to another. However, Ray rejects the argument of matriarchy. Instead, the pharaoh was pharaoh because his father was; he was Horus to his predecessor's Osiris.[175]

It is also argued that the closed nature of the royal family was another reason for brother-sister marriages in ancient Egypt. Bryan's view is that the closed royal family apparently reached back into the Middle Kingdom (and the Old Kingdom before it), when princesses were frequently married to kings or associated through life with their reigning fathers.[176] A clear example of a closed royal family is seen in Seqenera and Ahhotep. In order to assure the exclusivity of the line, this family established the additional prohibition that the royal daughters were to marry no one other than a king.[177] Brayn has pointed out, however, that this was not the case in the Old Kingdom and Middle Kingdoms.[178]

Finally, while the issues mentioned above may appear plausible as far as the motive for incest in the royal families is concerned, the argument in their support does not go unchallenged. The right to pass the throne down through the female royal line is not the answer. Robins rejects this hypothesis and argues that such a line does not exist, nor did all kings marry royal women.

Nor was a distinction made between those who did marry royal women and those who did not.[179] She further remarks that it is necessary to look elsewhere for an explanation of brother-sister marriage. She suggests we look for the cause in the divine world. Brother-sister marriage will be examined from the point of view of the divine world, as shown below.

Romans and Greeks

The next evidence for brother-sister marriages, as we saw earlier, comes from Graeco-Roman Period (332 B.C.E.–395 C.E.). Following the above discussion, which has so far centered on incest in the pharaonic times, it is curious to consider whether incest in the period under discussion stems from the pharaohs or the Greeks or the Romans. Incest was not unknown among the ancient Greeks. Hopkins has shown that the Athenians allowed marriage between half-siblings of the same father but different mothers, and the Spartans allowed marriages between half-siblings of the same mother and different fathers.[180] However, for Hopkins, very few actual cases of such marriages are known, nor do we know in general terms how often such marriages occurred. Among the Romans, marriages between full brothers and sisters were not acceptable, as pointed out by Shaw.[181] Roman rules and social practices regarding incestuous marriages were hostile to parallel cousin and close-kin marriages and more stringent than those found in most Greek city-states. They even had a hard, precise term, *incestum*, to specify such forbidden relationships; the Greeks did not.

Hopkins is of the opinion that Greek kings followed the Egyptian custom. Out of eleven Greek kings of Egypt, seven married their sisters. Ptolemy VII on the day of his marriage to his mother was murdered by his uncle who then married his own sister. Two other kings married a niece and a cousin/step-mother, respectfully. One brother-sister marriage is found in the parallel ruling house of the Seleucids in Syria in the early second century B.C.E. (there one sister married three brothers). [182]

There is no comparable phenomenon known from the preceding pharaonic period, according to Shaw, and therefore, the practice of incest stems from the Greeks.[183] Shaw feels strongly that the persons engaging in these acts were not Egyptian, but Graeco-Macedonians who clearly separated themselves from the local inhabitants. The inception of the practice of

brother-sister marriage at the pinnacle of the Ptolemaic family, where it is first most firmly documented, was therefore directly tied to the usual colonial situation of the foreign ruling class elite.[184] In Shaw's view, the reason that the Greek settler elements in Egypt of the Roman period made those choices is that:

> This "colonial" Egyptian society was one fixed by extraordinary rigid social hierarchies and one where there were "black and white" lines to be drawn between the civilized "us" and the degraded barbaric "them." [185]

Shaw has further demonstrated that these marriage practices did not emerge suddenly and full-blown in the Roman period. The only reason we suddenly acquire a picture of them is because of the peculiarities of the provincial census instituted by the Roman provincial government in Egypt.[186] Shaw's work sheds new light on this debate; especially by showing clearly that brother-sister marriages during the time in question were mainly practiced by the Greeks and not the Egyptians or the Romans. Nevertheless, Shaw's concluding remarks are very much the same as Hopkins. The origin of incestuous unions in Egypt goes back to the pharaonic period.[187] According to Shaw, the option was made possible by the sense of almost "royal" distinction that the Greek settlers arrogated to themselves, and by their close vertical linkages with their own dynastic rulers in Egypt. Those rulers, from a very old date, set a precedent by imitating the possibilities opened by their "pharaonic predecessors," who on occasion had indeed practiced brother-sister marriage. The option could then be mimicked by the Greek settlers in Egypt, who perceived themselves to be an integral part of the whole privileged Greek ruling "class" in Egypt.

Incestuous Marriages in the Divine World

Our exploration of incest in ancient Egypt concludes by examining incest in the divine world. A brief history of Egyptian myth is needed here, as shown by Emma Brunner-Traut,[188] even though this writer does not connect incest directly with gods. According to Brunner-Traut, the Egyptian myths appear to have been formed during the period of the old empire, that is, in the first half of the 3rd millennium B.C.E.[189] The significance of the myth continually increased throughout the three millennia of Egyptian history and permeated

life and thinking in all aspects. The best known, most extensive, and detailed is the myth of Osiris. It takes as its themes life from death and the post-mortal generation of a successor.[190] The importance of this myth is underscored in Brunner-Traut's statement that the succession in government from Osiris to Horus (the son of Osiris) became the primordial image of royal succession. Since Osiris overcame death by the love of his spouse Isis, he became the hope for resurrection for the mortals. However, Brunner-Traut has further noted that in assimilating other deities into himself, Osiris's myth became more and more complicated and now covers many aspects of life.

Redford has shown how Egyptian gods amalgamated with one or more divinities without the loss of their original identities. Such unions are seen in Re-Atum, Khnum-Re, Ptah-Sokar-Osiris, and Amun-Re-Horakhty. Same sex pairs exist, as with the sisters Isis and Nephthys.[191] For Robins, the creator god Atum produced of himself a divine couple (by masturbation), Shu and Tefnut who in turn produced Geb and Nut, who were the parents of Isis and Osiris.[192] Incestuous unions among the gods is further depicted in "The Song of Isis and Nephthys,"[193] a religious chant written in the native Egyptian language and dating from before 311 B.C.E.[194] This song, which Hopkins uses together with stories like that of the son of the pharaoh Rameses the Great to support his argument, is shown here in its entirety:

Nephthys:	O Great Bull, lord of passion
	Lie thou with thy sister Isis
	Remove thou the pain that is in [her body]
	That she may embrace thee, for thou wilt not forsakes her.
Isis	I am a woman beneficial to her brother
	Thy wife, thy sister by thine own mother
	Come thou to me quickly
	Since I desire to see thy face…
	O husband, brother, lord of love,
	come thou in peace to thy place.
	I am thy wife who acts on thy behalf
	A sister beneficial to her brother…
	Come thou to thy wife in peace
	Her heart palpitates through love of thee
	She embraces thee and thou forsakest her not
	Her heart rejoices at seeing thy beauty…[195]

It can be deduced from the few examples shown above (the Egyptian mythology and "The Song of Isis and Nephthys") that Egyptians did not have

any doubts whatsoever that the practice of incestuous relationships involving a brother and a sister was divinely sanctioned, or at least practiced.[196] The gods set an example in point. The brothers Osiris and Set married their sisters, Isis and Nephthys.[197] However, for Lloyd both Greek and Egyptian mythologies influenced incest among the Ptolemies, that is, Isis and Osiris had influence in moving the Ptolemies in this direction, but brother-sister marriage has an obvious Greek mythological prototype in the marriage of Zeus and Hera.[198]

Hopkins expresses a similar view concerning the Egyptian mythology in his remarks that some aspects of Egyptian religious beliefs and practices do seem to have helped legitimate brother-sister marriages. He gives the following reasons: (1) the double relationship between Osiris and Isis, brother and sister, husband and wife was central to their identity; Isis and Osiris were in love with each other even before they were born and had intercourse in the darkness of the womb. (2) Isis' love for Osiris, her grief at his death, her patient search for his body both before and after its dismemberment, and her devotion in life and death are central parts of the cult; the myth celebrated virtues which humans were meant to imitate. Hopkins concludes that elements in popular culture and the cult of Isis reinforced both the legitimacy and the desirability of brother-sister marriages.[199]

But did ancient Egypt turn to incestuous marriages because the gods were doing it or did they do it just to satisfy their love passion? This is a difficult question. Hopkins has cautioned us not to use religion as explanation for the origin of incestuous marriages in Egypt, for, as he argues scholars can hardly follow the creation myth literally and believe that the gods did it first and men simply imitated. Under the rubric "Religion and Popular Romances," Hopkins has, on the one hand, carefully considered some of the inherent difficulties of attributing the origin of this practice to gods, while on the other hand, he has clearly shown how various gods were involved in incestuous practices.[200] In these statements, Hopkins ostensibly appears undecided on this issue, as his confession shows:

> Let me confess straightaway that the end of this article is disappointing. I do not have an explanation. The reason for this failure is partly technical, partly theoretical. One problem is that the evidence for the practice of brother-sister marriage comes from Greek documents dating from the first three centuries C.E., that is, from Egypt under Roman rule. But the origins of the practice are lost in the

> mists of time or in Egyptian records, which I cannot read; this is merely a special case of a general problem implicit in any search for origins. Second, the original causes of widespread brother-sister marriage need not have been the same as the social forces, which maintained the practice.[201]

Problems

Throughout our discussion we have been trying to establish the extent of incest in ancient Egypt and the reasons for its existence. We have seen that there were some brother-sister marriages, but the siblings involved were half-brothers and half-sisters, especially during the pharaonic times, though the situation changed later. However, the Egyptian terms of kinship are confusing. For example, "sister" could mean a "lover," "wife," "mistress," "concubine," "niece," or "aunt."[202]

We saw earlier that the New Kingdom times marked the climax of incestuous unions in the royal family. Incidentally, this period (from Eighteenth Dynasty onwards) also marked the beginning of a time when a man would call his wife his sister, by which, however, brother-sister relationship is not meant.[203] This is a clear indication that words are dynamic and not static and their meanings change with time, place, and the politics of the day.[204]

The translation of words related to brother-sister unions is problematic.[205] These words include *snt* (sister), *snt.f* (his-sister), *hmt* (wife), *hbst* (concubine), and *hi* (husband). Lack of a clear distinction between *snt* and *hmt* certainly makes this study difficult,[206] but it is even worse when *hbst* (concubine) is added to the list. Robins argues that the equivalent term for "wife" is *hemet*, known from the Old Kingdom onwards. It was used almost exclusively on monuments up to the middle of the Eighteenth Dynasty, but was then largely replaced by the word *senet*, which is the usual term for "sister" or any other female collateral.[207] She has pointed out that *hemet* continued to be used with the meaning of "wife" in hieratic records where *senet* never seems to have that meaning. According to Robins, in these documents alongside *hemet* we find far less commonly women who are called *hebsut*, a term, which has sometimes been, translated "concubine." But more importantly is her assertion that we have little idea of what distinction in meaning, if any, the two words had. Černy makes the problem inherent in this usage very clear in the following statement:

> Quite apart from the fact that the custom of employing the expression "his sister" where "his wife" is meant appears, only as late as the Eighteenth Dynasty, it is not difficult to demonstrate that some wives were called by their husbands' "sisters" even though they were born of different parents. Thus in the Theban tomb No. 3 of Pashed the owner's wife Nadjmebehdet is three times called "his sister" although her parents are "*her father, the boat-captain of Amun Tjay"* and "*his sister, the lady of the house Satty,"* while Pashed is a son of *"his father, the servant of Amun Menna"* and "*his sister, the lady of the house of Huy.*"[208]

The uncertainty surrounding the use of the phrase "his sister" and "his wife" has led Budge to conclude that it is not certain that the sister-wife was in every case a real wife to her husband, but even if she was it did not prevent the man from marrying another woman if his sister-wife for any reason failed to give him a son.[209] Budge identifies the genre of sister-wife with love songs. He argues that it does not follow that the wife whom the Egyptian called "his sister," *sent-f*, was really his sister, for the love-songs of the Egyptians prove that the lover often called the loved one "sister," using the word as the equivalent of the words "beloved," "dearest," and "darling" of modern Western peoples.

The expressions "his daughter" and "his niece" are problematic, too. The former could also mean the latter, which, as Černy argues, cannot be entirely excluded in view of a lack in Egyptian of words for distant relationships. Other problems related to terminology are evident in the titles used to refer to certain women in the royal families. For example, Merytamun had the titles of king's daughter, king's sister, great royal wife, and god's wife. Ahmose's mother, Queen Ahhotep, according to her titles on her coffin, was called a king's daughter, king's sister, great royal wife, and king's mother.[210] While Ahmose-Nefertiti is described on the Stele at Karnak as king's daughter, king's sister, king's great wife of Anum, and like Ahhotep, mistress of Upper and Lower Egypt.[211]

Conclusion

While this study does not claim to be exhaustive, it is certainly appropriate for us now to return to where we started: "You shall not do as they do in the land of Egypt, where you dwelt…You shall not walk in their statutes." The

following is a brief summary of the ground we have covered in response to this statement.

In our study about incest in ancient Egypt, we conclude that the Egyptians were justified in their incestuous practices from a mythological point of view. But how should this view be reconciled with the idea that incest was practiced partly for the sake of preservation of wealth within the royal family?[212] How about the question of keeping the royal family pure, and the right to pass the throne down through the female royal line? It seems that we are here dealing with the question of the chicken and the egg. What came first, the myth of gods or the property and politics in the royal family? Perhaps it would be safe to agree with Hopkins that the original motive for incestuous practices still remains uncertain. However, having said that, we found that incestuous marriages were possible, but they were hardly common in pharaonic times. They were common in Ptolemaic times and full blown in the Roman Period. All the cases of incest mentioned in this study occurred in the royal families and had nothing to do with the common populace.

During pharaonic times, it was the Egyptian kings who practiced incest, while in the Graeco-Roman periods it was the Greeks and not the Egyptians who were incestuous. Other incestuous marriages involving cousins, stepsiblings, and uncles and nieces were common, even among the Egyptian peasantry. Bestiality, homosexuality, and lesbianism are not attested, but there is unambiguous evidence for the practice of prostitution even though it was condemned. There were also cases of adultery and sexual abuses of corpses.

It is difficult to tell even at this juncture precisely what conduct was carried out by the Egyptians, which prompted the Priestly lawgiver to condemn certain aspects of the Egyptian way of life in antiquity. Was it the few cases of half-brother and father-daughter marriages in the pharaonic times, or the few cases of illicit sexual behavior showed above? If not, what else? There does not seem to be anything so unique about ancient Egypt, especially in pharaonic times, that would have warranted such condemnation, unless the Priestly laws in Leviticus reflect the incestuous practices in the Graeco-Roman periods. The reasons that Egypt is implicated together with Canaan as the nation whose "abominable" behavior should be avoided need to be sought elsewhere.

Notes

[1] Lise Manniche says that the sources for the sexual behavior of the ancient Egyptians include representations in the round reliefs, paintings, and above all, sketches of erotic scenes. Texts vividly describe the passions and desires of gods and men (*Sexual Life in Egypt* [London: Routledge & Kegan Paul, 1987], 7).

[2] Gay Robins has discussed each source in detail in relation to women in ancient Egypt (*Women in Ancient Egypt* [Cambridge, MA: Harvard University Press, 1993], 12–14).

[3] Barbara Fowler, trans., *Love Lyrics of Ancient Egypt* (Chapel Hill: University of North Carolina Press, 1994), xiii; and Emelie Kuhrt, *The Ancient Near East, c. 3000–30 B.C.E.* (vol. 1; London: Routledge, 1995), 185.

[4] See also Fowler, *Love Lyrics,* xiii.

[5] According to Jacques Pirenne's description, during this time marital authority, paternal authority, the right of law, the protection of women, and the privilege of masculinity were wiped out. The women became equal to men economically and socially (*La Religion et la Morale dans L'Ėgypte Antique* [Neuchatel: La Baconnière, 1965], 120).

[6] Fowler, *Love Lyrics.*

[7] Alan Lloyd, "The Ptolemaic Period (332–30 B.C.)," in *The Oxford History of Ancient Egypt,* ed. Ian Shaw (Oxford: Oxford University Press, 2000), 395–421. See also Paul Åström, ed., *High, Middle or Low?: Acts of an International Colloquium on Absolute Chronology held at the University of Gothenburg, 20th–22nd August 1987* (Part 1; Studies in Mediterranean Archaeology and Literature; Gothenburg: P. Åströms Forlag, 1987); and Adolf Erman, *Life in Ancient Egypt,* trans. H.M. Tirad (New York: Dover Publications, 1971), 153.

[8] Lloyd, "Ptolemaic Period," 408.

[9] David Peacock, "The Roman Period (30 B.C.–311 A.D.)," in *The Oxford History of Ancient Egypt,* ed. Ian Shaw (Oxford: Oxford University Press, 2000), 422–445.

[10] Ibid., 444.

[11] Manniche, *Sexual Life,* 29.

[12] Peacock, "Roman Period," 438.

[13] The precise dates of the Egyptian chronology are still the subject of much scholarly debate.

[14] If high or low chronology is used, the date would be moved fifty years either upwards or downwards. For more details, see Åström, "Cyriote Bronze Age," 58.

[15] William A. Ward, "The Present Status of Egyptian Chronology," *BASOR* 288 (1992), 53–66.

[16] See Robins, "Women in Ancient Egypt," in *Women's Roles in Ancient Civilizations,* ed. Bella Vivante (West Port, CT: Greenwood Press, 1999), 155–187.

[17] Ibid., 53.

[18] Ian Shaw, ed., "Introduction: Chronologies and Cultural Changes in Egypt," in *The Oxford History of Ancient Egypt* (Oxford: Oxford University Press, 2000), 10–11.

[19] Shaw, "Introduction," 10–11.

[20] Ward, "Egyptian Chronology," 57. For more details, see Shaw, "Introduction." The Egyptian year was 365 days, consisting of 360 days plus 5 holy days for the birthdays of the gods. It was short by approximately one-quarter day. The Egyptians observed the rising of Sirius, the brightest of all the stars, also called Sothis, Canicula, or the Dog Star, which coincided with beginning of the solar year only once every 1,460 years. This came to be called the Sothic year. This heliacal cycle took place in 139 C.E., 1546

B.C.E. (the reign of Amenhotep I, Twelfth Dynasty), and in the reign of Sewosret III in the Middle Kingdom, who was therefore dated 1878 B.C.E. The Twelfth Dynasty rising is supported by the Illahun Papyrus, while the Eighteenth Dynasty date is supported by the Ebers Papyrus.

21 Elias J. Bickerman, *Chronology of the Ancient World,* 2nd ed. (Aspects of Greek and Roman Life; Ithaca, NY: Cornell University, 1980), 84–85.

22 Åström maintains that it is not possible to date exactly the Minoan periods and the opinions on their chronology differ considerably ("Cyriote Bronze Age," 59).

23 Kenneth A. Kitchen, *Suppiluliuma and the Amarna Pharaohs* (Liverpool: Liverpool University Press, 1962). In this monograph, Kitchen draws up an outline of events in Egypt, Syria, and Hatti in the fourteenth century B.C.E. by linking together the histories of Suppiluliuma I of Hatti (1380 or 1343 B.C.E.), the Amarna pharaohs Amenophis III to Haremhab (1390–1323 B.C.E.), and certain Syrian princes (Amarna Period). However, there seems to be some problems with Kitchen's conclusion, as pointed out by Gernot Wilhem and Johannes Boese in "Absolute Chronologie und die hethitische Geschichte des 15. und 14. Jahrhunderts v. Chr.," in *High, Middle or Low?,* ed. Paul. Åströms (Gothenburg: P. Åströms Forlag, 1987), 74–118. They argue that while it is not the purpose of their investigation to offer proof for a low (short) chronology, this is not possible with the little Asiatic material available at the present time. Furthermore, while for the ancient East, chronology in the fifties and sixties great importance became attached to the history of the Hittites, and the Hittite kings of Late and Middle kingdoms (accession of Suppiluliuma 1343 or 1380 B.C.E.), it should made clear that the Hittite history was able to furnish just a little evidence of high chronology.

24 Kitchen, "The Basics of Egyptian Chronology in Relation to the Bronze Age," in *High, Middle or Low*? *Acts of an International Colloquium on Absolute Chronology Held at the University of Gothenburg 20th–22nd August 1987,* ed. Paul Åströms (Part 1; Gothenburg: Paul Åströms Forlag, 1987), 48. For Bickerman, the outcome of these synchronisms, which suggest a low chronology, is based on very fluid chronology of Egypt and vague archaeological inferences (C*hronology of the Ancient Word*, 84–85).

25 Ward, "Egyptian Chronology," 63.

26 Ibid., 63.

27 Shaw, "Chronology and Cultural Changes," 10–11; Betsy M. Bryan, "The Eighteenth Dynasty before the Amarna Period (c. 1550–1352 B.C.)," in *The Oxford History of Ancient Egypt,* ed. Ian Shaw (Oxford: Oxford University Press, 2000); and Lloyd, "Ptolemaic Period," 395–421.

28 Kitchen, "Egyptian Chronology," 48.

29 See also "The Standard Chronology" found in *The Cambridge Ancient History,* ed. I.E. Stephen Edwards, vol. 1, part 2 (Cambridge: Cambridge University Press, 1971). Here, the years of reign of most kings are given and the Early Dynastic Period begins in 3100 B.C.E. See also Shaw, *Oxford History.*

30 The period 3000–332 B.C.E. is also called the "pharaonic period." For Shaw, the most important historical sources for the Early Dynastic Period (3000–2686 B.C.E. and the Old Kingdom (2686–2125 B.C.E.) is the Palermo Stone, part of a Fifth Dynasty basalt stele (c. 2400 B.C.E.) inscribed on both sides with royal annals stretching back to the mythical pre-historical rulers ("Chronologies and Cultural Changes," 4).

31 With the unification of north and south in about 3000 B.C.E., the pre-dynastic period of Egypt came to an end, and a capital was established at Memphis. The rulers of Egypt are grouped into thirty dynasties according to schema of the annalist Manetho. For more

details, see A. Bernard Knapp, *The History and Culture of Ancient Western Asia and Egypt* (Belmont, CA: Wadsworth, 1988), 108–123.

32 For more details, see Robins, *Women in Ancient Egypt,* 56.

33 Keith Hopkins, "Brother-Sister in Roman Egypt," *Comparative Studies in Society and History* 22 (1980): 303–354. This a detailed article based on a careful analysis of Roman census returns. Hopkins informs us that, every fourteen years between C.E. 19–20 and 257–258, the Roman governor of Egypt ordered district officials to carry out a household census of the whole population to serve as a basis for taxation.

34 Robins, *Women in Ancient Egypt,* 129.

35 Jaroslav Černy, "Consanguineous Marriages in Pharaonic Egypt," *Journal of Egyptian Archaeology,* 40 (1954): 23–29.

36 Ibid., 23. See Paul Johnson, *The Civilization of Ancient Egypt* (New York: Harper Collins, 1999), 121. Johnson remarks that the pharaohs of the famous Eighth Dynasty married within the strictly forbidden degrees for 200 years and boasted of their health and physique, though it might be argued that Akhenaten's peculiar appearance was a consequence of this. See also Pieter Willem Pestman, *Marriage and Matrimonial Property in Ancient Egypt: Contribution to Establishing the Legal Position of the Woman* (Papyrologica Lugduno-Batava 9; Leiden: E.J. Brill, 1961), 3. Alan H. Bittles, who has organized and conducted major studies into the prevalence and effects of consanguineous marriage, principally in South and Southeast Asia and North Africa, has discussed in detail genetic aspects of inbreeding and incest ("Genetic Aspects of Inbreeding and Incest," in *Inbreeding, Incest and the Incest Taboo,* ed. Arthur P. Wolf and William H. Durham [Stanford, CA: Stanford University Press, 2005], 38–60). For a further discussion on effects of genes on incestuous union, see Neven Sesardic, "From Genes to Incest Taboos, the Crucial Step," in *Inbreeding, Incest and the Incest Taboo,* ed. Arthur P. Wolf and William H. Durham (Stanford, CA: Stanford University Press, 2005), 109–120.

37 Bryan, "Amarna Period," 228.

38 Pestman, *Marriage and Matrimonial Property*, 29. See also Robins, who says that there is evidence that brother-sister marriages were consummated and not symbolic ("Ancient Egypt," 171).

39 Pestman, *Marriage and Matrimonial Property*, 29.

40 Ibid., 4.

41 Geraldine Pinch, "Private Life in Ancient Egypt," in *Civilizations of the Ancient Near East*, ed. Jack M. Sasson (Peabody, MA: Hendrickson Publishers, 2000), 372. According to Manniche, only half-brother and half-sister marriage are practiced by the royal families (*Sexual Life,* 29).

42 Černy, "Consanguineous Marriage," 29.

43 Bryan, "Amarna Period," 228.

44 Ibid., 228 and 234. Erman, *Ancient Egypt*, 154; See John Ray, *Reflections Osiris, Lives from Ancient Egypt* (Oxford: University Press, 2002), 45.

45 Johnson, *Ancient Egypt*, 121; Pinch, "Private Life," 372; Černy, "Consanguineous marriage," 23–29; Lynn Meskell, *Archaeologies of Social Life Age, Sex Class et cetera in Ancient Egypt* (Social Archaeology; Oxford: Blackwell, 1999); Lloyd, "Ptolemaic Period," 395–421; and Erman, *Ancient Egypt,* 154.

46 Johnson, *Ancient Egypt,* 121.

47 Pinch, "Private Life," 372. See also Robins, *Women in Ancient Egypt,* 74.

48 Černy, "Consanguineous Marriage," 29.

49 Meskell, *Social Life*, 99.

50 Lloyd, "Ptolemaic Period," 311.
51 Erman, *Ancient Egypt,* 154.
52 Ibid., 26.
53 Černy, "Consanguineous Marriage," 29.
54 Erman, *Ancient Egypt*, 26.
55 Hopkins, "Brother-Sister," 303–354.
56 Johnson, *Ancient Egypt,* 121; Lloyd, "Ptolemaic Period," 311; Manniche, *Sexual Life,* 29; and Černy, "Consanguineous Marriage," 29.
57 Manniche, *Sexual Life,* 2–3.
58 Hopkins, "Brother-Sister," 303–354.
59 Ibid., 304.
60 Ibid., 315.
61 Hopkins, "Brother-Sister," 315. See Peacock, "Roman Period," 422–445, who says that these returns detail not only members of families living in the Nile Valley, but also their lodgers and slaves.
62 Ibid., 326–327.
63 For more details, see Hopkins, "Brother-Sister."
64 Robins, *Women in Ancient Egypt*, 74.
65 Pestman, *Marriage and Matrimonial Property*, 3–4.
66 Meskell, *Social Life*, 99.
67 Pinch, "Private Life," 372.
68 Manniche, *Sexual Life*, 29.
69 According to Robins, Amenhotep III's daughter Satamun is well attested as king's wife and even king's principal wife. She is known to have been the daughter of the king and of his principal wife Tiy, and sometimes all three are named (*Women in Ancient Egypt*, 29). Pirenne has pointed out that the harem of Amenophis III was supplied with foreign women from Gezer by the prince of Gezer (*L' Égypyte Antique*, 121).
70 Manniche, *Sexual Life*, 29.
71 Ibid., 12.
72 See Manniche, ibid., 15. Manniche points out that intercourse in holy places was considered unacceptable at a much later date, appearing from the text of the Book of the Dead, where the negative confession includes a statement that "I did not fornicate in the sacred places of my god my town" (13).
73 Ibid., 15, and 18.
74 Ibid., 20.
75 Ibid., 12.
76 Robins, *Women in Ancient Egypt,* 67–72.
77 Manniche, *Sexual Life,* 60.
78 Ibid., 62. According to Manniche, Anubis killed his wife for deceiving him that it was his brother who was tried to rape her. For Donald B. Redford, Anubis was the important of Egypt's canine gods, the patron of Embalmers and protector of the necropolis, who guided the deceased and participated in the divine judgment (*The Ancient Gods Speak, A Guide to Egyptian Religion* [Oxford: University Press, 2002], 21). Here we have a case of the wife of a god attempting to commit adultery. Punishment on adultery included a fine or divorce. See also Pestman, *Marriage and Matrimonial Property,* 55–57; Lionel Casson, *Everyday Life in Ancient Egypt* (Baltimore, MD: Johns Hopkins University Press, 2001), 32. According to Casson, a woman could face death for committing adultery. See also Johnson, *Ancient Egypt*, 123.
79 See Manniche, *Sexual Life,* 14.

[80] C. J. Eyre, "Crime and Adultery in Ancient Egypt," *Journal of Egyptian Archaeology* 70 (1984): 92–93.

[81] Eyre, "Crime and Adultery," 102.

[82] For Robins, although marriage does not seem to have had a legal or state-religious basis, there was clearly social recognition of couples who set up house together which included the expectation that the woman would be sexually faithful to man (*Women in Ancient Egypt,* 67).

[83] Manniche, *Sexual Life,* 14.

[84] Eyre, "Crime and Adultery," 96–98.

[85] Manniche, *Sexual Life*, 15 and 22.

[86] Ibid., 22, and 25–27.

[87] Ibid., 16 and 28.

[88] Ibid., 28.

[89] Ibid., 31.

[90] Incest prohibition is a phenomenon whose origin, like many other cultural concepts, has puzzled many scholars. As a result, many theories have been advanced in the attempt to find out the real beginning of incest prohibitions. See chapter one for more details. Further reading can be found in Goetz Philip, ed., "Incest," in *The New Encyclopedia Britannica* (The University of Chicago: Encyclopedia Britannica, 1986), 278–279.

[91] For details, see Pinch, "Private Life," 363–380.

[92] Pinch, *Private Life,* 363.

[93] For more details, see Monicah McGoldrick and Randy Gerson, *Genograms in family Assessment,* 2nd ed. (New York: W.W. Norton, 1985). This work was studied in a course entitled "PSBS Contemporary Families/Biblical Families," offered at the Graduate Theological Union, Berkeley, under the instruction of Profs. Archie Smith, Jr., and Norman Gottwald in 1999–2000 academic year. See also Levi-Strauss, *Elementary Structures.*

[94] Pinch, "Private Life," 370.

[95] The wording for the idea "marry" and "giving in marriage" is "to give B to A as a wife," "to found a house," and "to enter a house." For more details, see Pestman, *Marriage and Matrimonial Property,* 9.

[96] Robins, *Women in Ancient Egypt,* 74. See also Pestman, *Marriage and Matrimonial Property,* 74.

[97] Pinch, "Private Life," 371.

[98] Ibid. See also Hopkins, "Brother-Sister," 353.

[99] Ibid., 353.

[100] Hopkins, "Brother-Sister," 353.

[101] Anne K. Capel and Glenn E. Markoe, eds., *Mistress of the House Mistress of Heaven, Women in Ancient Egypt* (New York: Hudson Hills Press, 1997), 179.

[102] Pestman, *Marriage and Matrimonial Property*, 4.

[103] Ibid., 4.

[104] Pestman, *Marriage and Matrimonial Property,* 312.

[105] Erman, *Ancient Egypt,* 151–152; Robins, *Women in Ancient Egypt*, 64. She has shown that during the New Kingdom we even find the occasional example of women labeled "his former wife"; Pestman, *Marriage and Matrimonial Property*, 3; and Kuhrt, *Ancient Near East,* 149.

[106] Manniche, *Sexual Life*, 21.

[107] See Robins, *Women in Ancient Egypt*, 56.

[108] Hopkins, "Brother-Sister," 322.

109 Ibid.
110 See Robins, *Women in Ancient Egypt*, 63; and Eyre, "Crime and Adultery," 99.
111 Pestman, *Marriage and Matrimonial Property,* 58.
112 Ibid., 65.
113 Robins, *Women in Ancient Egypt,* 63.
114 Pestman has noted that in a great number of legal systems it is possible to be divorced only under certain circumstances: for instance, in case of adultery by the other spouse. In other cases divorce is impossible (*Marriage and Matrimonial Property,* 75).
115 Manniche, *Sexual Life,* 21.
116 E.A. Wallis Budge, *The Dwellers on the Nile, The Life, History, Religion and Literature of Ancient Egyptians* (1899; reprint, New York: Dover Publications, 1977).
117 Budge, *Dwellers on the Nile,* 24.
118 Hopkins, "Brother-Sister," 325.
119 Budge, *Dwellers on the Nile*, 24; and Hopkins, "Brother-Sister," 74.
120 Manniche, *Sexual Life,* 21.
121 Fowler, *Love Lyrics,* xiii. See more of the bother-sister poems and other love poems in Manniche, ibid., 75–95. Nussbaum compares the Egyptian love poems to those in the Song of Songs, which use "brother" and "lover" synonymously: "my brother is in his bed and my heart is still more glad." However, Nussbaum says that much care should be taken before asserting that this is more than poetic metaphor and that it literally refers to love between a brother and sister (*Portrayal of Canaanites,* 42).
122 Robins has pointed out that the goddess Hathor was the embodiment of female sexuality, love and dance, and inebriation. She was a bringer of fertility and protected women in childbirth. She was also a funerary goddess concerned with rebirth into the afterlife (*Women in Ancient Egypt*, 18).
123 Robins, *Women in Ancient Egypt*, 18.
124 For Casson, lovers referred to each other as "sister" and "brother" (*Ancient Egypt,* 33). See also Johnson, *Ancient Egypt,* 121.
125 Fowler, *Love Lyrics*, xiv.
126 See also Therry Stasser, "La Famille d'Amosis," *Chronique D'Égypte* 76 (2002): 32. Stasser has noted how the daughter of Amosis and Ahmes Nefertatri was made sister and wife of Amenhotep I. Her name was interpreted as "small daughter of Kamosis" because Ahmes Nefertari was a daughter of Kamosis.
127 Robins, "The God's Wife of Amun in the 18th Dynasty in Egypt," in *Images of Women in Antiquity*, eds. Averil Cameron and Amelie Kuhrt (Detroit: Wayne State University Press, 1993), 65.
128 See also Erman, *Ancient Egypt*, 152; and A.G. McDowell, *Village Life in Ancient Egypt, Laundry Lists and Love Songs* (Oxford: Oxford University Press, 1999), 40. For Hopkins, however, the issue of incest in Egypt still remains unresolved. Probably other factors are at work, for, as he says, material factors are found in other societies without brother-sister marriage, and not all Egyptian brothers married their sisters ("Brother-Sister," 351).
129 Pinch, "Private Life," 372. See also Robins, *Women in Ancient Egypt*, 74.
130 Hopkins, "Brother-Sister," 334.
131 Hopkins argues against this interpretation in his statement that neither dowries nor partible inheritance can explain brother-sister marriages ("Brother-Sister," 334).
132 Ibid., 334. For more details, see also Pestman, Marriage *and Matrimonial Property,* 117. McDowell argues that the legal position of women with regard to their own property was equivalent to that of men (*Village Life*, 40). See also Budge, who remarks that there

is no doubt that women in Egypt held property in their own names and had money invested in businesses, especially under the New Kingdom, and some learned to read and write the Egyptian language correctly, and some became expert scribes (*Dwellers on the Nile,* 21).

133 Brent D. Shaw, "Explaining Incest: Brother-Sister Marriage in Graeco-Roman Egypt," *Man* 27, no. 2 (1992): 267–299.

134 For Maskell, the same was true among the Canaanites (*Social Life,* 110). See also John Gray, *The Canaanites* (Ancient Peoples and Places; London: Thames and Hudson, 1964), 114–115.

135 According to Robins, in the Fifth Dynasty another official, called Tjenti, refers in a text to two *arouras* of land, which had come to him from his mother. Other preserved legal documents confirm that wives could inherit from their husbands, and also show that daughters could inherit from their fathers. These early texts deal with the upper elite only, and we have no knowledge of whether men and women of lower status would have similar rights of ownership (*Women in Ancient Egypt*, 127).

136 Maskell, *Social Life,* 109.

137 Maskell, *Social Life*, 144.

138 Robinson, *Women in Ancient Egypt,* 129.

139 Johnson, *Ancient Egypt*, 121. For Robins, women who were mistresses of the house were involved in selling produce, as depicted in the story of one of the tomb robbers in the Twentieth Dynasty during which Women owned farmland (*Women in Ancient Egypt,* 104).

140 Pestman, *Marriage and Matrimonial Property,* 158.

141 Ibid., 125.

142 Mcdowell has pointed out that although no particular legal steps were necessary to sanction a marriage, the union did have legal consequences, particularly regarding the property of the two parties. Husband and wife each had a claim to the property acquired in common, the man two-thirds and the woman one-third; and while either party was free to end the union, the problems of dividing up the property meant that divorce was not so simple as marriage (*Village Life,* 32). But for Casson, what counted in marriages was status and dowry. The wife furnished one third of a couple's joint property, the husband the remaining two thirds (*Ancient Egypt*, 17–18).

143 Pestman, *Marriage and Matrimonial Property*, 151.

144 See also Karen L. King, ed., *Studies in Antiquity and Christianity, Women and Goddess Traditions* (Studies in Antiquity and Christianity; Minneapolis, MN: Fortress Press, 1997), 210–238.

145 Robins, "God's Wife," 65–78.

146 See Julia Samson, *Nefertiti and Cleopatra, Queen Monarchs of Ancient Egypt,* revised ed. (London: Rubicon Press, 1985).

147 Robins, "Ancient Egypt," 174. The issues arising from succession and the need to keep the royal family pure will be discussed later.

148 Ibid., 174.

149 Pestman, *Marriage and Matrimonial Property,* 182. Pestman quotes a Greek translation to support the power of women in Egypt: "You have made a power for the women equal to that of the men." This is a translation of a 2nd century C.E. Greek text. For the equality of women with men, see also Capel and Markoe, *House Mistress,* 179.

150 The power of women in Egypt is also seen in the inheritance of the throne, which was determined through the female bloodline. For more details, see Clinton Crawford,

Recasting Ancient Egypt in the African Context: Toward a Model Curriculum Using Art and Language (Trenton, NJ: African World Press, 1996), 41.

151 Casson, *Ancient Egypt*, 27.

152 Redford, *Ancient Gods Speak,* 317.

153 Maskell, *Social Life*, 108.

154 Budge, *Dwellers on the Nile*, 21. See also Lloyd, "Ptolemaic Period," 312.

155 Maskell, *Social Life,* 108.

156 Claudio Saporetti, *The Status of Women in the Middle Assyrian period* (Monographs on the Ancient Near East; Malibu, CA: Undena Publications, 1979), 11.

157 Casson, *Ancient Egypt,* 30.

158 Maskell, *Social Life,* 108.

159 Ibid., 155.

160 Saporetti, ibid., 11.

161 Saporetti, *Status of Women*, 11. However, in the case of divorce, Meskell has asserted that both men and women could instigate a divorce, but the ratio demonstrates a salient disparity—twelve to thirteen in favor of men divorcing or threatening to divorce women (*Social Life*, 157).

162 McDowell, *Village Life,* 44.

163 Pinch, "Private Life," 379.

164 Ibid., 379.

165 Robins, *Women in Ancient Egypt,* 113.

166 Ibid., 111.

167 See Pinch, "Private Life," 379.

168 Robins, *Women in Ancient Egypt,* 109–110.

169 Casson, *Ancient Egypt*, 27. Brunner-Traut has shown how myths during the first half of third millennium B.C.E. affected the understanding of succession in ancient Egypt (*Gelebte Mythen,* 4). More about Brunner-Traut's discussion on this topic will be considered below.

170 Johnson, *Ancient Egypt,* 121.

171 B.G. Trigger and others, *Ancient Egypt: A Social History* (Cambridge: Cambridge University Press, 1983), 57.

172 Barry J. Kemp, "Old Kingdom, Middle Kingdom and Second Intermediate Period (c. 2686–1552 B.C.E.)," in *Ancient Egypt: A Social History*, ed. Trigger, B.G. and others (Cambridge: Cambridge University Press, 1983), 219.

173 Robins is of the opinion that each king in the Eighteenth Dynasty must be shown to have married a woman of royal birth, with whom he should form a line in direct descent from one another. She bases this argument on that fact that the god Amun came to the mothers of Hatshepsut and Amenhotep III and fathered the future kings. The idea that the king was the bodily child of a god, by Eighteenth Dynasty Amun, but earlier the sun Re, was a well-established tradition ("God's Wife," 67).

174 Johnson, *Ancient Egypt*, 121.

175 Ray, *Reflections Osiris,* 42.

176 Bryan, "Amarna Period," 226.

177 Ibid., 226.

178 Ibid., 228.

179 See Robins, "Ancient Egypt," 171. See also Pirenne, *L' Égypte Antique*, 121. Pirenne remarks that while the royal wives were generally of women of royal blood, since Eighteenth Dynasty, the royal wives also included princesses who were strangers. On the contrary, the concubines were chosen for their beauty. In the lack of a legitimate

heir, a few sons of a concubine were legitimate and succeeded the king. It was thus during the reigns of Thutmosis I, Thutmosis II, and Thutmosis III.

180 Hopkins, "Brother-Sister," 315.

181 Ibid., 270.

182 Ibid., 312.

183 Shaw, "Chronology and Cultural Changes," 267–299.

184 Ibid., 238. Shaw further notes that the names of the persons in the families involved in the brother-sister marriages are either Greek or, in certain instances, are "invented" and the innovative Graeco-Egyptian names are assumed by Egyptians in order to artificially "hellenize" their status (91).

185 Shaw, ibid., 287. See Philippe Colombert, "Religion Égyptienne et Culture Grecque: L' Exemple de Διοσκουριδης," *Chronique D'Égypte* 75 (2000): 57. Colombert observes that in the upper class, mixed marriages between the Greeks and Egyptians existed until the first half of the second century B.C.E., citing the case of Dioskourides, a great Alexandrian scholar and natural scientist who had a double origin. In Greek, Διοσκουριδης refers to the environment of ancient Greek mythology. It means "the young man of Zeus."

186 Shaw, "Chronology and Cultural Changes," 287.

187 Ibid., 293. See Hopkins, "Brother-Sister," 312, and Lloyd, "Ptolemaic Period," 395–421.

188 Emma Brunner-Traut, *Gelebte Mythen: Beiträge zum Altägyptischen Mythos,* 2 Aufl (Darmstadt: Wissenschaftliche Buchgesellschaft, 1981), 5.

189 Ibid.

190 Brunner-Traut, *Gelebte Mythen,* 5. The vuse of myths as evidence of human practice will feature prominently in our discussion about incest in Canaan.

191 Redford, *Gods Speak*, 99.

192 Robins, *Women in Ancient Egypt*, 172. Redford has remarked that, according to other texts (Spell 76 of the Coffin Texts), Shu and Tefnut were produced by Atum's act of spitting (G*ods Speak,* 247).

193 Here we have an incestuous union between two sisters (goddesses). For more details on divine unions, see Redford, *Gods Speak*, 165–177.

194 Hopkins, "Brother-Sister," 346–348.

195 Hopkins, "Brother-Sister," 344. According to Frymer-Kensky the sacred marriage gave rise to songs and poems that provide for the expression and celebration of sexual desire in a religious setting. Furthermore, the goddess of sexual attraction imparts a divine aspect to erotic impulse and a vocabulary to celebrate it and to mediate and diffuse the anxieties it may engender" ("Law and Philosophy: The Case of Sex in the Bible," *Semeia* 45 [1989]: 90). The fact that the gods in ancient Egypt had influence on romantic poems, songs, and vocabulary can hardly be denied. See, for example, Hopkins, "Brother-Sister," 346–348.

196 See Erman, *Ancient Egypt,* 154, for more details.

197 Ibid. This union is not unique. Hopkins has noted that gods in other religions did the same thing, that is, they practiced brother-sister marriages: Kronos and Rhea, Zeuz and Hera in Greek religion ("Brother-Sister," 343).

198 Lloyd, "Ptolemaic Period," 408.

199 Hopkins, "Brother-Sister," 346.

200 Budge is clear on the issue of divine marriages and their effect on the lives of the Egyptians especially the royal family. He has pointed out that the gods Osiris and Set married their sisters Isis and Nephthys respectively, and Osiris begat Horus by Isis and Set begat Anubis by Nephthys; therefore the marriages of brothers and sisters were

sanctioned by the gods, and there is no doubt that they existed in the earliest times in Egypt (*Dwellers on the Nile*, 23). Pinch has a good example of the gods getting involved in Egyptian sexuality in a case where both lovers pray to Hathor, the goddess principally associated with love, sex, and birth ("Private Life," 371). But one fundamental question that this fact raises is why the practice was restricted to the royal families. Even if the practice started with the gods, it is right to say that the main motivation for marrying a close relative was probably wealth and politics at the palace and had nothing to do with religion.

201 Hopkins, "Brother-Sister," 327. Hopkins says that we do not know how brother-sister marriages began, but we do know how the practice came to end. In 295 A.D., the emperor Diocletian and Maximian issued a long and bombastic decree against incestuous marriages in which he called upon Roman citizens to celebrate marriages in accord with Roman laws, which forbade marriages between close relatives.

202 This problem is not peculiarly Egyptian because other communities in Africa have a limited vocabulary for describing kinship. In my community, the Kikuyu of Kenya, and also in Zimbabwe, a paternal uncle can actually be referred to as "father." See also the Hebrew Bible for a similar problem of defining kinship in my comments on Lev 18:8 (the nakedness of a stepmother) in chapter two.

203 See Pestman, *Marriage and Matrimonial Property,* 4.

204 The problem of translation is not peculiarly Egyptian. For example, different meanings can be derived from the phrase "the daughter of your father or the daughter of your mother" in Lev 18.

205 According to Meskell, kinship terms used on tombs, such as *snt, nbt pr*, and *hmt,* have a range of meanings that changed in nuance and referents during the Dynasty (*Social Life*, 99).

206 Shaw maintains that during the Graeco-Roman times the terms "brother" and "sister" have the normal understanding of them because the parents and grandparents of the declarants are regularly named in the documents, and the description normally used in the recording of brother-sister marriage is "my (or "his") wife and sister of the same father and the same mother" (*Brother-Sister Marriage,* 275). See also Hopkins, "Brother-Sister," 321, who say that there is no ambiguity in this usage.

207 Robins, *Women in Ancient Egypt*, 61.

208 Ibid., 24–28.

209 Budge, *Dwellers on the Nile*, 24.

210 Bryan, "Amarna Period," 228.

211 Ibid., 229.

212 According to Gates, brother-sister mating appears as by far the commonest form of mating within the nuclear family that has been linked with specific political-economic form. He further says that it is suggestive that no well-developed bureaucratic state is known to have urged its royalty to marry incestuously, with one exception: Roman Egypt ("Incest Taboo," 153).

CHAPTER FOUR

Family Laws in Ugarit

We saw in chapter one that many scholars of the Hebrew Bible portray the Canaanites as "notorious throughout the Hebrew Bible for their aberrant sexual practices," especially as depicted in Lev 18, where the Priestly lawgiver condemns the way of life of the Canaanites:[1]

> Say to the people of Israel, I am the LORD your God…You shall not do as they do in the land of Canaan, to which I am bringing you. You shall not walk in their statutes. You shall do my ordinances and keep my statutes and walk in them. I am the LORD your God. You shall therefore keep my statutes and my ordinances, by doing which a man shall live: I am the LORD (Lev 18:2–5).

In this chapter, we shall investigate the reasons why the abominations of the Canaanites are stigmatized by both scholars and also in the Hebrew Bible traditions. In order to do so, the historical background of the Canaanites will be examined, and the Ugaritians and their literature. Our main focus will be on the sexual behavior of the inhabitants of Canaan. Marriage, cultic prostitution, and the fertility cult will therefore be considered. Bestiality and homosexuality will also be discussed. However, since our main sources for this study are mythological texts from Ugarit, a section of this study will focus on the evaluation of Ugaritic mythology, and its significance and limitations as a source of information on the abominations of the Canaanites.

Sources

In this section, we shall focus our attention on literature outside the Hebrew Bible: Ugaritic literature and artifacts literature. The importance of this approach is noted by Gray who argues that to use the material and documentary data about the Canaanites themselves so liberally furnished by modern archaeology will particularize and present an objective picture of the Canaanites and their way of life.[2] These data will mainly comprise of the Ras Shamra texts, which, following Coogan, will serve as a primary source for the study of Canaanite religion, and with it we shall interpret biblical evidence concerning the Canaanites.[3] Caqout in particular further

underscores the significance of the Ras Shamra texts for the study of the way of life of the Canaanites in general and their religion:

> Outside of the mythological texts found in the library of great priest, the majority of the texts come from the royal archives of the palace which makes it possible to reconstruct partly the history of the kingdom of Ugarit in fourteenth and thirteenth centuries B.C.E., and they shed new light for the complex history of the kingdom of Syria in this period, constantly tossed about between the Egyptian dominion and Hittite dominion.[4]

Discovery

An Arab peasant working on his land in 1928 first spotted the texts discovered at Ras Shamra, the site of ancient Ugarit. Expeditions were conducted thereafter under Schaeffer who was in charge of the excavations, and Ch. Virolleaud,[5] who found the key to the decipherment of the Ugaritic dialect or language in which these texts were written.[6] Other scholars who showed great interest in the study of Ugaritic texts include Cyrus H. Gordon, H.L Ginsberg, and Gibson whose work was concerned mainly with the translation and interpretation of the texts.[7] For the purpose of translation of Ugaritic texts, Gibson's work will be primarily used, but other translations will be consulted as well.[8] Gibson, however, has not translated all the Ugaritic texts, especially the ones that are of interest here. In such cases, we shall turn to Gordon's work,[9] and the reader will be informed accordingly.

The Ugaritic texts are composed of poetic mythological texts and other religious texts such as lists of gods and offerings, lexical and scholastic texts, lists of countries and towns, lists of corporations and persons, lists of commercial and administrative documents,[10] and lists of official and private letters.[11] Stonz, citing Baal myths, argues that the interpretation of Ugaritic myths is made very difficult by the uncertainty regarding translation and regarding the size of the text as well as the arrangement of the text. [12]

The Ugaritic texts were discovered in a level, which was archaeologically dated between the sixteenth and the twelfth centuries B.C.E.[13] Several scholars find support for this date in the objects bearing the names of the Egyptian kings Thutmos IV (c. 1425–1417 B.C.E.) and Amenophis III (c. 1417–1379 B.C.E.) found alongside the tablets. Gibson argues that the mention of these Egyptian kings reduces the period to which these texts may

be assigned—between the fifteenth and twelfth centuries B.C.E. Such a date, too, agrees well enough with the fact that certain letters of Niqmad, king of Ugarit, who is named in several of the literary tablets, are addressed to the Hittite king Shupiluliuma (c. 1380–1336 B.C.E.). Gibson concludes, therefore, that the literary texts must have been written down between c. 1400 and 1350 B.C.E. He, however, accepts the fact the legends and myths themselves are not necessarily contemporary with the tablets but go back in some form or other to a much more remote antiquity.[14]

City

The site of Ugarit was occupied from the seventh millennium onwards by a settled population, even before the invention of pottery.[15] It was a port and the capital of a kingdom, [16] as well as the nexus of trade routes between the Aegean and Mesopotamia, Anatolia, Egypt, and the Mediterranean Sea.[17] Edmond Jacob's description of the site of Ugarit in the history of ancient Near East is worth noting:

> The site of Ugarit was an intersection of the civilizations of Mesopotamia, Egyptian, Hurrian, Hittite and Egean. They are each marked by their imprint like if all the civilizations of the Orient and those ones also of Occidental were given a place of meeting on this point of the seaside of Syria.[18]

Ugarit was very wealthy, and it covered about 5,425km^2 when its expansion was greatest and 2,200 km^2 without the additional territories granted by Shippliliuma I of Hatti.[19] It had a population of roughly 30,000 people, with approximately 6,000–8000 in the capital and 25,000 in the rest of the territory.[20] Hurrian is the second ethnic, linguistic, and cultural component basic to the kingdom.[21] The city was ruined at the height of its prosperity by the Sea-People.[22] This is how Caquot describes the city of Ugarit:

> The splendor of its civilization is borne out by the size of its buildings, the many works of art found at the site, the flourishing literary life and the great number of international connections confirmed by the discovery of documents in eight different languages[23] (literary Sumerian, Babylonian, Ugaritic,[24] cuneiform Hittite, hieroglyphic Hittite, Hurrian, and Egyptian).[25]

Inhabitants

The identity of the Canaanites is problematic. Who were they? Were they same people as the Israelites or Amorites?[26] Who were the inhabitants of Ugarit? Were they same as the Canaanites?[27] How was their society structured?[28] These questions are complex and answering them would certainly need more space and time than can be accommodated in the present work.[29] A.R. Millard has rightly shown that:

> True picture of the Canaanites is difficult for us to form because we lack sufficient records for an indubitably Canaanite source. There is nothing that can be recognized at once as Canaanite by modern man, nor is there any clear trace of any ancient distinguishing feature. The people are not known to have had a central or eponymous city or deity (as Ashur or Sheba), a separate culture or history, nor did they leave the stamp of an imperial rule on other lands.[30]

In view of this fact, a few important facts advanced by different scholars on the issue of identity of the Canaanites will be highlighted, for example, the relationship between Canaan and Ugarit, the matter of language, the relationship between the Canaanites and Israelites, and finally the Amorites.

Albright argues that, even though there are passages that seem to distinguish sharply between Ugarit and Canaan, it is not clear to what extent Ugarit was considered a part of Canaan.[31] He maintains that in some passages it seems to be simply another Canaanite city and certainly shared a common Canaanite culture, language, and religion.[32] For Heltzer, the term "sons of Ugarit" used in the Ugaritic texts refers only to the inhabitants of the kingdom (the Ugaritians), and not the Canaanites in general.[33] However, from a linguistic point of view, Millard argues that Ugaritic was the Semitic language used in this city and its neighborhood, and that it seems more satisfactory to treat Canaanite and Ugaritic as related and contemporary but distinct.[34]

For Anton Jirku and Lemche, there was no ethnic identity in Palestine. Jirku, who emphasizes that every discussion about the myths of Canaan must begin with the question of the Canaanites' identity, maintains that it is only dialect distinction, which characterizes these Canaanites—not ethnicity.[35] Houtman rejects this notion.[36] For Lemche, there is no ethnic identity, let alone a national one, which could be called "Canaanite."[37] Lemche claims the biblical Canaanites to be the invention of ancient biblical historians.[38]

Attempts have even been made by some scholars to identify the Israelites with the Canaanites, something that supports the views expressed above that there was no distinguishing ethnic identity. Mendenhall, for example, argues that the early Israelites were to be seen as the native peasantry of Canaan withdrawing from the oppressive regime of the city-state system. His position is clear:

> There was no radical displacement of population, there was no genocide, there was no large scale driving out of the population, only of royal administrators (of necessity). In summary, there was no real conquest of Palestine at all; what happened instead may be termed, from the point of view of the secular historian interested only in socio-political process, a peasant's revolt against the network of interlocking Canaanite city states.[39]

The problem of identity of the inhabitants of Canaan is further compounded by the traditions that designate the Amorites as one of the major ethnic groups living in Canaan before the arrival of the Israelites. This raises many questions. For example, whom are we dealing with in this study? Is it the Canaanites or the Amorites or the Israelites or all of them or not any one of them at all? The term "Amorite" is derived from *amurrū or* Akkadian MAR.TU. It is used for the general direction "West," as well as to designate nomadic peoples of the Syrian Desert and steppe-land.[40] The Amorites are the nomadic tribes who roamed the Syrian Desert and often crossed the rivers to graze their flocks in the steppes of Mesopotamia and also the "savages" who raided villages and attacked the caravans. [41] They assimilated the Sumero-Akkadian culture rapidly and with remarkable ease because they came from regions long under its influence and because the language presented them with no major difficulty.[42]

Van Seters has shown that as early as the Mari texts (c. 1750 B.C.E.), the term "Ammrru" was applied to a kingdom of central Syria, its chief city being Kadesh on the Orontes. This kingdom of Ammuru continued to have considerable political importance in the second half of the second millennium B.C.E., as is known from Hittite and Egyptian sources of this period. With the coming of the Sea-People and the Arameans (c. 1200 B.C.E.), the kingdom of Ammuru was obliterated and Amorite no longer had a precise ethnic or political connotation.[43] From the time of Tiglath-pileser I (c. 1100 B.C.E.) to Shalmaneser III (c. 850 B.C.E.), the land of Ammuru is the region of Syria west of the Upper Euphrates to the Mediterranean, while

from the early eighth century onward the term "land of the Amorites" takes in not only the kingdoms of Syria but also of Palestine, including Phoenicia, Israel, Moab, Ammon, Edom, and the Philistine cities.[44]

There is archaeological and epigraphic evidence to support the presence of the Amorites in Syro-Palestine. Here, we shall use L'Heureux's work.[45] In Syro-Palestinian archaeology, the historical period beginning about 3000 B.C.E. is commonly divided into the Early Bronze Age (EB, 3300–2000 B.C.E.), and the Middle Bronze Age (MB, 2000–1500 B.C.E.). Each of these periods is characterized by the existence of flourishing urban centers. Between EB and MB (3300–1500 B.C.E.), a period of non-urban occupation followed the destruction of the fortified cities.[46] L'Heureux argues that the non-urban stage is to be credited to the semi-nomadic Amorites whose arrival and subsequent sedentarizition led to the re-urbanization of MB. However, L'Heureux maintains that the evidence pointing to the Amorites as the people responsible for the transition from EB to MB is all-indirect, because the developments which are thought to be analogous developments occurred at about the same time in which the Amorites in Mesopotamia are amply documented in written sources.[47] However, according to Walter E. Rast, the collapse of urbanism in EB IV (2300–2000 B.C.E.) appears to have been environmental.[48] Rast observes that for some two hundred years the EB IV peoples settled on both sides of the Jordan Rift. Then at approximately 2000 B.C.E. their activities and settlements ceased. This time the cause appears to have been environmental, exacerbated by period of seriously diminished rainfall that devastated the Dead Sea region and other areas.[49]

The other evidence comes from the Amarna Letters, the Hebrew Bible, and personal names. The study of the personal names extant for Syria and Palestine during the second millennium reveals the same linguistic features as the names of the Amorites known from Mesopotamia.[50] L'Heureux has also demonstrated that in the Amarna Letters an Amorite kingdom existed in Syria during the time documented in that correspondence, while the tradition preserved in the Hebrew Bible designates the Amorites as a major constituent of the pre-Israelite population of Palestine.[51] For Millard, the Canaanites were the Amorites. Millard argues that there is strong evidence for the use of a Northwest Semitic dialect by rulers of many Palestinian cities of nineteenth century B.C.E. in Egyptian sources (chiefly the execration texts) whose names are very similar to the Amorite names of Mari and Syrian sites, and therefore it is possible that Amorite was the tongue of the

whole area at the time.[52] Similarly for M. Liverani, the "Canaanite" dialect is but a local derivation of the "Amorite," and the cultural elements known from archaeology and associated with the Canaanites (Syro-Palestinian LB period) are a local development of elements to be traced back to the Amorites (the Syro-Palestinian MB period). It seems therefore that the Amorites and Canaanites should not be separated into two peoples, whether by origin, culture, or date of arrival.[53] Haldar, who admits that the problem of relationship between Amorites and Canaanites is intricate,[54] summarizes the usual classification of the main groups of the Semites as follows:

EAST SEMITES	WEST SEMITES	
Old Akkadians	Northwest Semites	Southwest Semites
Assyrians	Amorites	North Arabs
Babylonians	Canaanites	South Arabs
	Hebrews	Ethiopians
	Arameans	
	Phoenicians[55]	

This classification, according to Haldar, involves a presumptive, closed relationship between Amorites and Hebrews, and between Amorites and Arabs. Provided that the Amorites came from Arabia, such a relationship would of course be a fact. However, Haldar argues that from a general cultural perspective, the differences seem more striking. Haldar, therefore, proposes a classification based on the main Semitic groups: East Semites, West Semites, and South Semites.

It is important at this juncture to point out that the arrival of the Amorites is also associated with the arrival of the patriarchs, even though many scholars dispute this fact. Albright argues that the twentieth-and nineteenth-centuries B.C.E. movement of the Amorites is consistent with the time of the patriarchs, especially of Abraham in the Genesis stories.[56] He traces these movements from Mesopotamia to Aleppo and other Syrian cities, to Damascus, and then southward by way of Shechem, Bethel, and Jerusalem to Hebron, Gerar, and finally to Kadesh-barnea. However, for Abraham Malamat and Mazar, there are problems with the understanding the Genesis narrative as far as the chronology is concerned.[57] Malamat, for example, contends that the Patriarchs should not be assigned to any specific, well-defined set of dates, like "Patriarchal Age," and that the Genesis narratives should be regarded as an artificial construct based on a limited three-generation scheme.[58]

External Influences

The documents found at Ugarit were in several languages, as shown above, namely, Sumerian, Babylonian, Ugaritic, cuneiform Hittite, hieroglyphic Hittite, Hurrian, and Egyptian. The impact of these Near Eastern people on the culture and religion of the inhabitants of Ugarit was substantial. However, it should be noted that while Ugarit was receiving and assimilating the culture and religion of her neighbors, the impact of her culture and religion was equally felt by her neighbors.

Religion

The head of the pantheon in the epics is "the King," and "the father of gods." Baal is the Ugaritic god and the patron of the city, and his father is Dagan. Baal is the "lord of Ugarit," and lives on Mount Zaphon. Three female deities appear in the myths: Anat, Asherah and Astarte. There are two large temples: one for Baal and the other for Dagan.[59]

However, while the inhabitants worship their indigenous gods, they also worship foreign gods: Akkadian and Hurrian, a practice that reflects the ethnic mixture of northern Syria.[60] According to Albright, in the second millennium B.C.E., Canaan underwent many cultural and ethno-political changes as it moved from MB through LB and into the early Iron Age.[61] The religion depicted in the epics at Ras Shamra is virtually identical with the religion of the Northwestern Semites throughout Palestine and Syria[62] and to some extent in Egypt and Mesopotamia, as seen in the worship of Baal, Anat, and Asherah or Astarte.[63] Some place-names in Syro-Palestine take names after the Semitic goddess Anat; in ancient Egypt, Anat appear as a significant goddess during the eighteenth and nineteenth dynasties in the role of a goddess of war. Along with Astarte, Anat became a foreign god whom the Egyptians incorporated into their own mythology.[64]

In the Egyptian mythology, from the late Middle Kingdom onward, Anat was called the "great cow of Seth."[65] Similar veneration was given to Astarte, as Pinch has shown. Astarte was a Near Eastern goddess who was introduced into Egypt during the Second Intermediate Period. In ancient Egypt she was a daughter of Ra or Ptah and a consort of Seth, and she is probably the same god worshiped by the Philistines as Ashtoreth and the

Canaanites as Ashera. She also had much in common with the Mesopotamian goddess Ishtar (Ashtar), and Lady of Battle.[66] Concerning Baal, Pinch has shown that he was used in Egypt as a divine title for the god Seth. The equation of Baal with the native Egyptian Seth was so complete that the individual personality of Baal was lost behind the Egyptian god.[67] The religion of the Canaanites was not unique, with all her gods scattered all over the ancient Near Eastern World.

Culture

Pottery, inscriptions, and texts excavated at Ugarit are good sources of information regarding cultural interactions between Ugarit and the rest of the ancient Near Eastern world. Kapelrud has demonstrated that pottery from the Neolithic Age Stratum V indicate connections with Syria and with the regions around the upper Euphrates (Mesopotamia). He connects the Stratum III, second millennium red and black pottery called "Canaanite" with a Semitic people, either Amorites or Canaanites who came to Ugarit during the third millennium.[68] Strong Hittite and Hurrian influence is found in inscriptions and individual texts. Gordon, too, has noted that situated in the north, Ugarit fell squarely within the Hittite sphere of influence. King Niqmad of Ugarit paid tribute to the Hittite King Shuppiluliuma and thereby won a mutual defense arrangement, which provided a measure of security worth the cost of the tribute.[69] Gordon has further remarked that purely cultural and social contacts between Niqmad and sovereigns far afield, including correspondence in Babylonia, are not out of question in the Amarna Age, when internationalism characterized the times.[70]

The movement of the Amorites to Syro-Palestine in the second millennium B.C.E. was mentioned above. What new elements did they add to the cultural and religious lives of Syro-Palestinian inhabitants? For John Bright, though the Amorites adopted the culture of Sumer and Akkad—and to a good degree its religion—and though they wrote in Akkadian, their names and other linguistic evidence betray their presence in Palestine and Mesopotamia.[71] Bright argues that these people brought to Palestine no fundamental ethnic change, for they were of the same general Northwest-Semitic stock as were their predecessors. Furthermore, as they settled down, they assimilated the language of Canaan and became a part of the MB culture of Canaan. By the time of the Israelite occupation in the thirteenth century,

there was no clear distinction between Amorite and Canaanite.[72] However, this is not the case with Mendenhall who asserts that by the time biblical Israel emerged, archaic elements of Amorite culture were spread across the Near East, leaving their mark on almost every culture in the land of the Bible, including that of the Israelites.[73] Similarly for Mazar—judging from the forms of personal names, which appear in the Egyptian documents, the royal cemetery of Byblos, and in the Mari archive of the early eighteenth century B.C.E.—the population of Syria and Palestine was West Semitic, "Amorite." The term "Canaanite" appears for the first time in one of the documents of Mari.[74] Mazar, therefore, concludes that the MB material culture (Amorite culture) may thus be seen as the beginning of the Canaanite civilization of the second millennium B.C.E.

Influence on Syro-Palestine did not come only from the north, but also from the south, as M. Wright has shown.[75] Wright has noted that in the protodynastic period (3100–2705 B.C.E) the point of contact for Egyptian/Syro-Palestinian foreign relations was in southern Palestine, particularly Arad, Tel Gath, and 'En Besor.[76] She argues that these relations were reciprocal commercial ventures rather than exploitative imperial conquests. During the Old Kingdom (2705–2250 B.C.E.), several things happened, according to Wright: Egypt took control of the Sinai Peninsula, and it also began to focus its trade relations with Syria at Byblos (later on, this meant as far as Ebla).[77] Mazar has mentioned a few cases that characterize Egypt/Syro-Palestinian relationships during the MB, even though, as he observes, these relationships are open to different interpretations due to the nature of evidence.[78] The few cases mentioned by Mazar include pottery of Leventine origin and other red burnished pottery typical of MB exported to Tel el-Dab'a (ancient Avaris) in the eastern delta of Egypt,[79] the story of the Egyptian high official Sinuhe who fled to Syria during the first half of the twentieth century,[80] and the wall painting at Beni Hasan (1890 B.C.E.) depicting a group of Asiatics (a'mu).[81] Furthermore, Asiatic people (called Hyksos, or "rulers of foreign land") invaded and dominated Egypt (c. 1730–1580 B.C.E.). They held Lower Egypt and Palestine and Syria in a unified command. But in 1580 B.C.E., Ahmose of the Eighteenth Dynasty of Egypt defeated the Hyksos and expelled the foreigners.[82] But it was during the Amarna Period that the influence of the Egyptians was felt greatest, according to Gray's assessment:

> …after a campaign in north Palestine and south Syria Amanhotep II (1448–20 B.C.E.) records the deportation of 217 chiefs of *Retenu* (co-extensive with modern Palestine), 184 chiefs' brothers, 30,625 dependants of the deportees, 3,600 *'Apirw* (landless landlopers, who served mostly as mercenaries or serfs), 15,200 Shahu (nomads), 36,300 Khuru (Hurrians, possibly non-Semitic Syrians), and 10,600 subjects from N'g's (the region of Laish on the Orontes north of Hama).[83]

However, as a note of caution, Wright, like Mazar mentioned above, maintains that the use of this sort of evidence in reconstructing Egypt/Syro-Palestinian foreign affairs relates to a more general problem scholars have in evaluating royal ideology and Egyptian historiography, since royal monuments have proven distinctly unreliable as historic evidence.[84]

While the ancient Near East was "an ethnic melting pot,"[85] Gray's view is that the Semites in Syro-Palestine remained numerically the predominant element in the country and consequently absorbed the other ethnic elements and their distinctive culture. This is noticeable in the native debasement of distinctive Canaanite wares towards the end of the thirteenth century B.C.E. and in the predominance of the native Semitic dialect and the local nature-religion.[86]

In conclusion, it is difficult to identify the Canaanites due to lack of sufficient records from Canaanite sources, and there is nothing that can be recognized at once as Canaanite. Furthermore, there is no clear trace of any ancient distinguishing feature, no separate culture or history, and the people are not known to have had a central city, or deity, or imperial rule. The arrival of the Amorites on Syro-Palestine soil in the second millennium B.C.E. does not seem to be disputed, but the relationship between the Canaanites and the Amorites still remains unresolved, even though it is most likely that the Amorites and Canaanites were the same people, as some scholars seem to suggest. The distinction between the inhabitants of Ugarit and the Canaanites is also problematic. However, as Heltzer, Albright, and Millard have shown, while the two groups are distinct, they are related and contemporary. Furthermore, the inhabitants of Ugarit shared a common Canaanite culture and religion. Again, while they worshipped their indigenous gods, they also worshipped foreign gods: Akkadian and Hurrian, reflecting the ethnic mixture of northern Syria. In other words, the religion in the epics at Ras Shamra is identical with the religion of the Northwestern Semites throughout Palestine and Syria, and to some extent in Egypt and Mesopotamia. This is evident in the worship of Baal, Anat, and Asherah. In

view of the aforementioned observations, and due to lack of literary Canaanite sources, we shall use the Ugaritic literature in our endeavor to have a glimpse into the abominations of the Canaanites as stipulated in Lev 18.

Abominations of the Canaanites

Our discussion of the abominations of the Canaanites will be based mainly on the Ugaritic texts that explicitly or implicitly allude to marriages and the sexual life of the gods and goddesses of Ugarit. However, at the end of this section, in which fertility cult is discussed, archaeological artifacts that depict nude female goddesses will be examined in order to shed more light on the nature of prostitution in Syro-Palestine.

The study of abominations of the Canaanites is based on administrative and religious texts following Selms, who supports the fact that these texts point to customs and conceptions prevalent in Ugarit society.[87] Selms has further noted that the texts form a coherent system related in some respects to other systems prevailing in parts of the ancient Near East, but in some cases presenting features of its own.[88] However, unlike Selms, whose interest is in inquiry into family laws, especially with regard to marriage in general, our concern will be to investigate the nature of the vices of the Canaanites as characterized by both the Hebrew Bible and biblical scholars. Such vices will include incest, adultery, bestiality, and prostitution. Prostitution will occupy more space and will include a lengthy discussion on the fertility cult as depicted in the female nude figurines.

Selms has pointed out that no Ugaritic law code has been found and that the only legal documents discovered in Ras Shamra are not written in the Ugaritic language and script, but in Akkadian.[89] This points to the possibility of influence of literature in the ancient Near East—that is, of Canaan, Babylonia and Anatolia—impacting on each other, as seen in our discussion about the Hittite Law (HL), and also biblical law codes.[90] Selms affirms that these texts furnish us with ample material on laws and customs that ruled human society in that ancient Canaanite city, though they were probably never brought together in a written code.[91]

However, there is need to point out at the outset that while much of our discussion in this chapter involves mythological texts, and while some

scholars like Selms are positive that conclusions can be drawn from these stories as to actual human relationships,[92] the problems in such conclusions could be overwhelming, as we shall have the occasion to demonstrate at the end of this chapter.

Marriage

Some forms of marriage involving gods and goddesses were practiced in Ugarit. The family structure was patriarchal, and polygamy was not unknown. There was marriage both by consent and force. In the former, paid marriage dowry was followed by a wedding, while in the latter, the bride was snatched by force. The birth of a son was desired more than a daughter, though the birth of a son and a daughter sometimes appear together in the same text. However, Selms has demonstrated that there is no proper word for "marriage" found in Ugarit literature.[93] The head of the patriarchal family was a man who had one or more wives. Wives were not of equal status. The ordinary wife was called *'aṯṯatu* "woman." The wife of superior social status bore the title *'aṯṯatu 'addiratu* "lady" or "great woman."[94] Polygamous marriage is mentioned in the story called the "Birth of Gracious Gods" in KTU 1.23.49–51, where El is said to have two wives:

> The two women (became) wives [of El]
> Wives of El even forever.
> He stooped (and) kissed their lips;
> Behold! Their lips were sweet,
> Sweet as pomegranate
> In the kissing (there was) conception,
> in the embracing (there was) pregnancy;
> they travailed (and) gave birth to Shachar and Shalim.
> …What did they bear?
> The gracious gods…

The Ugaritic texts tell us how marriage was done: the dowry was paid and wedding done. But in certain cases, the bride was taken by force. Gibson has shown that in the story of the betrothal of Nikkal in the tablet Nikkal and the Kotharat in KTU 1.24, Yarikh (the moon) or Kotharat asks Khirkhib (the king of summer, an unknown divinity) to procure the goddess's hand for him and undertakes to pay her father a huge sum in silver, gold, and precious

stones, and to give him fields and vineyards as her bride-price.[95] This text, which Gordon calls "The Wedding of Nikkal and the Moon,"[96] gives a detailed account of the wedding and the dowry paid to Nikkal's father in lines 16–22:

> Yarikh lamp of heaven sent (word)
> To Khirkhib king of summer, (saying):
> 'Give Nikkal (that) Yarikh may marry (her),
> '(give) Ib (that) she may enter into his mansion;
> 'and I will give as her bride-price to her father
> 'a thousand (pieces) of silver and ten thousand (pieces) of gold,
> 'I will send brilliant (stones of) lapis lazuli,
> 'I will give vineyards (to be) fields for him.

According to Selms, the Keret legend depicting the royal wooing as a military expedition to besiege the stronghold of the bride's father preserves the tradition of marriage by force, which survives in the Arabic idiom of "snatching the bride," and which is actually carried out with formal show of force in many Arab societies.[97]

While both sons and daughters are mentioned in the Ugaritic texts, the need to have sons seems to be more elaborate than for daughters. For example, in the story of Aqhat, son of Daniel (KTU 1.7.I.1–16), we see how Daniel, man of Rapiu, gives drinks to the gods for seven days in order to have a son. The background to this story, according to Gibson, is a righteous chief's need for a son, for otherwise there will be no one to tend him in old age, to perform the proper rites after his death, and to maintain the worship of the family god.[98] In answer to the prayers of Daniel and on the intercession of his favorite deity Baal, whom he worships under the title of Rapiu or "the shade," the supreme god El grants him a son. The child is named Aqhat and when he grows up, he is endowed with magnificent bow and arrows made for him by the divine craftsman Kothar or Khasis.[99]

A son would not only tend Daniel in old age, perform the proper rites after his death, and maintain the worship of the family god, but would also take care of his father when drunk, fight his enemies, wash his clothes, and make sure the roof is not leaking when it rains (cf. KTU 24). However, in some texts sons are mentioned together with daughters: for example, in the story of Keret in KTU 15.III.1–24:

> [Be greatly exalted], Keret

[in the midst of the shades] of the underworld,
[in the assembly] where Ditan gathers;
[and she] shall approach (her time) to bear daughters to you.
She shall bear a girl (called) T…
And she approached (her time) to bear him a son,
And she approached (her time) to bear him sons;
Then in the seventh year
The sons of Keret (were as many) as had been promised,
Moreover the daughters of Hurry (were as many) as they…

In this text, both sons and daughters are treated the same. Keret is exalted because Ditan bears many daughters and sons to him. The daughters of Hurry were equally many.

Brother-Sister Marriage

Some scholars have found a case of incest in KTU 1.11 involving a brother and sister. This is the case of Baal and his sister Anat. The text is small and fragmented. In this text, following Gordon's translation, Baal mates with Anat, who conceives and bears a son. The next line mentions Keret,[100] but we do not know his role because a part of this line is damaged. Gordon has observed that the mating of Baal with his sister Anat does not disturb their devotees in Ugarit.[101] Selms seems to express a similar view. Baal and Anat are brother and sister, but that is no more of an obstacle to their living as husband and wife than it was for Zeus and Hera.[102]

However, the problem is not in mating, but in their identity. Who is Baal in relation to Anat? Is he her brother, full or half? In other words, is Anat Baal's sister? Again, is Anat a daughter or a daughter-in-law of Baal's father El? How about Baal: is he a son of El or Dagon (Dagan)? The relationship between Baal and Anat is found in KTU 1.3.IV.39:

hlk aḫṯh b'l y'n	Baal sighted his sister's coming
tdrq ybnt b'l šḥq aṯt l pnnh	the swift approach of his father's daughter-in-law

For Gordon, the two deities are probably regarded as half-brother and half-sister, born by the same father but different mothers.[103] He bases this argument on the interpretation of the phrase *ybnt abh*, which for him seems

to mean "daughter of his father." But, the phrase *ybnt abh* does not mean "daughter of his father" according to Selms.[104] While he admits the fact that the meaning of *ybnt* is unknown, he nevertheless points out that it means something like "daughter." But does this mean that Baal married his daughter? The ambiguity inherent in this text is seen also in Ginsberg's translation: "His sister's approach Baal sees, the advance of his own father's daughter."[105] Nonetheless, we may assume that the object "his sister" refers to Baal as the subject, even though Ginsberg has twisted the word order around, since there is no other male who is mentioned immediately before in the mention of "his sister."

Albright, Coogan, and Pinch have not addressed the question of whether Baal and Anat are full-brother and sister or not. For Albright, Anat was not only Baal's virgin (*batultu*) sister, but also his consort.[106] Coogan says that Anat is the only goddess with a vivid character in this text. She is Baal's wife and sister and is closely identified with him as a source of fertility[107] and a successful opponent of the forces of chaos. Like Baal, she lives on a mountain.[108] Pinch, too, does not deal with this problem. She describes Anat in a language that befits an Egyptian goddess: Anat is a sister, lover, and avenger of the storm god Baal.[109]

What do the other Ugaritic texts say about Baal and Anat that would shed more light on their relationship? Baal is the son of El and at the same time the son of Dagan, while Anat is the daughter of El. Ulf Oldenburg has remarked that while seventy gods of the Ugaritic pantheon are considered sons of El and Asherah, Baal is eleven times called "the son of Dagan" (*bn dgn*).[110] Whose son is Baal? Is he El's son or Dagan's son? For Oldenburg, Dagan is Baal's father, although Baal calls himself El's son when he addresses El seeking his favor. This does not contradict his parentage from Dagan, but is in accordance with the wider sense of *bḫ* and *ṯbḫ* used in the Semitic languages for designating a member of a tribe or group, and of *ḫ'î* as a term of respect meaning, "father" and also "protector, benefactor, and chief." Oldenburg is of the opinion that both Baal and Anat have the same origin, something that would support his understanding of Baal and Anat as a brother and sister. In a lengthy discussion about Baal and his associates in chapter two of his book, Oldenburg concludes that, like Dagan, thus also Baal and Anat, his children, originated from the Middle Euphrates region where their cults flourished in early times.[111] Furthermore, whereas El's

family appears to be the indigenous gods of Ugarit, the associates of Baal seem to be gods originally foreign to Ugarit.[112]

Is there any possibility that the phrases "his sister" and "his brother"[113] are poetic, and have no meaning in the real world of the inhabitants of Ugarit? In KTU 1.3.III.1–30, Anat sings a love song to Baal. She takes her lyre in her hand, puts corals on her breasts, and sings of her love for the mightiest Baal:

> Like pages, then, enter,
> Do homage at the feet of Anat and fall down
> Do prostate yourselves (and) honor her;
> And tell virgin Anat,
> Repeat to the sister-in-law of peoples:
> The message of mightiest Baal,
> The word of the mightiest of warriors (is this)…
> Make haste! Be resolute, hurry on!
> Let your feet run towards me,
> Let your legs hasten towards me.
> For I have a tale that I would tell you,
> A word that I would repeat to you,
> A tale of tree(s) and a whisper of stones,
> The sighing of the heavens to the earth,
> Of the oceans to the stars
> I understand lightning, which the heaves do not know;
> (it is) a tale that mankind does not know
> nor do the multitudes of the earth understand.
> Come and I myself will search it out
> Within my rock El Zephon,
> In (my) holy place, in the rock of my heritage,
> In (my) pleasant place, in the hill of my victory.

In this song, Anat is described as a virgin and sister-in-law of the people, a description that appears everywhere Anat is mentioned, especially in the texts where she appears together with Baal.[114] The phrase "his sister" is used rarely to describe Anat's relationship with Baal. Baal is in this song, like in many other texts, described as the "Mightiest Baal." Interestingly, this love song appears in a text that comes immediately after Baal is declared king in KTU 1.2.IV.33: "Yam is indeed dead! Baal shall be king! Then, in the text that follows immediately after this love song, Baal is called Anat's brother (cf. KTU 1.3.IV.38–39). Do we have here another culture whereby love songs are employed to justify incestuous marriages of kings, as was the case

in our study of incest in Egypt? If so, does the phrase "his sister" have the same connotation as in the Egyptian love songs?[115] The answer to this question is in the affirmative. The writer of the Baal Cycle seems to be aware of the Egyptian royal culture. This is evident in KTU 1.3.VI.12–13:

> "Then of truth do you set (your) face
> towards all broad Memphis,
> (towards) Kptr the throne on which he sits,
> Memphis the land of his heritage."

In our investigation of incest in the divine world of ancient Egypt we concluded that some aspects of Egyptian religious beliefs and practices do seem to have helped legitimize brother-sister marriages, that is, the origin of this practice should be traced in the Egyptian mythology related to gods and goddesses, for example, to the Egyptian mythology about Osiris and Isis, brother and sister, husband and wife. However—while in ancient Egypt incestuous unions were practiced by gods, royal families, and later in the Ptolemaic and Greco-Roman periods by non-royal families—in the Ugaritic texts we do not have cases of incest outside the Baal-Anat circles, and it does not seem to be a problem for scholars who have shown interest in the community life of the Ugaritians. For example, Heltzer, in his two monographs[116] dealing with the communal organization of the rural villages and also the system of the royal services of the kingdom of Ugarit in the fourteenth and thirteenth centuries B.C.E., does not mention this problem, even in the sections where he discusses the composition of both royal (kings, queens, queen mothers, and other members of the royal family)[117] and non-royal families.[118]

Another incestuous union is seen in "The Birth of the Gracious Gods" in KTU 1.23 according to Nussbaum.[119] This text has been associated with fertility cult by many scholars. The incest in this text involves a god and his daughter. Nussbaum says that:

> It is possible that certain myths from Ugarit depict intercourse between a man and his own daughters. In the "The Birth of the Gracious Gods" El has intercourse with two women who are referred to as his wives (vss. 42, 46, 48; cf. 40) and as his daughters- *bt.il* (vss. 45ff., cf. 44).[120]

In this text there are two women, Athirat and Rahmay. They are called the "two women," in lines 31, 35, 37, 41, and so on; "the two girls," in line 45;

bt.il "daughters of El" in line 45; and "wives of El," in line 49. In line 45, El is addressed as a "husband who has lowered his scepter." A number of times these two women cry out, "O Father, father," or "O husband, husband": in lines 32, 40, and 42. Then, El, in his role as a husband, kisses and embraces the two women, and as a result two sons, Shachar and Shalim, are born. If the "two women" are at the same time the "daughters of El," or "wives of El," then here we have two different forms of serious incest: a father marrying his daughters and at the same time a man marrying a woman and her sister while the wife is still alive.

However, a careful scrutiny of this text shows that the two women are not El's daughters by birth, but metaphorically. The text begins by telling us that El goes out to the shore and then see two women, who are crying out, Father, father! Mother, mother! Does this mean that El is their father? On the contrary, in line 35, El takes the two women, and sets them in his house in line 36. In line 37, he seduces them. Then, the women cry out, "O husband, husband." In lines 42–45, the two women cry, "O Father, father," and they become El's daughters. It can be conjectured here that the cries of these women at the beginning of the text, are cries of women who need help. They find the help they need in El, who becomes to them not just a husband, but also a father, and they, too, become to him not just wives, but also daughters. Or we may want to compare the language used here with the language used by kings in ancient Egypt in which their wives were called "king's sister," "great royal wife," "god's wife," "king's daughter," "king's mother," and "king's great wife of Anum."

The study of incest involving gods and goddesses of Ugarit is shrouded with uncertainties. This is due to the problem of the fatherhood of El and Dagan in relation to Baal. That means that the relationship between Baal and his fathers cannot be determined definitively, as David R. Tasker has commented:

> The concept of the fatherhood of the gods in the Canaanite pantheon has proved difficult to unearth. There is no clear discernable "family tree" of the gods, and like other ancient Near Eastern religious writings, no systematized account of their creation. The problem of trying to determine the interrelationships of the gods arises at this point. Unless there is actual description of a god being engendered by another god, it is difficult to tell which god is the father of whom—the simple designation of "father" is not sufficient to inform us of filial relationship.[121]

Furthermore, it is not clear whether Anat is Baal's full sister or half-sister. It is difficult to tell why Baal is rarely called Anat's brother in the Ugaritic texts,[122] whereas in all the other instances where Anat is mentioned together with Baal, she is called "the virgin Anat" and "daughter-in-law of people." Did a scribe who wanted to make Baal's relationship with Anat incestuous insert the phrase "his brother" later? And if so, did this relationship have any political or economic significance, as was the case in Egypt, as we saw earlier, where kings married their sisters in order to strengthen their political power as well as for material gain?

Our examination of incest in Ugarit does not convincingly support the notion that incestuous unions in Ugarit were widespread, since even the texts themselves do not seem to emphasize this aspect of the sexual life of the Ugaritic gods and goddesses, and the relationship between the gods and goddesses implicated in this practice is problematic.

Prostitution and Fertility Cult

The Hebrew prophets, reformers, and editors roundly condemn their people for going "a whoring after Baalim" and Ashtaroth, the local manifestations of the deities of the Canaanite fertility-cult, which they characterize by referring to the one element in it, sexual license, as a rite of imitative magic to induce the liberality of Providence in nature.[123] In this section we shall look at the Ugaritic texts and female nude figurines in our attempt to understand the nature of prostitution in Canaan.

Cultic Prostitution

According to Edwin M. Yamauchi's definition, cultic prostitution involves female, and at times male, devotees of fertility deities who presumably dedicated their earnings to their deities. One of the motives of the practice—particularly in Mesopotamia, where a king engaged in an act of sacred marriage with temple prostitutes—was to insure the fertility of the land and people through sympathetic magic.[124]

While it is assumed that cultic prostitution was practiced in Ugarit, Ugaritic texts are silent about it. Both Selms and Yamauchi express this

view. Selms argues that while cultic or sacral prostitution occurred in Ugarit, it happens not to be mentioned in the Ugaritic texts.[125] Yamauchi, too, argues that it is generally assumed that the worship of the major Ugaritic goddesses, that is, Ashera, Astarte, Anat, Qudshu, at time listed as the Qudshu of Ashera, and so on—involved sacred prostitution though there are no texts which can explicitly prove this. However, Yamauchi is of the opinion that male cultic prostitution probably occurred in Ugarit. He maintains that in the Ugaritic texts of temple personnel that we find listed second after the *khnm* "priests" the *qdšm* are probably male cultic prostitutes.[126] Yamauchi further observes that while numerous plaques of nude Astartes, and so on, have been found at Ugarit, thus far no reference to female sacred prostitutes have yet thus far appeared in the Ugaritic texts.[127] If the texts of Ugarit do not mention cultic prostitution, especially female prostitution, how then do we explain the existence of sexual immorality in Canaan?

Fertility Cult in Ugaritic Literature

Emanuel Anati describes fertility cult as a ritualistic performance meant to promote the fertility of nature or human procreation.[128] He maintains that it is rare to find archaeological evidence demonstrating that such performance took place. Even in explicit cases where specific representations appear of copulation and pregnancy in anthropomorphic figures or where the rain and sun are represented in connection with vegetation, the motivation of the depiction may not necessarily be to promote fertility.

In Ugarit, the occurrence of fertility cult depends on the interpretation of the roles of Baal and the goddess Anat and Asherah, and the story of the "Birth of Gracious Gods," Shachar and Shalim mentioned above. Generally, as Caqout and Sznycer have pointed out, Baal is understood to be the god who was responsible for increasing flocks and herds. In the fight between Baal and Mot with the roles played by Anat and El, Baal represents the principle by which fertility is given to the earth and all living beings, while the goddess Anat is the personification of the springs which bring together the meager and scattered waters in the depths of the earth.[129]

Two elements that are found in the "Birth of Gracious Gods" that scholars use to argue for the existence of a fertility cult in Canaan—namely, food (grain and wine), and procreation (the birth of twins)—are found in KTU 1.23.30–76.[130] In this text, El goes out to the shore of the sea and sees

two women moving up and down over a basin; one woman moves down and is crying "Father, father," while the other one is crying "Mother, mother," as seen in the first few lines:

> [El went out] to the shore of the sea
> and advanced to the shore of the ocean.
> El [(perceived)] two women moving up and down,
> two women moving up and down over a basin.
> One moved down
> the other moved up
> one cried 'Father, father!
> and the other cried 'Mother, mother!
> The organ of El grew long as the sea
> and the organ of El as the flood (30–35).[131]

This incident is followed by El shooting a bird, who then seduces the two women. In lines 32 and 43, El is called father, while in line 45 the two women are called El's daughters. In line 48, they are now El's wives, and El can now kiss their "sweet" lips, in line 49–50. In this embracing and kissing, "two sons are born, Shachar and Shalim," in line 53. Later in the text we are told of a sanctuary raised in the midst of the desert, and the two gods, Shachar and Shalim, are there in the desert: "seven years did come and end, eight revolutions of time," in line 66. The two gods are hungry and thirsty. They go out into the fields in search of food and wine, in lines 65–71:

> O sons whom I have begotten,
> raise (and) prepare a sanctuary in the midst of the desert,
> there dwell among the stones and the trees.
> Seven years did come to an end,
> eight revolutions of time,
> (as) the gracious gods went about in the field(s)
> (and) hunted on the fridge of the desert;
> and they did come upon the watchman of the sown land,
> and they did cry to the watchman of the sown land:
> O watchman, watchman, open!
> And he did open a breach for them
> and they did enter, (saying):
> If [there is] bread,
> then give (us it) that we may eat;
> If there is [wine],
> [then] give (us it) that we may drink.

> And the watchman of the sown land did answer them:
> [There is bread for him who enters]
> there is wine for him who enters …

This text is crucial in the understanding of the fertility cult. The mentions of food and the issue of procreation—and of archaeological finds featuring nude female figurines to be discussed below—have been used by several scholars as prominent sources in support of the existence of a fertility cult in Canaan in general, and in Ugarit in particular. For example, Gibson and Segert argue that this text is completely about fertility. According to Gibson, the drama that unfolds in this text was intended to promote fertility in nature.[132] Segert, too, shares this view. He contends that the poetic narrative contains substantial data about the fertility cult, and analysis of the text itself, combined with sound use of structural analogies, may extract more information from this relatively short and fragmentary document of the Canaanite beliefs and practices.[133] In this text, the old supreme god El overcame his impotence (the weakness of his member in lines 37–40) by shooting down a bird and roasting it on charcoal in lines 37–39. Only then he was able to impregnate his two wives.[134] That god El impregnated two women at the same time and produced two sons, who were functionally twins, is significant for the understanding of fertility cult, maintains Segert.[135] For him, this is a symbol of the fertility cult. However, he suggests that the birth of twins, as an important symbol in a fertility cult, would be more likely if two wives were impregnated than if the birth of natural twins were left to chance.[136]

C.E. Lipiński and Segert maintain that the food and wine mentioned in this text are connected with the celebration of the New Year festivities. Lipiński argues that since the narrative part of the text culminates in quenching with wine, the thirst of the gracious gods, and since wine played such an important role in the celebration of the new year festivities, it is likely that the sacred marriage was followed by a banquet, to which only a limited number of initiated persons were allowed to participate.[137] Lipiński further argues that the mention of wine, the allusion to hydrophory, and some other elements, indicates that the celebration took place in autumn and aimed at providing the autumnal rain-like dew and the winter rainfalls, which were of vital importance to the sown soil and Syrian agriculture in general. But Segert sees a possibility of both spring and fall seasons; a festival at the

beginning or at the end of grain harvest connected with wine and a grape gathering ritual, which was supposed to provide abundant rain.[138]

However, the understanding of the aspect food (cf. lines 65–76) in relation to this subject is not without problems. While scholars have seen a festival ritual in this text, the text does not give any specifics, following Anati's definition of fertility cult as a ritualistic performance meant to promote fertility of nature or human procreation.[139] Here we concur with Yamauchi that there is no explicit text, which can prove this,[140] and the motivation may not necessarily be that of promoting fertility cult.[141] Furthermore, the phrases "seven years" and "eight revolutions of time" are difficult to interpret.

It seems most likely that the event mentioned here is just a story about the birth of gods, as suggested by Gibson, and the idea of providence whereby the two hungry gods Shachar and Shalim are fed by a "Good Samaritan," so to speak, here called "the watchman," who gives them bread and wine.[142] There is nothing that makes the event a New Year festival. The duration of seven years or eight revolutionary times may simply be an emphasis on the intensity of the famine.[143] Shachar and Shalim are in the desert for seven years. When they go out to hunt and as they look for an animal to kill they find themselves in a sown land where they are given bread and wine. What has the eating and drinking of Shachar and Shalim to do with the fertility cult?

Fertility Cult in Nude Female Figurines

The other source for the study of a fertility cult in Canaan is the large number of female nude figurines.[144] Some scholars are certain that these objects show that a fertility cult was practiced in Syro-Palestine, for example, at Ugarit.[145] Figurines were not only numerous, but they were also in existence since the early times in ancient Near East. For example, according to Moorey, miniature clay images of anthropomorphic, zoomorphic, and inanimate forms, which follow a tradition of image making amongst ordinary people, are evident in the Near East from the time of the earliest village settlements some ten thousand years ago.[146] They have been found in every major excavation in Palestine of MB to EI II and some even later than this period.[147] For Anati, the appearance of these figurines and other art objects is

an indication of increasing concern for sexuality, as seen in various cultures in Israel, in North Africa, as well as in Spain and Italy during Neolithic time.[148]

While the presence of nude female figurines in Syro-Palestine is not disputed, the role these figurines played in the lives of the communities where they were excavated is still uncertain. Were these objects used for worship? Did they promote prostitution? In other words, were these figurines depictions of prostitutes or goddesses? The general trend has been to associate any nude female figurine with a fertility cult, as Anati has criticized:

> It has been somehow customary to talk of "fertility cult" any time a figure is found which stimulates our association with sexual or erotic themes. The association may even emerge with a simple female figurine. This attitude was followed by several of the major advocates of a sort of "Universal" prehistoric religion focusing on the cult of the "Mother Goddess." Such attitude reaches conclusions that can hardly be proven, and has resulted in the collection of immense quantity of materials defined as "evidences" of fertility cults, out of which a very small percentage has clearly been determined as having this purpose.[149]

Both Moorey and Pritchard agree that it is possible for some of these figurines to have been used in fertility cult, even though they admit that there are problems in associating any figurine with the cult.[150] Moorey is of the opinion that although there were such images which did serve in public cults, the excavation of clay figurines in this region (Canaan, Israel, and Judah) is not necessarily any indication that the find had been a place of official or public worship. For Pritchard, some nude female figurines may have been used to promote fertility cult.[151] However, he argues that judging from the frequency of these figurines, they were property of private houses rather than merely confined to places connected exclusively with cult, a view that has not been seriously challenged by subsequent discoveries, according to Moorey.[152]

Pritchard does not reject completely the notion of prostitution in regard to these figurines. He observes, for example, that the Qadesh type of figurines was associated by its symbolism with a goddess, either as a representation of the lady herself, her courtesan, or a sacred harlot. While it is as yet impossible to associate the plaques definitively with Asherah, Ashtarte, or Anat, this does not warrant the dismissal of a working

hypothesis that the figure was in some way symbolic of a personage of the cult of a prominent goddess. However, Pritchard argues that whether it was the goddess herself, a prostitute of the cult of the goddess, or a talisman used in sympathetic magic to stimulate the reproductive process of nature remains an open question.[153]

The possibility of associating the figurines with fertility cult is further attested by Anati, who, on the one hand, maintains that occasionally the wish to increase procreation may be present, while, on the other hand, Anati argues that the fertility cult as an isolated element was apparently not a common trend.[154] Anati is of the opinion that Egypt, Mesopotamia, and other early centers of urban and literate civilization developed sophisticated ideologies and cults, in which the frequent erotic figurines may have in some cases been connected with the stimulation of fertility. However, the general trends seem to be those of commemorating and stimulating natural and supernatural forces of various kinds—mythical patriarchs, and matrons—and the search for attaining economic plenty, social security, military strength, beauty, and prestige.

The association of female nude figurines with fertility cult poses some problems. The figurines themselves are silent about who they are and their purpose, and scholars have to put meaning into them.[155] Some of the problems inherent in the study of nude female figurines have to do not only with their identity and the nature of the Ugaritic texts, but also the role of these figurines given that other figurines, for example, male and animals, were sometimes found in the same place with female figurines. If any female nude figurine is an object of worship, then how do we explain male figurines sometimes found together with female figurines? Are they, too, objects of fertility cult, or any other cult for that matter? How about animals, such as snakes and lions? What role do they play in this subject? Are they used for sacrificial purposes? Concerning the identity of these figurines we may ask, following Pritchard, to which goddess a figurine of a nude goddess corresponds.[156] Does it correspond to Asherah,[157] Ashtarte, or Anat, all of them, or none of them?

The issue of identifying nude female figurines has been clearly stated by Moorey and Sturat Fleming:[158] They maintain that:

> …so many books are now current illustrating such deities as Baal, El and Reshef by metal statuette, that the general reader, if not the scholar, is in grave danger of failing to appreciate that in no single case is the identity of such a statuette

> unequivocally established. As no Syro-Palestinian metal statuette has yet been found bearing an inscription naming the deity represented, nor any inscribed base for such a statuette, there is no direct means of knowing their precise identities.[159]

While Moorey and Fleming address the problems of identity of anthropomorphic metal statuettes, the same is true with nude female figurines due to an absence of literary evidence, as Caquot and Sznycer have shown.[160] Caqout and Sznycer, who have addressed Pritchard's question about which Ugaritic goddesses it was to whom the figurines of naked women holding a snake and a lotus flower and sometimes standing upright on a lion corresponded, maintain that these little figurines were found on Egyptian stelae and the goddess had the Semitic name of Kadshu, which may have meant that she was the eponymous goddess of Kadesh (ancient city on the Orontes River in western Syria). However, for Caqout and Sznycer, there are still other questions that are difficult to answer. They contend that an image that has been found, for example on gold pendants at Ras Shamra (Plates XVIIb, XVIIIb, XIXb), which is undoubtedly a representation of the feminine principle of sensual pleasure and fertility, represents neither Athirath, Anat, nor Athtart, since, judging by the texts, they were not characterized by nudity or animal emblems.[161] Moreover, as Handy has argued, the narratives cited to demonstrate that Anat was a goddess of fertility are all so broken as to be inconclusive about her role as a goddess.[162] Handy, concludes, therefore, that there is good reason to doubt the correlation between Anat's role and fertility, and some Ugaritic texts' description of the goddess and Baal copulating and perhaps even bearing offspring demonstrates only that the deities were represented in anthropomorphic fashion. It cannot be assumed that just because a goddess was sexually active, she was a fertility-goddess.[163]

In places where nude female figurines have been excavated, other finds including male figurines and animals have been found. Their presence in these places should serve as a caution not to overemphasize the cultic aspect of nude female figurines; after all, there is no evidence in the archaeological record for male and female pairs of figurines, as Moorey has noted.[164] Moorey has posed the following question: if Iron Age females are to be associated with goddesses, what then of the males? What also of the numerous zoomorphic terracottas and much rarer models of inanimate objects sometimes found together with the humanoid forms?[165] Concerning the animal figurines, Marchetti and Nigro maintain that it is uncertain

whether broken animal figurines were intended to be a substitute for sacrifices.[166]

The uncertainties in the understanding of female nude figurines has led Moorey to declare it an open question and that potential multiplicities of function and identity should still be more appropriate than fixed roles in any approach to the miniature clay images of Canaan, Israel, and Judah.[167] Pritchard is equally clear that we cannot know definitively the role of nude female figurines.[168] He argues for a multiplicity of meaning, as does Moorey above.

Adultery, Man-to-Man Union, and Bestiality

Literary sources about adultery are scarce in Ugarit. It is therefore difficult to discuss in detail the nature of this sin. However, we can tell from the story of the wife of king Amumistamru II of Ugarit that cases of adultery were severely punished. When she committed adultery, she was executed.[169] Avalos argues that it is difficult to assess the nature of laws concerning adultery from other areas of Syro-Palestine.[170]

The term *qdšm* is sometimes associated with male sacred prostitution. According to Selms, *qdšm* occurs several times in the Ugaritic texts, denoting some sort of sacral personalities ranking immediately after the priests (*khnm*).[171] The class of the *qdšm* was an important and esteemed one in Ugarit. The word does not, therefore, denote male prostitution. Consequently, we have not a single definite clue of this practice. However, Selms suggests that the monsters in buffalo-shapes which are coveted and desired by Baal, and which are described as masculine, are the objects of his homosexual lusts, but as the interpretation of the texts to which these lines belong is highly uncertain (cf. KTU 1.1 V), it seems better not to draw conclusions from this passage.

Some scholars have identified Ugaritic texts that allude to the existence of the practice of bestiality in Ugarit. Whether bestiality existed in ancient Ugarit depends on the interpretation of two Ugaritic texts, KTU 1.V.18–26 and KTU 1.10. We shall now examine these two texts, following Gibson's translation for the first text and Gordon's translation for the second text.

KTU 1.V.18–26
He loved a heifer in the pasture(s)

A cow in the fields by the shore of the realm of death;
He did lie with her seven and seventy times,
She allowed (him) to mount eight and eighty times;
And she conceived and gave birth to a boy.
[Mightiest] Baal did clothe him with [his robe]

In this text Baal loves a cow, and Anat allows him to mate with her. But the union between the two produces a son who is clothed with a robe by his father Baal.[172] The problem here is whether Baal mates with the heifer or the heifer should be equated with Anat. Albright, Pinch, and Kinet argue separately that Anat took the form of the heifer. For Albright, while she (Anath-Baal's virgin *batultu*) was in the form of a heifer, he raped her seventy-seven, even eighty-eight times.[173] According to Pinch, in Canaanite mythology, Anat and Baal mated in the forms of a cow and bull, while in Egypt Anat was called the "great cow of Seth."[174] In his discussion of KTU 1.10, Dirk Kinet compares it with KTU 1.V.18–26, and argues that the text looks back at the earlier myth in which the role of Baal in fertility and the sexual intercourse with a heifer is exposed.[175] However, he maintains that it is unclear the role that Anat plays, even though there is a possibility of Anat taking the form of a heifer.[176]

According to Gordon and Selms, copulation with animals actually took place in Ugarit. Gordon maintains that the people of Ugarit were undisturbed by this practice. It was no crime for men to copulate with animals in Ugarit. This is indicated by the fact that the favorite god Baal impregnated a heifer, a myth that may have been enacted ritually by reputable priests.[177] Selms finds that this cow is a servant of Anat, offered to him in order to produce offspring that might be regarded as of Anat herself, and this text is a good source for understanding the rite of fertilizing the herd by having sexual intercourse with cows.[178] Bestiality seems to have been a recognized practice not only in Ugarit, as our brief discussion about Ugaritic texts has shown, but also in the Hebrew Bible (cf. Lev 18:23), and HL (cf. §§187–188).

Critique of the Use of Mythology as Evidence of Human Practice

Our trajectory in search of the abominations of the Canaanites has focused wholly on the Ras Shamra texts and archaeological artifacts, those being the only sources of information on this subject outside the Hebrew Bible. We

considered mainly the Baal and Anat cycle. But how reliable are mythological texts as sources of information about the social institutions of the inhabitants of Ugarit? Are we assuming, for example, that the poems of the gods Shachar and Shalim directly reflect the values of the people of Ugarit?

The issues arising from the use of myths as a reflection of social values of a given society have occupied time and space of many scholars. Here we shall assess works that are directly related to the subject under discussion, that is, the use of Ugaritic myths for the purpose of understanding the social institutions of the inhabitants of Ugarit. We shall use the definition of myth from Pinch's work, as our guide.[179] According to Pinch, myths are stories about gods, sacred stories, stories to explain the world, or simply traditional stories that pass on collective knowledge or experience. Myths are a "disease of language," garbled memories of historical events, a mode of prelogical thought, expressions of the subconscious mind, symbolic descriptions of the natural world, or symbolic statements about the social order—or the spoken part of ritual.[180] Pinch has divided myths into three categories: (1) myth told for entertainment; (2) operative, iterative, or validatory myth (stories about things that may not have really happened, but the stories themselves are thought to have power to transform the real world); and (3) explanatory or speculative myth (etiological myths that explain the origins of objects, customs, or natural features, or complex myths that try to answer the questions that have always troubled humanity, such as why people die).

While Ugaritic mythology may encompass all of the above categories,[181] many scholars see them as stories about gods or sacred stories.[182] They, at the same time, regard them as stories that explain the ways of the world, as Gordon has noted:

> The texts include prose and poetry. The poems comprise mythological compositions about the gods, as well as legends whose main characters are human although the gods are constantly mingling with them and affecting their destiny.[183]

In terms of classification, however, Ugaritic myths are in the category of explanatory or speculative myth, that is, simple etiological myths.[184] Wyatt, argues that myths in Ugarit are used as the classic medium for representing and resolving such matters as problems arising in moral and political life: questions of identity and origins, of authority and ideology, and even of everyday matters like birth, puberty, marriage, sexual practices and death.[185]

Caqout and Sznycer express similar views. The parts played by the deities in the myths are clearly defined and constant. The images and epithets used to describe the members of the Ugaritic pantheon give life and color to these gods.[186] The information provided by myths is also borne out by the royal legends of Ugarit—stories that are told as if they were historical events, rather than as explanations for things or symbolic narratives such as the stories of Keret and the epic, and of Danel and Aqhat.[187] These legends contain an abundance of teaching of various kinds, above all social (about the function of the king), moral (about human behavior), and religious (about the behavior of the gods).[188]

From the perspective of religion, Gordon has shown that myth can be used in the attempt to induce well-being by sympathetic principles. For instance, Baal's triumph over Mot may have been invoked to bring on fertility for his devotees.[189] Caquot and Sznycer further explicate the value of Ugaritic myths in shedding light on the religion in Ugarit. For them, there is no doubt that what has come down to us in these texts is the official religion of the priests of Ugarit as manifested in the ceremonies that took place in the temples close to the acropolis in the presence of the king of Ugarit.[190] They even admit that we do not know of the religion of the ordinary people of Ugarit. In fact, for Caqout and Sznycer, the mythical kings Keret and Daniel were the royal ancestors:

> A tablet that was discovered accidentally in 1973 indicates this explanation. On this tablet, an appeal is made to the *rp'um*. At the end of the text, the reason for this appeal is made clear—the *rp'um* are asked to intervene and make the city of Ugarit and its last king, Ammurapi, prosperous. In addition to the "ancient *rp'um,"* as they are called in the text, the name Ammishtamru is also mentioned. The latter was one of Ammurapi's predecessors. This is clear evidence that a dead king of Ugarit had a place among the shades of the dead who were worshipped.[191]

Caqout and Szyncer have also found support for this explanation in the reference to an "ancestral god" at the beginning of several lists of deities. They contend that this is an indication that ancestors were worshipped at Ugarit. It is an expression of the belief that the royal ancestors who had been deified would protect their descendants and intervene so that the royal line would be perpetuated.[192] This view is in agreement with Handy's argument that the deities not only at Ugarit but in all the extant sources for Syro–Palestine are portrayed not as natural phenomena, but as anthropomorphic beings, and that the basis for the literary portrayal of gods in religious

mythology was the institution of the city-state,[193] in which the authors themselves lived.[194] Handy argues convincingly that it does not take a great leap of imagination to theorize that the divine method of governing the cosmos must have been analogous to the governing structure among the devotees.

However, Handy finds it difficult to reconcile this interpretation with the fact that there is no real evidence for such a close correspondence between the actions of human society and the portrayal of the activities of gods. Handy challenges the notion of myth as a reflection of reality. He argues that the actions ascribed to some of the deities in certain myths point to the fact that the authors were not attempting to display an ideal vision of reality. Furthermore, there is nothing in the mythological narratives that would support a theory that the authors were attempting through the myths to legitimate the current structure of their human society by idealizing it in a divine realm.

Distinguishing between what the texts are saying, on the one hand, and what the interpreters of these texts are saying, on the other, as Handy has done, is important. We mentioned earlier during our discussion of nude female figurines that since they are silent about their identity and purpose, scholars have to speculate about their meaning. Here, we have another situation in which scholars, following Handy, appear to give meaning to silent Ugaritic texts. Parker somewhat address this problem.[195] According to him, the value of narrative poetry for the study of Ugaritic society and religion contrasts the socio-cultural world in the poems and the socio-cultural world of Ugarit. In other words, is the literary work a true reflection of the moral code held or followed by members of a society? Parker observes that there is a lack of detailed sources about the behavior and views of the inhabitants of Ugarit. This has caused writers to assume that the two poems *Keret* and *Aqhat*, for example, directly reflect the values of their society. Therefore, both poems (and others) have been forced to yield essentially similar values, such as those of sacral kingship, or of the religious renewal of fertility.[196] He therefore concludes that the common values thusly represented are those of the contemporary society.

For Parker, to assume that narratives are descriptive—if not of history, then at least of institution, habits, values—is to make a categorical mistake.[197] He maintains that literature most directly represents literary values. Moreover, if literature is also a social phenomenon, with a place and

a role in social life, that place and role cannot confidently be read directly from the subject of the literature itself. However, Parker admits that while the poems as wholes are not sources of information about the social institutions of Ugarit, there are parts of them that could be correlated with particular social experiences and events. From similarity of form and setting of certain speeches and utterances appearing not only in Ugaritic poems but also in biblical and other ancient Near Eastern sources, he further argues that similarities are to be attributed not to literary continuity or influence (as "mental literary construct," "a people's experience and mediation of their mental world"), but to common social origins.[198]

The "myth and ritual school," pointed out by Nussbaum, expresses another problem related to the use of myths.[199] This school of thought maintains that many of the actions attributed to the gods of the Canaanite myths reflect acts performed by Canaanites as part of their religious ritual at seasonal celebrations. But Handy rejects the equation of mythological narratives with cultic ritual, especially of the fertility cult, which was thought to have permeated the whole of the ancient Near East and was discernible in the fragmented sources from "Canaan" as well.[200] This is because the possibility of finding such a pattern in the texts of Ugarit is observed to be at best dubious, casting doubt on the association of mythological narratives with cultic ritual on the larger area of Syro-Palestine as well.

Conclusion

Our main concern in this chapter has been the investigation of the reasons that the abominations of the Canaanites are stigmatized by both scholars and also the Hebrew Bible. We focused basically on the Ugaritic literature and archaeological artifacts as our primary sources. However, our efforts to reach a clear understanding of the issues at stake were frustrated throughout this discussion not only by the uncertainty created by different scholars, who apparently seem to be divided on almost every aspect of this study in their efforts to give meaning to these sources, but also on the mythological nature of our sources. Nonetheless, a careful assessment of different views suggested by different scholars and voices from the silent Ugaritic mythological texts reveals certain facts which have given us a glimpse into the lives of the Canaanites as reflected in Ugaritic literature and also figurines.

A dissenting scholarly view contends that there is no real evidence for a close correspondence between the actions of human society and the portrayal of the activities of gods as depicted in these myths. However, there is another view, which seem to dominate the discussion. This is the view that, while these myths are stories about gods or sacred stories, they are at the same time stories that explain the ways of the real world of Ugarit. Brunner-Traut shows that this was also the case with Egyptian mythology in which the succession in government from Osiris to his son Horus became the primordial image of royal succession.[201]

Problems with regard to identity have characterized this study throughout: the identity of the Canaanites, the identity of the Canaanites' gods as seen in the Ugaritic texts and finally the identity of the nude female figurines. The question of identity of the Canaanites is complex since we do not have sufficient records from Canaanite sources. This problem was further compounded by the lack of any clear trace of ancient distinguishing feature of the Canaanites, separate culture or history, a central city, deity, or imperial rule. Concerning the distinction between the Canaanites and the inhabitants of Ugarit, we considered these groups as related and contemporary, and that they shared a common culture and religion. Furthermore, while the Canaanites had their indigenous gods, they also worshipped the gods of the Akkadians and Hurrians. All in all, the religion of the inhabitants of Ugarit was identical with the religion of the Northwestern Semites throughout Palestine and Syria—and to some extent in Egypt and Mesopotamia, where the worship of Baal, Anat, and Asherah/Astarte was practiced in one form or another.

Finally, the figurines and their purpose cannot be determined definitively. There is confusion about the descent of Baal, who is implicated in incestuous union with his sisters Anat and Astarte. The case of bestiality involving Baal and a heifer is problematic; since the cow could symbolize Anat herself. Concerning the role played by the Ugaritic gods and the nude female figurines in incest, prostitution, fertility cult, bestiality, and homosexuality, the prevailing views overwhelmingly have indicated that the people of Ugarit—Syro-Palestine, for that matter—were not exceptionally licentious.

Notes

1 See for example Kellogg, *Leviticus*; Ross, *Holiness to the Lord*; Noth, *Leviticus*; Porter, *Leviticus*, and so on. Gray has remarked that with indignation and broad generalization that the abominations of the Canaanites are stigmatized by Hebrew prophets, reformers, and editors of the Hebrew Bible (*Canaanites,* 15). See also Wenham, *Genesis*, 201. For Michael D. Coogan, the Bible contains many direct references to Canaanite religious practices and ideology and is thus presumably distorted (*Stories from Ancient Canaan* [Philadelphia: Westminster, 1978], 19).

2 Gray, *Canaanites*, 15.

3 Coogan, *Stories from Ancient Canaan,* 19.

4 Caquot, *Mythes et Légendes*, 33. The use of Ugaritic mythology and its significance and limitations as a source of information for this study will be discussed later in this chapter.

5 Charles Virolleaud, *La Légende de Keret, Roi des Sidoniens, publiée d'apres une tablette de Ras-Shamra* (Haut-commissariat de la République française en Syrie et au Libau Service des antiquités Bibliothèque archaeologique et historique 22. Paris: P. Geuthner, 1936); *La Déesse Anat* (Mission de Ras Shamra 4. Paris: P. Geuthner, 1938).

6 J.C.L. Gibson, *Canaanite Myths and Legends,* 2nd ed. (Old Testament Studies; Edinburgh: Clark, 1978), v.

7 Cyrus H. Gordon, *Ugaritic Literature: A Comprehensive Translation of the Poetic and Prose Texts* (Scripta Pontificii Instituti Biblici 98; Rome: Pontificium Institutum Biblicum, 1949), 9; H.L. Ginsberg, trans., "Ugaritic Myths, Epics, and Legends," in *Ancient Near Eastern Texts: Relating to the Old Testament*, ed. James B. Pritchard, trans. and annotated by W.F. Albright and others; 3rd ed. (Princeton, NJ: Princeton University Press, 1969), 129–155; and Gibson, *Myths and Legends.*

8 Ginsberg, "Epics and Legends"; and Gordon, *Ugaritic Literature.*

9 Gordon, *Ugaritic Literature,* 9.

10 The administrative documents deal with taxation, conscription, statistics, professional guilds, land ownership, rations, wages, and other aspects of public and private life. For more details, see Gordon, *Ugaritic Literature*, ix.

11 Gibson, *Myths and Legends.*

12 Stolz, "Ugaritischen Ba'alsmythos," 83.

13 See Gibson, *Myths and Legends*, 1.

14 Adrian van Selms has commented that it is not possible to assign an exact date to these documents, though they probably date from the fourteenth century (*Marriage & Family Life in Ugaritic Literature* [Pretoria Oriental Series 1; London: Luzac, 1954], 9).

15 Caquot and Sznycer, *Ugaritic Religion,* 4.

16 Gordon, *Ugaritic Literature*, ix.

17 Gray, *Canaanites*, 109.

18 Edmond Jacob, *Ras Shamra-Ugarit L'Ancien Testament* (Cahiers d'archaelogie biblique 12; Neuchatel: Éditions Delachaux et Niestlé, 1960), 21. See Caqout, *Mythes et Légendes*, 27.

19 See Gray, *Canaanites,* 109; and Juan-Pablo Vita, "The Society of Ugarit," in *Handbook of Ugaritic Studies*, ed. Wilfred G.E. Watson and Nicolas Wyatt (Handbuch der Orientalistik, Erste Abteilung, Nehe und der Mittlere Osten 39; Leiden: E.J. Brill, 1999), 455–468.

[20] Vita, "Society of Ugarit," 455. The number of the villages of the kingdom where the peasants lived was about 200, according to Michael Heltzer, *The Rural community in Ancient Ugarit* (Wiesbaden: Reichert, 1976), 6.

[21] Ibid., 456.

[22] Caquot and Sznycer, *Ugaritic Religion,* 5. See also Heltzer, *Rural community,* 1. For more information about the Sea-Peoples, see Mendenhall, *The Tenth Generation: The Origins of the Biblical Tradition* (Baltimore: John Hopkins Press, 1973), 142–173. The term "Sea-People," according to Mendehall, originated from ancient Egyptian texts that describe and name the various tribes of the confederation that swept down from Anatolia and northern Syria. There is growing archaeological evidence that point to a rapid increase in the population density of Transjordan, especially during the Early Iron Age, and the same is probably true for Palestine. See also Kapelrud, *Ras Shamra Discoveries,* 9. Kapelrud says that the Sea-People who destroyed the kingdom of Ugarit probably came from the islands of the Mediterranean or from Asia Minor and swept along the coast leaving the land scorched and devastated, and its inhabitants slaughtered.

[23] Nicholas Wyatt, "The Religion of Ugarit: An Overview," in *Handbook of Ugaritic Studies,* eds. Winfred G.E. Watson and Nicholas Wyatt (Handbuch der Orientalistik, Erste Abteilung, Nahe und der Mittlere Osten 39; Leiden: E. J. Brill, 1999), 329. Wyatt has observed that the city of Ugarit has yielded texts in a number of languages. It is probable that people speaking Akkadian, Cypro-Minoan, Egyptian, Hittite, Hurrian, Ugaritic, and possibly other languages were resident in the city and its environs.

[24] Dennis Pardee, "Ugaritic Studies at the End of the 20th Century," *BSOR* 320 (2000): 55.

[25] Caquot and Sznycer, *Ugaritic Religion*, 5.

[26] See Van Seters, "The Terms 'Amorite' and the 'Hittite' in the Old Testament," *VT 22* (1972): 72.

[27] The term *kinaḫḫu* means reddish, purple, and later it became a designation for the Phoenician merchants or traders. Canaan and Canaanites seem to designate a region and its inhabitants. For more details, see Gottwald, *Tribes of Yahweh*, 499.

[28] According to Vita, the inhabitants of the kingdom belonged to different social classes. The society was very structured; on the lowest rungs of the social ladder there were a certain number of servants, slave, and fugitives. The king was the head of state, at the pinnacle of the political, administrative, and religious systems of the kingdom ("Society of Ugarit," 464, and 468).

[29] For a detailed discussion on the Deuteronomic understanding of the original inhabitants of Canaan and their character, see Cornelis Houtman, "Der ursprünglichen Bewohner des Landes Kanaan im Deuteronomium Sinn und Absicht der Beschreibung ihrer Identität und ihres Charakters," *VT* 52, no. 1 (2002): 51–64.

[30] Allan R. Millard, "The Canaanites," in *Peoples of the Old Testament World*, eds. Alfred J. Hoperth, Gerald L. Mattingly, and Edwin M. Yamauchi (Oxford: Clarendon Press, 1975), 29. See also Alfred Haldar, *Who were the Amorites?* (Monographs on the Ancient Near East 1; Leiden: E.J. Brill, 1971), 27.

[31] Albright, *Gods of Canaan,* 116.

[32] In the LB (c. 1430/1420–1200 B.C.E.), Ugarit was under Hittite control. For example, after the battle between Egyptian armies led by Rameses II and the Hittite armies led by Hattusilis III at Qadesh (c.1289–1265 B.C.E.) the line separating Egypt from Hittites was drawn at a point above Byblos, on the Mediterranean coast north of Sidon. For more details, see Martin Sicker, *The Rise and Fall of the Ancient Israelite State* (Westport, CT: Praeger, 2003), 35–39; Knapp, *Asia and Egypt,* 193–194; Kuhrt, *Ancient Near East,* 250–282.

[33] Heltzer, *Ancient Ugarit*, 5. For more details, see also Niels Peter Lemche, *The Israelites in History and Tradition* (Library of Ancient Israel; London: SPCK, 1998), 128.

[34] Millard, "Canaanites," 35–36.

[35] Anton Jirku, *Der Mythus der Kanaanäer* (Bonn: Habelt, 1966), 10. Jirku's conclusion is based on Isa 19:18, where "the language of Canaan," is mentioned. Mendenhall seems to share similar views in his discussion about ethnic diversity. He argues that rather than an amalgam of discrete ethnic groups, each associated with a distinct geographical center or homeland, the Near East was an ethnic melting pot in the centuries prior to Moses (*Ancient Israel's faith and History: An Introduction to the Bible in Context*, ed. Gary A. Herion [Louisville: Westminster John Knox Press, 2001], 11). Albright has grouped these dialects into three chief dialects: North Canaanite (Ugaritic), South Canaanite (Amarna), and Egyptian Canaanite (Proto-Sinaitic); (*Gods of Canaan,* 115). See for example, John J. Bimson, "The Origins of Israel in Canaan: An Examination of Recent Theories," *Themelios* 15, no. 1 (October 1989): 4–15; Mendenhall, "The Hebrew Conquest of Palestine," *BA* 25, no. 3 (1962): 66–87. See also Lemche, *History and Traditions*, 128–129.

[36] Houtman, "ursprünglichen Bewohner des Landes Kanaan," 52.

[37] Lemche, *History and Traditions,* 128–129. Lemche has further noted that the first Canaanites who are known to have accepted themselves as being Canaanites were North African peasants of Punic origin in Tunisia in the days of Augustine of Hippo. The reason that they considered themselves to be Canaanites was probably the foundation myth of the pre-Roman Carthaginian society that Tyrian immigrants founded.

[38] Ibid., ix.

[39] Mendenhall, "Hebrew Conquest," 73.

[40] See also Van Seters, "Amorite and Hittite," 72.

[41] Georges Roux, *Ancient Iraq* (London: Allen and Unwin, 1992), 175–176.

[42] Ibid., 80.

[43] Van Seters, "Amorite and Hittite," 65.

[44] Roux, *Ancient Iraq,* 80.

[45] L'Heureux, *Rank Among the Gods,* 95.

[46] Ibid., 95.

[47] Van Seters also says that from the early second millennium B.C.E. onward, the whole of the Fertile Crescent from Iraq to Syro-Palestine was dominated by a rather homogeneous and advanced urban civilization of West-Semitic peoples, the Amorites. However, the view that during the transition from EB to MB the Canaanite cities of EB were destroyed by the Amorites who adopted major features of the Canaanite culture and merged in part with the remnant Canaanite population is problematic ("Amorite and Hittite," 64). See also L'Heureux, *Rank Among the Gods*, 97–98; Amihai Mazar, *Archaeology of the Land of the Bible, 10,000–586 B.C.E.* (Anchor Bible Reference Library; New York: Doubleday, 1990), 189; Roux, *Ancient Iraq,* 72; and Mendenhall, *Tenth Generation,* 148.

[48] Walter Rast, *Through the Ages in Palestinian Archaeology: An Introductory Handbook* (Philadelphia: Trinity Press International, 1992), 83–85.

[49] Ibid., 85.

[50] L'Heureux, *Rank among the Gods*, 49. Millard has pointed out that Egyptian texts from the beginning of the second millennium B.C.E. refer to Palestine and southern Syria as Retenu and its inhabitants chiefly as 'Asiatics." Furthermore, a text of Amenophis II contains the earliest passage, listing 640 Canaanite captives. But the term Canaanite could mean "merchant" at that time, that is, individuals wealthy enough to be classed

with princes, the ethnic application being a development from it ("Canaanites," 30, and 32).

51 L'Heureux, ibid., 49.

52 Millard, "Canaanites," 35. L'Heureux rejects the view that the Semites whose names are similar to those of the Amorites found in Mesopotamia arrived in Palestine at the end of EB or at the beginning of MB because the names could belong to the earliest Semites in Palestine. The names of cities that existed during the third millennium are clearly Semitic (*Rank among the Gods*, 95). See also Albright, *Gods of Canaan*, 111.

53 M. Liverani, "The Amorites," in *Peoples of the Old Testament World*, ed. Alfred J. Hoerth, Gerald L. Mattingly, and Edwin M. Yamauchi (Grand Rapids, MI: Baker Books, 1994), 102.

54 Haldar, *Amorites*, 27.

55 Ibid., 2.

56 Albright, *Gods of Canaan,* 53–109.

57 See Abraham Malamat, *History of Biblical Israel, Major Problems with Minor Issues* (Culture and History of the Ancient Near East 7; Leiden: E.J. Brill, 2001), 20; and Mazar, *Archaeology,* 330.

58 Malamat, *Biblical Israel*, 20. See also Mazar, *Archaeology,* 330.

59 Albright, *Gods of Canaan*, 143. See also Coogan, *Ancient Canaan*, 11–18.

60 Albright, *Gods of Canaan*, 143.

61 Ibid., 4.

62 Ibid., 116. He argues that differences are mostly due to admixture of linguistic elements, Hurrian, Akkadian, and so on. See also Antony Kamm, *The Israelites, An Introduction* (London: Routledge, 1999), 25–28.

63 See also Mendenhall, *Tenth Generation*, 151.

64 Lowell K. Handy, *Among the Host of Heaven: The Syro-Palestinian Pantheon as Bureaucracy* (Winona Lake, IN: Eisenbrauns, 1994), 102.

65 Handy, ibid.

66 Pinch, *Egyptian Mythology*, 108.

67 Ibid., 100.

68 Kapelrud, *Ras Shamra Discoveries,* 9. Gray has pointed out that the influence of Mesopotamia is reflected in Sumerian seal-impressions on pottery at Megiddo in the fourth millennium and at Ras Shamra (*Canaanites,* 25).

69 Gordon, *Ugaritic Literature*, x.

70 Ibid., x.

71 John Bright, A *History of Israel,* 3rd ed. (Philadelphia: Westminster Press, 1981), 49.

72 Ibid., 55.

73 Mendenhall, *Faith and History,* 10.

74 Mazar, *Archaeology,* 189.

75 M. Wright, "Contacts between Egypt and Syro-Palestine during the Old Kingdom," *BibArch* 51 (1988): 143–161. See also Kapelrud, *Ras Shamra Discoveries*, 6. According to Kapelrud, during this period the Egyptians established a base at Byblos. There, they had a colony with Egyptian temple, and their cultural influence was appreciable.

76 Wright, "Egypt and Syro-Palestine," 157. Gray observes that other third millennium sites with Egyptians' influence include Ras Shamra, Megiddo, and Ai near Bethel (*Canaanites*, 26).

77 Wright, ibid., 143–161.

78 Mazar, *Archaeology,* 185.

79 Ibid., 184.

[80] Ibid., 186.
[81] Ibid., 187.
[82] See Gray, *Canaanites,* 33.
[83] Ibid., 37. See Donald B. Redford, *Egypt and Canaan in the New Kingdom*, ed. Shmuel Aḥituv (Be'erSheva' 4; Beer-Sheva: Ben-Gurion University of the Negev Press, 1990), 38–39.
[84] Wright, *Egypt and Syro-Palestine,* 156. See also Mazar, *Archaeology*, 185.
[85] Mendenhall, *Faith and History,* 11.
[86] Gray, *Canaanites*, 52.
[87] Selms, *Marriage and Family Life,* 10.
[88] Ibid., 10.
[89] Hector Avalos, "Legal and Social Institutions in Canaan and Ancient Israel," in Civilizations *of the Ancient Near East*, ed. Jack M. Sasson (Peabody, MA: Hendrickson Publishers, 2000), 615.
[90] See also Hans Gustav Güterbock, "Hethitische Literatur," in *Perspectives on The Hittite Civilization: Selected Writings of Hans Gustav Güterbock*, ed. Harry A. Hoffner (Assyriological Studies 26; Chicago, IL: Oriental Institute of the University of Chicago, 1997), 28. Güterbock has shown that both Canaanite and Babylonian literature served as primary sources for some of the Hittite mythology.
[91] Selms, *Marriage and Family*, 9.
[92] Ibid., 11. Selms argues that drawing conclusions from the use of epics to actual human relationships has often been applied to other literatures. One may mention especially the comparison between the family right as reflected in the story of Abraham and §§146, 170, and 171 of the Hammurabi Code. A still more exact parallel is the comparison between Israel's marriage laws and the similes used by Hosea and Jeremiah in describing YHWH's marriage with Israel.
[93] Selms, *Marriage and Family*, 113. He says that the same remark applies to Biblical Hebrew and probably also Babylonian. Only concrete cases wherein this man takes that woman as his spouse are visualized.
[94] Gordon, *Ugaritic Literature*, 126–127.
[95] Ibid., 31.
[96] Ibid., 63.
[97] Selms, *Marriage and Family*, 113.
[98] Gibson, *Myths and Legends,* 26–27.
[99] Ibid., 26–27.
[100] The Ugaritic legend of Keret is reflected in the Hebrew Bible. The same name, Keret, is found, but there two names are found which are connected to that of Keret: the adj. *Kerety* and the name of the people *Karetym* (cf. 1 Sam 30:14; Ezek 25:16); (Virolleaud, *Légende de Keret*, 8–10).
[101] Gordon, *Ugaritic Literature*, 7.
[102] Selms, *Marriage and Family,* 69.
[103] Gordon argues that the marriage of half-siblings, provided they had different mothers, was tolerated by the Hebrews not only in the days of the Patriarch Abraham (Gen 20:12), but at least as late as Davidic times (2 Sam 13;), although the Biblical legislation that became binding for Judaism outlawed it (Lev 18:9; Deut 27:22); (*Ugaritic Literature*, 7).
[104] Selms, *Marriage and Family*, 69.
[105] Ginsberg, "Epics and Legends," 137.
[106] Albright, *Gods of Canaan,* 135.
[107] The issues arising from fertility will be discussed later in this chapter.

[108] Coogan, *Ancient Canaan,* 12–13.

[109] Pinch, *Egyptian Mythology*, 2002, 102.

[110] Ulf Oldenburg, *The Conflict Between El and Baal in Canaanite Religion* (Dissertation ad Historiam Religionum Pertinences 3; Leiden: E.J. Brill, 1969), 46. El is Baal's father in KTU 1.3V.35; 1.4.IV.47, while Dagan is Baal's father in KTU 1.2.1.18–19; 1.5VI.23–24.

[111] Oldenburg, *Conflict Between El and Baal,* 46. According to John Day, Dagon or Dagan is sometimes described as the father of Baal in the Ugaritic texts. He seems to have had something of the nature of a weather and fertility god like his son, and he was the chief god of the Philistines (Judg 16:23; 1 Sam 5:1–7, 31:10; 1 Char 10:10); (*Yahweh and the Gods and Goddesses of Canaan* [Journal for the Study of the Old Testament Supplement Series 265; Sheffield: Sheffield Academic Press, 2000], 85 and 88). Day further observes that there is considerable evidence in Mesopotamian sources that Dagon, or Dagan, as he originally was, was equated with Enlil, who was both a high god and one associated with the storm.

[112] Oldenburg, *Canaanite Religion*, 100.

[113] See also "her brother" and "my brother" in the story of Keret in Ginsberg, "Epics and Legends," 147.

[114] According to Selms, the word "virgin" is a regular epithet for Anat and denotes only her youth and not her innocence (*Marriage and Family,* 69).

[115] See also "The Song of Isis and Nephthys" dating from before 311 B.C. Nussbaum maintains that "brother" and "sister" may simply be poetic metaphor ("Portrayal of Canaanites," 37).

[116] Heltzer, *Ancient Ugarit.* See also Selms, *Marriage and Family*; Wyatt, "Religion of Ugarit," 567–584, in the section entitled "Family life and its Religious expression." Bendt Alster has noted that common to a number of Sumerian love lyrics is that the lover and the girl address each other as "brother" and "sister," and that the same phenomenon can be observed in Egyptian love songs ("Marriage and Love in the Sumerian Love Songs," in *The Tablet and the Scroll: Near Eastern Studies in Honor of William W. Hallo*, ed. Mark E. Cohen, Daniel C. Snell, and David B. Weisberg [Bethesda, MD: CDL Press, 1993], 17).

[117] See also Heltzer, *Ancient Ugarit,* 177–186; Vita, "Society of Ugarit," 475–484, for example, the section under "marriage."

[118] Heltzer has done a demographic survey of the population of the rural communities of Ugarit (*Ancient Ugarit,* 103–112).

[119] Nussbaum, "Portrayal of Canaanites," 37.

[120] Ibid, 37. Nussbaum has identified a form of incest involving Baal and his daughter. In certain texts in the Baal and Anath cycle it is not as clear what the exact relationship of the goddess *tyl'rsy* and *pdry* to Baal, but it may also have included sexual intercourse between a father and daughter.

[121] David R. Tasker, *Ancient Near Eastern Literature and the Hebrew Scriptures about the Fatherhood of God* (Studies in Biblical Literature 69; New York: Peter Lang, 2004), 57.

[122] See Albright has noted that while Baal was closely associated with two other goddesses, Anat and Asherah, the relations between him and the goddesses were very complex (*Gods of Canaan,* 135).

[123] Gray, *Canaanites*, 15.

[124] See Edwin M. Yamauchi, "Cultic Prostitution, A Case Study in Cultural Diffusion," in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Sixty-fifth Birthday*,

ed. H.A. Hoffner (Alter Orient und Altes Testament 22; Neukirchen-Vluyn: Neukirchener, 1973), 213.

125 Selms, *Marriage and Family*, 80. See Yamauchi, "Cultic Prostitution," 213.

126 Yamauchi, "Cultic Prostitution," 219.

127 Ibid., 219.

128 See Emmanuel Anati, "The Question of Fertility Cults," in *Archaeology and Fertility Cult in the Ancient Mediterranean, Papers Presented at the first International Conference on Archaeology of the Ancient Mediterranean, University of Malta, 2–5 September 1985*, ed. Anthony Bonanno (Amsterdam: B.R. Grüner, 1986), 2.

129 Caquot and Sznycer, *Ugaritic Religion*, 9.

130 Stanislav Segert, "An Ugaritic Text Related to the Fertility Cult (KTU 1.23)," in *Archaeology and Fertility Cult in the Ancient Mediterranean: Papers Presented at the first International Conference on Archaeology of the Ancient Mediterranean, University of Malta, 2–5 September 1985, ed.* Anthony Bonanno (Amsterdam: B.R. Grüner, 1986), 219.

131 For Gibson, this poem is written in a single column on both sides of the tablet KTU 1.23. Apart from patches where the script is rubbed or partly effaced, the tablet is in good condition. The difficulty of interpreting the text lies not so much in the state of the tablet as in the form and nature of its subject-matter (*Myths and Legends*, 28).

132 According to Gibson, there are other meanings that could be derived from this text (*Myths and Legends*, 29. The mythological sections are capable of being regarded as extracts from a transparent theogony or explanation of how and why the gods came into existence; the malevolent power of death is summarily removed (we may compare the manner of Mot's demise at the hands of Anat in 6 ii 30ff.), thus making it possible for El, the progenitor of the gods, to father divine offspring on two women (who, as the hymns cited in the text suggest, may represent the goddess Athirat and Anat).

133 Segert, "Fertility Cult," 221.

134 Ibid., 219.

135 Ibid., 221.

136 Segert is referring to the conception of the two wives of El by kissing and embracing (cf. line 51).

137 See C.E. Lipiński, "Fertility Cult in Ancient Ugarit," in *Archaeology and Fertility Cult in The Ancient Mediterranean: Papers Presented at the first International Conference on Archaeology of the Ancient Mediterranean, University of Malta, 2–5 September 1985*, ed. Anthony Bonanno (Amsterdam: B.R. Grüner, 1985), 212.

138 Segert, "Fertility Cult," 218–219.

139 Anati, "Fertility Cult," 2.

140 Yamauchi, "Cultic Prostitution," 219.

141 See also Anati, "Fertility Cult," 2.

142 Gibson, *Myths and Legends*, 29.

143 For the use of the numbers "seven and seventy times" and "eight and eighty times," see KTU 1.V.18–26. Here, Baal loves a cow, and Anat allows him to lie with her "seven and seventy times" and "eight and eighty times."

144 See also Pritchard, *The Ancient Near East in Pictures, Relating to the Old Testament* (Princeton, NJ: Princeton University Press, 1969), 160–165; and P.R.S. Moorey, *Idols of the People, Miniature Images of Clay in the Ancient Near East* (Oxford: Oxford University Press, 2003), 1.

145 See Kapelrud, *Ras Shamra,* 13.

146 Moorey, *Idols of the People*, 1.

147 Pritchard, *Palestinian Figurines in Relation to Certain Goddesses Known Through Literature* (American Oriental Series 24; New Haven, CT: American Oriental Society, 1943), 87. See also Gray, *Canaanites,* 75; For Caquot and Sznycer, Minet El-Beida and Ras Shamra have also provided many examples of religious iconography (*Ugaritic Religion*, 20).

148 Anati, "Fertility Cult," 9.

149 Ibid., 9.

150 Moorey, *Idols of the People*, 2; Pritchard, *Palestinian Figurines*, 87.

151 Day says that the connection of Ashera with the lion makes it natural to suppose that the naked female is goddess Ashera. Further evidence that might support the equation of the Asherim with stylized tree comes from Pella in Transjordan. Here, two cult stands were fairly recently discovered, dated to about the tenth century B.C.E. One has depictions of two nude goddesses standing on a lion's head (cf. the lion as a symbol of Qudshu=Asherah), and the other has stylized trees on its sides. Cumulatively, therefore, there is considerable evidence to suggest that the goddess Asherah could be symbolized by a stylized tree (G*ods and Goddesses*, 56–57). Nicolò Marchetti and Lorenzo Nigro have pointed out that the presence of many complete female figurines in the *favissae* of Ishtar support an interpretation for the naked female type in relation to the fertility aspects connected to the cult of the great goddess ("Cultic Activities in the Sacred Area of Ishtar at Ebla During the Old Syrian Period: The *Favissae* F.5327 and F.5238," *JCS* 49 (1997): 22).

152 Moorey, *Idols of the People,* 2.

153 Pritchard, *Palestinian Figurines*, 87.

154 Anati, "Fertility Cult," 9.

155 Joan G. Westenholz remarks that the available evidence for the investigation of religion in the ancient Near East does not actually "speak" to us; inevitably, we impose our own cultural preconceptions and interpretations on the surviving text and artifacts ("Goddesses of the Ancient Nears East 3000–1000 B.C.E.," in *Ancient Goddesses: The Myths and the Evidence*, ed. Lucy Goodison and Christine Morris [Madison, WI: The University of Wisconsin Press, 1998], 63).

156 See also Pritchard, *Palestinian Figurines,* 3.

157 For Judith M. Hadley, scholarly opinion differs widely concerning the identification of Asherah, but it can be broken down into two general categories: first, that the term "asherah" in the Hebrew Bible did not refer to a goddess at all, but described solely an object (either some type of wooden image, a sanctuary, a grove or a living tree); and second, that "asherah" could indicate both a wooden image and the name of specific goddess (*The Cult of Asherah in Ancient Israel and Judah* [University of Cambridge Oriental Publications 57; Cambridge: Cambridge University Press, 2000], 4).

158 Moorey and Stuart Fleming, "Problems in the Study of the Anthropomorphic Metal Statuary from Syro-Palestine before 330 B.C.E.," *Levant* 16 (1984): 67–90.

159 Moorey and Fleming, "Anthropomorphic Metal Statuary," 79.

160 Caqout and Sznycer, *Ugaritic Religion*, 20.

161 Ibid.

162 Handy, *Syro-Palestinian Pantheon,* 9.

163 Ibid., 9.

164 According to Moorey, if the male and female images are considered together, plausible arguments may be advanced for regarding both as votive figurines in human form rather than as anthropomorphic images of deities. There is at present no compelling argument in the case of the male-riders (*Idols of the People*, 63).

165 Ibid. 48.

166 Marchetti and Nigro, "Cultic Activities," 24. It is no easier to establish a mythological significance for them (domestic ruminants), either individually or collectively. Animal names were certainly used for Canaanite and Israelite deities and doves were traditionally associated with goddess of love. Bull imagery was used for Baal, El, and YHWH; lion imagery for Ashera, Astarte and Anat, and also YHWH (Moorey, *Idols of the People*, 64).

167 Moorey, *Idols of the People,* 68.

168 Pritchard, *Palestinian Figurines, 3.*

169 See Heltzer, *Kingdom of Ugarit,* 184.

170 Avalos, *Canaan and Ancient Israel*, 629.

171 Selms, *Marriage and Family,* 80–81.

172 Selms gives another alternative interpretation of the text. It is true that Baal's partner in this love affair is described as a cow, but this cow is able to embrace her young one, to weep, and to speak. Her young one is called a bull and a buffalo, yet not only El, but also the principal subjects of Krt are called bulls. So it may be that when Baal loves a cow the cow is thought of a more or less human shape, or, conversely, Baal may be imagined with certain features (especially the horns) of a bull (*Marriage and Family*, 81–82). For Caquot and Sznycer, Baal wishes to have an heir before he dies. He therefore fertilizes the cow before he goes back to his throne (U*garitic Religion*, 248 and 277).

173 Albright, *Gods of Canaan,* 128.

174 Pinch, *Egyptian Mythology: A Guide to the Gods, Goddesses, and Traditions of Ancient Egypt* (Oxford: Oxford University Press, 2002), 102. See also Nussbaum, "Portrayal of Canaanites," 36.

175 Dirk Kinet, Ugarit-Geschichte und Kultur einer Stadt in der Umwelt des Alten Testamentes (Stuttgarter Bibelstudien 104; Stuttgart: Verlag Katholisches Biblelwerk, 1981), 84.

176 Ibid., 84.

177 According to Gordon, the Hebrew Bible tells us that the Hebrew's pagan neighbors practiced bestiality (Lev 18:24), as we now know to be literally true from the Ugaritic documents. All this implies that if we discuss Hebrew criminology, we should include bestiality, for in Hebrew society it was a crime (*Ugaritic Literature,* 8).

178 Selms, *Marriage and Family*, 82.

179 Pinch, *Egyptian Mythology*, 1–2.

180 Ibid., 1-2.

181 See also Pinch, *Egyptian Mythology*, 1–2. In regard to the Egyptian myths, she argues that as theories to explain the whole of world mythology, these interpretations all have flaws, but each of them is applicable to some Egyptian myths. See also Caqout and Sznycer, *Ugaritic Religion*, 11; and Güterbock, "Hethitische Literatur," 27. In his discussion about Hittite mythology, for example, Güterbock has shown that myth gets its meaning in the understanding that, as it seeks to explain the origin of the world, the person who is taking the action is God, and the theme is creation, theogony, order of the generation of gods, the flood, and so on.

182 According to Jirku, myth in Ugarit is a report from the life of gods generally in poetic form and heavily colored with the color of human life (*Mythus der Kanaanäer,* 10).

183 Gordon, *Ugaritic Literature*, ix. See also Selms, *Marriage and Family,* 6. For Selms, the life of gods and mythical heroes as depicted in the epical texts is on the whole a reflection of human life as known to the poets of Ugarit.

184 Jensen, *Myth and Cult,* 69. For Jensen, in myths which we regard as the true expression of mythic experience, the nature of the world is clarified, brought to life, and made vivid in very singular ways. Implicitly or explicitly, all events take place in a primeval setting. See also Brunner-Traut, *Gelebte Mythen,* 4.

185 Wyatt, *Religion of Ugarit,* 550. See also Nussubaum, "Portrayal of Canaanites," 35. Diamond observes that myths are in Ugarit as elsewhere the explanation of certain fundamental realities and respond to questions about the nature of existence, death, kinship, and marriage, and so on (*L'Ancien Testament,* 112). Concerning the question of identity and origins, L'Heureux argues that the victories of Baal constitute a mythological reflex of the arrival and ultimate triumph of a new population group, namely the Amorites (*Rank among Gods*, 94).

186 See also Jirku, *Mythus der Kanaanäer,* 11.

187 For Gordon, the term epic refers to heroic narratives about people, although the gods are constantly affecting their destinies (U*garit and Minoan,* 40).

188 Caqout and Sznycer, *Ugaritic Religion*, 11. Helmer Ringgren argues that in the case of the Near East, such a study would not only disclose the structure of the myths in question but also give some hints as to the historical process underlying the growth of Near Eastern mythology ("Remarks on the Method of Comparative Mythology," in *Near Eastern Studies in Honor of William Foxwell Albright*, ed. Hans Goedicke [Baltimore, MD: Johns Hopkins Press, 1971], 411). For the soundness and fruitfulness of textual approach to the Hebrew Bible using Ugaritic material, see also Segert, "The Ugaritic Texts and the Texual Criticism of the Hebrew Bible," in *Near Eastern Studies in Honor of William Foxwell Albright*, ed. Hans Goedicke (Baltimore, MD: Johns Hopkins Press, 1971), 420.

189 Gordon, *Ugaritic Literature,* 8.

190 Caqout and Sznycer, *Ugaritic Religion*, 6.

191 Ibid., 19.

192 According to Pinch, Imhotep was a high official of the twenty-seven century B.C.E. who was later deified as a god of knowledge and healing, and his mother Kheredankhw described as a beautiful singer, and was said to have conceived by the god Ptah (*Egyptian Mythology,* 148).

193 For Handy, in the cities of Syro-Palestine, as most of the ancient Near East, real power was centered in the monarchy of the city-state. In the ideology of the culture, these monarchs served as regents for the gods of the various city-states; although, while the kings and queens were not viewed as actually owning the land under their control, the picture that we draw from their religious world was that all land was obtained from the ruler, acting on behalf of the gods (*Host of Heaven*, 12–13).

194 Ibid., 7–8.

195 Simon Parker, *The Pre-Biblical Narrative Tradition, Essays on Ugaritic Poems Keret and Aqhat* (Resources for Biblical Study: no. 24; Atlanta, GA: Scholars Press, 1989), 217.

196 See Pardee, "Ugaritic Studies," 62. Pardee has pointed out that even though the Baal myths mention Ilmiku (as the writer) and king Niqmaddu III (c. 1220 B.C.E.), there is nothing about the prehistoric situations in which these stories arose and how they were passed down from generation to generation.

197 Ibid., 218.

198 Ibid., 219.

199 Nussbaum, "Portrayal of Canaanites, 34.

200 Handy, *Host of Heaven,* 5.

[201] Brunner-Traut, *Gelebte Mythen*, 5.

CHAPTER FIVE

Hittite and Priestly Family Laws

While this study about incestuous and other illicit relationships in Egypt and Ugarit does not assume to be exhaustive, so far no prohibitions or laws prohibiting such practices outside Lev 18 have been encountered because there are no law codes in either Ugarit or Egypt. In this section we shall examine laws dealing with incest in the Hittite laws (HL). This is the only text that seems to agree with the Priestly family laws and forbidden unions discussed in chapter two, in terms of the order and content of the laws. The examination of these laws will give us a general, if not complete, picture of how the Priestly laws in Lev 18 may or may not reflect a wider genre that was prevalent in the ancient Near Eastern literary legal tradition. This chapter will be divided mainly into two sections. In the first section forbidden relationships in the HL will be looked at, while in the second section the HL will be compared with the Priestly laws in Lev 18. This study will begin by considering the problems with sources.

We mentioned earlier in our discussion about the abominations of the Egyptians and the Ugaritians that the available information about their private life comes mainly from the palaces and in many cases little is known about life in the villages. This problem is not peculiarly Egyptian or Ugaritic. It is also evident in the study of the Hittites. Fiorella Imparati has pointed out that there is lack of a full understanding of how the Hittites conducted their private lives because the information available, in written or pictorial documentation, comes from the sphere of the palace or the temples.[1] However, the situation is not completely desperate. The collection of the HL and other texts can be illuminating, though documents such as marriage, adoption, or other contracts are lacking, as Imparati has pointed out.[2]

In order to have a better understanding of the prohibited relationships, we need to know something about the Hittites' understanding of the institution of marriage, as was the case in our study about the Egyptians and the Ugaritians. This will be followed by a discussion about the HL. The works of Imparati and Charles Burney will be used here.[3] They will shed some light on how the institution of marriage was viewed and practiced among the Hittites.[4] According to Imparati, monogamy in marriage was the usual practice among common people, but the existence of polygamy in

some cases cannot be ruled out.[5] While the customs governing royal marriages are not clear, Imparati argues that it is generally thought that endogamy within the royal family was frequent (that is, the king married close family relatives), a phenomenon which is comparable to Egyptian customs.[6]

Marriage involved substantial gift exchange including the "bride-price," *kusata*, or what Imparati calls "wedding price," or *datio nuptialis*, which was a familiar custom in other civilizations of the Near East.[7] Marriage could be formal with the *kusata* arrangement, or simple cohabitation. However, Imparati maintains that there is no term for "marriage" in Hittite or any other ancient Near Eastern language. Abstract terms for marriage, such as "to take a wife/as his own wife/ in the condition of wife" or "do not make her your wife," are used instead.[8]

According to Burney, a wife retained the dowry provided by her family for marriage, with the view of its eventual inheritance by her children, but if she died before her children could inherit, her husband acquired the investment represented by his wife's dowry.[9] In a patrilocal marriage, if the wife went to become a member of her husband's family household, her dowry passed from the donors (her family), but in a matrilocal marriage, the young husband went to live with his wife's family. Furthermore, marriage between a male slave and a free woman was practiced. However, Burney has noted that this practice put the wife's status at risk, and young persons were cautioned against this type of mixed marriage, even though it was not forbidden. He further observes that the husband or the wife could initiate divorce proceedings. After divorce, the property was equally divided. Occasionally, divorce occurred in the highest circles, causing serious diplomatic repercussions, as happened with two kings of Ugarit, Ammistamru II and Ammurapi.

Hittite Laws in General

Incestuous unions in Hittite society are exhibited somewhat in Hittite mythology, but the best source of information is found in the HL. In our examination of the HL, the structure of the forbidden relationships between children and their parents, between men and women, and finally between human beings and animals will be considered.

The HL appears in two tablets that are characterized by the formula "if anyone" (casuistic).[10] The laws under consideration are found in Tablet II, which has two hundred laws, even though some sections are mutilated or missing in two parts. The laws in this tablet are miscellaneous, and while they do not seem to follow any clear order, there is an indication that certain laws that seem to be related in one way or another are grouped together: laws on stealing of farm produce and equipment laws (§§101–113; 119–133; 142–143),[11] laws on buying animals and hiring farm equipment, hiring people, and wages (§§144–161), miscellaneous laws (§§163–165; §§170–174), laws related to cultivated field, sowing, boundary, and buying a field, and so on (§§166–169), laws on trade (§§ 185–186), laws on prohibited relationships (§§187–200a), and finally a law on giving one's son to be trained as a carpenter (§200b).[12]

In order to have a working hypothesis of the HL, Güterbock's work will be considered, though briefly.[13] This will be done by looking at the role of the king, the people and their rights, laws of the state, and law enforcement. According to Güterbock, in the HL the king is viewed as the deputy to the Stormgod and the whole land belongs to him:

> The land belongs to the Stormgod, heaven and earth with the people belongs to the Stormgod. And he made the Labarna, the king, his deputy (*maniyaḫḫatallaš*) and gave him the whole land of Hattusa. The Labarna shall govern the whole land.[14]

However, he points out that the king was not deified during his lifetime. He only "became a god" when he died. The king was the supreme judge, and, according to section §173, "if anyone rejects the judgment of the king, his house shall be made a shambles; if anyone rejects the judgment of a dignitary, they shall cut off his head."[15] Güterbock has further observed that in the laws only two classes of people are mentioned: free men (nobles or land owners) and slaves. However, while elders were not supposed to talk to the king (here referring to king Hattusili), it was the duty of the government to treat the people justly; just judgment for all, including slaves and widows, was made a rule for the governors.

The questions asked by Güterbock are important in understanding the laws of the state. Who made the laws? Was it codified? Was it made public? Ostensibly, there appears to be some sort of historical development in the HL. According to him, there are two layers of laws: customary and statute laws. The customary laws reflect the old customs and existed from time

immemorial, while the statute laws are the result of legislation, and the text sometimes mentions the king as their author. The statute laws probably reflect the period of the Old Kingdom, the reign of Telipinu. Furthermore, there is one copy of the HL that linguistically belongs to the New Empire, and it marks a considerable step forward toward clearer and more logical formulation. In regard to the issue of codification, Güterbock argues that these collections of laws should be classified as "Rechtsbuch" (law book) and not as code. It is hard to tell whether or not the laws were made public, he says. After all, the bulk of the population was illiterate. He argues that the HL was not written on a stele, and was available only to professional scribes.[16]

Hittite Laws on Forbidden Relationships

The sections §§187–200a, reflecting the most explicit list of prohibited degrees of marriage and other unions, are shown here below.[17]

> 187 If a man does evil with a head of cattle, it is a capital crime and he shall be killed. They bring him to the king's court. Whether the king orders him killed, or whether the king spares his life, he must not appeal to the king.[18]
> 188 If a man does evil with a sheep, it is a capital crime and will be killed. They bring him to the king's court. Whether the king orders him killed, or whether the king spares his life, he must not appeal to the king.
> 189 If a man violates his own mother, it is a capital crime. If a man violates his daughter, it is a capital crime. If a man violates his son, it is a capital crime.
> 190…If a man violates his stepmother, there shall be no punishment. (But) if his father is living, it is a capital crime.[19]
> 191 If a free man cohabits with (several) free women, sisters and their mother, with this one in one country and that one in another country, there shall be no punishment. But if (it happens) in one and the same place knowing (of their relationship), it is a capital crime.
> 192 If a man's wife dies (and) he marries his wife's sister, there shall be no punishment.
> 193 If a man has a wife and then the man dies, his brother shall take his wife, and then his father shall take her. If in turn also his father dies, one of his brother's sons shall take the wife whom he had. There shall be no punishment.
> 194 If a free man cohabits with (several) slave girls, sisters and their mother, there shall be no punishment. If blood relations sleep with (the same) free woman, there shall be no punishment. If father and son sleep with (the same) slave girl or harlot, there shall be no punishment.

> 195 If however a man sleeps with the wife of his brother while his brother is living, it is a capital crime. If a man has a free woman (in marriage) and touches also her mother, it is a capital crime. If a man has the daughter in marriage and then touches also her mother or her sister, it is a capital crime.
> 199 If anyone does evil with a pig, a dog, he shall die. They will bring them to the gate of the palace and the king may order them killed, the king may spare their lives…
> 200a If a man does evil with a horse or mule, there shall be no punishment. He must not appeal to the king nor shall he become a case for the priest. If anyone sleeps with a foreign (woman) and (also) with her mother or [he] si [ter], there will be no punishment.[20]

Several forms of incest are shown here:

SON	MOTHER
FATHER	DAUGHTER
FATHER	SON
SON	STEPMOTHER
MAN	SISTERS AND THEIR MOTHER
MAN	WIFE'S SISTER
MAN	BROTHER'S WIFE
FATHER	DAUGHTER-IN-LAW
SON	UNCLE'S (PATERNAL) WIFE
SEVERAL MEN (RELATIVES)	SAME FREE WOMAN
FATHER, SON	SAME SLAVE GIRL

Structure of the Hittite Laws

A brief analysis of the structure of these laws (§§187–200b) is significant in relation to similar laws in Lev 18.[21] A careful scrutiny of the content of the laws under consideration reveals the following structure:

> Doing evil with sacrificial animals: cattle and sheep, (§§187–188)
> Relationship between children and their parents (§§189–190)
> Relationship between a man and woman, not parents (§§191–198)
> Doing evil with non-sacrificial animals: pig, dog, horse and a mule (§§199–200a)

Methodologically, in order to have a better understanding of a given text, there is always need to examine its immediate context and the context that follows immediately after, as we did with Lev 18 in chapter two. However,

while such an approach is mostly applicable in narratives, as we noted in chapter two, it may not work with laws, which in most cases seem to be unrelated to each other.

It is not possible to deal thoroughly with the issues arising from the immediate context or the context following immediately after the text under consideration. However, there are a number of observable facts that emerge from the sections of laws shown above. The sections 185–186, which come immediately before the prohibited relationships between a human being and another, include laws that deal with sacrificial animals, goats, sheep, and cattle, while immediately after the laws on prohibited relations between human beings follow sections 199–200b, which are about relationships between human beings and non-sacrificial animals: pigs, dogs, horses and mules. In section 200b, we have a law dealing with the giving of a son to be trained as a carpenter:

> If anyone gives his son to be trained either as a carpenter, or as a smith, [or as a potter,] or as a leather-worker, or as a fuller, he shall give (as a fee) for the training 6 shekels of silver. If he has made him an expert, he shall give one person.

This law seems unrelated to the other prohibitions. However, it is curious to note that this law is about a son who is given out, and comes at the end of all the prohibited relationships. This law seems analogous to the law prohibiting the giving of children to Molech, which is at the end of the family laws and forbidden unions in Lev 18.

In general terms, the pattern that emerges in these sections of the HL can be represented thus:

1. BEASTS cattle/sheep (sacrificial)		HUMAN BEINGS		BEASTS pig/dog/horse/mule (non-sacrificial)
2. BEASTS	CHILDREN/PARENTS	MAN/ WOMAN	BEASTS	SON

Our next task is to analyze these laws in our attempt to understand their purpose, either implicit or explicit, that is, the relations that are allowed and those that are not, following the structure above.

Forbidden Unions between Children and their Parents (§§189–190)

> 189 If a man violates his own mother, it is a capital crime. If a man violates his daughter, it is a capital crime. If a man violates his son, it is a capital crime.
> 190…If a man violates his stepmother, there shall be no punishment. (But) if his father is living, it is a capital crime.

Here we have laws prohibiting both consanguineous and non-consanguineous incestuous relationships between parents and their children, and the consequences for violating these laws. In section 189, which begins the laws dealing with the prohibited relationships, the blood relationships appear in the following order:

SON ——— MOTHER
FATHER ——— DAUGHTER
FATHER ——— SON

The violation of these laws is a crime punishable by death. Neufeld terms the relationship in these laws as incest involving a union between direct ascendants and descendants of the first degree.[22] In section 190, the form of punishment is different from that for the blood relationships in §189 and depends on the time when the crime is committed, that is, before or after the death of the son's father.

Neufeld has pointed out that marriage with a wife of a father who was not the son's mother was not in general forbidden and was certainly practiced to a large extent among some of the Semites. In certain exceptional circumstances, however, unions with a stepmother were forbidden.[23] However, he argues that even though the law provided that if, after the death of his father, a man has intercourse with his stepmother,[24] it is unlikely that the incestuous union did lose its incestuous nature. The conception of incest as such was far too instinctive and deep-rooted to allow of its sudden termination by the death of a particular individual.

Forbidden Unions between a Man and Woman in General (§191–198)

> 191 If a free man cohabits with (several) free women, sisters and their mother, with this one in one country and that one in another country, there shall be no

> punishment. But if (it happens) in one and the same place knowing (of their relationship), it is a capital crime.
> 192 If a man's wife dies (and) he marries his wife's sister, there shall be no punishment.
> 193 If a man has a wife and then the man dies (and) he marries his wife's sister, his brother shall take his wife, and then his father shall take her. If in turn his father dies, one of his brother's sons shall take the wife whom he had. There shall be no punishment.
> 194 If a free man cohabits with (several) slave girls, sisters and their mother, there shall be no punishment. If blood relations sleep with (the same) free woman, there shall be no punishment. If father and son sleep with (the same) slave girl or harlot, there shall be no punishment.
> 195 If however a man sleeps with the wife of his brother while his brother is living, it is a capital crime. If a man has a free woman (in marriage) and touches also her mother, it is a capital crime. If a man has the daughter in marriage and then touches also her mother or her sister, it is a capital crime.

In this section we are dealing with prohibited non-consanguineous incestuous relationships involving different categories of people:

> relationship between a free man and free women, sisters and their mother
> relationship between a man and his wife's sister,
> relationship between a man and his brother's wife,
> relationship between a free man and slave girls, sisters and their mother[25]
> relationship between a father and son and the same slave girl or harlot
> relationship between a man and a free woman with her mother
> relationship between a man and his wife's mother or sister

A few comments on the laws dealing with prohibitions against relationships involving a man and his daughter-in-law, mother-in-law, brother's wife, and his wife's sister are necessary. Neufeld has observed that the HL does not expressly forbid intercourse with a daughter-in-law, and that section §194 provides that in the case of a female slave or a harlot, father and son may with impunity sleep with the same woman.

Concerning intercourse with a mother-in-law, Neufeld remarks that while it was forbidden in section §195, it is unlikely that intercourse with a mother-in-law was practiced, for no express prohibition of such a marriage can be found in the other Near Eastern codes. The prohibition against intercourse with the brother's wife is expressly limited in duration to the lifetime of the brother, thus it is nothing more than a prohibition of one specific form of adultery.[26] However, Neufeld argues that some of these laws

seem directed towards the preservation of the integrity of matrimonial life rather than the avoidance of an incestuous union, for example, involving two sisters in §194.[27]

It should be noted, however, that while there are several laws on various forms of forbidden incestuous relationships, both consanguineous and non-consanguineous, not all incestuous relationships are dealt with. For example, there is no mention of brother-sister relationship, which characterizes the study of incest in Egypt. Does this mean that the law permitted this practice? Probably there was no need for a law proscribing the brother-sister relationship because such a practice was uncommon in the Hittite traditions, a fact that can be deduced from Imparati's work.[28] Referring to a treaty of the Hittite King Suppiluliuma I with Khukkana and the people of the country of Khayasha, Imparati has shown that King Suppiluliuma I prohibits Khukkana from having sexual relations with the sister and relatives of his own wife, an act not permitted in Khatti. In this treaty, King Suppiluliuma says to Khukkana:

> But he who did this, such a deed in Khattusha does not remain alive, (but) dies. [Now] since your country (is) uncivilized, this is the cu[sto]m(?) there, (that) [one] takes (sexually) one's own brother, sister, (or) girl cousin; but in Khattusha this (is) not permitted.[29]

However, for Neufeld, the omission of brother-sister law is a clear indication that it was not the purity of the family that the laws sought to protect by the prohibition of incestuous unions. It was rather the integrity of the marriage institution that it sought to safeguard by expressly forbidding a particular form of adultery, which could not have been uncommon.[30] Burney thinks that the incestuous laws seem to have been intended more as a protection of health than as a moral judgment.[31]

Forbidden Unions between Human Beings and Beasts (§§199–200a)

> 199 If anyone does evil with a pig, a dog, he shall die. They will bring them to the gate of the palace and the king may order them killed, the king may spare their lives…
> 200a If a man does evil with a horse or mule, there shall be no punishment. He must not appeal to the king nor shall he become a case for the priest.

It was indicated above that the sexual laws about animals appear in two groups: the laws concerning sacrificial animals, cattle, goats, and sheep (§§187–188), and the laws concerning non-sacrificial animals, pigs, dogs, horses, and mules (§§199–200b). This distinction is important in our discussion about the HL. The laws on sacrificial animals §§187–188 are preceded by a category of laws dealing with the buying and selling of the products from sacrificial animals, namely, hides of oxen, goatskins, lambskins, kidskins, and meat of cattle and sheep (§§185–186). It is after the author has shown the value of these animals that he proceeds to forbid any other use outside what he has already indicated; these animals are to be kept for the stated economic gains, not as objects of bestiality. It is the king's prerogative to decide whether a person diverting the use of these animals from their "natural" use to bestiality should die or not.

However, the problem of the criteria used to determine the punishment to be meted on a person involved in bestiality remains unresolved. For example, why is bestiality involving a cow, dog, and a pig more a serious crime, punishable by death, than a crime committed against a horse or a mule? Imparati has noted that in the case of sexual relations between humans and animals, a distinct evaluation of the crime was made according to the animal involved. The reason that the laws consider sexual relations execrable only in relation to certain animals may come with the sphere of taboo.
It is interesting to note how these laws are structured:

CATTLE/SHEEP
PIG/DOG
HORSE/MULE

We cannot decide here whether the laws about cattle and sheep came first, followed by the law about the pigs and dogs, and finally the law about horses and mules—or if another course of development occurred.

Other issues that are equally important in understanding family laws in the HL include rape, adultery, and homosexuality. In regard to rape, Burney has pointed out that there was a genuine attempt to face the difficult question of consent in relation to rape: location was the determining factor, as seen in §197: " If a man raped a married woman on the mountainside, he must die; if in her house, she must die." Adultery was a serious offense in HL, as seen in §198. According to Burney, a husband committing a *crime passionel* by killing his wife and her lover if caught *in falgrante delocto* had committed no

crime; but if he later sought recompense, he was obliged to go to court. His wife's fate would then depend largely on his decision: he might take her back and veil her, or he might demand her death, along with her lover's. The sentence then lay with the king or his judges. Sparing his wife meant, however, also sparing the life of her lover. Imparati has noted that in the evaluation of the offense involving adultery, and its related penalties, consideration was given to whether responsibility belonged to both adulterers or only to one and to whether the husband had caught the guilty parties in the act.[32] In conclusion, the issues of family laws and forbidden unions dealt with in the HL seem to have striking similarities with the Priestly laws in Lev 18, not only structurally, but also in terms of content, which necessitates further investigation in order to establish the nature of the textual relationship.

Marriage Laws and Forbidden Union in Lev 18

In the section that follows, we shall compare the HL with Priestly family laws and forbidden unions, since in my opinion, the two texts agree in terms of structure and content. Careful scrutiny of the marriage laws and forbidden unions in Lev 18 further reveals that these laws can be generally grouped as shown here below:

FATHER	BROTHER	MAN/WOMAN	BESTIALITY
vss. 7–15	vs. 16	vss. 17–20	vs. 23

A similar pattern appears also in the HL, even though the phraseology and details are not necessarily the same:

FATHER	BROTHER	MAN/WOMAN	BESTIALTY
§§189–191	§§193	§§194a and 195b–198	§§199a, 200a

Lev 18 and the HL both begin the family laws and the forbidden unions with the law on safeguarding the rights of a father as far as his marriage is concerned, but the phraseology is different:

> You shall not uncover the nakedness of your father's wife; it is your father's nakedness (Lev 18:8).
> If a man violates his own mother, it is a capital crime (HL §189a).

Note that here we have two texts in the same genre (law) that address the same problem (incest involving a son and his father's wife) using different forms of subgenre: apodictic (Lev 18:8) and casuistic (HL §189a). In Leviticus 18:8, the law is two-part: one part mentions the law, while the other explains the reason for that law. However, this is not the case in the HL, which is more explicit, for instead of "father's wife," it has "mother."

Let us now compare the family laws and forbidden unions in Lev 18 with the HL in detail:

Lev 18	HL
MOTHER	MOTHER
	SISTER
	DAUGHTER
	MAN AND SON
STEPMOTHER	STEPMOTHER
SISTER	
GRANDCHILD	
	WOMAN AND HER DAUGHTERS
FATHER'S WIFE'S DAUHHTER	
AUNT (PATERNAL/MATERNAL)	
UNCLE	
DAUGHTER-IN-LAW	
BROTHER'S WIFE	BROTHER'S WIFE
WOMAN AND HER DAUGHTERS	
WOMAN AND SON'S DAUGHTER	
WOMAN AND DAUGHTER'S DAUGHTER	
	MOTHER-IN-LAW
SISTER-IN-LAW	SISTER-IN-LAW
	SLAVE GIRL AND CRIME
MENSTRUANT	
ADULTERY	ADULTERY
WORSHIP OF MOLECH	
MAN AND MAN	
BESTIALITY	BESTIALITY

A number of laws are not only similar but they also correspond in the order they appear in both texts: laws on relationship between a son and his mother, both blood mother and stepmother, father and son or man-to-man union, brother's wife, sister-in-law, adultery, and bestiality. The law regarding a woman and her daughters has parallels in both texts, but in different positions. There are, however, differences. In Leviticus 18, we have laws that

are not found in the HL: the laws on a father's daughter, aunt's both paternal and maternal, an uncle, a woman and her son's daughters and daughter's daughter, a woman and her sister, a menstruant, and a sacrifice to Molech. Similarly, in the HL, the following laws are different from Lev 18: a daughter and a crime committed by a slave girl.

It is difficult to explain why the laws on a father's relationship with his daughter (§189b), mother-in-law (§195), and the law on the slave girl (§196), are missing in Lev 18. We can attempt an explanation for the law on slave girl: "If his slave (or) his slave girl commit a capital crime, they move them away and have them settled the one in this house, it is the woman's crime and the woman shall be killed. If the husband finds them, he may kill them, there shall be no punishment for him" (§196). This law seems out of place: does the phrase "his slave (or) his slave girl" refer to the preceding law?

> If however a man sleeps with the wife of his brother while his brother is living, it is a capital crime. If a man has a free woman (in marriage) and touches also her mother, it is a capital crime. If a man has the daughter in marriage and then touches also her mother or her sister, it is a capital crime (§195).

In this law two people are mentioned: a man and his brothers wife, and a man and daughter's mother. The crime the slave girl commits cannot be easily established from the context.

H does not only keep most of the laws found in the HL and the order in which they are found, but at the same time reorganizes them and interprets them. First, we have the law on a father's relationship with his son. In HL, the law reads as follows: If a man violates his son, it is a capital crime (§189c). This law is also found in Lev 18:22, but in a modified form: "You shall not lie with a male as with a woman." It appears here that, while for the HL the law is restricted to a father and his son, for H, man-to-man relationship is forbidden in its entirety. This is not a family matter for H, but rather it is an issue that affects the entire community. Second, the law on a woman and her daughters has been moved from before the law on brother's wife in the HL to after the same law in Lev 18:16. This is certainly consistent with the understanding of degrees of family relationships in H:

FATHER ——— BROTHER ——— MAN/WOMAN

Following this pattern, it is logical to have the law on woman and her daughters in the HL come after the law on brother's wife. H does not only reorganize this law but also expands it to cover a woman and son's daughter, and a woman and daughter's daughter (Lev 18:17). Other laws in H that should be seen as an expansion of laws in the HL include: laws on grandchildren (Lev 18: 10), aunt's (Lev 18:12–13), an uncle (Lev 18:14) and a daughter-in-law (Lev 18:15). All these laws stem from the "house of the father and mother," mentioned at the beginning of both texts, and all that pertains to it as far as the integrity of the family is concerned.

The other laws in H that have no parallel in HL are the laws about a menstruant (Lev 18:19), and the law on the sacrifice to Molech (Lev 18:21). Let us begin with the law of a menstruant. This law is not unique. Its context should be sought in Lev 15:19–24. Here, we have issues arising from a woman who has "a discharge of blood that is her regular discharge from her body" (vs. 19), and its effects. The seriousness of touching a woman in this state is seen in vs. 24: "And if any man lies with her, and her impurity is on him, he shall be unclean seven days; and every bed on which he lies shall be unclean." This is not the first time for H to use other law codes taken from other codes in the Hebrew Bible to expand the HL, for example, in Deut 27.[33] It is in the same vein that we need to understand the law on the worship of Molech, even though more about idolatry will be discussed below. Understanding the issue of a menstruant in our text in this manner supports our earlier argument that the limits of H should not be restricted only to chapters 17–26, but instead it should be understood from the point of view of the Priestly Teaching Manual which begins with rules on forbidden foods in Lev 11, with an introduction in Lev 10.

Conclusion

We conclude that most of the laws discussed above are similar, and that they also correspond in the order in which they appear in the both texts, for example, the laws about the relationship between a son and his mother (both blood mother and stepmother), a father and his son or a man-to-man union, a sister-in-law, adultery, and bestiality. The two texts also disagree. We have noted that the laws on a father's relationship with his daughter (HL §189b), mother-in-law (HL §195), and the law on the slave girl (§196) are missing in

Lev 18. There are also other laws in Lev 18 that have no parallel in HL, for example, the laws on a menstruant (Lev 18:19), and the law on the sacrifice to Molech (Lev 18:21). However, generally speaking, all the laws in HL are found in Lev 18 except the law on father's union with his daughter and the law of the crime committed by a slave girl. Does this assessment point to some degree of dependence? The answer to this question seems to be in the affirmative. Hypothetically, if it is true that one code is a product of the other, then we shall have to account later for the condemnation of the Canaanites in the Priestly laws. In other words, what does the "immorality" of the Canaanites have to do with laws that owe their literary dependence on literary traditions or styles of other people, even though not without some modifications?

We must admit at this juncture, however, the fact that, while there are some indications that H might have been influenced by HL, we still do not have a complete picture of how the former text may or may not be a reflection of a genre that was prevalent in the ancient Near Eastern literary legal tradition, which is our main concern. Consequently, more research that would include other law codes found in the ancient Near East both Biblical and non-biblical is necessary. This will be our task in the chapter that follows.

Notes

1 Fiorella Imparati, "Private Life Among the Hittites," in *Civilizations of the Ancient Near East*, ed. Jack M. Sasson (Peabody, MA: Hendrickson Publishers, 2000), 571–586.

2 Ibid., 571.

3 Imparati, "Private Life," 572–573; and Charles Burney, *Historical Dictionary of the Hittites* (Historical Dictionaries of Ancient Civilization; Lanham, MD: Scarecrow Press, 2004), 190–191.

4 See also Harry A. Hoffner, "Legal and Social Institutions of Hittite Anatolia," in *Civilizations of the Ancient Near East*, ed. Jack M. Sasson (Peabody, MA: Hendrickson Publishers, 2000), 558–560.

5 Imparati, "Private Life," 574. It seems that monogamy was the most accepted form of marriage in the ancient world. According to Saporetti, the Nuzi contracts often had a clause that prevented the husband from taking a second wife if the first one bore him sons. Among the Assyrians, monogamy was the more common situation, one that may even be imposed by the woman's father. Polygamy was possible, but only when the first

wife was sterile (*Status of Women,* 16). However, Saporetti says that in case there was no son born to the husband by his wife the man married a concubine.

6 Imparati, "Private Life," 572.

7 Ibid., 573.

8 Ibid., 572.

9 Burney, *Dictionary of Hittites*, 190–191.

10 The precedent for the hypothetical proposition "If someone commits such-and-such an offence, the penalty the court will impose upon him will be" occurs in a number of Mesopotamian legal texts, notably Hammurabi's Laws, and later parallels can be found in the Hebrew Bible Law (Bryce, *Hittite World,* 37).

11 See also Trevor Bryce, *The Kingdom of the Hittites* (Oxford: Clarendon Press, 1998), 45. According to Bryce, in HL the high percentage of clauses that deal with theft or damage to property and the penalties that such offences attract clearly reflect the importance that Hittite society attached to the protection of individual property rights particularly in an agricultural context.

12 See the outline of the subject matter of the HL in Güterbock, "Authority and Law in the Hittite Kingdom," in *Perspectives on The Hittite Civilization: Selected Writings of Hans Gustav Güterbock*, ed. Harry A. Hoffner (Chicago: The Oriental Institute of the University of Chicago, 1997), 232. In his outline, Güterbock includes homicide, assault and battery, and theft. These take up a large portion of the laws. Others deal with marriage and divorce, feudal duties and land tenure, findings, incendiarism (malicious burning of property), and sexual offenses.

13 Güterbock, "Authority and Law," 232.

14 Ibid., 229. See also Gary Beckman, "Royal Ideology and State Administration in Hittite Anatolia," in *Civilizations of the Ancient Near East*, ed. Jack M. Sasson (Peabody, MA: Hendrickson Publishers, 2000), 529–543. Beckman has pointed out that the king was not the proprietor of the land but the steward. The king's stewardship found its practical expression in his office as chief priest of the national deity. Standing in such close contact with the world of the divine, the king was subject to special standards of purity. The duties of the Hittite king were religious, military, diplomatic, judicial, and administrative.

15 Güterbock, "Authority and Law," 229.

16 The issues raised here will be discussed in detail later under the section dealing with the function of cuneiform and biblical law codes.

17 See also Bryce, *Hittite World*, 50. Bryce says that the general term in the Hittite laws for an illegal sexual coupling is *hurkel* (abomination). It covers incestuous conduct and other prohibited couplings between humans as well as bestiality.

18 See also Bryce, *Hittite World*, 43. According to Bryce, the king exercised the highest judicial authority in the land. As deputy of the Sun God, he was the supreme judge in the kingdom.

19 O.R. Gurney, *The Hittites* (Baltimore: Penguin Books, 1962), 102. He maintains that the fact that intercourse with a stepmother was not punished is an indication of the existence

of a widespread custom among the ancient peoples whereby sons inherited their father's wives (with the exception of their mothers).

20 Pritchard, *Ancient Near East Texts*, 188–197.

21 See also Bryce, *Hittite World,* 47. The last fourteen of the 200 clauses deal with sexual liaisons of one kind or another, both forbidden and permitted. This is a high proportion when we consider the range of other activities and offences that we might expect to find in the laws but which are barely touched upon or are omitted altogether. The bans in a number of clauses imposed on various forms of sexual activity might argue for certain fastidiousness in Hittite society on sexual matters. On the other hand, the devotion of so much space in the laws prohibiting such activity might suggest that there was a fair amount of it going on.

22 Neufeld, *Hebrew Marriage Laws,* 207.

23 Ibid., 208–209.

24 Son-mother or stepmother marriage was also practiced among the Hittites, according to Imparati, but only when her husband was dead. If one had sexual relations with his own stepmother or sister-in-law, the action was considered abhorrent only if the father or the brother was still alive ("Private Life," 576). See also Reuben (with Bilhah) in Gen 35:22, and 49:3–4.

25 See Imparati, "Private Life," 577. Imparati says that it was also a *hurkel* if the spouse of a free woman had sexual relations with her daughter or mother or sister.

26 Neufeld, *Hebrew Marriage Laws,* 208–209. For information about a man sleeping with a woman and her sisters and mother in the same place, a man with his brother's wife when he is still living, and a man with his wife's mother or sister, see Imparati, "Private Life," 557.

27 Neufeld, ibid., 208–209.

28 Imparati, "Private Life," 577.

29 Ibid., 577.

30 Neufeld, *Hebrew Marriage Laws*, 210. According to Neufeld, in other Semitic legal systems no prohibitions at all are to be found of unions involving ascendants and descendants of the second degree and collaterals, for example, granddaughter, sister, aunt, and niece. On the contrary, there is evidence that such marriages were widespread among the early Arabs and Phoenicians, possibly under the influence of the Hittites, nor were such unions unknown among the Egyptians (*Hebrew Marriage Laws,* 207).

31 Burney, *Dictionary of Hittites,* 190.

32 Imparati, "Private Life," 574.

33 Cf. the use of the verb גלה "uncover" in Lev 18:8 and Deut 27:20.

CHAPTER SIX

Ancient Near Eastern Law Codes

Our investigation in this chapter will focus mainly on the review of scholarly works pertinent to this study. The investigation will proceed on the understanding that the Priestly laws of H in general, and in Lev 18 in particular, are not unique. They were elaborated step-by-step by adding to, abridging, or adapting the content of the earliest provisions in the Hebrew Bible, and also the cuneiform (HL).[1] To demonstrate this point, H will be examined as it stands in the Hebrew Bible and its relationship with other law codes, and other related texts.

The Genre: Apodictic and Casuistic

The works of scholars like Muilenburg, Richter, Sweeney, Malcom, and Knierim and their emphasis on determining the type of the text under investigation were mentioned earlier in chapter one.[2] Significant to this section is Muilenburg's question: how are we to explain the numerous and extraordinary literary affinities between (1) the *Gattungen* or genres and other stylistic formulations of the Israel's literature, and (2) with the literatures of the other peoples of the Near East?[3] This question is crucial for us as we attempt to determine and situate the *Gattungen* of the Priestly laws in Lev 18 from the point of view of the wider ancient Near Eastern context.

Richter and others have discussed the process of determining the genre, which involves analyzing the content, evaluating the historicity of the text, and then considering the similarities in other literature.[4] The content of Lev 18 has already been carefully scrutinized in detail in chapter two and also in chapter five. In chapter two, we discussed Lev 18 from the point of view of the patriarchal narratives in the book of Genesis, and also other non-narrative texts, for example, Deut 27. In chapter five, we considered Lev 18 in light of HL. This analysis, to use the words of Gilders, was informed and shaped by the concerns and methods of our interpretative community, that is, the guild of modern academic scholars of biblical literature.[5] In this study, while the content of this text may seem to reflect some marriage practices in the patriarchal narratives, the "text-type" reflects laws, which as Nanette Stahl

has rightly stated, occupies a major part of the Pentateuch, yet on the whole little attention has been paid to the role it plays as a genre in relation to other genres of biblical discourse.[6] Our task now is to determine the kind of law or "subgenre" (genre within genre) that we are dealing with, and what light it sheds on the process of the composition of the text.[7]

The identification of various laws whether in the Hebrew Bible or in the cuneiform law is based mainly on phraseology. Laws with the conditional "if" are classified as "casuistic," while those without the "if " clause, or non-conditional laws are classified as "apodictic." Scholars, who have examined these laws, such as Alt, use this criterion to determine whether a given law in the Hebrew Bible has any connection with the cuneiform law or not. Casuistic laws are said to have their origin in cuneiform,[8] while the apodictic laws have their origin in Israelite culture. Alt's assessment of the Hebrew Bible casuistic laws shows that their origin can be attributed to the Canaanites, who had a legal system of their own written in the Babylonian language and in cuneiform script,[9] even though this position has been disputed by some scholars.[10] Alt argues that the apodictic laws are Israelite, not Canaanite nor Mesopotamian; there is not the slightest indication in the apodictic codes of Canaanites origin, neither in the attitudes they reveal nor in their cultural background.[11]

According to Alt, apodictic laws are linked with the worship of YHWH, and their origin is traced to the culture of the desert.[12] Alt further observes that since the apodictic laws originated from the desert setting, this would partly explain its severity and the sharp contrast between it and the Canaanite law. While the question of Israel coming into conflict with the Canaanites will be discussed in detail later, there is need to point out that Alt does not only consider the desert as the place of origin for the apodictic laws, but he also argues that its origin in the desert helps to confirm Moses' authorship of these laws. He maintains:

> So the assertion of the canonical text, with which our investigation began, that all law force in Israel came down from the occasion when the covenant was made in the time of Moses, is to some degree confirmed for at least one category of law. And this newly conceived legislative urge in Israel came into violent conflict in Israel with the ancient and highly developed legal system of Canaan; the apodictic law clashed with the casuistic.[13]

Alt's mention of law in its relation to the conflict between Israel and what he calls the "highly developed legal system of Canaan" is illuminating for this study. The timing at Sinai is problematic, however, as will be demonstrated later. Furthermore, there does not seem to be any consensus among scholars on the question of the origin and features of apodictic laws. Consequently, scholars like Mendenhall and Raymond Westbrook have challenged Alt's position on these issues.[14] For example, in his assessment of HL, Mendenhall asserts that the stipulations of the Hittite covenants are a mixture of case and apodictic law precisely similar to the mixture found in the so-called Covenant Code of Exod 20:22–23:33.

For Westbrook, Alt's claim of Israelite uniqueness for apodictic law has not been universally accepted, though his basic distinction together with the notion that the two legal forms are somehow different in source and content, has garnered acceptance.[15] The apodictic laws are also found outside the Hebrew Bible in cuneiform law, and since the reason for the formulation of ancient Near Eastern laws does not lie with legal considerations, depending on the literary tradition, one rule may be drafted casuistically, apodictically, or in some other fashion.[16] Lafont and Samuel Greengus share Westbrook's view.[17] For Lafont, one has to conclude with Westbrook that the choice of one (apodictic) or another (casuistic) form has no judicial meaning, for no firm explanation has been given to justify the origin and value of apodictic and casuistic texts. This is also true for Greengus, who points out that there are serious flaws in Alt's hypothesis, and that Westbrook is correct when he says that the same rule may be drafted casuistically, apodictically, or in some other fashion. Finally, we have Hector Avalos's remarks that:

> Despite past attempts to show that apodictic laws and motive clauses are unique features of Hebrew laws, these and most of the formal features found in the Hebrew laws seem to be part of a common Near Eastern tradition of legal formulation. [18]

In view of these observations, in the sections that follow we shall be guided by a set of principles. First, the content of our text is identifiable with prohibitions with לא (thou shall not), which is a major characteristic of apodictic laws. It is found in the Covenant Code (cf. Exod 23:1f), and also in crimes laid under a curse in Deut 27:15–26.[19] Following Lafont, Greengus, Avalos, and Westbrook, apodictic law, as a genre, is not unique and should be understood as part of a common Near Eastern tradition of legal

formulation, or "common ancient oriental law," and that the same rule may be drafted casuistically, apodictically, or in some other fashion depending on the literary tradition.[20]

In the sections that follow, we shall be guided by the above scholars' distinction between casuistic and apodictic laws. We also agree with them that the apodictic laws, the category under which our text falls, are not particularly Israelite: they are also found in the cuneiform legal system. This understanding is important for this study since without it our investigation of Lev 18, from the perspective of non-biblical texts on family laws and forbidden unions, to be examined below, would be rendered methodologically unfruitful.

Biblical Law Codes

In the Hebrew Bible legal system, three main law codes have been identified, namely, the Covenant Code (Exod 20–23), the Deuteronomic Code (Deut 12–26), and the Priestly Code. In the Priestly Code there appears another layer of laws, H (17–26), which we discussed in our introductory notes to chapter two. A detailed literary criticism of these sources is beyond the scope of the present study. Since we have looked at the Priestly Code in our discussion about the family laws and forbidden unions in Lev 18, we shall now focus our attention to other law codes in the Hebrew Bible.

Exodus 22 and 23 are found in the Covenant Code (Exod 20:23–23:33). Only three laws are relevant to this study: the law of the betrothed girl, the law about bestiality, and the law about idolatry in Exod 22:

> vss. 16–17: When a man seduces a virgin who is not engaged to be married, and lies with her, he shall give the bride-price for her and make her his wife. But if her father refuses to give her to him, he shall pay an amount equal to the bride-price for virgins.
> vs. 19: Whoever lies with an animal shall be put to death.
> vs. 20: Whoever, sacrifices to any god, other than the Lord alone, shall be devoted to destruction.

The significance of family laws in this code cannot be underestimated because the code is chronologically believed to be the earliest—older than the Deuteronomic Code and both P and H. Furthermore, this code that

characteristically combines third-person and second-person law, casuistic and apodictic law,[21] is said to share close affinities with cuneiform law.[22]

The verses immediately before vss. 16–20 have laws dealing with animals, oxen, donkeys, and sheep. The laws address issues about the stealing of these animals, animals grazing on others fields, entrusting these animals to others for safekeeping, and so on. Another feature is the conflict between Israel and the Canaanites and other nations in Exod 23:23–32. Here, the Amorites, Hittites, Perizzites, Canaanites, Hivites, and the Jebusites will be cut off (vs. 23). They shall not dwell in the land, lest they make Israel sin against God: "for if you worship their gods, it will surely be a snare to you" (vs. 33). The order in which this section appears is as follows:

ANIMALS
LAWS ON SEXUAL RELATIONSHIPS
IDOLATRY
BANISHMENT OF ENEMIES

The family laws and forbidden unions in the Hebrew Bible are also found in the Deuteronomic code (Deut 12–26). We shall examine Deut 22:13–30, 24:1–4, and 25:5–9. Deuteronomy 27,[23] even though it falls outside of the Deuteronomic code, will also be discussed in this section because the family laws and forbidden unions in this chapter are illuminating as far as our investigation is concerned.

In Deuteronomy 22:13–30, we find four types of statutes on marriage: laws on issues arising from virginity (vss. 13–21), a law dealing with adultery (vs. 22), a law on seduction of a betrothed and unbtrothed girl (vss. 23–29), and finally a law dealing with incest involving a son and his step-mother (vss. 30). These laws are characterized by the conditional "if" clause, and are therefore casuistic. The order of these laws is as follows:

VIRGINITY
ADULTERY
BETROTHED AND UNBETROTHED GIRL
STEPMOTHER

Deuteronomy 24:1–4 contains a law on divorce. What is significant about this law is the pollution of land, which will be discussed later. The violation of the divorce law as stipulated in this text brings guilt on the land that the Lord is about to give to Israel. This is comparable to Lev 18:24–30 in which

the Canaanites are vomited out by the land which they have polluted. In Deuteronomy 25:5–9, we have a single law on Levirate marriage in the form of a narrative. The law is detailed, as Brueggemann has noted.[24] It has its narrative complements in Gen 38, and the book of Ruth provides a standard procedure in the event of the death of a husband who has no son.[25] The law on Levirate marriage is sandwiched between various miscellaneous laws, which are unrelated, and it is therefore not helpful in the understanding of the structure of family laws in this study. Since Deuteronomy 24 and 25 fail to meet the criteria with which the other texts are examined, or the features we are looking for in regard to structural analysis, as shown below, they do not merit any further discussion in this study.

Finally, we have Deut 27:20–23. This chapter is not part of the Deuteronomic Code (chapters 12–26), and yet it is here that we find a text that is closest to Lev 18 as far as the family laws and forbidden unions are concerned:

> vs. 20 Cursed be he who lies with his father's wife, because he has uncovered her who is his father's. And all the people shall say, 'Amen.'
> vs. 21 Cursed be he who lies with any kind of beast. And all the people shall say, 'Amen.'
> vs. 22 Cursed be he who lies with his sister, whether the daughter of his father or the daughter of his mother. And all the people shall say, 'Amen.'
> vs. 23 Cursed be he who lies with his mother-in-law. And all the people shall say, 'Amen'

In verses 1–10, Moses instructs the people on the things they need to know as they enter into the land that the Lord is about to give to them. They make an altar on Mount Ebal and offer sacrifices. Then they are instructed to obey the Lord's commandments as Moses and the Levitical priests say to the people: "Keep silence and hear, O Israel: this day you have become the people of the LORD your God" (vs. 9).

In verses 11–14, the text speaks about blessings and curses. When they come to Mount Gerizim, "When you have passed over the Jordan, these shall stand upon Mount Gerizim to bless the people: Simeon, Levi, Judah, Issachar, Joseph, and Benjamin. And these shall stand upon Mount Ebal for the curse: Reuben, Gad, Asher, Zebulun, Dan, and Naphtali" (vss. 12–13). Interestingly, the text uses the word ארור "to curse" throughout,[26] as seen in the laws that follow, including the laws on incest (vss. 20–23). This should not surprise us, for, as it was stated earlier following Westbrook, laws in the

ancient Near East used different styles, for example, casuistic or apodictic or any other style, including cursing. This is also consistent with chapter one of this book where we saw that taboos were imposed to proscribe unwanted sexual relationships in ancient societies.

Here we need to underscore the following elements in Deut 27: (1) Moses' speech at the beginning of the text that is meant to prepare the people for the entry into Canaan, (2) the sacrifice on the altar on Mount Ebal, and (3) the family laws and forbidden unions. The laws appear in the following order:

MOTHER
ANIMAL
SISTER
MOTHER-IN-LAW

All these laws are also found in Lev 18 and the HL, but we need to point out that the family laws and for bidden unions in Deut 27 are not as elaborate as they are in Lev. 18 and the HL.

Nonbiblical Law Codes

There are two non-biblical law codes that merit our investigation of family laws and forbidden unions, namely, HL and the Code of Hammurabi (CH). The former code (HL) has already been examined in the previous chapter. In this section, we shall therefore discuss the CH. In the CH, while there are many laws concerning issues arising from adultery (§§129–132) and divorce (§§138–144), there are only three forms of forbidden incestuous relationships: incest involving a daughter (§154), a daughter-in-law (§§155–156), and a mother and stepmother (§§157–158). Lack of a comprehensive list of forbidden incestuous relationships here raises the same questions we asked about the HL: whether the sole purpose for which they were formulated is incest, as shown here using M.E.J. Richardson's translation:

> 154 If a man has got to know his daughter, they shall make that man leave the city.
> 155 If a man has chosen a bride for his son and his son has got to know her, and afterwards he himself has copulated with her, and they have caught him, they shall bind that man and throw him into water.

> 156 If a man has chosen a bride for his son but his son has not got to know and he himself copulates with her, he shall pay to her one-half mana of silver. Furthermore, he shall repay her all that she brought from her father's house and she shall choose the husband she wants.
> 157 If a man copulates with his mother after the death of his father, they shall burn both of them.
> 158 If, after the death of his father, a man is caught copulating with his principal wife who has born sons, that man shall be disinherited by his father's household.[27]

Four forms of incest are forbidden here:

FATHER	DAUGHTER
FATHER	DAUGHTER-IN-LAW
SON	MOTHER
SON	STEPMOTHER

The punishment for violating these laws seems mild compared to their treatment in the HL, where violation of similar laws resulted in capital punishment. For example, in the CH law regarding a relationship between a father and his daughter results in the culprit (father) being exiled from the city, while the daughter is not punished. In the HL, a man who violated his daughter was killed. Neufeld argues that in the CH the daughter was probably allowed to go free on the assumption that such intercourse had been the result of a sexual attack by the father.[28] However, the violation of law on incest between a father and his daughter-in-law is punishable by death through drowning (§155), but this happens only if his son has had intercourse with her. Otherwise, the daughter is compensated with silver gifts and also keeps her dowry (§156). Neufeld maintains that in both cases, however, the daughter-in-law is *ex hypothesi* regarded as the victim of a sexual attack and no punishment is required of her. [29]

The seriousness of violating laws dealing with parents is clearly conveyed by the form of punishment given to the culprit. Instead of drowning or banishment, a man who has copulated with his mother, even after the death of his father, is burned along with his mother. Concerning the marriage with a wife of a father who was not the son's mother, Neufeld argues that it was not in general forbidden and was certainly practiced to a large extent among some Semitic groups. In certain exceptional circumstances, however, unions with a stepmother were forbidden. Among

the Assyrians and the Hittites marriage with a stepmother was forbidden only during the father's lifetime.[30]

H, Deuteronomic Code, Covenant Code, HL, and CH

In chapter five, we considered the content and structure of the family laws and forbidden unions in the HL. This was followed by a discussion about the relationship between the HL and Lev 18, in terms of both the content and structure. We came to the conclusion that the two texts exhibit some similarities. In this section, we shall extend our investigation to the other law codes. We shall base our analysis on both the content and structure of these texts, namely, Exod 20–23, Deut 22, and of course Deut 27 and the HC from the perspective of Lev 18 and the HL.

In our discussion about the structure of the Priestly laws in Lev 18, we encountered some difficulties in determining the boundaries of this kind of genre involving laws, as opposed to the narrative whereby, in most cases, the beginning and end are clearly marked. Difficulties in determining the structure—or the context, for that matter—of the texts under investigation impedes our attempt to investigate adequately the relationship between these texts as far as their composition is concerned. However, having said that, certain features seem to emerge. In the texts where the wider context can be established, the following elements can be identified: animals, family laws, and forbidden unions and the consequences of violating these laws. This seems to be the case in Lev 18 and the Covenant Code (Exod 20—23). We shall now juxtapose all the texts we have analyzed so far. This will make it easier for us to establish the similarities and differences between these texts. We shall use the structure in the Priestly laws in Lev 18 as our standard text, as shown below:

Lev 18			
ANIMALS AND FORBIDDEN RELATIONSHIPS	FAMILY LAWS	IDOLATRY	BANISHMENT OF ENEMIES
Lev 17	18:1–23	vs. 21	vss. 24–30

Exod 22–23			
ANIMALS	FAMILY LAWS AND FORBIDDEN	IDOLATRY	BANISHMENT OF ENEMIES

	UNIONS		
21:28–22:15	vss. 16–17, and 19	vs. 20	23:23–33

Deut 22

ANIMALS	FAMILY LAWS AND FORBIDDEN UNIONS
vss. 1–4, 6,10	vss. 13–30

Deut 27

FAMILY LAWS AND FORBIDDEN UNIONS vss. 20–23

Hittite Laws

ANIMALS	FAMILY LAWS AND FOBIDDEN UNIONS
§§ 185–188	§§189–200

A comparison of the HL with CH also shows some similarities and differences:

A. The HL:

SON	MOTHER
FATHER	DAUGHTER
FATHER	SON
SON	STEPMOTHER
MAN	SISTERS AND THEIR MOTHER
MAN	WIFE'S SISTER
MAN	BROTHER'S WIFE
FATHER	DAUGHTER-IN-LAW
SON	UNCLE'S (PATERNAL) WIFE
SEVERAL MEN (RELATIVES)	SAME FREE WOMAN
FATHER/SON	SAME SLAVE GIRL

B. The CH		HL	
FATHER	DAUGHTER	SON	MOTHER
FATHER	DAUGHTER-IN-LAW	FATHER	DAUGHTER
SON	MOTHER	SON	STEPMOTHER
SON	STEPMOTHER	FATHER	DAUGHTER-IN-LAW

By juxtaposing the two codes, several facts emerge. The CH is much shorter than the HL: it has only four forms of incest, while the other has eleven. However, all four prohibitions in the CH are also found in the HL, even though the order and the wording may be different. We need to point out here that the law on animals found in the HL, and of course Lev 18, Exod 22–23, and Deut 22 are missing in the CH.

The discussion that follows will focus on the elements that seemingly characterize the structural set-up of the family laws and forbidden unions in the texts under discussion, namely, laws about animals, marriage, forbidden unions, idolatry, and banishment. However, idolatry and banishment will be discussed in detail later in chapter eight.

Laws on Animals

H shares several similarities with the Covenant Code and Deuteronomic Code. Like the Covenant Code and Deuteronomic Code, H opens with a section devoted to sacrifice (Lev 17), and closes with a hortatory address (Lev 26) in which obedience to the preceding laws is vigorously emphasized.[31] Leviticus 26:3–45 is of the same sort as the concluding exhortation of the Deuteronomic Code (Deut 28), and also like that concluding the Covenant Code (Exod 23:20–33). The opening of the code in Lev 17, deals with the same questions as the opening of the Deuteronomic Code (Deut 12) and that of the Covenant Code (Exod 22). All three codes take up questions having to do with the altar and sanctuary, that is, the animals.[32]

So far, in our investigation based on family laws we have mentioned six texts. Four texts are in the Hebrew Bible, while two are non-biblical texts. The Hebrew Bible texts are Lev 18; Exod 22–23; and Deut 22, 24, 25, and 27, while the non-biblical texts include the HL and CH. Significantly, the immediate context preceding four of these texts is devoted to the laws dealing with animals. This is the case in Lev 18, if chapter 17 is to be viewed as the immediate context of Lev 18. The same thing also happens in Exod 22–23; Deut 22, and in the HL (§§176–186), even though the role the animals play is not necessarily the same in each text. The animals mentioned in all the texts are mainly ox, goats, sheep, and ass, but Deut 22:6 also talks about birds. The HL, too, mentions birds (§§119–120), and also adds horses.

However, in Deut 22 the concern is with the forbidden combinations of seed, plow animals, and textiles, as Tigay has shown.[33]

The laws on animals in Exodus, Deuteronomy, and the HL are basically the same in that they all deal with the issues arising from theft, and other cases like what happens when an ox or ass goes astray (Deut 22:1ff.). In the HL, however, the laws are more elaborate and cover other things like the sale and hire of these animals. At the end of the Hittite laws on animals, immediately follows two laws on bestiality (§§187 and 188). These laws cover two kinds of animals: cow and sheep. Logically speaking, the laws on bestiality mark the end of the section on laws about animals in general, and even though this is not shown in the text, the content is suggestive: the laws that follow thereafter deal with human beings (e.g. the law on violation of one's mother in §189, which marks the beginning of family laws and forbidden unions).

In Exodus, there is no mention of incest, but we have one case of bestiality, which, as Childs has observed, was regarded in Israel as a shameful perversion:[34] "Whoever lies with a beast shall be put to death" (Exod 22:19). Note, here that the kind of animals meant by the author is not mentioned. Probably the ox and sheep mentioned, for example, in vs. 10, are meant. Amazingly, while in Exodus, Deuteronomy, and the HL, the laws seem to address similar issues pertaining to animals, as indicated above, H seems to point in a different direction altogether. The genre in which the animals are found (Lev 17) is not law, but narrative. The issues regarding the animals mentioned in this text have nothing to do with the sale of the animals, or what happens when an animal gets lost or found, but are for the purpose of sacrifice. But why do laws regarding animals in all our texts precede the family laws and forbidden unions? Why does the author think that this is important? Why does each text follow this same format? Does the fact that marriage laws and forbidden unions in all the above mentioned texts that are preceded by laws dealing with animals suggest that these texts draw their information from the same source or sources? Does one text depend on the other? We need to do further investigation into these questions. H is the only text that has deviated from the other texts—Exodus, Deuteronomy, and HL—by attributing a sacrificial role to these animals. But this should not surprise us because, as Alt has demonstrated, the apodictic laws in the Hebrew Bible are linked with the worship of YHWH.[35]

Let us now consider the transition from laws on animals discussed above to family laws and forbidden unions to be discussed below:

ANIMALS	CANAANITES AND EGYPTIANS	FAMILY LAWS AND FORBIDDEN RELATIONS
Lev 17	Lev 18:1–5	vss. 6–23
Exod 22:1–15		vss. 16–17, 19
HL §§ 185–188		§§ 189–200a

The structure in both Exodus and HL is the same: animals are followed by family laws and forbidden unions. While in Exodus we do not have as many family laws as in HL, the two texts agree in one aspect: the family laws follow immediately after the laws on animals. In other words, the shift from animals to humans is abrupt in both, and one is left wondering what has one form of law to do with other. However, this is not the case in H where the family laws come before the laws about animals. In Leviticus 17, the narrative about the slaughter of animals for sacrifice is followed by the Canaanites instead of the family laws:

> And the LORD said to Moses, "Say to the people of Israel, I am the LORD your God. You shall not do as they do in the land of Egypt, where you dwelt, and you shall not do as they do in the land of Canaan, to which I am bringing you. You shall not walk in their statutes. You shall do my ordinances and keep my statutes and walk in them. I am the LORD your God. You shall therefore keep my statutes and my ordinances, by doing which a man shall live: I am the LORD" (18:1–5).

How do we explain this phenomenon? Apparently, the information contained here is neither about animals, for sacrifice or otherwise, nor about family laws. If H generally shares other features with the other texts as we have already seen, and we shall continue to see, then vss. 1–5, can only be viewed as an intrusion, which in turn may be attributed to the work of a redactor who might have added the speech of Moses into an already existing legal tradition.

But was this redaction done in isolation? While the family laws in Deut 27 differ with Exodus and HL as far as the laws on animals are concerned, they do, nevertheless, somehow agree with Lev 18 in three respects: Moses's speech to the people and the need to obey the commandments; sacrifice; and family laws and forbidden unions. However, the order is not the same. While H has sacrifice, Moses' speech and the need to obey the commandments, and

then the family laws, Deuteronomy has Moses's speech and sacrifice, followed by family laws. It seems most likely that Deuteronomy and not the Covenant Code here has influenced H because in both Deut. 27 and Lev. 18 the structure is the same: Moses's speech to the people and the need to obey the commandments; sacrifice; and family laws and forbidden unions. Furthermore, Leviticus 18:1–5 seems to agree with the Deuteronomic phraseology, for example, in Deut 5:32–33. In both texts the following root words are used: ארץ (land), ילך (to walk), חי (to live), and עשׂה (to do). In both texts Israel is commanded to walk in the ways of God, to do as he commands so that they may live: "you may live" (Deut 5:33), and "one shall live" (Lev 18:5). It is also possible that the phrase "you shall not turn aside to the right hand or to the left (Deut 5:32)," is the equivalent of "you shall not do as they do in the land of Egypt, where you dwelt, and you shall not do as they do in the land of Canaan, to which I am bringing you" (Lev 18:3).

Family Laws

The family laws in Leviticus 18, and HL were discussed in detail in the previous chapter. Here we need to consider the relationship between Lev 18 and similar laws in the book of Deuteronomy. In Deuteronomy 27:20, we have a law forbidding unions between a son and his father's wife: "Cursed be he who lies with his father's wife, because he has uncovered her who is his father's. And all the people shall say, 'Amen'" (Deut 27:20). Let us compare this law with other texts we dealt with earlier, in chapter five:

> Lev 18:8 You shall not uncover the nakedness of your father's wife; it is your father's nakedness.
> Deut 27:20 Cursed be he who lies with his father's wife, because he has uncovered her who is his father's. And all the people shall say, 'Amen.'
> HL §189a If a man violates his own mother, it is a capital crime.

Note that here we have three texts in the same genre (law) that address the same issue (incest involving a son and his father's wife) but use different forms of subgenre: apodictic (Lev 18:8), taboo type (Deut 27:20), and casuistic (HL §189a). The use of the verb גָּלָה " to uncover" in Deut 27:20 is also striking since it is the same verb used in Lev 18 for prohibited unions.

While this assessment is useful in highlighting the similarity between Lev 18:8 and Deut 27:20, a comparison of these two texts also shows some major differences in both content and structure regarding family laws and forbidden unions. In Deuteronomy 27, we have only four laws (vss. 20–23): father's wife, bestiality, sister and mother-in-law. Interestingly, however, even though the laws in Deut 27 lack detail they all, nevertheless, appear in Lev 18.[36] It should be noted here that while all the three texts—Leviticus, Deuteronomy and HL—mention the law concerning the son's relationship with his mother who is his father's wife, the two Hebrew Bible texts are closely linked in terms of syntax and also phraseology, and the only common denominator that links them with HL is content.

Reorganization of other Codes by H

Bigger's work is significant, as we try to account for the similarities and differences between the family laws and forbidden unions in Lev 18 and other texts discussed in this study, namely, Exod. 20–23, Deut 22, 24, 25, 27, HL and CH.[37] The purpose of this analysis is specified by Knierim: it is in light of the form-critical understanding of structure, which investigates that kind of structure which is the basis for the formation of a text and into which a text is cast.[38]

Redactional work in H has been expressed by many scholars, for instance Bigger, Smith, Kellogg, Kennedy, and so on.[39] Kennedy, for example, has noted that:

> These ten chapters of Leviticus are not a homogeneous corpus of laws, the original product of a single mind. The duplication of laws, with their inevitable discrepancies in detail, which is so prominent a feature of Pentateuch as a whole, is equally prominent in its smaller constituent.[40]

The P proper without the H is found in the following passages: Exod 25:1–27:20; 28:1–29:43; 30:1–31:11, 14b–18a; 35:1–40:38; Lev 5:7–19; 6:1–30; 7:1–38; 8:1–36; 9:1–10:20; 11:9–23, 41–44a; 21:1–8; 13:47–59; 14:9–53, 55; 16:1–34; 24:10–15a; 27:1–34; Num 1:1–54; 2:1–34; 3:1–51; 4:1–49; 5:1–31; 6:1–27; 17:1–18:32; 19:1–22; 25:6–16; 26:1–27:23; 28:1–31:54; 34:1–36:13.[41] Budd has carefully summarized the process of growth of this book as follows: (1) the gathering together of smaller collections of laws and

ritual material, and (2) the incorporation of this legal material into the priestly storyline, which revises and supplements that of the earlier narrative tradition.[42] Budd then concludes that the book is a product of this growth. H is older than the groundwork or the main body of the Priestly Code. The grounds on which this conclusion is based emerge from a comparison of the laws common to both. The line of institutional development is from H to P, not *vice versa*.[43]

We shall now consider the process of growth of H—the gathering together of smaller collections of laws and the incorporation of this legal material into the priestly storyline—in order to have a better understanding of the method applied by H in the composition of laws in Lev 18. We shall begin with Lev 18:21, 22, and 23, and then place them alongside Exod 22:19 and 20, and HL:

> You shall not give any of your children to devote them by fire to Molech, and so profane the name of your God: I am the LORD. You shall not lie with a male as with a woman; it is an abomination. And you shall not lie with any beast and defile yourself with it, neither shall any woman give herself to a beast to lie with it: it is perversion (Lev 18:21–23).

> Whoever lies with a beast shall be put to death. Whoever sacrifices to any god, save to the LORD only, shall be utterly destroyed (Exod 22:19–20).

The order in which the laws in both texts, including HL is as follows:

Lev 18:21–23	Exod 22:19–20	HL §§189B, 197–199a, and 200a
	?	MAN AND MAN (father and son)
ADULTERY	?	ADULTERY
WORSHIP OF MOLECH	WORSHIP OF GODS	?
MAN AND MAN		
BESTIALITY	BESTIALITY	BESTIALITY

The law in H is apodictic, while in the Covenant Code it is casuistic, but the concern in both is the same. In terms of content, all three texts have a law concerning bestiality. Exodus and Leviticus both deal with bestiality and the worship of other gods, while Leviticus and HL have laws on bestiality, adultery, and man-to-man unions. Regarding the structure, all three place the law on bestiality at the end: after the law on idolatry in Exodus and Leviticus, and after family laws in both Leviticus and HL. Note that the law

on man-to-man union is moved from before adultery in HL, to under Molech, and before bestiality in Leviticus.

How can we explain these relationships? Leviticus 18 seems to depend on both Exodus and HL. It has taken from HL the laws on man-to-man (modified), adultery, and bestiality, while the law on the worship of Molech reflects Exodus. As mentioned earlier, it is most likely that the law on bestiality in Exodus reflects an earlier HL code that concluded the law on bestiality with cattle and sheep (§§185–188), and one that did not have family laws (§§189–200), while H had access to both. But if H is dependent on Exodus regarding the law on idolatry, why is the law on man-to-man union sandwiched between the law on idolatry and bestiality? In other words, why is this law placed after the law on idolatry? Is H assuming that a man-to-man union has something to do with worship of other gods, especially male cult prostitution? If so, then H is taking this law away from its original context of family setting in HL and gives it a new nuance which associates it with worship of other gods.

Cases of condemnation of man-to-man union are not unknown in the Hebrew Bible, and its abhorrence occurs in the abominations of Deuteronomy, and also in the book of Kings (cf. Deut 23:18–19, 1 Kings 14:24,[44] 22:47; and 2 Kings 23:7). In this case, H has not only taken the law on man-to-man from HL but has also modified it from father-son to man-to-man, thus giving it a new meaning in line with other biblical codes, especially in light of Dtr. Following this argument, we conclude here that the place of the law on man-to-man union in H reflects the Deuteronomic Code, but the law on the worship of Molech has its context in the Covenant Code, as shown in the Covenant Code (Exod 23:23–24):

> When my angel goes before you, and brings you in to the Amorites, and the Hittites, and the Perizzites, and the Canaanites, the Hivites, and the Jebusites, and I blot them out, you shall not bow down to their gods, nor serve them, nor do according to their works, but you shall utterly overthrow them and break their pillars in pieces. (Exod 23:23–24)

From this text we learn why the nations will be expelled from the land. Unlike in Lev 18, where family laws, forbidden unions, and law on sacrificing children to Molech are all put together in order to explain why the land vomits out the nations, the expulsion has everything to do with idolatry in the Covenant Code, and nothing with other laws in Lev 18. There is need

to emphasize the fact that before the author talks about the banishment of the nations in the Covenant Code, there is already a law in place forbidding idolatry in 22:20: "Whoever sacrifices to any god, save to the LORD only, shall be utterly destroyed." This same pattern appears in the Deuteronomic Code (Deut 18:9–12), except for the law on bestiality found in both H and the Covenant Code:

> When you come into the land which the LORD your God gives you, you shall not learn to follow the abominable practices of those nations. There shall not be found among you any one who burns his son or his daughter as an offering, any one who practices divination, a soothsayer, or an augur, or a sorcerer, or a charmer, or a medium, or a wizard, or a necromancer. For whoever does these things is an abomination to the LORD; and because of these abominable practices the LORD your God is driving them out before you.

In this text, as in H and in the Covenant Code, the sin of idolatry is followed immediately by the driving out those who violate the law on idolatry. This is the pattern that emerges in all the three texts, as far as the issue of idolatry and expulsion is concerned:

LAW ON IDOLATRY ——————— BANISHMENT

The structure in Lev 18 agrees with Exod 22:20, but the terminology in both texts is different: "Whoever sacrifices to any god" (Exod 22:20), versus "give any of your children to devote them by fire to Molech" (Lev 18:21). The former text uses generic terms "sacrifices" and "god," while the latter is more specific. The god is not just any god, but Molech, and the method of sacrifice is not just any method, as the verb used in Exodus seems to suggest, but "give any of your children to devote them by fire." The text in Exodus does not tell us what is to be sacrificed. Probably cattle and sheep are meant. H makes this clear by filling in the gaps: the forbidden offering is children (מִזַּרְעֲךָ,"from your offspring"). H's language should not surprise us here, for it reflects similar language and idea as seen in the Deuteronomic Code. In Deuteronomy 18:9, for example, the text explains clearly both the offering and the method involved: by burning the offering of sons and daughters.

Furthermore, H and the Deuteronomic Code (Deut 18) have another feature common in both texts, but which is missing in the Covenant Code (Exod 22). All the texts prohibit sacrifice to other gods, and the proscription

is followed by punishment for its violation, which in our case implies that idolatry is a major reason for the expulsion of the Canaanites, as we shall demonstrate below. The use of the term תּוֹעֵבָה in both Deut 18 and Lev 18 further qualifies the nature of the sin of idolatry. In the eyes of both, the sin of idolatry is abominable. The latter text (Lev 18) extends the notion of abomination to include the long list of family laws and the forbidden unions, plus the only law on idolatry (giving children to Molech). For H, this is the reason for the land vomiting out the Canaanites from their land. This view is not supported either in the texts that we have discussed so far or even in the book of Kings to be discussed later. Deuteronomy 12:31 is especially clear on this point: "for every abominable thing which the LORD hates they have done for their gods; for they even burn their sons and their daughters in the fire to their gods." What is abominable, as this text shows, and that which God hates has everything to do with that which the Canaanites do with their gods, and more so, the worship of other gods. Has H interpreted the Deuteronomic Code "for every abominable thing which the LORD hates they have done for their gods" to mean all the family laws and the forbidden unions, plus idol worship? In view of phraseology, structure, and even content, this seems most likely.[45] In fact, even the law on man-to-man union is also the work of Dtr (1 Kings 14:24).

This observation is also supported by Deut 28:14; "and if you do not turn aside from any of the words which I command you this day, to the right hand or to the left, to go after other gods to serve them." While family laws that are characterized by the formula "cursed," are mentioned in the previous chapter (Deut 27), the author in Deut 28 talks about blessings given for the obedience of law. Some of these blessings include the defeat of Israel's enemies (28:7), but, as the above statement shows, God's favor will be taken away only when the Israelites turn away from their God to worship other gods. While the connection between family laws and the expulsion of Israel's enemies will be discussed in detail below, there is need to point out here that we already have an indication of the need to pursue further the issue of idolatry in its relationship to the expulsion from the land of Canaan. This is important for a better understanding of the family laws and the forbidden unions in Lev 18.

Conclusion

In light of the above discussion, how should we understand the Priestly laws in Lev 18? How are these laws related to similar laws in the other codes in the Hebrew Bible and outside the law codes? Do they reflect similar patterns of change in the compositional history? How do they reflect the literary-legal tradition that prevailed in the ancient Near East, and which provided the framework for the other biblical law codes in general?

While the structure of H agrees with both the Covenant Code and Deuteronomic Code, the phraseology and the content reflect the Deuteronomic Code. In fact, it seems as though a redactor schooled in the theology of Dtr (redactor "Holiness/Deuteronomist" HD?) is responsible for the addition of an introduction to our text, which is about the deeds of the Canaanites (Lev 18:1–5), and also the law about sacrifice to Molech (vs. 21), and the law on male cult prostitution (vs. 22).[46] The Deuteronomic Code has been influenced by the Covenant Code in terms of content and structure, but not without some modifications,[47] while H has access to both, as seen in the law of bestiality, which is missing in the Deuteronomic text, but is found in both H and the Covenant Code. In the case of the Deuteronomic Code, H has filled the gaps missing in the Covenant Code. By juxtaposing the HL with HC, several facts emerge: the HL is much longer than the HC, which has only four forms of incest while the HL has eleven. All four prohibitions in the CH are also found in the HL, with some modifications.

All in all, our interest throughout this discussion was to establish how the laws in Lev 18 interacted with other laws both biblical and extrabiblical. In a nutshell, for the purpose of composition, H (Lev 18) has depended heavily on the HL. At the same time, and in tune with the other biblical law codes, Lev 18 has relied on texts within H itself, both the Covenant Code and the book of Deuteronomy in general, but it has depended more heavily on HL than on these other sources. Sometimes there is agreement in structure and phraseology, but H has also changed the original structure and the phraseology: it has reorganized these sources in order to give new meaning which should be understood in light of the worship of YHWH.

We indicated earlier that the Hittite literature was influenced by foreign literatures, for example, from Canaan and Mesopotamia. Similarly, biblical laws seem to have been influenced by other literature in the ancient Near

East, as we have seen in this study. But how did this process take place? The study of the stream of traditions will be our task in the following chapter.

Notes

[1] See also Sophie Lafont, "Ancient Near Eastern Laws: Continuity and Pluralism," in *Theory and Method in Biblical and Cuneiform Law, Revision, Interpretation and Development*, ed. Bernard M. Levinson (Journal for the Study of the Old Testament Supplement Series 181; Sheffield: Sheffield Academic Press, 1994), 91.

[2] See also Muilenburgh, "Form Criticism and Beyond"; Richter, *Exegese als Literaturwissenschaft;* Sweeney, "Form Criticism"; Malcom, "Law"; and Knierim, "Form Criticism Reconsidered."

[3] Muilenburgh, "Form Criticism and Beyond," 18.

[4] See Richter, *Exegese als Literaturwissenschaft,* 127.

[5] Gilders, *Blood Ritual,* 10.

[6] See Nanette Stahl, *Law and Liminality in the Bible* (Journal for the Study of the Old Testament Supplement Series 202; Sheffield: Sheffield Academic Press, 1995), 11.

[7] W.C. Martin Feucht has identified the following formulas in the apodictic genre in the book of Leviticus: "the You (singular)-Shall-Formula;" "the You (plural)-Shall-Formula," and "the so-called Jussive-Formula." Feucht further identifies two miscellaneous formulas: "the When-You (singular)-Formula," and "the When-You (plural)-Formula" (U*ntersuchungen zum Heiligkeitsgesetz* [Theologische Arbeiten 20; Berlin: Evangelische Verlagsanstalt, 1964], 22–30).

[8] According to Lafont, the casuistic form appears as properly Sumerian, as opposed to the other style, coming from cultural and linguistic areas more distant in time and space ("Continuity and Pluralism," 102).

[9] Alt, "Origins of Israelite Law," 125–128.

[10] See Mendenhall, "Ancient Oriental and Biblical Law," *BA* 17 (1954): 36. He argues that the Canaanites were emphatically not the ones from whom the biblical traditions were derived.

[11] Alt, "Origins of Israelite Law," 124.

[12] Ibid., 131.

[13] Alt, "Origins of Israelite Law," 131.

[14] Mendenhall, "Oriental and Biblical Law," 30; Raymond Westbrook, "What is Covenant Code?" in *Theory and Method in Biblical and Cuneiform Law, Revision, Interpretation and Development*, ed. Bernard M. Levinson (Journal for the Study of the Old Testament Supplement Series 181: Sheffield: Sheffield Academic Press, 1994). For more information on the genre of these texts, see Meyers, *Exodus* (New Cambridge Bible Commentary; Cambridge: Cambridge University Press, 2005), 165; Brevard S. Childs,

The Book of Exodus: A Critical Theological Commentary (Old Testament Library; Philadelphia: Westminster Press, 1974), 455–496; Donald E. Gowan, *Theology in Exodus: Biblical Theology in the Form of a Commentary* (Louisville, KY. Westminster John Knox Press, 1994), 182-–83.

15 Westbrook, "Covenant Code," 16.

16 Ibid., 32.

17 Lafont, "Continuity and Pluralism," 101; Samuel Greengus, "Some Issues Relating to the Comparability of Laws and the Coherence of the Legal Tradition," in *Theory and Method in Biblical and Cuneiform Law, Revision, Interpretation and Development*, ed. Bernard M. Levinson (Journal for the Study of the Old Testament Supplement Series 181; Sheffield: Sheffield Academic Press, 1994), 73.

18 Hector Avalos, "Legal and Social Institutions in Canaan and Ancient Israel," in C*ivilizations of the Ancient Near East*, ed. Jack M. Sasson (Peabody, MA: Hendrickson Publishers, 2000), 617.

19 According to Brueggemann, Deut 27:11–26 is not a charter teaching covenant like Deut 5:6–21, but a liturgic piece that has been crafted in a stylized way and was likely used over time (vss. 15–26); (*Deuteronomy* [Abingdon Old Testament; Nashville: Abingdon Press. 2001], 252). However, according Samuel R. Driver, the chapter presents considerable critical difficulties: its various parts are imperfectly connected with each other and it stands in unsuitable place (*A Critical Commentary on Deuteronomy,* 3rd ed. [International Critical Commentary on the Holy Scriptures of the Old Testament 5; Edinburgh: T. & T. Clark, 1965], 294). See also von Rad, who says that vss. 1–8 and 11–26 differ also in content from all the rest of Deuteronomy (*Deuteronomy,* 164).

20 Avalos, "Legal and Social Institutions," 617; and Locher, *Ehre einer Frau in Israel*, 81. Locher has noted that such terms should be used with great caution.

21 See Bernard M. Levinson, "The Case for Revision and Interpolation within the Biblical Legal Corpora," in *Theory and Method in Biblical and Cuneiform Law, Revision, Interpretation and Development*, ed. Bernard M. Levinson (Journal for the Study of the Old Testament Supplement Series 181; Sheffield: Sheffield Academic Press, 1994), 40.

22 Ibid., 40. It is in the same code (Exod 21:28–32) that the law on Goring Ox whose parallel with cuneiform, especially in the Eshnunna Laws §§ 53–55, has been advocated for by many scholars, for example Malul, *Comparative Method,* 113–151. Gershon Brin avoids the association of the law on Goring Ox with cuneiform altogether (*Studies in Biblical Law, From the Hebrew Bible to the Dead Sea Scrolls*, trans. Jonathan Chipman [Journal for the Study of the Old Testament Supplement Series 176; Sheffield: JSOT press, 1994], 28–32).

23 Under what he calls "the H redaction," Alfred Cholewiński has pointed out that in Lev 18:6–23 only the following passages have parallels in the book of Deuteronomy: 18:20 (Deut 22:22); 18:7a (Deut 23:1); 18:8 (Deut 27:20); 18:23 (Deut 27:21); 18:9 (Deut 27:22). According to Cholewiński, all the remaining verses in Lev 18 are additions to the book of Deuteronomy sexual rules (*Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie* [Analecta biblica 66; Rome: Biblical Institute Press, 1976], 288).

24 Brueggemann, *Deuteronomy,* 242.

[25] Ibid., 242. See also Brin, *Biblical Law,* 58–61. Concerning the use of the formula "if he shall not (do)," Brin says that if we arrange texts on levirate marriage in order of the seriousness with which they see the refusal to perform levirate marriage, we should find the following: the book of Ruth, the law in Deuteronomy 25, and the story of Judah and Tamar in Gen 38.

[26] For Feucht, it can be maintained with certainty that the solemn act of cultic obligation of law was written as the *Sitz im Leben* of the curse formulation of Deut 27:15ff., but the original connection of the introductory verses of this chapter (vss. 1–14) with curse formulation cannot be confirmed satisfactorily (U*ntersuchungen zum Heiligkeitsgesetz,* 102). See also Noel Weeks, *Admonition and Curse: The Ancient Near East Treaty/Covenant Form as a Problem in Inter-Cultural relationships* (Journal for the Study of the Old Testament Supplement Series 407; London: T&T Clark International, 2004), 156. Weeks has pointed out that the pedagogical history and the curse in Deut 27 are both developed fully. There are basic demands for loyalty and detailed stipulations. The elements in this text occur in the general order in which they are found in Hittite treaties, and a denial of a relationship is therefore hard to defend.

[27] M.E.J. Richardson, *Hammurabi's Laws: Text, Translation and Glossary* (Biblical Seminar 73; Sheffield: Sheffield Academic Press, 2000), 89–91.

[28] Neufeld, *Hebrew Marriage Laws,* 210.

[29] Ibid., 210. Among the Assyrians marriage with a father-in-law is allowed only in special circumstances, which resembles those of levirate marriage, and one may assume by implication that it was normally forbidden (Neufeld, *Hebrew Marriage Laws*, 210).

[30] Ibid., 207.

[31] Kennedy, *Leviticus and Numbers*, 25. Budd has commented that while Leviticus has certain individuality and cohesion of its own, it clearly cannot be fully understood and appreciated apart from its wider context. The book must be seen as integral to the story of Israel which begins in Exodus, and which continues in the book of Numbers (*Leviticus,* 5).

[32] Kennedy, *Leviticus and Numbers*, 70.

[33] Tigay, *Deuteronomy*, 202.

[34] Childs, *Book of Exodus,* 478.

[35] Alt, "Origin of Israelite Law," 131.

[36] For more details on the relationship between Deuteronomy and H, see Giuseppe Bettenzoli, "Deuteronomium und Heiligkeitsgesetz," *VT* 34, no. 4 (1984): 385–398. For example, Bettenzoli considers texts in Deut 18:9–12a, 19:2–21 and 25:13–16, as well as texts in reference to the formula of law, such as in the form of exhortations, as texts preliminary to the formation of H.

[37] Bigger, "Family Laws," 203.

[38] Knierim, "Form Criticism Reconsidered," 460.

[39] Bigger, "Family Law"; J.M. Powis Smith, *The Origin and History of Hebrew Law* (Publications in Religious Education, Handbooks of Ethics and Religion; Chicago: University of Chicago Press, 1960); Kellogg, *Leviticus;* Kennedy, *Leviticus and Numbers*.

[40] Ibid., 149.

[41] See Smith, *Hebrew Law,* 117.

[42] Budd, *Leviticus,* 14.

[43] Kennedy, *Leviticus and Numbers,* 149. See also Budd, *Leviticus,* 14. He dates H around seventh or sixth century B.C.E. But Noth has noted that any attempt to date the finally derived forms must be approximate and with the proviso that they may contain both the more ancient and the most ancient material (*Leviticus,* 15).

[44] This text is about the death and judgment of Jeroboam (vss. 1–20). His condemnation is that he did not behave like his father David. See more in Bruegemann, *1 & 2 Kings* (Macon, GA: Smyth & Helwys, 2000), 177. In his discussion about bestiality in vs. 24, Gray says that there is nothing better that illustrates the non-moral connotation in Hebrew than the use of the word *qādēš* to denote sacred prostitutes (*1 & 2 Kings: A Commentary* [Old Testament Library; London: SCM Press, 1970], 343). However, for Cogan Mordechai and Hayim Tadmor, it is an open question whether *qādēšim* in 2 Kings 23:7 were male "cult prostitutes" (*2 Kings: A New Translation* [The Anchor Bible; Garden City, NY: Doubleday, 1988], 286).

[45] See also Kellogg, *Leviticus*, 4.

[46] In his discussion on Pentateuchal redaction, Eckart Otto has pointed out that, after the exile, the Priestly view used the DtrH/DtrD's style/model—the Priestly view merged gradually with the DtrH/DtrD on its horizon. However, he argues that both sources recognized a redaction, which concentrated itself on the form of the Sinai pericope, which did not want a forced/artificial compromise of P and D, but a balance to the progress of the Canon ("Gesetzesfortschreibung und Pentateuchredaktion," *Zeitschrift für Alttestamentliche Wissenschaft* 107, no. 3 (1995): 391).

[47] Concerning "The law of the Altar" in the Covenant Code (Exod. 20:23–23:33), Van Seters has remarked that the assumption that this law is primitive, pre-Deuteronomic reform and therefore pre-centralization of worship is virtually universal among scholars. Furthermore, the text is the major reason for dating the Covenant Code as a whole to an early date (*The Life of Moses: The Yahwist as Historian in Exodus-Numbers* [Contributions to Biblical Exegesis and Theology 10; Kampen, the Netherlands: Kok Pharos Publishing House, 1994], 280–282).

CHAPTER SEVEN

Stream of Tradition and Ancient Near Eastern Laws

In chapter one, we mentioned several works by various scholars who have shown interest in the Hebrew Bible legal system, or have alluded to it, for example, Alt, von Rad, Neufeld, and Epstein.[1] Following these scholars, we made several observations. First, two forms of law can be identified in the ancient Near Eastern legal system or the cuneiform (CH, HL, AL, some Nuzi texts and ancient Arab customs): "casuistic" (conditional statements beginning with "if…) and "apodictic" (unconditional statements). Second, the Hebrew Bible legal system is in harmony with other Semitic legal systems as a result of the fusion between the people of Israel, Canaan, Babylonia, and the Hittite and Assyrian empire.[2] Third, the compositional nature of the Priestly laws in Lev 18, which are mainly apodictic, exhibit a great deal of process of step-by-step textual growth and improvement, or redactional activity reflecting a pre-Deuteronomic stage (tenth century B.C.E.), a Deuteronomic stage, and a Levitical Code phase.[3]

However, in chapter five we found that while there are some indications that H might have been influenced by HL, it was not clear how the former text may or may not be a reflection of a genre in the ancient Near Eastern literary legal tradition. We concluded that there was need to do more research on these two texts, this time including other law codes found in the ancient Near East, both biblical and nonbiblical. This was our task in chapter six, where we found that Lev 18 has depended on the HL, other texts within H itself, the Covenant Code, and the book of Deuteronomy.

There are a number of problems with regard to the understanding of the Hebrew Bible legal system not only considering its historical development, but also according to its relationship with other Semitic laws, for example, the questions of dependence, characteristics, function, and contact. Some scholars even doubt whether biblical laws should be treated as real laws.[4] In order to have a better understanding of the issues that these questions pose, we shall study the stream of tradition in this section. Here the transmission of the stream of tradition and its function will be examined. This will be followed by a discussion about the level of contact between the Hebrew Bible legal system and cuneiform law codes, the step-by-step growth of these

texts, and their functions in light of the stream of tradition. Our main concern is how the Hebrew Bible legal system reflects the ancient Near Eastern legal system in particular and the stream of tradition in general.

Stream of Tradition and Records of Day-to-Day Activities

In his introduction to Assyriology, Leo A. Openheim has distinguished two genres: stream of tradition and records of day-to-day activities.[5] The stream of tradition comprises of the corpus of literary texts maintained, controlled, and carefully kept alive by a tradition served by successive generations of learned and well-trained scribes.[6] The other category includes the mass of texts of all descriptions, united by the fact that they were used to record the day-to-day activities of the Babylonians and Assyrians. Openheim maintains that both streams run side by side; each has only limited contact with each other, but the texts of the second level could never have been written without that cultural continuum maintained so effectively by the scribal tradition. He subdivides the texts on day-to-day activities into two sharply differing categories: records and letters.[7] The great majority of the records come from the royal palaces all over the ancient Near East, wherever the Akkadian language and the cuneiform system of writing was in use, that is, from Susa, north of the Persian Gulf, to Ugarit and Alalakah, near the Mediterranean coast. They deal with administrative transactions of all sorts. Other texts in this category include international agreements, private legal transactions—sales, rentals, and loans—as well as marriage contracts, adoptions, wills, and so on. But how were these texts transmitted?

Scribes were highly trained bureaucrats and specialists who must have wielded a great deal of power, as the majority of the population was illiterate, even at the highest level.[8] According to Openheim, in connection with the tablets of the literary tradition (stream of tradition), it was considered their duty to carefully and faithfully copy the texts in order to keep the chain unbroken, and they succeeded in doing so for nearly two millennia.[9] Openheim further observes that the standardization of these texts effectively maintained the original contents against the pressure of changing concepts and attitudes, preserving obsolete text material that otherwise would have disappeared.[10]

However, Openheim says that this corpus of texts (the stream of tradition) did not remain unaffected by changes during such an extended

period of continuous transmission, and that certain selective manipulations may have interfered with the handling down of traditional texts, or that new material may have been incorporated in the texts we have. He cites a good example of how the first cuneiform texts were expanded from the omen collections. From the point of view of literary history, the original practical purpose of such collections of omens was soon expanded, and even superseded, by theoretical aspirations, instead of expressing general principles of interpretation in abstract terms.[11]

For Farber, most changes in the selection, wording, or arrangement of the first cuneiform texts were made intentionally by people fully conversant with, and having physical access to, tablets representing previous stages of the text in question. Individual additions and topical rearrangements were understood as improvements, and the final results after a long textual history became a "canonical version," surprisingly uniform and basically identical throughout the country.[12] According to Farber, the standard version then replaced the previous editions, which thus can be called "forerunners."[13] He argues that a process of step-by-step textual growth and improvement might also have affected some groups of omen texts between the Old Babylonian and Neo-Assyrian periods, that is, the Old Babylonian tablets with celestial omens were forerunners or "prototypes" to later series Enūma Ana Enlil.[14]

Tammi Schneider, too, has dealt with some of the issues with regard to changes that affected the first cuneiform texts, for example, their standard form, the history of the literary texts, their order and structure, their function, and the influence of one literary tradition upon the other. In her examination of the genre of annals from the reign of Tiglath-Pileser I (1115–1077 B.C.E.) until Shalmaneser III (858–824 B.C.E.), Schneider has made several observations that might shed light on the process of textual growth. She points out that the genre of annals continued in a standard form from the reign of Tiglath-Pileser I until Shalmaneser III and that the format of these annals is quite consistent throughout these periods in terms of the kind of units used and their general order.[15] However, the pattern became more formalized as the period progressed and culminated with Shalmaneser III, whose later annals followed a very strict pattern of organization, titles, terminology, and phraseology.[16] However, referring to the list of gods, Schneider has noted that while changes in these texts were inevitable, the order was preserved intact. She observes that the opening unit of the annals, or invocation which consists of a list of gods and their titulary, first appeared

in Assyrian texts in the reign of Tiglath-Pileser I and that the list of gods found on his inscriptions is exactly the same as that used by Shalmaneser III. Thus, already at this early date, there was a specific order in which the gods and their epithets were listed.[17] The gods, their titulary, and order listed in all of the invocations of the gods in the inscriptions preceding and including Shalmaneser III were listed in the following order: Ashur, Anu, Enlil, Ea, Sin, Adad, Shamash, Marduk, Ninura, Nergal, Nusku, Ninlil, and Ishtar. The list of gods could be modified, with the addition or deletion of some gods, but these changes did not affect the order of gods included.[18]

Schneider also addresses the question of the origin of the tradition of the texts in question. She maintains that the organization of the gods was actually part of a long Mesopotamian tradition that can be found in the first cuneiform texts from Fara (ancient Shuruppak). Many of the elements employed in Shalmaneser III's new style of annals point to Babylonia as a major influence in the new execution of annals.[19] She therefore concludes that:

> The appearance of the god list at the beginning of the annals is therefore an old Mesopotamian tradition incorporated into a new Assyrian literary form. Its appearance, beginning only with the creation of the new genre known as annals reflects the continual synchretization of southern Mesopotamian ideas into Assyria. The god list's appearance at the beginning of the annals is indicative of the invocation's role in the new genre of annals. Its prominence in the inscription structurally underlines its significance.

Schneider has also identified changes in the function of the texts. She argues that the function of the southern Mesopotamian list differs from that of the Assyrian annals. The function of the early southern Mesopotamian god lists was purely philological, that is, to give the pronunciations of the names of gods. However, by the end of the second millennium, the god lists were accompanied by explanations. For Openheim, who refers to the function of the code of Hammurabi, it is difficult to determine to what extent these laws actually became effective and under what circumstances the letter of the law prevailed over the realities of practical needs.[20] He argues that this code, as well as other earlier Akkadian and Sumerian codifications, does not show any direct relationship to the legal practices of the time. Its contents are rather to be considered in many essential respects a traditional literary expression of the king's social responsibilities and of his awareness of the discrepancies between existing and desirable conditions. However, two

immediate purposes for the law collections (such as Sumerian, Akkadian, Hittite, and several codifications incorporated into the Hebrew Bible) are evident: (1) superseding oral tradition and practices and (2) the aim of bringing the law into line with changed social, economic, or political conditions.[21]

In an article about literary borrowing, Tigay makes a distinction between original texts, or the texts belonging to literary tradition/stream of tradition, and peripheral texts.[22] He, like Schneider mentioned above, emphasizes the importance of structure in the understanding of the stages of the process of step-by-step textual growth. His main interest in this article is the relationship between the literary traditional texts and the peripheral texts, or what he calls "donor culture" and "recipient culture."[23] For Tigay, in the case of the Hebrew Scriptures and the rest of the ancient Near East, frequent contacts between pre-Israelite Palestine and the Israelites, on the one hand, and Egypt, Mesopotamia, and the Syro-Palestinian states, on the other hand, provides sufficient channels to make borrowing in principle likely. However, the fundamental questions for him are: how do we evaluate the content of apparent literary parallels? How similar must two literary phenomena be in order to qualify as parallels, and what more is demanded if one is to argue that the two are historically related? How much dissimilarity can we tolerate between parallels before dismissing the claims of parallelism or relationship? Tigay cites two different texts in order to show how borrowing took place, one biblical and the other one Babylonian: Ecclesiastes 9:7–9 and the Gilgamesh Epic, which is in the Akkadian language.

Basing his argument on the structure of the two texts, he contends that the proof for the biblical passage's literary dependence on the Babylonian one is the identical order in which the ideas are presented.[24] Tigay calls the relationship between these texts "a celebrated case of suspected literary borrowing." The order of topics in both is as follows: beating, rejoicing, fresh clothing, treating the head, and loving one's wife. He further remarks that the epic exists in Hittite and Hurrian versions, from the Hittite capital Hattusha, and, of special significance for biblicists; there is also an Akkadian fragment of the epic from the Canaanite site of Meggido.[25] According to Tigay, all of these are from about the fourteenth and thirteenth centuries B.C.E. However, Tigay argues that while a good deal of material from the peripheral area is available for comparison with Mesopotamian originals, several peripheral versions have been found to differ markedly from their

native Mesopotamian counterparts. For example, the Hittite version is an abridgment of a native Mesopotamian version. It abbreviates some episodes and omits others entirely; including those, which involve descriptions of the Babylonia city Uruk, and which were of little interest to an Anatolian audience. The Hittite version includes the storm-god among those who endowed Gilgamesh with his attributes at birth. This god plays no role in the Mesopotamian version but was popular among the Hittites.[26] According Tigay, the peripheral versions of the Mesopotamian literary texts may not only differ from the Mesopotamian versions in detail, but that they may abbreviate them in accordance with their own ideology and local interests, precisely as the Bible appears to have done.

Transmission of Ancient Near Eastern Legal Texts

We shall begin this section with the debate on how the cuneiform legal texts were transferred into the Hebrew Bible legal system. Was there any kind of contact, as suggest by Tigay above? Was the contact at "literary/written level," or "reality level," to use the language of Malul?[27] Three views prevail in this discussion: those privileging reality level, literary level, or both at the same time.

For Neufeld, the contact was at the reality level. Neufeld examined the CH, AL, HL,[28] and some Nuzi texts and ancient Arab customs. He concluded that the biblical laws are in harmony with these codes, because of the fusion of the people of Israel, Canaan, Babylonia, the Hittite Empire, and Assyria, which naturally resulted in a considerable fusion between their legal systems despite their ethnic differences.[29] But for Westbrook, the contact was at literary level. While Westbrook does not advocate for dependence of the Hebrew Bible legal system on the cuneiform laws, he does however maintain that the Sumero-Akkadian civilization that produced this legal system spread throughout Western Asia through the medium of cuneiform writing. Its influence is already attested in Syria in the third millennium: at Ebla, and legal documents drafted in Akkadian from Alalah and Hazor show that not merely the writing but legal culture itself was established in Syria-Palestine by the early second millennium.[30]

As far as the legal system is concerned, Israel borrowing from cuneiform does not require contact at reality level, that is, to be actually present, geographically or otherwise, as Mendenhall argues,[31] but it could as well

have happened at the literary level, or even on both levels. Malul is clear on this. He argues that:

> …the contact could be on the literary/written level or on the reality level common to both cultures. That is to say: in case of borrowing, and assuming for the sake of argument that the Hebrew Bible is the borrower, the question would be whether the biblical author borrowed the said phenomenon from some literary source or any other written social, legal or religious tradition with which he was familiar, or whether he was immersed in the life of the ancient Near Eastern culture, was influenced by it, and incorporated part of his experience into his work-the Hebrew Bible.[32]

However, Malul—who seems to counterbalance the two opposing views, for and against the reality level of contact—observes that these two kinds of influences are not mutually exclusive. It could well have been that, even in the absence of actual contacts on the reality level, some educated biblical writers who knew Akkadian and were familiar with some Akkadian work drew upon it, directly or indirectly, in a large or small measure, when they composed their biblical works.[33]

Process of Step-by-Step Growth of Ancient Near Eastern Legal Texts

A process of step-by-step textual growth and improvement might have affected some texts. In our discussion about the HL, we pointed out that there appears to be some sort of historical development, as seen in the two layers of laws that Güterbock proposes:[34] customary and statute laws. The former laws reflect the old customs and existed from time immemorial (the Old Kingdom), while the statute laws are the result of legislation. The growth of HL is also evident in a copy that linguistically belongs to the New Empire and it marks a considerable step forward toward clearer and more logical formulation. This was an indication that the HL evolved over the years before it reached its present form, and that there was a possibility that in general the ancient Near Eastern legal system underwent the same reform. This is not a lone voice, for similar views have been expressed by scholars such as Greengus, Lafont, and Otto,[35] even though there are scholars who are opposed to the idea of the historical development of the ancient Near East legal texts.[36]

In this debate, words like "static" and "dynamic" have been invoked to express the nature of the compilation of ancient Near Eastern legal texts. The majority of scholars, for example, Greengus, Lafont, Otto, Neufeld, and Epstein, are of the opinion that these law codes underwent major changes in their historical development and that the evidence for a process of step-by-step textual growth is overwhelming. However, this is not the case for scholars like Westbrook, who cites the HL to demonstrate his point.[37] While Westbrook admits that the cuneiform texts do exhibit some consciousness of a process of step-by-step textual growth, the HL affords us a unique diachronic view of a cuneiform legal system and provides little evidence of substantive change, and such evidence that is provided lies within the narrow categories of reform found in royal edicts. Westbrook argues that the Near Eastern law codes are "static," or coherent texts comprising clear and consistent laws.[38] He contends that:

> More than half of the Covenant Code's provisions have some parallel in one or more of the cuneiform codes, whether in the form of the same problem addressed or distinction applied, a similar rule, or an identical rule. It is difficult to see how provisions that are so closely associated with an outside source can at the same time be the product of internal development from an earlier primitive version.[39]

Westbrook argues that the history of law in the ancient Near East extends back to the early third millennium and that the earliest records already reveal a highly organized legal system whose courts have full coercive power and whose individuals have the capacity to make contracts.[40] It seems difficult to reconcile some of the conclusions reached by Westbrook. For example, while he rejects the notion of reform and the interdependence of these codes on each other, he does, however, accept the fact that the HL knew the text of CH and that the Codex Eshnunna predates CH by about forty years only.[41]

Mendenhall, even though he does not address the issue of biblical laws directly, is in agreement with Westbrook that parallels between the biblical traditions and cuneiform cannot be explained as ancient Israel borrowing from a superior Babylonian in southern Mesopotamia. Mendenhall, like Westbrook and his notion of a static law, argues that there was hardly any contact between these two cultures until after 586 B.C.E., when the biblical traditions were already well established. He further argues that rather than accepting the so-called pan-Babylonian hypothesis of a century ago (that is, the claim that Israelite traditions were directly dependent on Babylonian

ones), we can now see that both cultures, Babylonian and Israelite, independently inherited and preserved many elements of the more-archaic Amorite culture.[42]

Greengus, Lafont, and Otto disagree with Westbrook's static and unchanging legal and social system, and also his interpretation of HL.[43] For Greengus, there is evidence of "reforms" or significant changes in social policy not only in the royal edicts, but also in the law collections themselves,[44] and therefore consideration of literary editing both in the Bible and in cuneiform laws cannot be totally avoided.[45] Greengus further maintains that the historical changes are evident in different phases of the history of the biblical world:

> Biblical scholars, recognizing that the history of ancient Israel includes memory of a number of important social and cultural changes, have been more ready to create diachronic analyses. An earlier tribal, semi-nomadic phase was followed by a settled, agrarian phase; and during this development, the center of authority moved from elders and clan leaders to monarchy and finally, to one between the Late Bronze and Iron Ages, which suggest social change and upheaval.[46]

Lafont, too, challenges Westbrook's view of an unchanged legal and social system, arguing that Westbrook's interpretation forces a very diverse historical reality into a rigid scheme.[47] Lafont argues that the evolution of judicial rules by means of successive changes is highly probable, even though this practice should not become a systematic postulate. This phenomenon can be observed in the Near Eastern codes, especially in the HL and the AL.[48]

According to Otto, since the laws referred to court decisions and thus reflected everyday life in a judicial perspective, as will be demonstrated below, there was no static "common law."[49] Otto argues for continuous reformulations of the ancient Near Eastern codes. Using the HL as an illustration, he observes that the Hittite bodily injury laws, which took their starting point from an Old Babylonian tradition, show a continuous development from the Old Hittite to the New Hittite period. Furthermore, examples of Assyrian, Babylonian, and Hittite legal history show that the legal sentences did not form static "common law" but had a history of continuous reformulations. These scholarly refinements reflect the continuous reforming of law in society.[50]

Function of Ancient Near Eastern Legal Texts

It is difficult to determine to what extent the legal texts (for example, the CH) actually became effective and under what circumstances the letter of the law prevailed over the realities of life.[51] We shall now continue with our discussion about the function of the ancient Near Eastern legal texts.

While scholars are in agreement with regard to the two main types of law (casuistic and apodictic) of the ancient Near Eastern legal system, the problem of whether these laws were true legal codes or just academic documents, or what Westbrook calls "conduits of tradition rather than of change,"[52] still remains debatable. Concerning the issue of the legislative power of these laws, Westbrook argues that they did not furnish any reforms as part of their intrinsic purpose, and therefore they were academic documents.[53] However, the Hittite laws, unlike other codes, exhibit some consciousness of reform, even though as we shall see below, Westbrook trivializes the significance of this reform in shedding light on the development of the ancient Near Eastern legal system.[54] Similarly for Mendenhall, the law codes were of no great importance in the actual court procedures.[55] But this position is undermined by Mendenhall's own words that the need for the protection of the people of Israel placed on the law a great responsibility for the protection of each member of the community, regardless of his social or economic status, including the protection of the thief (Exod 22:3). For Mendenhall, this is the source of the perpetual concern for justice that is so characteristic above all in Israelite law. Lafont and Otto, however, reject Westbrook's notion of academic documents.[56] Lafont maintains that the law appears as a text proceeding from an institution vested with legislative power, enforceable for everyone and for an unlimited time. The ancient Near Eastern law codes contain true legal rules set forth by the king in accordance with the prerogatives he was given by the gods, valid for all his subjects and designed to remain in force permanently, as shown by the curses uttered in the epilogue of the codes.[57] For Otto, the laws referred to court decisions and thus reflected everyday life in a judicial perspective.[58]

Conclusion

In conclusion, what has emerged from the examination of the stream of tradition, even though brief, is that the first cuneiform texts were written with

the cultural continuum which was effectively maintained by the scribal tradition. The standardization of these texts maintained the original contents against the pressure of changing concepts and attitudes, preserving obsolete text material that otherwise would have disappeared. The texts did not remain unaffected by changes during such an extended period of continuous transmission, and certain selective manipulations may have interfered with the handling down of traditional texts, or new material may have been incorporated in the texts as we have them today. In other words, a process of step-by-step textual growth and improvement might have affected some texts. The possibility of interdependence cannot be ruled out, as seen in the god list at the beginning of the annals, which was an old Mesopotamian tradition incorporated into a new Assyrian literary form. Furthermore, in the case of the Hebrew scriptures and the writings of the rest of the ancient Near East, frequent contact between pre-Israelite Palestine, the Israelites, Egypt, Mesopotamia, and the Syro-Palestinian states is a proof that there were sufficient channels to make borrowing likely.[59] However, the contact could be on the literary or written level or on the reality level, common to both cultures. There was a widespread literary-legal tradition in the ancient Near East, which provided a framework for development of the legal texts in both the cuneiform, and the Hebrew Bible, including our text.

Notes

1 Alt, "Origins of Israelite Law," 81–132; von Rad, *Deuteronomy*; Neufeld, *Hebrew Marriage Laws*; and Alt, "Origins of Israelite Law," 81–132.

2 Neufeld, *Hebrew Marriage Laws*, 9.

3 Epstein, *Marriage Laws.* See also Walter Farber, "Forerunners and Standard Versions: A Few Thoughts about Terminology," in *The Tablet and the Scroll, Near Eastern Studies in Honor of William W. Hallo*, eds. Mark E. Cohen, Daniel C. Snell, and David B. Weisberg (Bethesda, MD: CDL Press, 1993), 96.

4 For Blenkinsopp, biblical law codes (Exod 20:23–23:9; Deut 12–26, and much of Numbers, including the so-called Holiness Code in Leviticus 17–26) are not really law codes, since they made no pretense at comprehensiveness. Moreover, those formulations generally classified as apodictic law—especially the prohibitives of the "you not" kind, as in the Decalogue—are moral norms rather than laws in the usual meaning of the term, while the case laws define the legal consequences of specific actions or behaviors without defining their moral status ("Family in the First Temple," 58). See also Mendenhall, "Oriental and Biblical Law," 28. Referring to Decalogue, for example, he

says that the statutes are not laws because there are no provisions for the action of the community against the offender.

5 Leo A. Openheim, *Ancient Mesopotamia, Portrait of a Dead Civilization* (Chicago: University of Chicago Press, 1977), 7–30.

6 Ibid., 13.

7 Openheim, Ancient *Mesopotamia*, 23.

8 See Harriet Crawford, *Sumer and the Sumerians* (Cambridge: Cambridge University Press, 1991), 153.

9 Openheim, *Ancient Mesopotamia*, 13

10 Ibid., 15.

11 Openheim, Ancient *Mesopotamia*, 211.

12 Farber, "Forerunners," 95.

13 Ibid., 95. According to Farber, the term "forerunner" describes texts other than those genres that were viewed as links in some kind of a developmental chain, thus contrasting the earlier stages with later, "standardized," or "canonical" versions. A concept of "forerunner" is strictly limited to texts belonging to the "stream of tradition" which, after being written down once, were collected, edited, and often completely reformatted by ancient scribes of later generations. The terminology has thus been used with reference to omen texts, myths and epics, hymns, cultic laments, and magico-religious texts like prayers and incantations. Common Assyriological jargon tends to use the terms "redaction" or recension" for such intermediate stages of historical accounts.

14 Ibid., 96.

15 Schneider, "A New Analysis of the Royal Annals of Shalmaneser III" (PhD diss, University of Pennsylvania, 1991), 43.

16 Schneider, "Royal Annals," 43.

17 Ibid., 44

18 Ibid., 46.

19 Ibid., 47.

20 Openheim, *Ancient Mesopotamia,* 158.

21 Ibid., 231.

22 See Tigay, "On Evaluating Claims of Literary Borrowing," in *The Tablet and the Scroll, Near Eastern Studies in Honor of William W. Hallo*, ed. Mark E. Cohen, Daniel C. Snell, and David B. Weisberg (Bethesda, MD: CDL Press, 1993), 250–255.

23 Tigay, "Literary Borrowing," 250.

24 Ibid., 252.

25 Ibid., 253.

26 Ibid., 254.

27 Malul, *Comparative Method,* 89.

28 Neufeld, *Hebrew Marriage Laws*, 7.

29 Ibid., 9.

30 Westbrook, "Covenant Code," 21. See also Van Seters, *Law Book*, 5. Van Seters argues that the similarity of its first half to the Babylonian laws suggests that the Covenant Code laws should be dated as early as possible. It is difficult to explain any cultural continuity between the Babylonian legal tradition of the second millennium B.C.E. and the Palestinian Iron Age monarchies that arose in the tenth or ninth centuries B.C.E. in Israel and Judah. Cultural contact between Mesopotamia and Palestinian states was only reestablished after a lapse of several centuries, under the domination of the Assyrian Empire in the eight and seventh centuries, and it is this later Assyrian influence that is reflected in Deuteronomy. Likewise, Babylonian influence on the Covenant Code could

reflect contact between Jews and Babylonian period and therefore be late rather than early.

31 Mendenhall, *Faith and History*, 25.

32 Maul, *Comparative Method*, 87.

33 Ibid., 88.

34 Güterbock, "Authority and Law," 232.

35 Greengus, "Comparability of Laws," 60–87; Lafont, "Continuity and Pluralism," 91–118; and Otto, "Reforms and Reformulations," 160–196.

36 See Van Seters, *Law Book*, 5. However, methodologically, Van Seters has been praised by Gary N. Knoppers for breaking down the boundary of literary criticism and comparative Semitics by offering studies that relate the findings of ancient Near Eastern epigraphy, history, and archaeology to the DtrH ("Introduction," in *Reconsidering Israel and Judah, Recent studies on the Deuteronomistic History,* eds. Gary N. Knoppers and J. Gordon McConville [Sources for Biblical and Theological Study 8; Winona Lake, IN: Eisenbrauns, 2000], 14).

37 Westbrook, "Covenant Code," 27.

38 Westbrook, "Covenant Code," 36. Schneider maintains that CH was not dynamic. It was set. HL changed and it is layered. Assyrian laws appear in two versions, but this is different from "redaction" as used in the Hebrew Bible (personal communication).

39 Ibid., 21.

40 Ibid., 20.

41 Ibid., 23. For Schneider everyone knew CH. It was a teaching text, but the laws of Eshnunna were found as garbage, meaning that 40 years later people in a different city would not necessarily have known about them (personal communication).

42 Mendenhall, *Faith and History*, 25. According to Van Seters, from a social and religious perspective, the laws reflect a more primitive social and religious stage in the development of the Israelite culture than the later codes. This evolutionist argument from Wellhausen's Prolegomena onwards has been greatly eroded in recent years, although the consequences of its decline have not been taken seriously (*Law Book*, 5).

43 Greengus, "Comparability of Laws"; Lafont, "Continuity and Pluralism"; and Otto, "Aspect of Legal Reforms and Reformulations in Ancient Cuneiform and Israelite Law," in *Theory and Method in Biblical and Cuneiform Law, Revision, Interpretation and Development*, ed. Bernard M. Levinson (Journal for the Study of the Old Testament Supplement Series 181; Sheffield: Sheffield Academic Press, 1994), 160–196.

44 Greengus, "Comparability of Laws," 65.

45 Ibid., 85.

46 Ibid., 72.

47 Lafont, "Continuity and Pluralism," 92.

48 Ibid., 106.

49 Otto, "Legal Reforms and Reformulations," 163.

50 Ibid., 182.

51 See Openheim, *Ancient Mesopotamia*, 158.

52 Westbrook, "Covenant Code," 24.

53 See also Malul, who, referring to the laws of the Goring Ox, has pointed out that we are dealing here with a literary tradition rather than with practical legal tradition, for if these law corpora had been practical law codes, reflecting the actual legal reality of the time, one would have expected to find among the thousands of legal protocols at least a probable number of examples of damages caused by goring oxen (C*omparative Method,* 129. See Van Seters, who argues that such laws codes do not arise apart from the

literary activity of scribal class in urban centers. Yet this code does not reflect anything of a national state during the period of the Israelite and Judean monarchies (*Law Book,* 5).

54 Westbrook, "Covenant Code," 25.

55 Mendenhall, "Oriental and Biblical Law," 39.

56 See also Otto, "Legal Reforms and Reformulations," 163. For Otto, as the laws referred to court decisions and thus reflected everyday life in a judicial perspective, there was no static "common law," or what Mendenhall, calls, "natural law" ("Oriental and Biblical Law," 30). In Locher's terms, this phenomenon is described as "a common ancient-oriental culture of law" (*Die Ehre einer Frauin Israel,* 13–21).

57 Lafont, "Continuity and Pluralism," 96.

58 Otto, "Legal Reforms and Reformulations," 163.

59 Tigay, *Deuteronomy*, 252–253.

CHAPTER EIGHT

Family Laws and the Portrayal of the Canaanites

In the previous chapter, we saw that there was a widespread literary-legal tradition in the ancient Near East that provided a framework for the writing of the legal texts in both the cuneiform and the Hebrew Bible. Our main task in this chapter is to examine how the Hebrew Bible legal system portrays the Canaanites. We shall discuss the expulsion of the Canaanites by God and the people, the reasons for expulsion and avoidance in the book of Kings, and finally the background of the laws of polarization.

In order to have a glimpse into the portrayal of the Canaanites in the Hebrew Bible legal texts, pertinent issues in this subject both synchronically and diachronically will be discussed. The laws regulating the relations of the Israelites to the inhabitants of the land of Canaan who preceded them, following Weinfeld,[1] will include laws in the Covenant Code (Exod 21–23, which is the most ancient code, and in the law of the small Covenant code in Exod 34:11–17), the Priestly Code (Num 33:50–56), and the Deuteronomic Code (Deut 7:5; 20:10–18). However, for the purpose of this study we shall include H, which is missing in Weinfeld's list of codes. We shall begin by discussing these codes without necessarily considering their history. It is assumed that in doing so we shall be able to unearth different attitudes towards the pre-Israelite population, which in turn will shed light on the reasons for the expulsion, dispossession and avoidance of the Canaanites. Finally, the background of the crystallization of the laws of expulsion, dispossession, and avoidance of the pre-Israelite population will be examined diachronically.

Portrayal of the Canaanites

In this section different attitudes towards the pre-Israelite population as they are presented in the above texts will be discussed. In the task of trying to understand the different ways of punishing the Canaanites, the expulsion of the Canaanites by God and then by people will be discussed first, and then discuss the avoidance of the Canaanites by Israel. The texts mentioned above

will be examined synchronically, that is, in their final form, without considering the history of the issues in question.

Expulsion of the Canaanites by God

The character God uses five forms of expulsion: גרשׁ "drive away," נשׁל "clear away," שׁלח "send out, הדף "thrust out," and ירשׁ "dispossess." In Exodus 23:29, God expels the Canaanites from Israel, saying: "I will not drive them out from before you in one year, lest the land become desolate and the wild beasts multiply against you." As the verb אֲגָרְשֶׁנּוּ clearly shows, the subject is YHWH, who uses hornets as his army to drive out the Hivites, the Canaanites, and the Hittites (cf. 23:28).[2] Houtman has pointed out that the reason for the coming of wild animals is to devour the corpses of the inhabitants of Canaan and also harm the Israelites.[3] Here, we have evidence for a gradual conquest. The conquest and displacement of the natives of Canaan took place over a long period and in various ways.[4] Houtman bases this argument on the interpretation of בְּשָׁנָה אֶחָת "little by little," which the RSV has rightly translated as "one year." In Exodus 34:11, the list of the nations to be driven out includes nations that are not mentioned in Exod 23:29. Here, God is about to drive out the Amorites, the Canaanites, the Hittites, the Perizzites, the Hivites, and the Jebusites.

Another form of expulsion is expressed using the term נָשַׁל "clear away." In Deuteronomy 7, when God brings Israel into the land which they are entering to take possession of it and clears away many nations before them, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations greater and mightier themselves (vs. 1), they will be cleared away little by little (vs. 22). On the part of Israel, there is no reason to fear or say in their heart, "These nations are greater than I; how can I dispossess them?" All they need to do is to remember what God did to Pharaoh and to all Egypt, the great trials which their eyes saw, the signs, the wonders, the mighty hand, and the outstretched arm by which God brought them out (cf. vss. 17–20).

God will not only drive out the nations and dispossess them of the land, but he will also "send them out (מְשַׁלֵּחַ)," as we read in our text (Lev 18:24): "Do not defile yourselves by any of these things, for by all these the nations I am casting out before you defiled themselves." Here, unlike in the texts

shown above and those that follow below, the sending out of the Canaanites comes immediately after the marriage laws and forbidden unions.

In Deuteronomy 6:19, a different verb is used. This time the nations will be הֲדַף "thrust out," or "expelled out," or "pushed out." But God will thrust out not just the nations but also "all your enemies." This chapter explains the history behind the land out of which the enemies will be thrust out. It all began with the promise to Abraham:

> And when the LORD your God brings you into the land which he swore to your fathers, to Abraham, to Isaac, and to Jacob, to give you, with great and goodly cities, which you did not build, and houses full of all good things, which you did not fill, and cisterns hewn out, which you did not hew, and vineyards and olive trees, which you did not plant, and when you eat and are full, then take heed lest you forget the LORD, who brought you out of the land of Egypt, out of the house of bondage (vss. 10–12).

God also causes Israel to הוֹרִישׁ "dispossesses" them: "then the LORD will drive out all these nations before you, and you will dispossess nations greater and mightier than yourselves" (Deut 11:23).[5] However, the text does not say who these nations are, except for the description of the land (vss. 11–15)[6] that they are occupying, and which they are going to be dispossessed. The land is not like the land of Egypt, from which they have come, where they sowed their seed and watered it with their feet, like a garden of vegetables, but a land of hills and valleys[7], which drinks water by the rain from heaven. In this land God will give the rain for their land in its season, the early rain and the later rain, that they may gather in their grain and their wine and their oil. He will also give grass in their fields for their cattle, and they shall eat and be full. Furthermore, the eyes of the LORD their God are always upon the land which the LORD their God cares for, from the beginning of the year to the end of the year. In Exodus 34:24, God will dispossess the nations and enlarge the borders of Israel, and no man shall desire their land. In Deuteronomy 4:38, the same verb (ירשׁ) is used to show how God will seize nations greater and mightier than Israel, bring them in, and give them their land for an inheritance.[8]

So far, we have been considering forms of expulsion that seems mild involving moving the enemies from their land to clear the way for Israel, even though these texts are silent about the question of where the enemies are going to be relocated, that is, to where are they sent, or thrust out, or

driven out, and so on. Another form of expulsion is found in the Hebrew Bible, this time more severe than the above examples. This form of expulsion involves killing the enemies. Three key words are used to express this idea: מַאֲבִיד "to destroy," הִשָּׁמְדָם "to exterminate," and (הַחֲרֵם "to annihilate."

In Deuteronomy 8:20, God will cause to perish (מַאֲבִיד) both the nations and Israel.[9] The former clears the way for the latter, while Israel will perish for their disobedience. Deuteronomy 7:23, 9:3, and 31:3 express a similar form of subduing the enemies, but uses a different word, יַשְׁמִידֵם. The root of this word is שׁמד, and it is not used in the kal stem. In its hifil form, the word means to destroy, to lay waste cities, or to destroy people. Both laying waste of cities and destroying people are applicable here. In Deuteronomy 7:23, God will give the enemies over to Israel and throw them into great confusion until they are destroyed. But in 9:3, God will go over before Israel as a devouring fire and destroy them and subdue them. Israel shall, however, drive the enemies out and make them perish quickly.

Finally, we have Deuteronomy 31:3. Here, Joshua will go over at the head of Israel. But this is after God himself has gone over before them and has destroyed these nations. All this is done so that Israel can dispossess the enemy. A good example of this form of subduing the enemy by killing is found in Judg 4:23. In this text, God is said to have subdued Jabin, the king of Canaan, before the people of Israel, and then the hand of the people of Israel bore harder and harder on this king until it destroyed him. The hifil form הִכְרִיתוּ is used to state this act.

Expulsion of the Canaanites by the People

All the texts examined above portray God as the one removing the inhabitants of Canaan from their land. However, we do have instances where the people themselves participate in this exercise, but they have to wait until the enemies are given or delivered into their hands. This is the case in Exod 23:31, where God sets their bounds from the Red Sea to the sea of the Philistines, and from the wilderness to the Euphrates, and then he delivers the inhabitants of the land into their hand. It is at this point that the people drive the enemies out. The giving of the enemy to the people by God so that the people could drive them out is also seen in Deut 7:2, and 20:17.

However, a different word is used, a word that is not used in the above examples where God does the actual subduing of the enemy. This word is הַחֲרֵם "to ban," or "to devote," or "to utterly destroy."[10] The manner in which this form of expulsion is to be executed is evident in this text. Three steps seem to be at work: God gives them over to Israel, Israel defeats them, and then they utterly destroy them. They are then warned to make no covenant with them (7:2). A list of the enemies to be utterly destroyed then follows in 20:16–17: "But in the cities of these peoples that the LORD your God gives you for an inheritance, you shall save alive nothing that breathes, but you shall utterly destroy them, the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites, as the LORD your God has commanded."[11]

In Numbers 33:52 and 55, two elements that have not been mentioned before emerge: one has to do with the items of pagan worship and the reason why the enemy has to be destroyed completely (cf. Deut 12:2ff.).[12] The items to be destroyed are all the figured stones, molten images, and all the high places of the nations (vs. 52). The reason why the enemies are to be driven out is that if they remain in the land, they shall be as pricks in the eyes of Israel and thorns in their sides, and they shall trouble them in the land where they dwell (vs. 55). In Deuteronomy 12:2–3, we have the destruction of pagan items of worship:

> You shall surely destroy all the places where the nations whom you shall dispossess served their gods, upon the high mountains and upon the hills and under every green tree; you shall tear down their altars, and dash in pieces their pillars, and burn their Asherim with fire; you shall hew down the graven images of their gods, and destroy their name out of that place.

If Weinfeld's "hkryt" which he translates as "cut off" is identifiable with הַכְרִית, then this form is not found in Num 33:52 and 55 (cf. Deut. 12:2ff.) above. We find it in 1 Sam 28:9; 1 Kings 11:16, and in Jer 44:8 and not in the sense suggested by Weinfeld.[13] In Deuteronomy 12:29, God cuts off the nations that Israel goes in to dispossess, and they dispossess them and dwell in their land. This idea of cutting may be compared to 1 Kings 14:14 in which the house of Jeroboam is cut off.

Weinfeld has not included the verb אָכַלְתָּ "to eat," "to devour," and "to burn up" (Deut 7:16), among the key words in his discussion. The context of

this text demands the last meaning, even though in the RSV translation, the word "destroy" is used instead: "And you shall destroy all the peoples that the LORD your God will give over to you, your eye shall not pity them; neither shall you serve their gods, for that would be a snare to you." Given that other verbs have been used to express the idea of destruction, it is most likely that the idea of destruction by burning is meant here (cf. Deut 9:3). This is true especially in light of חֵרֶם, as viewed by Weinfeld.[14] For example, he argues that the book of Deuteronomy, which uses חֵרֶם concerning the Canaanites, consistently avoids using the verb גרשׁ for "expel," in order to indicate that the seven nations are not to be expelled, but to be exterminated.[15] It is from this point of view that the following verbs should be understood: אָכַלְתָּ (Deut 7:16), תוּכַל (7:24), and הִשְׁמִדְךָ (7:24).

Weinfeld has further observed that when the author of Deuteronomy uses earlier sources that do use the verb נָרַשׁ, he intentionally changes this verb to another verb. According to Weinfeld, the author of Deuteronomy intentionally changes the vocabulary in Exodus on the subject of removal of the pre-Israelite population, for example, in Exod 23:28. Here, the hornet is sent by God to drive out the enemies, but in the book of Deuteronomy the tradition of the angel is completely dropped as an ideological taste (as an objection to angeolology) and instead they entice Israel to indulge in the worship of pagan gods, and to not do what the inhabitants do.

We shall now turn to avoidance as part of the scheme of settling Israel in the land of their enemies. Weinfeld finds two key texts that touch on relations between the Israelites and the inhabitants of the land of Canaan, in Exod 34:11:16 and Num 33:50–55.[16] However, enough has been said about these two texts, for example the forms of expulsion in both texts and the fear of being troubled by the inhabitants (Num 33:55), and the need to destroy their objects of worship (Exod 34:13). There are several things that the people of Israel are not supposed to do, as seen in Lev 18:3. They shall not do as they do in the land of Egypt where they dwelt, and they shall not do as they do in the land of Canaan to which God is bringing them, and they shall not walk in the statutes of the Canaanites. While the interest of the author in this text seemingly revolves around the family laws and forbidden unions, except for the one law on sacrifice to Molech in Exod 34, Israel should not only tear down the altars of their enemies, break their pillars, and cut down their Asherim, they should also not worship other gods or make covenants with the inhabitants of the land, take their daughters or make for themselves

molten gods (vss.13–17).[17] However, in Exod. 34:11–16, as Weinfeld has rightly demonstrated, the emphasis comes upon a prohibition affecting social contact with the Canaanites: the making of covenants and marriage ties. Not a word is said about the expulsion or dispossessing on the part of Israel. God alone will expel the Amorite and the Canaanite before Israel.[18]

Reasons for Expulsion

Concerning the reasons why the inhabitants of the land should be expelled from the land, we have already mentioned three reasons as depicted in different texts, namely, breaking of family laws and forbidden unions (Lev 18), being a snare to sin (Exod 23:33, cf. Deut 12:30), and being a cause of trouble (Num 33:55). Weinfeld is of the opinion that all the laws concerning the "dispossession" of the Canaanites are combined with a warning against worshiping idols and these other reasons are used as a point of departure for the commandments for dispossession.[19]

We shall now focus our attention on the narratives in Kings to explore further the reasons for the expulsion or destruction of the nations. Nussbaum has noted that the chief purpose of the narratives in Kings is to explain the Israelite and Judean exiles, and since these exiles are the Israelite equivalent of expulsion, this narrative contains a number of references to Canaanite expulsion.[20] The key text in understanding the subject under investigation is 1 Kings 14. Here, we have a text that agrees in phraseology and structure with Lev 18 and Deut 18:

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The text reads:

> …but you have done evil above all that were before you and have gone and made for yourself other gods, and molten images, provoking me to anger, and have cast me behind your back; therefore behold, I will bring evil upon the house of Jeroboam, and will cut off from Jeroboam every male, both bond and free in Israel, and will utterly consume the house of Jeroboam, as a man burns up dung until it is all gone (vss. 9–10).

Like these other texts on dispossession, the passage has two main elements: idolatry of Jeroboam and his punishment. As a consequence, God brings evil to the house of Jeroboam.[21] Every male will be cut off. The Hebrew root verb כרת "to cut off" used here is analogous to the cutting off nations for committing a similar sin (cf. Deut 12:29 and 19:1). The same theme appears in vss. 22–24. Again, the pattern is the same: idolatry and punishment. The location is in Judah, and the king involved is Rehoboam. Judah is said to have built high places, pillars, and Asherim on every high hill and under every green tree. Here they are said to have followed the Canaanites. What did the Canaanites do; violate all the family laws and the forbidden unions of H? The text is not specific: Judah did "all the abominations of the nations." However, we can infer in vss. 22–23 that the author is referring to the building of high places, pillars, Asherim, and male cult prostitution. Two things are of note. The word תּוֹעֵבה "abomination" is also used in our text to describe the sin of Judah and the juxtaposition of cult prostitution with idolatry, and the mention of male cult prostitution helps to explain the inclusion of man-to-man union in H: "You shall not lie with a male as with a woman; it is an abomination" (Lev 18:22).

The sin of Ahaz in 1 King 21 is consistent with the theme of idolatry and punishment. He violates one of the laws in our text (Lev 18:21) by giving children as an offering to Molech. Ahaz burns his son as an offering, according to the abominable practices of the nations who were driven out of their land (vs. 3). In verse 4, he is accused of sacrificing and burning incense on the high places, and on the hills, and under every green tree. Punishment follows immediately in vs. 5. Two kings are presumably going to punish king Ahaz for this sin. The text is silent about it, but since it complies with the other texts we have been examining, we conclude that this is the case here. King Rezin of Syria and Pekah, the son of Remaliah, king of Israel, wage war on Jerusalem, and they besiege Ahaz, but they do not conquer him. Like in the other texts, the sin committed here is referred to as תּוֹעֵבָה of the nations (vs. 3).

However, the idolatry and punishment pattern is missing where we should expect it, for example, in 1 Kings 21:26–29. In this text, King Ahab is said to have done abominably by going after idols as the Amorites had done whom God had cast out before the people of Israel. While the consequence is supposed to follow after this act of idolatry, it is put on hold until a later date, that is, his sons will pay for his sin![22] The reason is that he repented of his sin

by rending his clothes, putting sackcloth upon his flesh, fasting and laying in sackcloth, and going about dejectedly (vs. 27).

A complete list of the sins of the Canaanites is found in 2 Kings 17:7ff., which takes place during the fall of Samaria in 722 B.C.E.[23] which for Nussbaum is a summary of the theme of the King's narrative, and it is here that we are told how the Assyrians conquered Israel and exiled its inhabitants because they had followed the customs of the Canaanites.[24] We must admit the fact that the idolatry-punishment formula is not found in this text. The order is somehow reversed. The author begins with the invasion and besieging of Samaria by King Shalmaneser of Assyria, and the carrying away of the Israelites to Assyria (vss. 6–7). This happens when King Hoshea refuses to pay tribute to King Shalmaneser (vs. 4). The text is clear on the reason that this has to happen:

> And this was so, because the people of Israel had sinned against the LORD their God, who had brought them up out of the land of Egypt from under the hand of Pharaoh king of Egypt, and had feared other gods and walked in the customs of the nations whom the LORD drove out before the people of Israel, and in the customs which the kings of Israel had introduced. And the people of Israel did secretly against the LORD their God things that were not right (vss. 7–9).

The list of the sins of the nations is helpful in shedding further light on Lev 18 in connection with the expulsion of the Canaanites. The following is the list of the sins of the Canaanites, as shown in this text, and in the order in which they appear:

- building high places
- setting pillars and Asherim on every high hill and under every green tree
- serving idols
- burning incense on all the high places
- making for themselves molten images of two calves
- making an Asherah
- worshipping all the host of heaven
- serving Baal
- burning their sons and their daughters as offerings
- using divination and sorcery
- selling themselves to do evil in the sight of the LORD, provoking him to anger

If this list is intended by Dtr to show all the sins of the nations, or as what Brueggemann calls "commentary,"[25] then the sin of violating the family laws and the forbidden unions in Lev 18 is missing here. The only sin found here and also in our text is the sin of giving children as offering to Molech. Note that even male cult prostitution mentioned in our text is missing here. Amazingly, all the eleven sins mentioned above are summed up in Lev 18 in one law: "You shall not give any of your children to devote them by fire to Molech, and so profane the name of your God" (Lev 18:21). This is the only link![26] The other point that needs to be mentioned here is the role of Jeroboam as seen from the perspective of expulsion of Israel from their land. He is the cause. When he had torn Israel from the house of David they made Jeroboam the son of Nebat king. He drove Israel from following God and made them commit great sin (vs. 21). The people of Israel walked in all the sins, which Jeroboam did, and they did not depart from them (vs. 22).

In 2 Kings 21, the focus shifts from the north (Samaria) to the south. King Manasseh is blamed for committing the abominations of the nations (vs. 2). Worse still is his shedding of innocent blood (vs. 16), and so, as Samaria suffers as a result of Jeroboam, so does Jerusalem as a result of Manasseh: "And I will stretch over Jerusalem the measuring line of Samaria, and the plummet of the house of Ahab; and I will wipe Jerusalem as one wipes a dish, wiping it and turning it upside down" (vs.13).[27]

The pre-Israelite inhabitants of Canaan were supposed to be either sent out, or driven out, or exterminated depending on the text in question as seen above. But were these plans ever executed? Were the inhabitants driven out, or annihilated? If not, what was the purpose of mentioning the Canaanites or their evils or the evils of the nations in these texts?[28] Weinfeld's work is significant in answering these questions. He terms this plan a "utopian ideology of Deuteronomy,"[29] and is thus superfluous.[30] The inhabitants of Canaan were not destroyed or annihilated. For example, in his discussion of the law of חֵרֶם in the DtrH, Weinfeld observes that the inhabitants of Canaan were not destroyed but rather placed under corvée, as we learn from 1 Kings 9:20–21 and from old traditions (Judg 1:21, 27–28, 29, 30, 31–33, and their parallels in Jos 15:63; 16:10; 17:12–13, 14–18). In these texts, the remaining Canaanites dwelt in their cities until the day of David and Solomon, and these later were placed under corvée labor (1 Kings 9:20–21; 2 Chr 2:16).[31] Weinfeld maintains further that according to Judg 1:32–33, some of the Canaanites even placed the Israelites in the north (on the coast and in

Galilee) under the corvée. He therefore concludes that the חֵרֶם on the Canaanites, in the historical books as commanded in Deut 7:2 and 20:16–17, was never carried out, and that the editor of the book of Joshua, who depends on the book of Deuteronomy, tried to draw a picture of the conquest according to the commandments of the book of Deuteronomy, and therefore envisioned the total annihilation of all the inhabitants of the Canaanite cities of the land (Jos 10:40, cf. also 11:12–20, 12:1–6).[32]

The above discussion seems to point to one significant fact, that is, the role played by the Deuteronomist in shaping the entire history of the giving, taking, possessing, treating, and eventually even the loss of the land, as pointed out by Lothar Perlitt.[33] Perlitt has made a number of important observations in regard to the way the Hebrew Bible theology of the land was developed by Dtr, who determined the quantity and variety of phraseology, the origin, and styling of these issues.[34] According to him, it is true that one cannot understand Dtr without this circling around the divine gift of "land," even though there are texts in the Hebrew Bible in which the land plays no role at all—or at best a marginal one.[35] Here, Perlitt has in mind Deutero-Isaiah, a contemporary of the Deuteronomist who, with exception of Isa 49:8–9, never means anything by mention of the land other than the entire inhabited earth or heaven and earth as the entire creation (Isa 7:22, 26:10).[36]

Background to the Law of Polarization

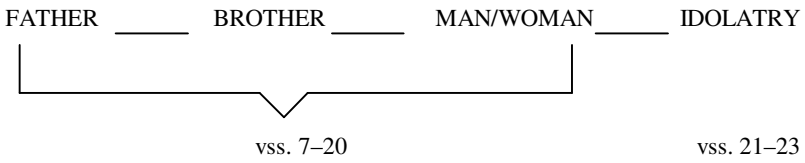
Many scholars argue that the *Sitz im Leben* of the laws of incest in Lev 18 should be traced to the local family group, pointing to a desert setting. For example, Alt maintains that the apodictic laws, which include our text, are linked with the worship of YHWH, and their origin is traced in the desert.[37] Other scholars such as Bigger and Porter have given the same explanation concerning the setting of these laws.[38]

Bigger, whose work was mentioned in chapter one, maintains that these laws demand order and purity in society, which must begin from the local family group.[39] These laws go back probably to the very earliest days of Israelite settlement in Palestine. They show a society organized on the basis of the large family living together, and they are based solely on the fact of existing relationships within the family group. They depict a period in Israel's history before the national religion had its influence in every

department of moral and social practices and when there was no "nation," but the groups which were later to comprise it were living together as large families in a semi-nomadic state in Palestine.[40]

According to Porter, the regulations here enable us to see precisely who were then considered to belong to the Hebrew family group. Their purpose is not to prohibit certain kinds of marriages; rather, the primary concern is with those who are living together in close proximity to one another in a tent encampment, although, of course, the real kernel of those so living was formed of people closely related by blood.[41] Porter then concludes that the rules aim to regulate sexual relationships and to forbid all promiscuity within the group, with the object of preserving peace and harmony among those living together.[42]

While we do not reject the notion of the antiquity of these laws, that is, that might have their *Sitz im Leben* in the desert, we do, however, have to correlate this understanding with the changes through which this text has undergone, as pointed out above. We need to make a distinction between family laws and other laws found in this text based on its structure:



By making this distinction, two forms of laws are evident: family laws and laws on idol worship. There are two ways of understanding the settings of the two forms of laws. For the family laws, our sources would comprise both biblical and nonbiblical sources, while for the laws on idolatry, our main source would be DtrH. This is especially true if we remember that except for the law on bestiality, which is missing in the Deuteronomic Code (Deut 18), the other two laws—the burning of children to Molech and the cult of male prostitutes—are Deuterononomic laws. To where do we then trace the setting of the family laws? Do we trace them to the desert? How about the laws on idolatry? Do we trace them to the cult of the nations? Why are the two forms of laws placed next to each other in the text? Our attempt to answer these questions entails establishing the form of law that came first and by going by the chronology of biblical sources as accepted in biblical tradition. The laws on idolatry are Deuterononomic in nature and are therefore earlier than the

family laws, which belong to the H category. The setting of the family laws (H) then cannot be understood without the understanding of the role Dtr has played in the texts in question.

Weinfeld argues that the laws of expulsion and dispossession of the pre-Israelite population crystallized in a period of tension with the inhabitants of Canaan, and at a time when there was feeling of unity between the tribes of Israel.[43] Similarly, for Gottwald, even though his approach is sociological,[44] the results are the same as Weinfeld's, that is, the polarization arose in an initial hostility between the two peoples, in a death struggle to possess the same land.[45] For Weinfeld, the background of the commandments concerning expulsion and dispossession, which precede the utopian ideology of Deuteronomy, is the period of king Saul, the period in which there was a sense of tribal unification under one king, and the most suitable place for the crystallization of these traditions is the shrine at Gilgal, which is the place of the formation of the stories of conquest in Jos 2–10.[46] Weinfeld's conclusion is consistent with the observations we made earlier in regard to the historical development of biblical law codes:

> In the first version, reflected in Exod 23:20–33; 34:11–16, the commandments prescribes "expelling גרש" the Canaanites and not to make any covenants with them, that is, not to allow them possessions in the land. "They shall not dwell in your land" (Exod 23:33). In the second version, reflected in the priestly code in Num. 33:50–56, the commandment prescribes the dispossession of the inhabitants of the land, which was interpreted as either expulsion or destruction. In the third version, reflected in Deut 7:2, and 20:16–17, the commandment prescribes the חרם "ban," which is interpreted as annihilation: You shall not let any soul live (Deut 20:16). The total annihilation was never carried out (cf. 1 Kings 9:20–21), and this law must be seen as utopian.[47]

Weinfeld maintains strongly that the period of Saul is the most appropriate for the crystallization of anti-Canaanite ideology, in contrast to the period of David and Solomon, which did not practice the חֵרֶם against the pre-Israelite inhabitants, whom they merely placed in corvée labor (1 Kings 9:20–21).[48] However, the attribution of anti-Canaanite ideology to the time of David is not without criticism. For example, Perlitt argues that under David, no one doubted the possession of the land, that is, in the eighth century B.C.E. it was the prophets who doubted it.[49] The land, according to Perlitt, became a fundamental theological topic when the threat to it could no longer be hidden from anyone. This happened after 722 B.C.E. simply

because most of what was once called Israel was lost, so that even the classic formula "from Dan until Beersheba" had only theological significance. Perlitt further maintains that even under this thematic aspect, Dtr is neither an intellectual nor literary whole, but the result of an approximately 200-years-long process of growth,[50] most probably between 700 and 500 B.C.E. During this process the Deuteronomic school retained and weaved together everything in the process of the tradition. Perlitt then concludes that the older elements and levels of Deuteronomic Code material form the standard both for the younger ones and for the portrayal of the history in its full DtrH scale.

Gottwald has pointed out that evidence for the conquest typology is the marked division running throughout the biblical tradition between Canaanite and Israelite.[51] With few exceptions, Canaanite culture and religion are condemned and rejected by the most ancient Israelite sources. He argues that this sharp demarcation between Canaan and Israel, between Baal's sphere and YHWH's sphere, appears to give credence to an original enmity between the two religio-cultural and political worlds. For Gottwald, this is the only way we can explain the utter rejection of all things Canaanite in Israel's traditions. He further observes that the very polarization of Israelites and Canaanites posited in the biblical tradition, often cited in support of the conquest model, may be seen as pointing in the opposite direction, for only if the Canaanites had not been displaced en masse could they have remained a threat to Israel that had to be countered so vehemently. For Gottwald, like Weinfeld, the Canaanites were not exterminated. This fact explains why large generations of Israelites are interested in the polarization. It is because the Canaanites had not been destroyed at the start. This argument is based on Gottwald's understanding of the conquest. The polarization of Israel against Canaanites should not be understood in light of an original, more peaceful juxtaposition of immigrating Israelites and resident Canaanites, who became rivalrous only later, or with David's annexation of Canaanites into his empire. The reason for this polarization:

> Because Canaan was in effect politically absorbed into monarchic Israel, rather than militarily obliterated either by the incoming Israelites or by David, the intense Israelite-Canaanite polarization schema was developed as a weapon of Yahwism against syncretistic tendencies in the body of monarchic Israel.[52]

The polarization is theological, as a number of scholars have shown.[53] It is also political, as Gottwald has shown.[54] Israel rejected Canaanite

centralization of power and deliberately aimed to defend their own uncentralized system against the effort of Canaanite society to crush the budding movement. Furthermore, Israel's tribalism was an autonomous project that tried to roll back the zone of political centralization in Canaan to claim territory and peoples for an egalitarian mode of agricultural and pastoral life.[55]

Relationship between Leviticus 18 and Ezra and Nehemiah

Now, going back to our text, if H is exilic, why does the author of Lev 18 take up the theme of hatred from DtrH and combine it with the family laws? Or, put in other words, if the polarization of the Canaanites is the child, so to speak, of a setting in which Israel hated the Canaanites as they competed for the land, what setting of hatred would have prompted the author of our text to resume the theme of hatred during his time which was far removed from the time of the struggle for land? Why would the author include family laws and forbidden unions, to which the earlier writer had not given any prominence? The only indication of hatred as the Israelites compete for land, a setting that would have prompted the author of Lev 18 to resume the theme of hatred from DtrH and combine it with the family laws, occurred during the time of Ezra and Nehemiah.

We shall now examine the relationship between Lev 18 and Ezra and Nehemiah. Ezra chapter 9 and Nehemiah chapters 8–9 are key texts in the understanding of the relationship between these books and the Pentateuchal sources, especially Lev 18, even though scholars differ regarding the relationship between H and Ezra and Nehemiah.[56] We shall begin with Ezra 9:1, and 9:10–11. Verse 1 talks about the abominable practices of the foreign nations:

> The people of Israel and the priests and the Levites have not separated themselves from the peoples of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites.

There are two main elements to note here. The use of the term תּוֹעֵבָה "abomination" to describe the sins of the nations, and the list of nations. In most of the sources where these nations are mentioned—for instance, Exod

23:23 Deuteronomy 7:1 and 20:17, and Jos 3:10[57]—the list includes seven nations. But while the writer in Ezra follows the tradition of these other sources, he adds one more nation, the Egyptians.[58] The only other place where Egyptians are mentioned together with these nations is in our text, but there only two nations are mentioned, the Egyptians and Canaanites, and then a general term "nation" is used probably to include the other nations. Egyptians are also mentioned in 1 Esd 8:69, but here the Ammonites are omitted. Another thing worth noting is the fact of Ezra's empathy when he is told about the sins the people have committed, as in 1 Kings 21:27, where Ahab rents his clothes, and puts sackcloth upon his flesh, and fasted and lay in sackcloth, and went about dejectedly, Ezra, too, rents his garments and his mantle, pulls hair from his head and beard, sits appalled, and fasts (vss. 3–5).

In verses 10–11, people have forsaken the commandments, and like in our text where the land is affected by the sins of the people, here, too, we have a similar situation:

> And now, O our God, what shall we say after this? For we have forsaken thy commandments, which thou didst command by thy servants the prophets, saying, 'The land which you are entering, to take possession of it, is a land unclean with the pollutions of the peoples of the lands, with their abominations which have filled it from end to end with their uncleanness.'

We need to underscore the fact that while the laws in our text are addressed to the people as they enter the promised land, in this text the writer's message is meant for people who are entering into the same land. In the former case, the people are in exodus from the land of slavery in Egypt, while in the latter, the people are in exodus (new) from the land of slavery in Babylonia. The text also talks about the land: "to take possession of it," or what Mark A. Throntveit calls the "'conquest' of the Promised Land."[59] It is a new exodus or a new conquest (Neh 8–9). The passage also talks about the pollution of the land and people. Both the content and phraseology are those of H, as found in our text.

We realize that this is not the place to do a detailed comparison between this book and the other biblical sources. We shall therefore use these few examples, as our working tools to enable us understand how these similarities can be explained and how they shed light on our comprehension of the subject under discussion. The association of P with Ezra has been expressed in biblical scholarship,[60] even though there is no agreement on the

date of its composition. For example, Kellogg does not only argue for dependence of the H on Deuteronomy but also on Ezra.[61] He has no doubt of how this process took place. He says:

> We are willing to go further and add that in the testimony of our Lord we find nothing which declares against the possibility of one or more redactions or revisions of the laws of Leviticus in post-Mosaic times, by one or more *inspired* men; as, e.g., by Ezra, described (Ezra 7:6) as "a ready scribe in the law of Moses, which the Lord, the God of Israel, had given;" to whom also ancient Jewish tradition attributes the final settlement of the Old Testament canon down to his time.[62]

Smith has discussed P's association with Ezra.[63] His interest is mainly in the law read by Ezra in Neh 8–9. According to Smith, this law is not Deuteronomic Code because it had already been read and accepted during the time of Josiah. The law is Priestly Code, although it does not fit the Priestly Code exactly in its present form.[64] It represents the legalistic point of view of the priestly school as it was held in the first half of the fourth century B.C.E.[65] Smith argues that this law is found for the first time in the reading of the text of the Pentateuch in Exod 34:22b and again in Lev 23:40ff. He then concludes that it seems probable that while P in the main seems to agree with the situation at Ezra's time, the Code as introduced by Ezra was in an earlier form than that in which we now have P. It is probable that the completed P is not to be thought as having come into existence until somewhere between 400 and 350 B.C.E.[66] However, he admits that much of the legislation of P originated in the earlier days of the temple's existence, but, as it assumed its final form, it was pruned and trained so as to fit in better with the advancing ideas of the times.[67]

Blenkinsopp's approach to the understanding of the composition of Ezra is plausible.[68] He identifies two historical corpuses in the Hebrew Bible: the first consists of Genesis to 2 Kings and covers the history from creation to the catastrophe of the destruction of Jerusalem and its temple followed by exile. The second historical corpus, comprising Chronicles and Ezra-Nehemiah, covers the same ground but continues beyond the point at which the first concludes to take in the constitution of a new community around a rebuilt sanctuary.[69] Blenkinsopp has further noted that the writer of these books has taken over the narrative technique from P, which extends the use of genealogies to cover the entire period from creation to monarchy and the

authority of Moses is evident at every point. This move imposes a contemporary meaning on the history as a whole.[70]

Lemche's concern is for the identification of the enemies of the Jews during the time of Ezra and Nehemiah.[71] The enemies are the Canaanites who may be identified with the predecessors of the Samaritans during the time of Ezra, and for this there is support from the books of Ezra and Nehemiah: Lemche observes:

> In this case it should not be too difficult to make proposals as to the identity of these Canaanites; they were likely to have constituted that part of the Palestinian population, which was thought to be the enemies of the Jews of Jerusalem. In the fourth century B.C.E. (but perhaps as early as the latter part of the fifth century B.C.E.) these opponents of the Jews could have been the predecessors of the Samaritans, that is, the population living north of Jerusalem. Additional material from the books of Ezra and Nehemiah, which testifies to the growing antagonism between Jerusalem and Samaria in the Persian era, may also be called in to support this idea.[72]

However, Lemche argues that the age of Ezra 9–10 and Nehemiah 9 is difficult to determine.[73] For him, these chapters presuppose that this collection was known to the authors of Ezra and Nehemiah, and that if a post-exilic date for this collection is plausible, then Ezra 9–10 and Nehemiah 9 may be collections dating from the Persian Period,[74] as indicated by the books themselves. For Lemche the opposition against mixed marriages belonged perhaps to the fourth century B.C.E. or to an even later period.

Blenkinsopp's view that the historical corpus in which Ezra is found covers the same ground as the books of the Pentateuch to 2 Kings and the idea of the constitution of a new community is illuminating with regard to the understanding of family laws and forbidden unions, and, more so, the theme of hatred between Israel (Jews) and their enemies in both corpuses. Furthermore, in both Ezra (9:1), and Nehemiah (9:2), there is an emphasis on separation between the people who are returning and those on the land:

> The people of Israel, the priests, and Levites have not separated themselves from the people of the lands with their abominations, from the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites. For they have taken some of the their daughters as wives for themselves and for their sons…(Ezra 9:ff.).[75]

In conclusion, the Covenant Code (Exod 22:20) agrees with our text, even though the language and content reflect that of the Deuteronomic Code (Deut 18: 9). All the texts forbid idolatry and declare punishment for those who violate this law, and the term תּוֹעֵבה is used in Deut 18 and Lev 18 (cf. 1 Kings 14 and 21) to describe the nature of the sin of sacrificing to gods.

The texts that deal with the relations of the Israelites to the inhabitants of the land of Canaan (Exod 21–23, 34:11–17; Num 33:50–56; and Deut 7:5; 20:10–18) show that both God and the people themselves did the expelling. They were expelled because they broke the family laws and forbidden unions in Lev 18, for being a snare to sin in Exod 23:33 (cf. Deut 12:30), and for being a cause of trouble in Num 33:55. The author of Lev 18 deviates from the tradition preserved in the other texts by including laws on incest that are not found in the other texts. The main reason for the laws concerning the "dispossession" of the Canaanites is idolatry, and most of these laws were characterized by the idolatry-punishment formula. In 2 Kings 17:7ff., where we find a long list of the abominations of the Canaanites, the family laws of Lev 18, which for H seems to be the main reason for punishment of the nations, are missing.

In Ezra 9–10 (cf. Neh 9), we see hatred between the incoming Jews and those people who were left behind. Seemingly, this a continuation of the motif of hatred and dispossession by Dtr, as seen in our text and other texts dealt within this research. During the time of Ezra there were marriages with foreign women, hence the need for family laws and the forbidding of certain unions found in our text. As Dtr is needed for laws on dispossession, the hand of H is need for the laws on purity.

General Summary

In our study about the Priestly laws in Lev 18 in relation to the Patriarchal narratives, we did an exegetical and terminological study of this text in light of narratives in the book of Genesis. We also examined other texts related to this subject, for example, Deut 27:15–26. Our aim was to understand the nature and extent of incest in the Hebrew Bible from the point of view of the wider context of the family laws and forbidden unions. We also examined the structure of Lev 18.

We found that the prohibitions in this chapter reflect the entire Priestly Teaching Manual, which begins in Lev 10:11 and ends in 26:46. The texts from the book of Deuteronomy indicate their affinity with the laws in our text. We cannot relate the family laws and forbidden unions to the founding fathers of the nation because there are many problems that arise from the comparison of these laws with the narratives in the book of Genesis. Again, it is not methodologically appropriate to compare legal texts with narratives. The attempt to attribute en masse the Priestly laws in Lev 18 to the ancestors of Israel–Abraham, Jacob, Judah, Moses, and David—fails to consider other equally important factors which might have had influenced the writing of these laws, for example, Deuteronomic laws; the covenant formulary in the Hebrew Bible, which is traced in the Hittite laws; and in general the affinity with the ancient Near Eastern texts.

Concerning incest in ancient Egypt, we examined ancient Egyptian written sources. We looked at brother-sister relationships and problems concerning the translation of Egyptian archaic words. We then discussed other incestuous practices in general. We also considered the motives for incest in Egypt and other pertinent issues, which included private life, the choosing a marriage partner, family structure, and the distribution of property.

Incest was practiced in ancient Egypt but was hardly a frequent practice during the pharaonic times, especially among the ordinary people. It was widely practiced during the Ptolemaic times and rife in the Roman times but all the cases of incest occurred in the royal families and had nothing to do with common populace. We saw that in pharaonic times it was the Egyptian kings who married their sisters or in a few cases, their daughters. During the Graeco-Roman period it was primarily the Greeks who practiced incest. There were cases of incest involving cousins, stepsiblings, and uncles and nieces, while incidents of bestiality, homosexuality and lesbianism are not attested.

We also found that the origin of incest was attributed to Egyptian gods. But it was difficult to reconcile this fact with the idea that incest was practiced partly because of the need to preserve wealth within the royal family, the need to keep the royal family pure, and the right to pass the throne down through the female royal line. We therefore concluded that there does not seem to be anything very unique about the ancient Egyptians during the pharaonic times that justifies their condemnation by the Priestly lawgiver

as seen in Lev 18, unless we believe that the Priestly laws in this text reflect the incestuous practices during the Graeco-Roman times, which was not the case.

In our study of incest in Canaan, we investigated the reasons why the actions of the Canaanites are stigmatized in the Hebrew Bible. We examined the following issues: the historical background of the Canaanites, their literature, their sexual behavior, marriage, cultic prostitution, the fertility cult, bestiality, and homosexuality. We then evaluated the Ugaritic mythology for its significance and limitations as a source of information for this study. We found that there were many problems of identity: the identity of the Canaanites themselves, the identity of the Canaanite gods, and the identity of the nude female figurines. We also found that the purpose of the female nude figurines cannot be determined definitively. We concluded, therefore, that there was not enough evidence to prove that the Canaanites were notoriously licentious.

Concerning family laws and forbidden unions among the Hittites, we considered the problems with sources and the Hittites' understanding of the institution of marriage. We looked at the role of the king, the people and their rights, laws of the state, and how the law was enforced. We then did a brief analysis of the structure of the family laws and forbidden unions in HL (§§187–200b). We also carefully scrutinized the content of the laws under consideration. Finally, we compared the family laws and forbidden unions in HL with the Priestly laws in Lev 18.

We found that most of the laws in the HL and Lev 18 are similar, and that they also agree in the order in which they appear in the both texts: the laws on relationship between a son and his mother (both blood mother and stepmother), father and son or man-to-man union, brother's wife, sister-in-law, adultery and bestiality. We found that the HL and Lev 18 also disagree. In the HL, for example, the law on a father's relationship with his daughter (HL §189b), mother-in-law (HL §195), and the law on the slave girl (§196)—are missing in Lev 18. Furthermore, certain laws in Lev. 18 have no parallel in HL: the laws on a menstruant (Lev 18:19), and the law on the sacrifice to Molech (Lev 18:21). All the laws in HL are found in Lev 18, except for the law on a father's union with his daughter and the law of the crime committed by a slave girl.

In the section on Ancient Near Eastern Law Codes: biblical and nonbiblical, we looked at the *Gattungen* of the Priestly laws in Lev 18 from

the point of view of the wider ancient Near Eastern context. We examined the three main law codes: the Covenant Code (Exod 22–23), the Deuteronomic Code (Deut 12–26), and the Priestly Code, but we focused our attention more on H. We also examined the CH laws concerning adultery (§§129–132), divorce (§§138–144), and other forms of forbidden incestuous relationships, namely, incest involving a daughter (§ 154), a daughter-in-law (§§155–156), and a mother and stepmother (§§157–158). We based our analysis on both the content and structure of these texts (Exod 22–23, Deut 22, and the CH). We also examined Deut 27, even though it falls outside the Deuteronomic Code. All these texts were analyzed from the point of view of Lev 18 and the HL. Finally, we looked at the laws on animals, marriages laws, and the reorganization of other codes by H.

We found that while the structure in H agrees with both the Covenant Code and Deuteronomic Code, the phraseology and motif is that of the Deuteronomic Code, and that seemingly a redactor schooled in the theology of Dtr (redactor "Holiness/Deuteronomist") is responsible for the addition of an introduction (vss. 1–5) to our text. These verses are about the deeds of the Canaanites. The same redactor added the law on sacrifice to Molech (vs. 21), and the law on male cult prostitution (vs. 22). We also found that the Deuteronomic Code influenced the Covenant Code in terms of content and structure, but not without some modifications. H had access to Covenant Code and Deuteronomic Code, as seen in the law of bestiality, which is missing in our Deuteronomic text, but is found in both H and the Covenant Code. In other words, H has filled the gaps in both the Covenant Code and Deuteronomic Code.

By juxtaposing the HL with CH, we found that the CH is much shorter than the HL. It has only four forms of rules of incest while the CH has eleven. All the four prohibitions in the CH are also found in the HL, with some modifications. Finally, for the purpose of composition, H (Lev 18) has depended heavily on the HL. At the same time, and in tune with the other biblical law codes, Lev 18 has relied on other texts within H itself, and both the Covenant Code and the book of Deuteronomy in general. However, Lev 18 has depended more on HL than on these other sources. Sometimes there is agreement in structure and phraseology with these other texts, but it has also changed the original structure and the phraseology in line with its emphasis on the worship of YHWH.

In order to have a better understanding of the stream of tradition and the ancient Near Eastern legal tradition, we examined mainly the transmission of the stream of tradition texts and their function. This was followed by an examination of the level of contact between Hebrew legal system and cuneiform laws codes. We then looked at the process of step-by-step textual growth of these texts, and their function from the point of view of the stream of tradition. We looked at the question of how the Hebrew Bible legal system reflects the ancient Near Eastern legal system in particular, and the stream of tradition in general.

We found that the first cuneiform texts were written with the cultural continuum that was effectively maintained by the scribal tradition and that the standardization of these texts maintained the original contents against the pressure of changing concepts and attitudes, thus preserving obsolete text material that otherwise would have disappeared. The texts did not remain unaffected by changes during such an extended period of continuous transmission. Certain selective manipulations may have interfered with the handling down of traditional texts. New material may also have been incorporated in the texts as they appear in their present form. The appearance of the god list at the beginning of the annals is therefore an old Mesopotamian tradition incorporated into a new Assyrian literary form, and its appearance, beginning only with the creation of the new genre known as annals reflects the continual synchretization of southern Mesopotamian ideas into Assyria. A process of step-by-step textual growth and improvement might have affected some texts. For example, the list of gods could be modified with the addition or deletion of some gods, but these changes did not affect the order of gods. We found that there is evidence of reforms or significant changes in social policy not only in the royal edicts, but also in the law collections themselves. There was considerable literary editing both in the Bible and in cuneiform laws. The law codes underwent major changes in their historical development.

Concerning the question of interdependence, we found that the possibility of borrowing cannot be ruled out as seen in the god list at the beginning of the annals which was an old Mesopotamian tradition incorporated into a new Assyrian literary form. With regard to the Hebrew Bible texts and the rest of the ancient Near East, there was contact between pre-Israelite Palestine and the Israelites, on one hand, and Egypt, Mesopotamia, and the Syro-Palestinian states, on the other, which is a proof

that there were sufficient channels to make borrowing likely. We also found that the analysis of structure of a given text is useful in shedding light on the question of the relationship between that text and another text, as was the case with the Gilgamesh Epic as related to Ecclesiastes.

While the possibility of contact at reality level cannot be ruled out wholesale, the type of evidence we have at our disposal consists of written sources, which reflect mainly a written tradition. Some educated biblical writers who knew Akkadian and were familiar with some Akkadian work did draw upon it, directly or indirectly, in a large or small measure when they composed their biblical work. There was, therefore, a widespread literary-legal tradition in the ancient Near East, which provided a framework for the writing of the legal texts in the Hebrew Bible.

In the section on the family laws about the polarization of Israel against her neighbors, we examined the concept of polarization of Israel against her neighbors in Lev 18 in light of the wider motif of opposition as depicted in other biblical legal texts. This was followed by examining texts on hatred and dispossession in Ezra and Nehemiah. We looked at the texts that deal with the relationship between Israelites and the inhabitants of the land of Canaan (Exod 21–23, 34:11–17; Num 33:50–56;[76] and Deut 7:5; 20:10–18). We found that both God and the people themselves were involved in the expulsion of the inhabitants of Canaan. The reasons for their expulsion were breaking family laws and the occurrence of forbidden unions in Lev 18, being a snare to sin in Exod 23:33 (cf. Deut 12:30), and being a cause of trouble in Num 33:55. The author of Lev 18 deviates from the tradition preserved in the other texts by attributing the expulsion to the breaking of the family laws and forbidden unions unlike in the other texts where the main reason for expulsion is idolatry. The main reason for the laws concerning the "dispossession" of the Canaanites is the worship of idols, and most of these laws were characterized by the idolatry-punishment formula. In 2 Kings 17 where we find a long list of the abominations of the Canaanites, the family laws and forbidden unions in Lev 18 which for H seems to be the main reason for expulsion and dispossession are missing. All of the texts forbid idolatry and declare punishment for those who violate this law, and the term תּוֹעֵבָה is used in Deut 18, and Lev 18 (cf. 1 Kings 14 and 21) to describe the nature of the sin of sacrificing to gods.

Finally, we found that in Ezra 9–10 (cf. Neh 9), we have hatred between the incoming Jews and the people who were left behind. Seemingly, this is a

continuation of the motif of hatred and dispossession by Dtr, as seen in our text and other texts dealt with in this book. During the time of Ezra there were problems of intermarriages with foreign women, hence the need for family laws and forbidden unions as found in our text, that is, as the hand of Dtr is needed in writing laws on dispossession, the hand of H is need for the laws on purity.

All in all, in our entire trajectory, thus far, from the perspective of other biblical codes, and especially in light of the entire Dtr sources, the author of the family laws and forbidden unions in Lev 18 depended partly on the Covenant Code, but more on the Deuterononomic sources for the formulations of family laws and forbidden unions.

The notion of the sin of idolatry and the punishment of nations found in our text is also found in DtrH. In the background of family laws and forbidden unions in Lev 18, however, there stands HL in terms of both structure and content. Consequently, the family laws and forbidden unions in Lev 18 are theological, and they are applied as points of departure of the commandments for dispossession and they do not therefore reflect the sins of the Canaanites and Egyptians. The setting of these laws is not in the desert, but instead they reflect a postexilic setting and they are a product of ancient Near Eastern legal tradition, which provided their framework.

Throughout this book, we have been arguing for the importance of comparative method in the study of the Hebrew Bible's laws and prohibitions. Our interest in part one of this book has been in the study of biblical laws and prohibitions from the point of view of nonbiblical texts mainly from the ancient Near East (Ugarit, Palestine, Egypt, Babylonia, and of course Anatolia). In the part that follows, we shall examine Hebrew Bible prohibitions and taboos based on oral traditions from Africa. This approach is based on the understanding that in many cases African taboos are similar to prohibitions found in the Hebrew Bible,[77] as will become clear.

Notes

1 Weinfeld, "Ban on Canaanites," 143. More on this subject can be found in Weinfeld's work, "Expulsion, Dispossession, and Extermination," 76–98.

2 Cornelis Houtman, *Exodus*, Vol. 3, trans. Johan Rebel and Sierd Woudstra (Historical Commentary on the Old Testament; Leuven: Peeters, 2000), 278.

[3] Houtman, *Exodus,* 278.

[4] Ronald Clements, *Exodus, Commentary* (Cambridge Bible Commentary: New English Bible; Cambridge: Cambridge University Press, 1971), 52.

[5] In Amos 2:9–10, one of the seven enemies of Israel, who are destroyed by God, are described as a people whose height was like the cedars, and who was strong as the oaks. However, in the book of Isaiah there is no mention of the exodus from Egypt or destruction of the Amorites. For more details, see Zimmerli, "Das Land bei den vorexilischen und frühexilischen Schriftpropheten," in *Das Land Israel in biblischer Zeit: Jerusalem Symposium 1981 der Hebräischen Universität und der Georg-August-Universität* (Göttingen theologische Arbeiten 25; Göttingen: Vandehoeck & Ruprecht, 1983), 34.

[6] According to von Rad, the sequence (a) "previous history" and (b) "description of the land," is known also in ancient Near Eastern treaties and must have come from these into the pattern of the covenant. Von Rad calls this description "utopia," and is far exceeding reality since in abundance of water in the hill country of Judea or Ephraim, the original area where the immigrants settled can hardly be rated above the valley of the Nile hill country (*Deuteronomy*, 85). For a biblical description of the land, see Deut 6:10f, and 8:7–10.

[7] For Tigay, the land could not be irrigated by human effort, as in Egypt, but only by rain (*Deuteronomy*, 112).

[8] For more information on the use of the root ירשׁ in other texts, for example, in Ezekiel, see Michaela Bauks, "Die Begriffe מוֹרָשָׁה und אֲחֻזָּה in P^{g} Überlegungen zur Landkonzeption der Priestergrundschrift," *Zeitschrift für Alttestamentliche Wissenschaft* 116, no. 2 (2004): 171–188. For Bauks, like a king in secular law, the gift of land can be taken back. So, the actual property of land remains God's who, depending on the situation of his people, grants it or takes it back.

[9] See Lohfink, *Einleitungs-fragen zu Dtn 5–11,* 205. Lohfink has found in Deut 5–11 a stylistic element that as he argues needs to be recognized for the full understanding of the conquest of the land. The theme of the conquest of the land west of the Jordan, 9:1ff. falls back on the basic theme of Deut 7, thus the following thematic grouping is created in 6–9: commandments for the life in the given land (Deut 6), commandments for the conquest of the land itself (Deut 7), commandments for the life in the land (Deut 8), and commandments for the conquest of the land (Deut 9). The land is given little by little in Deut 7, and more quickly in Deut 9.

[10] See Gordon Mitchell, *Together in the Land: A Reading of the Book of Joshua* (Journal for the Study of the Old Testament Supplement Series 134; Sheffield: JSOT Press, 1993), 81. In his discussion about the destruction of Achan (Jos. 6-7) in contrast to the survival of Rahab and her family (6:17), Mitchell has noted that חֵרֶם has more than one function, that there must be fluidity in explanation, and no single factor is adequate. See also A. Graeme Auld, *Joshua: Jesus of Nauē in Codex Vaticanus* (Septuagint Commentary Series; Leiden: Brill, 2005), 136–139.

[11] According to Weinfeld, the חֵרֶם of the seven peoples is innovation by the author of Deuteronomy. This comment is based on the fact the author of Deuteronomy has depended on Exod 23:20–34, as far as the making of covenant with Canaanites and the prohibition of contracting marriages with them and dismantling the altars are concerned. The only other references to it are found in the Deuteronomistic sources in Jos 10:28, 30, 33, 37, 39, 40; 11:11, 14 ("Ban on Canaanites," 149).

[12] See Eryl W. Davies, *Numbers Based on Revised Standard Version* (New Century Bible Commentary; Grand Rapids, MI: Eerdmans, 1995), 348ff. According to Davies, Num

33:50–56 is about commands regarding the settlement, but more important is Davies' comment that the style of the text is somewhat perplexing, for it seems to combine elements characteristic of the P writer and the Deuteronomic Code. See also Levine, *Numbers 21–36: A New Translation with Introduction and Commentary* (Anchor Bible: 4A; New York: Doubleday, 1993), 522ff. Levine has observed that the statement in this text resonates with Deuteronomic and Deuteronomist themes.

13 Weinfeld, "Ban on Canaanites," 149.

14 Ibid., 149.

15 Ibid., 150.

16 Ibid., 146.

17 This text also links sexuality and idolatry: "You shall not make covenant with the inhabitants of the land, when they prostitute themselves with their gods (vs. 15). Stahl has noted that this prohibition differs markedly from the one in the Book of the Covenant (Exod 23:23–24); ("Law and Liminality," 67).

18 Weinfeld, "Ban on Canaanites," 145–146.

19 Ibid., 145.

20 Nussbaum, "Portrayal of Canaanites," 92.

21 Brueggemann says that the judgment is not only against the king, but also against what might have been a dynasty (*1 & 2 Kings,* 179).

22 Ahab's penitence is a tradition within the DtrH, connecting with texts regarding divine repentance, particularly in the prophets (cf. Jer 26:3, 13, 19). For more details, see Terence F. Fretheim, *First and Second Kings* (Westminster Bible Companion; Louisville, KY: Westminster John Knox Press, 1999), 120.

23 Brueggemann calls 17:7–23 a prophetic reflection: a population removed. The narrative now reaches a pivotal point in theological reflection upon the sorry story of northern Israel that ends in an ungrieved absorption into Assyrian empire (*1 & 2 Kings,* 477ff.).

24 Nussbaum, "Portrayal of Canaanites," 92.

25 Brueggemann, *1 & 2 Kings*, 477. According to Gwilym H. Jones, vss. 7–23 is a long Deuteronomic comment in which the downfall of Samaria is presented as a divine retribution for Israel's long record of apostasy and her obstinate disregard of all warnings that she had been given (*1 and 2 Kings: Based on the Revised Standard Version* [Grand Rapids, MI: Eerdmans, 1984], 543). See also Gray, who calls this section "comment by the later Deuteronomistic redactor on the end of the state of Israel" (*1 & 2 Kings,* 645ff.). But for Mordechai and Tadmor, this is a sermon on the fall of the kingdom of Israel which draws upon the entire stock of homiletic phraseology which characterizes the Deuteronomistic critique throughout Kings (*2 Kings,* 204ff.).

26 For more details, see also Mitchell, *Together in the Land,* 69. According to Mitchell, the crime that is most often described as forsaking the covenant in Deuteronomy and the DtrH is that of seeking other gods (Deut 17:3; 29:24; 31:20; Jos 23:16; Judg 2:19ff.; 1 Kings 11:11:10ff.; 2 Kings 17:35, 37ff.; cf. Jer 11:10; 22:9).

27 See 2 Kings 25 on the fall of Judah 586 B.C.E. According to Burke O. Long, as though summarizing the substance of many oracles, the writer presents in stylized Dtr language the reason for judgment (vs. 11), the proclamation of punishment itself (vss. 12–14), and, as a framing closure, he repeats the justification for coming disaster (vs. 15); (*2 Kings* [The Forms of the Old Testament Literature 10; Grand Rapids, MI: Eerdmans, 1991], 249).

28 See Lemche, *History and Tradition,* 98. According to Lemche, it is likely the inclusion of the Canaanites and other pre-Israelite nations, for example in Jos 11:1–3, Num 21:1

and 33:40, represents a literary theory according to which the Canaanites played a role as Israel's enemy, a topic which is present in other passages.

29 Lemche, *History and Tradition*, 156.

30 Ibid., 152.

31 See Lemche, who maintains that the predecessors of the Samaritans are identifiable with the Canaanites (*History and Tradition*, 98).

32 J. Strange, "The Book of Joshua. A Hasmonaean Manifesto?" in *History and Traditions of Israel, Studies Presented to Eduard Nielsen*, ed. André Lemaire and Benedikt Otzen (Supplements to Vetus Testamentum 50; Leiden: E.J. Brill, 1993], 139–141. Strange remarks that the conquest assigns the book of Joshua to the early part of Hasmonaean monarchy, that is, the reigns of John Hyrcanus, Aristobolus, and Alexander Jannaeus (135/4–76 B.C.). P material in Jos 5:15, are nearly verbatim quotation of Exod 3:5. This makes the whole composition of Joshua late. The book as such does not relate any actual conquest and division of the Promised Land to Joshua. For rejection of a historical value to the tradition of conquest, see also Malamat, "Die Eroberung Kanaans: Die israelitsche Kriegsfrung nach der biblischer Tradition," in *Das Land Israel in biblischer Zeit: Jerusalem-Symposium 1981 der Hebräischen Universität und der Georg-August-Universität* (Göttingen theologische Arbeiten 25; Göttingen: Vandehoeck & Ruprecht, 1983), 74. This work is also found in English..

33 Lothar Perlitt, "Motive und Schichten der Landtheologie im Deuteronomim," in *Das Land Israel in biblischer Zeit: Jerusalem-Symposium 1981 der Hebräischen Universität und der Georg-August-Universität* (Göttingen theologische Arbeiten 25; Göttingen: Vandehoeck & Ruprecht, 1983), 47.

34 Perlitt, "Landtheologie im Deuteronomim," 44.

35 Ibid., 42. See also Ludwig Schmidt, *Studien zur Priesterschrift* (Beihefte zur Zeitschrift für die alttestamentlichen Wissenschaft 214; Berlin: W. de Gruyter, 1993), 251–271. According to Schmidt, P does not describe or explain the taking or conquest of the Promised land because the work of P closes with the death of Moses in Deut 34:9.

36 Perlitt, "Landtheologie im Deuteronomim," 47. But Isaiah, too, refers to idolatry, for example, in 2:8. For details, see Otto Kaiser, *Isaiah 1–12: A Commentary* (Philadelphia: The Westminister Press, 1972), 35; Blenkinsopp, *Isaiah 1–39: A New Translation with Introduction and Commentary* (New York: Doubleday, 2000), 191.

37 Alt, "Origins of Israel Law," 131.

38 Bigger, "Family Law," 187–203; Porter, *Leviticus,* 144–145.

39 Bigger, "Family Law," 188.

40 Ibid., 188.

41 Porter, *Leviticus,* 145.

42 Ibid., 145.

43 Weinfeld, "Ban on Canaanites," 156.

44 Joseph A. Callaway challenges the peasant's revolt theory of conquest of Gottwald and Mendenhall because the hypothesis is heavily dependent on social theories that themselves may be more up-to-date than the theories upon which Alt and Noth depended but still are highly speculative. It would be difficult to corroborate such an event with archaeology ("The Settlement in Canaan, The Period of Judges," in Ancient *Israel, From Abraham to the Roman Destruction of the Temple*, ed. Hershel Shanks [Washington, D.C: Biblical Archaeology Society, 1999], 75).

45 Gottwald, *Tribes of Yahweh*, 192. According to Lemche, the theme of Israel and its land may be seen as a kind of framework for all the individual episodes (*History and Traditions*, 102). For Giovanni Garbini, there arose a preaching of some prophetic circles, which championed a religious reform based on the purely moral cult of one God

after the conquest (*History and Ideology*, trans. John Bowden [London: SCM Press, 1988], 60–61). Martin R. Hauge rejects the traditional scholarly presupposition that the relationship to the "land" as a political entity, as well as the existence of Israel as a political or social entity, represents the central interest of "Old Testament religion" (*The Descent from the Mountain: Narrative Patterns in Exodus 19-40* [Journal for the Study of the Old Testament Series 323; Sheffield: Sheffield Academic Press, 2001], 329).

46 Weinfeld, "Ban on Canaanites," 156. For Weinfeld, Gilgal monumental stones are set to commemorate the crossing of the Jordan (Jos 3–4); the Israelites were circumcised there (Jos. 5:2-8); there they celebrated the Passover (Jos 5:9–12); there the captain of YHWH's host (an angel) appeared to Joshua before the conquest began (Jos 5:13–15); from Gilgal the Israelites went to war and thither they returned after the wars (Jos 9:6; 10:6-7, 15, 43).

47 According Weinfeld, even the institution of חֵרֶם in its original form may be explained against the background of the time of Saul. The חֵרֶם of Jericho in Jos 6:17–21 fits the hard line of Saul and seems to have originated at the sanctuary of Gilgal ("Ban on Canaanites," 159). For more details, see also Weinfeld, *The Promise of the Land: The Inheritance of the Land of Canaan by the Israelites* (Taubman Lectures in Jewish Studies, Sixth Series; Berkeley: University of California Press, 1993), 99ff.

48 Weinfeld, "Ban on Canaanites," 158. See also M.J. Mulder, *1 Kings* (Historical Commentary on the Old Testament; Leuven, Belgium: Peeters, 1998), 488.

49 Perlitt, "Land theologie im Deuteronomim," 47.

50 By growth, Perlitt means both addition of blocks and edition in levels, keeping in mind both ("Landtheologie im Deuteronomim," 47).

51 Gottwald, *Tribes of Yahweh*, 204. Gottwald does not advocate for neither peaceful infiltration, by treaty, intermarriage theory, nor a brief and decisive military victory over the Canaan, but a revolt, that is, resistance and opposition to the forms of political domination and social stratification that had become normative in the chief cultural and political centers of the ancient Near East (389).

52 Gottwald, *Tribes of Yahweh*, 204

53 See also Adrian H.W. Curtis, *Joshua* (Old Testament Guides; Sheffield: Sheffield Academic Press, 1998), 84. For Garbini, this was a reform which had as its premise the complete religious identity between Israel and Canaan and which had the aim of making Israel something exceptional, unique among all the other peoples, putting them in a direct and exclusive relationship with God. The religious message placed in the mouth of Moses was not something new that came from outside Palestine to change the religious face of the country of Canaan, but a reaction which originated in Palestine itself against a type of religion observed by the whole population, the Israelite part of it no less than the Phoenician or the Moabite (*History and Ideology,* 60–61). For Erich Zenger, the language of creation is brought together with the language of history (*Gottes Bogen in den Wolken: Untersuchungen zu Komposition und Theologie der priesterschriftlichen Urgeschichte* [Stuttgart Bibelstudien 112; Stuttgart: Verlag Katholisches Bibelwerk, 1983], 179–183).

54 Gottwald, *Tribes of Yahweh,* 204.

55 Ibid., 204.

56 See Jacob M. Myers, *Ezra and Nehemiah* (Anchor Bible, 1964: v. 14; Garden City, NY: Doubleday & Company, 1965), 152.

57 David M. Howard, Jr. has noted that the list of the seven nations is mentioned twenty-three times in the Hebrew Bible, including five times in the book of Joshua (3:10, 9:1; 11:3; 12:8; 24:11); (*Joshua* [The New American Commentary; v. 5; Nashville, TN:

Broadman & Holman Publisher, 1998], 126). According to Richard D. Nelson, in the book of Joshua, the list is also used to indicate a complete conquest (cf. 24:12); Joshua*: A Commentary* [Old Testament Library; Louisville, KY: Westminster John Knox Press, 1997], 275).

58 Myers has noted that some may have been added under the influence of Deuteronomic list (*Ezra and Nehemiah*, 77). See also Johana W.H. Van Wijk-Bos, *Ezra, Nehemiah, and Esther* (Westminster Bible Companion; Louisville, KY: Westminster John Knox Press, 1998), 40; and Fredrick C. Holmgren, *Israel Alive Again: A Commentary on the Books of Ezra and Nehemiah* (Grand Rapids, MI: Eerdmans, 1987), 71.

59 Mark A. Throntveit, *Ezra-Nehemiah* (Interpretation, A Bible Commentary for Teaching and Preaching; Louisville, KY: Westminster John Knox Press, 1992), 51.

60 See Smith, *Hebrew Law,* 118–120, and also Hugh G.M. Williamson, *Ezra; Nehemiah* (Word Biblical Commentary 16; Waco, Texas: Word Books, 1985), xxvi–xxxix. Williamson argues that once it is accepted on grounds of general probability that Ezra's law book stood in some sort of relation to the Mosaic law, and once it is accepted that Ezra 9:1–2 and Neh 8:13–18 may both be admitted as evidence for what the book contained, then it must be accepted that it included parts of both D and P. However, some scholars avoid this discussion altogether. See, for example, F. Charles Fensham, *The Books of Ezra and Nehemiah* (New International Commentary on the Old Testament; Grand Rapids, MI: Eerdmans, 1982), 1–27; Grabbe, *Ezra-Nehemiah* (Old Testament Readings; London: Routledge, 1998), 1–7; R.Y. Coggins, *The Books of Ezra and Nehemiah* (Cambridge: Cambridge University Press, 1976), 1–8; and Myers, *Ezra and Nehemiah* (Garden City, NY: Doubleday, 1965).

61 Kellogg, *Leviticus*, 4.

62 Ibid., 19.

63 Smith, *Hebrew Law,* 118–120.

64 Ibid., 118–120. For Joacim Schaperthe, new law in Ezra was probably composed of a combination of Deuteronomic and Priestly writings (*Priester und Leviten im achämenidischen Juda: Studien zur Kult- und Sozialgeschichte Israels in persischer Zeit* [Forschungen zum Alten Testament 31; Tübingen: Mohr Siebeck, 2000], 251).

65 Smith, *Hebrew Law,* 118–120.

66 Ibid., 120.

67 Ibid. See also Dennis T. Olson, *Numbers* (Interpretation, A Bible Commentary for Teaching and Preaching; Louisville, KY: Westminster John Knox Press, 1996), 8. According to Olson, much of Numbers (P) was written in light of the experience of exile from Babylon and perhaps was written early in the return to the promised land of Judah. The community was faced with many competing interests, groups, and issues associated with tradition in some disarray struggling to define itself and its mission in the world.

68 Blenkinsopp, *Ezra-Nehemiah,* 35–38.

69 Ibid., 36.

70 Blenkinsopp, *Ezra-Nehemiah,* 37.

71 Lemche, *History and Tradition,* 168–169.

72 Ibid., 169.

73 Ibid., 166.

74 See also Thomas Pola, who argues that the texts in the Pentateuch about the conquest with priestly character that are peculiar to P^g (original P) were added in the Persian Era by the Jehowist (who comprised in preexilic time also an early version of the Deuteronomistic History) and in view of making of the Pentateuch as a whole (*Die ursprngliche Priesterschrift: Beobachtungen zur Literarkritik und Traditionsgeschichte*

von P[g] [Wissenschaftliche Monographien zum Alten und Neuen Testament 70; Neukirchen-Vluyn: Neukirchener Verlag, 1995], 352).

75 Throntveit argues that the report of the problem of intermarriage, which describes the people's failure to "separate themselves from the peoples of the land," echoes the same tendency on part of Israel in Ezra's day (*Ezra-Nehemiah*, 51). By taking action specifically against marriages with Israel's old enemies of the wilderness and conquest periods, the narrative seeks to reestablish in Ezra's day the "'conquest' of the Promised Land." However, for Holmgren, while marriages with foreign women did take place from time to time, and such unions carried obvious dangers, we do not learn anything more about this situation because the text changes focus (*Ezra and Nehemiah,* 72). See more discussion about "separation" in Tamara C. Eskenazi, *In an Age of Prose: A Literary Approach to Ezra-Nehemiah* (Monograph Series; The Society of Biblical Literature 36; Atlanta, GA: Scholars Press, 1988), 68–70.

76 Noordtzij has noted that in Num 33:50–56, an entirely new chapter in the history of Canaan must begin when Israel enters the land. Every trace of the Canaanite society must be eradicated; its inhabitants and anything connected with their religion must be driven out. However, Noordtzij argues that history shows how spiritual sluggishness and military lassitude have hindered the implementation of the Lord's command and that Israel was consequently "enslaved" in its own land until the captivity became necessary (*Numbers* [Grand Rapids, MI: Zondervan Publishing House, 1983], 291).

77 See Ernestina Afriyie, "Taboos," Africa *Bible Commentary: A One-Volume Commentary Written by 70 African Scholars* (Grand Rapids, MI: Zondervan, 2006), 159.

PART TWO

Understanding Biblical Prohibitions from the Perspective of Oral Traditions in Africa

CHAPTER NINE

The Nature of Taboo

The Colllins Concise English Dictionary defines taboo as: (1) forbidden or disapproved of taboo words; (2) (in Polynesia) marked off as sacred and forbidden; (3) any prohibition resulting from social or other conventions; (4) ritual restriction or unclean; and (5) (transt.) to place under a taboo (from Tonga tabu).[1] In the last quarter of the nineteenth and the first part of the twentieth centuries, the study of taboo became the center of interest not only for theologians but also for anthropologists, sociologists, and psychologists. The concept of taboo, which seems to have a high degree of religious overtone had to be investigated from various angles of academic analysis: theological, anthropological, sociological and psychological. Scholars, with their researching tools handy, had to dissect the cultures of different tribal societies[2] and cross-examine them carefully, so as to determine from the point of view of their study the origin and significance of taboo among these people.

Such works include, among others, Smith, and Frazer.[3] Smith gives special attention to Jewish and Muslim taboos, while Frazer devotes a whole volume in the Golden Bough to taboos among the ancient peoples. The work of Smith and Frazer influenced psychologists who felt the need to do more research, this time from the standpoint of psychology. Wilhelm Wax Wundt came up with the theory that taboos originated from fear of demonic powers.[4] Freud was influenced by Wundt, and in his attempt to develop Wundt's idea he further introduced the concept of ambivalence.[5] Recently, scholarly studies on taboo and other related subjects have been done by people like Franz Steiner, Mary Douglas, Gwen S. Bergner, and Milgrom.[6]

In their attempt to understand the meaning of taboo and its significance among the tribal societies, anthropologists came up with different definitions of this term. Frazer observes that taboo, also written *tabu* and *tapu,* is the name given to a system of religious prohibitions that attained its fullest development in Polynesia, but of which under different names traces may be discovered in most parts of the world.[7] According to him, taboo is common to the different dialects of Polynesia, and is perhaps derived from *ta* "to mark," and *pu*, an adverb of intensity, and the compound word "taboo" *(tabu)* would thus originally mean "marked thoroughly." While ordinarily

the sense of the word "taboo" is "sacred," Frazer argues that it does not, however, imply any moral quality, but only a connection with the gods or separation from ordinary purposes and exclusive appropriation to persons or things considered sacred. For N. Whitridge, taboo is a Polynesian name given to prohibitions enforced by religious or magical sanctions.[8] He further observes that in Melanesia the term is *tambu,* while in Malaysia and East Indies it is *pantang, bobosso, pamali*, and in native North American culture the word for taboo is *wakan*. Marret defines taboo as a mystic affair. For him, to break a taboo is to set in motion against oneself mystic wonder-working power in one form or another, and it may be of a wholly bad variety.[9]

According to E.E. Burris, taboo means "negative *mana*," where *mana* means a mysterious force found in things which are potentially dangerous and contain a strange power to do him harm.[10] Burris also says that taboo can be treated as positive *mana,* where positive *mana* refers to mysterious powers that can be used to secure good and to avoid or ward off evil. The fundamental principle from which taboo springs is the idea that the thing in question is strange or new, abnormal, and hence dangerous. A near contemporary of Burris was Margaret Mead.[11] Writing for the Encyclopedia of the Social Sciences, she had this to say about taboo:

> … *tabu* may be defined as a negative sanction, a prohibition whose infringement results in an automatic penalty without human or superhuman mediation. The word was introduced in English from Polynesia, and special Polynesian usages have colored the interpretation of the institution.

Steiner says that the best account we have of taboo from the first half of the nineteenth century was written by de Freycinet, who accompanied Kotzebue on his first journey, in 1817, and who translated taboo as *prohibe ou defendu*, and he described the custom of taboo as an institution *a la fois civile et religieuse*.[12] According to Steiner, taboo is concerned with all the social mechanisms of obedience that have ritual significance, that is, with specific and restrictive behavior in dangerous situations.[13] He goes on to say that taboo deals with the sociology of danger itself, for it is also concerned with the protection of individuals who are in danger and with the protection of society from those endangered, and therefore dangerous, persons.

The word taboo became part of the English vocabulary when Captain Cook used it to describe his third journey around the world in the eighteenth

century. I think it is appropriate, at this point, to use extracts of Cook's writings, quoted by Steiner,[14] and see how he came into contact with the people who observed taboos and what he understood about this concept. Cook says that among the Polynesians, the people of Atooi resemble those of Otaheite (Tahiti) in the slovenly state of their religious places and in offering vegetables and animals to their gods. The taboo also prevails in Atooi, in its full extent, and seemingly with much more vigor than even at Tongataboo. According to Cook, the Tongataboo people always asked with great eagerness and signs of fear to offend whether any particular thing which they desired to see was taboo or, as they pronounced the word, *tapoo*. Cook explicitly gives the concept of taboo a purely religious meaning when together with other explorers they fixed on a field of sweet potatoes adjoining to the Morai, which was readily granted to them, and to prevent the intrusion of the natives, the priests immediately consecrated the place by fixing their wands around the wall by which it was enclosed. Cook remarks that this was sort of a religious interdiction which the natives called taboo, a word they heard often repeated during their stay amongst these islanders and found to be of very powerful and extensive operation.

However, it seems that Cook, like anyone else who finds himself in a new culture totally different from his own, could not actually understand the deep-seated principles regulating the concept of taboos and their real significance among the indigenous. This is especially clear in his use of the words "mysterious significance," as he describes human sacrifice in Tahiti, where he says that the solemnity itself is called *Poore Eree*, or Chief's Prayer; and the victim who is offered up, *Tataa-taboo*, or consecrated man.[15] He concludes that this is the only instance where they have heard the word taboo used at this island and where it seems to have the same mysterious significance as at Tonga. Cook's misunderstanding of the use of the term taboo was criticized by Steiner, who, in his response to the misunderstanding of this word by Marett as having a magico-religious significance, confirms that Cook did not know the precise meaning of the word taboo, and it was therefore a mystery to him.

Fearsome Nature of Taboo

Scholars seem to be at variance as far as the understanding of the nature of taboo is concerned. The concept of taboo is attributed to the dangerous and fearsome nature from which taboo is said to have sprung. Steiner, among psychologists and other anthropologists, attributes wholesale the source of taboo to restrictive behavior in dangerous situations for, as he says, taboo deals with the sociology of danger itself',[16] or, to use Douglas' words, beliefs in horrible disasters which overtake those who inadvertently cross some forbidden line or develop some impure condition.[17]

However, according to Douglas, anthropologists who have ventured further into these primitive cultures find little trace of fear. For example, Douglas argues that Evans-Pritchard's study of witchcraft was made among the people who struck him as the most happy and carefree of the Sudan, the Azande. The feelings of an Azande man on finding that he has been bewitched are not of terror but of hearty indignation, as one of us might feel on finding himself the victim of embezzlement. To support this argument, she cites another example of girls' initiation rites of the Bemba, where the performers are seen in casual, relaxed attitude. And so she concludes that primitive religious fear, together with the idea that it blocks the functioning of the mind, seems to be a false trail for understanding these religions.

Symbolic Understanding of Taboo

E.M. Zuesse, like Douglas, rejects the negative approach to understanding the concept of taboo.[18] In his article on this subject, Zuesse begins with a negative approach with which taboos and the reasons behind them have been treated by scholars like Hutton Webster, Tylor, James Frazer, Levy-Bruhl and W. C. Willoughby, but his discussion focuses on the use of symbolism in understanding taboo.

Zuesse cites one example, from Webster's *Taboo: A Sociological Study*, in which Webster says that fear is systematized in taboo. The natives make anything potentially dangerous and so prompt (primitive man) to avoidances, which, in their simplest forms, are almost as instinctive as those of lower animals.[19] Another similar example of a derogatory description of taboo is taken from Willoughby, who says that Africans who do foolish things in their terror of taboo should be classed not with evil-doers but with children

who have been threatened with bugaboos till they shriek at shadows.[20] Zuesse's approach is from the opposite direction of Willoughby. According to him, taboo is the structural behavior of culture, and all cultures are sustained by taboos;[21] to understand a taboo, it is essential to study its full specific cultural context.[22] Zuesse argues that, in a specific cultural context, taboos are rational, or perhaps rather supra-rational, since they involve not merely the cognitive but also the physical, moral, and spiritual levels of experience.

In this approach, which Zuesse terms the Durkheimian school, religious symbols represent the socialization and humanization of the cosmos, and by this fact they create a cosmos.[23] A similar opinion has been expressed by Adolf E. Jensen in his discussion of the ancient farmers.[24] Jensen argues that archaic religion, like any other religions, has produced a great number of configurations that are primarily forms in which knowledge is expressed. He points out the significance of the cultural behavior of these people, for example, of taboo. According to Jensen, the life cycle in those cultures is paralleled by ritual commandments, taboo, and observances through which persons try to express the world order as they see it.

This approach is particularly important in a study like this, where different forms of taboos touching on different cultures are examined. The open-mindedness with which this method attempts to understand taboos, where the actions and sentiments of the societies concerned are given symbolic meaning as expressions of inner and deep-seated attitudes, will illuminate various aspects of these phenomena leading us to constructive and instructive conclusions on the criteria used to determine what behavior or objects were to be considered taboo.

The use of symbolism as the sole means by which tribal cultures can be understood has, however, been cautioned against by C.R. Hallpike.[25] He argues that it would be quite misleading to suppose that because symbolism is particularly characteristic of pre-operatory thought, it will therefore necessarily emerge and flourish prolifically in all (tribal) societies. Hallpike rather suggests that for this to happen, the intermediary agencies of social and cosmological categories are necessary. He maintains that the tribal society's thought is intellectually inaccessible to the European ethnographer because of the innate difference between the two. Hallpike argues that since symbolism is inherently sub-linguistic, the ethnographer can never be

completely sure that he has properly understood the meaning of a piece of symbolism, and in many cases he can only hope to make an educated guess.

Following Hallpike's argument, we have further evidence of the intellectual inaccessibility of the tribal society's thought or religious precepts to the Western scholars, as shown by Jensen in his examination of the ethical element in, for example, taboo.[26] He remarks that if we search for the ethical component of the taboo, we must forgo comparison with the ethical base of our Western Social order. This handicap is caused by the fact that the taboos differ in principle; rational, purposive meanings cannot usually be stated explicitly. This explains the reason that it is not very easy to see the logic behind the punishment inflicted on people who break certain forms of taboo among tribal societies. For example, among the Kikuyu people, if a kite, when flying over a homestead, let its dropping fall on any person, that person had to be purified, the manner of purification depending upon the sex of the person involved.[27] For a Kikuyu, a kite belonged to the forest, the world of the spirits where other wild animals lived (the bodies of dead people were taken to the forest where they were eaten by hyenas). The dropping of a kite falling on a person symbolized the coming together of the two worlds— the world of the living and the world of the dead, or better still, the world of people and the world of wild animals. Sometimes that was unpleasant and abominable. The Kikuyu people did not eat the flesh of wild animals except for the antelope, which are of the family of sheep and goats. In view of this, any association with wild animals was taboo. For example:

> If a hyena should enter a village or home stead and dung either in the open clearing of the entrance (*thome*) or in any courtyard, ceremonial purification is essential. If a jackal barked in the entrance area or in the courtyard of a homestead a ceremonial purification is necessary. Should a toad, frog or lizard fall or jump into the fire in the hearth of a hut, a purification ceremony is essential. If an owl hooted near a homestead, or worse still, perched on any hut or granary, purification is necessary. If a snake was killed within the confines of a homestead, a purification ceremony has to take place. It is a taboo to kill a bird called *nyamindigi* (cossypha or Robin chat) within the confines of the homestead.[28]

Needless to say, the taboo commandments among the tribal societies had deeper, symbolic meaning, inaccessible to foreigners, and, as Jensen says, nothing could be more obvious than that according to primitive belief, the commandments (taboo) incorporate the correct ethical behavior, based on the ethical code related to the idea of the divine.[29]

Hallpike's call for heedfulness in the emphasis of symbolic elucidation of cultural value systems among the tribal societies is suggestive of the complexities of this kind of study. I argue it that it would be incorrect, even for the experts who are convinced that a certain approach would be the best in a cultural study, to say, "eureka;" the traditionally known exclamation of Archimedes when he realized during bathing that the volume of an irregular solid could be calculated by measuring the water displaced when it was immersed. Whereas the use of symbolism will inevitably feature quite prominently, we cannot say that we have "found it," and an attempt will be made to use other knowledge acquired directly from my participation in certain experiences discussed in this book, for example, hunting.

Innovators of Taboos

In Polynesia, kings and chiefs were thought to be possessed of great power, and, should their people address them directly, they would die. The taboos imposed by chiefs, priests and kings were usually more powerful than those imposed by a common person. According to Frazer, kings traced their lineage to the gods and such kings were called *arii* tabu ("chiefs sacred"). He continues to tell us more about taboo in Hawaii and Polynesia where only priests, kings, and chiefs, imposed taboos. To a certain extent, ordinary individuals exercised the same power. Frazer says that the strictness with which the taboo was observed depended largely on the influence of the person who imposed it. For example, if the person imposing a taboo was a great chief it would not be broken, but a powerful man often render useless the taboo of an inferior. Furthermore, a chief could also render taboo in favor of himself anything that took his fancy, by merely calling it by name of a part of his person. For example, if he said, "That axe is my backbone" or "my head," the axe was his, and if he roared out, "That canoe! My skull shall be the baler to bale it out," the canoe was his likewise.

We find other examples of imposers of taboos in Tahiti and New Zealand. According to Frazer, if the king and queen of Tahiti trod on a ground it became sacred, and if they entered a house, it became taboo to them and had to be abandoned to them by its owner.[30] Consequently, the people of Tahiti set apart houses for the kings and queens on their travels, and except in their hereditary districts, they were always carried on men's

shoulders to prevent them touching the ground. Furthermore, objects that came into contact with the kings and queens became taboo. This was the case in New Zealand, according to Frazer. Here, the spots on which great chiefs rested during a journey became taboo and were surrounded with a fence of basketwork. The head and hair, especially of a chief, were particularly taboo or sacred. Again, if a drop of a chief's blood fell upon something, that thing became taboo—his property. This idea is extended to cover the names of great men. We learn from Frazer that the names of chiefs and kings were taboo and could therefore not be uttered. And if the name of a king of Tahiti was a common word or even resembled a common word, that word dropped out of use and a new name was substituted for it.

The understanding of issues arising from the imposition of taboos is important for our study. It is significant to note the centrality of chiefs, priests, and kings in the regulation of the religious lives of their people through the imposition of taboos.[31] Again, whatever comes in contact with these people becomes sacred, and hence a taboo. Our study in the Hebrew Bible will show later that the God of Israel was perceived in more or less similar ways, and anything associated with him was believed to be sacred and therefore holy (taboo).

Taboo Violation and Consequences

Steiner perceives the punishment of taboo breakers as civil (not legal). He gives an example of the people of the islands of Polynesia, where a girl would receive a terrible beating for having eaten onboard a ship that belonged to Cook.[32] Among the Kikuyu people, a victim of taboo suffered from illness that attacked the person automatically.

On several occasions during our study of taboo in general, we have alluded to the consequences of violating taboo. We have seen that the breaking of a taboo in some societies could be a legal issue, depending on the nature of the taboo (cf. violation of laws and punishment in Lev 20), while in others the consequences follow automatically. Legal penalties against taboo-breakers were unknown among the Kikuyu from whom punishment was automatic (religious). For example, when a person broke a taboo, the outward sign was wasting away without visible cause. Any person or live animal that had been subjected to conditions which resulted in ritual uncleanness caused by breaking a taboo automatically showed some visible

signs of the condition unless steps were taken to purify them at the earliest possible opportunity. If a person or animal was afflicted in such a way and reached the stage where it showed the symptoms described above, it had to be purified as soon as possible, or the condition would become worse and end in the death of the victim.

A victim of *thahu* "taboo" among the Kikuyu began to pine very gradually and eventually he became very thin and died. From the standpoint of a Kikuyu traditionalist, this is exactly what happens to AIDS victims today, and the best explanation for the cause of AIDS would be, to him, ritual uncleanness. It could also be argued that the fearsome nature of AIDS which makes village folk avoid interacting or coming into contact with AIDS victims, is traceable to the deep-seated fear of taboo. Is AIDS a modern taboo? In the eyes of a traditionalist among the Kikuyu the answer would be in the affirmative—AIDS is contagious in the same way as taboo, and medical personnel have yet to exonerate their patients from this inextricable blame by giving the village folk a satisfactory explanation of the nature of the disease.

The association of diseases with the violation of taboos is widely accepted. For example, among the Kalauna people of Goodenough Island, a person who fails to observe widower's taboos, which restrict him from having intercourse with *heloava* (his dead wife's hamlet) has himself to blame. The afflictions of age from which he suffers are attributed to his breaches of these taboos: his blindness, infections of the ear and chronic stiffness of the legs are textbook demonstrations of the consequences.[33]

Finally, we should say that there are as many taboos as are different cultures in the world. Equally, there are as many forms of penalties as there are methods of purifications. It should be accepted that the consequences of violating a taboo were either automatic or civil, depending on the tribe and also the nature of the taboo violated. However, there is no conflict between the two forms of punishment, and we consider the distinction correct, for while one form was applicable in one society, it was inapplicable, or perhaps completely unknown, in the other. It follows, therefore, that we cannot, in any way, exhaust our comparative study on taboo. Neither can we, for the purpose of purification of taboos, say precisely what every tribal society does to remove taboos. It will suffice in our conclusion of what we have said so far to mention water as a symbol by which the ritually unclean became ritually clean.

For many tribal societies, water has been a religious symbol of purity, and it has been a common instrument for removing the harmful effects of contact with persons or things, which possess a mysterious power to harm. According to Burris, inasmuch as these people find in everyday life that water can cleanse their household utensils and their bodies, they believe that it can cleanse them of the uncanny contagion of those persons and things, which are believed to be taboo.[34] A good example of water being used for purification rites of taboos is found among the Tonga people, as Frazer has shown.[35] A person who had become taboo by touching a chief or anything belonging to him could not feed himself until he had rid himself of the taboo by touching the soles of a superior chief's feet with his hands and then rinsing his hands in water, or rubbing them with the juice of the plantain, in the case that water was not available. This concludes our study of taboos among the tribal societies. Later we shall study more about taboos among the Kikuyu, during our discussion of translation problems.

Blood

It is appropriate to point out at the outset that menstrual taboos, which constitute our first area of study, are not peculiarly a Polynesian phenomenon. It is quite evident that the idea of uncleanness believed to be inherent in menstrual flow is common phenomenon in many cultures all over the world. According to Steiner, for example, menstrual taboos among the Polynesian, ranged from keeping the woman out of sight, through details of strict hygienic avoidance, to her complete reintegration into daily life.[36] Among the Marquesas, a woman had to be kept out of sight for three days. Among the Maori tribes the woman moved out freely and also worked in the house, with only the bodily secretions being considered to be taboo. For the Tuhoe tribe, he says that the taboo applied to *kopa*, the cleansing material used by the women. Jensen has pointed out that among the Wemale of Ceram, Indonesia, similar taboos were observed.[37] Here, a woman with menstrual flow stayed in a separate house or in a designated place under the customary pile-dwellings; conversation with the segregated women or any sort of approach was forbidden to the men. One fact about the Wemale understanding of menstruation is very interesting for our study: Menstruation among these people, as Jensen says, is linked to the moon, which the

Wemale consider the manifestation of Rabie, one of the three chief Dema deities. Furthermore, Pliny the Elder gives us an account of menstrual taboos among the Romans. Pliny says that a woman who was menstruating was taboo, and therefore considered harmful. The ritual uncleanness inherent in her was thought to have enough power to sour must (grape juice), make grain barren, kill grafts, wither vegetables, dull mirrors, and accomplish a lot of other harm.[38]

Among the Kikuyu people, it was a taboo to come in contact with human blood in general. But it was more serious if menstrual blood was involved, for example:

> If a woman getting food from a granary (i*kũmbĩ*) should have accidentally let any menstrual blood touch the granary, all the food in that granary had to be given away: none might be eaten by any member of the family. No menstruating woman or girl could make gruel by pounding corn and using the grindstones. No menstruating woman could milk a cow or goat. If a woman was menstruating when she was given beer to drink in connection with the offering and prayers to the ancestors, it had to be poured from the gourd cup (*ndahi*) into a half-gourd *(kĩnya*) for her to drink. She might not drink from a *ndahi* while in this condition. No menstruating woman might handle a *mũratina* (a staff used for brewing the native *njohi* "beer"), the fruit of Kigelia Africana. No menstruating woman might handle sugar cane or crushed sugar cane while preparing it for beer, but she could do the actual pounding if another woman filled and emptied her mortar for her.[39]

If a man had sexual intercourse with his wife and found later that she was menstruating, both he and his wife became ritually unclean. Again, if a woman accidentally came in contact with the menstrual blood of another wife, she became ritually unclean. It was also a taboo for a young married man to have sex with a girl during her period. Leakey has observed that among the Kikuyu people if a young unmarried man or married man who still belonged to the warrior class slept with a girl in the restricted form known as *nguiko*, and if during the night the girl's menses started and some of her blood contaminated him, but he did not notice this until after he had left the hut in which they had spent the night, he became contaminated with *thahu* (uncleanness) and had to be purified.[40] The girl did not become contaminated with *thahu* at all.

One thing that strikes us most in these few examples is the belief in the transmission of ritual uncleanness through menstrual blood. Hence, a woman in this state becomes taboo, as does any person who comes in contact with

her blood. We shall try to find out later why blood was viewed with such great horror by many tribes in the world. It is worth mentioning here, however, that while human blood, especially menstrual flow, was viewed as a source of uncleanness by many tribal societies, for others it was a source of blessing. In a very detailed account, L. Schele and M.E. Miller inform us that kings and queens had to shed their own blood on important ritual occasions, and this act was so significant that the bloodletter, often a stingray spine, was itself deified.[41] The victims of war captured by the Maya people became the state sacrifice victims, whose blood was then drawn and offered to the gods.[42] The importance attached to blood by the Maya is especially intriguing. Schele and Miller have noted that at death Maya kings were placed in richly furnished tombs that often displayed the imagery of the watery Underworld, and their walls were painted with the color of blood or in blood symbols. In the Maya view, none of these behaviors was bizarre or exotic but necessary to sustain the world. They conclude that to speak of the Maya and their rulers is, therefore, to speak of the blood of kings.[43]

But what was the underlying motive behind this practice? Schele and Miller inform us that through bloodletting the Maya sought a vision that they believed to be the manifestation of an ancestor or a god.[44] This information is crucial. Here, we have blood viewed not so much as a source of life of an individual, but as a means by which people seek inspiration by communicating with the Underworld. Through visions produced after drawing large amounts of blood, they came directly into contact with their gods and ancestors.[45] However, we must not lose sight of the sacredness with which blood among the Maya is considered: it was the most precious and sacred substance of this world.[46]

Kings' blood was also a taboo in Africa. For example, Mbiti says that in many societies in Africa it was a taboo to shed the king's blood because it was the very essence of his life and therefore that of his nation.[47] In conclusion, while the use of blood in the ways shown above is unique, it nonetheless helps us to have a glimpse of the centrality of blood in human life and the symbolic significance, which different tribal societies all over the world attach to it.

Childbirth

Among the Kikuyu people, the midwife who assists a woman at childbirth is supposed to be an old woman who has stopped childbearing and is therefore free from sexual desire or intercourse. This has to be done since it is a taboo for a woman who has had sexual intercourse to come into contact with a woman at childbirth or immediately after. Kabetu tells us that a Kikuyu woman is taboo until after the fourth day of her childbirth, when her head is shaved, symbolically disconnecting her from the uncleanness of afterbirth. The shaving is also followed later in the day by a ceremonial sexual act between the wife and the husband to further disconnect the wife from the impurities of afterbirth.[48] But why? There are several reasons. Keesing, for example, tells us how Lindenbaum, basing his explanation on the Euga of Highland New Guinea, notes that pollution taboos related to women are symbolic means of regulating population.[49] According to Keesing, Lindenbaum notes that pollution taboos and the accompanying sexual polarization are most commonly found where population pressures are extreme. Whiteridge gives the polarization of the sexes a cultural meaning and a nutritional value.[50] He suggests that it may be that semen and the mother's milk must be kept separate. But by spacing childbirth, the adaptive consequences may include insuring maximum protein for infants in a society subsisting dangerously close to the margins of protein deficiency.

Whereas these explanations seem to be convincing, they are nonetheless peripheral and secondary since the universality of sex-related pollution rules out the possibility of this kind of interpretation. It is most unlikely that the natives were conscious of these values, the symbolism of which seems to appeal to a foreigner.[51] Primarily, the modern biological understanding of the reproductive system (for example, menstruation, birth and afterbirth) was vaguely known by the tribal societies, if they knew anything at all, and yet in this process they saw life come and go; there was life and death at the same time. At these weakest points of a woman's life, dare a man approach his wife in his attempt to satisfy his sexual desire?

Food Taboos

Why did the ancient people impose taboos on certain foods? What criteria did they use when imposing these taboos? Was it the edibility, inedibility,

economic, or cultural value of the food in question? What happened to a person who violated food taboos? Many ancient societies observed food taboos, and for different reasons. Among the Polynesians, Frazer says that there was a rule called *ai tabu,* which forbade women to eat with men as well as, except on special occasions, to eat any fruits or animals offered in sacrifice to the gods. A woman engaged in the preparation of coconut oil was taboo for five days or more, during which she might have no intercourse with men. A tabooed person might not eat his food with his hands, but was fed by another person; if he could get no one to feed him, he had to go down on his knees and pick up his food with his mouth, holding his hands behind him.[52]

Food taboos were to be observed with complete strictness. The fact that the uncleanness inherent in a taboo person could be transferred to vessels that in turn became taboo and could not be used again is an indication of the seriousness involved in dietary taboos. Frazer maintains that the law, which separated tabooed persons and things from contact with food, was especially strict. Hence, a tabooed or sacred person ought not to leave his comb or blanket or anything which had touched his head or back in a place where food had been cooked; and in drinking he was careful not to touch the vessel with his hands or lips (otherwise the vessel became taboo and could not be used by anyone else), but to have the liquid shot down his throat from a distance by a second person.

Concerning the kind of foods which were considered taboo, and hence not to be eaten, he says that certain foods in Hawaii were permanently taboo in favor of their use by gods.[53] The flesh of hogs, fowls, turtle, and several kinds of fish, coconuts, and nearly everything offered in sacrifice were reserved for gods and men, and could not, except in special cases, and be consumed by women. Frazer further says that in the Marquesas islands human flesh was taboo for women. Sometimes certain fruits, animals, and fish were taboo for months for both men and women.

In Africa, many societies observed different kinds of food taboos. But for the purpose of our study, we shall consider a few examples among the Kikuyu. A careful study of the list of taboos connected with foods and drinks clearly reveals a high degree of hygienic and, to some extent, moral values. For example, it was taboo to eat food in which a woman's bead had fallen accidentally when she was cooking.[54] In this case, the bead was symbolically considered to be unclean, and, by falling into the food, the latter became dirty and therefore unfit for human consumption. It was also taboo to have

sexual intercourse in a hut while there was a pot of food cooking on the fire, and should this happen, the food could not be eaten, for it had been defiled. It is needless to say that the Kikuyu people saw this kind of sexual behavior as morally unacceptable—a woman to engage in sex and at the same time have a pot cooking on the fire was incredible. In the eyes of the traditional Kikuyu, the two were incompatible.

Sahlins has attempted a modern explanation of food taboos under the rubric "Food Preference and Tabu in American Domestic Animals."[55] The explanation is neither biological nor economic. At the outset, Sahlins states his aim concerning his discussion about the American use of common domestic animals. He argues that a cultural reason is present in the American food habits: some of the categorical distinctions of edibility among horses, dogs, pigs and cattle, for instance. Yet the point is not only of interest for consumption; the productive relationship between American society and the world environment is organized by specific valuations—edibility and inedibility—themselves qualitative and in no way justifiable by biological or economic advantage.[56]

Sahlins' elucidation is especially important at this stage and serves as a precursor for studying the food criteria applied in the disqualification of various species of animals, birds, and insects from the Jewish table to be discussed later in this study. But more significant still is Sahlins' assertion that the principal reason postulated in the American meat system is the relation of the species to human society. Horses are shown affection, where cattle that are raised for beef never had someone pet them or brush them.

Funerary Taboos

Our attention is now drawn to other types of taboos among the tribal societies: funerary and allied taboos. We shall cite just a few examples of this kind of taboo, and also consider the reason that was believed to be a very severe form of taboo. Frazer has noted that all persons who handled the body or bones of a dead person or assisted at his funeral incurred one of the strictest taboos.[57] Referring to the people in Tonga, he says that a common person who had touched a dead chief was tabooed for ten lunar months, but a person who touched a dead chief was tabooed for three to five months according to the rank of the deceased. Furthermore, burial grounds were

taboo, and in New Zealand a canoe, which had carried a corpse, was never used afterwards, but was drawn on shore and painted red. Frazer has further observed that in the Marquessa a man who had slain an enemy was taboo for ten days, and he might have no intercourse with his wife.

The Kikuyu considered a woman who had had a miscarriage or who had given birth to a stillborn child to be taboo. By coming in contact with the dead fetus she became ritually unclean. Although this uncleanness was confined to her, it could also be transmitted to another person by sexual intercourse. Ritual uncleanness caused by taboos connected with death among the Kikuyu was therefore of a very severe form, and the exact degree of the seriousness involved depended upon the extent of the contact. People who directly came into contact with a dead body contracted ritual uncleanness in a much more serious form than those whose contact was only secondhand. To this list of taboos may be added taboos connected with sick people. In many cultures, people who became dangerously ill and those with certain kinds of diseases were taboo. I have witnessed a case where a Maasai family in Kenya left their *boma* "homestead" after the death of the owner of the boma. The whole *boma* itself became taboo in the eyes of these people as a result of its owner's death.

For the Kikuyu people, ritual purification was necessary to cleanse funerary taboos. A purificatory rite was to be performed twenty-eight days after the burial of the deceased. During this ceremony, which is called *hukũra* (to unbury), work continued as usual, but no sexual intercourse was allowed. Again, no cooking was to be done during *hukũra*. Therefore, a widow of a dead man, with the help of other women, had to prepare quantities of foods before the ceremony started. This ceremony was marked by fires that were to go on burning throughout the whole night for eight days, the period within which the whole process of ritual purification was completed. During the second, fourth, and sixth days, all normal activities were suspended. This was *mũtĩro*, a time when people were not to be engaged in any work apart from eating, sitting in the courtyard, and sleeping. These days were strict taboo. This was a time of cleansing—putting away the contagion of death—and failure to observe these taboos would have led to the postponement of the whole *hukũra* ceremony.[58]

Taboos connected with death and corpses were also common among the Romans, according to Burris.[59] Interestingly, Burris has attempted an explanation as to why this type of taboo is considered one of the strictest

incurred by who handled a dead body. He traces the origin of the feeling about the dead in man's instinct for self-preservation. He maintains that among all peoples, things, which are strange, are to be avoided. It is also quite interesting to note how he connects the word taboo with the Latin word *religio*. The nearest equivalent to the word taboo in Latin is *religio,* and it seems that the Romans at times used this word in the sense of taboo on death.[60]

War and Seasons Taboos

A mention needs to be made concerning season and war taboos. Such taboos were not unknown among many tribal societies, but it is difficult to understand fully how these taboos worked. Earlier in this work, we mentioned that in order to understand the rules of pollution in any given culture, life has to be seen in its totality, which is not possible here. In view of this fact, even though seasons and festivals are some of the many components that make life what it is, we shall only consider a few elements about these taboos, among the Akans, the Polynesians, and also the Greeks.

Whitridge tells us that among the Greeks an army was sacred and that warriors were not allowed to eat fish, from which there was a general custom of abstinence except under the pressure of famine.[61] He also gives us the Greek word for taboo: ἁγνός, which means sacred or pollution. But the notions of sacred and unclean are distinguished by the use of different terms from this root for sacred (ἁγνός), and for unclean or accursed ἀναγής.

The Akans have a way of marking out the seasons. This is done by performing *adae*. According to Ayisi, this is an important rite performed by chiefs and elders of the clan and lineages. The two forms of *Adae, Awukudae* and *Akwasidae*, are used as units for counting the days and months of the year. These rites are also used to mark out seasons and to indicate the kinds of agricultural activities for each particular season. During this period the chief ritually purifies his soul.[62] Ayisi says that among the Akans, the chief's soul is sacrosanct and so is his body. Special rites therefore preserve him on such festive occasions. *Adae* is also a day of rest much like the Jewish Sabbath: it starts at sunset the previous day with drumming, and is dominated by fasting and drinking.

The idea of taboo connected with seasons and festivals can be understood better among the Hawaii and the Naga tribes of Assam.

According to Frazer, there were taboos kept during the approach of a great religious ceremony, the time of preparation for war, and the sickness of chiefs.[63] The length of these taboos varied from years to months or days. For example, there was one in Hawaii that lasted thirty years, and during this time there was no trimming of beards. Again, there were two types of taboos connected with seasons, common or strict. Frazer says that during a common taboo people were allowed to attend morning and evening prayer and had to abstain from their ordinary work. But fire and light were extinguished during a strict taboo. Furthermore, no person was allowed to bathe or go out. Dogs could not bark or pigs grunt. Neither could the cockcrow. Hence, at these seasons, they tied up the mouths of dogs and pigs and fowl placed under a calabash or bandaged the eyes. Among the Naga tribes of Assam, according to Jensen, top spinning, which is a man's game, is not played while the rice is growing because the earth is said to be pregnant.[64] Again, on certain holidays, when the village community may be said to be in a state of taboo, no one may work nor leave the village.

Comparative Method Driven from Anthropology

So far, we have been discussing the nature of taboo as an anthropological concept from the point of view of different tribal societies. But what significance does this study have in the understanding of the Hebrew Bible? How should we apply this information to illuminate similar phenomena in the Bible? H. Eilberg-Schwartz's approach to the study of Judaism in the perspective of other cultures is particularly remarkable.[65] He argues from the outset for a change of attitude towards the "savages." The "savage" in Judaism in practice exposes and challenges the opposition between Judaism and "savage" religions that have shaped the conceptualization of Judaism in the discourse of modernity. Eilberg-Schwartz has no difficulty in suggesting that the interpreters of Judaism have something to learn from "the discipline of anthropology or comparative inquiry."[66] He argues that religions of tribal societies do not deserve the bad press that they received during the Enlightenment. Early religion was not based on fear or stupidity, as earlier writers had suggested, but was rather a noble, grand, and poetic reaction of the human to the natural world.

However, Eilberg-Schwartz uses symbolism and metaphor to explain rituals and narratives in the Hebrew Bible, for example, blood taboos, food taboos, and taboos related to body fluids. More interesting is part two of this book, entitled "Cows, Blood and Juvenile Fruit Trees." Under this rubric, he deals extensively with: animal metaphors in the rituals and narratives of Israelite religion; menstrual blood, semen, and discharge—the fluid symbolism of the human body—and incest, among other things. According to him, these issues have metaphoric and symbolic meanings. He maintains that the concept of metaphor makes it possible to see that the significance of animal names in the Hebrew Israelite thought is saturated with metaphors drawn from experience concerned with raising animals and growing crops.

Concerning the dietary rules, he says that they are a dramatization of the metaphors that govern Israelite thought. Israel identifies itself with the herds and flocks by eating them and dissociates itself from the animals that represent other nations by declaring animals inedible.[67] Since Israelite social life, according to Eilberg-Schwartz has parallels with the animal kingdom (herds and flocks), or is patterned on animal behavior, so to speak, incest taboo should be traced to the same origin (Deut 27:20; Lev 18:6, cf. Deut 27:23; Lev 20:14). On menstrual blood, semen, and discharge, the pendulum shifts from metaphor to symbolism. He suggests that the Levitical rules regarding bodily fluids represent a kind of palimpsest, in which symbolisms are superimposed on the same raw data producing the distinctions men and women, life and death, and control and lack of control.[68] Eilberg-Schwartz's work is plausible, especially his readiness to use anthropology as a fruitful way of understanding the Hebrew Bible ritual impurity. However, the use of metaphors and symbolism should not be overemphasized and need not be seen as the sole approach to the proper comprehension of taboos in the Hebrew Bible.

Generally speaking, many scholars are of the opinion that comparative approach to the study of the Hebrew Bible from the perspective of anthropology can be fruitful. Jensen's criticism of Miller and Roberts for failing to consider other cultures in their work *The Hand of the Lord* is definitely supportive of this view.[69] He laments the fact that in their treatment of the expulsion of the ark, Miller and Roberts compared it to Hittite rituals against pestilence: when a plague befalls, the ark is selected, adorned and driven out, but they do not pay any particular attention to the ritual procedure. To them the important fact is only that a pestilence could be

attributed to an enemy god. Jensen criticizes Miller and Roberts because like the majority of Hebrew Bible scholars, they restrict the limits for comparative analysis of the Hebrew Bible to Near Oriental cultures. H. Maccoby, following Eilberg-Schwartz, pleads for a revival of cross-cultural comparisons in anthropological method, urging that it is time to halt the reaction against what were felt to be superficial parallels drawn by armchair anthropologists such as Frazer and Robertson Smith.[70] According to him, metaphorical comparisons between remote cultures can be useful and enlightening. Societies everywhere, he argues, use similar methods of ordering societal data by metaphorical use of natural objects and animals.

Eilberg-Schwartz gives suggestive similarities to Israelite religion among the Nuer, Dinka, and Samoan cultures, as well as in Babylonian or Canaanite religion. Houston, who admits that he has not responded to Eilberg-Schwartz's work adequately, nonetheless refers to it in connection with the need to make use of anthropological approaches to the understanding of dietary prohibitions.[71] According to Houston, advocates for the validity of a comparative method derive from anthropology as a tool in the elucidation of Israelite religion. He maintains that we must take seriously the work of social anthropologists who study the cultures of a wide range of societies, most of which included food prohibitions and avoidances.

Time and again, we have alluded to the connection between what we discussed earlier concerning taboos in different cultures and the Hebrew Bible in terms of taboo. Since our main concern is to investigate the translation problems involved in the translation of the Kikuyu Bible. I think it is permissible at this point, using a birds eye view, to look for examples of taboos from the Hebrew Scriptures to serve as a foretaste of what a study of this kind entails.

So far, we have not explicitly mentioned the word "holy." Perhaps the closest we have come to it is our mention of sacredness associated with certain people or objects, which as a result were considered taboo. Again, when by chance we mentioned this word, it was in reference to the God of Israel. The avoidance of the word, "holy" in our study was deliberate, for rules of holiness and uncleanness among tribal societies are not distinctive. We might follow Smith, who says that there is evidence that various parallels between ancient societies' taboos and Semitic rules of holiness are in their origin indistinguishable.[72]

Among the Jews, however, there is a distinction between holy and unclean, and the Hebrew vocabulary is full of words expressing these two concepts. But it should be pointed out categorically that the rules regulating both concepts coincidentally agree with the tribal societies rules of uncleanness. Nevertheless, there is one noticeable difference between the two, as Smith asserts.[73] According to Smith, the distinction between what is holy and what is unclean is real, even though it is not precise. Rules of uncleanness are primarily based on fear of an unknown or hostile power, though ultimately, as we see in the Levitical legislation, the law of clean and unclean may be brought within the sphere of divine ordinances based on the view that uncleanness is hateful to God and must be avoided by all that have to do with him. After Smith has given several examples of what he thinks is taboo in the Hebrew Bible, he finally concludes that it is impossible to separate the Semitic doctrine of holiness and uncleanness from the system of taboo.[74] He further suggests that the word עֲצָרָה "sacred assembly" might more exactly be rendered "taboo" for it is evidently a technical expression. Having said that, let us now look at a few examples of taboos in the Hebrew Bible, using the lens of Smith, but in a summary form.[75]

To begin with, things connected with God were holy and had therefore to be protected by rigid taboos: his name, places or sanctuary. Apart from things tabooed because of their holiness, we also have innumerable examples of taboos covering many spheres of life among the Jews. Certain foods were taboo among the Jews. Furthermore, the uncleanness of the eight tabooed unclean swarmers (Lev 11:29–38) could be transferred to an earthen vessel, which under certain circumstances would be broken, as in Polynesia. Other taboos include touching a dead body or a person with leprosy; should this happen, the person became unclean and could communicate his uncleanness to other people. There were taboos related to menstruation and sex. Related to this were taboos imposed on new mothers and their newborn. There were also taboos connected with the use of iron, which was forbidden in the construction of the temple. Warriors on a campaign were taboo, and were required to observe continence. There were taboos imposed on a Nazarite, for example, he was not allowed to partake of certain foods nor touch a dead body nor shave his head, which was believed to be sacred.

Conclusion

In the light of this argument, the negative and positive understanding of taboo, I think it would not be rash to suggest that any generalized treatment of cultural concepts of other people is inhibitive, and is likely to render insignificant the reason underlying such a concept, for example, taboo behavior. It is justifiable, therefore, to say that ideas such as taboo may only be understood, or understood best, if seen in the sociocultural contexts in which they operate.

However, our examination of various issues arising from the study of taboos, even though not exhaustive, has given us a glimpse into the nature of taboo among various tribal societies. First, in definition of taboo, Polynesia is important because it features quite prominently as the origin of the word taboo. In fact, the origin of the word taboo among the Polynesian is not an instance of disputation among the scholars, and most theories of taboo still refer to Polynesian taboo customs or compare the Polynesian type with others. Second, taboo is a concept, which was universally practiced, in many tribal societies of the world, but different tribes used different terms to refer to the same concept. The kinds of ritual prohibitions, which are seen in most Polynesian societies, are also found in various forms of African societies, with a few cultural modifications.

Third, wherever and whenever this term was used, it either had a religious or social value; hence its origin should be traced in both. If ritual purification was not performed on a person who had become ritually impure, that person was exposed to danger and it was understood that unpleasant would happen to him. The victim then constituted what Ayisi calls a sociological virus. The use of the word "uncleanness" in these definitions implies the contagious nature of the violation of taboo. Finally, a quick glance at the definitions of taboo given by various scholars above reveals that there are both agreements and disagreements as to the correct definition. It seems that all the definitions we examined are in agreement that taboo is a ritual restriction or prohibition whose infringement always results in ritual impurity or uncleanness which is consequently punishable. But there is one exception. Taboo could also refer to any prohibition resulting from social or other conventions. Admittedly, this definition does not necessarily have any ritual connotation. Furthermore, in the biblical texts, not every taboo results in ritual impurity or uncleanness, even if there appears to be close analogy. It

is generally true in the Hebrew Bible that uncleanness is contracted without the infringement of a prohibition. In the biblical texts and in Jewish thought generally, it is the transgression of the prohibition, or the pollution of the sanctuary (Lev 15:30), and not the contraction of impurity in itself, which results in punishment. In the following chapter, we shall examine in depth various forms of taboos in the Hebrew Bible. But we need to mention that we are not dealing with a single concept of taboo in the Hebrew Bible, for such a concept is nonexistent. What we shall do is to consider Hebrew words that seem to reflect the idea of taboo in certain contexts.

Notes

1 *Collins Concise English Dictionary* (3rd ed.; Aylesbury, England: Harper Collins Publishers, 1992), 1331.

2 The term "tribal societies" has been adapted from Keesing, and refers to "primitive people." Keesing says that although in anthropological usage the word "primitive" is intended to refer only to relatively simple technologies, unfortunately it has pejorative connotations (C*ultural Anthropology*, 3). E.O. Ayisi has used the terms "primitive society," "simile society" and "primitive people" interchangeably (*An Introduction to the Study of African Culture* (Nairobi: East African Educational Publishers, 1972). See chapter one of this book for more discussion on this subject.

3 Smith, *Religion of Semites*; and Frazer, "Taboo," *The Encyclopedia Brittanica* (11th ed.; vol. 22; Edinburgh: Adam & Charles, 1888).

4 Wilhelm Wax Wundt, *Elements of Folk Psychology: Outline of a Psychological History of Development of Mankind* (London: G. Allen & Unwin, 1916).

5 Freud, *Totem and Taboo.*

6 Steiner, *Taboo*; Mary Douglas, *Purity and Danger* (London: Routledge & Kegan Paul, 1966); "The Forbidden Animals in Leviticus," *JSOT* (1990): 3–23; Gwen S. Bergner, *Taboo Subjects: Race, Sex, and Psychoanalysis* (Minneapolis: University of Minnesota Press, 2005); Milgrom, *Leviticus 1–16* (New York: Doubleday, 1991).

7 Frazer, "Taboo," 15.

8 N. Whitridge, "Taboo," in *The Encyclopedia Britannica* (Cambridge: Cambridge University Press, 1911), 337.

9 Steiner, *Taboo*, 108.

10 E.E. Burris, *Taboo, Magic, Spirits* (Connecticut: Greenwood Press, 1972), 225–227.

11 Steiner, *Taboo,* 22.

12 Ibid., 29.

13 Ibid., 22.

14 Ibid., 22, 25.

15 Ibid., 23.

16 Ibid., 20, 128.

17 Douglas, *Purity and Danger*, 11–12.

[18] E.M. Zuesse, "Taboo and the Divine Order," *Journal of America Academy of Religion* 42, no. 3 (1974): 482–504.
[19] Zuesse, "Divine Order," 482.
[20] Ibid., 484
[21] Ibid., 493.
[22] Ibid., 495.
[23] Ibid., 485.
[24] Adolf E. Jensen, *Myth and Cult Among Primitive Peoples*, trans. Marianna Tax Choldin and Wolfgang Weissleder (Chicago: University of Chicago Press, 1963), 113.
[25] C.R. Hallpike, *The Foundations of Primitive Thought* (London: Clarendon Press, 1979), 145.
[26] Jensen, *Myth and Cult*, 196.
[27] Leakey, *Southern Kikuyu,* 167.
[28] Ibid., 165–167.
[29] Jensen, *Myth and Cult,* 194.
[30] Frazer, "Taboo," 16.
[31] See Lev 11–15, in which Moses and Aaron impose ritual taboos on the Israelites on behalf of YHWH.
[32] Steiner, *Taboo*, 26.
[33] See also M.W. Young, *Magicians of Manumanua: Living Myth in Kalauna* (Berkeley: University of California Press, 1979), 167.
[34] For more details on the use of water by the Romans, see also Burris, *Taboo, Magic.*
[35] Frazer, "Taboo," 16.
[36] Steiner, *Taboo*, 21.
[37] Jensen, *Myth and Cult*, 200.
[38] Burris, *Taboo, Magic,* 43.
[39] Leakey, *Southern Kikuyu,* 296–298.
[40] Leakey, ibid., 1235.
[41] L. Schele and M.E. Miller, *The Blood of Kings: Dynasty and Ritual in Maya Art* (New York: George Braziller, 1979), 3.
[42] For more details on the Laluna people of Good Island where eating the raw flesh of captives induced or renewed the frenzy of Meadoba, see Young, *Magicians of Manumanua*, 105.
[43] Schele and Miller, *Blood of Kings,* 15.
[44] Ibid., 176.
[45] Ibid., 177.
[46] Ibid., 176.
[47] Mbiti, *African Religions*, 185.
[48] Kabetu, *Kirira kia Ugikuyu*, 8.
[49] Keesing, *Cultural Anthropology,* 150.
[50] Whiteridge, "Taboo," 337.
[51] Keesing is in agreement with Linenbaum's ecological explanation of sexual polarity. However, he says that contemporary Kwaio traditionalists, fully aware that such customs limit population at a time when they are dwindling in numbers and beleaguered by Christianity, continue to follow ancestral rules. (Keesing, *Cultural Anthropology, 32*). To me this awareness may not be original and it may be a later development
[52] Frazer, "Taboo," 15.

[53] See also the Kikuyu taboos on sacrificial meat offered to Ngai discussed later in this study. A similar notion is traceable in the Hebrew Bible (cf. the bread of the Presence, Sam 21:1–6).
[54] For more details, see Leakey, *Southern Kikuyu,* 296–297.
[55] Sahlins, *Practical Reason*, 170–179.
[56] Ibid., 170.
[57] Frazer, "Taboo," 16.
[58] For more details, see Leakey, *Southern Kikuyu,* 1232–1234.
[59] Burris, *Taboo, Magic*, 72–78.
[60] Ibid., 72–78.
[61] Whitridge, "Taboo," 340.
[62] Ayisi, *African Culture,* 83.
[63] Frazer, "Taboo," 15–16.
[64] Jensen, *Myth and Culture*, 63.
[65] H. Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion* (Indianapolis: Indiana University Press), 1990, ix.
[66] Eilberg-Schwartz, *Savage in Judaism,* 115–217.
[67] Ibid., 125.
[68] Ibid., 189.
[69] Jensen, *Myth and Cult*, 14.
[70] See H. Maccoby, "Howard Eilberg-Schwartz, The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism," *Journal for the Study of Judaism* 22 (1990): 132. Jenson expresses the same sentiments when he says that biblical scholars have not used anthropological studies extensively in the investigation of Priestly texts, and several essays written by anthropologists have met with criticism. He further says that the challenge to understand the text remains, and any approach which deals with any central questions of meaning and interpretation deserves careful consideration (*Myth and Cult,* 57). See also W. Houston, *Purity and Monotheism, Clean and Unclean Animals in Biblical Law* (Sheffield: JSOT Press, 1990), 16. Houston seems to follow Howard Eilberg-Schwartz.
[71] Houston, *Purity and Monotheism,* 15ff.
[72] Smith, *Religion of Semites*, 446.
[73] Ibid., 153.
[74] Ibid., 452–456.
[75] Ibid., 140–164, 441–456.

CHAPTER TEN

Hebrew Bible Prohibitions

Our main concern in this chapter is an attempt to understand Hebrew Bible terminologies that function to mark off untouchable areas, places, objects, or to impose restrictions in relation to holy places. In order to do so, we shall investigate the idea of holiness in the perspective of contagion, and more so its consistency with the idea of taboo. Then the Sabbath will be examined. The solemnity with which it is observed and the severity of the punishment inflicted on the victims who failed to comply with the rules has very close affinities with our understanding of taboos imposed on certain festivals among the tribal societies.

This will be followed by a discussion about taboos in connection with war booty, the Hebrew root טמא ("unclean") in light of ritual taboo, and objects and certain foods that were tabooed. Concerning the objects and foods that were tabooed, our interest is to find out what happened to a person who thus became ritually unclean as a result of violating especially food taboos. Was one to be purified ritually or did one become automatically clean after a period of time? Finally, taboos in relation to diseases, male and female discharges, corpses, bones, graves, and childbirth will be discussed.

Hebrew Words that Function as Taboo Markers

It is admissible to say at the outset that when we apply the term taboo to our understanding of biblical terms, which semantically fall under the term holiness in the Hebrew Bible, such an application is not in any way derogative. Or, in other words, we are not giving holiness a negative value. Israel, like many other societies, did not live in isolation, and if the study of taboo in these other cultures has proved worthwhile in the understanding of cultural and religious beliefs, then Israel is no exception. Zuesse's understanding of taboo is particularly remarkable. According to Zuesse, taboo is the structural behavior of culture, and all cultures are sustained by taboos.[1] Jenson points out that the Priestly texts are very similar to those of other societies, both ancient and modern, in which investigations into ideas of purity and impurity have considerably increased our understanding.[2] He

also suggests that the priestly texts reflect a world-view delineated by taboos and rules of contagion and maintained by sanctions and corrective rituals.[3]

The book of Leviticus is central in our study of taboos. It is here, more than anywhere else, that we have many cultic prohibitions, and unlike in the cultures of tribal societies where some prohibitions are said to be imposed by demonic powers, in Israel the author is said to be God himself. According to the priestly texts, holiness cannot be attained without laws and rules that prohibit Israel from coming in contact with anything that can defile them, and as a result sour their relationship with God. The sole purpose for which the priestly texts lay such a stress on purity and impurity is that Israel shall be holy, for the Lord himself is holy.

קדשׁ-יהוה (Holy-the Lord Formula)

A good knowledge of the relationship between holiness and YHWH is certainly necessary for our understanding of why there are so many cultic prohibitions in the Hebrew Scriptures and why severe penalties were to be inflicted on those who infringed them. Perhaps this knowledge will equally be significant in shedding more light on the nature of the contagion of holiness, as we shall see later. A close look at the occurrences of the Hebrew root קדשׁ "holy" reveals noteworthy facts about the connection between this word and YHWH. This relationship, henceforth called the קדשׁ־יהוה (holy-the Lord) formula, is clearly seen in Lev 11:44a: "For I am the Lord your God; consecrate yourselves therefore, and be holy, for I am holy" (cf. Lev 19:2).

For the purpose of proper scrutiny of this passage let us use the same Hebrew text:

W	כִּי אֲנִי יְהוָה אֱלֹהֵיכֶם	("For I am the Lord your God")
X	וְהִתְקַדִּשְׁתֶּם	("so consecrate yourselves")
Y	וִהְיִיתֶם קְדֹשִׁים	("be holy")
Z	כִּי קָדוֹשׁ אֲנִי	("for I am holy")

This diagrammatic representation of the passage demonstrates that the context in which holiness operates is only YHWH, the God of Israel. See how emphasis is made on the phrase אֱלֹהֵיכֶם ("your God" W). The distinction between "your God" and "not-your-gods" is an indication of the

exclusiveness with which the word holy is used to refer to YHWH. This is further supported by the very fact that while the קָדוֹשׁ־יְהוָה "holy-Lord" formula may appear without the mention of (God), the latter never appears in the absence of יְהוָה, that is, the קָדוֹשׁ־אֱלֹהֵיכֶם "holy-God" formula is either rare or nonexistent, and the relationship between holiness and God is found in the formula קָדוֹשׁ־יְהוָה־אֱלֹהֵיכֶם "holy-Lord-God."[4] Nevertheless, a few exceptions to the קָדוֹשׁ־אֱלֹהֵיכֶם formula need to be mentioned here. In Joshua 24:19, we have "a holy God," but even here the holiness refers to YHWH. Isaiah also makes use of this formula: "and the Holy God shows himself holy in righteousness" (5:16b). However, if vs. 16b is considered to be parallel to vs. 16a, then קָדוֹשׁ־אֱלֹהֵיכֶם is synonymous with קָדוֹשׁ־יְהוָה and so, on the basis of this understanding the holiness mentioned here refers not to קָדוֹשׁ־אֱלֹהֵיכֶם, but to קָדוֹשׁ־יְהוָה.[5]

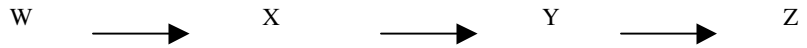
In the book of Daniel the usage of this formula is unusual in the sense that it defies all that has been said about these formulas. Here, the word holy refers to gods, "Because I know that the spirit of the holy gods[6] is in you and that no mystery is difficult for you" (4:9; cf. vs. 8). However, Houston points out that this text should not be seen as an "exception since it is Nebuchadnezzar, a pagan who is speaking." In conclusion, holiness is not a characteristic of the gods: "There is none holy like the Lord" (1 Sam 2:2).[7]

This fact can further be illustrated by using Lev 11:44. Let us now bring together (w) and (z) in our diagram:

I am the Lord			יְהוָה _____ אֲנִי	W
I am holy	אֲנִי	_____	קָדוֹשׁ	Z

In this simple illustration, the words יְהוָה and קָדוֹשׁ are symmetrically connected. Or to use mathematical language, W=Z: the two are inseparable and yet distinctive. However, it should be admitted that deductively this approach may pose an irresolvable problem, for while YHWH is holy, holiness is not YHWH. However, this approach helps us to understand the closeness with which the two should be viewed. This distinction is especially crucial for our study, and if the above argument holds, then we can say with certainty that it is YHWH who "owns" holiness and not the "not-your-gods." Or, in other words, outside YHWH there is no holiness, and the "not-your-gods" and any practices associated with them are incompatible with the holiness of YHWH—they are taboo, so to speak.

We can now use our diagram again and say without a shadow of doubt that for Israel to have any association with YHWH, it is imperative that they consecrate themselves (הִתְקַדִּשְׁתֶּם, X), which may also imply getting rid of anything that belongs to "not-your-gods." This done, then Y is achieved (הְיִיתֶם קְדוֹשׁ "be holy"). Note here that Israel becomes holy in the likeness of YHWH, but it does not become YHWH itself. This process can be represented thus:



While this representation shows us the normal process of attaining holiness (positive holiness), the converse of this process, Z → Y → X → W, would be an abnormal order and may be used to explain the principle of the contagion of holiness (negative holiness),[8] and the resultant death[9] (cf. Lev 10:2; Num 4:15; 1 Sam 6:19; 2 Sam 6:6ff; 1 Chr 13:9, 10; 2 Chr 24:19). In the case of the positive holiness, we have seen that Israel begins by consecrating or sanctifying itself and this action leads to their becoming holy, Y. In the negative holiness scenario, this process is reversed: Israel begins by coming in contact with the holy, Z, before the action of sanctification, is done. This in essence means that when an object that has not been sanctified comes in contact with YHWH, W, the anger of the Lord is kindled against Israel and the latter meets with death or other consequences.

With this knowledge at our disposal, we can now proceed and examine in greater depth the idea of holiness in the perspective of contagion, and more so its consistency with the idea of taboo.

קדשׁ (Holy)

In order to have a clear perception of the Hebrew root קדשׁ ("holy"), we shall use Levine's definition.[10] Levine says that the etymology of the Hebrew root קדשׁ, which means holiness, is uncertain.[11] According to him, the word "holy" is designated by the adjective קָדוֹשׁ, "holiness" by the noun קֹדֶשׁ, and a temple or shrine is called קֹדֶשׁ. He further points out that the process whereby sanctity is attributed to persons, places, objects, and the like is usually expressed by forms of the verb קָדַשׁ.

Having said that, Levine attempts an etymological understanding of the Hebrew root קדשׁ from the point of view of Akkadian and Ugaritic languages (though we shall only consider Akkadian), which are related to Hebrew and are attested in the same ancient Near Eastern milieu. Levine considers the following Akkadian words: *qadashu, ellu* "pure, clean, clear"; *ebbu* "clean"; and *namru* "bright." Cultic personnel, he argues, are identified by forms derived from the verb *qadashu.* Under this rubric he considers the following words: *qadishtu* "consecrated woman"; *qashdu* "holy"; *qashdatu* "priests," or "consecrated woman"; and an abstract noun *qadshutu* "holiness, the status of a priest." He suggests that seen from the point of view of the verb-forms, these words point us in the direction of the cult—its consecrated personnel, its sacred spaces, and its sacral rites.[12]

Another interesting point about this etymology is Levine's statement on the physical properties of this root. He argues that these terms do not signify any inherent *mana*, to which he adds that monotheistic writers in ancient Israel found the root *q-d-sh* particularly appropriate for characterizing the God of Israel, for the reason, perhaps, that it did not denote physical properties.[13] Levine, however, admits the change of state where the "not-holy" becomes "holy." According to him, this relatively uncommon form conveys the atmosphere of tabu, the negative dimension of holiness—its dangers, its restrictiveness, and its insulation from the profane.

Snaith is in favor of "separation," which originated in Baudissin's theory that says that a comparison with *ch-d-sh* makes it natural to conjecture that *q-d-sh* meant from the first "to be separated."[14] In support of this theory, Snaith argues that the modern view has it that the development of religion must be traced from below and not above. Religion is a movement from man to God rather than a revelation of God.[15] Admittedly, however, the meaning of the root קדשׁ is not exclusively "separation" and other interpretations are possible. But from the point of view of taboo the theory of separation suffices, and it gives us the basis on which to proceed and examine taboo ideas related to holiness.

It is important to point out at this juncture that it was the duty of the priest to make sure that a clear distinction was made between holy and profane, clean and unclean. Leviticus 10:10 which Jenson calls a key text for the discussion of these word groups, is particularly significant for distinguishing between the holy and the profane and between the unclean and clean.[16] This text shows us the place of holiness in the priestly texts. True worship of God is seemingly very important to a priest. As a result, Israel

must distinguish between what is holy and what is not, so that they may worship God properly and at the same time protect themselves from harm (Lev 10:16) and defilement (cf. 22:17–33). For example, the two sons of Aaron, Nadab and Abihu, were devoured by fire, which came from the Lord because they had offered unholy fire before the Lord (vs. 2).

In Numbers 4:15, the sons of Kohath were warned not to touch the "holy things" (RSV), or "sacred things" (NEB), and if they did not take heed, they would die (cf. 1:9; 4:19–20; 2 Sam 6:6–7). In order to avoid this dangerous situation, Aaron and his sons had to cover the sacred objects and the utensils as the camp set out, and it was only after they had finished the covering that the sons of Kohath were to come and carry these things, so that they may not come in contact with them and die. Wenham is even more specific as to the role of the Kohathites.[17] He says that the Kohathites carried the furniture of the tabernacle, such as the ark, lamp stand, and golden incense altar, but they were not allowed to pack and unpack these items. Aaron and his sons, that is, the priests, had to do this because if the Kohathites had looked at these holy things uncovered, or had touched them, they would have died.

Since the objects in this passage are supposed to be holy, then the only contagion that can affect the sons of Kohath is holiness. It follows that from the standpoint of the Kohathites these objects were a taboo whose violation would lead to automatic death. Nevertheless, Budd points out that the Kohathites must be persuaded that the stipulations were not intended to degrade them or to rob them of privilege, but to protect them from danger.[18] The fact that the Kohathites were not allowed to see these holy things, or what Wenham calls the most potent symbols of the presence and power of God and which partook of his holiness uncovered,[19] leads us to yet another dimension of taboo regarding the holiness of God, namely, seeing God or going near him.

On Mount Sinai, the place where God was going to meet Israel, Moses had to set bounds for the people around, saying:

> Take heed that you do not go up to the mountain or touch the border of it; whoever touches the mountain shall surely be put to death; no hand shall touch him, but he shall be stoned or shot; whether beast or man, he shall not live (Exod 19:12–13).

We have already pointed out that holiness and YHWH are not detachable. We therefore need to suggest that so long as YHWH is on this mountain, his holiness spreads throughout the whole place like a magnetic field whose

limit is marked by the bounds set by Moses (vs. 12).[20] To use the words of Hyatt, the holiness can be seen here as a quasi-physical quality that is contagious.[21] Note that as an object falling within the magnetic field gets magnetized, similarly, should a person come into contact with holiness, he/she becomes "contaminated" by holiness. This is what we termed as negative (destructive) holiness that has to be forbidden. But a person who may have thus become contaminated has to die and the killer has to be at a distance and throw stones lest he come in contact with the contaminated person and in turn become contaminated by the forbidden holiness.

A similar instance in which ordinary people are prohibited from drawing too close to YHWH and fencing around that which is considered to be holy is explicit in Num 1:49–3:10, especially 1:52–53:

> The people of Israel shall pitch their tents by their companies, every man by his own camp and every man by his own standard; but the Levites shall encamp around the tabernacle of the testimony, that there may be no wrath upon the congregation of the people of Israel; and the Levites shall keep charge of the tabernacle of the testimony.[22]

Going beyond the "Levitical wall" or fence surrounding the tabernacle (holy) would be a serious infringement on the prohibition that spells out the wrath of God against the congregation (cf. Num 8:19). Wenham remarks that this drastic measure expressed the reality of God's presence in the tabernacle.[23]

The face of God is taboo. It is dangerous and should not be seen by human beings. When Moses asked to be shown God's glory, he was told, "you cannot see my face; for man shall not see me and live" (Exod 33:17-20, cf. Deut 4:33; 5:24, 26; Judg 6:22ff.; 13:20). Durham points out that the human family cannot look upon YHWH and survive: the gap between the finite and the infinite is too great; it is an experience of which man is incapable.[24] Durham then concludes that YHWH, therefore, makes provision for the experience of Moses by designating a place on Sinai in the fissure of a rocky cliff. There Moses can stand as YHWH's glory (Presence) comes near and passes by. However, we need to point that even here God had to cover Moses' face with his hand until he had passed by, and then the hand was removed and Moses could now see God's back, but not his face (vss. 21–23). In the Hebrew Bible, prohibitions are also imposed concerning garments and mixed seeds. In Leviticus 19:19, for example, the text says:

> You shall keep my statutes. You shall not let your cattle breed with a different kind; you shall not sow your field with two kinds of seed, nor shall there come upon you a garment of cloth made of two kinds of stuff.[25]

In Deuteronomy 22:9, Levine sees no problem in equating "holiness" with "taboo."[26] He says that it is forbidden to plant grain or vegetables in proximity to vines. If, in violation of the law, such planting occurs, the produce yielded thereby, along with the fruit of the vines, becomes tabu. Using G van der Leeuw's work which Levine calls "classic"[27] study of the phenomenology of religion, in which Leeuw explains the term "tabu," Levine suggests that the change to the status of tabu concerning mixtures is legally determined: the law would declare the total yield holy.

Before we come to any conclusion about "the mixtures," let us, first of all, try to understand the origin of this practice. Craigie maintains that the law (of mixtures) reflects a certain antipathy toward Egyptian practice, and there are a number of Egyptian paintings from Eighteenth and Nineteenth Dynasty tombs showing gardens and orchards in which various types of fruit-bearing trees grow side by side.[28] He also traces the origin of שַׁעַטְנֵז "mixed stuff" from Egypt, for various complicated types of pattern weavings were introduced to Egypt, perhaps from Syria, and they may therefore have had reprehensible associations (no longer known) for the Israelites. Now, having said that, we can well assert, at least provisionally, that the fact that the origin of this practice is traced from non-Israelites, whose practices were considered not consistent with the worship of YHWH, and where the "not-your-gods" were worshipped, then certainly the NAST's rendering of תְּקֻדַּשׁ-פֶּן as "defilement" may be justified.[29]

Milgrom's interpretation—which in keeping with RSV's rendering calls these mixtures "sacred"—is that such a mixture would transmit its holiness to the total yield. If we may suspend our judgment at the moment, we may presumably suggest that in both renderings, "holy" and "defilement," one thing is common: both would transfer their contents to the rest of the other seeds, hence the need to forbid such a practice.[30]

The NAST renders לְקַדֵּשׁ אֶת־הָעָם, as "to transmit holiness to the people"; NEB, "to transmit the sacred influence to the people"; and GNB, "nothing holy is carried to the outer courtyard, where it might harm the people." The atmosphere here is sacrificial. The setting is a room where the flesh of אָשָׁם "the guilt offering" and חַטָּאת "the sin offering" is cooked and מִנְחָה "the cereal offering" baked, all referring to the share given to the priest

(cf. 44:29). Zimmerli argues that the explicit aim of the passage is the insuring of the priest's due, which must not be removed from the inner sanctum of the temple.[31] He also says that even the preparation of this sacred food must not take place outside the sacred precinct. Zimmerli refers to vs. 19 to show the danger of the infection of the people by the holy. Lastly, he remarks that in this prohibition the concern is with the carrying out of the holy to the people. Further to this may be added D.M.G. Stalker's statement about the offerings involved here. He maintains that these were offerings to be eaten by the priests exclusively, and were not to be brought into the outer court, where they might communicate holiness.[32]

Sabbath

The religious life of Israel was marked by the observance of the Sabbath and other annual festivals. These days were considered to be holy and were characterized by very stringent rules whose violation resulted in death. The solemnity with which these days were observed and the severity of the punishment inflicted on those who failed to comply with these rules has very close affinities with our understanding of taboos imposed on certain festival days among the tribal societies.[33] Considering the Feast of Unleavened Bread, Feast of Harvest of Weeks and the Feast of Ingathering or of Tabernacles, W.H. Schmidt says that the fact that all three feasts are attested in the pre-exilic period reflects the cycle of nature, and he suggest then that foreign influence on the Israelite cult can be clearly traced.[34] But Alastair Hunter points out that Israel emerged from the general matrix of Canaan, so her cult and religion grew from that basis—Israel is not a completely alien institution imposed on Canaan from outside.[35]

Understanding the sanctity of the Sabbath is to be sought by examining various facts. First, Sabbath is a reminder of the creation, "for in six days the Lord made heaven and earth, the sea, and all that is in them, and rested the seventh day; therefore the Lord blessed the Sabbath day and hallowed it" (Exod 20:10,8; 31:14ff).[36] Second, as Levine contends, Deuteronomy links Sabbath rest to the Exodus: Sabbath rest is the expression of freedom and the negation of bondage (cf. Exod 34:21; 20:5f.; Deut 5:12ff.).[37] He also points out that the emphasis on sanctity, which is to be expected in priestly legislation, is epitomized in the term מִקְרָא קֹדֶשׁ "a sacred assembly," a term

that probably originates in the Holiness Code (Lev 17–26, and it occurs no fewer than ten times in chapter 23).

A mention has been made of prohibitions imposed on Israel to protect them from going too close or touching holy objects or places because this may result in either profanation of the holy or the objects or people of Israel being hallowed, which in turn leads to the destruction of the objects or death of the victim (cf. Exod 31:14; Num 15:32–36). In a similar manner, regulations governing the observance of the Sabbath were stiff. The primary regulation, as Levine suggests, was the prohibition of מְלָאכָה "assigned tasks." One of the most striking characteristics of a Sabbath, however, and which has a high notion of taboo, was the prohibition of making fire on this solemn day: "six days shall work be done, but on the seventh day you shall have a holy Sabbath of solemn rest of the Lord; whoever does any work on it shall be put to death; you shall kindle no fire in all your habitations on the Sabbath day" (Exod 35:2–3, cf. 12:16; 16:23). Kindling fire in this context means cooking. Therefore, during this solemn day it was taboo to cook, and "whoever does work (even cooking) on it shall be put to death" (vs. 2).

חרם (Separate/Ban)

The Hebrew term חרם (verb Hiphil, unused in Kal) means " to ban," "to devote," "to exterminate," and " to pronounce sacred." It also means "to shut up" or "to shut in," "to prohibit to common use" or "to consecrate to God." While this term is not commonly used in the book of Leviticus, the center of our study, it is nonetheless very illuminating as far as the understanding of taboo in the Hebrew Bible is concerned. From the standpoint of etymology, the Semitic root of this word is *hrm*. According to Lohfink, its reflexes in the West Semitic languages include words meaning, "to separate," "to forbid" or "to consecrate."[38] He also compares this root with the Arab *haram* "sacred precincts," and *harim* "harem." J.M. Miller and G.M. Tucker, in reference to Jos 6:17–19, argue that since the enemy and the booty belong to the Lord, they are sacred or taboo.[39] Or to use Ronald de Vaux's words that *herem* is anathema carried out on the vanquished enemy and his goods.[40] His definition is equally significant in shedding more light on the meaning of this term. Vaux points out that the word denotes the idea of separation, that is, taking something out of profane use and reserving it for sacred use,

forbidden to man and consecrated to God. Interestingly, the Swahili people in Kenya use the word *haramu* for anything, which is taboo. For example, eating pork is *haramu*, which means that it is forbidden, or taboo. Such usage, however, should not surprise us since the Swahili people have very close linguistic and cultural links with the Arabs (Southwest Semites).

Lohfink discusses the relation between the Akkadian term *asakku* "taboo," found primarily at Mari, and the Hebrew Bible concept of חֵרֶם.[41] Referring to Jos 7, he argues that the appropriation of objects under taboo can bring guilt upon the violator of the taboo (originally subjecting him to the death penalty), and in certain cases a military commander could place the booty under taboo, while in Mari the taboo was only temporary, so that the booty could be distributed fairly later.

We shall now consider carefully important issues raised in Jos 7 in relation to חֵרֶם. We have already mentioned that objects that belonged to YHWH are קָדוֹשׁ "holy" and so long as such an object is in this state it is prohibited for use. It therefore follows that when anything that is "common" is devoted to God, it becomes holy and it is essentially separated from the "common" use: "every devoted thing" (כָּל־חֵרֶם) is קֹדֶשׁ־קָדָשִׁים "most holy" to the Lord (Lev 27:28). However, while this assertion is true with regard to holy objects in general, being חֵרֶם does not make things untouchable, but the appropriation of such objects would be prohibited.

Leviticus 27:28 is therefore a further indication of the seriousness involved in חֵרֶם. Everything devoted to the Lord is not only holy but most holy (קֹדֶשׁ־קָדָשִׁים)—"taboo of taboos," perhaps.[42] Consequently, such objects cannot be sold or redeemed (לֹא־יִגָּאֵל). Furthermore, Israel is warned not to keep the booty in the camp, for the booty was devoted to the Lord, which would result in the destruction of the camp (Jos 6:18;[43] cf. Deut 7:26). In Joshua 7:1, it is stated that "the Israelites defied the ban" (NEB), "the sons of Israel acted unfaithfully in regard to the things under the ban" (NAST), or "the Israelites broke faith in regard to the devoted things" (NRSV).[44] These renderings are no doubt quite suggestive of a prohibition that has been broken, and as a result "the anger of the Lord burned against the people of Israel" (vs. 1). It is true that while it was Achan who took the devoted things (חֵרֶם), the whole community of Israel met with the wrath of God. It is surprising to note, however, that although it is God who is said to be offended, the punishment resulting from the violation of the prohibition is inflicted by his agents, the imposers of the ban. Since the devoted things are unredeemable, they have to be destroyed together with Achan, the violator of

the ban. The devoted things are burned with fire, while the killers of Achan keep distance and then throw stones at him to avoid coming too close (Jos 7:25).

Note, however, that although Israel are spared from the death penalty, even after keeping the devoted things, sanctification is necessary since as a covenant people (Exod 19:6), they have transgressed the covenant of the Lord and have done a shameful thing (7:15). Hence, Joshua is told by the Lord to sanctify the people, and this would be done by removing the חֵרֶם objects from their midst. In verse 14, Joshua is told by the Lord to sanctify the people:

> Up, sanctify the people, and say, Sanctify yourselves for tomorrow; for thus says the Lord, God of Israel. There are devoted things in the midst of you, O Israel; you cannot stand before your enemies, until you take away the devoted things from among you. In the morning therefore you shall be brought near by your tribes.

Lohfink says that such a cultic assembly helps to avert the חֵרֶם. Another point that needs to be underscored is that in this context of war, all silver and gold, and vessels of bronze and iron remain sacred to the Lord; and they should go into the treasury of the Lord (Jos 6:19, cf. vs. 24). This is another evidence that these objects are still forbidden from use by Israel.

One question that we need to ask ourselves is whether war booty is חֵרֶם because the objects have been devoted to the Lord or because they are unclean. We have already alluded to the fact that the content of something is determined by its source or the place of its origin (in computer language this is expressed as "garbage in garbage out"). Following this argument, it is legitimate to say that in reference to Deut 7, where the Deuteronomist has used this ancient war custom as part of his campaign against idolatry, if holiness proceeds from YHWH, then conversely, from "not-your-gods" proceeds uncleanness (abomination). Consequently, since the war booty is taken from non-Israelites, such things should be considered unclean and should in turn be detested and abhorred. However, if the reverse is true, that is, the booty is banned because it is holy, then this would certainly pose a very interesting question: At what point did the booty become holy? Was it when the war was going on, when the objects were in the hands of Israel, the holy nation whose holiness was passed to the objects, or was it when this ban was declared by YHWH even before the war began (Deut 27:17–26)? Given

the exclusiveness with which holiness is used for YHWH (cf. the קָדוֹשׁ־יְהוָה formula), our stance is that in a context of war against the other nations, objects are taboo due to their association with the "not-your-gods" and are consequently unclean. So if the Israelites were to preserve the integrity of their religion, they had to separate themselves completely from their enemies, the Canaanites and the other nations around them, by destroying them completely, making no covenant with them, showing no mercy to them and not making marriage with them (cf. Deut 7:1–5). In Joshua 7, the חֵרֶם is, however, different since there is no reference to idolatrous objects. Here we are simply reminded the many violations of covenant obligations occasioned by contact with pagan nations. Israel was a nation that was set apart, a chosen nation. Hence, the need to preserve their religious integrity by total destruction of war booty. The חֵרֶם was therefore a means of protecting the covenant and the holiness of YHWH, the God of Israel.

It is striking to note another peculiarity of war חֵרֶם. Even after what was devoted to Yahweh in the context of war (Jos 7) was destroyed, it did not cease to be taboo. This is clear in the way Joshua lays an oath upon Israel and curses on anyone who would rise up and rebuild the city of Jericho (Jos 6:26, cf. 1 Kings 16:34). In the beginning of this study we saw that the strength of a taboo depended on the social/religious status (power) of the imposer. Here, the imposer of the ban on this city is Joshua, but he acts at the directive of YHWH.[45] The solemnity by which this ban is imposed is particularly striking. Joshua and his men have to make a magical march around the city once a day for six days and seven times on the seventh day, and during all this time they have to maintain strict silence (Jos 6:1ff).

The seriousness or consequences of breaking this kind of taboo is seen in the death of Achan. First, in vss. 16–21 Joshua had to bring Israel near, tribe-by-tribe, and the guilty person had to be identified by casting lots, the Urim and Thummim (different colored sticks or stones which were placed in the ephod). Casting lots was a duty reserved for the Levitical priests (Num 7:21; Deut 33:8). But here Joshua performs this duty, and after Achan is discovered he gives glory to God by confessing his sins. Then, the booty is confiscated, and, together with Achan, his whole family and possessions were destroyed. Achan was stoned to death.

Second, Saul was stripped of his duties of kingship after he broke a similar taboo by failing to destroy what was devoted to destruction (1 Sam 15:23). At the same time, a sacrifice to the Lord of plunder from the war (the best sheep and cattle) is rejected (vs. 22). In the campaign against the

Amalekites (15:3), Saul was commanded to smite Amalek and utterly destroy all that they had. He was not supposed to spare them, but kill both men and women, infants and sucklings, oxen and sheep, camels and donkeys. The prophet's command was in obedience to YHWH's own words in the Deuteronomic code (Deut 25:17–19). But Saul chose to disobey. He spared Agag, King of Amalek, and the spoil, sheep and oxen, which should have been utterly destroyed. Saul was condemned for not interpreting the commandment strictly.[46] In view of the aforementioned situations, how should the Hebrew word חֵרֶם be translated? This subject will be discussed later, as we deal with other words that seem to be problematic for Bible translation into native languages.

Dietary Prohibitions

In the preceding sections, we saw that the Hebrew Bible concept of holiness is viewed as a source of danger in certain texts, especially when people are told to avoid coming into contact with it, lest they be contaminated. Our study of the Hebrew root חרם has also been illuminating, though the word does not connote taboo in the same understanding as in tribal societies. The objects related to war are devoted to God, and are hence taboo. Any attempt to violate this taboo, for example in the case of Achan, results in his death by stoning. However, it is in the Hebrew root טמא "unclean" that we find ritual taboo in the true sense of the word. In the following chapter we shall endeavor to survey carefully how the root טמא displays a notion of taboo especially when seen from the perspective of the Kikuyu people and other cultures we have studied so far.

טמא (Unclean)

Etymologically, according to Helmer Ringgren and G. Andres, the root that appears in טמא, "be unclean," appears with the same meaning in Jewish Aramaic, Syriac, and Middle Hebrew. It is not attested in classical Arabic, but later Arabic has the verb *tama* "be choked with mud," and a noun *tammy* "mud of the Nile." But according to Paschen, *tammy* basically means, "wet dirt."[47]

The Akkadian *ikkibu* and *assaku* have sometimes been compared to the Hebrew root טמא or as an expression of taboo. The primary meaning of *ikkibu*, Ringgren and Andres have suggested, is something forbidden; an object, place or action barred by divine prohibition.[48] They further say that certain animals must not be eaten or taken because they are *ikkibu*. Often the god who issues the prohibition is named and a punishment is threatened. Ringgren and Andres give examples of *ikkibu*'s application. To cross a river is an *ikkibu* of *Ea*, which connotes both "forbidden by *Ea*," and "sin against *Ea,*" and in certain cases it also suggests that something is reserved to a god or king. They see *assaku* as a synonym of *ikkibu*, except it refers to what is sacrosanct to a god or to the king, whereas *ikkibu* usually refers to something terrible that causes human pain or disease. However, for Ringgren and Andres, both *ikkibu* and *assaku* mean something other than mechanical taboos, though they presuppose divine prohibition. Nevertheless, in certain cases they come close to the meaning "sacred and sacrosanct" (to someone). In regard to the relationship between the Israelite term טמא and the Akkadian *ikkibu* and *assaku*, Ringgren and Andres reject their comparability.

The word טמא belongs to the same semantic field as שֶׁקֶץ and שִׁקּוּץ "abomination," נִדָּה which means sexual uncleanness, תּוֹעֵבָה "abomination" and פִּגּוּל "sacrificial flesh not fit to eat." [49] The principal root in the Hebrew Bible to express the idea of uncleanness is טמא, and it appears 286 times. Statistically, Ringgren and Andres say that evidence also shows that the root טמא appears primarily in the books dealing with cultic practices such as Leviticus (fifty-two per cent or 149 times), Numbers (13.2 per cent or 38 times) and Ezekiel (15 per cent or 38 times).[50] In his study of terms related to desecration and defilement, Amorim also includes the roots חנף "to be profaned," or "to be polluted" and לאג "to defile."[51] Although the idea of loathing, disgusting and abomination is present in לאג, the concept of defilement and pollution is not necessarily implied, except in the poetical construction of 2 Sam 1:21:

> Ye mountains of Gilboa,
> let there be no dew or rain upon you,
> nor uprising of the deep!
> For there the shield of the mighty was
> defiled,
> the shield of Saul, not anointed with
> oil.

The root לאג primarily means apostasy or alienation from God probably because of child sacrifice to Molech. Since our study in this section is mainly based on instances where the root חנף has overtones of taboo, that is, prohibitions related to ritual uncleanness, the roots חנף and לאג fall out of the scope of this discussion. We shall attempt, however, to consider טָמֵא, שֶׁקֶץ, and תּוֹעֵבָה.

Forbidden Animals in Leviticus 11

In our discussion about holiness in the Hebrew Bible, mention was made that holy objects and places were forbidden because of their contagion, which was seen to be dangerous. In view of this we argued that these kinds of prohibitions were similar to taboo but not in technical terms. Similarly, objects and certain foods were tabooed because they were said to be unclean and that the uncleanness inherent in them was contagious and therefore harmful. Consequently, a person who thus became ritually unclean as a result of violating especially food taboos had to be ritually purified or became automatically clean after a period of time. This was also true for other uncleanness, for example, contact with a dead body, menstruant, male and female discharges, or a leprous person (cf. Lev 11–15).[52]

Ringgren and Andres have no difficulty in taking the term taboo to refer to uncleanness in Israel. They argues that:

> …religio-cultural similarity between unclean and taboo has been pointed out. In fact there are many contexts, especially those involving sex or death, in which the Israelite laws governing uncleanness are probably connected with ancient taboos; in other cases, uncleanness is more likely rooted in the rejection of alien cultic practices.[53]

Unlike in tribal societies, food taboos in biblical texts did not denote contagion, that is, a person did not extract a contagious and purifiable uncleanness by eating forbidden foods (cf. Lev 11:2–23). This means that in our discussion of food in this section, our rendering of the Hebrew word טָמֵא as taboo does not mean "taboo" from the standpoint of the tribal societies; rather, it refers to prohibitions whose violation does not require ritual purification.

Food is any substance that can be ingested by a living organism and metabolized into energy and body tissue, anything that provides mental nourishment or stimulus. It is true that while some people may choose not to belong to any religion at all, no one under normal circumstances would choose not to eat, for this would mean bringing life to a halt. The centrality of food in human life cannot be underrated,[54] and the significance attached to it by all cultures of the world is manifested in the dietary rules and regulations, which vary considerably from society to society.[55] This is also true about Israel:

> These are the living things, which you may eat among all the beasts that are on earth. Whatever is hoofed and is cloven-footed and chews the cud, among the animals, you may eat. Nevertheless, among those that chew the cud or is hoofed, you shall not eat these: the camel, because it chews the cud but is not hoofed, is unclean to you. And the rock badger, because it chews the cud but is not hoofed, is unclean to you. And the hare, because it chews the cud but is not hoofed, is unclean to you. And the swine, because it is hoofed and is cloven-footed but does not chew the cud, is unclean to you. Of their flesh you shall not eat, and their carcasses you shall not touch; they are unclean to you (Lev 11:3–8).

In the Priestly tradition certain animals are considered potential sources of uncleanness and, as a result, distinction between clean and unclean animals was inevitable (cf. Lev 20:25). Using the Book of Genesis, Douglas suggests that the basis on which this distinction was to be made was in the way that the animals moved.[56] She maintains that here a three-fold classification unfolds, divided between the earth, the waters, and the firmament. Leviticus takes up this scheme and allots to each element its proper kind of animal life. In the firmament two-legged fowl fly with wings, while in the water scaly fish swim with fins, and on the earth four-legged animals hop, jump or walk. Douglas then concludes that any class of creatures, which is not equipped for the right kind of locomotion in its element, is contrary to holiness and contact with it disqualifies a person from approaching the temple. The problem with Douglas's assertion will be discussed below.

However, while in Leviticus it is assumed that Israel knew which land animals have true hooves and are cloven-footed and chew the cud (Lev 11:3),[57] in Deut 14:4, the animals are clearly specified. The animals the people may eat include the ox, the sheep, the goat, the hart, the gazelle, the roebuck, the wild goat, the ibex, the antelope, and the mountain sheep. In both Leviticus and Deuteronomy, animals that do not meet the above criteria

are named: "the camel, the rock badger, the hare and the swine" (Lev 11:4–7, cf. Deut 14:7–8). The reasons given for the inedibility of these animals are nothing but that even though the camel, the hare, and the rock badger chew the cud, they are not hoofed and are therefore taboo (טָמֵא). And the swine, because it is hoofed and is cloven-footed but does not chew the cud, is taboo (cf. Lev. 11:5–8).

The criterion for determining edible sea creatures is in their movement: "Everything in the waters that has fins and scales, whether in the seas or in the rivers, you may eat" (Lev 11:9). Any sea creature short of these two characteristics is an abomination (cf. vs. 10). Note, however, that while in Leviticus the term שֶׁקֶץ has been used to describe the inedible sea creatures, in Deuteronomy תּוֹעֵבָה has been used instead: "And whatever does not have fins and scales you shall not eat; it is unclean (תּוֹעֵבָה) for you" (Deut 14:10). Among the birds the following were considered abominable:

> …the eagle, the vulture, the osprey, the kite, the falcon according to its kind, every raven according to its kind, the ostrich, the nighthawk, the sea gull, the hawk according to its kind, the owl, the cormorant, the ibis, the water hen, the pelican, the carrion vulture, the stork, the heron according to its kind, the hoopoe, and the bat (Lev 11:13–19, cf. Deut 14:11–18).[58]

Unfortunately, in both Leviticus and Deuteronomy the texts are silent about the birds that should be eaten.[59] Perhaps it is assumed that Israel knew what birds were allowed to be eaten: "You may eat all clean birds" (Deut 14:11). Furthermore, whereas the Deuteronomist is silent about the abomination of these birds and does not give any reason as to why they should not be eaten, the Priestly source categorically states that they are an abomination (Lev 11:13). However, while the birds are said to be שֶׁקֶץ, the term טָמֵא is used to refer to quadrupeds (vs. 4–8). In Deuteronomy this terminological distinction is not made, and the whole pericope dealing with prohibition of unclean food begins with the word תּוֹעֵבָה (cf. vs. 3).

In Leviticus 11:20–23, winged insects that have legs above their feet with which to leap on the earth are edible: "the locust according to its kind, the bald locust according to its kind, and the grasshopper according to its kind. But all other winged insects which have four feet are an abomination (שֶׁקֶץ) to you." R.K. Harrison remarks that locusts have been eaten in the Near East for Millennia. He refers, for example, to the King of Assyria,

Ashurbanipal (c. 669–627 B.C.E.), whose guests ate locusts brought on sticks during a royal banquet.[60]

We have seen how the Priestly source assumes that Israel knows which animals it must eat. The Deuteronomist makes the same assumption about the animals Israel must not eat, and he is silent about swarming things: "You shall not eat any abominable (תּוֹעֵבָה) thing. These are the animals you may eat" (14:3–4). In Leviticus a list of swarming things whose carcasses are considered unclean is given: "And these are טָמֵא ("unclean") to you among the swarming things that swarm upon the earth: the weasel, the mouse, the great lizard according to its kind, the gecko, the land crocodile, the lizard, the sand lizard and the chameleon" (11:29ff). Touching the carcasses of these animals would cause ritual pollution. This leads us to another dimension of our discussion, contagion by touching.

In Leviticus 11:24–40, which is very relevant to our study, touching carcasses of land animals is prohibited since uncleanness would be transmitted to the person involved. In this section, the use of the formula כָּל-הַנֹּגֵעַ (whoever touches), has been employed: "whoever touches their carcass shall be unclean (טָמֵא) until the evening" (vss. 24, 27, 31). Houston argues that three groups that fall under this category of "whoever touches" can be recognized in this section.[61] First, "Every animal which is hoofed but is not cloven-footed or does not chew the cud…" (vs. 26). Concerning animals that do not have cloven hooves, Houston mentions the horse and the donkey, and for the animal that does not chew the cud, he identifies the pig. The other group include all the animals that "go on their paws (עַל-כַּפָּיו הוֹלֵךְ), among the animals that go on all fours" (vs. 27). Houston, following Milgrom, rejects the earlier assertion that הוֹלֵךְ עַל-כַּפָּיו means, "they use their hands for walking on."[62] According to Houston the כַּף ("the palm") does not mean the hand-like foot of the lizard, but the flat of the foot, that is, the paw, which "simply distinguishes all quadrupeds without hooves from those with hooves."

In this section we are not dealing with food prohibitions but with the contagion that results from contact with carcasses of dead animals, as we have just remarked. It goes without saying that contact with the two groups of animals, namely, any "animal that is hoofed but is not cloven-footed or does not chew the cud" and the "swarming things that swarm upon the earth," made a person ritually unclean until the evening. The contact was achieved in two ways: by touching the carcass or by carrying any part of the carcass. While in the former no purification was necessary, the latter

necessitated washing of the clothes (vss. 24–26), but even after the washing was done, the victim remained defiled until the evening.[63] Again, at that time, as Harrison has observed, he would wash his body also, and until this had been done he could not participate in tabernacle worship or in any personal sacrificial rites.[64]

Finally, we have the third group in Lev 11:29ff, the swarming things that swarm upon the earth or "the teeming creatures that teem on the ground." It is not possible to identify for certain all the animals included in this group. Here, we shall follow Houston, who generally concludes that both reptiles and small mammals are included.[65] According to him, this indicates the upper size limits of the whole class of teeming things of the ground, which of course goes down to include all creeping insects, spiders, worms and other invertebrates (vs. 42). The carcasses of animals in this group defile anything they touch: an article of wood, a garment, a skin, a sack, or any vessel that is used for any purpose (vs. 32). Objects and articles that were defiled by contact with a carcass were to be put into water to remove any uncleanness and had to remain impure until the evening; then they were clean. But the earthen vessel in which any of the animals fell had to be broken (vs. 33), since it was considered to become impregnated with uncleanness.[66] Cooking equipment, ovens and stoves, were equally contaminated should any part of a carcass fall upon them (vs. 35), and, like the earthenware vessel, they had to be destroyed. Only a spring or a cistern (vs. 36) and seed intended for sowing (vs. 37) were not contaminated by contact with a carcass. For the former, the reason could be that the water was continually flowing thereby taking away any impurities; while for the latter the need to preserve the essentials of life limits the application of the principle of uncleanness.[67]

Coming into contact with the corpse of a clean animal conveyed a purifiable pollution: "And if any animal of which you may eat dies, he who touches its carcass shall be unclean (טָמֵא) until the evening and he who eats of its carcass shall wash his clothes (vs. 39ff). While aliens were allowed to eat meat of the carcasses of clean animals that had died from natural death, if they so wished, Israelites were strictly forbidden from doing so for ceremonial reasons (cf. Deut 14:21). So, the Israelites were not supposed to touch (נגע) the carcasses of such animals, lest they become טָמֵא. But Milgrom argues that in the Priestly source, generally the carcasses of clean animals do not defile by touch and that Lev 11:39–40 is a late harmonization.[68] For Houston, vss. 39–40 may have been added here for the

sake of completeness in the law about ritual pollution arising from carcasses.[69]

Finally, we have vss. 41–45, which serve as conclusion of the whole section on the prohibition of unclean animals. This section begins with an enlarged list of swarming things in vs. 42: "whatever goes on its belly, and whatever goes on all fours, or whatever has many feet, all the swarming things are an abomination (שֶׁקֶץ). The enlarged list now includes insects, snakes, lizards, worms, caterpillars, and the like.[70] The carcasses of these animals must be avoided, lest the Israelites defile themselves and become unclean. Surely, it is permissible to compare this particular section (vss. 24-45) with the tribal societies' understanding of taboos concerning corpses of dead people discussed in chapter nine.

The Hebrew terms **טָמֵא** "unclean, תּוֹעֵבָה "abomination," and שֶׁקֶץ "abomination" have several times been mentioned in the description of unclean foods. Let us now briefly compare these terminologies in both Leviticus 11 and Deuteronomy 14.

CREATURES		**LEVITICUS**		**DEUTERONOMY**
quadrupeds	3–8	**טָמֵא** unclean	3–8	**טָמֵא** unclean
sea creatures	10–12	שֶׁקֶץ an abomination	9–10	**טָמֵא** unclean
birds	13–19	שֶׁקֶץ an abomination	11–18	?
insects	20–23	שֶׁקֶץ an abomination	19	**טָמֵא** unclean
swarming	41–43	שֶׁקֶץ an abomination		?
all (general)	46–47	**טָמֵא** unclean	3	תּוֹעֵבָה an abomination

A critical analysis of the way both the priestly writer and the Deuteronomist describe inedible foods is important for our understanding of biblical dietary laws. Whereas in Deuteronomy the word שֶׁקֶץ is avoided completely,[71] in Leviticus it seems to be the best term to describe the state of inedible foods: the sea creatures, the birds and the insects are all שֶׁקֶץ (vss. 10–23). Again, while in Deuteronomy the sea creatures and the insects are **טָמֵא** (vss. 9–10, 19), in Leviticus such creatures are שֶׁקֶץ. The term **טָמֵא** in Leviticus is only used to refer to the land animals in terms of impurity or to all the inedible

creatures in general (cf. 46–47).[72] In Deuteronomy, however, the general term describing all the inedible living things is תּוֹעֵבָה (vs. 3), and not טָמֵא, as is the case in Leviticus.

The two texts devoted to the uncleanness of inedible creatures are in agreement in the order in which these creatures appear:

LEV	LAND	SEA	BIRDS	INSECTS	SWARMING
	טָמֵא	שֶׁקֶץ	שֶׁקֶץ	שֶׁקֶץ	שֶׁקֶץ
DEUT	LAND	SEA	BIRDS	INSECTS	?
	טָמֵא	טָמֵא	?	טָמֵא	?

We need to note, however, that while the interchangeability of these Hebrew key words for ritual impurity is readily acceptable,[73] their interpretation is still debatable. Houston, for example, argues that even in the context of Lev 11, these words have different connotations. He points out that the noun שֶׁקֶץ is used only with reference to forbidden flesh. The root שׁקץ suggests personal disgust or abhorrence and in this legal context is appropriately used for rigorous avoidance. Houston rightly maintains that vs. 8 is parallel to vs. 11, where eating and touching the carcasses of land animals and scaleless sea creatures are described both as טָמֵא (unclean) and as שֶׁקֶץ (abomination), respectively. The root שׁקץ has not any technical ritual connotations.

Rationale Behind Meat Prohibitions

So far we have discussed, though briefly, the kind of creatures that the Hebrew Bible permits to be eaten. Douglas is right, as we mentioned above, in asserting that, in the firmament, two-legged fowl fly with wings, while in the water scaly fish swim with fins, and on the earth four-legged animals hop, jump, or walk.[74] However, in her conclusion that any class of creatures which is not equipped for the right kind of locomotion in its element is contrary to holiness, she fails to balance this emphasis with, for example, chewing the cud.[75] The chewing of the cud is a fact that is equally emphasized in Lev 11:3 (cf. Deut 14:6), where it is categorically stated that any edible creature should be qualified on the basis of the statement: "…whatever is hoofed (מַפְרֶסֶת פַּרְסָה) and is cloven-footed (שֹׁסַע פְּרַסֹּת שֹׁסַעַת) and chews the cud (מַעֲלַת גֵּרָה) among the animals, you may eat." The emphasis on "chew the cud" in essence implies that since all meat-eating

land animals do not chew the cud they are automatically disqualified from the list of edible animals. This is in line with Douglas's argument.[76]

Referring to Genesis 1:29–30, she has pointed out that at "creation all living beings were expected to subsist on leaves, berries and seeds."[77] However, she observes that this law was modified in the new covenant after the flood and the people were allowed to eat meat, but never blood. Blood-eating animals and carrion eaters were to be avoided because "their bodies have already ingested blood." Concerning the denizens of the waters without scales and the crawlers, Douglas argues that the issue is not blood eating, but lack of something they need. Under the rubric *blemish*, using Lev 21:18–24 and 22:26, which deal with the physical defects of the priests and what is acceptable as a sacrifice, respectively, she points out that the forbidden species which are not covered by the law against eating blood either have something lacking (like joints, legs, fins or scales) or something superfluous (like a burden on their backs).[78]

Interestingly, Douglas has abandoned her earlier approach on unclean animals of Lev 11, which was basically based on "movement." This is clear in her remark that an anthropologist hardly needs to apologize for trying a new approach to the dietary laws in Leviticus. The reason for Douglas's change of attitude is that the various interpretations offered so far are not agreed upon and also because these rules are generally interpreted as rules of purity, whereas they are unlike any purity rules in the anthropological record, and finally because the explanations offered in the book itself are ignored for lack of interest in its rhetorical structure.[79] In this new approach, she argues that the forbidden creatures are to be honored as symbols of the victims of injustice, enacting Isaiah's concern for the fatherless and oppressed.[80] However, while Douglas admits that her interpretation is allegorical, that is, it depends on symbolizing virtue and vice, she nonetheless rejects Philo's use of free-wheeling allegory, which does not depend on Isaiah's teachings about righteousness. According to her, the animals allowed for food do not stand for virtues, and the prohibited animals do not stand for vices. Though this interpretation makes the dietary rules symbolic for virtue and vices, the permitted animals do not stand for any virtues, they simply keep the rule of avoiding blood, and the forbidden animals do not represent vices in their own bodies, but the effects of vicious actions on the part of others.

In her earlier work, Douglas had shown that the forbidden animals in the book of Leviticus were very comparable to taboos in other parts of the world in that they reflect a rational construction of nature, society, and culture.[81]

But in her later work, she links the forbidden animals with morals and social distinctions.[82] According to her, the main argument of *Purity and Danger* was that taboo organizes consensus by attributing the dangers, which regularly threaten to breaches of moral law, while in the case of the forbidden animals in Leviticus she could not find this link with morals and social distinctions.[83] While the allegorical interpretation that Douglas rejected earlier seems to be plausible, other reasons why certain creatures were considered clean and others unclean need to be sought, especially from a nonbiblical perspective.

It should be admitted that on the surface of these food injunctions, biblically, it is locomotion and diet that seem to be the determining factors, but beneath the surface other reasons seem to be at work. Even without engaging ourselves in a detailed discussion about these prohibitions, it will be clear from what follows below that, apart from allegorical interpretation, the association of certain food elements with the nations around Israel that Douglas accepts reluctantly[84] contributed to some extent to their imposition.

The idea of Israel borrowing certain elements of their culture from other nations and especially Canaanites cannot be denied. T.J. Meek concludes his section on how much Hebrews have borrowed from other nations by saying it was no small contribution that Canaanites made to the Hebrews, but what the Hebrews borrowed, they sublimated and ethicized, in the end improving what they borrowed.[85] In his reflection on this notion, Jenson, however, has a different attitude, especially with regard to Priestly understanding.[86] He argues that there are several references to the necessity for Israel to reject the religious practices of other nations, but the forbidden practices are not purity laws, and the defilement that they bring is of a different kind from that found in Lev 11–15.[87] It is admissible, I think, to accept the fact that Israel as a nation was not living in a religio-cultural vacuum. Certainly, they had their own culture and religious beliefs, which regulated their day-to-day life, but it is also true that the idea of borrowing from other cultures cannot be ruled out wholesale.

Diseases and Funerary Prohibitions

Diseases, as we saw in the very beginning of this study, were another source of ritual impurity. In many societies, when a person failed to establish the

cause of a certain illness from the examination of the symptoms, their explanation was that a supernatural power was involved.[88] Throughout the ancient Near East, claims Milgrom, diseases were considered the work of divine, malevolent forces, and scale disease (which is under consideration in this section) was a prime means of divine punishment.[89] The sin and scale disease syndrome, he says, is not limited to the ancient Near East but is a universal phenomenon that cannot be confined by cultural bounds; rather, it stems from the concerns of the human psyche.

Furthermore, if a person came down with influenza, respiratory or intestinal, no isolative measures were needed. But if the same illness persisted and failed to respond to all the forms of known treatments, then such an illness would be attributed to a deity or to evil spirits, and in the case of skin diseases, quarantining of the victim was required. The mysterious nature surrounding such a disease, especially skin diseases that tended to disfigure victims, would always demand that such persons be isolated from the midst of the people, not only for the purpose of avoiding ritual contamination, but also, to a lesser degree, the detestable appearance of the victim, particularly at mealtimes.[90] However, it is in the former avoidance that we truly see taboo in operation and not in the latter. Worse still were taboos related to death, an event that marked a permanent end to all functions of life (social and religious) of a member of a given society. Coming into contact with corpses was viewed as a source of the worst type of ritual impurity.

Scale Diseases (Lev 13: 1–59)

It is evident that in Lev 13 and 14 (cf. 22:4; Num 5:2) the priest is supposed to thoroughly diagnose skin diseases and establish whether they are leprous (צָרַעַת).[91] The process involved in this medical investigation is quite remarkable. First, the case under diagnosis is determined to be skin disease (vs. 2). Then the symptoms of the disease are carefully examined to determine the nature of the disease (vss. 3, 8, 15, 22, 25, 30). Acute צָרַעַת, according to Levine, is indicated by a whitish discoloration of the body hair in the infected areas of the skin and by lesions that appear to be recessed or lower than the surrounding skin. If after seven days the lesions do not become enlarged, and if, within fourteen days, the hair in the infected areas reverts to a more normal, darker color, a determination may be made that the

infection is not acute צָרַעַת.[92] He also says that if the rash continues to spread, the person is considered to have acute צָרַעַת and is declared impure indefinitely.

The thoroughness with which this particular disease is examined is indicative of the seriousness of צָרַעַת in its relation to ritual impurity. Milgrom, as we have already noted, associates צָרַעַת with death.[93] Quoting the rabbis, he says four are similar to a dead man: a pauper, a leper, a blind man, and he who has no children. Like the corpse, the scale-diseased person contaminates by overhanging; neither the corpse-contaminated person nor the scale-diseased person may cut his hair, wash his clothes, engage in sex, extend greetings or send sacrifices to the temple. It is true to say, in support of the association of צָרַעַת with death, that they both exhibit the same characteristics, namely, that they are both mysterious and therefore uncontrollable from the standpoint of ancient medicine. Both צָרַעַת and death are considered to be ritually contagious, hence the need for isolation. Presumably, if, as we have seen, touching a dead body is taboo טָמֵא (Num 19), similarly, touching a צָרַעַת is taboo, too.

Second, when the priest has established that a case is leprous, his findings are made public by instructing his patient to wear torn clothes and let the hair of his head hang loose and then cover his upper lip and cry "Taboo, Taboo," טָמֵא טָמֵא (Lev 13:45). Milgrom says that the declaration of a victim of צָרַעַת as טָמֵא implies that the person suspected of scale disease is in a state of impurity while he is quarantined, analogous to the quarantined house, which contaminates everything within it and all who enter it (vss. 46–47).[94]

However, our main question here has to do with why a leper should wear torn clothes, let the hair of his head hang loose, and then cover his lip and shout "Taboo Taboo." This is somewhat comparable to our modern words WARNING and DANGER on posts that carry live electric wires. These words are supposed to warn passersby against coming into any possible contact with these wires lest they be exposed to electric shock and the resultant electrocution. We could also liken a leper to a modern ambulance, carrying a patient to the hospital, which is fitted with a device for emitting a loud wailing sound as a warning to other traffic so that the way is cleared for its passage to the hospital.

Whatever analogy we may look for, one thing is clear: a leprous person was believed to be highly contagious. Milgrom says that a leper had to cover his mouth since his breath could contaminate, and therefore, no one was

supposed to walk to the east of him, but west of him.[95] On the basis of this interpretation and the contents of Lev 13, we can now see why a leper had to be isolated. In the midst of the people, a leper was unquestionably dangerous, and as a result he or she had to dwell alone in a habitation outside the camp (vs. 46).

Houses with Fungus (Lev 14:33–47)

Houses infected with leprous disease were taboo טָמֵא (Lev 14:33–47). As in the case of a leprous person, it was the duty of a priest, once the appearance of such a disease was detected on the walls of a house, to act swiftly, examine thoroughly the nature of the disease and confirm whether it was malignant or not. If the disease breaks out again in the house, after he has taken out the stones and scraped the house and plastered it, then the priest shall go and look. If the disease has spread in the house, it is malignant leprosy in the house; it is taboo (vss. 43–44).[96] The uncleanness of a leprous house did not only affect the inhabitants of the house, but also anything in its stones and timber and all the plaster of the house (vs. 36). Similarly, lying or eating in this house was prohibited, and a violator of those rules had to wash his clothes to remove the uncleanness (vs. 47). But what caused leprosy on houses? The Mesopotamians, says Milgrom, attribute the fungus houses to demons, and the Hittites to its occupants, but Israel to neither.[97] The attribution of this disease to YHWH by Israel cannot be denied, and the book of Leviticus seems to point in this direction: "When you come into the land of Canaan, which I give you for a possession, and I put a leprous disease in a house" (vs. 34). It should be mentioned here that a leprous house that had been declared taboo could not be redeemed by any purificatory rite and had to be broken, its timber and stones and all the plaster taken out of the city to a place that had already been declared unclean (vs. 45).

Corpses, Bones of the Dead, and Graves (Num 19:11–22)

Earlier in our discussion about taboos in relation to dead bodies, we discussed carcasses of animals in Lev 11:29ff. The creatures in question in this text are both reptiles and small mammals: the swarming things that swarm upon the earth or the teeming creatures that teem on the ground,

which include all creeping insects, spiders, worms and other invertebrates. In this section we are going to discuss taboos related to human dead bodies. So far, we have seen several instances where the Hebrew term טָמֵא has been rendered "'taboo," but it is in this section we encounter the most serious form of taboo, that is, taboo related to corpses, human bones, and graves. The human corpse, according to Jenson, generates the most extreme impurity.[98] We shall use Priestly sources in the book of Numbers where we have the best biblical description of taboos in this category.

In Numbers 19, victims of funerary taboos are clearly specified. Anyone who touches (נָגַע) the dead body of any person, becomes taboo (טָמֵא) for seven days (vs. 11),[99] while a person who touches a dead person and does not cleanse himself defiles the tabernacle, and that person is to be cut off from the other people because the water of impurity was not thrown upon him (vs. 13). Such a person becomes taboo, and his uncleanness is still on him. Furthermore, should anyone who is in the open field touch one who is slain with a sword, a dead body, a bone of a man, or a grave such a person becomes taboo for seven days (vs. 16).

The weight of this kind of taboo is clearly indicated. For example, a person does not necessarily have to touch a corpse in order to become unclean. Being under the same roof with a corpse is serious enough to declare such a person unclean: "This is the law when a man dies in a tent, and every one who is in the tent shall be taboo seven days" (vs. 14). This form of uncleanness is not just limited to persons, it also affects vessels in the tent, vessels that have no cover fastened upon them (cf. vs. 15). Moreover, contamination by a corpse necessitated isolation of the victim in the camp for seven days, something that puts corpse-contamination on par with that of a leper or a person with a discharge (cf. Num 5:1–4).

Since corpses represent death and estrangement from God, argues Amorim, those who stand in a closer relationship, that is, priests and Nazarites, are not allowed to come into contact with such a source of defilement, for holiness and uncleanness stand in total opposition.[100] He also points out that the more holy the thing, the stricter the rules to prevent a possible contact with uncleanness. This is further supported by Feldman, quoted by Amorim, who in referring to a priest remarks that he represents the presence of God and קֹדֶשׁ "holy." According to Feldman, death represents the absence of God and the absence of קֹדֶשׁ which is טֻמְאָה "unclean:" and

there can be no relationship between טֻמְאָה and קֹדֶשׁ. Having said this, let us consider the relationship between a corpse and a priest or Nazarite.

The Nazarites and the high priest were not spared the effects of funerary taboos, and they were therefore not allowed to attend to the bodies of their dead parents, lest they contaminate themselves (Lev 21:11, Num 6:7). Nevertheless, priests were allowed to defile themselves by contact with a dead person: a father or mother, a son or daughter, a brother or unmarried sister (Ezek 44:25). But even then, such a contact rendered a priest taboo for seven days, and after purification by the ashes of the Red Cow (Num 19) he would not take up his duties for another seven days. People who became unclean as a result of coming near a dead body were not allowed to celebrate the Passover.

Taboo acquired by contact with a dead body could be removed by performing a ritual purification, which involved mixing some ashes of burnt sin offering (חַטָּאת) with running water in a vessel and a clean person would take some hyssop and dip it into the water and sprinkle it upon the tent, and upon all the furnishings, and upon the persons who were there, and upon him who touched the bone or the slain, or the dead, or the grave (cf. Num 19:18). The ashes used here are of the red heifer and not just any purification offering. N. Kiuchi has pointed out an important fact about the purification ritual in vss. 9, and 17. He argues that the peculiarity of the ritual lies in the fact that though the term חַטָּאת appears (vss. 9, 17), the whole ritual differs radically from that of the usual חַטָּאת ritual.[101] A red heifer, instead of being slaughtered on the altar, is slaughtered outside the camp. This act would be repeated on the third and the seventh day, and after washing the clothes and bathing in water, such a person or object was no longer taboo (cf. vss. 12, and 17–19). A corpse-tabooed person could pass uncleanness to his captives, every garment, and every article of skin, all work of goat hair, and every article of wood. These, too, needed purification (cf. Num. 31:20).

Male/Female Discharge and Childbirth Prohibitions

In this section we shall consider a form of uncleanness or impurity caused by genital discharges—emission of semen and abnormal blood flow in females. The key word in this discussion is טָמֵא, which appears very frequently in Lev 15. The principle of contagion in which the term טָמֵא operates here is not in any way different from what we have already seen in sex related

taboos in other cultures. In our earlier discussion concerning this form of taboo among the other societies—especially the Marquesas, Maori, Romans, and the Kikuyu—we saw the strictness with which sex-related taboos are observed. For example, menstruating women were isolated, their bodily secretions were considered to be ritually unclean, and any contact with them would render a person unclean. The similarities between these societies and the Hebrew Bible in their attitudes towards menstruants are particularly striking. In the Hebrew Bible, these taboos are connected not only with women but also discharging men: in both cases the victim is described as taboo טָמֵא, as we shall see in our discussion of Lev 15:1–18.

The nature in which abnormal male discharges contaminate is quite evident in Lev 15, and the discharge (זוֹב) is unclean enough to make a man taboo (vss. 3–15).[102] The tabooed person (vss. 2–3) is also capable of transmitting his uncleanness to anything that comes in contact with him in vs. 4: "Every bed on which he lies and everything on which he sits shall be taboo (טָמֵא). Not only is the uncleanness transmitted to objects, but it also attaches to the person who makes use of these objects, and this person has to wash his clothes and bathe himself in water and remain unclean until the evening (vss. 8–9). But worse still was when this discharging person spat on another person who was clean. The clean person became unclean as well and had to wash his clothes and bathe in water and was taboo until the evening (vs. 8).

A man who has a discharge in this text is forbidden to touch another person, lest he transfer his impurity to him. He could, however, touch a person, but only after he had rinsed his hands in water (vs. 11). Of all the impurity-bearers discussed in Leviticus chapters 11–15, the case of the זוֹב, according to Milgrom, is the only one that deals with the consequences of the impurity bearer touching someone else.[103] This, he says, provided an opening for the Qumran sectaries to investigate the consequences of a menstruant touching a person with a discharge: "A woman whose blood flows for seven days should not touch a person with a discharge or any object which he has touched, lain upon, or sat on. If she has touched any of them she shall launder her clothes and bathe; afterward she may eat."[104] Vessels were not spared from the uncleanness of a person with a discharge. If he touched an earthen vessel or wooden vessel, they too became unclean, and, in the case of the former, it was broken, while the latter was rinsed in water (vs. 12).

The emission of semen was perceived as equally contagious. A person with an emission had to bathe his whole body in water and was taboo (טָמֵא) until the evening (vs. 16). Also, if a garment of a skin became affected by semen, it had to be washed and was tabooed until the evening. Furthermore, uncleanness could be contracted by lawful sexual intercourse: "If a man lies with a woman and has an emission of semen, both of them shall bathe themselves in water, and be taboo until the evening" (vs. 18). It is surprising, however, to note that the priest fails to see the need for isolating a person with a discharge (disease), given the high degree of transmissibility of impurity. For the rabbis, although they allowed a person with a discharge to remain in the city, as Milgrom says, they nonetheless barred him not just from the temple but also from the Temple Mount.[105]

Lastly, we need to point out that as in the case of scale diseases, a person with a discharge remained impure for seven days even after the purification was done (Lev 15:13–15, cf. 1 Sam 20:26). Here, the purification is also thorough. Not only is running water necessary, but also animals had also to die. In verses 13–15, two turtle doves or two young pigeons were to be sacrificed, one for a sin offering (חַטָּאת)and one for a burnt offering (עֹלָה).

In Leviticus 15:19–30, the monthly discharge of blood and the cellular debris from the uterus by non-pregnant women is viewed as a serious form of impurity, and this includes also the prolonged abnormal discharge. Like the male counterpart (normal and abnormal discharge), the contagious characteristics of female discharge necessitated stringent rules prohibiting any possible contact with the discharge or the discharger herself, and there is no doubt whatsoever that this is another pericope that exhibits a form of taboos similar to the cultures of other tribal societies.[106] For instance, in vs. 19 we read: "When a woman has a discharge of blood which is her regular discharge from her body, she shall be in her impurity for seven days, and whoever touches her shall be taboo טָמֵא until the evening."

The impurity of a menstruant is not only dangerous to anyone who touches her, but also to the objects upon which she sits or lies (vs. 20), and in turn a person who touches these things becomes equally contaminated, as shown below:

MENSTRUANT _____ OBJECT_____ THIRD PARTY (PERSON)

These rules apply to a woman with an abnormal blood discharge (cf. vss. 25–30) except for purification, which in the case of an abnormal discharge is the

same as in male discharge, where both sin and burnt offerings are required (vss. 29–30). For a normal discharge, the priest is silent (vss. 19–24), which implies that there is no purification needed.

Sexual intercourse with a discharging woman is also forbidden. We have seen that sexual relations with a man who has an emission renders both the man and the woman taboo until the evening (vs. 18). The same act with a woman with a discharge makes the man (not the woman) taboo for seven days, especially when the blood of the woman is on him.[107] The period of impurity between the two is shown here:

> SEX WITH MALE DISCHARGER טָמֵוּעַד הָעֶרֶב "taboo until evening" (vs. 18)
> SEX WITH FEMALE DISCHARGER טָמֵא שִׁבְעַת יָמִים "taboo for seven days" (vs. 24)

The uncleanness contracted from a female discharger is here conceived to be of a more serious nature than a male discharger. However, it is interesting to note that while a male discharger is supposed to wash his clothes and bathe in running water after he is cleansed for his discharge (vs. 13), a female with a discharge is not required to do so. She just counts seven days, after which she becomes clean (vs. 28).

We need to mention here, however, that serious as this genital discharge may appear to be, once again the priest remains silent about the isolation of a woman with a monthly flow or a prolonged abnormal discharge, as may be the case in other cultures.[108] What is clear in this text is the fact that such a woman remains in her home doing all her daily chores. The only care that one should take is coming into contact with her chair, her bed, and of course having sex with her (vss. 20–24, 26–27). As Milgrom has observed, the ingenious answer of legislators was to restrict her impurity to that which was underneath her, in effect, whatever might receive a drop of menstrual blood.[109]

Connected with female discharge is a taboo imposed on childbirth. It is true, as Ronald E. Clements says, that people of all ages of history have recognized childbirth as an experience filled with mystery and wonder.[110] In Leviticus 12:1–5, the Priestly source in its long list of taboos (chapters 11–15) has not lost sight of the impurity related to mothers of newborns, and this kind of uncleanness has been compared to the time of menstruation where a woman became taboo (טָמֵא) for seven days: "If a woman conceives, and bears a male child, then she shall be unclean seven days; as at the time of her

menstruation, she shall be taboo" (vs. 2). Certainly, the issue here is the blood that comes after the birth and the cellular debris that accompanies it.[111] However, behind this idea of blood, the mysterious circumstances surrounding these two events may have contributed to some degree.

During her impurity, which lasts for thirty-three days for a baby boy and sixty-six days for a girl, a new birth mother was to keep away from holy things and the sanctuary: "…she shall not touch any hallowed thing, nor come into sanctuary until the days of her purifying are completed" (vs. 3). But why should the birth of a boy render his mother impure for thirty-three days while a girl requires sixty-six days? We have already noticed that a man who lies with a woman and whose impurity is on him becomes unclean for seven days, while a man who lies with a woman and has an emission of semen causes both of them bathe in water and become unclean until the evening (15:18). Amorim, who says that the difference between thirty-three and sixty-six days defies logical explanation, mentions David I. Macht who gives this phenomenon a medical value by arguing that the blood of a woman after the birth of a girl is more toxic than after the birth of a boy.[112] Amorim, with whom I seem to be of the same mind, accepts this medical expertise, but quite reluctantly. I think that even without engaging ourselves in a detailed debate on this issue it would be acceptable to conclude that the Priestly texts generally portray ritual impurity related to females to be of a higher grade than that of males.[113]

In conclusion, in our study about Hebrew Bible words that function to mark off untouchable areas, places, and objects or to impose restrictions in relation to holy places, several facts have emerged. In certain contexts, Hebrew words exhibit a similar notion of taboo as seen in the tribal societies discussed in chapter nine. This includes the idea of holiness from the point of view of contagion and the solemnity with which the Sabbath is observed. Other taboos discussed in this chapter such as war booty taboos, food taboos, and taboos related to diseases, male and female discharge, corpses, bones, graves, and childbirth—all point in that same direction. They express a notion of taboo similar to taboos in the tribal societies. Our task in the chapter that follows is to examine these issues in light of the biblical interpretation and translation among the tribal societies. What problems do these Hebrew terminologies pose for the interpretation of the Bible by the natives of Africa?

Notes

1 See P.P. Jenson, *Graded Holiness* (Sheffield: JSOT Press, 1992), 73.
2 Ibid., 59.
3 Ibid., 74.
4 Cf. Lev 11:44; 19:2; Exod 3:4–5.
5 An RSV footnote has "or Spirit of the holy God."
6 An RSV footnote has "Or Spirit of the holy God."
7 NAST says that YHWH is a name of relationship between his people and, when used, emphasizes God's holiness.
8 See N.D. Amorim, "Desecration and Defilement in the OT," (PhD diss, St. Andrews University, 1986), 155–156. He notes "there seems to be no doubt that holiness, like uncleanness is contagious. And that it is certainly why both are seen as untouchable and dangerous." He further says, "The contagious aspect of holiness is explicitly stated in Exod 29:37, 30:29; Isa 65:5. Most scholars agree that there is in the concept of holiness in the Hebrew Bible the notion of contagion (Sincox, Smith, S. M. Cook, Jacob, Leenhardt, Whitehouse, Seebass)." See also Hans J.L. Jensen, "An Oedipus Pattern in the Ark Narrative" paper presented at a Scottish-Scandinavian Conference in Glasgow, 1993, 10. Jensen positions holiness as being destructive and as a source of blessing at the same time.
9 For Snaith, this is the destructive effect of *qodesh-mana* (*The Distinctive Ideas of the Old Testament* [London: Epworth Press, 1959], 40).
10 Levine, "The Language of Holiness: Perceptions of the Sacred in the Hebrew Bible," in *The Backgrounds for the Bible*, ed. M.P. O'Connor and D. N. Freedman (Winona Lake, IN: Eisenbrauns, 1986), 241ff.
11 See also Snaith, *Distinctive Ideas*, 21. Snaith has nonetheless pointed out that the correct etymological explanation of a word is by no means the conclusive factor as to its meaning at any particular stage of its history.
12 Snaith, *Distinctive Ideas,* 21.
13 Levine, "Language of Holiness," 243.
14 Snaith, *Distinctive Ideas*, 24–25.
15 See also Amorim, "Desecration and Defilement," 152. Jenson says that "separateness is often thought to be the basic meaning of holiness, but it is more its necessary consequence. Consecration is a separation to God rather than a separation from the world and holiness has a positive content (G*raded Holiness,* 48).
16 Jenson, *Graded Holiness*, 43.
17 Wenham, *Numbers* (England: Inter-varsity Press, 1981), 72.
18 Budd, *Numbers* (Waco, TX: Word Books, 1984), 51.
19 Wenham, *Numbers,* 40.
20 See Frazer, "Taboo," 16. He says that in New Zealand the spots on which great chiefs rested during a journey became taboo and were surrounded with a fence of basket-work.
21 J. Philip Hyatt, *Exodus* (London: Marshall, Morgan & Scott, 1971), 295.
22 Budd points out that this represents a continuation of an older faith concerning the ark (1 Sam 6:19; 2 Sam 6:6–8), and the word קֶצֶף "wrath" occurs only in exilic or post-exilic texts (*Numbers,* 18).

[23] Wenham, *Numbers,* 60. See Exod 24, where Moses, Aaron, Nadab, Abihu and seventy of the elders of Israel go up the mountain to see God (vs. 9).

[24] J.I. Durham, *Exodus* (Waco, TX: Word Books, 1987), 452.

[25] Milgrom remarks that there were taboos concerning clothing made of more than one material (Lev 19:19), and that in the Deuteronomic version of the taboo, the materials are specified as linen and wool (Deut 22:11), where it falls among several other taboos against mixtures *kil'ayim* (vss. 9–11); (*Leviticus 1–16*, 447).

[26] Levine, "Language of Holiness," 244.

[27] Ibid., 244.

[28] P.C. Craigie, *The Book of Deuteronomy* (Grand Rapids, MI: Eerdmans, 1976), 29.

[29] RSV has rendered this phrase as "forfeited to the sanctuary." But on the footnote the rendering is "become holy." NEB avoids the translation of this phrase completely (cf. also GNB). The RSV (1962) footnote has "The mixing of kinds was believed to be a violation of the differences which God has ordained" (vs. 5; Lev 19:19).

[30] See GNB "Do not plant any crop in the same field as your grapevines; if you do, you are forbidden to use either the grapes or the produce of the other crop" (Deut 22:9).

[31] Zimmerli, *Ezekiel 2* (Philadelphia: Fortress Press, 1983), 501.

[32] D.M.G. Stalker, *Ezekiel* (London: SCM Press, 1968), 308.

[33] For M. Eliade, the words "prohibitions" and "taboos" imposed during festival time have no distinction and can be used interchangeably. He says that "the festival time in which Tikopia (a Polynesian island) live during ceremonies is characterized by certain (tabus): noise, games, dancing cease" (*The Sacred and the Profane* [New York: Harcourt Brace, 1959], 86).

[34] W.H. Schmidt, *The Faith of the Old Testament* (Oxford: Basil Blackwell, 1979), 117–118.

[35] This is verbal communication. Alastair Hunter who is a senior lecturer in Hebrew Bible in the department of Biblical Studies at the University of Glasgow was my MTh thesis supervisor in 1993. More about foreign influence on the cult and religion of Israel will be discussed later.

[36] Schmidt finds the idea of creation in Gen 2:2ff. and says that the creation narrative, according to which God blesses the seventh day, already attempts to give a motive for the observance of the Sabbath (*Faith of the Old Testament*, 92).

[37] Levine, *Leviticus,* 272. This is consistent with Eliade: "religious man periodically becomes the contemporary of the gods in the measure in which he reactualizes the primordial time in which the divine works were accomplished" (*Sacred and Profane*, 87).

[38] Lohfink, "חָרַם *haram*; חֵרֶם *herem," Theological Dictionary of the Old Testament*, vol 5 (Grand Rapids, MI: Eerdmans, 1983), 188.

[39] J.M. Miller and G.M. Tucker, *The Book of Joshua* (Cambridge: Cambridge University Press, 1970), 56.

[40] Ronald de Vaux, *Ancient Israel* (New York: McGraw-Hill, 1961), 206.

[41] Lohfink, *"Haram* and *Herem*," 188.

[42] Brekelmans sees in the root חרם an original noun expressing a quality, like קֹדֶשׁ and חֹל (Lohfink, "*Haram and Herem*," 188). He finds this character preserved in Lev 27:21; Deut 7:26; Jos 6:17; 1 Kings 20:42; Isa 34:5; and Mal 3:24. But Lohfink suggests that these passages should be understood with the word taken as concrete nouns or as

nouns expressing action. Procksch, holds a similar view that חֵרֶם is the primitive Hebrew root for "holiness" (quoted in Snaith, *Distinctive Ideas*, 33).

43 Lohfink argues that in the context of war, it is only in Jos 6:17 that herem in the phrase חֵרֶם לַיהוָה refers to both human beings and plunder ("Haram and Herem," 186). Elsewhere in the context of war the application to human beings is always expressed verbally and the noun is reserved for things or cattle: Deut 7:26, 13:18; Jos 6:18, 7:1, 11–13, 22:20; 1 Sam 15:21; Chr 2:7.

44 GNB has lost the idea of devoted things to the Lord in its rendering. Lohfink rejects "ban" as the correct rendering. He argues that it is and always has been false and misleading, for it was an appropriation rendering of the medieval Jewish herem corresponding to secular outlawry and ecclesiastical excommunication, but it is based on a later development of the word herem that is unattested in the Hebrew Bible ("Haram and Herem," 188). My view is that when something is devoted to God and cannot be used by human beings, then such thing is essentially under ban.

45 Smith says that such a ban is a taboo, enforced by the fear of the supernatural penalties and as with taboo, the danger arising from it is contagion (7:26, cf. 7), and whoever brings a devoted thing into his house falls under the same thing himself (*Animal Worship*, 453–454). See also Lohfink, "Herem" and "Haram," 192. He argues that since the war herem of Israel involved the total extermination of a population, such action could not be carried out in the ancient Near East apart from religious consecration and taboo.

46 See Vaux*, Ancient Israel*, 260.

47 Helmer Ringgren and G. Andres, "טָמֵא *tame,* טֻמְאָה *tuma,*" in *Botterweck Theological Dictionary of the OT*, vol. 5 (Grand Rapids, MI: Eerdmans, 1986), 330.

48 Ringgren and Andres, "טָמֵא *tame,* טֻמְאָה *tuma,*" 332.

49 See also Amorim, *Desecration and Defilement*, 244.

50 Ringgren and Andres, "טָמֵא *tame,* טֻמְאָה *tuma,*" 332.

51 Amorim, *Desecration and Defilement,* 255–256.

52 The concept of purity and impurity in P, according to Jenson, is a difficult one, and has proved of great interest to anthropologists as well as biblical scholars. He further remarks that the laws, which define who or what is, clean unclean primarily in Lev 11–15 has long puzzled commentators (*Graded Holiness*, 75).

53 Ringgren and Andres, "*tame* and *tuma*," 331.

54 In the creation narratives of Genesis, chapters 2 and 3, the verb אָכַל appears 24 times, and the whole atmosphere is very kitchen-like.

55 See also the Polynesian food taboos in chapter one and the Kikuyu dietary rules found in Leakey, *Southern Kikuyu,* 296–298.

56 Douglas, *Purity and Danger*, 70.

57 For a discussion about the characteristics that define a zoological recognizable taxon; the sub-order Ruminantia of the order Artiodactyla (with an even number of toes), see Houston, *Purity and Monotheism*, 36. According to Houston, zoologists have used precisely the same criteria to identify the group as the biblical text does.

58 The translation of many of the names of birds is uncertain.

59 Douglas, whose work has been very helpful, maintains that about birds she has nothing to say because they are named and not described and the translation of the name is open to doubt (*Purity and Danger,* 69). See also Houston, *Purity and Monotheism,* 43, 66, 109.

60 R.K. Harrison, *Leviticus* (Leicester, England: Inter-varsity Press, 1980), 129.
61 Houston, *Purity and Monotheism,* 50–51.
62 Ibid., 50–51.
63 Porter says that contact with a human corpse meant being unclean for a week (cf. Num 19:11, 16), but with an animal the case was less serious and the uncleanness lasted only until the beginning of the succeeding day, since the Hebrews began their day at sun down (*Leviticus,* 88).
64 Harrison, *Leviticus,* 130.
65 Houston, *Purity and Monotheism,* 51.
66 For more details, see Porter, *Leviticus,* 91.
67 Ibid., 91.
68 Milgrom, *Leviticus 1–16*, 681–682.
69 Houston, *Purity and Monotheism,* 51.
70 For more details, see Porter, *Leviticus*, 132.
71 Milgrom has suggested that in Deuteronomy שֶׁקֶץ is discarded because this root is used in the condemnation of idolatry (Deut 7:26; 29:16); (*Leviticus 1–16,* 699).
72 Houston calls these verses a subscript. They redactionally summarize the contents of the chapter as part of the larger collection (*Purity and Monotheism*, 56). For the purpose of this study, these verses have been compared with the introduction of food taboos of Deut 14:3 above.
73 Houston, *Purity and Monotheism,* 41.
74 Douglas, *Purity and Danger*, 70.
75 The significance of Douglas' notion of locomotion in deciding the food criteria (Lev 11; Deut 14) is also rejected by E.B. Firmage, "The Biblical Dietary Laws and the Concept of Holiness," *VT* Sup 41 (1990): 208. Firmage maintains that locomotion is not the unifying principle behind the perception of uncleanness. But M. Harris, who comes out more clearly on this point, argues that had the Levites possessed a better knowledge of zoology, they could have used the criterion of cud-chewing alone and simply added the proviso, except for the camel (*Good to Eat: Riddles of Food Culture* [London: Allen & Unwin, 1985]).
76 Douglas, "The Forbidden Animals in Leviticus," *JSOT* (1990): 3–23.
77 Ibid., 17.
78 Ibid., 20.
79 Douglas, "Forbidden Animals," 3.
80 Ibid., 23.
81 Ibid., 7.
82 Ibid., 3–23.
83 Ibid., 6.
84 Douglas, *Purity and Danger,* 61–63.
85 T.J. Meek, "Canaanites," in *Dictionary of the Bible* (Edinburgh: T & T Clark, 1963), 123. See also Douglas, *Purity and Danger*, 62. See more on the question of borrowing in our earlier discussion about the Canaanites in chapter four of this book.
86 Jenson, *Graded Holiness,* 145.
87 Concerning Lev 20:25, which is basically about making a clear distinction between animals and birds that are ritually clean and those that are not, Jenson argues that it is

the structure, not the content, of the food laws that distinguishes Israel from the nations (*Graded Holiness,* 146).

88 See also Kenyatta, *Facing Mount Kenya,* 155. He says about the Kikuyu people that illness, which seemed to defy the wisdom of man, was attributed to a supernatural power, or the agency of ancestral evil spirits.

89 Milgrom, *Leviticus 1–16*, 820.

90 See also Amorim, *Desecration and Defilement*, 294. He argues that one of the reasons leading to isolation may have been due to external appearance that could give the impression that the person was doomed to death or was seen as a living dead.

91 Milgrom compares צָרַעַת with an aspect of death and says that its bearer is treated like a corpse (cf. Num 12:12; Job 18:13); (*Leviticus 1–16,* 818). Again, both צָרַעַת contaminate not only by direct contact but, unlike all impurity bearers, also by overhang, that is, by being under the same roof (Lev 13:46). See also Jenson, *Graded Holiness,* 79.

92 Levine, *Leviticus*, 76. Concerning the identification of the disease, according to Amorim, the list of disease include psoriasis, seborrhoeic dermatitis, fungus infection of the skin, parchy eczema, and pityriasis rosea. It is not Hansen's disease (leprosy); (*Desecration and Defilement,* 293). But Amorim thinks that Hansen's disease was one of the diseases meant by the term.

93 Milgrom, *Leviticus 1–16*, 819.

94 Ibid., 778. Jenson says that it was unlikely that צָרַעַת was contagious and quarantine is therefore a misleading description of what is primarily a ritual category and dealt with ritual not with civil procedure (*Graded Holiness*, 140). For use of this term, see also Milgrom, ibid., 817–818; and Levine, *Leviticus*, 77, and 88.

95 Milgrom, *Leviticus 1–16,* 803–804.

96 The symptoms of a leprous house resembled צָרַעַת a leprous person (cf. 13:2ff).

97 Ibid., 867.

98 Jenson, *Graded Holiness*, 167. See also Amorim, who says that this uncleanness belongs to a higher and more contagious degree, which according to the rabbinical literature is called the "father of uncleanness." Other similar cases are menstruation, and both male and female discharges (*Desecration and Defilement,* 239–240).

99 Other references of human corpses and human bones are found in Deut 21:23, 28:26; Jos 8:29; 1 Kings 13:22–30; 2 Kings 9:37; Ps 79:2; Isa 5:25, 26:19; Jer 7:33, 9:22, 16:4, 19:7, 26:23, 34:20, 36:20 (corpse); Exod 13:19; 1 Sam 31:13; 2 Kings 23:14, 17; Jer 19:6–13 (bones). This is according to Amorim (*Desecration and Defilement,* 298 and 300).

100 Amorim, *Consecration and Defilement*, 300.

101 N. Kiuchi, *The Purification Offering in the Priestly Literature: Its Meaning and Function* (Sheffield: JSOT Press, 1986), 137.

102 This discharge is not seminal because the term "seed" is never attached to the זוֹב, and where the two occur in the same verse they are carefully distinguished (22:4); (Milgrom, *Leviticus 1–16,* 907). Again, Milgrom says that the rabbis provide an antomical and analogical distinction; Discharge comes from a limp penis, and semen from an erection: discharge is watery like the white of an egg, and semen is viscous like the white of an egg, which is not crushed. Further, he argues that scientifically the only illness that can be referred to here is gonorrhea, an identification already made by the LXX and Josephus. According to Milgrom, this is not Gonorrhea virulenta, unknown before the

fifteenth century, but blennorrhea urthrae or gonorrhea benigna, urinary bilharzia, which solely refers to an inordinate secretion of mucus.

103 Milgrom, *Leviticus 1–16*, 914.

104 For more details, see Milgrom, ibid., 920.

105 Ibid., 920.

106 Ibid., 948–953. In his detailed study of different cultures in relation to their attitude towards a menstruant, Milgrom points out that the abhorrence of a menstruant is a cardinal rule among all tribal societies. He says that the avoidance of a menstruant, her monthly flow, birth, miscarriage, and sexual intercourse, especially before worship, was practiced in Egypt, Babylonia, Mesopotamia, and many African cultures. For more examples on this subject, see chapter one of this study.

107 See also Kikuyu taboos and regulations on sexual intercourse in Leakey, *Southern Kukuyu,* 786–787. See for example: "If you have intercourse with your wife and find that her menses have just started so that the blood has touched your body, do not hide the fact, but come and tell your father and mother at once next morning in order that you and your wife may be purified. If you fail to do so, either you or your wife will surely die, for this is a great evil."

108 Quoting turner and Evans-Pritchard, Milgrom says that each Ndembu and Nuer village has at least one grass hut near the edge of the bush for menstruants (*Leviticus 1–16,* 949). Rabbis and Zoroastrians, he says, also quarantined the menstruants.

109 Milgrom, *Leviticus 1–16,* 953.

110 Ronald E. Clements, "Leviticus," in *Broadman Bible Commentary, Leviticus-Ruth* (London: Marshal, Morgan & Scott, 1970), 34. See also Houston, *Purity and Monotheism*, 206ff. Referring to kalasha, a non-Muslim community in the Hindu Kush, Houston says that the kalasha '"woman spend six days in the basali house for menstruation and twenty to thirty days after birth. They may not touch anything associated with the goat stables; an unwitting breach, which requires a purificatory sacrifice."

111 Amorim, *Desecration and Defilement*, 282.

112 For more details about the scientific evidence for this theory, see Amorim, ibid., 282.

113 Perhaps this is a cultural phenomenon. Among the Kikuyu, for example, the birth of a boy is honored with five ululations said by the midwives, while for a girl only four are said. See also "control and combination" in Eilberg-Schwartz, *Savage in Judaism,* 191–192.

CHAPTER ELEVEN

African Interpretation of Hebrew Bible Prohibitions

In the previous chapter, we saw that in some contexts, certain Hebrew Bible words express a notion of taboo similar to taboos observed by tribal societies. These words include קָדֹשׁ "holy," טָמֵא "unclean," תּוֹעֵבָה "abomination," חֵרֶם "to ban," "to devote," "to exterminate," "to pronounce sacred," "to shut up" or "to shut in," and "to prohibit to common use" or "to consecrate to God," and שִׁקּוּץ/שֶׁקֶץ "abomination." Among the Kikuyu people, there were many rules and taboos that regulated their socio-religious life, and words like *thahu, mũgiro* and, to a lesser degree, *ng'ũki* and *magigi* were used to express this idea. Our main interest in this chapter is translation and interpretation of the Hebrew Bible taboo-words into the Kikuyu native language. However, we shall begin by reexamining the Hebrew dietary rules from a nonbiblical perspective, as an attempt to understand why food taboos were imposed.

Food Prohibitions

In this section we are going to examine non-biblical dietary rules. Perhaps in so doing we shall have a better understanding of the reasons behind food prohibitions in Israel in a much wider scope. The Hebrew Bible's dietary rules seem to have been practiced by other ancient societies. The Kikuyu people, for example, did not eat any sea creatures, let alone the scaly fish, which swims with its fins, and the Maasai did not eat any bird, not even the chicken. This comparison is appropriate and unique, and as we have indicated in other sections of this book, examples from nonbiblical sources help to answer difficult questions arising from the study of the Hebrew Bible. For example, why are certain foods considered edible while others are inedible? Following Eilberg-Schwartz, Houston and other scholars who favor anthropology as a profitable approach to the study of food prohibitions, we shall proceed to re-examine food selection criteria in Israel *vis-à-vis* the Kikuyu people.

I grew up in a rural area, far away from any urban influence and in a family that practiced Kikuyu traditions. I participated in many traditional ceremonies, rituals, and hunting. This last experience, plus invaluable verbal information received from elderly people in my society, will be used for this section. Appendix on clean and unclean animals will be used for this discussion. This chart shows edible and inedible creatures in the Hebrew Bible and among the Kikuyu. Other creatures that are not mentioned in the Hebrew texts have been included in order to help us understand better why certain animals are considered unclean for food while others are not.

Houston mentions three categories of edible substances found in all societies: (1) Edible substances that are recognized as food and consumed as part of the normal diet; (2) Edible substances that are recognized as possible food, but are prohibited or else allowed to be eaten only under special (ritual) conditions, which are consciously tabooed; and (3) Edible substances that by culture and language are not recognized as food at all, which are unconsciously tabooed.[1] While this categorization of edible substances is plausible, we still need to ask ourselves why certain edible substances are not recognized as food and are perhaps unconsciously tabooed. It is true that our chart is not exhaustive and that our attempt to find a solution to this problem is not exclusive, and yet the chart is suggestive of the fact that there could be many reasons behind food taboos, for example, feeding habits, shape of the creature, size, and so on.

First, and perhaps incidentally, an Israelite of biblical times would have felt quite at home dining on meat in a Kikuyu home, except for the lack of fish. This is quite explicit in our chart, where all the animals allowed to be eaten in the Hebrew Bible are the same among the Kikuyu, and vice versa. Second, all the edible creatures in both societies seem to have several things in common—they all eat either grass, plants or cereals as their main food, except for the fish which seem to defy this rule:

SPECIES	FOOD
1. Mammals	
ox	grass/leaves/grains
sheep	,,
goat[2]	,,
hart	,,
gazelle	,,
wild goat	,,
ibex	,,

antelope[3]	,,
wild sheep	,,
2. Birds	
pigeon	grains
3. Insects	
locust	grass, leaves

Note here that it is only vegetarian animals that are accepted as the right kind of food, that is, species of animals that eat grass, leaves, or cereals. Meat-eating creatures are not included in this list. According to Gardner, in the Hebrew Bible meat-eating creatures seem to serve as a metaphor of menace. The wolf's reputation as a plunderer of flocks appears consistently in biblical imagery; Jeremiah called the enemies of Judah wolves; the leopard serves as a metaphor of menace; a king's wrath was like the growling of a lion. Daniel is put in a den of lions; the Lord's anger is symbolized by a bear robbed of her cubs; and Jerusalem is referred to as a lair of jackals.[4]

This metaphorical understanding of animals in the Hebrew Bible is significant for this study, and needs to be discussed further. For example, Eilberg-Schwartz argues that the concept of metaphor makes it possible to see the significance of animal names in the Hebrew Bible.[5] But more important is his assertion that there seems to be a connection between the natural metaphors of Israelite thought and the biblical prohibition against eating any land animals that do not chew the cud and have cloven hooves.[6] Eilberg-Schwartz has further pointed out that the animals that serve as metaphors for other nations, such as predatory animals, are defined as unclean. But Houston has noted that while it is true that the animals that serve as metaphors for Israelite society are seen as clean, the predators that symbolize the enemies of Israel are unclean.[7]

Concerning the insects, it is now clear that, apart from having elongated hind legs, with which to leap on the earth, the winged insects that may be eaten in the Hebrew Bible (cf. Lev 11:20–23), and among the Kikuyu are also in keeping with the rest of the other edible creatures as far as their feeding habits are concerned.[8] They eat grass, leaves or grains.

This criterion also applies to birds. According to Levine, the impure birds are virtually all birds of prey and can be classified into 5 groups. (1) Four types of falcons—the falcon, sparrow hawk, kite, and buzzard—eat living flesh and carrion.[9] (2) Four types of vultures or eagles—the eagle,

griffin, vulture, black vulture, Egyptian vulture, and bearded vulture—eat carrion. (3) Six types of owls—the long-eared owl, the dark desert eagle owl, the barn, the screech owl, little owl, the Saharan owl, fish owl, and the ostrich—are nocturnal birds of prey. (4) Ravens eat living flesh and carrion. (5) The final category includes marsh, or sea birds—stork, heron, and sea gull. Perhaps it is also worth our while to consider edible birds according to Levine's classification. According to Levine, these birds can be grouped into four classifications:[10] (1) columbiformes, which are various types of doves and pigeons; (2) galliformes, which are hens and quail, gathered as food in the Sinai desert as told in the narratives of Exod 16:13 and Num 11:31–32; (3) anseriformes, which are domestic geese and ducks; and (4) passerines, which are specifically the house sparrow.[11] All these birds, except for the ducks, are in the group of pigeons in regard to their eating habits: they eat grains.

Another common feature among the edible animals is the body covering:

BODY COVERING

goat	…….	fur
fish	……..	scales
pigeon	…….	feathers
locust	……..	rough wings

Except for the locust, which even though it has a covering on its body does not seem to fit very well in this classification, the other edible animals and birds have their skins protected with fur, scales or feathers. Pigs, and elephants, which have no proper covering on their bodies and seem to be naked, may be disqualified for the same reason. The rather smooth skin of a pig and an elephant, which characterizes the skin of human beings (see also the primates), certainly makes them detestable (see also the bats). But Houston, who includes the elephant among the domestic animals, together with the ass, states that we do not slaughter asses or elephants or any of those animals that share our labors but do not enjoy their benefits.[12] Among the Kikuyu elephants were never kept, as domestic animals or pets and it could be that they were considered unclean because of their shape and size. Furthermore, why should a locust be eaten and not a bee or a fly or a spider? While a locust eats leaves and has a rough covering like the other groups of edible creatures, the bee, the fly and the spider do not have these qualifications and are as a result unclean. Again, the shape of animals

permitted for food seems to conform to a set standard or paradigm, and any creature that does not measure to this standard is seen as detestable:

PARADIGM OF BODY SHAPES

Land	……..	goat	Lev 16
sea	……..	scaly fish	Lev 11
birds	……..	pigeon[13]	Lev 5:7
insects	……..	locust	Lev 11

It is evident in our chart that a camel, which could physically be compared to a giraffe, apart from its failure to be categorized as a cleft-footed animal, also falls under the animals that were not eaten because of their shape. After all, why should a Kikuyu eat a buffalo (not in the chart) and not a giraffe or an elephant or a snake, except for their shapes? Again, why is a locust considered edible? I am quite aware that this approach is rather speculative and lacks any biblical support, and yet it helps us to see beyond the biblical reasons for the exclusion of certain animals. For example, why should a Kikuyu not eat a giraffe, even in the absence of any Priestly influence, and yet it feeds on leaves like a goat? Other than for its shape and size, it would be definitely illogical to exclude a camel just because it is not cleft-footed and yet in our chart it seems to pass any other test, making it a potential candidate on the food list.

Before we conclude this section we need to say a little more about the understanding of food avoidances among the Kikuyu people. To begin with, the Kikuyu country had mostly limited wild fauna, except in the forest, where many animals like elephants, leopards, buffaloes, rhinoceroses, hyenas, wild pigs, and different species of monkeys lived. In the plains, there were zebras and antelopes. Other smaller animals like wild cats and mongoose existed. The Kikuyu knew their natural history well and all animals, birds, and insects, regardless of size, color, or shape were given a name. But since in general the Kikuyu were agriculturists their main source of food was vegetable such as maize, millet, sorghum, yams, sweet potatoes, bananas, peas, beans, cowpeas and different types of green vegetables (*kahũrũra* and *nyeni cia marange*). However, the Kikuyu were not entirely vegetarian—meat and other animal products, such as blood and milk, were also consumed, even though they were not considered food.

One point that needs to be underscored, at this point, is that meat eating among the Kikuyu had a religious meaning. This included meat feast and

meat connected with sacrifice or ceremony. This is true especially when we consider many taboos connected with meat eating. For example,

> If the pot in which meat was being cooked, or the small earthen pot in which the soup was being stirred should break, a ram or an ewe had to be sacrificed at once, to restore peace and ward off evil influences.[14]

The strictness with which these taboos were observed is suggestive of the fact that any undesired creature could not be cooked in a Kikuyu pot or come into contact with the fire in the hearth. This explains the reason that a purification ceremony was necessary when, for example, a toad or lizard fell into the fire in the hearth of a hut. But as we have just mentioned above, the question of edible or inedible animals did not arise because the Kikuyu knew their natural history well.

Finally, the striking similarities of food avoidances between the Hebrew Bible and the Kikuyu, and perhaps other cultures, lead us to rule out any possibility of attributing wholesale the Hebrew Bible dietary rules to pagan cults, granted that among the Kikuyu who have very close dietary affinity with the Israelites, such an association is completely unknown. Needless to say, meat taboos in both cultures may have taken a long period of time to reach their present form and may have primarily been considered on the basis of the general observation of the behavior of different species of animals in their natural habitat, in their relation to man and what had already been accepted as the right food.[15]

However, the chart below is not by any means exhaustive, given the complexity of food taboos, and it is quite obvious that other reasons lying behind these prohibitions need to be sought. We shall therefore need to consider other theories propounded by various scholars. Admittedly, in view of the space available to us, we cannot discuss these theories in any detail. It will suffice here to reflect briefly on James Fisher's summary.[16] Fisher lists ten rationales behind food prohibitions and the scholars who suggested them. (1) The reason for the arbitrary command is only known by God. He commands and man has to obey, and that is all. This is the old Jewish explanation (J. R. Porter). (2) Philo and Aristeas used the allegorical and symbolic rationale. (3) Robertson Smith suggested taboo and totemism. The psychological and repulsive rationale that repulsive animals were considered unclean (Herod S. Stern). (4) For death and life antithesis, death is the basic rationale. Animals that relate to death, those that kill to eat, or even those

related to the cult of the dead in other religions are unclean because of their association with death (Paschen, Fletcher-Watts).[17] (5) Separation of Israel or protest against paganism sees unclean animals worshipped in the surrounding nations (von Rad, Pedersen, Link and J. Schattenmann, Noth). (6) Anthropological and conformity to normality holds that cleanness implies wholeness: clean animals are those that fit in the scheme of "normality of the world" (Douglas). (7) The ethical and moral rationale is concerned about teaching self-control and mastery of the appetite (Aristeas, Maimonides, Milgrom). (8) The ceremonial and cultic type only deems sacrificial animals clean. ((9) Hygienic and health reasons that animals used as food cause diseases or that animals living in anti-hygienic conditions were unclean (Albright, Thomas H. Nelson, Gerhard F. Hasel).

Houston has reviewed these theories very carefully. However, we cannot discuss these reviews in any detail in the present work.[18] His conclusion of this section is particularly significant. First, Houston does not see food prohibitions as particularly a Hebrew-Bible phenomenon. The dietary repertoire suggested by the code is general for Israel, its immediate neighbors and predecessors in the land, except that in some places there is some limited use of the pig. Second, Houston admits following Firmage in tracing the basis of the distinction between clean and unclean animals to the sanctuary. His hypothesis is that the systematic classification of animals as clean and unclean for food developed at the sanctuaries as a measure to ensure the purity of the worshippers and was therefore naturally based on those animals that were acceptable for sacrifice.[19] This seems to me to be Houston's response to his own question, which he argues has not been adequately answered by Douglas's abstract structural approach. He remarks that the question remains: how did its elements originally acquire their meaning?

While Houston's answer may be considered correct for the study of the Hebrew Bible,[20] our acceptance of the use of examples from other cultures in the examination of the biblical food taboos leads us to yet another question. How, for example, did the Kikuyu people arrive at the list of edible animals that seems to agree with Lev 11, except for the fish? It is true that the Kikuyu had sanctuaries where both the blemishless sacrifice and the sacrificer and whatever else involved had to meet the required standard of purity. But, even so, it is most unlikely that food taboos in Kikuyu developed on the basis of a sanctuary. Admittedly, any infringement of food prohibitions was a religious

matter and necessitated ritual purification, but cases of this kind were rare, since everyone in the society knew exactly what to eat and what not to eat. I remember that as a young boy when we went hunting and our dogs killed a wild animal, the first thing we did was open its mouth to see whether or not it resembled the mouth of a goat which has a toothless upper jaw, and then we examined its feet to see whether it had split hooves. To some extent, this is indicative of the rigorousness with which dietary rules were observed among the Kikuyu.

If Houston's "systematic classification" of edible animals goes beyond the point of recording—the written form of the biblical food prohibitions, which is not the case among the Kikuyu where they circulated in an oral form and were handed on from one generation to another verbally—then we can as well say that the Kikuyu dietary rules were "systematically classified,"[21] as we have already seen, even in the absence of a sanctuary in the true sense of the word. In view of this fact, it follows that the systematization of the biblical dietary rules may have been effected prior to the sanctuary and the priest's role was to codify them, and perhaps make some modifications. This point also seems to be against Douglas's sole attribution of the same to the idea of holiness.[22]

In view of the above observations based on our chart, we should finally say, with Amorim, that no single rationale does justice to all the different species of animals, fish and birds.[23] While one species may have been prohibited because of one or two reasons, another species may have needed several reasons to exclude it from the list of edible animals. For example, the pig seems to be disqualified on several grounds—it does not chew the cud, it does not eat grass or leaves, its body is partially covered, its shape is objectionable and its relationship with human beings can at times be harmful.[24]

It is acceptable, as we have attempted to demonstrate throughout this discussion on food taboos, that while we have found it quite helpful to use generalizations such as "locomotion," "diet," "shape," and "feeding habits," as the only criteria on which clean and unclean meat were determined, it would be safe to suggest that it would be more appropriate to treat each kind of edible or inedible creature on its own merit.

Translation Problems

In the previous chapters we examined the understanding of taboo in the Hebrew Bible by considering certain words that in different contexts function to mark off an untouchable zone or objects or to impose restrictions in relation to the sancta. Our study has so far shown that there are several words whose meanings in certain contexts overlap with each other to some extent, for example, טָמֵא and קָדֹשׁ. Furthermore, we saw that there seem to be some similarities between the Hebrew Bible and other tribal societies. In these other cultures, ritual prohibitions were imposed by the head of the community—by a chief or a headman. Similarly, in Israel it is the priests who impose these injunctions on the behalf of YHWH (cf. Lev 11–15, 18, 20; Deut 14). They diligently determine what Israel should consider as clean or unclean, and, in the case of food prohibitions, they set the criteria to be followed.

In our discussion about these restrictions from the perspective of the Hebrew Bible, it must be borne in mind that even though Kikuyu culture was characterized by many taboos permeating all spheres of life, comparatively God was not in any way involved in their origin. This is true especially when we know that among the Kikuyu people, God was not to be vexed, and he was consulted only at times of crisis affecting the whole community, as Kenyatta has observed.[25] He maintains that so far as the people and things go well and prosper, it is taken for granted that God is pleased with the general behavior of the people and the welfare of the country. In this happy state there is no need for prayers. It is only when humans are in real need that they must approach him, without fear of disturbing him and incurring his wrath. Even in the case of illness, the purificatory rites performed to make a victim of taboo clean were not directed to God. If anything, they were meant to appease the ancestral spirits who seemed to have direct communion with the living members of their family.

The following Hebrew words have been used as taboo markers: קָדֹשׁ, טָמֵא, תּוֹעֵבָה, חֵרֶם, and שֶׁקֶץ/שִׁקּוּץ. Similarly, among the Kikuyu people there were many rules and taboos that regulated their socio-religious life, and even though we do not have many words that reflect this idea in Kikuyu, the world of Kikuyu religion was nonetheless not sin but taboo-centered.[26] Two main words are used to express taboo ideas among the Kikuyu: *thahu, and mũgiro* (and to a lesser degree, *ng'ũki* and *magigi*).

Since the main task of this part of the book is to investigate the kind of problems that the above Hebrew Bible concepts pose for the Kikuyu Bible interpretation or translation, the time is opportune now to examine thoroughly how these words have been rendered in the present Kikuyu Bible, work that began in 1902 and was completed in 1965. We shall begin this exercise by examining the linguistic structures of the main Kikuyu words used in connection with taboo. We shall also suggest the correct rendering of the word in question using dynamic equivalence, also called primary and communicative translation or functional equivalence translation, as we saw in chapter two. This kind of translation makes it appear as if the source text has been written directly in the target language and tries to make it possible for the source language text to be immediately understood in the target language's wording.[27]

Mũgiro (Prohibition)

The Kikuyu noun *mũgiro* is derived from the verb *giria* "to prohibit." This word is generic and in its ordinary usage is noncultic, and means any kind of prohibition. However, whenever the noun *mũgiro* is used, it always connotes a cultic prohibition, consequently necessitating ritual purification. This term is usually used in warning people to keep off from any objects that can contaminate them, things that are considered to be ritually unclean. For example, it is *mũgiro* to touch a corpse.

Thahu (Uncleanness)

The Kikuyu word *thahu* is used to refer to the consequence of violating *mũgiro.* The result is *thahu* "unclean." While the word *mũgiro* has both secular and religious meanings, *thahu* is exclusively used to indicate ritual impurity. The word *thahu* is phonetically close to the Polynesian taboo words *tapu, tabu* and *tafuu*. The Hebrew root תעב "abomination" also exhibits similar phonetic congruence, especially in its transliterated form. Hence:

Hebrew	*taabu*
Kikuyu	*tahu*

Polynesia	*tabu*
	tapu
	tafuu

Needless to say, this similarity cannot be accounted for until more research is done, and it should be treated here as a matter of coincidence, at least for now. Among the Kikuyu the sound *fu! fu!* is uttered to signify something with a terrible smell or taste, or a shameful act. For example, to warn a little child who is learning how to speak not to touch a filthy object, for example, faeces, her mother will say, "fu! fu!" If the same is true for these other cultures, then this may suggest tentatively how these taboo-words came to exist, and also why the last syllable in each word above is either bu, hu, pu or fu. We may say that taboo is an obnoxious smell or act. Incidentally, according to Webster's Third International Dictionary, the English abbreviations "BO" and "U" are used for "body odor" and "unpleasant," respectively, and colloquially the word "poo" in English is used both in the context of a bad smell, and in a baby talk (in some localities) to denote faeces, which could be seen as supporting the above linguistic trend.

In Kikuyu, the use of the noun *thahu* to mean uncleanness creates some grammatical problems, for the same word may also be used in its adjectival form to express "unclean." A similar problem is also evident in the English word "taboo," which is used as a noun and an adjective. We should not also lose sight of the interchangeability of the Hebrew Bible terminologies that we have studied so far. This phenomenon is also found in the Kikuyu taboo-words. This means that our effort to give each word a specific meaning is doomed to fail. All this leads to one important fact: that translation of Hebrew Bible terminologies, as already discussed, into Kikuyu is quite intricate. But for the purpose of consistency we shall use the word *mũgiro* to mean "a prohibition" and *thahu* to mean the result of violating a *mũgiro*, unless otherwise stated. If a person breaks a *mũgiro,* he becomes *thahu*.

טמא (Unclean) in Kikuyu

While a prohibition in Kikuyu is *mũgiro* and to become unclean is *thahu,* this is not so in the Hebrew Bible, where the same root טמא "unclean" is used to express both ideas. We shall, therefore, use the following rendering:

טָמֵא vb. (to become unclean)	=	*thahu*
טָמֵא adj. (unclean)	=	*mũgiro*
טֻמְאָה n. (uncleanness)	=	*thahu*

This rule seems to have been followed in the translation of the Hebrew root טמא into the Kikuyu Bible especially in Lev 11:1–28. However, in certain passages it is difficult to decide which words are to be used, especially where a triple occurrence of the Hebrew root טמא is used in the same passage, for example, in Lev 11:35: "And everything upon which any part of their carcass falls shall be unclean; whether oven or stove, it shall be broken in pieces; they are unclean and shall be unclean to you." This text refers to carcasses of the swarming things (שֶׁקֶץ), that swarm upon the earth, creatures that were considered taboo (cf. vs. 29) should they fall on an oven or stove, then the uncleanness in them is in turn transferred to these objects. That means יִטְמָא here should be seen as the consequence of a carcass coming into contact with an object. This is particularly so if we follow Levine, who says that ovens and stoves became contaminated as soon as dead swarming creatures fall onto them, a condition for which there is no remedy, and therefore the stoves and ovens must be smashed.[28]

Among the Kikuyu, swarming things were a taboo, and should a toad, frog, or lizard fall or jump into the fire in the hearth of a hut, the hut and all that was in it became *thahu*, and a purification ceremony was essential.[29] If a person killed a lizard, his hands would begin to shake forever. It then follows that in Kikuyu the need for a purification ceremony to purify the entire house is a clear indication that the house is now in a state of *thahu* (cf. Lev 11:35). That means that the Kikuyu rendering of the Hebrew word יִטְמָא as *mũgiro* (prohibition) is incorrect, for anything into which a carcass falls has already been affected by the uncleanness of the dead creature. The oven and stove are now *thahu* (טָמֵא) and they shall be *mũgiro* (prohibition, טְמֵאִים). This is certainly true if we consider the immediate need for purification among the Kikuyu, for as long as an object is in a state of *thahu* it cannot be used or touched, and it is therefore *mũgiro*.[30]

The translation of the adjectival phrase טָמֵא הוּא (is unclean) in Lev 15:2 is also problematic in the Kikuyu Bible translation. The adjective טָמֵא in Kikuyu means *mũgiro* as we have just mentioned; that is, when a man has a discharge from his body, his discharge is unclean, implying that it should be avoided. The Kikuyu Bible has rendered this phrase as *ena thahu* "he has uncleanness." This would only relate to the Kikuyu understanding of what

happens when a man's semen falls on the oxhide on which he and his wife are having sexual intercourse:

> Never have intercourse with your wife in such a way that your penis can slip and ejaculate semen onto the oxhide sleeping mat. If this should happen, it is great evil, and before you sleep with your wife again you must arrange with someone else of your initiation age group to sleep with her first and thus remove the evil.[31]

It could be argued that among the Kikuyu, semen as "matter out of place," to use the language of Douglas,[32] is a potential source of *thahu*; and it would therefore be *mũgiro* (prohibition) to spill it on an oxhide. It is interesting to note that when the semen touches the skin, not only does the skin become contaminated, but it also contaminates the woman lying on it. She becomes *thahu.* This would explain why it is wrong to render טָמֵא הוּא in Lev 15:2 as *ena thahu* in Kikuyu, because this would mean that the discharge has been made unclean. The discharge itself is not the result or product but the causative agent by which an object becomes unclean.[33] In this text, therefore, we have a context that requires that the Hebrew word טָמֵא be translated as *mũgiro* in the Kikuyu Bible.

Finally, in Leviticus 13:45, "The leper who has the disease shall wear torn clothes and let the hair of his head be disheveled, and he shall cover his upper lip and cry, "Unclean, unclean.'" In the Kikuyu translation, the Hebrew words טָמֵא טָמֵא have been rendered *Ndĩna ng'ũki! Ndĩna ng'ũki!* "I have a curse! I have a curse!" This is quite inappropriate. Among the Kikuyu, a child who disobeyed his parents—beat them or refused to help them, especially when they were sick or very old—would receive a curse. Consequently, a victim of a curse would gradually lose his toes and fingers or any other form of disfigurement. The Kikuyu people were very keen on matters of ritual purity and they were able to identify cases of curses from ritual uncleanness (*thahu*).

In Leviticus 13:45, to translate טָמֵא טָמֵא "unclean, unclean" into *Ndĩna ng'ũki! Ndĩna ng'ũki*! is therefore erroneous since it implies that the leprous person is cursed and this would in turn raise the question who cursed this person. Again, since in this text we have an idea of transferable uncleanness, that sense is lost in the translation. In the preceding chapters, 11–12, the Hebrew term טָמֵא is rendered *thahu* or *mũgiro*, depending on the context. The change from *thahu/mũgiro* to *ng'ũki* is therefore inconsistent and creates a problem in the Kikuyu Bible that needs to be corrected, since we are not

dealing with a curse in the Kikuyu understanding, something that creates a state of *ng'ũki*. Following Milgrom, who argues that the declaration of a victim of צָרַעַת as טָמֵא implies that the person suspected of scale disease is in a state of impurity while he is quarantined (analogous to the quarantined house, which contaminates everything within it and all who enter it[34]) the phrase טָמֵא טָמֵא should be translated *Thahu! Thahu*! in Kikuyu in order to convey the idea of the transmissibility of the uncleanness involved, hence the warning.

Similarly, it is not correct to render טָמֵא in Lev 14:36 as *thahu* while in vs. 44 the same word is rendered *ng'ũki*. One may argue that in the former case the uncleanness refers to the objects in the house while in the latter it is the house itself. But such an argument cannot be accepted, since in both cases what causes the uncleanness is the scale disease—both the objects and the house are unclean, and, in the case of the latter, purification is necessary (vss. 49–53). A bird had to be set free, which indicates that this rite symbolically expresses the carrying away of the uncleanness by the fleeing bird. It would be natural to render טָמֵא in this chapter as *thahu*, since the idea of a house becoming *thahu* was not unknown among the Kikuyu.[35]

שקץ (Abominable) in Kikuyu

In Kikuyu the Hebrew root שׁקץ would be best rendered *mũgiro*. But while this is true with the nouns שֶׁקֶץ and שִׁקּוּץ, the Pi'el שִׁקֵּץ (to abominate/to pollute/to contaminate) should be rendered in the same way as the verb טָמֵא: *thahu* and not *mũgiro*, since in Kikuyu the verb *giria* (prohibit) from which the word *mũgiro* derives does not connote ritual impurity. However, care should be taken in the rendering of the Pi'el שִׁקֵּץ, especially in places where it appears in the same passage with the Hebrew root טמא, for example in Lev 11:43 (cf. 20:25):

> You shall not make yourselves abominable (אַל־תְּשַׁקְּצוּ) with any swarming thing that swarms; and you shall not defile yourselves (לֹא־תִטַּמְּאוּ) with them, lest you become unclean (וְנִטְמֵתֶם).

The Kikuyu Bible has rendered אַל־תְּשַׁקְּצוּ as *mũtikaneĩkĩre mũgiro* "do not make yourselves a prohibition." This translation does not make any sense. We have just said that the Kikuyu word *mũgiro* cannot be made into a verb and it would be wrong even in this context to attempt to do so. In Kikuyu it

is quite unnatural to say, "do not make yourselves abominable," using the word *mũgiro*. In such circumstances, where the word שֶׁקֶץ means, "to make abominable" as a result of violating a prohibition, the Kikuyu verb *thahia* would be the best translation. Hence, *Mũtikanae gwĩthahia* ("You shall not make yourselves unclean").

This translation is in agreement with Milgrom, who says that in this text שֶׁקֶץ has an object (אֶת־נַפְשֹׁתֵיכֶם), and is synonymous with "you shall not contaminate yourselves."[36] If this translation is accepted, then we shall have a double *thahia*, a verb from *thahu*. Therefore, the phrases תִּטַּמְּאוּ־ אל־תְּשַׁקְּצוּ...לֹא should be rendered as *Mũtikanae gwĩthahia...kana mwĩthahie* "Do not defile yourselves." All we are saying is that in Kikuyu the writer of this text is warning the Israelites not to make themselves *thahu* by coming in contact with the forbidden creatures. We need to point out that the Hebrew term שִׁקּוּץ, "an abomination," fits very well with the Kikuyu Bible translation into *thahu* and needs no further comment (cf. Nah 3:6; Zech 9:7; 1 Kings 11:5; 2 Kings 23:24; Dan 11:31).

חֵרֶם (Separate/ Ban) in Kikuyu

Our definition of the Hebrew term חֵרֶם, especially in the context of war, is "to prohibit to common use" or "to consecrate to God." To use Ian Cairns words, the equivalent verb *haram* in Hebrew and other Semitic languages has the root meaning "forbid, or to make taboo," hence, "to set apart" or "to become the property of a deity.[37]

Among the Kikuyu, taboos connected with war are not unknown, even though the ban is not on the loot, which among the Kikuyu consisted of cattle, sheep and goats. After a successful war with, for example, the Maasai, the warriors became *mũgiro* by their association with blood and corpses and also by being cursed by the dying enemies who were killed in the battle. According to Kenyatta, after *kaare* songs (battle songs of praise) ended, the warriors' long hair was shaved off and a purification ceremony performed to remove the taboo (*thahu*).[38] Numbers 31, even though not a חֵרֶם passage, displays the idea that the slaughter of war is ritually polluting:

> Encamp outside the camp seven days; whoever of you has killed any person, and whoever has touched any slain, purify yourselves and your captives on the third

> day and on the seventh day. You shall purify every garment, every article of skin, all work of goats' hair, and every article of wood (vss. 19–20).

This background is profitable for our understanding of the Hebrew word חֵרֶם and the problems it causes in the Kikuyu Bible translation. But we need to make it clear that while the Kikuyu enjoyed their loot, in Israel it was devoted to God irredeemably—the booty must be destroyed (cf. Jos 7). Taboo (*thahu*) connected with war among the Kikuyu seems to shed light on the reason that in the Hebrew Bible objects taken from Israelites' enemies at a time of war are devoted to God. It is true to say that the Kikuyu warriors became *thahu* by their association with (a) blood, (b) corpses, and (c) curses from their dying enemies, but in Israel those defeated in battle and their possessions were regarded as belonging to an alien God, according to Cairns.[39] He further argues that the writer of Deuteronomy does not stress the sacrificial aspect of חֵרֶם but characterizes it as a drastic but necessary step to ensure that Israel is not lured into paganism by the indigenous population of Canaan (Deut 7:1–6; 20:16–18).

From the standpoint of our discussion about the contagion brought about by blood and corpses among the Kikuyu, it would seem to be in order to say that war booty in the Hebrew Bible is taboo (חֵרֶם) not because it is holy, but because it has been defiled by its association with blood and corpses, and given the severity of the corpse-taboo, would further explain the irredeemability of such objects. Nevertheless, this is not the case, as Cairns has shown above. Such interpretation would render the dedication of metal objects to YHWH's cultic service (Jos 6:19) completely inexplicable. However, having said that, our next task will be to examine Jos 7:1 to find out how חֵרֶם has been rendered in the Kikuyu Bible:

> But the people of Israel broke faith in regard to the devoted things (חֵרֶם, Jos 6:19) *No rĩrĩ, ciana cia Israeli nĩciaagararire watho ũkoniĩ indo icio ciamũrĩtwo cia kũninwo* (Kikuyu Bible).

In this translation, the Hebrew phrase בַּחֵרֶם has been rendered in Kikuyu as *indo icio ciamũrĩtwo cia kũninwo* "those things consecrated for destruction." The word *ciamũrĩtwo* "consecrate" in its ordinary usage means "to set aside for general use," but when used in a religious context, it means "to set apart for God's use." For example, this is the same Kikuyu word used in the ordination of a church minister or in the dedication of church properties, and

our present translation, "set apart for destruction," would therefore sound very strange and unreasonable to a Kikuyu reader, for when an object or a place is *amũrwo* (consecrated) it is considered to be holy and cannot be destroyed.

Presumably, to a native Hebrew speaker the mention of the word חֵרֶם in a context of war would spontaneously say the following: (a) these things are set aside for God, (b) these things have been plundered in war, and (c) these things are prohibited, hence the need for destruction. Unfortunately, Kikuyu language lacks a single word that can embrace the three meanings at the same time, and even saying that these things are prohibited does not do any justice to the text, since the prohibition would only refer to the state of the objects without giving any explanation as to why the objects are in such a state, as is the case in the Hebrew word חֵרֶם.

Having noted that the above Kikuyu translation fails to meet the definition of חֵרֶם, we should now attempt a better translation, with the three components of meanings in mind, as mentioned above: *indo iria ciatahĩtwo mbaarainĩ na iria ciarĩ na mĩgiro nĩ ĩndũ nĩciamũrĩirwo Ngai* "things that were plundered in a time of war and which were prohibited for they were set apart for God." I am aware that too many words in Kikuyu have been used here to translate a single Hebrew word חֵרֶם, something that may seem to be unacceptable according to the principles of Bible translation, and yet the translation is useful since it retains the three originally intended meanings.

The translation difficulty of the term חֵרֶם is compounded even more by the occurrence of other Hebrew Bible taboo *(mũgiro)*-words in the same passage. For example in Deut 7:26, a text we referred to earlier:

> And you shall not bring an abominable thing (תּוֹעֵבָה) into your house, and become accursed חֵרֶם like it; you shall utterly detest (שַׁקֵּץ תְּשַׁקְּצֶנּוּ) and abhor it (תְּתָעֵב תְּתַעֲבֶנּוּ) for it is an accursed thing (כִּי־חֵרֶם).

Deuteronomy chapter 7 as a whole is generally about foreign influence (the idolatry of the Canaanites) on the lives of the Israelites. The chapter begins by introducing nations that the Israelites will encounter in the land they are about to possess: the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites and the Jebusites (vs. 1). The way of life of these people, in its totality, is seen to be incompatible with the worship of YHWH, who considers Israel to be a special nation, "For you are a people holy to the Lord your God; the Lord your God has chosen you to be a people for his own

possession, out of all the peoples that are on the surface of the earth" (vs. 6). This implies that Israel must shun any association whatsoever with everything that belongs to these foreigners, especially graven images of their gods, silver or gold, for they are abominations (vs. 25). According to Cairns, anyone who stole what was חֵרֶם became infected, as it were, with a mystic quality that stems from the foreign deity it once represented.[40] Cairns goes further to say that the tampering with what is taboo in this deeply compromising way was said to be revolting (an abomination) to God.

A similar claim for being a special people is evident among the Kikuyu and the need to keep away from the influence of the tribes around them is observed with complete strictness.[41] If a Kikuyu is accidentally captured during a war or willingly comes into contact with a foreigner, for example, a Maasai, this person becomes *thahu*, and a purification ceremony is necessary. But the *thahu* acquired by contact with a foreigner is less severe, and the Kikuyu prefer to call it *gĩko* (dirt). The ceremony of purification to remove uncleanness of the *gĩko* type is complicated, though not to the level of *thahu*.[42] It is interesting to note in this purificatory rite how the medicine-man makes the victim of this kind of contamination vomit (*ndahĩkio*) to symbolize the uncleanness he has brought with him from the foreign land. This vomiting is repeated two times. First, the man is caused to vomit using the stem ends of the bunch of twigs, and second, the man is made to vomit the uncleanness of his temporary home. Note also the two ceremonial huts built by the medicine-man: the Maasai hut is built of bitter and bad plants like *mũgere* and *mũcatha* (to symbolize uncleanness) and the Kikuyu hut, on the other hand, is built of good wood like *mũthakwa*, *mũkeu,* or *mũkenia* (a symbol of purity).[43] There is no question now that in the eyes of the Kikuyu, any foreign rites and ceremonies are deemed unclean and therefore detestable, and any person thus contaminated becomes taboo. He may not be allowed to join his family before being purified, for as Leakey says, he would probably transmit the uncleanness to the others. With this knowledge, we can now try a translation of the text under consideration.

Deuteronomy 7:26a is a warning to the Israelites not to bring into their houses objects belonging to the foreigners, and these things are here referred to as תּוֹעֵבָה. On the basis of what we have said above about the Kikuyu attitude towards foreigners, תּוֹעֵבָה would be correctly rendered *gĩko*. But the word "*gĩko*" has in the present day dropped its religious connotation and is commonly used to refer to ordinary dirt. It would therefore, be appropriate

to suggest that the word *gĩko* be used alongside *ndũrĩrĩ* (other tribes): hence, *gĩko kĩa ndũrĩrĩ* (the dirt of other tribes). The present translation of תּוֹעֵבָה as *thahu* is incorrect given the inferior form of the uncleanness involved here as is evidenced by the *gĩko* type purification ceremony—unlike the *thahu* type which requires a more sophisticated purificatory rite.

The Hebrew word חֵרֶם in vs. 26a seems to mean "to destroy utterly," that is, if Israelites were to bring the forbidden foreign objects into their houses, they would be utterly destroyed. Perhaps it may be added here that חֵרֶם is in this passage used in the form of a simile, to destroy like objects devoted to God for destruction," but basically the idea is "to destroy." If this interpretation were accepted, then the Kikuyu rendering would be *kuninwo* (cf. "doom" in the MTB). The Hebrew phrase תְּשַׁקְּצֶנּוּ in vs. 26b comes after the consequence (חֵרֶם) of harboring foreign objects that are considered to be תּוֹעֵבָה has been spelled out. It is logical then to suggest that this phrase is suggestive of the intensity with which the חֵרֶם "utter destructions" should be detested. But the detestability of חֵרֶם is intensified even more by the phrase that follows תְּתַעֲבֶנּוּ תַּעַב. Our concern now is to make this idea of intensification explicit in the Kikuyu Bible translation.

The present translation has combined the two phrases as though they were one, *thũra o gũthũũra* "utterly detest." But a better translation is the one that would attempt to translate them separately, the second one being an intensifier of the first phrase. Hence, שַׁקֵּץ תְּשַׁקְּצֶנּוּ should be rendered *thũũra o gũthũra* and תַּעַב תְּתַעֲבֶנּוּ, *mwĩgigime*, a verb derived from *magigi*, an adjective meaning a filthy object that is repugnant or an act too shameful to hear. In religious circles, *mwĩgigime* would mean both "to hate" and "to "shun" an object because of its uncleanness. In our present text, Israel must hate" and "shun" foreign objects since their presence causes "utter death," and the right word in Kikuyu to express this idea is *mwĩgigime*.

קדשׁ (Holy) in Kikuyu

In our earlier discussion of the Hebrew root קדשׁ "holy," we made a distinction between positive and negative holiness. We then concluded that in certain contexts negative holiness exhibits the same characteristics as the taboo related to the contagion by uncleanness. But most interesting was the fact that in the Hebrew Bible the term קדשׁ is commonly used for YHWH,

that is, he is the only one who is endowed or invested with the extreme purity. The association of holiness with YHWH is particularly significant for this section, wherein the transmission of negative holiness is considered on the basis of the Kikuyu Bible translation. One major question that we need to ask ourselves at the outset is, are we trying to impose and translate a foreign idea that was non-existent among the Kikuyu, or a concept that existed but known in different terms?

Kikuyu people believed in one God who was known as *Ngai* or *Mũrungu*. But when the Kikuyu spoke to him in prayers or sacrifices they referred to him as *Mwene-Nyaga* (the owner of brightness or sparkle or dazzlingness), a name that was used exclusively for the deity. The Kikuyu supreme deity was believed to be "clean," "pure" or "white." In other words, he was without any blemish, and was associated with the white snow on Mount Kenya, which was thought to be his earthly abode. It is instructive to note that objects or places or food once identified with God henceforth ceased to be available for human beings, and any attempt to do otherwise was met with very severe consequences.[44] Only priests were allowed to go close to the presence of *Mwene-Nyaga* to offer sacrifices on behalf of the community they represented. Sometimes two little boys who because of their age were considered to be uncontaminated would accompany the priests to the place of sacrifice.

One thing is definite about the Kikuyu understanding of the deity—he is clean, of a cleanness that surpasses their vocabulary. It is indescribable purity, and the best way they could speak about him was to compare him with the cleanest place (the top of the mountain) and the whitest object (the snow). To them, the *Mwene-Nyaga nĩ mũtheru* (the owner of brightness is clean or pure). The Kikuyu Bible translators took up the name *mũtheru* (the one who is clean) to translate the Hebrew root קדשׁ. This is acceptable, but how did they deal with the concept of contagious holiness?

The book of Haggai is probably the best source in the comparison of contagion by both the holy objects and an unclean person. In Haggai 2:12–13, Haggai wanted to know from the priest the difference between the two:

> If one carries holy flesh in the skirt of his garment, and touches with his skirt bread, or pottage, or wine, oil, or any kind of food, does it become holy?…if one who is unclean by contact with a dead body touches any of these, does it become unclean?

Concerning the first question, the priest gives an emphatic, No! But in the second he answers in the affirmative. In this text, where the prophet requests the priest's ruling on cultic matters, uncleanness seems to be more contagious than holiness—holy flesh does not transmit its holiness as does ritual defilement from contact with a corpse (Num 19:11–13). In Leviticus 22:4, for example, a person who touched a corpse was unclean (taboo) until evening and may not eat of the holy things unless he had bathed his body in water (cf. 21:11). In Haggai 2:13, the text exhibits a similar contagion. Aware of the contagious power of this kind of uncleanness, Haggai in his question seeks to know whether the objects in 2:12 will be affected by a person who has come in contact with a dead body. From the standpoint of the Kikuyu understanding there is definitely a form of *thahu* in the text: "If one who is *thahu* by contact with a dead body touches any of these does it become *thahu*?" To which the priest answers, Yes! We have noted in Haggai's question that the holiness of holy flesh in the skirt of a priest's garment is not transferable to the foodstuffs when his garment touches them. In the first place, it seems that the person carrying the flesh has not been sanctified. Furthermore, even though his garments have been affected by the holiness of the flesh, the sancta have not been transmitted to the foodstuffs.

Milgrom's mention of Lev 6:27, as he discusses the meaning of יִקְדַּשׁ כָּל־הַנֹּגֵעַ formula,[45] is particularly important for a better understanding of the problem raised in this text. In his careful assessment of the Hebrew particle כָּל, Milgrom attempts to give the right rendering of this term. Does the word mean "whoever" or "whatever"? He points out that the rabbis are unanimous in opting for "whatever" and eliminating the human factor completely. According to him, Lev– 5:14-16, Hag 2:12, Exod 30:26–29, and finally Num 4:15 are indirect examples of the fact that the sancta are not contagious to persons—both Haggai and the rabbis agree that the sancta transmit their holiness only to foods.

Having explained why the sancta are not contagious to persons in Haggai, it is equally important to say that the rendering of כָּל as "whatever," thus excluding persons from contagious power of holiness has not always been the case (cf. Lev 10:1–5; 1 Sam 6:19; 2 Sam 6:6–7). Milgrom has shown that, in the earlier period when the formula originated, the range of כָּל was unrestricted: even persons were included.[46] This is particularly true when we consider, for example, Lev 6. Here, the sacrificial animal used for sin offering אָשָׁם was considered "most holy" and had to be eaten in a holy

place—in the court of the tent of meeting (cf. Lev 6:25–27). Again, the shoulder of the ram of the peace offering זְבַח הַשְּׁלָמִים, together with unleavened cake and water were holy portions for the priest and the priest had to wave them as a wave offering before the Lord (cf. Num 6:19–20). The priests had to carry the holy portions in their robes. It is true that the garment must have been affected by the holy flesh: "Whatever touches its flesh shall be holy; and when any of its blood is sprinkled on a garment, you shall wash that on which it was sprinkled in a holy place" (Lev 2:27, cf. 6:11; Exod 29:37, 30:26–29; cf. Lev 6:11).

While it is not easy to account for the Priestly shift from "contagious power of sancta to persons" to "not contagious," Milgrom suggests that the change was due to the stream of murderers, thieves, and assorted criminals who flocked to the altar and resided on the sanctuary grounds on the basis of hoary, venerable traditions that the altar "sanctifies"—something that deeply disturbed the priests.[47] His summary of this development is illuminating. First, he observes that in the prebiblical stage all sancta communicate holiness to persons, the inner sancta directly by sight and indirectly by touch. This contagion is lethal even if the contact is accidental. The early biblical narratives exemplify this deadly power of the sancta in the Ark, Mount Sinai, and the divine fire. Second, the priestly account of the Levites' work assignment in the Tabernacle (Num 4) reveals the sancta unchanged from previous stage. Ezekiel opts for the older view that sancta are contagious to persons. Third, Haggai restricts the contagion of sancta to foodstuffs, and the Tannaites follow Haggai.

Certainly, this change creates an irresolvable translation problem in the Kikuyu Bible, for how can sacrificial meat offered to *Ngai* (God) be contagious to persons at one time and noncontagious at another time? In Ezekiel 46:20, we have an instance where holiness is seen to be dangerous and must therefore be avoided due to its destructive nature (cf. Lev 10:1ff.; 2 Sam 6:6ff.). We shall now use this text to show how the idea of contagion by negative holiness is uncertain in the Kikuyu Bible:

> This is the place where the priests shall boil the guilt offering and the sin offering, and where they shall bake the cereal offering, in order not to bring them out into the outer court and so communicate holiness to the people (לְקַדֵּשׁ אֶת־הָעָם).

The idea here is simple: when people come into contact with holy objects, they too become holy, and in the case of negative holiness, this kind of

contact is prohibited. We have already mentioned that in Kikuyu it was *mũgiro* (prohibition) to tamper with anything that had been set aside for *Mwene-Nyaga.* Similarly, in this passage we have a situation where guilt offering and sin offering are not to be brought out into the outer court, lest they transmit holiness, for it is *mũgiro* to do so. Our problem now is to make this idea clear in our translation.

Since in the rest of the Hebrew Bible (cf. Isa 6:3), the Kikuyu Bible uses the word *mutheru* (clean) to render the Hebrew root קדשׁ, the same word needs to be used here. Hence לְקַדֵּשׁ אֶת־הָעָם would be best translated *itikagwatie andũ ũtheru* (not to communicate the cleanness to the people). The word *itikagwatie* does not mean the English "communicate." This word is used in Kikuyu in a derogative sense, to refer to the transmission of diseases. This is the same word we use for the transmission of *thahu* (taboo related to uncleanness). It then follows that its use here would automatically give *mũtheru* a negative meaning, that is, it places holiness in the category of *thahu.*

The present Kikuyu translation uses *mũtikaamũre andũ* (not to ordain people or set them apart), following English versions (DV, NJB). In this translation, the idea of taboo inherent in this passage is lost, and it raises a very serious question in the minds of the readers: why is it improper for people to be sanctified? In other words, such a translation would only help to make the passage meaningless and doubtful, especially in view of the fact that a good percentage of people who are interested in the Word of God among the Kikuyu are semi-literate and usually take the words of the Bible literally.

Another example of a case where the Hebrew root קדשׁ is seen to operate as though it were a taboo of the *mũgiro* type (prohibition) is in Deut 22:9, this time concerning mixtures: "You shall not sow your vineyard with two kinds of seed, lest the whole yield be forfeited to the sanctuary (פֶּן־תִּקְדַּשׁ)." Even without entering into any detailed exegetical understanding of this passage, a ground that was covered in our earlier discussion of this text, it will suffice here to reconfirm the fact that since in the Hebrew Bible it was a taboo to plant mixed seeds, the phrase פֶּן־תִּקְדַּשׁ should be seen as the consequence of the violation of this prohibition.

In Kikuyu the word *mũgiro* means "prohibition" and the result of breaking *mũgiro* is *thahu*. In certain contexts these two words could be used interchangeably. In Deuteronomy 22:9, the *mũgiro* is to plant mixed seeds

and the result, *thahu*, is that they (the seeds) will become holy. But if we render the root קדשׁ *thahu* we are in essence saying that holiness is defiling in the same way as ritual uncleanness, which is true. However, that is not the case here, and it would be safe to suggest that we use *mũgiro* and *thahu* interchangeably. It is *mũgiro* for ordinary people to use holy objects. Therefore, the issue in this context is that these seeds will directly become *mũgiro* (because they have become holy) once they are planted together in the garden. They can also become *mũgiro* after they have been surrendered to the sanctuary, where they will become taboo as a result of coming into contact with a holy place in the same way that the Kikuyu sacrificial objects (for example, meat) become *mũgiro* after they have been taken to the sacred tree. Whatever alternative we consider to be true, one thing is clear: holy objects are *mugiro* to the ordinary people. This understanding leads us to conclude that the Hebrew phrase פֶּן־תִּקְדַּשׁ in Kikuyu means *itigatuĩke mũgiro nĩ ũndũ nĩ theru* (lest they be prohibited since they are holy). This is consistent with the naturalness with which Kikuyu ideas of taboo, related not to the result (*thahu*), but to the prohibition (*mũgiro*), are expressed.

It would be unsuitable to render פֶּן־תִּקְדַּשׁ *itikaamũrĩrwo Ngai na iticooke gũkũũrĩka* (same as for חֵרֶם, devoted to God irredeemably, cf. Jos 7:1) as the present Kikuyu Bible reads. This translation is obviously misleading and gives the root קדשׁ another nuance, that is, utterly destroy. Admittedly, this shade of meaning fortunately is not explicit, even though it is implied in the Kikuyu translation. But the fact that the translators have rendered the roots קדשׁ and חרם in the same way is indicative of a discrepancy which could easily be avoided if the suggestions we have put forward above were followed.

Leviticus 11

In Leviticus 11, certain animals are considered a potential source of uncleanness. Again, different words are used to describe the animals mentioned in the text, namely טָמֵא and שֶׁקֶץ. In verses 2–23 a person did not contract a contagious and purifiable uncleanness by eating forbidden food, since the section consists only of prohibitions. In verse 24ff., the uncleanness is contagious and purifiable. This section will deal with translation problems of טָמֵא and שֶׁקֶץ into Kikuyu.

While the main division of Lev 11 by subject at vs. 24 has been followed in the Kikuyu Bible—that is, the Kikuyu word *mũgiro* has been used in vss. 2–23 and *thahu* in vss. 24–40, respectively—the rendering of טָמֵא as *thahu* in vss. 41–45 is problematic, since in this section the style is rhetorical rather than technical:

> Do not defile yourselves (make yourselves abominable, RSV) by any of these creatures. Do not make yourselves unclean (you shall not defile, RSV) by means of them or be made unclean by them.

The GNB, which follows the principles and theories of the UBS, has avoided a literal translation: "Do not make yourselves unclean by eating any of these." We need to do the same in the Kikuyu Bible: avoid literal translation. As Sterk says, it is largely insensitive to the difference in the way that the form-meaning interaction takes place in the source language and the way it operates in the receptor language.[48] In order to do so, we shall follow Peter-Contesse and Ellington, who argue that since the words "make yourselves abominable" are parallel to "defile yourselves," and the pronoun "them" in the second part corresponds to any swarming thing that swarms in the first, then the repetition of the same idea using two different sets of words could be avoided in the receptor language if it is incorrect.[49] Following this argument, and in view of the fact that the language in this section is rhetorical, the Kikuyu rendering of vs. 43 should be:

> You shall not make yourselves abominable (אַל־תְּשַׁקְּצוּ) with any swarming thing that swarms; and you shall not defile yourselves (לֹא־תִטַּמְּאוּ) with them, lest you become unclean (טָמֵא).

The Kikuyu rendering of the Hebrew words is as follows:

> אַל־תְּשַׁקְּצוּ *-mũtikanaĩkire mũgiro*
> לֹא־תִטַּמְּאוּ*-mũtikanegwatie thahu*
> נִטְמֵתֶם*–mwĩthũkie*

The problem in this translation is that it is not correct. In Kikuyu we do not say *mũtikanaĩkire mũgiro* "do not make yourselves a prohibition." Similarly, it is incorrect to say *mũtikanegwatie thahu* "do not make yourselves uncleanness." *Mwĩthũkie* "make yourselves spoiled" is generic for anything bad, but it seems to agree with the context.

Ritual Purification

We alluded earlier to the importance of cleansing as a remedy for ritual contamination in different cultures, and in many cases water was used. Similarly, in the Hebrew Bible water plays a very significant role in the purification of ritual uncleanness. In the examination of skin diseases the priest prescribed cleansing as the only way of removing ritual impurity of a non-malignant leprous person after he was physically healed (Lev 14:1–10). Purification of a leprous person after he was healed involved, among other things, bathing in running water (vs. 5). After the cleansing, seven days were set for recuperation, during which time the victim was believed to be taboo. This was followed by shaving of all the hair on the body and a second bath in water (cf. vss. 8–9). Amazingly, a similar procedure is followed among the Kikuyu people, as shown here below.

> LEVITICUS 14:1–7,10
> He shall be brought to the priest and the priest shall go out of the camp, and the priest shall make an examination. Then, if the leprous disease is healed in the leper, the priest shall command them to take for him who is to be cleansed two living clean birds and cedar wood and scarlet stuff and hyssop; and the priest shall command them to kill one of the birds in an earthen vessel over running water. He shall take the living bird with the cedar wood and the scarlet stuff and the hyssop, and dip them and the living bird in the blood of the bird that was killed over the running water; and he shall sprinkle it seven times upon him who is to be cleansed of leprosy; then he shall pronounce him clean, and shall let the living bird go into the open field…And on the eighth day he shall take two male lambs without blemish, and one ewe lamb a year old without blemish…
>
> KIKUYU PURIFICATORY RITE
> A medicine man was called in, and he took the person who had been ill down to a stream or river, along with a small ram for a male patient, or, for a female patient, a virgin ewe. At the stream the medicine man slaughtered it, and divided its stomach contents into two. He then dug a large hole near the bank of the stream, lined it with banana leaves, and into it put half the stomach contents, water from the stream, and some of each of the following: *rũthuko, ũũmũ,* and *ng'ondu.* In this bath he made the patient wash himself, all his ornaments, and his clothing. Having washed in this mixture, he was then to wash in pure river water and come upstream where he would find the medicine man…[50]

While the priest fails to prescribe the treatment of leprosy, he nevertheless outlines the procedure to be followed in the cleansing of the leper (14:1–10).

He orders the family of the leper to bring to him two living clean birds and cedar wood and scarlet stuff and hyssop and the priest then commands them to kill one of the birds in an earthen vessel over running water (vs. 5).[51] The use of water, especially running water, is certainly significant and requires comment. Throughout the centuries, dirt from filthy persons or objects has been carried downstream by running water after a bath or washing,[52] leaving that person or object clean. Therefore, running water became a universal symbol of purity, and in some cases water was believed to have the power to heal.[53] In both cultures, those of the Hebrew Bible and the Kikuyu people, running water is used for the purpose of cleansing or purification.

General Summary

The thoroughness with which cultures and languages involved in a Bible translation should be studied is further supported by the inexhaustiveness of the present study. Whereas an attempt has been made to shed more light on the problems of translating taboo words, we have not been able to deal adequately with every Hebrew text related to our study that would have required our attention. For example, the Hebrew root חֹל, which means "profane" or "common," has received somewhat negligible treatment. The taboo imposed on "the bread of Presence, which is removed from before the Lord, to be replaced by hot bread on the day it is taken away" (1 Sam 21:1–6) should have been discussed in the section dealing with food taboos, and would have been a good ground to compare the Hebrew Bible food prohibitions, especially food set for YHWH, with the Kikuyu taboo of the sacrificial meat offered to *Ngai* under the *mũgumo* "fig tree."[54]

The relevance of this study, however, should not be underrated. The comparison of Hebrew texts and the Kikuyu understanding of ritual impurity has highlighted some of the translation problems of key biblical terms likely to be encountered not only by a Kikuyu translator but also by other tribes in Africa with whom we share the same cultural background. Such biblical terms include sin, grace, and holiness. The use of different words in different contexts in the Hebrew Bible to convey the same idea is particularly important. It goes without saying that while for the sake of consistency a single word should be used to express the same idea throughout the whole translation, for example *thahu* to mean טָמֵא, the fact that there are many

Hebrew words covering the concept of taboo would obviously override this rule, as our study has shown. It would therefore be correct to suggest that in the Kikuyu Bible translation different words expressing the idea of taboo need to be used, as the context requires.

Finally, we need to point out that both words and culture are not static but dynamic. It must be accepted that the Kikuyu way of life and its language are not the same as they were many years ago, especially due to the introduction of the Western lifestyle. Those of the present generation perceive life quite differently than their forebears did—their worldview is seemingly less concerned about the religious thoughts and values that were highly cherished by their ancestors. They now speak differently: foreign words have become part of their vocabulary. Certain words, phrases, idioms, and even proverbs have acquired different meanings.

But while ritual taboos seem to play a very insignificant role in modern Kikuyu society, they nonetheless resurface, particularly when there is a crisis in the family or society. For instance, in some families, funeral ceremonies are marked with strict observance of taboos. That is to say, a culture that has taken centuries to build cannot be destroyed in a few decades. Such a culture should be seen as being deeply rooted in the bone marrow of the Kikuyu people and as a result, now and then, they revert to their old religious beliefs, perhaps when Christianity seems to have no immediate answer to their problems. In recent times, some women who were demanding the release of their sons from detention stripped in the streets of Nairobi. Traditionally, it was a taboo for a woman to strip in public. And should that happen, the person who saw the nudity of the woman would meet with very severe consequences. An ill omen would befall him. When the women stripped in the streets of Nairobi, that was indicative of the existence of old taboos in the modern society.

Translating the Hebrew Bible into a language whose old cultural value system is diminishing and yet alive in the minds of some members of the society is an event that is not only fascinating but also difficult. Needless to say, Bible interpreters or translators in areas where people have divided loyalties—they have one foot in the west and the other firmly rooted in their culture—need to be well informed about both the original culture of the Hebrew texts and the recipient culture into which the former is being translated.

Notes

1 Houston, *Purity and Monotheism,* 183.

2 J.L. Gardner argues that edible animals not only qualify because they have true hooves, are cleft-footed and chew the cud, but they are also used as a simile for beauty and grace (*Atlas of the Bible* [New York: Reader's Association, 1983], 19).

3 Gardner, *Atlas of the Bible*, 2021.

4 For more details, see Eilberg-Schwartz, *Savage in Judaism*, 117.

5 Ibid., 117.

6 Ibid., 125.

7 Houston, *Purity and Monotheism*, 185.

8 Harrison, *Leviticus,* 129.

9 According to Ronald Clements, Birds of prey eat carrion and are dangerous disease carriers ("Leviticus" in *Broadman Bible Commentary, Leviticus-Ruth* [London: Marshal, Morgan & Scott, 1970], 34).

10 Levine also argues that determining which birds are permitted has been in some cases a matter of custom and has resulted in persistent discrepancies among various communities in the course of Jewish history.

11 Levine, *Leviticus,* 68.

12 Houston, *Purity and Monotheism*, 186.

13 According to Gardner, the Hebrews' domesticated doves were the poor man's sacrificial offering. The dove is an enduring symbol in Christian art, stemming from Matthew's description of Jesus' baptism: "the heavens were opened and he saw the Spirit of God descending like a dove" (Mt 3:16); (*Atlas of the Bible*, 21). Houston is not in favor of the dove paradigm as the starting point (*Purity and Monotheism*, 235–236). Using examples from Ugarit where the dove, the goose and other unspecified birds were sacrificed, Houston argues that the evidence indicates that it would be unwise to assume with Firmage (*Biblical Dietary Laws,* 190–191) that we should begin from the paradigm of the dove. Houston suggests that it would be safe to "begin from the other end; with the unclean birds that are actually mentioned." While both approaches are plausible, I think it is better to begin with the known and then move to the unknown—from the dove to the other birds.

14 Leakey, *Southern Kikuyu*, 277.

15 For more information, see Amorim, *Consecration and Defilement,* 275. In his discussion about the development of food avoidances in the Hebrew Bible, Houston remarks that if there were food avoidances in the society in which the present law was developed, they may have been entirely different from those in the present law, or if they were similar they have been entirely reinterpreted (*Purity and Monotheism,* 20).

16 For a detailed discussion of these rationales, see Milgrom, *Leviticus 1–16*, 718–742.

17 See also Kiuchi, *Purification Offering*, 63. In his explanation as to why certain things and conditions are designated as unclean, Kiuchi argues that explanation based on hygienic polemic against pagan are only partial and unconvincing, as Wenham has argued, and as a result Kiuchi would rather take up the explanation which symbolizes an "aura of death." As we have already noticed, any attempt to overemphasize any rationale at the expense of the others is, unfortunately, doomed to fail.

18 Houston, *Purity and Monotheism*, 68–123.

[19] See also Douglas, *Purity and Danger*, 63–64. Doughlas closely links the holy with the sanctuary. She has noted that any interpretation that takes the Do-nots of the Hebrew Bible in piecemeal fashion will fit. The only sound approach is to forget hygiene, aesthetics, moral and instinctive revulsion, and even the Canaanites and the Zoroastrian Magi, and start with the text. Since each of the injunctions is prefaced by the command to be holy, so they must be explained by the command.

[20] Houston, *Purity and Monotheism*, 68–123.

[21] Ibid., 68–123.

[22] Douglas, *Purity and Danger*, 63–64.

[23] Amorim, *Consecration and Defilement*, 276.

[24] Houston has done a detailed study about the pig (*Purity and Monotheism*, 67–87). He admits that dealing with the issue of pigs disproportionately traces the source of dietary prohibitions that of pig included, in pastorals. If we look at the whole body of customary avoidances codified in the Levitical and related codes reconfirm our assumption that pastoral tradition is their ultimate source (*Purity and Monotheism,* 182 and 212).

[25] Kenyatta, *Facing Mount Kenya*, 129.

[26] See a long list of Kikuyu taboos appended to this work. This list, though not exhaustive, shows different forms of Kikuyu taboos: village, homestead and hut taboos; agricultural taboos; meat feasts taboos; food and drink taboos; tobacco taboos; divining gourd taboos; castor oil taboos; cattle, goats and sheep taboos; sexual taboos; and death taboos.

[27] J.P. Sterk, "Translation as Re-Creation," in *Technical Papers*, vol. 45, no.1 (New York: UBS, 1990), 109. See also Nida, *Toward a Science of Translating,* 36–40; Nida and Taber, *Theory and Practice of Translation,* 201; De Ward and Nida, *From One Language To Another*, 36–40; Carson, "Limits of Functional Equivalence," 65–113.

[28] Levine, *Leviticus*, 70.

[29] Leakey, *Southern Kikuyu,* 166.

[30] See Leakey, ibid.. Food becomes thahu and may not be eaten except by old women past child bearing, after a lizard or a frog falls into the fire while the food is cooking.

[31] Leakey, *Southern Kikuyu,* 287.

[32] Douglas, *Purity and Danger*, 53.

[33] See for example, "If a woman getting food from a granary (*kombi*) accidentally lets any menstrual blood touch the granary, all the food in that granary must be given away: none may be eaten by any member of the family—it has become thahu." (Leakey, *Southern Kikuyu*, 297).

[34] Milgrom, *Leviticus 1–16,* 778.

[35] For the Maasai, a house in which the owner of a homestead dies becomes *thahu* and it must be abandoned to avoid ritual contamination by the corpse of the dead body.

[36] Milgrom, *Leviticus 1–16,* 684.

[37] Ian Cairns, *Deuteronomy, Word and Presence* (Grand Rapids, MI: Eerdmans, 1990), 45.

[38] Kenyatta, *Facing Mount Kenya*, 111ff.

[39] Ibid., 45.

[40] Ibid., 94.

[41] This tradition has not completely died even with the introduction of Western culture. Today, while the other tribes in Kenya find Kikuyu girls good to marry, marriage between Kikuyu and "*nduriri*" (a derogatory term used to refer to other tribes) is practiced only reluctantly.

[42] For a detailed account of this ceremony, see Leakey, Southern *Kikuyu*, 1260ff.

[43] *Mukenia* is a name given to a tree that makes a person happy.

[44] A man in his nineties whom I interviewed for the purpose of my earlier paper at St. Paul College said to me that he suffered swollen feet because he ate the meat kept for the deity under a sacrificial tree.

[45] Milgrom, *Leviticus 1–16,* 449.

[46] Ibid., 453.

[47] Ibid., 455.

[48] Sterk, "Translation as Re-Creation," 130.

[49] Peter-Contesse and Ellington, *Translator's Handbook,* 173.

[50] Leakey, *Southern Kikuyu,* 1264.

[51] See also the use of leaves among the Kikuyu (banana, ruthuku*, uumu* and ng'ondu), killing of a young ram (clean), use of a mixture, and lastly, bathing in pure river water.

[52] To become pure in the Hindu religion a person must have a complete bath, including pouring water over their hair among other things. Again, purificatory ablutions among the Hittites also mandated the bathing of the entire body. Their temple personnel not only had to bath before entering the sacred precincts but, like their Egyptian counterparts, they had to remove their body hair and pare their nails (Milgrom, *Leviticus 1–16,* 841).

[53] Naaman's leprous disease was healed after bathing seven times in the running waters of the River Jordan, where he is healed physically and ritually (2 Kings 5:10, 14). Milgrom says that, in Israel's environs, purificatory water had both medicinal and apotropaic powers (Milgrom, *Leviticus 1–16*, 839).

APPENDIX

CLEAN	UNCLEAN	DIET		MOVEMENT		COVERING	SHAPE	CONSUMER	
		grass leaves cereal	chew the cud	hooves	cleft	fur/wool	good	Israel	Kikuyu
Ox		yes	yes	yes	yes	yes	yes	yes	yes
Sheep		yes	yes	yes	yes	yes	yes	yes	yes
Goat		yes	yes	yes	yes	yes	yes	yes	yes
Hart		yes	yes	yes	yes	yes	yes	yes	yes
Gazelle		yes	yes	yes	yes	yes	yes	yes	yes
W/goat		yes	yes	yes	yes	yes	yes	yes	yes
Ibex		yes	yes	yes	yes	yes	yes	yes	yes
Antelope		yes	yes	yes	yes	yes	yes	yes	yes
W/sheep		yes	yes	yes	yes	yes	yes	yes	yes
	camel	yes	yes	yes	no	yes	detestable	no	no
	hare	yes	yes	no	no	yes	yes	no	no
	rock badger	yes	yes	no	no	yes	yes	no	no
	swine	no	no	yes	yes	yes	detestable	no	no
	swarming creatures	no	no	no	no	yes/no	yes/no	no	no
	giraffe	yes	no	no	no	no	detestable	no	no
	elephant	yes	no	no	no	no	detestable	no	no
	snakes	no	no	no	no	no	detestable	no	no
	lion	no	no	no	no	yes	yes	no	no
scale fish		no	no	no	no	scales	yes	yes	no
	fish	no	no	no	no	no	detestable	no	no
birds		yes	no	no	no	feathers	yes	yes	yes
	birds	no	no	no	no	feathers	yes/no	no	no
cricket		yes	no	no	no	no	yes	yes	yes
g/hopper		yes	no	no	no	no	yes	yes	yes
	fly	no	no	no	no	no	yes	no	no
	bee	no	no	no	no	no	yes	no	no
	spider	no	no	no	no	no	yes	no	no

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ISBN 978-1-4331-0200-4