Non-Peoples and Foolish Nations: Religion, Xenophobia and Ethnic Foreigners in the
Hebrew Bible and Mesopotamia

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<div align="center">**Curriculum Vitae**</div>

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EDUCATION

Doctor of Philosophy (Ph.D) (To be conferred, May 2014)
Brown University, Providence, RI
Religious Studies: Hebrew Bible, Mesopotamian languages and literatures
Master of Divinity (M.Div), 2007
Harvard Divinity School, Cambridge, MA
Areas of study: theology, pedagogy, politics, biblical studies
Bachelor of Arts (B.A.), 2004
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Concentration: Ancient Studies (Ancient Israel and Early Christianity)

RESEARCH INTERESTS

Ethnicity and race in the ancient world, sex and gender in the ancient world, the development of monolatry and "monotheism" in ancient Israel, methods and theories in religion, interpretation and hermeneutics, in-group/outgroup perception

DISSERTATION

Summary: "Non-Peoples and Foolish Nation: Religion, Xenophobia and Ethnic Foreigners in the Hebrew Bible and Mesopotamia" looks at biblical and Mesopotamian texts that use caricatures of foreigners' social practices to disparage them, with a special focus on how the texts accuse foreigners of improper worship and disrespect for the gods. The dissertation uses insights from cognitive and psychological theories of group perception to articulate a concept of "ethnicity" that is applicable to the ancient world.

EXAM AREAS

Major: Ancient Israelite Religion and Culture (Hebrew Bible/Old Testament)
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LANGUAGE PROFICIENCIES

Modern Language Proficiencies: French, German, Spanish
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Greek (Septuagint, Attic), Ugaritic.
Other languages studied: Sumerian

TEACHING EXPERIENCE AND TRAINING

Brown University, Sheridan Center Teaching Seminar, Certificate I (2010)
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Introduction to New Testament (Fall 2012), Prof. Nicola Denzey-Lewis
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Liberation Theology in the Americas (Spring 2010), Prof. Thomas A. Lewis
Ancient Israelite Religion (Spring 2009), Prof. Saul Olyan
Introduction to Islam (Fall 2008), Prof. Nancy Khalek
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PRESENTATIONS AND PUBLICATIONS

"Their Peace or Prosperity: Hereditary Punishment as Another Rationale for the Exclusion of Foreigners in Nehemiah 13"
Paper presented at the 2011 Annual Meeting of the Society of Biblical Literature,
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RESEARCH OPPORTUNITIES

Research Assistant, Professor Saul Olyan, Spring 2011
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and assessment of cuneiform texts. Finally, I would like to acknowledge Stanley K.

Stowers for his insightful comments on the theoretical approach that I took in this

dissertation.

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Introduction

Biblical Scholarship and "the Other"

"Ethnic Foreigners" in the Hebrew Bible and Mesopotamia

This study deals with some literary portrayals of peoples who were labeled

foreigners in biblical literature with a comparative look at portrayals of foreigners in

Mesopotamian literature. Because the peoples of ancient Israel and Mesopotamia held

vastly different assumptions and expectations about nature, the world, and the divine and

lived in societies with different social structures, simply using the word "foreigner"

without any theoretical reflection is inadequate. This is not a particularly insightful

observation, since many, if not most, people who study ancient cultures acknowledge that

there is some kind of gulf between the worldviews of modern peoples and the worldviews

of ancient peoples. Nevertheless, putting this observation into practice has proven to be,

as the old cliché goes, "easier said than done." This project explores a variety of

perspectives—anthropological, sociological, psychological, and cognitive—to theorize

the notions of "foreignness" portrayed in the Hebrew Bible and Mesopotamian texts. It is

my view that the kind of foreignness that is portrayed in biblical texts and to a lesser

degree in Mesopotamian texts can be described as *ethnic foreignness*. To put it another

way, the writers of the biblical texts that I explore conceptualized the foreigners that they

depicted as members of distinct *ethnic groups*. This introduction and the chapter that

follows explore what I mean by "ethnic groups." Of course, by referring to these

foreigners as ethnic foreigners or members of ethnic groups, I believe that the notion of

"ethnicity" is an appropriate concept by which to understand how ancient texts such as

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the Hebrew Bible and Mesopotamian literature portray foreigners. "Ethnicity" is not only a notion appropriate for analyzing concepts of foreignness in the modern world,[1] but is a theoretical frame that can be used to analyze constructions of foreignness in antiquity as well.

It is not uncommon to encounter biblical scholars—even scholars writing in recent years—who use words such as "ethnicity" and/or "race" to describe the kind of foreignness portrayed in the Bible, with little theoretical reflection on these highly controversial terms. Writing about the exclusion of foreigners in the book of Ezra-Nehemiah, a later biblical text likely written in the fifth century BCE, Hannah K. Harrington says that for the authors of Ezra-Nehemiah, "people of other *races* are simply not eligible for Israel's holy status."[2] In his *Theological Dictionary of the Old Testament* article on the word *gôy* ("nation") in the Hebrew Bible, Ronald Clements holds that concepts of "*race*, government and territory" are a part of the definition of the term.[3] To be fair, these articles do not directly engage sociological or anthropological theories of ethnicity, so a reader should, perhaps, not expect a long, drawn-out theoretical discussion about ethnicity. At the same time, considering that the terms "race" and "ethnicity" are contested, it seems prudent to insert a footnote explaining why the author does not delve into the thorny theoretical topic or refer the reader to other sources, or alternatively, offer a tentative, *ad hoc* definition of the terms. I would suggest that the casual references to

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[1] Zainab Bahrani argues that ethnicity is a term only appropriate for the ancient world. See "Race and Ethnicity in Mesopotamian Antiquity," *World Archaeology* 38 (2006): 48-59. I provide an extensive critique of Bahrani's viewpoint in Chapter Two.

[2] Harrington is following Peter Ackroyd's language about "race" to characterize Ezra-Nehemiah's conception of foreigners (Hannah K. Harrington, "Holiness and Purity in Ezra-Nehemiah" in *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric and Reader* [ed. Mark J. Boda and Paul Reddit; Sheffield, England: Sheffield Phoenix, 2008], 100; Peter R. Ackroyd, *1 and 2 Chronicles* [TBC; London: SCM Press 1973, 253]. Emphasis mine.

[3] Ronald Clements, ‏גּוֹי‎, *Theological Dictionary of the Old Testament* (ed. G. Johannes Botterweck and Helmer Ringrren; Vol. 2; Grand Rapids, Mich.: Eerdmans, 1977), 429. Emphasis mine.

ethnicity and race are not due to carelessness or sloppiness on the part of scholars, but that there is a very good reason that scholars make these unreflective references.

The reason for these casual references is simple: scholars are human beings. Scholars are not just human beings in the sense that we err and make mistakes (though, of course, that is true). Scholars are also human in that we cannot help but see similarities between ancient peoples and modern peoples. In addition to understanding that thousands of years separate a modern biblical scholar from an ancient scribe, we understand that people who lived in the ancient world were also just as human as we are. Consequently, what people thought, said or did in antiquity is, in part, comprehensible to us. Obviously, there must be *some* congruity between modern concepts of foreignness and ancient concepts of foreignness, otherwise, it would be thoroughly impossible to translate the terms, *nokrî, zār*, KÚR, or *nakru/nakāru*—some Hebrew, Sumerian and Akkadian words for "foreign(er)." Even if translators must make philological arguments to draw out the nuances and precise meanings of these words, there must be points of reference through which modern readers can understand what ancient peoples were talking about when they use the word "foreigner." Yet, just as there may be deep similarities, there are equally profound differences. The *art of interpretation* (see below) involves navigating a complex web of both understanding and *mis*understanding, and navigating the web when it comes to the idea of foreignness in ancient texts is full of pitfalls.

My own theoretical view is that ethnicity is a form of *group perception* that is based on the categorization of people according to two attributes:

1. Common ancestry
2. Common territorial origin

There is more to the human cognitive process of "categorization" that I will fill out in Chapter One. But for the time being, for my own theoretical purposes, ethnic groups are groups in which members are *perceived* to be related by a putative common ancestry (often expressed in terms of "blood," "heredity," or "descent") and a common origin from a particular territory.[4] Conceptualizations of ethnic groups in both ancient contexts and modern contexts share these two traits. However, perceptions of common descent and territorial origins are heavily dependent on social and cultural understandings of "ancestry" and "territory." For example, in the modern era, the discovery of genetics and DNA continue to affect the notions of "ancestry" and "descent" that operate within contemporary conceptualizations of ethnicity. For modern concepts of ethnicity, "descent" often means "genetic similarity" and this is especially true for the notion of "race" which makes physical characteristics central for the classification of ethnic groups. In the ancient world, by contrast, "ancestry" was often thought of in terms of putative genealogies or descent from a common ancestor. As I will discuss in the next section, that common ancestry is a critical component of ethnic group perception is more widely accepted by theorists of ethnicity than the view that common origin from a particular territory is a crucial component of ethnicity. Nevertheless, as I will argue later in this Introduction, I insist that common territorial origins is an essential component of

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[4] Hal B. Levine describes ethnicity as a "method of classifying people (both self and other) that uses origin (socially constructed) as its primary reference…When the categories in use refer to something other than origins (e.g., sexual orientation, disability, etc.) they are not ethnic categories" ("Reconstructing Ethnicity," *Journal of the Royal Anthropological Institute* 5 [1999]: 168). Though I agree with Levine that "common origins" is essential to understanding ethnicity, my argument is that ethnicity is a concept of origins that assumes that ethnic group members shared common ancestry and territorial origins. The theoretical constructs used to understand ethnicity are often extremely broad, a recurring problem that will be addressed repeatedly in this Introduction and Chapter One.

ethnicity that distinguishes the conceptualization ethnic groups from other kinds of groups because it is the combination of common territorial origins *and* common ancestry together that distinguishes ethnic groups as a unique form of group thinking.

I use the expression "group *perception*" to emphasize my belief that, as Rogers Brubaker puts it, ethnic groups are perspectives on the world (that is, they are *mental categories*), and that ethnic groups do not exist in an ontological sense "out there" waiting to be discovered by anthropologists.[5] Of course, claiming that ethnic groups are perspectives on the world is not to say that they are "not real" or that they are merely figments of human imagination. The authorization and enactment of group perception within socio-political structures is very real and can have measurable impacts on people's minds and bodies.

The use of the term "ethnicity," even in a modern context, is controversial enough, demonstrated by the ferocious debates over what constitutes an "ethnic group" within the humanities.[6] The use of the term "ethnicity" in ancient studies is even more

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[5] Brubaker argues that scholars often take a "groupist" perspective, which means that scholars "treat ethnic groups as substantial entities to which interests and agency can be attributed." Ultimately, however, "ethnicity is fundamentally not a thing *in* the world, but a perspective *on* the world." (Rogers Brubaker, Mara Loveman and Peter Stamatov, "Ethnicity as Cognition," *Theory and Society* 33 [2004]: 31-32; Rogers Brubaker, "Ethnicity without Groups" in *The Ethnicity Reader: Nationalism, Multiculturalism and Migration* [ed. Montserrat Guibernau and John Rex; Cambridge: Policy Press, 2010], 36). Brubaker also notes that "ethnicity works not only, or even especially, in and through bounded groups, but in and through categories, schemas, common-sense knowledge, symbols, elite and vernacular discourse, institutional forms, organizational routines, public ceremonies, and private interactions" ("Ethnicity, Race and Nationalism," *Annual Review of Sociology* 35 [2009]: 28). At the same time, I believe that Brubaker does not give the impact that ethnic group ascriptions have on real people the attention it deserves.

[6] The debate between so-called "primordialists" and "instrumentalists" that raged from the late 1960s to the late 1990s is just one example of the controversy over defining ethnic groups. Primordialists are best understood as theorists who see ethnicity as an outgrowth of real kinship networks and rooted in the structures and customs that developed within real kinship networks. The "primordialist" view is traditionally represented by Clifford Geertz and his famous idea that primordial attachments such as blood ties, speech and custom "flow more from a sense of natural—some would say spiritual—affinity than from social interaction" that "have ineffable and...overpowering coerciveness" ("The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States" in *The Interpretation of Cultures* [New York: Basic Books, 1973], 259-60). Primordialists vary in how broad they are in their

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contentious because some believe that "ethnicity" is a concept that developed in modern

Europe in connection with the development of the modern nation-state.[7] Nevertheless, I

am going to propose that ethnicity is a way of perceiving groups that both ancient and

modern peoples utilized.

The Challenges of Defining Ethnicity in Biblical Scholarship and the Humanities

Biblical scholarship is stuck between two extremes. On one side, when

interpreting biblical texts, there are scholars who use the words "ethnicity" or "race"

without much theoretical discussion at all. On the other side, there are scholars who

assume a definition of ethnicity that is so broad that there is a lack of clarity about what

ethnicity "is" and how the term should be used in an ancient Israelite context. As James

C. Miller points out in his review article on ethnicity in Hebrew Bible scholarship:

> At this juncture, scholars often conflate ethnicity with 'groupness' of any
> kind. In light of the amount of attention devoted to defining and analyzing
> ethnicity in social-science literature over the last few decades, biblical
> scholarship should provide more nuanced understandings of ethnicity.
> Although a more exacting definition of ethnicity will make the task of

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language. Some are more prone to make sweeping statements about how deep, "natural" and
inexplicable these "primordial" kinship connections are. Other "primordialists" attempt to use
sociobiology to explain the extension of the idea of kinship to ethnic groups (Pierre L. van den Berghe,
"Race and Ethnicity: A Sociobiological Perspective," *Ethnic and Racial Studies* 1 [1978]: 401-411;
idem, *The Ethnic Phenomenon* [New York: Elsevier, 1981]). For negative reviews of "primordialist"
views see Richard H. Thompson, *Theories of Ethnicity: A Critical Appraisal* (New York and London:
Greenwood, 1989), 56-67; Dermot Anthony Nestor, *Cognitive Perspectives on Israelite Identity* (New
York and London: T & T Clark, 2010), 81-100.

"Instrumentalists" are theorists who argue that ethnicity consists of a strategy pursued by
interested actors or groups. Instrumentalists are prone to stress the strategies by which people construct
ethnic boundaries and see the content of ethnic group perception as highly malleable and contextually
dependent. Abner Cohen is an example of an instrumentalist, who sees "ethnicity" as a social strategy
(*Urban Ethnicity* [New York: Harper and Row, 1974]). There will be more on this debate below.

For a review of the many debates on ethnicity up to very recently, also see Brubaker, "Ethnicity,
Race and Nationalism," 21-42.

[7] Bahrani, "Race and Ethnicity," 49-53.

locating such an ethnic Israel more difficult, unless such a task is
undertaken, the term 'ethnicity' is largely meaningless.[8]

For Miller, both biblical archaeology and the textual analysis of the Bible suffer from this

lack of clarity. But it is a problem that biblical scholarship has inherited from

anthropological and sociological theories of ethnicity that do not adequately clarify how

to differentiate ethnicity from other kinds of group construction. Anthropological and

sociological theories emphasize that ethnicity is a fluid, malleable social construct, but do

a less thorough job of explaining what makes the social construction of "ethnicity"

distinctive enough to warrant a special term. The constructionist model provides no

reason to make distinctions between one kind of socially constructed group formation and

another, except in very specific, localized contexts. But if ethnicity is a social

construction based on the social importance of certain behaviors in a specific social

context, why not simply use *emic* terminology to refer to groups that are salient in a

specific context? Why use a term such as "ethnicity" at all?[9]

The constructionist view of ethnicity seems to be the lasting legacy of Norwegian

social anthropologist Fredrik Barth. Barth's major contribution to the study of ethnicity

is his view that ethnic groups are defined not by any kind of positive criteria or a list of

characteristics that define the group ("trait inventories"), but rather by the process by

which ethnic groups form boundaries with other ethnic groups.[10] In other words, ethnic

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[8] James C. Miller, "Ethnicity in the Hebrew Bible," *Currents in Biblical Research* 6 (2008): 189.
[9] Brubaker asks a similar question about the notion of "identity." Social constructionist views of "identity"
propose that it is extremely fragmentary and context dependent. If this is the case, Brubaker argues,
social constructionist views do not explain why something so fragmentary would be an "identity" at all
(idem and Frederick Cooper "Beyond Identity," *Theory and Society* 29 [2000]: 6).
[10] "It is the ethnic boundary that defines the group, not the cultural stuff it encloses…ethnic groups only
persist as significant units if they imply marked differences in behavior, i.e. persisting cultural
differences" (Fredrik Barth, "Introduction" in *Ethnic Groups and Boundaries: The Social Organization
of Cultural Difference* [ed. Fredrik Barth; London, Allen & Unwin: 1969], 15-16).

groups are defined not by who "we" are, but by the process of defining who "we" are *in distinction to* who "they" are. This means that both the content of ethnic group boundaries and relative significance of the boundaries within "different socio-cultural systems" are always in a state of flux and are constantly renegotiated as new circumstances arise.[11] Barth's work challenged (and was an improvement on) the reigning anthropological view, which held that ethnicity was an outgrowth of real kinship networks and was rooted in the structures and customs that developed within those kinship networks (the so-called "primordialist" view, see n. 6). Barth is also often associated with the "instrumentalist" approach to ethnicity, an approach that views ethnicity as something constructed in the political and economic interests of ethnic group members (or certain elites within the ethnic group). While Barth himself did not explicitly argue that ethnicity was constructed for political and economic interests, and Barth's critics accused him of not adequately addressing the possible social functions of ethnic groups,[12] by showing that ethnicity was highly contextual, his approach set up a perspective through which other theorists of ethnicity could assert that group boundaries are organized in the interests of power.

The social constructionist perspective has certainly left its mark on anthropology, sociology, and biblical scholarship. The consequence of social constructionism has been that the definition of ethnicity has become so broad that the term does not have much explanatory power. Richard H. Thompson's definition of "ethnic behaviors," which he describes as "those human behaviors that are, at a minimum based on cultural or physical

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[11] Barth, "Introduction," 14.

[12] See Cohen's critique of Barth's view in which he argues that Barth sees ethnicity as an "innate predisposition" which "has existence on its own, separate from any social 'content'" (*Urban Ethnicity*, xi-xv).

criteria in a social context in which these criteria are relevant,"[13] nicely captures the

impact of social constructionism on theories of ethnicity. Thompson's definition of

ethnic behavior as human behavior that is relevant in a social context strikes me as

extraordinarily vague. It seems as though Thompson's description of "ethnic behaviors"

boils down to the observation that the social construction of ethnicity is socially

constructed—which does not explain much at all. Miller's summary of theoretical views

on ethnicity in biblical scholarship also shows that definitions of ethnicity suffer from an

unhelpful broadness. According to Miller, there are several recurring themes in biblical

scholarship on ethnicity:

1. Ethnicity is a social activity.
2. Ethnicity is a changing, socially constructed phenomenon.
3. Ethnic solidarity is situational.
4. The boundary-defining process of ethnic group formation takes place on aggregative and oppositional levels: aggregative: within the group there are debates about identity construction; oppositional: in relation to those outside the group.
5. Ethnic boundaries are permeable.[14]

All of these ideas basically communicate that ethnicity is a fluid social construct, and

these ideas can also describe any kind of group construction. Is not the formation of

every kind of group "social," "situational," "permeable" and based on debates about who

is "in" and "out"? Ethnic groups may indeed be a social construction but the way they

have been thought of as a social construction has, as Miller points out, led to a tendency

for scholars to conflate ethnicity with "groupness" of any kind.

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[13] Thompson, *Theories of Ethnicity*, 11.
[14] Miller, "Ethnicity and the Hebrew Bible," 172-73.

Despite the obstacles that the social constructionist perspective has set up for defining ethnicity concretely, some biblical scholars have been willing to propose clear criteria that distinguish ethnicity from other kinds of group constructions. Many contend that a belief that group members share a common ancestry is a critical component of ethnicity. Kenton L. Sparks argues that ethnicity is primarily based on "natural affiliations of kinship beyond the immediate family."[15] Miller concurs, asserting that "it is shared ancestry, however fictive, that distinguishes an ethnic group from racial, religious, national, cultural, or other forms of social collectivities."[16] Markus Zehnder also agrees that a "common myth of descent" is a "constitutive component of ethnic consciousness."[17] With respect to my own definition of ethnicity, I concur with these interpreters that common ancestry is a crucial component of ethnicity. Nevertheless, making common descent the *only* thing that distinguishes ethnicity from other groups runs into a problem when it becomes necessary to distinguish "ethnic groups" from other kinds of "kinship beyond the immediate family." For example, are extended kinship groups such as *clans* and *bands* examples of ethnic groups? Are rivalries between large family groups such as the Hatfields and McCoys or Montagues and Capulets examples of "ethnic group" rivalries? More relevant to biblical studies, are the conflicts between priestly families in the Hebrew Bible, such as the antagonism between the descendants of Korah and the descendants of Aaron (Num 16:1-17:5 [ET 16:1-40]), both of whom trace their lineage to the common ancestor Levi, ethnic conflicts?

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[15] Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and Their Expression in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 1998), 329.

[16] Miller, "Ethnicity," 175.

[17] "Konstitutiver Bestandteil des ethnischen Bewusstseins ist die Berufung auf eine gemeinsame Herkunft bzw. das Vorhandensein eines 'common myth of descent.'" (Markus Zehnder, *Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des 'Fremden' im Licht antiker Quellen* [Stuttgart: Kohlhammer, 2005], 27). My translation.

Another problem with asserting that only a belief that group members share a common ancestry distinguishes ethnic groups from other groupings is that, as Cohen points out, "often exclusive groupings like status, 'class,' religious or ethnic groups maintain the claim of being descendants from the same ancestors…"[18] Assuming Cohen is correct, if common ancestry is the only basis by which one should distinguish ethnic groups from other group formations, one must have a very broad view of what constitutes an ethnic group. This broad view of ethnicity would have to concede that class, status, and religious identity could also serve as ethnic identities.[19] In fact, Cohen's study promotes the idea that stockbrokers in the city of London exhibit traits of "ethnicity." Because they are recruited from the same schools, speak the same "language," practice similar customs (e.g., wearing top hats as a marker), stockbrokers are "as distinct from British society as are the Hawsa within Yoruba society" and are "as 'ethnic' as any ethnic group can be."[20] And so, the "common ancestry" criterion does not necessarily distinguish ethnic groups from other group formations, and does not completely solve the problem of ethnicity as an overly broad concept in the humanities.

"The Other"

Adding to the problem of the extremely broad conceptualization of ethnicity has been the propensity for scholars to speak of ethnicity as a way of constructing "the Other." Lori Rowlett, in her exploration of "insiders" and "outsiders" in the book of

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[18] Abner Cohen, *Two-Dimensional Man: An Essay on the Anthropology of Power and Symbolism in Complex Society* (Berkeley, Calif.: University of California Press, 1976), 71.

[19] In some contexts, of course, religious identity can be an important marker of ethnic identity (e.g., Northern Ireland, Pakistan/India, the supposed "Christian" West versus the supposed "Muslim" Middle East, etc.).

[20] Cohen, *Urban Ethnicity*, xxi.

Joshua writes, "Times of turmoil tend to produce narratives of identity, requiring a set of axiomatic principles, usually unspoken, but inscribed in the text, which differentiate between 'us' and 'them' (the Other). The conquest narrative of the book of Joshua is such a narrative of identity."[21] Similarly, Zehnder notes that "from an anthropological and sociological perspective, 'otherness' and 'alienness' represent an inextricable pull on human existence. The opposition, 'I'/'We' – 'Other'/'Alien' 'is a common feature of social discourse.' The designation of the Other in general and also the alien is always the essential opposite to the designation of one's own identity, both on the individual as well as the collective levels."[22] As I will show, in typical humanistic scholarship, the Other and related concepts such as "us and them" or, alternatively, "we and they" have come to simply mean "stuff-that-is-different." But using such a general, unspecific concept to explain "ethnicity" does not help make the concept of ethnicity any more concrete; it just fuses ethnicity, a term in desperate need of clarification, with the Other, another concept in desperate need of clarification.

Jonathan Z. Smith attempts to theorize the meaning of the Other in an article in which he discusses the "western tradition of 'the other'" and "basic models of the other." But Smith ends up confirming the broadness of the concept when he writes that "the most basic sense of the 'other' is generated by the opposition IN/OUT. That is to say, a preoccupation with boundary, with limit (in the primary sense of threshold) seems

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[21] Lori Rowlett, "Inclusion, Exclusion and Marginality in the Book of Joshua," *JSOT* 55 (1992): 15.
[22] "Auch aus anthropologischer und soziologischer Sicht bilden 'Andersheit' und 'Fremdheit' einen unaufhebbaren Zug menschlicher Existenz. Die Gegenüberstellung 'Ich'/'Wir' – 'Andere'/'Fremde' 'is a common feature of social discourse.' Die Bestimmung des 'Anderen' im Allgemeinen und damit auch des 'Fremden' ist stets die notwendige Kehrseite der Bestimmung der eigenen Identität, sowohl auf der individuellen wie auch auf der kollektiven Ebene" (Zehnder, *Umgang mit Fremden*, 19). My translation.

fundamental to our construction of ourselves with others."[23] Smith is uncomfortable with

the use of the "other," not because it is too broad, but because it is dualistic, absolute and

"always invites misunderstandings, suggesting, as it does, an ontological cleavage rather

than an anthropological distinction."[24] Smith prefers the language of "difference"

because "difference" demonstrates that there is a reciprocal relationship between

sameness and difference. Sameness builds off of differentiation and vice-versa, and what

might be considered different in one context might be considered the same from another

perspective. "Difference," as Smith understands it, is a "mode of both culturally

encoding and decoding, of relativizing internal as well as external distinctions."[25] To use

an example from the Hebrew Bible, the differences between Israelites and other

Canaanites from the vantage point of modern interpreters is small. Available

archaeological evidence indicates that the Israelites arose indigenously in the Levant,

practiced religion in a way typical of Levantine peoples, and that the Hebrew language

itself is a "Canaanite" dialect. Israelite culture is a *variation of* Canaanite culture. From

the perspective of many biblical writers, however, there was an immense difference

between Canaanites and Israelites. For example, Gen 9:18-27 asserts that Canaanites

descended from a different ancestor than did Israelites. While Canaanites descended

from Ham, one of the sons of Noah, Israelites descended from Shem, another one of

Noah's sons. Other biblical texts that make sharp distinctions between Canaanites and

Israelites include Lev 18:3 and Deut 7:1-6—both texts that I will discuss in subsequent

chapters.

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[23] Jonathan Z. Smith, "Differential Equations: On Constructing the Other" in idem, *Relating Religion: Essays in the Study of Religion* (Chicago: University of Chicago Press, 1999), 230.
[24] Smith, "Differential Equations," 241.
[25] Smith, "Differential Equations," 245.

Smith's accentuation of "difference" or "otherness" (and Smith uses both interchangeably, despite his reservations about the latter term) dovetails with the tendency among anthropologists and sociologists to conflate ethnicity with other group formations. Anthropologists and sociologists tend to talk about ethnicity as behaviors or traits that achieve significance in particular social contexts in which those behaviors or traits become relevant. But as Smith demonstrates, *all* "differences" or constructions of "otherness" are based on making behaviors or traits important in contexts in which those behaviors and traits are important. Like anthropological and sociological discussions of ethnicity, "difference" and "otherness" are concepts that can encompass a wide variety of group constructions, and that do not provide a satisfactory specificity to distinguish certain kinds of group constructions from others.

Though the concept of the Other is fairly common in humanistic scholarship, scholars are often unclear about what kind of work they expect the concept of the Other to do in their analysis of so-called Others. Aram Yengoyan notes that in anthropology, the Other is extremely abstract, with "no historical anchors, no cultural contexts, and perhaps no existence as a self. The Other is always there, a free-floating entity/category continuously invoked."[26] Sinologist Paul W. Kroll used his speech at the Plenary Session of the American Oriental Society's Sesquicentennial Anniversary meeting to fulminate against the obsession with "self and other" in the humanities:

> Of course, every text, indeed every thing, to each of us, is—in the manner
> of Prof. Hartog—something other. But where, we may ask, does this get
> us, apart from manufacturing obfuscation out of the obvious and fostering
> the juvenile illusion that, merely because we have learned to say we've

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[26] Aram A. Yengoyan, "Comparison and Its Discontents" in *Modes of Comparison* (ed. Aram A. Yengoyan; Ann Arbor, Mich.: University of Michigan Press, 2006), 151.

'engaged in discourse with a circular disk arranged so as to revolve on an axis,' we have ourselves invented the wheel and for that merit kudos and a chaired professorship (probably at Duke, no doubt!).[27]

Though I disagree with his tone, Kroll does have a point in that humanistic scholars have been too imprecise with their use of the Other. The Other does quite a bit of work for a number of philosophers and it would help immensely if humanistic scholars would clarify what they mean when they refer to the Other.[28] The only biblical scholar I have encountered who gives some attention to the philosophical roots of the Other is Zehnder who briefly notes that Hegel distinguishes a self-consciousness that is a consciousness of a subjective self with respect to objects in the world against a self-consciousness that is conscious of itself *as an object of other subjects*.[29] "Others" as in other consciousnesses play a crucial role in Hegel's dialectic of Recognition in which the self struggles with other selves for mutual recognition. For Hegel, genuine self-consciousness takes place only when self-consciousness is not conditioned on power relations (one self subordinating another self). The basic idea that recognition of "others" is somehow fundamental to the formation of the "I" is a notion that runs through many philosophical traditions, especially within phenomenology.

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[27] Paul W. Kroll, "Us and Them," *JAOS* 113 (1993): 457-460, 458.

[28] One scholar who at least mentions the philosophical assumptions underlying his use of the "Other" is Richard Jenkins ("Rethinking Ethnicity," *Ethnic and Racial Studies* 17 [1994]: 203-206).

[29] Zehnder, *Umgang mit Fremden,* 17-19. Hegel writes, "Self-consciousness is, to begin with, simple being-for self, self-equal through the exclusion from itself of everything else. For it, its essence and absolute object is; and in this immediacy, or in this [mere] being, of its being-for-self, it is an *individual.* What is 'other' for it is an unessential, negatively characterized object. But the 'other' is also a self-consciousness; one individual is confronted by another individual" (*Phenomenology of Spirit*, tr. A.V. Miller; Oxford: Oxford University Press, 1977, §186). See also Francis Berenson's characterization of Hegel's view: "the Other Self is the only adequate mirror of my own self-conscious self; the subject can only see itself when what it sees is another self-consciousness" ("Hegel on Others and the Self," *Philosophy* 57 [1982]: 77).

In many instances, when humanistic scholars discuss ethnicity they refer to the idea that the Other is fundamentally constitutive of the "I," as Zehnder notes above. The idea that the Other is constitutive of the "I" is then extended to groups so that the opposition "self"/"other" is extended to "we"/"they" or, more colloquially, "us"/"them." The problem with this kind of general use of the Other is that the precise role that the Other plays in phenomenological descriptions of the constitution of the self varies depending on whom one chooses to read: compare the work that "others" do for Hegel's subject with the work that the self-as-other does for Jacques Lacan's "mirror stage" in which the self turns the self into an "other" (the *petit autre*).[30] Most biblical scholars and indeed most humanists refer to this mysterious Other without commenting at all on its rich philosophical history, and without commenting on how the term helps understand the particular "others" they discuss. If "the other" is somehow crucial to the formation of the "I," how does this insight illuminate a discussion of particular so-called "others" (e.g. women, ethnic groups, marginalized religious groups, sexual minorities, etc.), except to relativize it as a facet of basic human experience? Furthermore, how do scholars even know that the perception of other groups is fundamentally related to the relationship between an individual subject and other individuals, except for an often-unacknowledged dependence on phenomenological ontology that pervades humanistic studies?

More important—and this will become a refrain for me when critiquing overly broad conceptualizations of ethnicity—it seems as though the only appropriate response to subsuming "ethnicity" to the broad concept of "otherness" is to simply use vocabulary of "difference" and "otherness" emic to the socio-cultural structures being studied and

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[30] See, for example, Jacques Lacan, "The Mirror Stage as the Formulative Function of the *I* As Revealed in Psychoanalytic Experience," in idem, *Écrits: A Selection* (tr. Alan Sheridan; London: Routledge, 2001), 1-6.

eschew terms such as "race" and "ethnicity" altogether. Of course, a careful analysis of

emic categories of "difference" is essential for assessing how such concepts operated

specifically in a particular social context. However, if one wanted to draw more

diachronic or broader sociological conclusions, one would have to introduce etic

categories of analysis. For my own assessment of biblical and Mesopotamian texts,

"ethnicity" serves as a convenient etic term that explains and clarifies the kind of

sociological (and psychological) work emic terms (such as *nokrî/ben-nēkār*, *zār*, and

KÚR) are doing in these ancient texts.

The Interpretative Other

I also believe that the frequent reference to the Other in humanistic scholarship is

an unreflective, largely unconscious allusion to philosophical ideas shared by scholars in

the humanities. When it comes to the humanities, the tradition of philosophical

hermeneutics—that is, continental Europe's philosophical tradition of thinking about how

people interpret the world around them, and especially how people interpret texts and

other forms of human communication—has been both deeply influential and highly

controversial. The beginnings of philosophical hermeneutics are typically traced to

Friedrich Schleiermacher (1768-1834), the Protestant theologian who is credited with

developing a general theory of hermeneutics.[31] For Schleiermacher, the Other is the

mind of the *author* of a text or other form of human communication that an interpreter

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[31] Though, as Jean Grondin points out, the development of a "general theory of hermeneutics," began in the sixteenth century with Johann Dannhauer (1603-1666), Georg Friedrich Meier (1718-1777) and Johann Martin Chaldenius (1710-1759) (*Introduction to Philosophical Hermeneutics* [New Haven, Conn.: Yale University Press, 1994], 4). Schleiermacher also seems to have been influenced by the contemporary hermeneutic theories of Friedrich Ast (1778-1841) and Friedrich Schlegel (1772-1829) (ibid., 65-66).

seeks to understand.[32] His hermeneutic method sought to develop a theory and practice

through which interpreters could both explain the difference between the author and

interpreter and develop rules for interpreting texts. In his earlier writings, Wilhelm

Dilthey (1833-1911), who was a biographer of Schleiermacher, coined the term "human

sciences" or "humanities" (*Geisteswissenschaft*). Dilthey also saw the human sciences as

a matter of developing a theory and method through which an interpreter could

understand another individual mind: "Action everywhere presupposes our understanding

of other people; much of our happiness as human beings derives from re-experiencing of

alien states of mind; the entire science of philology and history is based on the

assumption that such recomprehension of individual existence can be raised to objective

validity."[33]

Taking Schleiermacher and Dilthey as starting points, the distance between the

interpreter and the *interpretative other* (my term), as in another mind that has produced a

form of human communication, is the foundation of theory in the humanities. Couched

within the idea of the interpretative other is the assumption that humanistic objects of

study (texts and other forms of human communication) represent the products of *other*

human minds that we can *understand*. The alienness of humanistic objects of study has

been greatly exaggerated, thanks largely to the influence of strong social constructionism

in the Academy. Despite the exaggeration, and perhaps even fetishization of alienness,

the alienness of humanistic objects of study is nevertheless central to theorizing about

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[32] "Even in everyday life if, in a case where the language is completely the same and completely
transparent, I hear the utterance of another and set myself the task of understanding it, I posit a
difference between him and myself…The task is to go more precisely into the nature of and the reasons
for the differences between the speaker and the one who understands. This is difficult" (Friedrich
Schleiermacher, *Hermeneutics and Criticism and Other Writings* [tr. and ed. Andrew Bowie;
Cambridge: Cambridge University Press, 1998], 101).

[33] Wilhelm Dilthey, "The Rise of Hermeneutics" in *The Hermeneutic Tradition* (eds. Gayle L. Ormiston
and Alan D. Schrift; Albany, N.Y.: SUNY Press, 1990), 101.

methods and practices in humanistic scholarship. The nature of the distance between text and interpreter and how an interpreter can bridge the distance is, of course, a matter of debate. Schleiermacher believed that an interpreter was much more inclined to misunderstand texts and other products of human communication. As a result, Schleiermacher developed rules and guidelines that would help an interpreter find the true *authorial intent* of a piece of human communication.[34] Later hermeneutic thinkers, such as Hans-Georg Gadamer, argued that understanding and agreement between the author and interpreter were more central to the interpretative process.[35]

Unfortunately, the concept of the Other has not become a starting point for *careful theorizing about methods and practices in the humanities*. On the contrary, the frequent, unreflective use of the Other in humanistic studies has rendered the Other largely meaningless jargon—a reflexive wink and nod to the tradition of philosophical hermeneutics in which the concept of the humanities was born. The term has become a buzzword showing that a piece of humanistic scholarship should be taken seriously as a piece of humanistic scholarship because it engages the Other. There seems to be an intuitive sense that the Other is important to humanistic scholarship, and so the term legitimizes the scholarship, even if the scholar cannot say why the concept of the Other is

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[34] Schleiermacher's methods assume that "misunderstanding results as a matter of course and that understanding must be desired and sought at every point" (*Hermeneutics and Criticism*, 22 §16). The goal of Scheiermacher's hermeneutics was to discern the "inner thought" or "intent" of the author: "the task is to understand the sense of an utterance from out of the language. Laws of the language and the content of their parts must be given. What is being thought is the same thing as the inner thought which the utterer wanted to express" (ibid, 233 §2). This may be a reflection of the influence of Romanticism and its stress on the "genius" of great men of the past. Ultimately, however, what Schleiermacher wants to find is the "idea" that was communicated by the utterance of the author, who may not even be fully cognizant of the "intent" of his or her utterance. As Schleiermacher famously said, the goal of a good interpreter should be to "understand the author better than he does himself, for in him much of this kind is unconscious that must become conscious in us..." (ibid., 33 §1,5). While I reject Schleiermacher's apparent goal of discerning the inner thought of authors, I appreciate his methodological approach to interpretation and use it as a starting point for my own approach.

[35] Hans-Georg Gadamer, *Truth and Method* (tr. Joel Weinsheimer and Donald G. Marshall; London: Continuum, 2004 [1975]), 341-63.

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so important, nor describe how the concept of the Other will guide his or her approach and methodology. Because the Other has become humanistic jargon, I will avoid using the word in this project. I am, however, interested in grounding my own approach to the study of ethnicity in the Hebrew Bible and Mesopotamian literature in the philosophical tradition of the humanities. I will talk about the problem of understanding ethnicity in the Hebrew Bible and Mesopotamian literature as a problem of understanding biblical and Mesopotamian texts as *products of other human minds* written in very different cultures in very different time periods, not as a problem of "engaging the Other." In theorizing how I will bridge this gap, I take my cue from Schleiermacher who proposed, in my view, a method for interpreting ancient texts that has profound relevance for biblical scholarship today. Schleiermacher assumed that misunderstanding is more likely to take place when interpreting communication and that understanding must be consciously sought via sound methodology. I adopt the *principles* of Schleiermacher's methodological approach, which involved a dialectical relationship between grammatical (modern biblical scholars would probably say "philological") and psychological interpretation as well as a dialectical relationship between history and the natural sciences to guide my own approach to the ancient materials I engage.

Schleiermacher and his later biographer, Dilthey, emphasized that interpretation should be done through sound methodology, but philosophical hermeneutics would shift away from an emphasis on methodology with the "phenomenological turn." Influenced by Edmund Husserl and Martin Heidegger, what is known as philosophical hermeneutics began to express skepticism (often extremely so) about the idea that methodology would bring about "objective" truth. While the phenomenological turn may have had its uses in

that it forced scholars to become more aware of their historical location and not put all of

their eggs in an objectivist basket, I believe that biblical scholarship and the humanities in

general would benefit from revisiting more "traditional" hermeneutics—that is, a

hermeneutics that stresses methodology.

Back to the Future: Schleiermacher and the Art of Interpretation

Schleiermacher's approach to interpretation can be summed up in the idea that an

interpreter of a text must think of an author as a person with his or her own style,

embedded in a particular time period, in a particular cultural location, and with a

particular psychological makeup. Schleiermacher's method seeks to tease out and make

apparent these different facets of an author:

> Now as hermeneutics is supposed to lead to the understanding of the
> thought content, but the thought content is only real via language,
> hermeneutics depends on grammar as the knowledge of language…Every
> utterance can, further, only be understood via the knowledge of the whole
> of the historical life to which it belongs, or via the history, which is
> relevant for it…But language also has a natural side; the differences of the
> human spirit[36] are also determined by the physical aspect of humankind
> and by the planet. And so, hermeneutics is not just rooted in ethics but
> also in physics. Ethics and physics lead, however, back again to dialectic,
> as science of the unity of knowledge.[37]

For Schleiermacher, good interpretation depends on a relationship between grammatical

and psychological explication. On the one hand, an interpreter needs knowledge of

"grammar," as in "the knowledge of language as [the author] possessed it" and the

author's "vocabulary." An interpreter also needs knowledge of the "historical life" of the

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[36] German: *Geist*, perhaps better understood as the "mind." I take Schleiermacher to be referring to the
    different expressions of the human mind ("thought content") that take place in an act of communication.
[37] Schleiermacher, *Hermeneutics and Criticism*, 8 § 4.3

author, as in "knowledge of his inner and outer life" and "[his] character and [his] circumstances."[38]   Of course, an interpreter does not have complete information about any of these things, which is why Schleiermacher points out that the task of hermeneutics is "infinite" and its findings will always be an "approximation."[39] The most forward-looking part of Schleiermacher's hermeneutical method is the place he gives to the natural sciences. Schleiermacher seems to argue that to understand language, one must have an understanding of the "physical side" of humanity and of nature because language is grounded in these things as well. In the end, good hermeneutics is rooted in a dialectical relationship between "physics" (Schleiermacher's word for science) and "ethics" (history).[40]

I believe that Schleiermacher's methodology may be an appropriate starting point for biblical scholarship and other fields that interpret ancient texts (e.g. Classics, Assyriology), but I also acknowledge that his method may not necessarily be an appropriate starting point for all fields in the humanities. His method seems especially good for the interpretation of ancient texts because ancient texts lend themselves to misapprehension due to the fact that they were written in cultures and time periods vastly different from our own.[41] In addition, because Schleiermacher and other important thinkers in the "hermeneutic" tradition, such as Gadamer, studied ancient Greek texts and made the problems posed by ancient texts normative for their theories of hermeneutics, I

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[38] Schleiermacher, *Hermeneutics and Criticism*, 24 §19.1-2.
[39] Schleiermacher, *Hermeneutics and Criticism*, 96, 235.
[40] See Bowie's "Introduction" in Schleiermacher, *Hermeneutics and Criticism*, xx-xxi.
[41] Some believe that Dilthey expanded Schleiermacher's hermeneutics by making it normative for the humanities. Andrew C. Dole contends that Dilthey's understanding of the humanities (*Geisteswissenschaft*) was a "drastic expansion of the range of that science in relation to Schleiermacher's understanding" (*Schleiermacher on Religion and the Natural Order* [New York: Oxford University Press, 2010], 28).

believe the hermeneutic tradition is a good place to ground my own principles of interpretation.

The Use of Cognitive Science and Social Psychology

As the thoughts of Schleiermacher and Dilthey quoted above show, humanistic study assumes that humans in all times and all places share a basic mental structure that makes ancient texts, and indeed any form of communication produced by other human minds, comprehensible. I also believe this is why biblical scholars recognize something like "race" or "ethnicity" when looking at descriptions of foreigners in the Hebrew Bible or other ancient texts. There is indeed *something* that resonates with modern interpreters when they read depictions of the Canaanites or the non-Judeans in Ezra-Nehemiah. Cognitive science and social psychology help us both to describe and assess what that "*something*" might be. Humanistic scholars have tended to rely almost exclusively on phenomenology or psychoanalysis for their understanding of human minds and human consciousness (if they bother to state their assumptions at all). Zehnder agrees that ethnicity is a universal human phenomenon that is intelligible to modern readers because people share basic physiological and psychological conditions that enable some basic communication between cultures. But Zehnder does not discuss why he believes this nor does he specify what kind of physiological and psychological conditions human beings share.[42] In an era in which strong social constructionism still has such a powerful grip on the humanities (especially in the study of ethnicity), broad assertions about inherent human traits would be met with extreme skepticism. Consequently, simply assuming,

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[42] Zehnder, *Umgang mit Fremden*, 19.

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without discussion, that humans share the same cognitive structures does not seem adequate.

Schleiermacher suggested that a psychological assessment of the author of a text is essential for interpretation, and while I reject the idea that the "inner thought" or "intent" of the author should be the end of interpretation, I do believe that appreciating the author as a human being with human psychology is an important part of the interpretation of texts. When I look at the "psychological" side of a text, I employ a kind of psychology based on scientific, empirical methodology as opposed to psychoanalysis. Again, appealing to Schleiermacher, "hermeneutics is not just rooted in ethics [the study of history] but also in physics [science]." Part of understanding the world in which the authors wrote these texts involves appreciating the "natural side" to language as well as appreciating authors of texts as *physical* human beings. Taking Schleiermacher's idea that hermeneutics is ultimately about a dialectical relationship between natural science and the humanities, I make social psychology and cognitive science *conversation partners* in interpretation that can dialogue with the hermeneutical methods that have developed in biblical scholarship (philology, genre criticism, historical methodology, etc.). However—and I must emphasize this—psychology cannot *define the questions* that biblical scholars ask of the text nor can it be *normative* for the development of methodology in biblical exegesis. The danger of making social psychology or cognitive science normative for biblical studies is that scholars may begin to warp the text so that it fits with a particular cognitive or social psychological theory. The problem of warping a text so that it fits a preconceived theory has already manifested itself with respect to sociological theory and the interpretation of the Hebrew Bible. Furthermore, making

cognitive science and social psychology normative for the development of methodology in the field is dangerous because there is a great deal of dissent and debate within cognitive and social psychology. Making one's theoretical approach dependent on a particular view of the brain or human evolution (e.g., modularity or a particular adaptationist model[43]) can unnecessarily enmesh a scholar's work in a debatable and hotly contested viewpoint. Furthermore, as non-specialists in cognitive science and social psychology, most humanists are hardly in a position to wade too deeply into these ongoing debates in the sciences before finding themselves in over their head. My own approach seeks to find useful terminology and concepts that have been discovered through experimentation that can help theoretically clarify ideas about the study of ethnicity in the ancient world.

Schleiermacher rightly referred to interpretation as an *art* because knowing when to use cognitive science and social psychology and when one has relied on them too much will be a matter of finesse, and is in some ways subjective. The use of cognitive science will not always lead to better readings, nor is a "cognitive perspective" necessary for every investigation of ancient texts. When it comes to the study of ethnicity in the ancient world, however, I believe that the theorizing has reached an impasse that requires some dialogue with psychology and cognitive science. For my own research on ethnicity, I employ cognitive science and social psychology to do the following:

1. Provide more precise vocabulary and concepts for understanding ethnicity and the construction of groups. Instead of using unsatisfying, general concepts such as

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[43] See "Excursus: Adaptationism, Cognitive Science and Group Perception," where I address theorists who attempt to explain cognitive structures based on hypotheses about what early hominids might have been doing in the Pleistocene period or so-called "environment of evolutionary adaptation" (EEA).

"the Other," the language of "group perception" enables me to talk more substantially about foreignness and ethnicity.

2. Propose some concrete ideas about what mental structures human beings share. Many discuss the "primordial" attachments that people have, but in many instances these "primordial" urges are left unexplained, except as an outgrowth of kinship. The literature of social psychology and cognitive science can provide more precise terminology for these supposedly primordial urges: human beings "essentialize" people, they see aggregates of people as "entitative," they "naturalize" people, etc. As I will show in Chapter One, cognitive science and social psychology are mutually reinforcing fields and share terminology but their foci differ. Whereas cognitive science theorizes the cognitive structures of the brain, social psychology is more focused on how these cognitive structures and operate in social settings.

The alternative to using the vocabulary and framework of cognitive science and social psychology seems to be the status quo: the use of the vague, broad language of "the Other" and the mystifying vocabulary of "primordial" attachments. The careful use of psychology and cognitive science seems preferable to a status quo that presents foreignness and ethnicity as another context-dependent, socially constructed variation of conceptualizations of alterity—but that, at the same time, continues to use the word "ethnicity" or "race." Furthermore, the scholarly practice of biblical studies assumes that contemporary peoples share enough similarity with ancient peoples to understand them. If this is true, it seems better to talk more substantially about why communication

produced by ancient peoples is comprehensible to modern peoples, instead of simply assuming that it takes place with little theoretical discussion.

Organization of the Project

Chapter One will further develop some of the ideas I laid out in this Introduction. I will discuss three theories about human mental processes that developed in the fields of cognitive science and social psychology: categorization, essentialism and entitativity. I describe how these theories can enhance the study of ethnicity by both showing how ethnicity is *like* other group constructions and how ethnicity is unlike other group constructions. I also further develop my idea that ethnic group members are thought to share common ancestry and common territorial origins. Finally, I show how the theories of social psychology and cognitive science can enhance an analysis of "ethnic foreignness" in the ancient world, specifically in the Hebrew Bible.

Having established that common ancestry and common territorial origins are central to ethnic group constructions, I delve into the ancient material. Chapter Two deals with Mesopotamian caricatures of foreigners, particularly peoples from the mountain ranges of Mesopotamia, such as the Gutians, who are described in highly polemical and negative ways. I focus on descriptions of foreigners that appear in tales and legends about Mesopotamian kings, especially the kings of ancient Akkad (circa 2334-2193 BCE), about whom an extensive and highly influential lore developed. These texts were selected not because they are contemporary with the texts of the Bible (most are much older), but because of their thematic material. These legends were influential for different Mesopotamian societies' reconstruction of the past and many later

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Mesopotamian kings looked to the kings of Akkad as well as other legendary kings as models of kingship or as propaganda tools. Like biblical texts, these legends reconstruct the past through a moral lens. They also seem especially interested in using the exploits of the kings of the past as lessons about proper kingship and leadership. In my assessment of these texts I pay close attention to the vocabulary used to describe foreigners and stay on the lookout for terminology that might demonstrate that the writers believe that the foreigners share common ancestry and common territorial origins. I also look at the commonly recurring stereotypes that writers in Mesopotamia seem to use to characterize foreigners.

Chapter Three looks at the Deuteronomistic History (Deuteronomy – 2 Kings) in the Hebrew Bible. In this chapter, I also pay attention to terminology that may show that biblical writers may have seen the foreigners they describe as "ethnic foreigners" because they shared common descent and common ancestry. In addition, I assess narratives that may demonstrate that the writers thought of the foreigners they describe as members of discrete ethnic groups. Biblical tales about eponymous ancestors and primordial divisions of the world into different "peoples" and "nations" play a particularly prominent role in my assessment. The chapter, however, revolves around the recurring stereotypes and polemical descriptions of foreigners that appear in the Deuteronomistic History. I contend that the writers of the Deuteronomistic History focused on the inferiority of other ethnic groups with respect to religious practices. For the Deuteronomistic History, religion defined ancient Israel's cultural superiority over other nations and peoples and so the portrayal of cult practices was part of the rhetoric of ethnocentrism and cultural superiority that underlies the polemics against foreigners.

Chapter Four deals with the Holiness Source's characterization of foreigners, with a special focus on the "Holiness Code" (Leviticus 17-26). Like Chapters Two and Three, Chapter Four assesses the Holiness Source's terminology for foreigners to ascertain whether common ancestry and common territorial origins are important themes in its depictions of foreigners. I argue that the stereotypes of foreigners deployed by the author(s) of the Holiness Source revolve around the social misbehavior of the former inhabitants of the land of Canaan, which contrasts with the focus on religious practices in the polemics against foreigners in Deuteronomy and the Deuteronomistic History. In the Holiness Source, the people who previously inhabited the land of Canaan are characterized by extreme sexual deviancy and social injustice that includes incest, bestiality and child sacrifice. I further argue that the Holiness Source's portrayal of the former inhabitants of the land of Canaan is a variation on a theme found in the Patriarchal Narratives of Genesis that portrays the Canaanites as sexual deviants who commit acts of sexual violence and humiliation.

Chapter One

Birds of a Feather: Defining Ethnic Foreignness

Group Perception

The tendency among anthropologists, sociologists and other scholars in the humanities and social sciences has been to avoid proposing clear criteria that would define "ethnicity." For many, "ethnicity" is a fluid social construction the salience of which depends on specific, social contexts. In fact, a number of scholars believe that "ethnicity" is not even an appropriate term to use for societies that existed before the eighteenth century, while others wish to do away with the concept of "ethnicity" altogether.[1] By contrast, I argue that ethnicity can be defined as a particular form of *group construction* employed by people throughout history and in a variety of social contexts that involves categorizing people according to their common heredity and their common territorial origins.

To support the view that ethnicity is a particular kind of group construction, I will first need to talk about the idea of *group perception*—that is, how people think about groups of people and the mental processes that go into thinking about groups. There is a great deal of literature in social psychology and cognitive science about group perception based in experimental research and I will be reviewing some of that literature here. Experiments in cognitive science and social psychology tend to show that all forms of group perception share similar traits, which makes distinguishing between different kinds of group perception difficult. But before delving into group perception from a

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[1] Abner Cohen, *Urban Ethnicity* (New York: Harper and Row, 1974), xxi. Cohen argues that the term "ethnic group" is primarily social and political, not sociological. However, he begrudgingly admits that we may have to "live with" the term.

psychological standpoint, I should point out that I do not wish to overly psychologize the phenomenon of ethnicity or group formation. It is important to remember that ethnic group perception is something that people do while embedded within various social systems that give ethnic group designations real power to constrain social action both on an individual and collective level, something that has real impact on a person's life choices.[2] While scholars, such as Rogers Brubaker and his colleagues[3], argue that ethnic groups do not really exist "out there" in the world, one must always keep in mind that social structures authorize and enact ethnic group perceptions and people make real decisions based on the constraints these social structures impose.[4] In order to take into account both the cognitive structures that may lie behind ethnic group perception as well as the lived experience of ethnic concepts, I will use the following terminology:

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[2] One of the ways of imagining how the organization of "groups" might work in concrete social situations has been provided by Ann Swidler, who argues that cultural symbols (of which representations of certain "groups" would be one) are instantiated in what she calls "strategies of action." "Strategies of action" are "persistent ways of organizing action through time" which can be oriented towards any variety of life goals (possibly an infinite number). Swidler points to the curious fact that "strategies of action" can persist through time even when the putative values and ends of a particular action have changed. As a result, Swidler is not concerned with culturally inscribed "values" or "ends" but argues that people "construct chains of action beginning with at least some prefabricated links. Culture influences action through the shape and organization of those links, not by determining the ends to which they are put." In other words, cultural symbols do not implant "values" and "ends" in the heads of agents towards which these agents orient their action. Rather, "publicly available meanings facilitate certain patterns of action, making them readily available, while discouraging others." Obviously, publicly available meanings would not be the only relevant meanings, but publicly available meanings can "facilitate" certain strategies and make other strategies more difficult. See Ann Swidler, "Culture in Action: Symbols and Strategies," *American Sociological Review* 51 (1986): 273-86, 277.

[3] Rogers Brubaker, Mara Loveman and Peter Stamatov, "Ethnicity as Cognition," *Theory and Society* 33 (2004): 31-32; Brubaker, "Ethnicity, Race and Nationalism," *Annual Review of Sociology* 35 (2009): 28; Brubaker, "Ethnicity without Groups" in *The Ethnicity Reader: Nationalism, Multiculturalism and Migration* (ed. Montserrat Guibernau and John Rex; Cambridge: Policy Press, 2010), 36. See Introduction, n. 5.

[4] As Miles Hewstone, Mark Rubin and Hazel Willis rightly state in their review article on "intergroup bias," there are real limits to how much psychological testing can explain when it comes to group conflicts. Psychological tests in a laboratory setting usually look at intergroup bias in mild forms, but do not look at extreme examples of out-group bias. But "social conflict is more complex than intergroup bias and cannot be equated with the outcome of just one psychological process" ("Intergroup Bias" *Annual Review of Psychology* 53 [2002]: 594).

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"In-group/out-group perception," "(ethnic) group perception" "(ethnic) group

"conceptualization": I use this terminology when discussing psychological theories of

group perception, or when discussing the psychological concepts that inform the

communication (as in speech or written words) of *ethnic* group perception. The words

"perception" and "conceptualization" demonstrate that I am drawing attention to the

mental content of ethnic group perception.

Ethnic groups: I use the expression "(ethnic) group" without qualifiers when discussing a

real or imaginary social context in which group perceptions have been enacted.[5] In these

contexts, the groups are "real" because the authorization and enactment of group labels

affect (or are imagined to affect) real aggregates of people. By imaginative social

contexts, I typically mean social scenarios within literary contexts. One example of an

imaginary social context comes from the Hebrew Bible. Biblical "laws" such as those

found in Deuteronomy and Leviticus may also posit imaginative social contexts in which

the laws are supposed to be enacted. Though these social scenarios are imagined, they

reflect real social contexts contemporary with the authors or they are constructed as if

they were real social contexts. To use another example from the Hebrew Bible, the

Israelite conquest of the "Canaanites" takes place in an imaginary social and political

context. On the other hand, the conquest, however fictional it may be, could feasibly take

place within the social world of ancient Israel and the events of the conquest are

presented as events that took place in a real historical past.

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[5] My view differs slightly from Brubaker and Cooper who seem to hold that "groups" only exist in a
concrete social context (e.g., institutionalized or entrenched in administrative routines, limiting access
to resources, etc.) ("Ethnicity without Groups," 12). "Groups" can exist mentally or imaginatively in an
imaginary social context as well, though I agree that one should make a distinction between the mental
conceptualization of groups and the instantiation of group perception in concrete social contexts.

"Ethnicity" and "*(ethnic) group construction"*: I use the word "ethnicity" to refer to: 1.) The act of mentally conceptualizing ethnic groups (the mental content); 2.) The act of communicating about ethnic groups through speech or text; 3.) The authorization and enactment of ethnic group perception through various socio-political contexts. All three of these are *dimensions of ethnicity* and are part of the process of *constructing* ethnic groups. When people *construct* ethnic groups, usually all three dimensions interact with one another, though ethnic group conceptualizations are not always authorized and enacted via a concrete social context. Rather, the ethnic group conceptualization remains abstract and is expressed only through texts and speech. An example of this might be an historical instance in which complicated racial taxonomies are expressed in law, but not put into practice on the ground.

To start off the discussion of group perception, let us revisit the list of trends in the study of ethnicity that was outlined by James C. Miller:

> 1. Ethnicity is a social activity.
> 2. Ethnicity is a changing, socially constructed phenomenon.
> 3. Ethnic solidarity is situational.
> 4. The boundary-defining process of ethnic group formation takes place on aggregative and oppositional levels: aggregative: within the group there are debates about identity construction; oppositional: in relation to those outside the group.
> 5. Ethnic boundaries are permeable.[6]

In the Introduction, I argued that all of these proposed traits of ethnicity could apply to any group construction, and the psychological and cognitive science literature on group

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[6] James C. Miller, "Ethnicity and the Hebrew Bible: Problems and Prospects" *Currents in Biblical Research* 6 (2008), 172-173.

perception affirms this. In 1970, Henri Tajfel performed his famous experiments on

"intergroup discrimination," and showed that dividing people up even according to

arbitrary criteria, such as a person's preference for a particular painter, could provoke

strong solidarity among group members and negative attitudes toward non-group

members.[7] When asked to allocate money (0.10 cents) between in-group and out-group

members, who were divided by preference for a particular painter and identified only by

a number, Tajfel found that his 14 and 15 year-old test subjects clearly favored their own

group over the other group. Tajfel concluded from his experiment, that "whenever we

are confronted with a situation to which some form of intergroup categorization appears

directly relevant, we are likely to act in a manner that discriminates against the out-group

and favors the in-group." Tajfel also argued that a "we"/"they" division was learned

behavior that a subject uses to impose order on the social world in which he or she lives.

The groups that Tajfel set up in his experiment seem to be just as "social," "changing,"

"situational," and even "permeable" as anything one might consider an "ethnic group."

Is there any basis, then, by which one could say that a group based on preference for a

particular painter is different from a so-called "ethnic group"?

 The reason that scholars may conflate ethnicity with other kinds of group

construction is that many group constructions share similar cognitive structures. The

three main psychological and cognitive dimensions of group perception are

categorization, entitativity, and essentialism.

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[7] Henri Tajfel, "Experiments in Intergroup Discrimination," *Scientific American* 223 (1970): 96-102, 98-99. Tajfel's experiments are referred to as "minimal group" experiments and have been replicated many times. See Michael A. Hogg, "Intergroup Relations" in *Handbook of Social Psychology* (ed. John Delmater; New York: Kluwer Academic/Plenum, 2003), 483.

Categorization

Until now, I have used the expression "group perception," but theories of *categorization* allow me to say more about the mental process of dividing people into groups. Categorization is absolutely central to group perception, and particularly ethnic group perception. Categorization is basically a way that human beings say some objects are like other objects in salient ways, and more important that these objects are alike in a way that distinguishes them from other objects that may be alike in other salient ways. When it comes to inanimate objects, "salient ways" often involve people's sensorimotor relationships to objects.[8] For example, the category "chair" involves similar sensorimotor movements (sitting) regardless of what kind of "chair" one has in mind (stool, armchair, divan, loveseat, etc.). When it comes to animals or plants, frequently recurring visual cues or correspondences between visual cues help people form categories. For example, the category "bird" reflects the observation that wings and feathers are often found together on the same creature (but not always, e.g., bats). According to most theories of categorization, some category members are thought to exemplify the category more than others. And so, as an example, a robin is usually considered a more "typical" bird than a duck.[9]

Theories of categorization that focus on visual cues and sensorimotor relationships may be convincing when referring to inanimate objects (especially tools) and animals, but when it comes to looking at how people divide other people into

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[8] Eleanor Rosch, "Principles of Categorization" in *Cognition and Categorization* (ed. Eleanor Rosch and Barbara B. Lloyd; Hillsdale, N.J.: Lawrence Erlbaum Associates, 1978), 29.

[9] There is some debate over the role that prototypes and exemplars play in the formation of categories. Prototypes are abstract criteria for category membership by which category members are judged, whereas exemplars are known instances of category members stored in memory by which category members are judged. It appears as though the debate over whether prototypical reasoning or exemplar reasoning are central in categorization has not been resolved. See discussion in Craig McGarty, *Categorization in Social Psychology* (Thousand Oaks, Calif.: SAGE, 1999), 32-39.

categories the situation is more complicated. When it comes to people, visual cues often

do not provide the kind of information that would easily facilitate the categorization of

human beings.[10] As a result, more abstract criteria informed by social context may be

used to divide human beings into categories. According to some theories of

categorization, it is more than visual cues and perception that leads to the formation of

categories; rather, people classify things based on *underlying principles*, which subjects

organize to form theories about the relationship between category members. These are

called *theory-based approaches* or *coherent knowledge structure* approaches to

categorization.[11]

So when I use the expression "group perception," I mean the process of

categorizing people with the result that group members are seen as alike in salient ways.

If my view on ethnicity is correct, ethnicity, at its root, is another *theory-based* way of

categorizing people. The theory underlying ethnic categories is the idea that the common

ancestry of a group of people and their common territorial origins makes them alike in a

salient way. The discussions on essentialism and entitativity below clarify why

categorizing people according to these criteria might be "salient".

Essentialism

More than any other concept, the idea of "essentialism" has been most central to

the cognitive and psychological theorizing of ethnicity. Essentialism is a "folk theory" or

an intuitive thought process by which people posit that outside, superficial properties are

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[10] B. Park and R. Hastie, "The Perception of Variability in Category Development: Instance- Versus Abstraction-Based Stereotypes" *Journal of Personality and Social Psychology* 53 (1987): 621-35; Gregory Murphy and Douglas L. Medin, "The Role of Theories in Conceptual Coherence" *Psychological Review* 92 (1985): 289-317; McGarty, *Categorization*, 39-40.

[11] McGarty, *Categorization*, 32-39.

caused by deeper, internal properties (i.e. essences).[12] Essentialism is one of those

"underlying principles" by which people form theories about categorization and putative

essences are a basis by which people often organize *living things* into categories.

Essentialism is often considered a theory-based way of categorizing people because a

categorizer usually posits a causal relationship between the invisible essence and the

category to which he or she placed the living thing. Myron Rothbart and Majorie Taylor,

working from Frank Keil's theory on the categories of "natural kinds" and "artifacts,"[13]

connect essentialism to the process of categorization and assess them how categories

operate in a human social context.[14] Rothbart and Taylor argue that social groups are

seen as natural kinds and that an underlying essence is more likely to be related to

category membership "when it is possible to speculate that this essence is related to

something like substance, genetic code, innate potential or molecular structure."

     According to Lawrence Hirschfeld, it is essentialism that makes the difference

between what he refers to as "racial thinking" and other forms of social categorization.

Hirschfeld argues that social categories and their requisite stereotypes have the same

basic structure irrespective of the social category (e.g., race, gender, occupation, sexual

orientation).[15] These social categories are part of the way that people attempt to divide

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[12] For a classic statement of "psychological essentialism," Douglas L. Medin and Andrew Ortony, "Psychological Essentialism" in *Similarity and Analogical Reasoning (*ed. S. Vosniadou & Andrew Ortony; New York: Cambridge University Press, 1989): 179-196.

[13] That is, the idea that there are objects that are independent of the behaviors and beliefs of humans (natural kinds) and objects that reflect human needs and desires (artifacts). See Frank C. Keil, "The Acquisition of Natural Kind and Artifact Terms" in *Conceptual Change* (ed. A. Marrar & W. Demopoulos; Norwood, N.J.: Ablex Publishing Corp, 1986): 133-53.

[14] Myron Rothbart and Majorie Taylor, "Category Labels and Social Reality: Do We View Social Categories as Natural Kinds?" in *Language, Interaction and Social Cognition* (ed. Gün Semin and Klaus Fiedler; London: SAGE, 1992): 11-36.

[15] Hirschfeld, *Race*, 28

the world into "human kinds," based on a variety of features, such as behavior, physical features, emotional characteristics, etc.[16]

But while patterns of categorization and stereotyping are a component of the way that people divide the world into "kinds," all patterns of stereotyping and categorization cannot be equated with "racial thinking." The difference between "racial thinking" (I would use the expression "ethnic group perception" instead) and other forms of social categorization is that racial thinking is "predicated on the attribution of common *inherent* and *intrinsic* features" to group members. With "racial thinking," agents "assume category members who might otherwise be dissimilar are fundamentally alike in their *nonobvious and basic natures*."[17] In other words, the purpose of "race thinking" is to divide people into distinct human groups and to imbue putative group members with *nonobvious* essences that are alike. Hirschfeld seems to hold that essentialism is part of a *theory-based* approach to categorization when he argues that "essentialist causal

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[16] Hirschfeld, against some cognitive scientists who suggest that folk biology (i.e. the creation of "animal kinds" or different "species" in the mind) and "racial thinking" (i.e. the creation of "human kinds") are analogically related argues that "racial thinking" is not the same as folk biology, even if the same cognitive processes inspire both:

    I propose that young children's racial thinking is organized around the same biases to prefer certain kinds of explanations over others (organized around the same mode of construal) that are embodied in naive biology. Thus, what naive biology and racial thinking share is not a commitment to a morphologically derived ontology but a common instantiation of an essentialist pattern of causal reasoning. In the case of racial thinking, this pattern of reasoning seems to enable (rather than derive from) an expectation that humans are biologically clustered (Hirschfeld, *Race*, 119).

    Because "racial thinking" is a highly inaccurate predictor of biological realities both in a nonobvious way and even at the level of observable physical characteristics, Hirschfeld insists that intuitive biological principles have not been transferred to social groups. Pointing to experiments with children, Hirschfeld argues that "Folk genera, the basic level of biological taxonomies, are marked by highly correlated clusters of features...For racial categories, in contrast, there is little correlation among features...the structure of the environment does not deliver racial categories as readily as cultural intuitions imagine, nor does the environment deliver them as readily as it does biological species" (Ibid., 117). For the argument that folk biology and "human kinds"/"ethnicity" are related, see Francisco Gil-White, "Are Ethnic Groups a Biological 'Species' to the Human Brain? Essentialism in our Cognition of Some Social Categories," *Current Anthropology* 42 (2001): 515-554.

[17] Hirschfeld, *Race*, 13. There are other differences Hirschfeld suggests based on experimentation. For example, "race" displays more cultural and historical specificity than other well-studied "common-sense" theories. The idea of race also appears to develop late in childhood (ibid, 83-85).

reasoning," is an "attempt to capture kinds" based on an invisible essence rather than based on "properties or attributes."

According to Hirschfeld, these racial "kinds" have been *naturalized* in some way. Racial thinking is made around "commonsense partitive logic or social ontology that picks 'natural' kinds of people that exist in the world."[18] In addition, racial thinking is "embedded in commonsense theories that hold that humans can be partitioned into enduring types on the basis of *naturally grounded properties*."[19] The importance of naturally grounded properties may explain why ideas of biological descent and kinship are so common in constructions of race and ethnicity. Hirschfeld himself points to environmental determinism—that is, the belief that a group of people's environment affects their character and disposition—as a common way of naturalizing people.[20]

Entitativity

The neologism "entitativity" comes from the field of social psychology. In the 1950s, Donald T. Campbell coined the word to describe the way in which people perceive groups to be real "entities." Perceptions of entitativity are "theories that perceivers hold about specific social groups that endow the groups with social meaning and predictive value."[21] Campbell suggested that groups can have different levels of perceived "entitativity" and that some groups are seen as more strongly "entitative" than others. A group may be perceived as more cohesive because group members are thought

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[18] Hirschfeld, *Race*, 20.
[19] Hirschfeld, *Race*, 38.
[20] Hirschfeld, *Race*, 52.
[21] Marilynn Brewer, Ying-Yi Hong and Qiong Li, "Dynamic Entitativity: Perceiving Groups as Actors" in *The Psychology of Group Perception: Perceived Variability, Entitativity, and Essentialism* (ed. Vincent Yzerbyt, Charles M. Judd, Olivier Corneille; New York: Psychology Press, 2004): 19-29.

to share more of a common state of mind or disposition than another group. For example, the putative group "Trekkies" may be perceived as more heterogeneous and as possessing less group cohesion than the putative group, "Italians" for a variety of reasons (or it may not!). Rothbart and B. Park contend that the perception of group entitativity is the result of the interplay of several *mental functions*, such as the ascription of common attributes, common goals, common origins, and common intentions to a group as well as the construction of group boundaries.[22] It is also safe to say that entitativity is another "underlying principle" or theory that might inform the categorization of people, or inform the creation of social categories.

Since Campbell, there has been extensive discussion within the field of social psychology about what *mental functions* actually cause people to see groups as entitative, and the relationship *between* those mental functions has been a subject of considerable disagreement. Some argue that essentialism is the most fundamental concept of entitativity. Others separate essentialism and entitativity into two distinct ways of thinking. There is also debate over whether or not processes such as entitativity and essentialism exist in a hierarchical relationship. I certainly am not going to resolve these debates here. What I can point out is that *all* groups are seen to be "entitative" to some extent, but some are seen as more entitative than others for a variety of reasons. For example, a military regiment may be seen as very entitative in a way that is different from the way that ethnic groups are entitative. Though members of the regiment may have the same training, may derive some kind of identity from their membership, may have a common purpose and goals, and may even share customs with other regiment

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[22] Myron Rothbart and B. Park, "Mental Representation of Social Categories" in Yzerbyt, Judd and Corneille, *Group Perception,* 60-76.

members, people might not see soldiers in a military regiment as having an essence in the same way that they may see ethnic group members as having an essence.[23] Rather, it is their common goals, attributes and intentions that make the military regiment entitative; for ethnic groups, their putative essence plays a very large part in their entitativity.

Cognitive Science, Social Psychology and Ethnicity

Cognitive science and social psychology help to explain why ethnicity is distinctive and why it is often difficult to separate ethnicity from other kinds of group constructions. All groups are entitative in that they are thought to have attributes that have predictive value (common goals, origins, group boundaries, etc.), but ethnic group perception is uniquely characterized by entitativity based on *essentialism*. With essentialized group members it is an internal, invisible essence that *causes* the observable features of the group members (e.g., behavior, dress, etc.). Human beings tend to categorize people into different "human kinds" on the basis of a variety of criteria, but ethnic "human kinds" are thought to have a nonobvious essence.

Despite the usefulness of some concepts developed in these fields for clarifying the distinctiveness of ethnicity, the problem of fluidity between different kinds of group constructions persists. Even when taking into account the perspectives of cognitive science and social psychology, it still seems as though it is difficult to make convincing theoretical distinctions between terms such as "ethnicity," "nationalism," "tribalism" and so on, if ethnicity is just defined as a way of categorizing human beings based on essentialism. Even with Hirschfeld's sophisticated theorizing about "racial thinking," he

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[23] Or, members of military regiments may not be seen as having an essence at all. Part of the debate within social psychology revolves around how central essentialism might be in the creation of social categories.

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argues that social classes (e.g., servants) can be "racialized" when racial metaphors are used.[24]   To justify the continued use of the term, "ethnicity," to me, requires more precision in how one defines "ethnicity." Otherwise, different terminology, such as "essentialized human categories" or "essentialized human kinds" should supplant the use of the term "ethnicity."

Ethnicity and Common Territorial Origins

As Rothbart and Park note, when it comes to categorizing living things, categorizers often "speculate that this essence is related to something like substance, genetic code, innate potential or molecular structure." In my view, when it comes to ethnicity, the speculation about essences that Rothbart and Park point to always revolves around common ancestral and territorial origins. To put it another way, common ancestry and common territorial origins are the "naturally grounded properties," as Hirschfeld might put it, by which people naturalize ethnic group members' essences.[25] Taking some of the ideas found in social psychology and cognitive science, I contend that ethnicity is a folk theory through which people categorize human beings into "kinds"

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[24] Hirschfeld, *Race*, 49, 80.

[25] The theory of *schemata* might partially explain from a psychological perspective how the linking of essences to territorial origins and ancestral origins might work. Hogg writes, "Physical or social categories are represented as schemas that describe attributes of the category and the relationships among these attributes" ("Intergroup Relations," 483). Paul DiMaggio describes *schemata* as "representations of knowledge and information-processing mechanisms" that "entail images of objects and relations among them" often "guided by cultural cues available in the environment" that are "primed or activated by an external stimulus or frame." ("Culture and Cognition," *Annual Review of Sociology* 23 [1997]: 269, 274). Brubaker, Loveman and Stamatov argue that people think about ethnicity via *schemata* that are related to a variety of other social competition schemas. *Schemata* are mental processes that "process information, guide perception, recall, interpret experience, generate inferences and expectations and organize action." "Proximate, situationally specific cues," rather than large-scale structural or cultural contexts, trigger certain *schemata*. However, large-scale social contexts can arrange and re-arrange the distribution of cues and, consequently, the activation of *schemata*. ("Ethnicity," 40-42). Since the theory of *schemata* tends to look at real actors' responses to specific social contexts, it is difficult to say how the theory of *schemata* would enhance the study of ancient texts and "dead" civilizations.

based on their *naturalized* essences and that these essences are naturalized by positing

that ethnic group members share common ancestry and common territorial origins.

Birds of a Feather

A number of theorists of ethnicity recognize that a connection to a territory is

often an important component of ethnic group boundaries. Fredrik Barth notes that

ethnic boundaries "may have territorial counterparts."[26] Brubaker mentions that the

"territorialization" as well as "the importance of territorial organization and symbolism"

can be part of ethnic "dimensions of differentiation."[27] But for these theorists of ethnicity,

territoriality is only a *possible* component of ethnic group boundaries.

Others, however, believe that territory is central to ethnic group

conceptualization. Usually scholars who study modern nationalism and the construction

of nation-states make territory central to ethnic group constructions. Anthony D. Smith

argues, "Members of *ethnies*[28] usually have a link, sometimes symbolic, with a specific

territory to which they are attached and/or from which they believe they originate, but in

many cases may be scattered abroad."[29] Included among Smith's six essential criteria for

ethnic group formation are "the ethnic group must believe in a common ancestry" and the

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[26] Fredrik Barth, "Introduction" in *Ethnic Groups and Boundaries: The Organization of Culture Difference* (ed. Fredrik Barth; London: Allen & Unwin): 15.

[27] Rogers Brubaker, Mara Loveman, Peter Stamatov, "Ethnicity as Cognition" *Theory and Society* 33 (2004): 48.

[28] For Smith *ethnies* are "named human populations with shared ancestry, myths, histories and cultures, having an association with a specific territory and a sense of solidarity" (*The Ethnic Origins of Nations* [Oxford: Blackwell, 1986], 32). In other words, *ethnie* is Smith's word for "ethnic group." Smith studies modern nationalism, but argues that *ethnies* have existed long before the modern period as a precursor of modern "nations."

[29] Anthony D. Smith, *The Cultural Foundations of Nations: Hierarchy, Covenant and Republic* (Oxford: Blackwell, 2008), 31.

"ethnic group must feel an attachment to a specific territory."[30] Zehnder, probably

inspired by Smith, states:

> Additionally, reference to a designated territory is indeed inextricable for an *ethnie*; this reference, however, should not be linked with its actual existence [*den realen Gegebenheiten der Gegenwart*]—it is merely a memory. Furthermore, it is a characteristic of *ethnies* that their 'homeland' can change. These factors explain why *ethnies* even in the case of a loss of political control over their region, or even their existence in a diaspora over a long time, can retain their 'identity.'[31]

It is unfortunate that Zehnder relegates this important point to a footnote and that

the importance of territory to constructions of ethnicity does not play a more prominent

role in his theoretical discussion about ethnicity, especially considering the importance of

the land of Israel in biblical texts. As Zehnder notes, the fundamental relationship that an

ethnic group has with a territory helps explain why some ethnic groups can retain an

identity even when they lose "their" territory or are otherwise alienated from their

ascribed territory. Zehnder says that the link that ethnic groups have with a territory is a

"memory," but I would add that the connection with territory is not simply a "memory"

(if that "memory" is even based in historical events!) but is part of the abstract

speculation about ethnic group members' essences.

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[30] Anthony D. Smith, *National Identity* (London: Penguin, 1991), 94.

[31] "Der Bezug zu einem bestimmten Territorium ist zwar auch für eine Ethnie unabdingbar; dieser Bezug muss aber nicht mit den realen Gegebenheiten der Gegenwart verbunden sein, es reicht eine blosse Erinnerung. Zudem gehört es zu den Eigenarten von Ethnien, dass ihre 'Heimat' auch wechseln kann. Diese Faktoren erklären, weshalb Ethnien auch in Falle des Verlustes der politischen Kontrolle über ihr Gebiet oder sogar der Existenz in der Diaspora über lange Zeiträume ihre Identität bewahren konnen" (Markus Zehnder, *Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des 'Fremden' im Licht antiker Quellen* [Stuttgart: Kohlhammer, 2005], 36 n. 6). My translation. Zehnder does not say from whom he got this idea, but since he uses Smith's word *ethnie* and cites Smith elsewhere (23 n. 2-3, 27 n. 4,7-8, *et passim*), I assume Smith is his inspiration.

Steven Grosby, who weaves the study of modern nationalism with biblical studies, believes that the potency and appeal of modern nationalism builds off of a "primordial" attachment to territory. One has a "primordial attachment to one's own country, one's own land, and one's own way of life."[32] In the minds of people, territories are inexplicably and inextricably bound with patterns of life. People "participate in patterns of activity which are valid in certain territorial boundaries. Thus territory is not primarily the spatial location of interaction; rather it is in the image of territory that the individual members of the collectivity participate."[33] There is a "transcendental" significance of the territory in that it is "the life-ordering and life-sustaining significance of a space which makes the space into a meaningful structure."[34] Grosby admits that he is not quite sure why people attach this kind of significance to "an environment that is considerably more extensive than that recognized by the relatively more immediate actions of the family and locality, for example, the nation."[35] But he suggests that there is some kind of "life-generating, life-determining, and life-ordering power in that which [people] are familiar."[36] Grosby further claims that the tendency of people to make territory "familiar" by attaching paternal or maternal imagery to territory with which they identify (e.g., "fatherland," "motherland") demonstrates that an attachment to the "familiar" has been fused to the idea of "nation."[37]

Grosby's belief that territory holds significance for people because life-ordering social activities take place within territories is a good starting point for explaining why

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[32] Steven Grosby, "Territoriality: The Transcendental, Primordial Feature of Modern Societies," *Nations and Nationalism* 1 (1995): 144.
[33] Grosby, "Territoriality," 147.
[34] Grosby, "Territoriality," 148-49.
[35] Grosby, *Biblical Ideas of Nationality: Ancient and Modern* (Winona Lake, Ind.: Eisenbrauns, 2002), 70.
[36] Grosby, *Biblical Ideas*, 70.
[37] Grosby, "Territoriality," 151.

territories become associated with human essences—though he does not engage the idea of essentialism for his own theorizing. There may be other reasons that territory becomes so easily associated with essences, such as the automatic links people may make between spatial proximity and entitativity. The studies of Robert P. Ableson and his colleagues on group perception found that when test subjects perceived groups of humanoid creatures standing in close physical proximity, their close proximity contributed to the negativity bias towards those groups. Ableson and his colleagues theorized that, "Complex cues to entitativity, such as universal participation in rituals of the group or development of an ideology glorifying group membership, are primarily cognitive, whereas simpler cues such as *proximity* invoke rapid, automatic perceptual processes."[38] Ableson et al. further write:

> A partisan propagandist aware (at some level) of the associations between perceived homogeneity, entitivity [Abelson's spelling], and negative attributions could try to use them to his or her advantage by direct and indirect attempts to persuade the audience that a particular group is homogenous. 'Birds of a feather flock together' evokes an image that relies on similarity (being feathered in a characteristic way), but also to the Gestaltist property of proximity and common fate (flocking together).

For some reason, according to Ableson and his colleagues, when people are thought to be in close spatial proximity, it provokes strong feelings of entitativity—and propagandists may use these sentiments to their own advantage.

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[38] Robert P. Ableson et al., "Perceptions of the Collective Other," *Personality and Social Psychology Review* 2 (1998): 243-250, 247. For other studies showing that proximity is related to perceptions of groups, see Allen H. Ryen and Arnold Kahn, "Effects of Intergroup Orientation on Group Attitudes and Proxemic Behavior," *Journal of Personality and Social Psychology* 31 (1975): 302-310. For a study showing that people tend to express attitudes between social groups in spatial arrangements, see Thomas W. Schubert and Sabine Otten, "Overlap of Self, Ingroup and Outgroup: Pictorial Measures of Self-Categorization," *Self and Identity* 1 (2002): 353-376.

Whatever the reasons that people might make associations between territorial origins, ancestral origins, and human essences, I would argue that a common territorial origin is a key component to what we refer to as "ethnicity." Throughout history, people have tied territorial origins to people's essences, and this is nowhere more clear than in the tendency of people to come up with explanations for people's nature and character based on the impact of their environment, as Hirschfeld notes. Writers in both ancient Mesopotamia and the Greco-Roman world seem to have produced influential texts that relate the nature and character of other peoples to the environment with which they are associated.[39]

There is one more thing I would add to my discussion of territory and ethnic group conceptualization. The kind of territory that people associate with the essences of ethnic group members is what is known as *geographic space*. Scott M. Freundschuh and Max J. Egenhofer, having reviewed theories of spatial cognition in the relatively recent field of cognitive geography, have synthesized a "typology of space" based on properties of manipulability of the space, the size of the space, and normal human locomotion.[40] Of the six categories of space they identified, two are relevant for my own study of ethnicity: *environmental space* and *geographic space*. *Environmental space* is defined as "non-manipulable, large spaces that require locomotion to experience them,"[41] including "inside-of-house spaces, neighborhoods and city size spaces." These spaces are

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[39] In the Greek world, the text *Airs, Waters, Places*, which was attributed to Hippocrates was very influential on a number of ancient writers (Plato, Aristotle, Galen, and Roman authors) as well as modern writers. *Airs* argues that different climates are responsible for the differences in character and physical form of different peoples. The environment can make physical changes, and once these changes have been made, they become permanent and hereditary. See Benjamin Isaacs, *The Invention of Racism in Classical Antiquity* (Princeton, N.J.: Princeton University Press, 2004), 60-76.

[40] Scott M. Freundschuh and Max J. Egenhofer, "Human Conceptions of Spaces: Implications for Geographic Information Systems" *Transactions in GIS 2* (1997): 361-375.

[41] Freundschuh and Egenhofer, "Human Conceptions," 372-373.

experienced via normal human locomotion, but in a piecemeal fashion. Geographic

space, on the other hand, "covers very large, non-manipulable spaces that due to practical

limitations cannot be experienced via locomotion." These include larger than city-

spaces, states, countries, and the universe.

The reason I insist on making geographic space the kind of space around which

ethnicity is conceptualized is because it may solve the problem of separating "tribe,"

"band" and other smaller kinship networks from the concept of "ethnic group." A "tribe"

or "band" may be associated with environmental spaces, which are smaller and more

familiar, but ethnic groups are always associated with geographic spaces. However, *if*

popular descriptions or emic categories refer to a group of people as a "tribe," but

members of that "tribe" are thought to share common geographic origins and common

ancestry, as far as my theoretical outlook is concerned, that so-called "tribe" should be

considered an ethnic group anyway. To clarify what I mean, I will refer to an example

from ancient Israel. From my theoretical viewpoint, the story about an attack by ten

Israelite "tribes" (*šibtê yiśrā'ēl*) on Benjamin, another Israelite tribe, described in Judges

20, should be classified as a depiction of an ethnic conflict. Because some biblical

sources say that the tribes of Israel were given allocations of land that appear to be

conceptualized as geographic spaces (e.g., Num 34:18-29; Josh 11:23) and tribes were

thought to have descended from a common ancestor, descriptions of "tribal" conflicts

within ancient Israel are descriptions of ethnic conflicts. The biblical Hebrew words

šēbeṭ and *maṭṭeh* are traditionally rendered "tribe," but from my own theoretical

perspective, these words denote smaller "ethnic" units that are nested within a larger

ethnic unit. In other words, Israelite "tribal" categories (e.g., Benjaminite, Ephraimite,

etc.[42]) are mini-ethnic categories nested within an overarching ethnic category,

"Israelite." Furthermore, identification of group members with a neighborhood or city is

not an example of an *ethnic group construction* even if the group members associated

with a particular city or neighborhood are thought to share common ancestry. Sometimes

members of urban gangs will share fictional or metaphorical kinship ties and also have

strong ties to particular neighborhoods, but urban gangs are not ethnic groups. Even if

gangs are ethnically based, gang members' ascribed ethnic group is tied to geographic

space (African American, Latino, "Aryan Brotherhood", etc.).

Landscape: The Cultural Significance of Geographic Space

Ethnicity ties ethnic group members' essences to geographic space, and

geographic space is a way of conceptualizing space that all humans may share. But

conceptualization of geographic space itself is always mediated by *landscape*, or the

cultural meaning that geographic space possesses. Spaces are replete with cultural

meaning, and there are important differences between the meanings people may ascribe

to geographic space cross-culturally and even within "cultures." In the modern world,

with satellite imaging and intercontinental travel, geographic space means something

very different for a modern person than a person in the ancient world who usually did not

travel outside of his or her own hometown. In many modern conceptualizations of

geographic space, the world is divided into discrete continents and distinct nation-states,

each of which has its own unique two-dimensional "shape" that one can visualize

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[42] There are actually some Hebrew gentilics associated with tribal affiliation, such as "Ephraimite" (*'eprātî*, Judg 12:5; 1 Sam 1:1; 1 Kgs 11:26), but tribal affiliation is most often denoted by the expression *ben*-X (e.g., Num 1:36 *et passim*).

mentally.   In the ancient world—particularly in ancient Israel and Mesopotamia—mythology played an active part in the way that people conceptualized their geography.

How one conceptualizes geographic spaces through the cultural lens of landscape will play a role in the associations that people make between an ethnic group member's essence and its association with geographic space. If, for example, one has a worldview that dictates that people on the periphery of the world, which is conceptualized as a flat disk, live in a land of mythological and strange creatures, this may impact the way that peoples who come from those regions are conceptualized.[43] As I will show in Chapter Two, the eastern mountainous regions of Mesopotamia, a land considered to be on the periphery of the world in many Mesopotamian texts, was a land thought to be inhabited by barbaric, feral, uncivilized and in some cases inhuman people.

Variations and Forms of Ethnicity: Nationalism, Race and Foreignness/Alienness

I have argued that ethnicity is a way of categorizing people that essentializes ethnic group members and that links group members' essences to common ancestral origins and common territorial origins. But ethnicity is a group conceptualization that has many variations. What is referred to as nationalism, race and foreignness are variations on the process of ethnic group construction. These variations emphasize certain themes in the way that ethnicity is expressed. Some variations of ethnicity are products of particular time periods (i.e., "race") while other variations of ethnicity have been more enduring throughout time.

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[43] Mythological creatures populate the periphery of Herodotus' descriptions of the world as well. See Francois Hartog, *The Mirror of Herodotus: The Representation of the Other in the Writing of History* (Berkeley, Calif.: University of California Press, 1988), 61-111.

Nationalism: Nationalism is an ethnic group construction that revolves around the institutions of the state, which play a central role in disseminating public rituals and laws across a territory that has been demarcated by political borders. Smith argues that, in contrast to members of *ethnies*, members of *nations* are "united by a distinctive public culture, that is, public rituals and symbolic codes which are disseminated across the territory from one or more centers to members of the community—a process that is usually sponsored by specialized religious, judicial, military or educational elites."[44] Smith adds that the nations are "territorialized and politicized developments of ethnicity" and that a nation needs territorial, political and legal solidarity among members of the nation.[45] According to this perspective, only *nationalism* is an ethnic group construction that revolves around the dissemination of rituals and laws via concrete institutions across a territory. However, even if an ethnic group cannot disseminate rituals and laws across territories, I would say that when people *aspire* to make this a reality, then this aspiration could be described as "nationalism. Even if the territorial, political and legal solidarity among national group members is imagined, this imagined sense of solidarity plays a critical role in how group members conceptualize themselves.

Race: I agree with a number of anthropologists, sociologists and historians that the idea of "race" is a fairly recent phenomenon.[46] "Race" categorizes people into intricate taxonomies centered on phenotypes (eye shape, hair texture, skin color, and

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[44] Smith, *Cultural Foundations*, 31.
[45] Smith, *Cultural Foundations*, 32.
[46] Audrey Smedley, "Race and the Construction of Human Identity," *American Anthropologist* 100 (1998): 694-96.

more recently genetic profile[47]). Race is an expression of the supremacy of empiricism in

the modern world and constitutes an attempt to "scientifically" classify people. With the

discovery of genetics (note the etymology of the word), genes have become

extraordinarily important in concepts of race, especially in the twenty-first century. But

race is clearly a variation on ethnicity as I define it because it categorizes people

according to common descent (now explained by genetics) and geographic space

("black" = sub-Saharan Africa; "white" = Europe; "Asian" = Asia[48]).

     Foreignness/alienness: Foreignness is the perception that a person or object is in a

space in which it does not "belong." The words, "strange" or "stranger," may also

communicate the idea of foreignness, though these words can also denote general

unfamiliarity. When it comes to *people*, foreignness is usually associated with

environmental and geographic spaces. A person is a "foreigner" if he or she is thought to

be in an *environmental or geographic space* to which that person does not "belong." The

reason that the person may be thought to not belong can vary, which makes

"belongingness" context dependent (i.e., a person's "belongingness" to a space is a

"social construction"). It may be that the person does not belong because he or she does

not live permanently in the geographic space. The person may not belong because he or

she is not a fully enfranchised participant in the social institutions that operate in and are

identified with that environmental or geographic space (e.g., he or she is not a "citizen"

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[47] See, for example, the *New York Times* editorial by Armand Marie Leroi, "A Family Tree in Every Gene,"
14 March, 2005, who represents a growing chorus of biologists who insist that race has some biological
basis.
[48] Of course, racial classifications are socially constructed and often change. To take a well-known
example, fairly recently, in the United States, not all people who immigrated from Europe were
considered "white." The Irish, Eastern Europeans, Jews, Balkan peoples, etc. were often excluded from
the racial category "white." For an example of the history of the Irish in the US, see Noel Ignatiev,
How the Irish Became White (New York: Routledge, 1995).

or official "resident"). The level of access that someone may have to a geographic or environmental space's social institutions also varies, which can affect the perception of a person's "foreignness." In the United States, a "green card," which makes someone a legal "permanent resident," provides a foreign-born person with a higher level of access to American social institutions than, say, a temporary work permit. In the US, undocumented immigrants are, perhaps, seen as the most "foreign" of all immigrants because they have little access to American social institutions and indeed many so-called "native-born" Americans assert that undocumented immigrants illegitimately participate in American society. Alternatively, a person may not belong to a geographic or environmental space because he or she is not considered a "native," who was "born and raised" in that particular space. A deeply negative emotional reaction to those who are thought to not belong in a particular geographic space is "xenophobia."

Not all concepts of foreignness and xenophobia can be understood as variations of ethnicity. A concept of foreignness can be described as ethnic foreignness only when the foreigners are thought to share common ancestry. Sometimes a person can come from outside of a designated geographic space and be considered "foreign," but his or her foreignness may not be related to common ancestry. For example, if a white Canadian were to move to the United States, that Canadian will probably be thought of simply as a foreigner. The Canadian would probably not, however, be considered an "ethnic" foreigner because of the significance of the concept of race in North America. According to the concept of race, a white Canadian shares putative "common ancestry" with white Americans (i.e., European "ancestry"). Foreignness is only "ethnic" when it is connected to the idea that members of the foreign group share a common ancestry. By contrast, the

foreignness of Mexicans does frequently take on an ethnic tone because their foreignness

is often connected with the concept of race. When looking at foreignness, it is important

to look at whether the rhetoric of common ancestry and descent is present when

foreignness is mentioned. If rhetoric that can be understood as positing that group

members share a common ancestry is used, then the concept of foreignness should be

understood as ethnic foreignness.

Communication, Ethnicity and the Hebrew Bible

From my own theoretical vantage point, ethnicity differs from other group

conceptualizations because *abstract speculation* about ethnic group members' essences

involves positing that the ethnic group members share common ancestry and geographic

origins. Thus, ethnicity would be most perceptible when people *talk about* ethnic group

conceptualizations. This abstract speculation may not always be perceptible at the

experimental level. At the basic, cognitive level, an experimenter might be able to detect

essentialism, entitativity, and categorization but these concepts alone do not seem to tell

us what makes ethnic groups distinct from other categories in which members have been

essentialized, such as "class" (see Hirschfeld) or even gender, since gender too is

essentialized.[49] Rather, the only way to access the associations that people make between

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[49] Nick Haslam, Louis Rothschild, and Donald Ernst conducted an experiment with the goal of finding out
which elements of essentialism, outlined by the theoretical traditions of social psychology were "most
central." They found that *natural kinds* are a particular kind of essentialism. Haslam, Rothschild and
Ernst said that categories that were high on this dimension were thought to be "immutable, natural,
historically invariant, sharply bounded and underpinned by necessary or defining features." Race,
ethnic groups and gender, unsurprisingly, scored very high on a "natural kinds" dimension. On the
other hand, other categories such as some diseases (HIV/AIDS) can also be *naturalized* because the
disease is said to have a biological component. See "Essentialist Beliefs about Social Categories,"
British Journal of Social Psychology 39 (2000): 113-127. See also another article by the same authors,
"Essentialism and Entitativity: Structures of Beliefs about the Ontology of Social Categories" in
Yzerbyt, Judd and Corneille, *Psychology of Group Perception*, 61.

group members' essences and common ancestry/common territorial origins is to engage

their culturally informed ideas—and these ideas would be expressed when someone

communicates about ethnic group perception. I would also surmise that one would

encounter this kind of speculation most commonly in forms of communication that

express conscious, deliberate reflection on a subject (also known as *off-line reasoning*[50]).

It is these forms of "off-line" communication that are most likely to present explicit

terminology and ideas about the fact that common ancestry and common territorial

origins are thought to be connected to group members' essences. In addition, institutions

that have the power to produce influential ideas, especially the state, might be very

interested in communicating and articulating ethnic group concepts into "formalized,

codified, objectified systems of categorization."[51]

Many psychological studies have shown that stereotypes and characterizations of

out-group members become more rigid and less nuanced when they are communicated to

others.[52] That is, when a person hears information about out-group members, that person

will relate the information to other people in a "less detailed, more concise and less

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[50] The theory of off-line and on-line representation recognizes that concepts often have "multiple levels of representation" in the mind. One researcher, Justin Barrett, who looked at the difference between off-line and on-line reasoning to explain official theology and popular religious ideas, argues that there is a "theoretical level and the basic level; the level used in formal discourse and careful reflection and the level used on-the-fly to solve problems quickly." Barrett also claims that the concept that "will be selected in a given context—the basic, intuitive one or the more complex theologically correct one—is largely the result of processing limitations. In on-line thinking tasks requiring quick, efficient solutions to an immediate problem, the basic concept rooted in intuitive knowledge will be employed. In less demanding situations, where slower, more careful reflection is possible, complex, theologically correct concepts are used" (Justin L. Barrett, "Exploring the Natural Foundations of Religion," *Trends in Cognitive Science* 4 [2000]: 29-34); See also Todd Tremlin, *Minds and Gods: The Cognitive Foundations of Religion* (New York: Oxford University Press, 2006), 172-73, for a good review of on-line/off-line reasoning.

[51] Brubaker and Cooper, "Beyond Identity," 15.

[52] See review in Markus Brauer, Charles M. Judd and Micah S. Thompson, "The Acquisition, Discussion and Transmission of Social Stereotypes" in Yzerbyt, Judd and Corneille, *Psychology of Group Perception*, 239.

qualified" way.[53] Other studies have found that the communication of stereotypes can

even have an effect on how a person will process observed information about group

members.[54] When someone is exposed to communicated, abstract stereotypes about out-

group members, even when he or she observes counterfactual behavior exhibited by out-

group members, that observation often does not shake the stereotype. Communication,

then, has immense power to shape perspectives and influence how a person sees members

of putative groups. In addition, when people communicate about out-group members,

their speech and texts may paint a portrait of out-group members that can differ

substantially from their quotidian interactions with members of the out-group. I would

expect this effect to manifest itself even more acutely when looking at texts and speech

that reflects conscious, deliberative reflection on out-group members.

Not every expression of ethnic group conceptualizations will reveal the

relationship between putative essences and common territorial origins and common

ancestry. In the context of everyday interaction, ethnic group conceptualizations may

look very similar to other kinds of group conceptualization because socially specific

issues such as access to resources, housing, education, crime and jobs may dominate

ethnic conflicts. The relationship to common ancestry and common territorial origins may

recede to the background of communication, since other, more salient social issues may

be more pressing when people communicate their ethnic group perceptions. It is not so

much that every single communication of the ethnic group conceptualization makes a

direct reference to this relationship between group members' essences and common

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[53] Brauer, Judd and Thompson, "Social Stereotypes," 241.
[54] Richard L. Moreland and Jamie G. McMinn, "Entitativity and Social Integration: Managing Beliefs
    about the Reality of Groups" in *The Social Psychology of Stereotyping and Group Life* (ed. Russell
    Spears et al.; Oxford: Blackwell, 1997): 244-254.

ancestry and common territorial origins. Rather, these associations would be a constantly recurring theme in the communication about the ethnic group. In the United States, for example, the common geographic origins of ethnic group members is a frequently recurring theme in official communication about ethnic groups, as evidenced by the highly reified categories of ethnicity promoted by the US Census Bureau or the frequent reference to geographic origins in "politically correct" terminology for ethnic groups (e.g. "African American," "Italian American," "Asian American," etc.).

Obviously, the power that communication has to shape group perception is something that people would be interested in harnessing and using to their advantage. Elites would probably have a special interest in actually monopolizing this power. When it comes to the Hebrew Bible, I propose that the caricatures of ethnic foreigners that appear in the text constitute an attempt by biblical writers to shape the outlook of readers toward ethnic foreigners. Even if biblical texts do not reflect historical interactions that Israelites may have had with other ethnic groups, I contend that biblical writers tried to intervene in an existing discourse about ethnic foreigners. It is difficult to say how effective their intervention in the discourse might have been, but judging from the fact that the theme of ethnic foreigners recurs repeatedly in the Bible I would suggest that the writers believed their strong intervention was necessary. As Dermot Anthony Nestor put it, biblical writers (Nestor singles out Deuteronomy) were engaged in a "battle to draw a line between what is questioned and the field of *doxa*."[55] They have designated themselves "authorized personnel" who defend categories and cultural idioms that render social world interpretable and "natural." As I will show in Chapters Three and Four,

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[55] Nestor, *Cognitive Perspectives*, 226. *Doxa*, a term used extensively in the sociology of Pierre Bourdieu (1930-2002), is described as a society's taken-for-granted, unquestioned beliefs.

biblical writers presented certain ethnic foreigners, such as Canaanites, as abstract stereotypes. In communicating these abstract stereotypes, the writers of these texts were attempting to shape the outlook of their audience and affect their behavior with respect to foreigners.

In arguing that the portrayals of foreigners in the Hebrew Bible are in fact caricatures of ethnic groups, I problematize the idea, frequently expressed in biblical scholarship, that biblical conceptualizations of Israelite "identity" are more "religious" than ethnic. Kenton L. Sparks contends that the most important criteria for membership in the community of Israel was "one's status with respect to Yahweh" and that "religious identity rather than ethnic identity turns out to be the most important issue for the authors of the Hebrew Bible."[56] The "ethnic sentiments" in the Hebrew Bible are "more rhetorical than actual" which explains why foreigners were supposedly easily assimilated. Eventually, Sparks claims, in ancient Israel "religious identity had almost totally supplanted the role of ethnicity in defining group identity."[57] By contrast, I argue that the language and rhetoric describing Canaanites, Ammonites, Moabites and other ethnic groups essentialize ethnic group members, and link group members' essences to common ancestry and common territorial origins. The negative portrayal of foreigners' religious practices is *part of* stereotyping formulae and differentiating rhetoric that reinforce the ethnocentrism and sense of cultural superiority communicated in the text. Furthermore,

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[56] Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 1998), 264, 312. Sparks does not say what he means by "religion" nor does he unpack the term "religious identity." Does he mean cultic practices? And how do the accusations of incest, child sacrifice, bestiality and men having sex with men, found in Leviticus 18 and 20, fit with Sparks' idea that "religious identity" is the most important issue for biblical authors?

[57] Sparks, *Ethnicity*, 316.

as I will show in Chapters Three and Four, denigration of religious practices is not the only way in which biblical texts polemicize against ethnic foreigners.

The Relevance of a Theory of Ethnicity for the Study of Ethnicity in the Hebrew Bible and Ancient Mesopotamia

I believe that both cognitive science and social psychology add a new dimension and richness to theories of ethnicity that helps us move beyond the vague language of "constructing Others" or "primordial attachments." For example, when taking into account cognitive science and social psychology, Grosby's idea that people have an attachment to the familiar becomes a plausible explanation for why people might often relate putative human essences to territory. Grosby's mystifying rhetoric of "primordial attachments" seems unnecessary because it is possible to speak with more clarity about what is going on: people link human essences with geographic space because the idea that people in close proximity share a certain disposition is a satisfying theory that explains why ethnic group members share a common essence.

The theoretical model laid out in this chapter has also set up some concepts that can be a starting point for scholars of the ancient world to theorize and debate ethnic concepts in antiquity. Scholars of antiquity can debate what terminology, concepts and ideas constitute "common ancestry" and "common territorial origins." Is familial language (the language of "son," "brother," etc.) enough to establish whether a writer is expressing an ethnic conceptualization or not? This can and should be a subject of debate. When it comes to the Hebrew Bible and Mesopotamian texts, I argue that certain terminology communicates common ancestry. If words such as *zera'* ("seed"; Akkadian:

zēru), which in numerous contexts refer to putative genealogies or heredity, are used in texts that describe foreigners, it probably demonstrates that the writers believed that these foreigners descended from common ancestors. Scholars can also debate the cultural notions of landscape that might be present in ancient texts that may effect how ancient writers conceptualized foreigners.

<u>Excursus: Cognitive Science, Adaptationism and Group Perception</u>

There is a difference between claiming that our concepts are intrinsically shaped by our relationship to the physical environment and the idea that all of our cognitive processes must each have served a *clearly discernible* adaptive function in our evolutionary past, except in the broadest possible sense. I accept that the rapid processing of information (also known as *fast and frugal heuristics*[1]), generally, is an important adaptation for navigating the physical world, but I do not accept that each and every way humans rapidly process information can be traced directly to a problem solved in the evolutionary past. The importance of avoiding an overly adaptationist perspective is expressed by Bruce Bagemihl's argument in his book, *Biological Exuberance*. Through investigating sexual behavior between members of the same sex in the animal kingdom, and reviewing the inadequate and sometimes comical theories to explain sexual behavior between members of the same-sex from an adaptationist perspective, Bagemihl finds fault with traditional Darwinian models. He notes that under the traditional Darwinian adaptationist perspective, "even 'kisses' have prompted a barrage of functional 'explanations.' Unable (or unwilling) to countenance the possibility of pleasure or affection in this 'behavior'—much less something more intangible— biologists insist that kisses (even in humans) must be a vestige of ritual food exchange, or olfactory sampling or have a specific social 'function' such as reconciliation or alliance

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[1] See Gerd Gigerenzer and Daniel Goldstein, "Reasoning the Fast and Frugal Way: Models of Bounded Rationality," *Psychological Review* 103: 650-669; *Simple Heuristics That Make Us Smart* (ed. Gigerenzer, Peter Todd and the ABC Research Group; New York: Oxford University Press, 1999); Gigerenzer, *Adaptive Thinking: Rationality in the Real World* (Oxford: Oxford University Press, 2000).

formation."[2] Bagemihl's review of implausible stories explaining same-sex and non-reproductive animal behavior suggests that when explaining adaptive functions, evolutionary biologists can get rather imaginative and can go beyond—and even contradict—the evidence.

In addition, there are critics of modularity theories--or at least the "massive modularity" theory proposed by John Tooby and Leda Cosmides. Responding to cognitive scientists such as John Tooby and Leda Cosmides, David Buller and Valerie Gray Hardcastle criticize the idea that each adaptive problem led to the creation of a distinct module. They argue that brain plasticity and the fact that our brains sometimes radically change in response to circumstances undermine the idea of encapsulated modularity:

> ...the extent of crossmodal communication between and among our alleged
> sensory 'modules' is still a matter of investigation, though we do know
> that our auditory and visual areas exchange lots of information regarding
> speech perception and there are considerable crossmodal connections
> between the thalmic nuclei and cortex.

The degree of informational overlap also shows that our brain systems are not domain specific; rather, they are domain *dominant*. One sort of processing is still occurring. Our 'modules' are not so specialized that they deal only with restricted domains. Instead, they deal mostly with particular domains, and do so only contingently; the dedication of a brain system to a particular task domain is subject to change as the inputs to that brain system change.[3]

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[2] Bruce Bagemihl, *Biological Exuberance: Animal Homosexuality and Natural Diversity* (New York: St. Martin's Press, 1999), 212.
[3] David J. Buller and Valerie Gray Hardcastle, "Evolutionary Psychology and Neurobiology: Against

Buller and Hardcastle argue that brain structures are products of "highly plastic

responses to environmental influences" and humanity's cognitive adaption is the brain's

very developmental plasticity and the "stable structures" that are observable, such as

modules, are "byproducts of that adaptation's functioning in a particular environment."[4]

They use the analogy of the immune system to explain the function of the brain in that

not every antibody in the immune system is explainable by an adaptation, but that the

immune system evolved to deal with a variety of antigens. Humanities scholars

interested in cognitive science, such as Edward Slingerland and Todd Tremlin, agree with

Tooby's and Cosmides' insistence that a domain-general mechanism could not solve all

of the adaptive problems faced by our evolutionary ancestors. Both Slingerland and

Tremlin cite computer programming examples in which a general-purpose problem

solver failed to match the capacity of the human mind at all.[5] The problem with

analogies with computers is that computers have no rich network of neural cell-forming

sensory receptors and cannot interact with the environment the way that human bodies

do. Unlike babies, computers are not spontaneously forming new programs when they

are removed from the package (and even *inside* the package, since the brain is taking in

sensory data even in utero).

In addition, the domain-general mind proposed by Buller (and Hardcastle) is not a

tabula rasa, as its critics claim. Instead, proponents of a domain-general mind propose

Promiscuous Modularity," *Brain and Mind* 1 (2000): 307-325, 314; See also David J. Buller, *Adapting Minds: Evolutionary Psychology and the Persistent Quest for Human Nature* (Cambridge, Mass.: MIT Press, 2005).

[4] Buller and Hardcastle, "Evolutionary Psychology," 321.

[5] Todd Tremlin, *Minds and Gods: The Cognitive Foundations of Religion* (New York: Oxford University, Press, 2006), 56; Slingerland, *What Science Offers the Humanities: Integrating Body and Culture* (New York: Cambridge University Press, 2008), 118.

that there are "filters," provided by the mid and lower cortical regions that guide the formation of neural connections so that it can process relevant and important information.

Our species' interaction with nature is certainly responsible for the current construction of the brain and its ability to respond to a wide array of problems, but I am skeptical about whether or not all of the problems that can be solved by the brain are necessarily traceable to a specific adaptation. Consequently, I will provide no stories about how this or that form of group perception "functioned" in the Pleistocene era or how our evolutionary ancestors in the savannah might have used a particular form of group perception. It seems sufficient to note that our cognitive representations, formed thanks to a very plastic brain, are nevertheless constrained by the limitations of our bodies (which are more concretely formed by adaptations), without resorting to stories about how particular modules evolved in the so-called environment of evolutionary adaptation (EEA).

I will talk about some domain-based modules that have been proposed based on evidence from experimental data, but these modules and domains will be treated as recurring patterns of responses to commonly recurring social and environmental situations humans face. As far as I can see, domain-based modules could very well be ways that the brain organizes information in a convenient, actionable form for human bodies. Domain-based modules would also conform to the need for the brain to process relevant information quickly. If modules are not genetically encoded programs awaiting activation by cues, perhaps it is possible that a phenomenon of spontaneously forming domain-based modules was a product of evolution. Instead of seeing domain-based

modules as genetically encoded, they are more like ad hoc devices for rapid acquisition of knowledge in contexts that are ubiquitous for human bodies in their environment.

It would appear from bringing evolutionary theory, psychological experiments, anthropology and history into dialogue with one another that *group thinking* appears to be a recurring pattern of behavior among not only our species, but other species. The formation of groups has a variety of uses, from gathering food, to protection, to providing access to mates, to participation in complex societies and so the usefulness of groups in human history (both past and present) makes it unsurprising that group perception is a recurring pattern in our species' behavior and that our minds exhibit recurring patterns of group representations that involve cognitive processes such as categorization and essentialism.

Chapter Two

"Brood of Destruction": Mesopotamian Caricatures of Foreigners

In the last chapter, I outlined a theory of ethnicity that defines ethnicity as a kind of group construction that posits that ethnic group members share a nonobvious, unchangeable essence. In addition, observers relate these essences to common ancestry and common territorial origins. I also argued that ethnic group members' territorial origins should be identified with *geographic space,* which is a common, human conceptualization of space, according to some theories of cognitive geography. Geographic space is space, which is so large that it cannot be explored via regular locomotion. As a result, group perceptions constructed around neighborhoods, cities and other spaces that can normally be explored by regular locomotion are not properly "ethnic" group perceptions as far as my theoretical outlook is concerned.

I further argued that even though the process of ethnic group construction links common ancestry and territorial origins to essences, when people communicate about ethnic groups, the relationship between common ancestry and common territorial origins to ethnic group members' essences may not be articulated in every instance. In addition, for some discourses about ethnicity, the geographic origins of group members may be de-emphasized, but the common descent of group members may be emphasized and vice-versa. In addition, the relationship between territorial origins, common ancestry and essences is most likely to be seen in highly abstract communication about ethnic groups, whereas in everyday conversation and less abstract communications, the relationship may be less visible. Quotidian concerns and the prosaic matters of ethnic conflict (e.g., access

to resources, exclusion from social benefits and privileges, invasion, genocide, etc.) might create conditions in which the connection between territorial origins, common ancestry and nonobvious essences recede to the point at which someone might have to dig deeply in cultural discourses about ethnic groups to see them. The receding of the explicit significance of territorial origins, for instance, often takes place in communication about entrenched minority groups and "internal" foreigners who are far removed from the geographic spaces with which they are associated (e.g., African Americans, "diaspora" Jews) or in concepts of ethnicity highly dependent on skin color and other phenotypic characteristics. Nevertheless, communication about ethnic groups usually reveals the relationship of ethnic group perception to geographic space, often in the nomenclature and terminology for ethnic groups (e.g. *Asian* American, *African* American, *Arab* American, etc.).

Lastly, even though ethnicity involves a combination of the concepts of geographic space and descent, there are as many cultural and social conceptualizations of geographic space and descent as there are cultures and societies. Even within societies there may be a variety of conceptualizations of geographic space and descent. The perception of geographic space, which is possibly a universal human phenomenon, is expressed through *landscape* or the cultural meaning that people ascribe to the geographic spaces around them. Directions and locations are inscribed with various meanings and landscapes are replete with ideological and political significance. In some conceptualizations of landscape, some territories are placed in binary opposition to one another based on the social and ideological meaning these territories might have (e.g., center/periphery, occident/orient, north/south, near/far, fertile/wilderness). It is also

common for landscapes to inscribe territories with a "character" based on their location (e.g., "the Far East," "the dark continent," "South of the Border," the land "down under"). Notions of common ancestry can also be varied, ranging from belief that members of a group descended from a common progenitor to the modern idea that there is some kind of clear, discernible genetic relationship between members of different ethnic groups, to the idea that certain kinds of humans were created by the gods under different circumstances from the rest of humanity (an example that will be shown below).

In this chapter, I will explore some Mesopotamian constructions of foreigners with an eye to how certain Mesopotamian texts view landscape and concepts of descent as well as the interaction between those two ideas. Mesopotamian concepts of ethnicity are distinctive because Mesopotamian texts tend to emphasize the geographic component of ethnic group perception, rather than the hereditary connectedness between ethnic group members. However, even in Mesopotamian texts, the language used to describe certain ethnic groups shows that, at least in some texts, different ethnic groups are thought to have a kind of hereditary connectedness. I theorize that Mesopotamian texts, as documents produced by literate elites of post-Akkadian states, and the Assyrian and Babylonian empires, are dominated by a political landscape that was attuned to the needs of these imperial societies. In other words, the backdrop of the texts that I will analyze is a cartographic imagination informed by an imperial political division of the world. This imagined view of the physical world represented an ideological construction that made the imperial seat of power and the lands within its immediate orbit the "center" and those lands outside the "periphery"

Ethnicity in Assyriology

Assyriologists, like other scholars in the humanities, have difficulty defining the term "ethnicity." G. van Driel follows Siân Jones's definition of ethnicity which is "all those social and psychological phenomena associated with a culturally constructed group identity" and "the ways in which social and cultural processes are involved in the identification of and interaction between ethnic groups."[1] Van Driel goes on to define principal stages of ethnic development and ways in which ethnic groups might be constructed by scholars by looking at traditions, religion, way of life, structure of society and material culture. Van Driel is honest about the limitations of all of these criteria, but there is one deep theoretical problem. Van Driel seems to assume, contrary to the theoretical suggestions of Brubaker, that ethnicities are objective things "out there" to be analyzed by scholars. But if the main component of ethnic group construction involves group *perception*, simply looking at traditions, religion, way of life, social structure and material culture will miss a critical piece of information. Some ancient sources of information, such as business, administrative and legal texts as well as material culture, do not easily reveal how ethnic group members are perceived. We would have to look at how traditions, religious practices and ways of life are used *ideologically* in Mesopotamia, because only that would reveal how Mesopotamian peoples perceived ethnic groups. If we were to construct ethnic groups based on social practices and structures alone, we would only be reinforcing our own group perceptions, not reconstructing possible group perceptions that Mesopotamian peoples may have had. Certainly, we can speculate that migrations and political changes may have sparked

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[1] G. van Driel, "Ethnicity, How to Cope with the Subject," *Ethnicity in Mesopotamia* (ed. W.H. van Soldt, et al.; *RAI* 48; Leiden: Nederlands Instituut voor het Nabije Oosten, 2005), 1.

ethnic conflict. In addition, when texts use gentilics or epithets that specify geographic

locations (e.g., "Amorite," "Gutian," "Elamite"), we can suspect that the peoples denoted

by these geographically based gentilics are perceived as ethnic groups. But we should

not construct ethnic groups without engaging the ideas Mesopotamian texts expressed

about ethnic groups. Of course, the reconstructions will always be incomplete because

the record for the most part has left highly reified, highly stylized descriptions of ethnic

groups. In addition, the extant texts from Mesopotamia probably represent a small

percentage of texts that were actually produced, and what does exist was found largely

through accident of discovery or because the texts happened to be preserved after

thousands of years.[2] Nevertheless, this is where a scholar must start in his or her

reconstruction.

One piece of evidence that supports my hypothesis that Mesopotamian texts give

more emphasis to geographic distinctions is, perhaps paradoxically, the difficulty that

some scholars have in pinpointing a concept of ethnicity in Mesopotamia. The emphasis

that Mesopotamian texts place on geographic distinctions seems to have led to the notion

that foreign peoples are distinguished based on "behavioral" characteristics or lifestyle

(such as urban versus nomadic or civilized versus uncivilized), which is counterposed to

distinctions based on ethnic grounds.[3]

Some Assyriologists claim that ethnicity is difficult to determine in Mesopotamia

because the distinctions that people normally make between ethnic groups, especially

with respect to language, are not prevalent in Mesopotamia. While there are some texts

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[2] While the texts that may have been preserved represent a small percentage of what was actually written, the sheer volume of extant texts is a related problem. Not only will a scholar's viewpoint be incomplete because not all of the texts from ancient Mesopotamia have been preserved, but because the volume of preserved texts forces one to specialize.

[3] Zainab Bahrani, "Race and Ethnicity in Mesopotamian Antiquity," *World Archaeology* 38 (2006): 55-56.

that negatively characterize the languages of other peoples,[4] it is also true that many of

the greatest conflicts in Mesopotamia take place between political entities that speak the

same language. Christina de Bernardi points out that the earliest recorded conflicts in

Mesopotamia take place between Lagaš and Umma, city states whose populations both

spoke Sumerian.[5]

However, de Bernardi notes that eventually a distinction between the "center" and

"periphery" develops, in which the "center" (**kalam**) or inner country provides

subsistence goods such as grain, wool, etc. and the dominated "periphery" (**kur**)

provides raw materials.[6] For de Bernardi, the "center" does indeed seem to possess some

kind of ethnic meaning because eventually the **kalam** becomes an "ethnical, political,

ecological center that begins to define by opposition a periphery to subordinate"—a

periphery that connotes an "environmental outside" and "otherness" that brings the

foreignness of its inhabitants into relief.[7] In earlier texts, it appears as though the **kalam**

was understood as the alluvial plain of Mesopotamia, the main cities that participated in

the **bala** or temple tax for the shrine at Nippur.[8] Of course, as time went on, what

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[4] Volkert Haas, "Die Dämonisierung des Fremden und des Feindes im Alten Orient" *Rocznik Orientalistyczny* 41 (1980), 40. Haas points to the annals of Aššurnaṣirpal II which classify the speech of the Hurrians and Lullubians (a dangerous mountain people) as high-pitched, siblanty (lispy?), chirpy and effeminate: "In den Ohren der Assyrer hatte die Sprache der Hurriter oder Lullubäer einen hochtonigen zischenden, bzw. einen zwitschernden Klang. So heißt es in den Annalen Assurnasirpals, daß die Leute von Zipirmena im Lande Zamua 'wie die Weiber zwitschern.'"

[5] Cristina de Bernardi,"Methodological Problems in the Approach to Ethnicity in Ancient Mesopotamia" in W.H. van Soldt, et al. (eds.), *Ethnicity in Ancient Mesopotamia*, 85.

[6] de Bernardi, "Methodological Problems," 86.

[7] de Bernardi, "Methodological Problems," 86. However, de Bernardi does not say what "ethnicity" *is*.

[8] J.N. Postgate, *Early Mesopotamia: Society and Economy at the Dawn of History*. (London: Routledge, 1992), 122; idem, "Royal Ideology and State Administration in Sumer and Akkad" *Civilizations of the Ancient Near East* 1 (Jack M. Sasson, ed.; New York: Scribner, 1995), 399, 401; Tonia M. Sharlach, *Provincial Taxation and the Ur III State* (Leiden: Brill, 2003), 6-17. Sharlach points out that only Ur III "provinces" paid the **bala**. There is some ambiguity about whether some cities were considered "provinces," such as those in the Diyala region (Ešnunna, Išim-Šulgi), which paid both the tax levied on peripheral regions (**gún ma-da**) and the **bala**. However, it is probably safe to say that the core of the Ur III state "stretched from the marshy regions of the south only as far north as Sippar (or possibly the Diyala region around Ešnunna)" (ibid, 6). **bala** is a term relevant for Ur III political organization, but

constituted the "center" and what constituted the "periphery" would change to reflect the location of who was in charge. Note that Assyrian cities are located far to the north of the traditional **kalam.** The new "center" for the Assyrians would become the "land of Assyria" (*māt Aššur*), which obviously revolved around Assyrian cities.

De Bernardi holds that the geographic distinction between center and periphery does seem to give rise to a kind of ethnic thinking, but others are not so sure that a geographic distinction alone can qualify as an ethnic distinction. Zainab Bahrani, who holds that ethnicity is a thoroughly modern concept, does not believe that the foreign peoples negatively characterized in Mesopotamian texts constitute ethnic groups[9]. Unlike the descriptions of groups in Mesopotamian texts, ethnicity is a modern "relationship of alterity" (i.e., a construction of "others"[10]) that centers on biology and phenotype. Bahrani claims that the foreignness of peoples in Mesopotamian texts, on the other hand, is expressed spatially and in terms of behavior, but not in biological terms. The texts that portray groups such as the Gutians and the Amorites negatively are expressing a relationship of alterity based on a key Mesopotamian distinction between nomadic peoples and urban peoples. Yet, because the texts convey no "biological" distinction, according to Bahrani, these groups cannot be classified as ethnic groups.

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since Ur III bureaucrats were the first ones to have recorded the literary narratives about the kings of Akkad, such as the *Curse of Akkad*, an Ur III term seems appropriate to describe at least one important perspective on landscape in Mesopotamia.

[9] Bahrani, "Race," 48-59.

[10] See my critique of the concept of the "Other" in ancient studies in Chapter One, in which I argue that the idea of the "Other," at least as it is used in biblical scholarship, lacks both the analytical and philosophical specificity to be useful as a category. I believe that ancient studies would be better served by using terminology employed by social psychologists who study group perception, such as in-group/out-group perception, "essentialization," entitativity, etc. Bahrani sees Mesopotamian discourse about foreigners as "a discourse of the other" ("Race and Ethnicity," 49). As is common in ancient studies, the concept of the "other," which has a rich philosophical history is not explored by Bahrani.

Bahrani argues that for a description to qualify as "biological," the description should explicitly mention physical characteristics or there should be some evidence that race or ethnicity was a specific, identifiable category in the scientific and medical texts of Mesopotamia. By contrast, for my own theoretical view of ethnicity, any terminology or language suggesting that foreigners are related by genealogical or hereditary links is conceptually analogous to, but certainly not identical to, modern biological concepts. Since some texts do use terms such as "seed" (*zēru*) to describe certain foreigners and because physical characteristics are, indeed, part of the descriptions of foreigners in texts such as the *Cuthean Legend of Naram-Sin* (a text that Bahrani does not mention) as well as the *Curse of Akkad*, I hold that the foreigners negatively characterized in Mesopotamian texts can be classified as ethnic foreigners. Bahrani is correct to emphasize that Mesopotamian texts do not betray complex taxonomies of racial groups as do eighteenth and nineteenth century European concepts of race, nor do they put as great of an emphasis on phenotype as European concepts. Nevertheless, I contend that the basic components of ethnic group conceptualization manifest themselves in Mesopotamian characterizations of foreigners.

Warnings that modern concepts of ethnicity are often unjustifiably read into Mesopotamian texts are common in discussions about ethnicity in the ancient world, but scholars should also be wary of reading their own cartographic concepts into ancient texts. There is no such thing as merely "spatial" or "geographic" divisions in Mesopotamia, especially considering the fact that the distinction "center/periphery" held so much significance. One cannot counterpose, as Bahrani does, a spatial distinction or a civilized/barbarian distinction with a properly ethnic distinction, since the two could be

fundamentally interconnected. As I will show below, in many Mesopotamian texts, the geographic origins of certain peoples is related to their essential core and their essential character as peoples.

Since some Assyriologists point to nomadism as an important distinction that Mesopotamian texts make to mark "civilized" and "barbarian" peoples, it is important to point out that many so-called nomads are associated with particular regions and lands and were thought to have settlements. For example, in the *Sargon Geography*, a composite text the final form of which was created during the Neo-Assyrian period, the Haneans and Subarteans, who were thought to be nomads, are associated by name with the *land* of Hanu and Subartu.[11] The relationship between nomads and specific regions suggests a highly geographic component to Mesopotamian ethnic concepts, even with respect to people who were not considered sedentary. However, it would appear as though there is a difference between the gentilics given to "nomads" and the gentilics given to other groups. In the Neo-Assyrian period, at least, the names of nomadic peoples never appear with the determinatives URU or KUR, but may appear with LÚ, as is the case with LÚ *Tamudi*, an Arab nomadic group, or no determinative at all.[12]

The association of nomads with distinct lands may also be a function of the kind of "nomadism" that existed in the ancient Near East.[13] Groups known for their

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[11] Lines 2-3, 27 of the composite edition of the *Sargon Geography* found in Wayne Horowitz, *Mesopotamian Cosmic Geography* (Winona Lake, Ind.: Eisenbrauns, 2002), 69. Horowitz's composite text is comprised of two first millennium Neo-Assyrian tablets (VAT 8006) and a Late Babylonian tablet (BM 64382, 82955) (ibid, 68). See also A.K. Grayson, "The Empire of Sargon of Akkad," *AfO* 25 (1974-77): 58-59

[12] Peter Machinist, "Assyrians and Assyria in the First Millennium BCE" *Anfänge politischen Denkens in der Antike* (ed. Kurt Raaflaub; Munich: Oldenbourg, 1993), 83; Simo Parpola, *Neo-Assyrian Toponyms* (Alter Orient und Altes Testament 6, Neukirchen-Vluyn: Butzon & Bercker, 1970), 103-104, 183.

[13] As Piotr Michalowski points out, the distinction between "nomad" and city-dweller was probably not clear-cut and definitive. In Syria, at least, "there was a back and forth movement between settled and semimobile ways of life" (*The Correspondence of the Kings of Ur: An Epistolary History of a*

"nomadic" tendencies in the ancient Near East, such as the Amorites, were also said to have had cities and some were fully integrated into various societies of Mesopotamia.[14] The fact that some so-called "nomads" are associated with settlements and regions makes the hard and fast distinction between "settled" people and the nomads more complicated. Relatedly, Amorites are a "nomadic" group that was said to have founded dynasties in the major states of Mesopotamia. Even though Amorites seem to have been fully integrated into the political and social structures of many Mesopotamian states, in many instances they are still labeled "Amorite," suggesting that integration may not have erased their social identification as Amorites.

Texts Used

I will explore Mesopotamian caricatures of foreigners mostly through stories about the kings of Akkad,[15] a city-state thought to have been the center of world's first empire from around 2340-2198 BCE.[16] There are a number of texts and topics that

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Mesopotamian Kingdom [Winona Lake, Ind.: Eisenbrauns, 2011], 90). He further cautions against polar oppositions between "sedentary" and "non-sedentary" ways of life.   See also Bertile Lyonner, "L'occupation des marges arides de la Djéziré: pastralisme et nomadisme aux débuts de 3ème du 2eme millénaire" in *Conquête de la steppe et appropriation des terres sur les marges arides du croissant fertile* (ed. Bernard Geyer; Lyon: Maison de l'Orient Méditerranéen-Jen Pouilloux, 2001); idem, "Le nomadisme et l'archéologie: problèmes d'identification. Le case de la partie Occidentale de la Djéziré aux 3ème et 2ème millenaire avant notre ère" *Nomades et sédentaires dans le Proche-Orient ancien* (RAI 46; Paris: Editions Recherche sur les Civilisations, 2004); Anne Porter, "The Dynamics of Death: Ancestors, Pastoralism and the Origins of a Third Millennium City in Syria," *BASOR* 325 (2002): 1-36; idem, "The Urban Nomad" in *Nomades et sédentaires*.

[14] For a collection of professions that various identified "Amorites" had in the Ur III period, see Giorgio Buccellati, *Amorites of the Ur III Period* (Naples: Instituto Orientale di Napoli, 1966), 340-344. Amorites also started important royal dynasties, such as the Old Babylonian dynasty of Šumu-la-ēl, of which the most famous descendant is Hammurapi. Michalowski has a good discussion of the problems with positing that the Amorites were "nomads" in the modern sense of the word (*Correspondence*, 90-93).

[15] See Aage Westenholz, "The Old Akkadian Period: History and Culture" in *Mesopotamien: Akkade-Zeit und Ur III Zeit* (Oribis Biblicus et Orientalis 160/3; Gottingen: Vandenhoeck and Ruprecht, 1999), 34-59 for a history of the early Akkadian kings (also known as the Old Akkadian period).

[16] On the debates on what genre best describes literature about the early kings of Akkad, see Joan G. Westenholz, *Legends of the Kings of Akkade* (Winona Lake, Ind.: Eisenbrauns, 1997), 2-17. There are

would be fruitful for a discussion about caricatures of ethnic foreigners in Mesopotamia,

such as city laments that mention foreign peoples responsible for the destruction of major

Mesopotamian cities, polemical jabs at the social practices of the Amorites, a Western

people who infiltrated and settled much of Mesopotamia, the Kassite takeover of

Babylonia, the conflicts between Assyria and Babylonia (especially the demonization of

Marduk-apla-iddina), Assyrian caricatures of the Elamites and their gods, and so on. And

indeed, some of these topics will be briefly discussed since they are relevant to my

review of the literary tradition of the early kings of Akkad. But stories about the early

kings of Akkad seem to have had an extraordinarily wide-reaching impact. Texts about

the kings of Akkad have been found as far away as Anatolia and Egypt,[17] and copies of

some of the stories have even been discovered in Hittite.[18]   Since texts about the early

kings of Akkad were known in Anatolia, perhaps it is not surprising that the biblical

tradition may also have been directly influenced by the legends of the kings of Akkad.[19]

Though scholars debate whether or not the Akkadian empire was really the first

world empire, the scribal tradition that preserves stories about the kings of Akkad

certainly suggests that they had accomplished something radically different from

whatever political and social organization came before.[20] The rulers of Akkad, namely

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some useful genre distinctions, such as the "autobiographical" format, in which the king narrates the
story of his exploits from his own perspective, but I am not particularly invested in what to call these
stories about the kings of Akkad ("legends," *narû* literature, mythic texts, etc.).

[17] A copy of "Sargon: King of Battle" (SR 12223 = VAT 10290 = VAS 12 193 = EA 359) was found at
Tell el-Amarna, written in "one of the western peripheral dialects" which reflects "features of the Syro-
Anatolian dialects of Akkadian." See Westenholz, *Legends*, 105-106.

[18] Such as the Hittite version of the *Cuthean Legend of Naram-Sin* (Bo 1309). See Harry Hoffner,
"Remarks on the Hittite Version of the Naram-Sin Legend," *JCS* 23 (1970): 17-22.

[19] The most famous example is perhaps the tradition of Moses floating down the Nile in a basket, which is
similar to the story of Sargon's en-priestess mother floating him down the Euphrates in a basket and his
later discovery by a water-drawer. See "Sargon Birth Legend," lines 5-13, in Westenholz, *Legends*, 40-
41. I will argue in Chapter Three that the Mesopotamian "dangerous mountain people" motif (see
below) was also highly influential on biblical traditions about foreign invaders.

[20] Assyriologists debate whether or not Sargon had the world's first empire or Lugalzagezi, his Early

Sargon, who brought most of Mesopotamia under his rule, and his grandson Naram-Sin became legends in Mesopotamian folklore. I also believe that many of the themes in the stories about the early kings of Akkad influenced later ideological representations of foreigners, particularly in Neo-Assyrian texts. As a result, I have chosen to focus on literary texts about the heroic, and sometimes tragic, exploits of Sargon and Naram-Sin, especially the *Curse of Akkad* and the *Cuthean Legend of Naram-Sin.* Of course, other texts will help illuminate some of ways that foreigners are presented in literary texts about the kings of Akkad, and I will look at those texts as they are relevant.

The other set of texts I will be looking at—though not as extensively as the Akkadian legends—are Neo-Assyrian inscriptions. During the Neo-Assyrian empire (919-609 BCE) there was a kind of Akkadian "renaissance" as Neo-Assyrian kings invoked the legacy of the kings of Akkad to legitimate their own regimes.[21] Babylonian kings, especially Nebuchadnezzar II (605-562 BCE) and Nabonidus (555-539 BCE), also participated in the tradition of revering and (selectively) remembering the past to legitimate the present. As early as the turn of the last century, the Assyriologist Albert T.

Dynastic predecessor. Aage Westenholz argues that earlier kings such as Eannatum and Lugalzagezi (from whom Sargon wrested control) cannot compare to Sargon. Westenholz says that Lugalzagezi did not record military conquests, did not tear down fortifications or install Urukeans as **ensi**s. Lugalzagezi and other Early Dynastic kings were normal **lugal kiengi** ("The Old Akkadian Period: History and Culture" in Walther Sallaberger and Westenholz, *Mesopotamien,* 40. Jean-Jacques Glassner contends that it is difficult to distinguish between "prestige" and "power" in the pre-Sargonic period, but that Lugalzagezi broke the equilibrium between the cities and marked a turning point because he at least had the objective of hegemony over other city states (*La chute d'Akkadé: sa évenement et sa mémoire* [Berlin: Dietrich Reimer Verlag, 1986], 7. C.J. Gadd notes that "a wider prospect than local domination is opened for the first time with Lugalzaggisi...he proclaimed that not only had the god given him kingship over the land (**kalam**, i.e., Sumer) and directed the eye of the land upon him, but also that he rendered the foreign lands (**kur-kur**) subject at his foot from the rising sun to the setting he had bowed the neck (of all) to him'" ("The Dynasty of Agade and the Gutian Invasion" [CAH; Cambridge: Cambridge University Press, 1971], 420-21).

[21] And some Middle Assyrian kings also seem to have been enamored by the early rulers of Akkad, showing that legends about them were influential in Mesopotamian thought in all periods. Šamši-Adad I (1813-1781 BCE) was said to have made pilgrimages to Akkad as did his son, Yasmaḫ-Adad. See *Archives Royales de Mari* 1 (Paris: P. Geuthner, 1946), 36:5; Westenholz, *Legends*, 2.

Clay referred to this nostalgia for things of the past among rulers of Mesopotamia as "antiquarianism."[22] But there would be no past to remember were it not for the fact that the scribal tradition of Mesopotamia preserved lore about the kings of Akkad, showing that these stories had resonance throughout the ages. These kings, their exploits, accomplishments and inscriptions were essential to the training of scribes in Mesopotamia (and, apparently, in places such as Egypt and Ḫattuša as well), and the texts are a window into one of Mesopotamia's more influential ideologies. This nostalgic textual tradition developed in the context of a royal antiquarianism in which the kings of Mesopotamian empires collected purported "relics" in museums and preserved and restored ancient cult sites.[23] And, of course, the scribal traditions of Mesopotamia always appealed to the traditions of the sages that came before them.[24]

Mesopotamian Landscapes

Mesopotamian geography, like most ancient geography, is intimately connected with myth and the gods.[25] The introduction to *Lugalbanda in the Mountain Cave,* a story probably composed during the Isin-Larsa/Old-Babylonian period (2000-1600 BCE)[26] suggests that the boundaries of the earth and the settled life of Mesopotamia are intimately connected with creation:

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[22] Gonzalo Rubio, "Scribal Secrets and Antiquarian Nostalgia: Tradition and Scholarship in Ancient Mesopotamia," in *Reconstructing a Distant Past: Ancient Near Eastern Essays in Tribute to Jorge R. Silva Castillo* (ed. Diego A. Barreyra Fracaroli and Gregorio del Olmo Lete; Barcelona: Editorial Ausa, 2009), 157.

[23] Allison K. Thomason, *Luxury and Legitimation: Royal Collection in Ancient Mesopotamia* (Aldershot, N.H.: Ashgate, 2005).

[24] Rubio, "Scribal Secrets," 157-161, 168-173.

[25] Jeremy Black, "The Sumerians in Their Landscape," in *Riches Hidden in Secret Places: Ancient Near Eastern Studies in Memory of Thorkild Jacobsen* (ed. Tzvi Abusch; Winona Lake, Ind.: Eisenbrauns, 2002), 45-51.

[26] Herman L. J. Vanstiphout, *Epics of Sumerian Kings: The Matter of Aratta* (ed. Jerrold S. Cooper; Leiden: Brill, 2004), 1. Vanstiphout notes that the story probably dates from the earlier Ur III period. All of the texts about the early kings of Uruk can probably be dated to the Isin-Larsa period.

When in ancient days heaven was separated from earth, when in ancient days that which was fitting ... boundaries were laid out and borders were fixed, when boundary-stones were placed and inscribed with names, when dykes and canals were purified, when ...wells were dug straight down; when the bed of the Euphrates, the plenteous river of Unug, was opened up...when the offices of *en* and king were famously exercised at Unug, when the sceptre and staff of Kulaba were held high in battle — in battle, Inanna's game; when the black-headed[27] were blessed with long life, in their settled ways and in their ..., when they presented the mountain goats with pounding hooves and the mountain stags beautiful with their antlers to Enmerkar son of Utu.[28]

For some Mesopotamian texts, such as the famous second millennium BCE "creation myth" *Enūma Eliš*[29], the main waterways of the earth and the mountains were actually composed of different parts of the vanquished god Tiāmat, who was defeated by the Babylonian chief deity, Marduk. One Sumerian text, *Enki and the World Order* suggests that rivers, such as the Euphrates, were semen from the god Enki (lines 250-58).[30] The

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[27] (Sumerian: **saĝ-gig₂**[**-ga**]; Akkadian: *ṣalmāt qaqqadi*) "Black headed" people refers humanity in general and the inhabitants of the world, and while the expression cannot be correlated with any particular language or national group, this term might, in some specific contexts, have "ethnic" connotations (see discussion in Bahrani, "Race and Ethnicity," 54). A composite, multi-ethnic identity can take on "ethnic" characteristics when contrasted with another, specific "foreigner," such as the distinction between "Americans" of a variety of ethnic backgrounds and "illegal aliens" (mostly conceptualized as immigrant Mexicans and Central Americans). A multi-ethnic identity can be deployed against a particular maligned or excluded ethnic group. *Enūma Eliš* refers to the human beings created by the gods after the defeat of Tiamat as "black-headed" people (VI 107). In other stories, which I will discuss later, certain mountain peoples seem to have been created long after the postdiluvian period specifically for the purposes of punishment. The separate creation story for these mountain peoples may suggest that there is a difference between the "black-headed" peoples and these specially created mountain folk. However, there are certainly texts suggesting that the expression "black-headed people" refers to all of humanity. See, e.g., "Sargon Birth Legend" line 24, which seems to suggest that the black-headed people are all of Sargon's subjects, i.e. the whole world, including the mountains, which he conquered (Westenholz, *Legends*, 45). Also Neo-Assyrian examples can be found in *CAD*, Ṣ, 76. Taking the "black-headed" as a phenotypic descriptor (i.e., dark hair or skin color) is extremely problematic (see *CAD*, Ṣ, 76).

[28] See "Lugalbanda in the Mountain Cave," at Jeremy Black, Graham Cunningham, Esther Fluckiger-Hawker, Eleanor Robson, and Gábor Zólyomi, *The Electronic Text Corpus of Sumerian Literature* (http://etcsl.orinst.ox.ac.uk/section1/tr1821.htm), Oxford 1998-2013, lines 1-19.

[29] Though there are no existing manuscripts that predate the first millennium BCE. See Horowitz, *Cosmic Geography*, 108. See also the composite text of Philippe Talon, *The Standard Babylonian Creation Myth: Enūma Eliš* (SAACT 4; Helsinki: Neo-Assyrian Text Corpus Project, 2005), lines 129-146.

[30] For translations, see "Enki and the World Order" at Black et al., *ETCSL*

earth was not a tiny, microscopic speck floating in a vast, expanding universe as modern

astrophysics holds, but was the center of the cosmos—a flat layer between the heavens

and the watery deep (Sumerian: **abzu**; Akkadian: *apsu*). Cosmic events took place in

important Mesopotamian cities and on a cosmic plane, and gods traveled between

existing cities in ways that mirrored actual travel routes.[31] Cities in Mesopotamia also

had patron deities who seem to have acted as the "life force" of the city. If that god

decided to abandon his or her city, the city would fall into ruin. Clearly, cosmology and

geography were intimately connected.

      The Mesopotamian landscape was informed by a cartographic imagination that

located Sumer—and later, Babylonia and Assyria—at the center of the world and other,

"exotic" lands on the periphery. The *Sargon Geography*, composed during the Neo-

Assyrian period[32] and the *Babylonian Map of the World* composed during the 8th-9th

century BCE[33], seem to have been among the more popular cartographic descriptions

from Mesopotamia because they are the only ones that have survived. In the *Sargon

Geography*, Sargon claims to have "delineated borders for and measured circumference

for" the different territories of the world (lines 63-64), perhaps, executing the will of the

gods who divided the world into its distinct boundaries at the beginning of time (as in

Lugalbanda in the Mountain Cave). According to both the *Babylonian Map of the World*

(http://etcsl.orinst.ox.ac.uk/section1/tr113.htm), lines 250-58; For another translation, see Black, "Sumerians," 49.

[31] In stories such as *Enki's Journey to Nippur* and *Nanna-Suen's Journey to Nippur*. See Black, "Sumerians," 47; Black et al., *ETCSL* (http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.1.1.4#); idem, *ETCSL* (http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.1.5.1#).

[32] Though the *Sargon Geography*, especially the ethnographic information, was ultimately composed in the Neo-Assyrian period, much of the material may date to the Old Babylonian period. See Horowitz, "Moab and Edom in the Sargon Geography", *IEJ* 43 (1993), 152; idem, *Cosmic Geography,* 92-93; A.K. Grayson, "The Empire of Sargon of Akkad" *AfO* 25 (1974-77), 57; G.J.P. McEwan, "The Sargon Geography" *Revue d'Assyriologie et d'Archéologie Orientale* 74 (1980): 171-73; Mario Liverani "The Sargon Geography and the Late Assyrian Mensuration of the Earth" *SAAB* 13 (1999-2001): 57-85.

[33] See BM 92687, the "Babylonian Map of the World"; Horowitz is the leading scholar on this document ("The Babylonian Map of the World," *Iraq* 50 (1988): 147-165; idem, *Cosmic Geography*, 29-39).

and the *Sargon Geography*, the world was a Pangea-like main continent surrounded by a

sea, referred to as the *marrātu* in the *Babylonian Map* across which existed distant

islands, identified in the *Sargon Geography* as Anaku ("tin land"), Kaptara (Caphtor =

Crete), Dilmun (Bahrain?), Meluḫḫa (Indus River Valley?) and Magan (Oman?) (lines

30, 41-42).[34] According to the *Babylonian Map of the World*, these islands were home

to a variety of exotic (some non-existent and legendary such as the "scorpion man")

animals and plants.[35] Lines 45-59 of the *Sargon Geography* contain ethnographic

information about different peoples, and since these lines were probably composed

during the Neo-Assyrian period, I will save them for the discussion on Neo-Assyrian

caricatures of foreigners.

    While some Mesopotamian texts speak of a number of dangers in geographic

locations outside of urban life,[36] they point to the mountain ranges that surrounded

Mesopotamia as particularly dangerous. Both the western mountains and eastern

mountains could be home to dangerous, unruly people, such as western Amorites as

described by Ur III texts, and the eastern Gutians and Lullubi. But the eastern mountain

ranges are home to the most insidious enemies.[37] The mountain landscape was important

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[34] The precise location of these lands is debated by Assyriologists. For my purposes, the importance of these locales is that they provided raw materials and exotic goods for powerful states and were regarded as very distant lands.

[35] Horowitz, *Cosmic Geography*, 35.

[36] The suburban landscape also posed dangers. Black calls attention to the growth of wild grass, called the *šumunda* grass which was useful for making baskets, boats and makeshift shelters, but grew like a weed and required a great deal of labor to remove. It also seems to have been extremely flammable in the dry summer months. The *šumunda* grass is paradigmatic of a "set of human responses to the rural landscape—uncultivated, full of wild vegetation, maybe dangerous in hot, dry weather, but nevertheless lived near and worked beside" (Black, "Sumerians," 57). Volkert Haas also relates that the steppe along with the mountains is seen as a treacherous place where demons reside (Haas, "Dämonisierung," 38). The steppe also plays a role in negative depictions of foreigners during the Neo-Assyrian period (see below).

[37] Though note that the Amorites were perceived to have eventually moved to a land east of the Tigris, making them easterners whose origins were in the west. A hymn says that the god Amurru was "the first born of the gods of Anšan" and the Šitti-Marduk *kudurru* from the reign of Nebuchadnezzar I

because of its ideological significance as a foil against which the civilized life of urban

Mesopotamia was compared. Black writes that mountain vistas

> are mental constructs: they have no necessary connection with the
> topography of particular places. Part of the structural function of such
> scenes is to be what Piotr Michalowski has called 'paradigmatic
> representations of the superiority of the culture of Sumer': we are intended
> to contrast the mountains to the desirable world at home.[38]

A part of that mountain motif was the presence of peoples who were perceived as threats

to civilized urban life in Mesopotamia. As Piotr Michalowski puts it:

> In early Mesopotamian cosmology, the eastern mountains symbolized a
> unique nexus of contradictory as well as complementary notions. This
> was the source of many of the luxury goods that made the good life
> worthwhile—with the exception of food, clothing and beer. It was also
> the home of peoples who continuously threatened to destroy all civilized
> life in the alluvial plain of what is now Iraq.[39]

The Sumerian stories about Enmerkar and Lugalbanda, the legendary early kings of

Uruk, which developed between the Ur III period and the end of the Isin-Larsa/Old-

Babylonian Period, seem to be some of the earliest manifestations of the motif that

portrays the mountains as a source of enemies to be defeated. According to one legend,

Lugalbanda in the Mountain Cave, Lugalbanda, who will become the king of Uruk,

nearly dies in the mountains, which are referred to as the "rebel land" (**ki-bal**).[40] In the

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associates the land of Amurru with the land of the Kassites and Lullubu during a campaign against
Elam. Amurru extends from Lebanon to east of the Tigris in the *Sargon Geography* as well. See
discussion in Paul-Alain Beaulieu, "The God Amurru as Emblem of Ethnic and Cultural Identity?" in
Ethnicity in Mesopotamia, 40.

[38] Black, "Sumerians," 56.

[39] Piotr Michalowski, "Maybe Epic: The Origins and Reception of Sumerian Epic Poetry," in *Epic and
History* (ed. Kurt Raaflaub and David Konstan; Malden, Mass.: Wiley-Blackwell, 2010), 13.

[40] Lines 23, 404. In Akkadian, **ki-bal** is rendered *māt nukurti* ("enemy country") (*CAD*, N/2, 329).

stories of Enmerkar and Lugalbanda, the enemy living in the mountains is the settlement

of Aratta.   The precise location of Aratta is unknown, but *Enmerkar and the Lord of*

Aratta (hereafter ELA) certainly portrays Aratta as a place that is "far away" because

Enmerkar's messenger had to "cross five mountains, six mountains, seven mountains" to

reach Aratta (ELA 160-171).[41] The terrain on which Aratta rests is said to be rugged and

hostile, as the king of Aratta boasts:

> [Aratta] is a **meš**-tree grown high to the sky; its roots form a net, and its
> branches are a snare. It may be a sparrow but it has the talons of an Anzu
> bird or of an eagle. The barrier of Inanna is perfectly made and is
> impenetrable (?). Those eagle talons make the blood of the enemy run
> from the bright mountain.[42]

The stories about Aratta demonstrate that the portrayal of "mountain peoples" is

complicated because Aratta is, in fact, a settlement and seems to have important aspects

of settled life, like granaries. In contrast to the Amorites, often portrayed as a mountain

people, whom some texts claim do not know of foodstuffs like grain (**še**), the people of

Aratta seem to have a diet that is based on wheat (**kib**) and pulse (**gu**).[43] The people of

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[41] See "Enmerkar and the Lord of Aratta" at Black et al., *ETCSL*
(http://etcsl.orinst.ox.ac.uk/section1/tr1823.htm), lines 160-171; For another translation, see
Vanstiphout, *Epics*, 66-67. The "seven mountains" formulation strikes me as a way of conveying "a
very long way" in the mountains. See Yousef Majidzadeh, "The Lord of Aratta," *JNES* 35 (1976), 109.
Majidzadeh seems to believe that Aratta is located in the region of Kerman range of the Zagros
mountains. It was probably thought to be somewhere in the Zagros mountains because of the mention
of Anšan in the story (lines 75, 110, 166).

[42] Translation from "Lord of Aratta," at Black et al., *ETCSL*, lines 243-247; For another translation, see
Vanstiphout, *Epics*, 71

[43] A common stereotype of Amorites is that they "do not know grain" (**še nu-zu**), presumably a reference
both to their alleged lack of agriculture and bizarre diet. The probability that "not knowing grain"
refers to their diet is supported by another reference, the "Myth of Amurru" which claims that the
Amorites, represented by their national god Amurru, eat raw meat and dig up raw mushrooms from the
foot of the mountains (SEM 58: iv 26-27; Buccellati, *Amorites*, 330-332). Another interesting text says,
"They have prepared wheat and grain as confection, but the Amorite will eat it without even
recognizing what it contains," suggesting that Amorites are wholly unfamiliar with normal
Mesopotamian staples (E.I. Gordon, "A New Look at the Wisdom of Sumer and Akkad," *BiOr* 17

Aratta also appear to be capable of metalworking[44] and masonry (ELA 38-64), but seem

not to have developed agriculture because their staples, wheat and pulse, grow

abundantly on their own nearby (ELA 550-554). Aratta is also referred to as the

"mountain of the divine powers (**me**)," which the ruler of Aratta sees as a sign of divine

favor (ELA 218-226).

At the same time, the ruler of Aratta is unable or unwilling to build a temple for

the goddess Inanna, which is something Enmerkar uses to justify his desire to conquer

Aratta. It would appear as though the narrative contrasts Enmerkar's piety with the piety

of the ruler of Aratta, even though the text seems to say that the Arattan ruler in some

ways gave respect to Inanna for his rule ("he put the crown on his head for Inanna," ELA

25-32) and the ruler of Aratta relates that his people are very pious ("water libations are

offered and flour is sprinkled; on the mountain, sacrifices and prayers are offered in

obeisance," ELA 248-250).

When Enmerkar, through his emissary, announces that he has received Inanna's

favor and dictates terms of Aratta's surrender, the king of Aratta sets up a series of

riddles for Enmerkar to solve in order to prove that he truly has Inanna's favor. After

Enmerkar comes up with a solution to the third riddle, Enmerkar's messenger is unable to

remember all of the words of Enmerkar's response. So, inspired by Enlil, Enmerkar

invents writing to help his messenger remember all of his words. The narrative moves

quickly and does not say just how the messenger learns how to read the writing (which

would, in reality, have taken years of tedious training involving the copying of old texts),

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[1960], 131. Referenced by Buccellati, *Amorites*, 331). It seems as though the people of Aratta also
gather their food, but do not have a particularly abnormal diet, which consists of wheat and pulse. See
Dangerous Mountain Peoples below for more on the Amorites and their god.
[44] Though metalworking may have also been associated with foreignness and witchcraft (!). Haas,
"Dämonisierung," 39.

but it is clear that the Arattan king cannot read the cuneiform writing (he sees "only nails").

ELA presents no major stereotyping nor does the story express highly charged polemical rhetoric about the character of the king of Aratta and the people of Aratta. Aratta is not portrayed as particularly dangerous or fearsome. ELA provides a subtle contrast between the piety of Enmerkar and the king of Aratta and subtly contrasts the civilized nature of Uruk with Aratta, through the epithet "rebel land," and the technology of writing. Due to a lack of agriculture and writing, Aratta appears technologically inferior and its king is unable or unwilling to honor Inanna properly, in spite of its cosmically significant location. But what ELA introduces subtly, stories about Sargon and Naram-Sin as well as some Ur III texts, will introduce explicitly in their descriptions of dangerous mountain peoples.

The Political Landscape of the Kings of Akkad

The story of Enmerkar seems to promote an idea, shared by legends of the kings of Akkad, that a king's legitimacy is dependent on his ability to dominate the mountainous periphery. Unlike Akkadian kings, Enmerkar was not said to have ruled the entire world, but he could, if he desired, dominate a foreign, mountainous terrain. A number of legends about the kings of Akkad claim that they traversed and conquered the "four corners of the earth" (*kibrāt arbaʾi*), especially the mountains.[45] In the *Sargon Geography*, Sargon claims to have "ruled the peoples of the entire world," ruled the "four corners of the earth" and "conquered the entirety of the land under heaven." In Sargon's "autobiographical" birth legend, he boasts, "Difficult mountains I passed through using

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[45] Westenholz, "Heroes of Akkad," *JAOS* 103 (1983), 333.

copper picks; the upper ranges I climbed again and again; the lower ranges I jumped over

again and again; the sea-land I circumnavigated three times" (lines 16-17).[46] The Old

Babylonian composition "Sargon the Conquering Hero" (AO 6702) is probably the most

explicit in showing that a king's reputation was built on his ability to explore and master

the periphery. Here Sargon boasts, "the king who wants to equal me, where I have gone,

let him go!" (lines 120-123).[47] In the "Great Revolt Against Naram-Sin," a story about a

massive, world-wide rebellion against Naram-Sin, he also claimed to be king of the "four

quarters" of the world.[48]

These literary texts seem to echo the actual inscriptions of the kings of Akkad, all

of whom claim to be "king of the entire world" (LUGAL KIŠ = *šar kiššati*). All of Sargon's

descendants, including his sons Rimuš and Man-ištūšu and his great grandson, Šar-kali-

šarrī, took on this epithet. Sargon claimed control over the land from the Upper Sea

(Mediterranean) to the Lower Sea (Persian Gulf) "as far as the cedar forest" (Lebanon)

and the silver mountains (the Zagros) and even "moored the ships of Meluḫḫa, Magan

and Dilmun in the quay of Akkad."[49] While Sargon's boast only claims that he

established trade relations with these distant lands, which were thought to be across the

sea, Naram-Sin's inscriptions do claim that he waged a major campaign against Magan.

Naram-Sin is also referred to as "king of the four quarters" (*kibrātim arbaʾim*), who

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[46] Westenholz, *Legends*, 43.

[47] Westenholz, *Legends*, 77

[48] MAH 10829, line 3, 10-11; MAH 10829 is an Old Babylonian text, seemingly based partially on one of Naram-Sin's actual inscriptions. Westenholz, *Legends*, 241. For the relationship between MAH 10829 and Old Babylonian copies of Naram-Sin's inscriptions, see Steve Tinney, "A New Look at Naram-Sin and the Great Rebellion" *JCS* 47 (1995): 1-14.

[49] Douglas Frayne, *Sargonic and Gutian Periods* (RIME 2; Toronto: University of Toronto Press, 1993), E2.1.1.11, 9-13.

conducted successful campaigns in faraway places such as Elam, Paraḫšum, and Magan.[50]

Also like ELA, some stories and inscriptions of Sargon and Naram-Sin offer justifications for the kings' conquest of foreign lands. It is not only ego, ambition or the arbitrary will of the gods alone that drive Sargon and Naram-Sin to conquer foreign lands; these kings' senses of wisdom, justice and piety often legitimate their expeditions. One of Sargon's inscriptions credits him with Enlil-given "wisdom" (GÉŠTU = *uznum*[51]) (remember Enmerkar's inspiration for writing, also provided by Enlil) (E2.1.1.15, 17-18). In "Sargon, King of Battle," a text that was found at Tell el-Amarna (Egypt)[52], Sargon launches an expedition against the land of Purušḫanda, another distant mountain land, which seems to be located in the west, in Anatolia. According to the legend, the route to Purušḫanda is difficult and the land itself is located in a mountainous terrain (lines 25, 28). Sargon's reason for the campaign is that some merchants are being mistreated by Nur-Daggal, the king of Purušḫanda. The merchants complain that they are victims of "violence" (*kiššūtu*, literally an illegitimate exercise of power,[53] line 18) and treachery (*daṣātu*). Sargon agrees to help the aggrieved merchants despite the objections of some of his troops, invading Purušḫanda and maintaining an occupation for three years.

Sargon was even said to have rescued oppressed cities and restored them to a position of dignity. When the major city-states of Naram-Sin's empire rebel against him under the leadership of the city of Kiš, Naram-Sin notes that his grandfather Sargon "had established freedom for the population of Kiš, had shaved off their slave marks and had

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[50] Frayne, *RIME* 2, E2.1.4.1, ii 6-7; E2.1.4.5, ii 5-7; E2 1.4.11, 3-4; E2 1.4.13, i 4-5; E2 1.4.23, 3-4.
[51] Enlil "increased wisdom for him" (*uznam uwattirśu*).
[52] A Neo-Assyrian fragment was found at Aššur; Hittite fragments were found as well (Westenholz, *Legends*, 102).
[53] *CAD*, K, 462.

broken off their shackles... Kiš was not an enemy—([he] was in) brotherhood with me"

(lines 16-23).[54]   Sargon saved the city from its slavery under Lugalzagezi, Sargon's rival

in Uruk, whom another version of the "Great Revolt against Naram-Sin"[55] calls a

"despoiler" or "plunderer" (*musallilu*[56]).   Nevertheless, despite Sargon's generosity, the

city shows no loyalty to Sargon's grandson. The moral outrage over the audacity of a city

that would dare repay the benevolence of a king with rebellion becomes a theme that

would resonate throughout the centuries. In an example of projection, perhaps, even

though the Sargonic dynasty forcibly extracted plenty of tribute from dominated lands

and indeed claimed to rule the entire world, it is Lugalzagezi who is called a despoiler,

not Naram-Sin. In other words, to the compilers of the legend, "our guy,"[57] Naram-Sin,

is not capable of despoiling; only "the other guy" despoils.

Some texts also portray Naram-Sin as a just and pious king, in contrast to other

leaders who act treacherously. *Erra and Naram-Sin* identifies Naram-Sin as "the wise

one (*eršum*), who takes pleasure in justice, who built your [i.e., Erra's] temple" (lines 66-

68).[58] *Erra and Naram-Sin* tells the story of unidentified enemies raised by the god Enlil,

whom Naram-Sin fights with the support of the other gods, Ištar and Erra. While this

particular campaign by Naram-Sin is presented as a defensive one, it establishes Naram-

Sin's character as pious and just. In fact, Naram-Sin's willingness to build a temple for

Erra seems to be a major reason that the god agrees to fight on his side. In addition,

Naram-Sin is portrayed as merciful at times. In one description of the revolt against him,

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[54] MAH 10829, "The Great Revolt Against Naram-Sin" (Westenholz, *Legends*, 241-242).

[55] That is, the Mari version, A 1252 (Westenholz, *Legends*, 233).

[56] Westenholz notes that the use of the sign SA to represent /ša/ (root =*šullulu*) is a peculiarity of OA and
    Mari Akkadian.

[57] Even though the composers of these traditions may not have been contemporary with Naram-Sin, the fact
    that the stories praise him shows that the authors identified with him in some way.

[58] Westenholz, *Legends*, 199-200.

the text (VAT 7832a), written in an "autobiographical" format, claims that the rebellious

cities revolted against Naram-Sin nine times and "nine times I let them go free" (lines 3-

4).[59] It was only after the tenth time, apparently, that Naram-Sin did not let them go free.

Unfortunately, the text is fragmentary and breaks off so it is unclear what Naram-Sin did

to the cities that rebelled for the tenth time.

The representations of Sargon and Naram-Sin as just, wise, pious, and merciful

justifies the ruthlessness and ferocity of these kings, including the maltreatment of

captives. If, for example, the tradition of Lugalzagezi as a "despoiler" of Kiš was

circulating when Sargon boasted in an inscription that he brought Lugalzagezi to Akkad

in a neck stock, then Lugalzagezi's humiliation can be seen as an example of "poetic

justice." Perhaps scribes copying these inscriptions also had such an impression. The

beneficence of Sargon in liberating Kiš renders disloyalty to Akkad an act of ungrateful,

insolent rebels. The mercy of Naram-Sin demonstrates that a good king is slow to anger

and when the king acts cruelly, he does so because he must. In one Old Akkadian

legend[60] about Sargon, which describes one of his banquets at Kaneš, Sargon was said to

have made the prince of Tukriš wear animal hide, covered the heads of Alašian (Cypriot)

captives like women, mutilated Amorite prisoners (cutting off noses and performing

penectomies), bound the heads of the Kilani in reins and had Ḫattian heads shaven in the

middle.[61] The treatment of these particular captives may have some symbolic value. The

animal hide could signify a dehumanization of enemies that developed in the literary

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[59] Westenholz, *Legends*, 261.

[60] Some scholars suggest that this story is a parody, but Bendt Alster and Takayoshi Oshima argue that the "letter" is part of an oral tradition that developed about Sargon that, like later heroic literature such as the *Alexander Romance*, "combines historical deeds with features of fairy tales, including written records as well as orally transmitted tales"("Sargonic Dinner at Kaneš: The Old Akkadian Sargon Letter," *Iraq* 69 [2007], 8).

[61] Alster and Oshima, "Sargonic Dinner," 10-11, lines 50-61.

tradition (see *Dangerous and "Foolish" Mountain Peoples* below), and the feminization

of the Alašian captives seems to suggest that enemies may be regarded in some way as

effeminate. Whatever these particularly humiliating rituals might have communicated

about the peoples conquered, they were sure to communicate one thing: the moral

authority of the king to treat his enemies in this fashion.

As the story of Enmerkar seems to suggest, when a king clearly has the favor of

the gods, it is necessary for any rivals to submit and, of course, provide the necessary

goods and tribute:

> Lest I make the people fly off from that city like a wild dove from its tree,
> lest I make them fly around like a bird over its well-founded nest, lest I
> requite (?) them as if at a current market rate, lest I make it gather dust like
> an utterly destroyed city, lest like a settlement cursed by Enki and utterly
> destroyed, I too utterly destroy Aratta; lest like the devastation which
> swept destructively, and in whose wake Inana arose, shrieked and yelled
> aloud, I too wreak a sweeping devastation there — let Aratta pack nuggets
> of gold in leather sacks, placing alongside it the *kumea* ore; package up
> precious metals, and load the packs on the donkeys of the mountains. [62]

The consequences of defying Enmerkar on the part of the king of Aratta are clear.

Enmerkar will disperse the city's population and destroy the land if Aratta does not

submit. The destruction and devastation that a land endures, including, presumably, the

humiliating treatment of its leaders and captives, is simply a result of brazen defiance of

the will of the gods—and is, thus, deserved.

As I will show below, the idea that rulers who rebel against the monarch deserve

cruelty because of their insolence will continue well into the Neo-Assyrian period. Neo-

Assyrian kings would use the idea that they were a "civilizing" force in the world to

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[62] "Enmerkar and the Lord of Aratta," at Black et al., *ETCSL*, lines 179-207

justify their harsh treatment of enemy rulers and captives. Those who rebel against the king will be portrayed as foolish, insane and impious for rejecting the will of the gods. The humiliating treatment of prisoners, which included forcing them to behave in an animalistic fashion, dressing them up in animal clothes, mutilation, public torture, and deportations—all of which we have been attested in this earlier material—will be justified as a rightful punishment for rebellious vassals and leaders.

Dangerous Mountain Peoples

At some point, a tradition developed which portrays Naram-Sin as a king who fell out of favor with the gods because of an offense against them (usually the god Enlil is the offended party). In retaliation for this offense, the nature of which varies in different sources, Enlil raises up an enemy against him, which effectively ends the rule of Akkad. The *Curse of Akkad*, written in Sumerian during the Ur III period, and the *Weidner Chronicle*, a legendary text about the former kings of Mesopotamia written in the first millennium BCE, blame the Gutians, an eastern mountain people, for the collapse of the Akkadian empire. The *Cuthean Legend of Naram-Sin* does not name the enemy that ends Akkad's hegemony, but uses the term *ummān manda* (something like "enemy horde," see below), a term much debated by Assyriologists, to describe them.

These interpretations seem to be an attempt to explain the fall of Akkad (which actually happened shortly after the reign of Naram-Sin's son, Šar-kali-šarrī[63]) and the

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[63] Or, perhaps during the reigns of the obscure kings Dudu and Šu-Durul, the last kings before "the reign of Akkad was abolished" according to the *Chronicle of the Single Monarchy* (Jean-Jacques Glassner, *Mesopotamian Chronicles* [Atlanta: SBL, 2004], 125). Glassner uses a version of SKL (which he refers to as the "Chronicle of the Single Monarchy") dating from the Isin-Larsa/Old-Babylonian period. There was also a period of political strife in which four kings seem to have vied for power before the ascension of Dudu. For Dudu's and Šu-Durul's inscriptions see Frayne, *RIME* 2, 210-217.

massive rebellion that broke out against Naram-Sin during his reign. Indeed the later

texts, by focusing on Naram-Sin, seem to conflate the "Great Rebellion" and the collapse

of the empire. In reality, the actual circumstances of the fall of Akkad are shrouded in

mystery. Most Assyriologists seem to think that the fall of Akkad was the result of a

variety of factors, the most important of which was the political instability of the empire

due to the inherent tension between the central government and the distribution of power

and wealth among officials and local elites. One sign that the empire was inherently

unstable is that according to omen texts, three out of the five Sargonic kings—Rimuš,

Man-ištūšu and Šar-kali-šarrī—were assassinated in palace conspiracies.[64] Incursions by

outside groups such as the Gutians, Amorites and Lullubians may have played a role in

the collapse, but these incursions are probably more of a contributing factor than the

decisive factor.

The story of the fall of Akkad was a popular topic of literature as well as omen

texts, showing that the fall of the Akkadian empire was a major motif in the

Mesopotamian imagination. Some texts, such as one of Šamšī-Adad's inscriptions at the

Temple of Ishtar in Nineveh, referred to the event as the "apogee" or "fall" of Akkad

(*šulum Akkadê*); others called it the "destruction" of Akkad (*šaḫluqtum*, a term popular in

omen texts), and the "dispersal" (*sapāḫu*) of Akkad.[65] In omen texts, the city becomes a

symbol of destruction and its name is associated with bad omens.

The Ur III Period seems to have been an era in which the "dangerous mountain

people" motif crystallized in Mesopotamian texts. During the Ur III Period, the *Curse of*

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[64] Gadd, "Dynasty," 437, 440. All of the information about the murders comes from later omen texts, and
the historicity of these stories is uncertain. They were reportedly either murdered with cylinder seals or
sealed tablets—murder weapons worthy of the Parker Brothers game, *Clue*. See also Glassner, *Chute*,
68.

[65] Glassner, *Chute*, 61.

Akkad, which contains extremely negative polemics about the Gutians was composed; during the same period, many well-known polemics about the Amorites were written. It seems as though the composers of the Curse of Akkad employed this motif to explain the destruction of Akkad. If the Gutians actually made significant incursions into Mesopotamia during the disintegration of the Akkadian empire, the memory of their presence would be fresh in the minds of writers during the Ur III period. However, the highly stylized, stereotyped presentation of the Gutians in the *Curse of Akkad* may suggest that the Gutians in this text are more of a literary creation than a reflection of a historic memory.

In fact, history leaves very little trace of the Gutians. The first undisputed reference to them appears to be from the reign of Šar-kali-šarrī, who claims in an inscription to have captured a certain Šarlag, king of the Gutians.[66] A correspondence from a person named Iškun-Dagan also refers to the disruption of agriculture by the Gutians:

> You shall plough the fields and look after the cattle. Do not say, 'Yes but
> there are Gutians (on the move) and so I cannot plough my field.' Set up
> patrols of watchmen every half-mile and then plough your field. If armed
> bands advance, [local] mobilization will be organized for you, and you
> must then have the cattle driven into the city...If there are Gutians who
> have driven off the cattle there is nothing to be said but I will pay you.[67]

Because Iškun-Dagan swears on the life of Šar-kali-šarrī and his wife, it is safe to assume that this text dates from the time of Šar-kali-šarrī. From this letter, it would seem as

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[66] See Frayne, *RIME* 2, 183; F. Thureau-Dangin, *Recueil des tablettes chaldéens* (RTC) (Paris: E. Leroux, 1903), no. 118.

[67] Translation taken from Jørgen Læssøe, *People of Ancient Assyria: Their Inscriptions and Correspondence* (London: Routledge & Kegan Paul, 1963), 29; For another translation, see A. Leo Oppenheim, *Letters from Mesopotamia* (Chicago: University of Chicago Press, 1967), 71-72.

though there is some historical basis to the idea that the Gutians posed some kind of threat to the land of Akkad. However, the letter writer seems to think that local forces can adequately handle them. It is hardly the picture of a monstrous horde that would emerge in legends about the Gutians.

The *Sumerian King List* (depending on the version) suggests that there was a 100 to 125 year period of Gutian rule in Mesopotamia after the fall of Akkad.[68] In addition, there are some inscriptions preserved that seem to suggest that some Gutians thought of themselves as people who took over Sargon's empire. For example, an inscription of Erridu-pizir (who does not even appear in the *Sumerian King List*) claims that he is the "king of Gutium and of the four quarters."[69] However, a number of scholars question whether there was a hundred year Gutian dynasty in Mesopotamia and they are especially skeptical of the ability of the Gutians to finish off the Akkadian empire. The inscriptions of Erridu-pizir are copies that date from the Old Babylonian period and may reflect the ideas of the scribes, who could have been more influenced by texts like the *Curse of Akkad* than the actual political power of the Gutians.[70] Based on an analysis of records from city-states in the south of Mesopotamia, William W. Hallo argues that the domination of the Gutians lasted only 25-35 years, and was probably very localized, perhaps limited to certain cities such as Umma.[71] Certainly, contemporaneous texts show that there were interactions with Gutians, but very little suggests that there was widespread Gutian rule in the region. Finally, the early kings of the Ur III dynasty, Ur-

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[68] "Sumerian King List" at Black et al., *ETCSL* (http://etcsl.orinst.ox.ac.uk/section2/tr211.htm), lines 308-344; See also Glassner, *Mesopotamian Chronicles*, 124-25; Thorkild Jacobsen, *The Sumerian King List* (Chicago: University of Chicago Press, 1939), 117-121.

[69] Frayne, *RIME* 2, 222-27; Also Ignace J. Gelb and Burkhart Kienast, *Die altakkadischen Königschriften des dritten Jahrtausends v. Chr.* (FAS 7; Stuttgart: F. Steiner, 1990), 293-316.

[70] For an example of how scribes often introduced their own interpretations into the copying of inscriptions in the Old Babylonian period especially with respect to epithets, see Tinney, "Great Rebellion," 4-14.

[71] William W. Hallo, "Gutium," *RlA*, 713-714.

Nammu and Šulgi, were credited with defeating the Gutians, whatever their power might have been. Yet, even if textual records such as the *Sumerian King List* and Erridu-pizir inscriptions are of dubious historical merit, the texts indicate that there was at least an important tradition that developed about a powerful Gutian dynasty in northern Mesopotamia.[72]

The Curse of Akkad

It appears as though the *Curse of Akkad* was written in Sumerian sometime between the reign of Naram-Sin and the end of the third millennium BCE, perhaps when Ur-Nammu reestablished the temple of Enlil at Nippur.[73] Glassner speculates that the story was a negative commentary composed by the priests of Nippur as a reaction against the empire of Akkad, using the chief god of the Sumerian pantheon, Enlil, as a foil against Naram-Sin. The story begins with a description of the glory of Akkad and, like many city laments, goes on to describe the goddess Inanna's abandonment of the city (lines 55-85).[74] The *Curse* eventually claims that Naram-Sin committed a great sacrilegious offense by destroying Enlil's temple, which incurs the wrath of Enlil. Notably, the story does not provide a clear reason for Inanna's abandonment or the gods' unfavorable disposition toward Akkad. The circumstances seem similar to the ones that accompanied the destruction of Sumer and Ur: the gods, for whatever reason, decreed that the city's time was up. Akkad's days were numbered. According to the narrative, Naram-Sin knew the end was near because it was revealed to him in a dream, causing

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[72] Hallo, "Gutium," 711.
[73] Glassner, *Chute*, 70.
[74] Translations of the *Curse of Akkad* will be taken from Jerrold S. Cooper, *The Curse of Agade* (Baltimore: Johns Hopkins Press, 1983), unless otherwise noted.

him to fall into a deep seven-year depression (lines 85-93). He is so depressed that the text comments, "Who has ever seen a king act so anomalously for seven years?" (line 93).

Undeniably, what Naram-Sin does in response to this unfavorable premonition makes the situation much worse. To alter his fortunes, it would appear as though Naram-Sin tries to build a temple (the text does not clarify for whom it is to be built), but the extispicy omens deny him permission for the project (lines 94-98). In order to change the outcome of the omen, Naram-Sin razes Ekur, the shrine of the god Enlil. In retaliation, a livid Enlil then raises up the Gutians to destroy Akkad.

Naram-Sin's desire to build a temple is interesting in light of other Akkadian texts that portray Enlil as an inimical force that raises enemies against Naram-Sin. In other stories, the enemies raised by Enlil are defeated by Naram-Sin. In the Old Babylonian legend *Erra and Naram-Sin*, the king joins forces with the gods Ištar and Erra to defeat an unnamed hostile army raised by Enlil. In the legend, Naram-Sin says to Erra, "Let me build you a temple in which joy (is found)!"[75] It appears as though the building of the temple is connected with Erra's agreement to help him. In the *Cuthean Legend of Naram-Sin*, Naram-Sin also faces ferocious enemies raised by the gods Tiamat and Bēlet-ilī, but appears to be able to move Ea to intervene so that he can beat back the enemy. These stories raise different possibilities about Naram-Sin's motivation for building the temple. Is Naram-Sin trying to build a temple in order to play gods against one another in the *Curse*, as he did in the later legend of *Erra and Naram-Sin*? Is he trying to curry the favor of a sympathetic god by building the temple? If that is Naram-Sin's goal in the *Curse*, it does not work. The omens clearly state that no temple is to be built and his

75 Westenholz, *Legends*, 195, line 26.

decision to destroy Ekur results in a terrible reckoning by Enlil as well as a repudiation of him and his city by all of the gods.

The description of the people that Enlil raises up against Naram-Sin is wholly negative:

> **kur gú-bí-na-šè igi na-an-íl**
> **ḫur-sag dagal téš-bi nam-ta-an-si-ig**
> **un-gá nu-sì-ga kalam-ma nu-šid-da**
> **gu-ti-um^{ki} un kéš-da nu-zu**
> **dím-ma lú-ulu₃^{lu} galga ur-ra sig₇-alan ^{ugu}ugu₄-bi**

> He looked toward the Gubin mountains; He scoured all of the broad mountain ranges—Not classed among people (**un-gá nu-sì-ga**[76]), not reckoned as part of the land (**kalam-ma nu-šid-da**), Gutium, a people who know no inhibitions (**keš-da nu-zu**), with human instincts (**dím-ma lú-ulu₃^{lu}**), but canine intelligence (**galga ur-ra**) and monkey's features (**sig₇-alan ^{ugu}ugu₄-bi**)—Enlil brought them out of the mountains.[77]

A number of features that would become typical of the "dangerous mountain people" motif appear in the *Curse of Akkad*. They are described as being from the mountains and not part of the "land" (**kalam**), which reinforces the opposition between the "mountains" as a peripheral, exotic locale and the central "land" (**kalam**). They also "know no inhibitions (**keš-da nu-zu**)." The Sumerian word **keš-da** literally means "binding" and when **keš-da** is translated into Akkadian, it is usually rendered *rakāsu* ("to bind"). The basic meaning of the Akkadian verb *rakāsu* is to tie something or bind something, however, the word can also be rendered "to make an agreement," "make an oath" or "establish [legal pronouncements]" in contexts that require the word be translated as

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[76] Literally, "not placed [as a] people" **sì** 𒋛 = **sig** ("to place").
[77] Cooper, *Curse*, 58, lines 155-157.

such.[78] Because the idea of "binding" is used in the context of making oaths, agreements, and legal pronouncements, in the *Curse of Akkad* the Sumerian word **keš-da** might communicate more than the idea that the Gutians are uninhibited and wild. The text may also suggest that they do not understand social conventions such as making a contracts, oaths, and agreements. As I will show when I discuss other dangerous liminal peoples such as the Cimmerians, a refusal to honor agreements and treaties will be a recurring theme in polemics against certain mountain peoples.

The Gutians are people, and yet "not" people, who have physical features of monkeys and who have an admixture of human and canine mental capacity. The word "features" (**sig₇-alan**) appears to refer to the Gutians' *physical* features and not their mental faculties. In Akkadian, **sig₇-alan** (also transliterated SA₇.ALAN[79]) is rendered *bunnannû* in a couple of Old Babylonian texts,[80] and *bunnannû* denotes the "general region of the face" or "outer appearance, figure, likeness" or "features."[81] It is difficult to determine whether or not the *Curse* refers to the facial features of the Gutians or their entire bodily form, since **sig₇-alan** can refer either to facial features or bodily form. The Gutians also have the "instincts" (**dím-ma**) of humans but the intelligence (**galga**) of dogs. It is interesting that the *Curse* places the words **dím-ma** and **galga** in opposition to one another because they both appear to refer to mental faculties. The former is usually rendered *ṭēmu* ("decision," "deliberation," "reason," "intelligence"[82]) in Akkadian whereas the latter is usually rendered *milku* ("counsel," "intellectual capacity," "mood,"

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[78] *CAD*, R, 99-101, 103-104 (D-Stem, *rukkusu*).
[79] *CAD* lists **sa₇-alan** and **uktin** as the logographic equivalent of *bunnannû* (*CAD*, B, 317).
      Logographically, **sa₇ = sig₇** 𒐀.
[80] See "**uktin**," ePSD (http://psd.museum.upenn.edu); *CAD*, B, 317.
[81] *CAD*, B, 318.
[82] *CAD*, Ṭ, 85-97.

"spirit"[83])—though **galga** is also, at times, rendered *ṭēmu*.[84] Whatever the writers wanted

to convey precisely, it certainly seems as though the text asserts that the mental faculties

of the Gutians are comprised of both human and dog-like features.

What did "monkey's features" mean in the imagination of Mesopotamian

peoples? Monkeys are not indigenous to Mesopotamia, but Mesopotamian sculptors and

artists were familiar with them because they appear not too infrequently in Mesopotamian

decorative art, from a variety of time periods. For example, monkeys appear on cylinder

seals from the Early Dynastic Period at Ur, from the Neo-Assyrian Period, and from the

Neo-Babylonian period.[85] Monkeys also appear to have been kept as a kind of exotic pet

because some depictions of monkeys show them with collars, possibly demonstrating that

they were domesticated. In addition, a wall relief from the Nimrud palace of

Aššurnaṣirpal II depicts the king receiving a monkey as a gift from Phoenicians.[86]

Particularly relevant for the description of the Gutians in the *Curse*, in some texts and

inscriptions, monkeys seem to be performing human activities. In a Sumerian letter,

which was possibly a comical writing exercise for scribes in training, a monkey writes to

his mother, complaining about his life as the pet of a musician.[87] Some depictions of

monkeys also show them playing musical instruments, especially flutes and pipes.[88] It is

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[83] *CAD*, M/II, 66-69.
[84] *CAD*, Ṭ, 85; "**galga**" ePSD (http://psd.museum.upenn.edu).
[85] See Agnes Spycket, "'Le Carnaval des Animaux': On Some Musician Monkeys in the Ancient Near East," *Iraq* 60 (1998): 2, Figs. 2-5. There amulets featuring monkeys were also found at the archaic level of Warka and at the grave of Meskalam-Šar at Ur (R.D. Barnett, "Monkey Business," *JANES* 5 [1973]: 3).
[86] Spycket, "Le Carnaval," 3; Barnett, "Monkey Business," 3.
[87] Barnett, "Monkey Business," 3 n. 19. Of course, too much should not be read into this example because talking animals are major characters in numerous folk tales. However, the monkey is *writing*, which is a peculiarly human activity and a marker of civilized life in Mesopotamia.
[88] Spycket, "Le Carnaval," 3-5. Spycket suggests that wind instruments were not prestigious instruments, especially in the royal court and speculates that having monkeys play wind instruments was a way of making fun of certain kinds of musicians.

possible that the writer(s) of the *Curse* chose monkeys to describe the features of Gutians because of the close connection between some human behaviors and monkeys.

While the cultural significance of "monkey's features" may not be entirely clear, the use of "monkey's features" reinforces the picture the *Curse* wants to present of the Gutians as human beings with animalistic mental and physical attributes, who end up bringing rapine, economic disaster, and natural disaster on the land. Interestingly, taking the portrayal of monkeys in Mesopotamian art into consideration, the writer(s) of the *Curse* chose two frequently *domesticated* animals to describe the Gutians. Does the fact that the *Curse* often uses the imagery of animals that were domesticated at times communicate something about how the Gutians were conceptualized? Was the *Curse* simply using animals that might have resonance with readers to communicate that the Gutians were inferior human beings with animalistic traits? Or was the *Curse* communicating that peoples on the periphery should be dominated and "tamed" like domesticated animals? This last possibility seems somewhat plausible considering the fact that Mesopotamian kings often treated captive enemy leaders like animals. As I noted above, Sargon of Akkad dressed up one of his enemies in animal hides. And in later, Neo-Assyrian portrayals of defeated enemies, some of them are tied up with other domesticated animals. For example Aššurbanipal claims to have tied up rebel kings with dogs and forced them to guard the city gate with them.[89] Unfortunately, the inscriptions of Neo-Assyrian kings usually do not explain the symbolic value of their humiliating treatment of prisoners. Aššurbanipal did not explicitly state, "We are tying up Uaite of

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[89] Rykle Borger, *Beiträge zum Inscriftwerk Assurbanipals: Die Prismenklassen: A, B, C = K, D, E, F, G, H, J und T sowie andere Schriften* (SAA 10; Wiesbaden: Harrasowitz, 1996), 62. Thanks to Saul M. Olyan, "Jehoiakim's Dehumanizing Internment as an Act of Ritual Reclassification" Unpublished Draft, 6, for this reference.

Arabia and Ammuladi of Qidri with dogs because they are like animals that need to be tamed." We can only speculate that one of the reasons this humiliating treatment might have meant something to Neo-Assyrian rulers is the relationship between animalistic imagery and foreign peoples on the periphery—a relationship emphasized by stories like the *Curse of Akkad*.[90]

Lamentation over Sumer and Ur

The Gutians appear again in the Old Babylonian[91] *Lamentation over Sumer and Ur* as a destructive mountain people raised by the gods. In the *Lament*, unlike Naram-Sin, Ibbī-Sîn, last king of the Ur III dynasty, commits no sin that brings about the calamities that befall the land. Rather, for unexplained reasons, the gods decide to leave their habitations in various major cities across Mesopotamia. The *Lament* says that Enlil "sent down Gutium from the mountains" (line 75) and uses imagery to portray the Gutians as a large mass: a "flood of Enlil that cannot be withstood" (line 76). Also like the *Curse*, natural convulsions accompany the Gutians' advance: "The dark time was roasted by hailstones and flames. The bright time was wiped out by a shadow...heaven rumbled, the earth trembled, the storm worked without respite. Heaven was darkened, it was covered by a shadow; the mountains roared" (lines 79-81). The *Lament* characterizes the Gutians as an "evil people" or "destructive people" (**lú-ḫa-lam**, line 230). According to the *Lament*, Enlil raised another eastern people, the Elamites, from

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[90] Of course, when it comes to Neo-Assyrian royal inscriptions, one should not assume that they are historically accurate. Even if the descriptions of the humiliation of foreign kings does not always reflect a historical event, the *portrayal* of these punishments clearly had some significance.

[91] Piotr Michalowski, *Lamentation over the City of Ur* (Winona Lake, Ind.: Eisenbrauns, 1989), 16-18.

the mountains (line 166), who bring about similar calamities, putting Elam in the same category as other dangerous mountain peoples.

It would appear as though the Gutians turned the land inside-out. As a result of their incursions, the land became a "rebel land" (**ki-bal**, lines 144-145), the same word used to describe the hostile, mountainous terrain near Aratta in *Lugalbanda in the Mountain Cave* (lines 23, 440). The Gutians, a people who descended from the mountains, brought the inhuman, harsh habitation of the mountains to the center with them. Even mountain animals began to take up residence: "the snake of the mountains made his lair there" (line 145).

The Cuthean Legend of Naram-Sin

The *Cuthean Legend of Naram-Sin*, a text attested in fragments from the Old Babylonian period, but that is best known from its Standard Babylonian recension, also deals with a mountainous people that end the regime of Akkad. This story seems to have been very popular because a Middle Babylonian version was found at Ḫattuša (with Hittite translation), a Standard Babylonian version was discovered in the Aššurbanipal library in Nineveh, a Neo-Assyrian version at Sultantepe, and a Neo-Babylonian copy from Kiš.[92]   In this legend, however, Naram-Sin seems to be successful in turning back the mountain peoples.

The *Cuthean Legend* does not say that Naram-Sin's enemy is the people of Gutium, but does, in the Standard Babylonian version, name the leader of the enemy as a certain Anubanini (line 39), who, many Assyriologists believe, was the king of the

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[92] Selim Ferruh Adalı, *The Scourge of God: The Umman-Manda and Its Significance in the First Millennium BCE* (NATCP; Winona Lake, Ind.: Eisenbrauns, 2011), 43.

Lullubians, another mountain people from the east known for being a good source of slaves and stock-farming products.[93] Alternatively, the text refers to the enemy itself as *ummān manda*, a term that appears in a variety of Mesopotamian texts from Old Babylonian omen texts to Cyrus inscriptions late in the history of ancient Mesopotamia. I will, following Westenholz, render this perplexing term as "Manda horde."

Westenholz left *manda* untranslated because there is a great deal of debate over what the word may mean. The meaning of the word *ummānu* (written logographically ERÍN/ERÍN.MEŠ) is well established: "army, troops," and sometimes "crowd." Westenholz suggests noncommittally that *manda* could be a corruption of the country Mardaman/Maridaban, which is somewhere in the upper Tigris region of northern Mesopotamia—a land Sargon defeated according to *Sargon in the Foreign Lands*.[94] Selim Adalı, reviewing a number of proposals for the meaning of the word, concludes that the meaning of the term cannot be known.[95] Despite its obscure etymology, the word does seem to have particular thematic associations. The Manda horde is often associated with the "east wind" (IM.KUR.RA = *šadīdum*) and Adali proposes that *ummān manda* refers to a "location remote from mainstream civilization" based on its contrast with the *ummān dadmē*, or "army of the inhabited world."[96] Ultimately, the term is "a label

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[93] Based on an inscription of "Anubanini, king of the Lullubians" found at Sar-i-Pūl-i-Zohāb (western Iran). See H. Klengel, "Lullubum," *RlA*, 165. The geographic designations for the land of Lullubu place it in the east, from a Mesopotamian perspective, in the mountains. The *Sargon Geography* places Lullubu in the Zagros near Anšan (line 39; Horowitz, *Cosmic Geography*, 87). Hittite and Hurrian literature (KUB 27, 38 [CTH 775] Col IV 13f) mentions "king of the kings of the Lullubians" along with the kings of Tukriš and Elam, two eastern lands (Klengel, "Lullubum," 165).

[94] See Westenholz, *Legends*, 84-85.

[95] Adalı, *Scourge*, 34.

[96] Adalı, *Scourge*, 37. Taken from a suggestion by Carl Bezold and Franz Boll, *Reflexe astrologischer Keilinschriften bei greichischen Schriftstellern* (Heidelburg: Carl Winters Universitätsbuchhandlung, 1911), 16, who translate *ummān dadmē* as "Leute von (festen) Wohnsitzen." See also *CAD*, D, 18-20; *AHw*, 149.

devoid of any specific ethnic connotation, used to describe a hostile mountain people."[97]

In other words, the term can apply to any invading people from the mountains and does not solely describe Naram-Sin's enemies in the *Cuthean Legend*.

Naram-Sin receives an unfavorable omen (the text of which has been lost). Apparently, it is about the coming destruction of the Manda hordes because he scolds the (long dead) Enmerkar for not leaving an inscription about how to deal with this insidious army, against which he was apparently successful. The story then goes into a description of the Manda horde:

> A people with partridge bodies (*ṣābu pagri īṣṣur*), a race[98] (*amēlūta*) with raven's faces (*āribū pānūšun*), the great gods created them. On the land which the gods created was their city. Tiamat suckled them. Their progenitress (*šassūršunu*) Bēlet-ilī made them beautiful. In the midst of the mountains, they grew up, reached man's estate and attained full stature.[99]

These people seem to have been specially created by the creator-goddesses Bēlet-ilī and Tiamat. Bēlet-ilī is literally referred to as their "womb" (*šassūru*), as in the mother who gave birth to them—a common epithet for Bēlet-ilī. In some texts, both of these figures are associated with the mountains. The mountains are said to be home to Bēlet-ilī and a victorious Marduk heaped the mountains over the waterways (part of Tiamat's body) in *Enūma Eliš,* the Babylonian creation myth.[100]

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[97] Adalı, *Scourge*, 51.
[98] Westenholz's translation of *amēlūtu*, which should probably just be rendered "human beings." See Introduction and Chapter One for a critique of the use of the words "ethnicity" and "race" in ancient studies.
[99] Westenholz, *Legends,* 309-311, lines 31-36. I will be using the Standard Babylonian version translated by Westenholz in this section.
[100] Adalı, *Scourge*, 59

The partridge (literally "cave-bird") bodies and raven's faces of the Manda horde

seem to coincide with the idea that Tiamat can create grotesque, composite beings.

Enūma Eliš lists some of Tiamat's unpleasant creatures: the horned serpent, the *mušhuššu*

dragon, the *lahmu*-hero, the *ugallu* demon, the rabid dog, scorpion man, *umu*-demons,

fish-man, and bull-man.[101] In fact, the possible link between these people and the kinds

of monsters Tiamat might create is so obvious to Naram-Sin's character that he actually

has his scout test to see whether or not they are actually human:

> I handed over to him a stiletto and a pin. 'Strike them with the stiletto!
> Prick them with the pin! If blood comes out, they are men like us. If
> blood does not come out, they are evil spirits, messengers of death, fiends,
> malevolent demons, creatures of Enlil.' The scout brought back his
> report: 'I struck them with the stiletto; I pricked them with the pin and
> blood came out' (lines 63-71).

The fact that the Manda horde does bleed proves that they are human. By contrast, in

Enūma Eliš, Tiamat fills her monstrous brood with venom, not blood.

Naram-Sin wants to confront this enemy, but when he consults the gods to find

out the best course of action, the gods answer with a resounding, "no" forbidding him to

pursue the Manda horde. Naram-Sin is incredulous. His refusal to accept the oracle is

perfectly understandable considering the typical expectations of a Mesopotamian king. A

king is supposed to demonstrate his power by dominating the "four quarters" of the earth

and by asserting his domination over foreign lands and peoples. One could imagine that

in Naram-Sin's mind the oracle simply *cannot* be true because it would contradict a

popular ideology of kingship. The *Cuthean Legend* may be highlighting tensions within

Mesopotamian ideologies of kingship. On the one hand, the king is expected to conquer

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[101] Stephanie Dalley, *Myths from Mesopotamia* (New York: Oxford University Press, 2000 [1989]), 237.

faraway lands, subdue enemies and protect his people. On the other hand, the king must demonstrate obedience to the gods and accept their will, even if obedience means that he will be unable to fulfill the typical expectations of kingship.

The headstrong Naram-Sin ignores the oracle and engages the Manda horde only to see his troops annihilated by the enemy. The legend claims that he lost 270,000 men. Naram-Sin's commitment to the typical expectations of kingship is confirmed by a soliloquy, which he utters in a deep depression: "I am a king who does not keep his country safe and a shepherd who does not safeguard his people. How shall I ever continue so that I can get myself out of this?" (lines 91-92). Naram-Sin's inability to defeat the Manda horde demonstrates that he cannot fulfill his proper role as a king. Ea, presumably seeing Naram-Sin's depression, intervenes and the gods give Naram-Sin permission to pursue the Manda horde, which he does successfully (lines 121-23).

He is so successful, in fact, that Ištar forbids him from destroying the Manda horde entirely, exclaiming, "Desist! Destroy not the brood of destruction (*zēr ḫalqati lā tuḫallaq*)!" Assyriologists understand the expression *zēr ḫalqati,* a pejorative term applied to the Manda horde here, in a variety of ways.[102] Following Adalı, I believe that Westenholz has rendered the best translation: "brood of destruction." The "brood of destruction" is so named because they, eventually, will be destroyed:

> In the Cuthean Legend, *zēr ḫalqati* is a way of noting that a people is doomed to destruction by the gods or the temporary destruction and lawlessness they will cause until the gods inevitably destroy them.[103]

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[102] Translations range from "accursed breed," "rebellious breed," "ruinous breed," "barbarians," "perditious seed," and "vagabonds." See Adalı, *Scourge*, 91.

[103] Adalı, *Scourge*, 91.

Following this pattern, Ištar, in preventing Naram-Sin from destroying the Manda horde,

proclaims that the god Enlil will arrange their destruction himself.

In the end, Naram-Sin leaves an inscription for those who follow him, warning

them that if they should ever confront the Manda horde, they should just hunker down

and accept their rampage passively:

> Let him roam through your land! Go not out to him! Let him scatter the
> cattle! Do not go near him! Let him consume the flesh of your offspring!
> Let him murder and let him return (unharmed)! But you be self-
> controlled, disciplined. Answer them, 'Here I am, sir!' Requite their
> wickedness with kindness!

The reason that the king should respond to this enemy without violence is probably

because they are doomed anyway, and the gods have allowed them to roam for

undisclosed reasons, probably relating to divine politics. The Manda horde, as a "brood

of destruction" will come to a violent end. Yet, as this description shows, those who

must endure the Manda horde must grin and bear some profound injustices. The Manda

horde murders, rustles cattle, and unless the reference to consuming the flesh of the

offspring is metaphorical or hyperbole, the Manda hordes are even capable of

cannibalism. These acts are collectively referred to as "wickedness" or "sin"

(*gullultu*).[104]

The literary creation of this monstrous, murderous, cannibalizing, wicked Manda

horde may have introduced some nuance to more traditional notions of Mesopotamian

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[104] Adalı translates *gullultu* as "sacrilegious offense," a translation I am tempted to accept, but also one
which seems very contestable. The word *gullultu* appears to apply to any sin or offense, not just
offenses against deities, though people can commit a *gullultu* against a deity (see *AHw*, 207, which
renders the word "hostile dealings [feindeselig Handeln]"). The word seems to stand in opposition to
words such as "justice" (*kīttu*) and "good order"/"peace" (*šalmatu*), and is grouped with words like
"falsehood"/"crime" (*sārtum*) (*CAD*, G, 131). Perhaps *gullultu* should be understood in this context as
socially unjust acts (e.g., murder, cattle rustling and cannibalism).

kingship. Sometimes, the king must simply accept the limits of his power and passively

receive the will of the gods. Patience and endurance—even in the face of an enemy as

violent, depraved and brutal as the Manda hordes—are traits that are just as "kingly" as

aggressive expansion. Pitting Naram-Sin, a successful king with a penchant for

hotheadedness, against the Manda horde emphasizes the lesson further. But the Manda

horde is not simply a literary creation designed to make didactic points about military

tactics or proper kingship. The Manda horde, as a literary creation, will become

important in polemical descriptions of real enemies of the king in later periods.

Weidner Chronicle

The last tradition about the Sargonic kings is the *Weidner Chronicle*, otherwise

known as the *Chronicle of Esagila*, which dates to the Neo-Babylonian period (626-539

BCE).[105] The *Chronicle* recounts the shifting hegemonies in Mesopotamia as a story of

kings who committed various cultic offenses against Esagila, the shrine for the chief

Babylonian deity Marduk and the center of Babylonian worship: "Whoever offends the

gods of that city [i.e. Babylon], his star shall not stand in heaven...His kingship shall end,

his scepter shall be taken away from him, his treasury shall become a ruin."[106] If a

particular territory lost its hegemony or a ruler lost his power, the loss was explained as

the result of committing an offense against Esagila. The offense could range from

improperly handling Marduk's wine and fish offerings to Sargon's crime, which was to

establish the city of Akkad as a rival to Babylon. Considering that the city of Babylon

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[105] The *Chronicle* seems to contain expressions found in Neo-Babylonian inscriptions, suggesting that the composition dates from that era. For details, see al-Rawi, "Tablets," 1-2; Also A.K. Grayson, *Assyrian and Babylonian Chronicles* (Locus Valley, N.Y.: J.J Augustin, 1975), 43.

[106] Al-Rawi's translation (See Farouk N.H. al-Rawi, "Tablets from the Sippar Library, I: The 'Weidner Chronicle': A Supposititious Royal Letter Concerning a Vision," *Iraq* 52 (1990): 9, lines 37-38).

was not a major player in Mesopotamia during the hegemony of the Akkadian Empire, the *Chronicle*'s account clearly projects the Marduk cult and the importance of Babylon anachronistically into the past.

The *Chronicle* disparages almost all of the former kings of Mesopotamia it mentions, but its description of the Gutians stands out. The previous rulers made missteps in the performance of various rituals, but the *Chronicle* claims that the Gutians do not even know what the proper rituals should be: "The Gutians were oppressive; they did not exhibit fear of the gods; they knew not [how to perform] rites and divine orders in a proper manner."[107] The Gutians' oppressive behavior seems to be linked to the absence of fear of the gods, in that their oppression *displays* (taking the verb *kullumu* literally) that they have no fear of the gods. "Fear of the gods," of course, encompasses proper cultic and religious behavior, but it also encompasses ethical behavior. As Karel van der Toorn notes, fear of the gods (*palāḫu ilī*) is "a cardinal virtue" in the ancient Near East:

> All other virtues spring from this one source. For the ancients magnanimity, uprightness, equity, honesty, temperance, courage and whatever other qualities of the soul there may be, were unthinkable outside the scope of humble devotion to the personal gods. It is above all the wisdom literature and behavioral omens which draw the profile of this calm and self-possessed man. Reading these texts we see an image emerging, a prototype behind which lies a fusion of religious convictions and social ideals.[108]

The Gutians fail with respect to fear of the gods on both cultic and ethical counts. Their oppressive behavior and cultic incompetence is not merely a matter of ignorance (*lā īdû*);

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[107] *Qutû ša tazzimtē; ilī palāḫa lā kullumu, parṣi uṣurāti šutēšura lā īdû.* My translation, taking *šutēšura* as accusative of manner or means. Translation based on Grayson's edited version in *Assyrian and Babylonian Chronicles*, 43, cited in al-Rawi, "Tablets," 6-7.

[108] Karel van der Toorn, *Sin and Sanction in Israel and Mesopotamia: A Comparative Study* (Studia Semitica Neerlandica; Maastricht: Van Gorcum, 1985), 38.

it is also a matter of insolence (*lā kullumu*). The impression given by the *Chronicle* with regard to the other failed kings is that they knew what was required and failed to measure up (or sometimes, as was the case with Sargon, disobeyed the word of Marduk). The Gutians, on the other hand, could not even get past square one because they demonstrated a lack of respect for the gods. The *Chronicle* links ethical failings and irreverence, affirming the connection between ethical behavior and proper worship that, as noted by van der Toorn, is expressed so commonly in wisdom literature from Mesopotamia.

Interestingly, the Manda horde may appear in the *Chronicle* (line 42), if the text is emended.[109] The possible reference to the Manda horde suggests that they were raised in response to an offense committed by Enmerkar.[110] Enmerkar's offense, which has been lost, was probably similar to Naram-Sin's offense, because the *Chronicle* uses the same terminology to describe them. Both Enmerkar and Naram-Sin "defiled" or "destroyed" (*šulputu*) their own "people" (*nammaššê*) through their offenses against Esagila. It seems as though the composer of the Chronicle is aware of the tradition, also found in the *Cuthean Legend*, in which Naram-Sin and Enmerkar are said to have both battled the Manda horde.   However, the *Chronicle* does not refer to the Gutians as the Manda horde, opting to give the Gutians their own term, *ummān Qutî* ("the Gutian horde"). Though a different term is used in the *Weidner Chronicle*, the close connection between Naram-Sin and Enmerkar both in the *Cuthean Legend* and in the *Weidner Chronicle* suggest that the Gutians were often depicted through the lens of the Manda horde theme.

Amorites

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[109] Only *man-da* appears with a break before. Most scholars reconstruct [ERÍN] *man-da*. See discussion in Adalı, *Scourge*, 72.
[110] See discussion in Adalı, *Scourge*, 72-73.

The treatment of the Gutians in the legends about Naram-Sin is clearly part of a "mountain peoples" motif, because descriptions of the Amorites,[111] many of which date to the Ur III period, are very similar. In the case of the Amorites, many of the very same accusations made about the Gutians are made of the Amorites, indicating the development of a standard way of talking about mountain peoples in Mesopotamian literature, especially during the Ur III period. In the "Myth of Amurru," the god Amurru, who clearly represents the "Amorite" people seeks to marry the goddess Adgar-kidug. A relative of Adgar-kidug protests:

> Behold their hands are destructive (ḫa-lam), (their) features are those [of monkeys]. They are those who eat the taboo [of] Nanna, they have no reverence. They constantly roam about...[they are] an abomination [to] the temples of the gods. Their [counsels] are confused, [they cause] only distur[bance]. He is a man clothed with a leather sack...he lives in a tent, [exposed] to wind and rain, [and he does not recite] prayers, lives in the mountains [and does not know] the places [of the gods]. He is a man who digs up truffles at the foot of the mountain, does not know how to bend the knee and eats uncooked flesh. He has no house during his lifetime. When he dies he will not be taken to a burial place. My girlfriend, why would you marry Martu?[112]

This description of the behavior of the god Amurru's family is similar to other Ur III negative descriptions of the Amorites. According to Paul-Alain Beaulieu, the god Amurru was not an indigenous national god of the Amorites, but was created by Mesopotamians to "find a place in their own symbolic world for the increasing presence

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[111] The question of who the historical Amorites were is beyond the scope of this project. I am more interested in the rhetoric about them.

[112] Translation taken from Beaulieu, "Amurru," 41. Elsewhere, I will be using the ETCSL version. See Black et al., "Myth of Amurru" *ETCSL* (http://etcsl.orinst.ox.ac.uk/section1/c171.htm). The original publication of "Myth of Amurru" can be found in SEM 58 = Edward Chiera, *Sumerian Epics and Myths* (Chicago: University of Chicago Press, 1934).

of Amorites in Mesopotamian society."[113] The Mesopotamians also gave the god

Amurru an iconography that linked him with foreign, "semi-nomadic" origins such as a

Syrian hat, a crooked staff that seems to have been associated with the Amorites, the fact

that he either stood on a gazelle or mountain goat or was represented by those animals,

and, of course, a stylized mountain itself was a part of the god's iconography.[114] Of all

the symbology associated with the god Amurru, the mountain goat is perhaps the most

interesting, considering that in the legend of *Lugalbanda in the Mountain Cave*, goats of

all kinds are associated with the mountain terrain near Aratta:

> A brown goat and a nanny-goat — flea-bitten goats, lousy goats, goats
> covered in sores — in this way they were chewing aromatic *šimgig* as if it
> were barley, they were grinding up the wood of the cypress as if it were
> esparto grass, they were sniffing with their noses at the foliage of the *šenu*
> shrub as if it were grass (lines 314-317; cp. line 18).

The descriptions of the Amorites' religious practices are particularly striking. As the

examples of the Gutians and Aratta showed, texts about mountain peoples often claim

that their worship is inferior in some way and the *Myth of Amurru* seems to follow that

tradition. The *Myth of Amurru* claims that the Amorites do not pray, eat taboo foods

designated for the gods like the Gutians,[115] lack "fear" or "reverence" (**ní**)[116] of the gods

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[113] Beaulieu, "Amurru," 35. Beaulieu borrows this theory from Jean Robert Kupper, *L'iconographie du dieu Amurru dans la glyptique de la Ière dynastie babylonienne* (Classe des Lettres - Mémoires, Tome LV, fasc. 1; Brussels: Académie Royale de Belgique, 1961).

[114] This would not be the last time a god would be invented possibly for ethnic politics. The cult of the god Serapis, with its Hellenistic iconography, was reportedly introduced or emphasized by the Ptolemaic dynasty of Egypt as a Greek-Egyptian hybrid god.

[115] I understand **an-zil-gu₇** ("eat the taboo/abomination") as eating food that was forbidden because it was supposed to be dedicated to a god. However, another possibility seems to be that the Amorites eat foods that Nanna hates.

[116] OB texts understood **ní** as *puluḫtu* ("fear/reverence"), a noun derived from the same root as "to fear/revere" (*palāḫu*) used of the Gutians in the *Weidner Chronicle* (Rev. line 22, see al-Rawi, "Tablets," 6) (*CAD*, P, 505-506).

like the Gutians, and are an "abomination" (**níĝ-gig**) to temples. The lord of Aratta was

unable to give the same level of homage to Inanna as Enmerkar, but an important contrast

between Aratta and the Gutians and Amorites is that the people of Aratta seem to be able

to carry out worship and prayers properly. It seems that whatever deficiencies Arattan

religion might have had were not as bad as the problems imagined with Amorite and

Gutian religious practices.

The *Myth of Amurru* interweaves the negative descriptions of religious practices

with negative descriptions of Amorite social practices, perhaps suggesting that the two

are connected.   Perhaps the non-urban, mountain-dwelling lifestyle (a description I

prefer to the problem laden term "semi-nomadic") imagined by the authors of the myth

relates to their inability to worship the gods properly, as a lack of sophisticated urban life

precludes the construction of temples and the development of sophisticated religious

institutions. The Amorite lifestyle also, in the minds of the authors, prevents Amorites

from learning agriculture and cooking food.

At the same time this text indicates that the negative social practices are endemic

to Amorites *qua* Amorites and are not simply behavioral traits due to a social structure or

behaviors that were perceived to be alterable. According to this text, the Amorites

practice this non-urban, mountainous way of life *because* they are Amorites. The text

demonstrates the deep-rooted nature of the Amorites' inferiority because, like the Gutians

in the *Curse of Akkad*, their *physical* features are an inseparable part of the negative

portrayal.

Neo-Assyrian Descriptions of Foreigners

The Neo-Assyrian Empire had its own "center/periphery" schema that can be compared to the **kalam**/**kur** distinction, but with some important distinctions. Marta Rivaroli and Lorenzo Verderame note that "the world, from the Assyrian point of view, is divided into a central zone (Assyria) and a peripheral zone (the other countries). The 'outer' landscape as opposed to an 'inner' one, is marked in a negative way: steep mountains, marshes, desolated lands are border areas."[117] The Neo-Assyrian kings adopted the earlier Sargonic rhetoric of the "four quarters" as they claimed to have brought the entire world under the "yoke" of the Assyrian national god, Aššur, for whom the Assyrian king acts as "vice-regent."

A number of scholars imply that Neo-Assyrian identity is "fluid" and "inclusive." Kenton L. Sparks writes, "Although the annals clearly distinguish between Assyrian and non-Assyrians, the textual evidence shows that for most of the nation's history these foreigners could become 'Assyrians' through cultural assimilation. At the very least they could become 'Assyrians' through political assimilation when they submitted to the sovereignty of the Assyrian overlord."[118] While some texts seem to make a distinction between the "people of Aššur" and foreign peoples,[119] overall, some argue, identification as "Assyrian" depended on one's political relationship with Assyria. Those who

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[117] Marta Rivaroli and Lorenzo Verderame, "To Be a Non-Assyrian" in *Ethnicity in Mesopotamia* (ed. W.H. van Soldt, et al.; RAI 48; Leiden: Nederlands Instituut voor het Nabije Oosten, 2005), 297.

[118] Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and Their Expression in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 1998), 39; see also Markus Zehnder, *Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des 'Fremden' im Licht antiker Quellen* (Stuttgart: Kohlhammer, 2005), 546, for similar sentiments.

[119] Machinist sees a distinction between the "men and women" from "every part of my land" and the dignitaries from foreign countries mentioned in the "Banquet Stela of Aššurnaṣirpal II" and points out that vassal states are typically not included within the "people of Assyria" (Machinist, "Assyrians," 91). Machinist has done most of the heavy lifting when it comes to Assyrian concepts of outsiders and most of my information comes from his article. My contribution will be to link Neo-Assyrian concepts to earlier Mesopotamian concepts.

submitted to Assyrian rule and, presumably, its cultural hegemony,[120] were properly

"Assyrian." So Tiglath-Pileser III (744-727 BCE) exclaims after resettling Kutian and

Sangibutian prisoners of war in Til-Karmi, "with the people of Assyria (*itti nišē māt*

Aššur) I counted them. Work and corvée, like Assyrians (*ki ša Aššurē*), I imposed upon

them."[121]   Because the king counted foreigners as Assyrians, "Assyria" and "Assyrian"

are not ethnic terms, but "political ones, defining a region and people that manifest the

required obedience."[122]

Yet, the seeming willingness of Assyrian monarchs to incorporate foreigners into

the Assyrian fold appears to be a response to the very foreignness of those peoples. As

Peter Machinist notes, Assyria is engaged in a struggle to tame the disordered "non-

Assyrian" world, and the instrument for taming that world is the king and imperial

statecraft. As a result, "when the king is given, particularly at the beginning of royal

inscriptions, titles embracing the world—'king of the universe/of the four quarters'—this

would seem to refer to his taming and transforming capacity."[123]   An inscription of

Sargon II (722-705 BCE) in his capital Dur-Šarrukin, also describing the resettlement of

captives, succinctly sums up the driving ideology of the Neo-Assyrian empire:

"Assyrians versed in all the proper culture, I ordered as overseers and supervisors to give

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[120] The idea of bringing people of different languages together under "one mouth" as Sargon II claims to do in his famous cylinder inscription and of training people (*ana šūḫuz ṣibitte*) in "wisdom/knowledge" (*mūdūtu*) seems to be an indication that Assyrians wanted not just political hegemony, but cultural hegemony.

[121] Following Machinist, who uses Rost's translation ("Assyrians," 89; Paul Rost, *Die Keilschrifttexte Tiglat-Pilesers III* [Vol 1; Leipzig, 1893], 26-27:149-50). For a more recent translation, see Hayim Tadmor and Shigeo Yamada, *The Royal Inscriptions of Tiglath-Pileser III (744-727 BCE) and Shalmanezer V (726-722 BCE), Kings of Assyria* (RINAP 1; Winona Lake, Ind.: Eisenbrauns, 2011), 46.

[122] Machinist, "Assyrians," 89.

[123] Machinist, "Assyrians," 85.

them instruction in the fear of god and king (*palāḫ ili u šarri*)."[124] Non-Assyrians

required the intervention of the Assyrian king because they were confused and unruly.

The Manneans, for example, a people near Lake Urmia, were in "confusion" (*dalḫu*) and

"did not know lordship." The Tamudi and other desert tribes, whom the Assyrians

pointed out, lived in the steppe and desert "know neither overseer, nor official."[125] The

description of these foreigners as unable to respect proper authority seems similar to the

Ur III description of the Amorites as a people who do not "know how to bend the knee,"

an expression that may refer to the inability of the Amorites to respect authority.

Apparently, by bringing captive peoples into different Assyrian cities, the king could

reform them. Thus the "inclusion" of foreigners within the Assyrian identity is an

expression of the transformation of the foreigner from barbarian into an "Assyrian," who

is civilized.

In addition to portraying the people on the periphery as generally unruly, the

barbarism of peripheral peoples seems to be well established in Neo-Assyrian geographic

texts as well. The *Sargon Geography* lines 45-59, which were composed during the Neo-

Assyrian period, lists several peoples who are characterized by strange hair, diet, and

building practices:

> 51-52 Aklitu, Amurru, the people of the South, Lullubu the people of the
> north, who do not know construction
> 54 Hanigalbat, whose locations are distant...
> 57-59 Karizina, which is above it, whose ha[ir style] is chosen with a
> razor, devoured? by fire, who do not know burial. Meat-eaters, milk and

[124] *mārē māt Aššur mūdūte ina kalāma ana šūḫuz ṣibitte palāḫ ili u šarri aklī šāpirī umaʾʾiršunūti* from David G. Lyon, *Keilschrifttexte Sargons, Königs von Assyrien (722-705 v. Chr)* (Assyriologische Bibliothek 5; Leipzig: Hinrichs, 1883, 11-12, 38-39: 72-74, quoted in Machinist, "Assyrians," 95.

[125] A.G. Lie, *The Inscriptions of Sargon II, King of Assyria, Part I. The Annals* (Paris, 1929), quoted in Machinist, "Assyrians," 85.

roasted-grain eaters, whos[e insi]des do not know oven-baked bread,
bellies (do not know) beer.[126]

The reference to the absence of construction among the Aklitu, Amurru (Amorites) and

Lullubu is reminiscent of the descriptions of the Amorites in the Ur III period, which

describe them as a people who live in tents. The Karizina, also like the Amorites, do not

know how to bury their dead. Hairstyle is sometimes used to distinguish foreigners in

inscriptions and reliefs, but hair is also an important social marker, as shown by laws that

prescribe the cutting of hair for punishment or the fact that hairstyle could reflect a

person's social status (slaves had a particular hairstyle).[127] While the Karizina do not

scavenge for food like the Amorites, they are unfamiliar with bread and beer, both of

which require the technological knowhow[128] to transform grain, making bread and beer

markers of civilized society.

The characterizations in the *Sargon Geography* appear similar to characterizations

in other Neo-Assyrian texts, such as the texts highlighted by Carlo Zaccagnini.

Zaccagnini points out that the vast majority of "ethnographic" Neo-Assyrian texts were

composed after Sargon II's reign and these texts often remark on the location and social

practices of other peoples.[129] These texts use topographic themes that are common in

Mesopotamia, such as references to mountains, tents and generally inhospitable climates.

Ursa, an Urartean and Urzana of Muṣaṣir are referred to as a "mountaineers" (*šaddûʾa*)

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[126] Horowitz's translation (*Cosmic Geography*, 73).
[127] Meghan Cifarelli, "Gesture and Alterity in the Art of Ashurnasirpal II of Assyria," *The Art Bulletin* 80
(1998), 219 n. 54.
[128] For the extensive processes and tools required to make and even drink beer, see Michael M. Horman,
"Beer and Its Drinkers: An Ancient Near Eastern Love Story," *Biblical Archaeologist* 67 (2004): 84-95.
[129] Carlo Zaccagnini, "The Enemy in Neo-Assyrian Royal Inscriptions: The 'Ethnographic' Description," in
Mesopotamien und seine Nachbarn (RAI 25; Berlin: D. Reimer, 1978), 412.

and the Cicilian people are "mountaineers, who live in inaccessible mountains."[130] The

Suteans and Arabs are referred to as "desert folk" (*ṣāb ṣēri*), "tent dwellers" or people

who live in "the houses of the steppe, the tents where they dwell." Lands like Cypress,

Phoenicia, and Dilmun were said to be "in the middle of the sea" (*qabal tâmti*), or,

according to Esarhaddon, their kings "live in the sea, whose inner wall is the sea, whose

outer wall are the waves." Zaccagnini notes that for Assyrians, "to dwell in the steppe or

in the desert, under the tents, in the midst of the sea or in the marshes is viewed per se as

a deviation from the normal, i.e. correct way of life in Assyria."[131]

In light of these texts characterizing the peripheral regions as barbaric, the

reference to a lack of respect for the gods and the king in Sargon II's inscription should

probably not be interpreted simply as a reference to non-submission to the king and the

god Aššur in a strictly political sense—though that is undoubtedly included in the

understanding of the expression. Rather, this statement should be understood as a

polemical criticism of non-Assyrians' cultures, in the sense that these non-Assyrians "do

not know lordship" and do not know how to worship the gods properly, similar to the

description of the Gutians in the *Weidner Chronicle*. All of these themes seem to be

reinforced in the visual iconography of foreigners as well.[132]

Rebellion

Sargon II's inscription about "fear of god and king" also indicates that when a

Neo-Assyrian king polemicizes against a nation for its rebellion against the king, the

rebellion is probably understood as a reflection of the people's inferior religious and

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[130] Zaccagnini, "The Enemy," 412.
[131] Zaccagnini, "The Enemy," 413.
[132] Cifarelli, "Gesture and Alterity," 210-228.

social practices. Of course, the act of rebellion itself constitutes impiety because the rebellion defies the will of the god Aššur. But if the polemics against people who rebel against Assyria are looked at in the context of other texts characterizing the inferiority of peripheral peoples, the act of rebellion or treaty violation is a reflection of the enemy's inferior culture, and the willingness of the nation to break away from Assyria means that it has reverted back to its barbaric ways. Thus, the polemical characterizations of rebels are not simply reactions to the act of rebellion itself, but invoke a sense of inferiority thought to characterize the periphery.

At times, Neo-Assyrian kings refer to the enemy who rebels as "people who possessed neither sense nor judgment."[133] It would appear as though this terminology refers back to Sargon II's inscription suggesting that those that the Assyrian empire brought into submission were inferior. The "sense" of the enemy only becomes civilized under the thumb of Assyria. Once the enemy arrogantly (*takālu*)[134] attempts to remove that yoke, their "senselessness" comes into relief again. Of course, rebellion against Assyria usually involves breaking a treaty that the conquered people previously signed at spear-point (a Don Corleone style "offer they can't refuse"). And the inscriptions are sure to point out that their violation of the oath reflects the people's generally immoral, wicked character.[135]

It is critical to point out that the inherent inferiority of foreigners is tied to their portrayal in Neo-Assyrian texts about rebellious peoples because a number of scholars make submission to the king paramount in Neo-Assyrian caricatures of foreigners.

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[133] For this characterization and other similar characterizations of the enemy as "senseless", see Rivaroli and Verderame, "Non-Assyrian," 302. See also Frederick Mario Fales, "The Enemy in Assyrian Royal Inscriptions: The 'Moral' Judgment" in *Mesopotamien und Seine Nachbarn*, 428.
[134] Fales, "Moral Description," 428-429.
[135] Fales, "Moral Description," 428-429; Rivaroli and Verderame, "Non-Assyrian," 301-302

Indeed, Assyrian concepts of the foreigner do reflect the imaginings of an imperial society that aspired to hegemony over the entire known world. At the same time, submission to the Assyrian king is part and parcel of a civilized way of life that included correct worship, proper political structures (officials and overseers), and urban life (no tents, away from harsh, inhospitable terrains, civilized food, proper burials). To reject Assyria was to reject a civilized way of life and the "right" way to live.

Cimmerians

The theme of the rebellious enemy and its connection with overall Assyrian ideologies of foreigners seems to come together in the case of the Cimmerians (*Gimirru*), a people who may have been located near the Caucasus mountains, even further north than Urartu. In fact, Neo-Assyrian texts deploy the term "Manda horde" to describe the Cimmerians. One of Esarhaddon's royal prisms mentions Teupšaya, king of the "Cimmerian Manda horde, whose abode is distant,"[136] recalling the description of Hanigalbat in the *Sargon Geography* and descriptions of enemies in legends of the Akkadian king. Esarhaddon claims to have defeated Teupšaya in battle. Aššurbanipal's dedicatory inscription for Marduk refers to Tugdammê as the king of the Manda horde, who are the offspring of Tiamat, likeness of a [break]"[137] Usually the missing word is restored as ^{d}*gallû* (=*gallû* demon) because Esarhaddon elsewhere refers to enemy kings as *gallû* demons. If *gallû* is the missing word, then Aššurbanipal's dedicatory inscription seems to portray the Cimmerians like the portrayal of the enemies in the *Cuthean Legend*

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[136] Adalı, *Scourge*, 85.
[137] K 120b+ See Borger, *Beiträge*, 201-203, cited in Adalı, *Scourge*, 85.

of Naram-Sin. Here, the inscription refers to the Cimmerians as offspring of Tiāmat, just as the enemies in the *Cuthean Legend* were created by Tiāmat and Bēlet-ilī.

Also similar to the *Cuthean Legend*, the Cimmerians are referred to as the "brood of destruction" (*zēr ḫalqati*). The earliest Neo-Assyrian use of "brood of destruction" appears in a conflict between Esarhaddon and the Cimmerians. The Cimmerians pledge to not interfere with Esarhaddon's campaign to Mamea, but Esarhaddon does not believe they will follow through because, according to him, they are notorious oath-breakers. Because they cannot follow oaths, Esarhaddon exclaims that the gods will eventually destroy them: "they are the seed of destruction; oath of a god or treaty, they know not!"[138] Tugdammê, the leader of the Cimmerians, is also referred to as "brood of destruction"[139] in an inscription in the Ištar temple, and Aššurbanipal's description of Tugdammê as "offspring of Tiamat," noted above, is due to Tugdammê's violation of an oath. The consequence of violating the oath, according to Aššurbanipal's inscription for Marduk, is that Marduk scatters Tugdammê's forces.

Assessing Foreigners in Mesopotamian Texts

Are the groups referred to in Mesopotamian texts such as the Gutians, the Amorites, the Cimmerians and others "ethnic groups"? According to my own criteria for ethnic group perception, it would seem as though they are. Many Mesopotamian texts seem to use both geographic terminology and terminology related to descent and heredity to describe foreigners or natives (held up in contrast to foreigners). The most common term to describe members of an ethnic group is the term *māru* (DUMU), or "son" (e.g.

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[138] See Erie Leichty, *The Royal Inscriptions of Esarhaddon, King of Assyria (680-669 BC)* (Winona Lake, Ind.: Eisenbrauns, 2011), 111: 15-16, quoted in Adalı, *Scourge*, 92.
[139] A. Fuchs, "Die Inschrift vom Ištar-Tempel" in Rost, *Beiträge*, 138-62, cited in Adalı, *Scourge*, 92.

"sons of Assyria, *mārē māt Aššur*, in Sargon II's inscription above). In addition, many of the Sumerian texts cited above describe inhabitants of a particular geographic local as "sons of GN" (**dumu-dumu** GN). Since *māru* and **dumu** can, like the Hebrew word *ben*, simply refer to membership in a class or group of people who are not necessarily related in a familial sense, one cannot use this term as an unequivocal marker of ethnic group perception.[140] It is merely one piece of evidence suggesting that the concept of ethnicity was present in descriptions of foreigners and natives. In addition, none of the texts that I assessed in this chapter uses other familial terms, such as "house" (**é** or *bītu*) or "kin group" (**im-ru-[a]**, Akkadian: *kimtu*), to describe foreigners.

The word "seed" (*zēru*), a term that has explicit genealogical connotations, seems to better demonstrate that these texts communicate a concept of ethnicity in their descriptions of foreigners. Obviously, the term *zēr ḫalqati* suggests some kind of hereditary relationship between group members. Also, the *Lament Over Sumer and Ur* states that the Gutians "issued their seed (**numun**)" in the land (line 146), also demonstrating a possible genealogical connection between group members. In the *Cuthean Legend of Naram-Sin* as well as Neo-Assyrian references to the Cimmerians, certain foreigners were thought to be special creations of Tiamat, created at a specific point in time for a specific purpose. While these enemies are thought to be human, they do not have the same origin as the rest of human beings, who, presumably were created after the defeat of Tiamat. Rhetorically, it seems, even if the progenitresses of the Cimmerians and the unnamed enemies in the *Cuthean Legend* were goddesses, having the same mothers could imply a kind of genealogical link.

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[140] For examples of the use of "son" see Jean-Jacques Glassner, "From Sumer to Babylon: Families as Landowners and Families as Rulers," in *A History of the Family* (ed. André Burguière et al.; tr. Sarah Hanbury Tenison et al.; Cambridge, Mass.: Harvard University Press, 1996), 104

The fact that group members share physical features might also suggest that a concept of ethnicity is at work. The enemies in the *Cuthean Legend* were said to have ornithoid features, and the enemies in the *Curse of Akkad*, who were not said to be creations of Tiamat, supposedly had (facial?) features of monkeys. It is important to point out that in the *Curse of Akkad*, the term **sig₇-alan** refers to the *physical* likeness of the Gutians. Scholars have long puzzled over the meaning of these animalistic descriptors, but Adalı suggests that the physical descriptions of the Gutians are not to be taken literally. Rather, the animalistic descriptions of the Gutians' physical appearance could suggest that the writers wanted to present them as people with physical deformities.[141] The omen series *Šumma Izbu* describes a number of birth deformities that are said to actually *be* animals' body parts:

> If a woman gives birth and (the child) has the ear of a lion—there will be a harsh king in the land....
> If a woman gives birth and (the child) has the beak of a bird—that land will be laid waste.
> If a woman gives birth and (the child) has the beak of a turtle-dove—that land will decrease (in size).
> If a woman gives birth and (the child) has the beak of a *ḫūqu* bird—end of the reign—that land will decrease (in size), will be scattered.[142]

The Old Babylonian versions of *Šumma Izbu*, in contrast to the Neo-Assyrian version from Aššurnaṣirpal's palace upon which most of Leichty's edition is based, use the word "like/as" (*kīma*) in the protasis of these kinds of omens, indicating that the descriptions in the Neo-Assyrian version are metaphorical.[143] The newborn does not literally have a

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[141] Adalı, *Scourge*, 58.
[142] Translation from Erle Leichty, *The Omen Series Šumma Izbu* (TCS 4; Locust Valley, N.Y.: J.J. Augustin, 1968) III. 1-2, 24-27.
[143] Leichty, *Šumma Izbu*, 19.

lion's ear, but the child's ear may, in some way, be reminiscent of a lion's ear. *Šumma*

Izbu lists having the "beak" or nose of a raven (KA UGA = *appī āribe*), the same bird with

which the faces of Naram-Sin's Manda horde were compared, as a birth deformity that

portends pestilence.[144]

Even though the texts may not suggest that the Gutians literally have the features

of monkeys or that the enemies in the *Cuthean Legend* literally have cave-bird bodies, the

selection of these animals might be significant. Some Mesopotamian texts, such as the

Babylonian Map of the World, place exotic creatures in faraway lands. The choice of

monkeys as a description of the Gutians' features may have been a way of reinforcing the

foreign nature of the Gutians, since the monkey is one of the exotic animal species that

the *Babylonian Map of the World* claims lives on the islands across the *marratu* (great

sea), in the far reaches of the world.[145] The cave-bird, the bird to which the bodies

(*pagru*) of the enemy of the *Cuthean Legend* are compared, may have been a bird that

was thought to be particularly polluting. A remedy for the *bu'šānu* disease, dating from

the Late Babylonian period says that an afflicted person should "draw water from the

Eulaios, the wide sea, where an unclean woman has not washed her hands, a tabooed

woman has not washed her clothes, a cave bird has not flapped its wings, a black dog has

not."[146] The cave-bird seems to be grouped with an unclean woman and the presence of

this bird in the water would make it unclean and useless for the remedy.

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[144] Leichty, *Šumma Izbu*, XII 11.

[145] See Horowitz, "Babylonian Map," 149, lines 8'-9' and *Cosmic Geography*, 35. The Sumerian word **ugubi** (monkey) is rendered *pagû* (monkey) in many Old Babylonian Akkadian texts ("**ugubi,**" EPSD; *CAD*, P, 17, 19), the same word for "monkey" in the *Babylonian Map of the World*. Another Akkadian word that seems to be directly derived from the Sumerian is *uqūpu* ("ape") (*CAD*, U/W, 204).

[146] *Spätbabylonische texte aus Uruk, Vol. 1* (ed. Hermann Hunger; ADFU 9; Berlin: Mann, 1976), 51-55.

In addition, the Manda horde's bird features might be invoking the omen traditions. Of course, the presence of birds is often a bad omen, but the birth of people and animals with deformities, especially deformities that appear as bird parts, is also a terrible portent. While it may be a leap to suggest that the composers of the *Curse of Akkad* and the *Cuthean Legend* had *Šumma izbu* in mind when they retold these stories, it is certainly very interesting that Naram-Sin's Manda horde was said to have been created by the Great Goddess with these features, considering that they left so much destruction in their wake. If the references to simian and ornithoid features are in fact references to deformed physical features, these texts seem to support the connection between deformities and disaster articulated in omen texts.

Neo-Assyrian texts seem to draw on many of the themes laid out in earlier Mesopotamian texts. The portrayal of the foreigner who lives in dangerous faraway places, and the idea that foreign places and peoples should be dominated was present in legends about Sargonic kings, Enmerkar and Lugalbanda. The idea that certain foreigners from the periphery are technologically, socially, and religiously inferior also comes through in Neo-Assyrian texts. Most importantly, the foreigner who displays these inferior lifestyles deserves to be conquered and brought under the yoke of Assyria.

Chapter Three:

"A Non-People, A Foolish Nation": Caricatures of Foreigners in

Deuteronomistic Texts

In this chapter, I will look at characterizations of foreigners presented by the

Deuteronomistic History (the books of Deuteronomy – 2 Kings)[1] in the Hebrew Bible. I

will focus primarily on the book of Deuteronomy, though I will use other

Deuteronomistic texts as well as texts outside of the "Deuteronomistic" corpus to

illuminate ideas contained in Deuteronomy. In light of the theoretical perspective I

outlined in Chapter One, when I analyze descriptions and caricatures of foreigners, I will

pay particularly close attention to references to common ancestry and geographic space in

my assessments.

In Chapter Two, I argued that geography was extraordinarily important in

Mesopotamian texts' portrayals of foreigners because peoples who are described as

residing in liminal places such as the mountains or the steppe (the "periphery" of

Mesopotamia) were stereotyped as "uncivilized" and brutish. Several recurring themes

appear in Mesopotamian texts' negative descriptions of foreigners, including:

1. Generally negative characterizations of foreigners' barbarism and mental

    disposition: e.g., they "know no inhibitions"; they have "canine intelligence"

    (*Curse of Akkad*, 155-157).

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[1] When I talk about biblical "sources," I prioritize ideological themes over authorship (though authorship
    and provenance are not by any means irrelevant). I am more interested in the ideas of
    "Deuteronom*ism*" than the identity of authors or the nomenclature of texts (see pp. 4-6 below).

2. Absence of the features of civilized life, such as agriculture, proper burials, houses (instead the Amorites, for example, live in tents), writing, baking bread and the production of beer.

3. Absence of proper religious practices and general disrespect for the gods: The *Weidner Chronicle* claims that the Gutians did not even know how to perform the correct rituals for the gods (line 22), and Amorites were said to have eaten forbidden foods dedicated to a god and were also called an "abomination" to temples (*Myth of Amurru*).

4. No respect for authority: Either foreigners do not have the "correct" political institutions, such as kingship, or they show disrespect to the imperial sovereign who rightly rules over them.

5. The ability to turn the "civilized" parts of the world into a wasteland. Some of the foreigners depicted in Mesopotamian texts are said to be extremely violent—so violent, in fact, that they are accompanied by natural disasters and have the power to, in a sense, actually turn the "center" into the "periphery." In the *Lamentation over Sumer and Ur*, the Gutians were even said to have turned Sumer and Ur into **ki-bal** ("rebel land") a word used to describe a harsh, mountainous terrain (144-45; compare *Lugalbanda in the Mountain Cave*, 23, 440).

Similar themes can be found in biblical texts, especially the use of improper religious practices as a way to stigmatize foreigners. But when it comes to the "Deuteronomistic" texts, the foreigners' illegitimate cultic practices are not just a way to

disparage foreigners. The foreigners' religious practices pose a threat to Israelites' ability to worship their own God properly (e.g., Deut 7:1-6).

The danger posed by foreign religious practices points to another major difference between biblical texts and Mesopotamian texts. The foreigners negatively portrayed by the biblical texts I will assess below are, for the most part, not described as peoples who live on the "periphery" of the earth (though see a notable exception in Deut 28:49-52, which may have been influenced by Mesopotamian rhetoric about foreigners). Rather, the foreigners caricatured by these biblical passages are said to reside in very close proximity to the Israelites. "Deuteronomistic" texts draw deep distinctions between the Canaanites, who are (according to these texts) the autochthonous inhabitants of the land of Israel dispossessed by the Israelites and the Israelites, by highlighting the supposedly different (read, "inferior") cult practices of the Canaanites. The threat posed by the Canaanites prompts the "Deuteronomistic" source to advocate extermination of the Canaanites, and when the text does not call for extermination, it opposes intermarriage and other forms of social intercourse with them.

Deuteronomy, Deuteronomism and the Deuteronomistic History

The history of the interpretation of the Deuteronomistic History (hereafter DtrH) starts as early as the nineteenth century, when biblical scholars began to call attention to ideas and emphases that were peculiar to the biblical books of Deuteronomy – 2 Kings. Since then, the debates on DtrH have continued well into the twenty-first century.[2] In the

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[2] For the pre-Noth observations about Deuteronomy - 2 Kings, see Thomas Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T&T Clark, 2005), 16-22. Influential Hebrew philologist S.R. Driver was one of the first to systematically call attention to unique "deuteronomistic" expressions.   For a very useful listing and overview of

1940s, Martin Noth looked at the phrases, ideas and emphases found in Deuteronomy – 2

Kings and concluded that these books constituted one historical oeuvre made up of

compiled and sometimes conflicting traditions, written by one author called the

"Deuteronomist" during the Judean exile, around 562 BCE, with a "simple and unified

theological interpretation of history."[3] Noth's predecessors tended to see the

"Deuteronomist" as an editor with a "secondary and inessential role in the construction of

the work" and they often tried to find Deuteronomistic material in pre-Deuteronomistic

sources such as the Epic Traditions (JE)—a quest with which Noth disagreed because, for

him, there were no Deuteronomistic additions to other Pentateuchal traditions.[4] With

Noth's thesis, the theory of the "Deuteronomistic History" (DtrH) was born and the idea

that there is such a thing as a "Deuteronomistic History" within the Bible is a cornerstone

of biblical scholarship.

But ever since Noth proposed his idea, DtrH has taken on a life of its own as

scholarship on DtrH has exploded in the sixty-plus years since Noth released

Überlieferungsgeschichtliche Studien (English title: *The Deuteronomistic History*) in

1943. Many current theories of the DtrH's composition differ immensely from Noth's

original proposal and a number of scholarly theories break apart DtrH, which Noth saw

as a unity, into an assortment of editorial layers. These proposed editorial layers were

supposedly added at different points in time and each had its own, distinct theological

and ideological perspectives, which they added to the "original" DtrH. Most scholars

believe that there was an "original" DtrH, but have different names for this "original"

Deuteronomic expressions, see Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Winona Lake, Ind.: Eisenbrauns, 1992), 320-65.

[3] Martin Noth, *The Deuteronomistic History* (Sheffield: Sheffield Academic, 2001 [1943]), 6. For a summary of Noth's viewpoint, see 4-11.

[4] Noth, *Deuteronomistic History*, 10.

incarnation of DtrH as well as different ideas about its date of composition, its viewpoint, and its length.

In North America, the scholarly trend has been to call the "original" layer of DtrH, Dtr[1], following the argument of Frank Moore Cross in his seminal 1973 essay.[5] Cross develops a lead, first established by Gerhard von Rad and Hans Walter Wolff, that Noth's portrayal of DtrH as wholly pessimistic about the fate of Judah does not seem to fit with certain passages, such as 2 Samuel 7, which is positive about the monarchy and foresees eternal kingship for David's descendants.[6] Those who follow Cross's lead, are said by some to follow a "block model," meaning that their reconstructions of DtrH envision an "originally coherent whole" which was "supplemented, predominantly by adding larger units of material into and at the end of it…"[7] The first big block of material, according to Cross's theory, was written during the reign of King Josiah in the seventh century BCE (640-609), and legitimated his cultic reform program.[8] This block was

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[5] Frank Moore Cross, "The Themes of the Book of Kings and the Structure of the Deuteronomistic History," in idem, *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel* (Cambridge: Harvard University Press, 1973): 274-289. I will continue to use DtrH as an abbreviation for the Deuteronomistic History. When referring to the two "blocks" of the Cross model (Dtr[1] and Dtr[2]), I will use pre-exilic and exilic edition/block of DtrH to denote Cross's Dtr[1] and Dtr[2].

[6] Cross, "Themes," 276-77; Also Gerhard von Rad, *Studies in Deuteronomy* (*SBT* 9; London: SCM Press, 1953), 74-79; idem, *Old Testament Theology* (Vol. 1; New York: Harper, 1962), 334-347; Hans Walter Wolff, "Das Kerygma des deuteronomistischen Geschichtswerkes," *ZAW* 73 (1961): 171-86.

[7] For a concise but thorough summary of the debates over the Deuteronomistic History, especially the differences between North American scholarship and European scholarship, see Richard D. Nelson, "A Response to Thomas C. Römer, *The So-Called Deuteronomistic History*," *JHS* 9 (2009): 5-14.

[8] Some contend that the first edition of DtrH appeared earlier, during the reign of Hezekiah (died c. 698 BCE), who also made major cultic reforms (2 Kings 18). Helga Weippert. "Die 'deuteronomistischen' Beurteilungen der Könige von Israel und Juda und das Problem der Redaktion des Königsbücher" *Bib* 53 (1972): 301-39; Baruch Halpern, "Sacred History and Ideology: Chronicles' Thematic Structure—Indications of an Earlier Source," in *The Creation of Sacred Literature: Composition and Redaction of the Biblical Text* (ed. Richard Elliott Friedman; NES 22; Berkeley, Calif.: University of California Press, 1981), 35-54. These authors' strongest arguments are based on the statements used to describe kings in 1 and 2 Kings: evaluations and summaries of the king's reign, death and burial notices, etc. A major piece of evidence marshaled for a Hezekian tradition is the evaluation in 2 Kgs 18:5: "after [Hezekiah] there was none like him among all the kings of Judah, nor before him." Josiah is also said to have been incomparable to the kings before and after him (2 Kgs 23:25). For another perspective on statements of incomparability see Knoppers, "'There was None Like Him': Incomparability in the

enthusiastic about the monarchy and included the unconditional promises of eternal

kingship to David (2 Sam 7:13-16). The second block was composed during the exile,

after the Babylonian conquest. In response to disaster, the Exilic DtrH block (=Cross's

Dtr^2) reinterpreted the unconditional promises to David as conditional promises

contingent on the king's obedience to Yahweh (1 Kgs 9:6-9). The Exilic edition also

included the hope of restoration should the people repent (Deut 4:25-31; 30:1-20; 1 Kgs

8:46-53).[9]

In contrast to Cross's block model, the scholarly trend in Germany and

continental Europe has been to follow the thinking of Rudolf Smend and his students,

who argue that DtrH went through at least three editorial revisions (DtrG = *Geschichte*,

"history," DtrN = *nomos*, "law," and DtrP = *prophetisch*, "prophetic"). Those who follow

Smend's ideas are frequently referred to as the "Göttingen School." Smend argued that

someone revised conquest pericopes in Joshua and Judges by adding passages that

emphasize obedience to the Mosaic Law (e.g. Josh 1:6-7; 13:1b-6; Jdg 1:1-2:5, 7, 20-21,

23).[10] Smend named the editor who overlaid DtrG with these verses, DtrN. Walter

Dietrich, one of Smend's students, noted that a number of prophetic pronouncements in 1

and 2 Kings have verses that specifically refer to their fulfillment (see, e.g., 1 Kgs 14:7-

13 and 15:29; 2 Kgs 21:10-14 and 24:2).[11] Based on this observation, Dietrich contended

that there was a later editor who composed passages showing that the prophecies came to

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Books of Kings," *CBQ* 54 (1992): 411-31.

[9] Cross also holds that "hopelessness" about the impending wrath of Yahweh characterizes the Exilic block of DtrH because it pins the disaster on the misdeeds of king Manasseh (c. 697-642 BCE), which not even the good reign of Josiah could undo ("Themes," 285-86).

[10] Rudolf Smend, "Das Gesetz und die Völker: Ein Beitrag zur deuteronomistischen Redaktionsgeschichte," in *Probleme biblischer Theologie: Gerhard von Rad zum 70 Geburtstag* (ed. Hans Walter Wolff; Munich: C. Kaiser, 1971), 494-509; also *Die Entstehung des Alten Testaments* (Stuttgart: W. Kohlhammer, 1978).

[11] Walter Dietrich, *Prophetie und Geschichte* (FRLANT 108; Göttingen: Vandenhoeck & Ruprecht, 1972).

pass. Dietrich referred to this editor as DtrP. The Göttingen School tends to date all three layers of Dtr to the exile, and Dietrich believes that DtrN was possibly the last layer, harmonizing DtrG and DtrP according to a generally pro-Davidic viewpoint. Timo Veijola, another protégé of Smend, attempted to use the model to explain the seemingly contradictory attitudes toward kingship in 1 and 2 Samuel.[12]

Considering the various ways in which scholars propose DtrH was composed, no one would be faulted for saying that the last thing biblical scholarship needs is another theory of DtrH's composition. Indeed it would not be a great exaggeration to say that there may be as many theories of DtrH as there are scholars who study it.   And so, there will be no new theory of DtrH presented here. However, I will make another suggestion about how to look at the compositional theories that have already been formed. I will, following the scholarly convention, refer to the Deuteornomistic History, collectively, as "DtrH." To call the various books and traditions that comprise the Deuteronomistic History one thing, "DtrH," is to assert that all of the traditions that make up the History, irrespective of when they were written, have been subsumed under a common worldview and common themes that can be distinguished from other biblical traditions, such as the Priestly Source, the Holiness Source, the Epic Traditions (also known as JE), etc. A useful outline of the ideological viewpoint of DtrH has been provided by Moshe Weinfeld:

1. The struggle against idolatry
2. The centralization of the cult
3. Exodus, covenant, and election
4. The monotheistic creed

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[12] Timo Veijola. *Das Königtum in der Beurteilung der deuteronomistischen Historiographie: Eine redaktionsgeschichtliche Untersuchung* (Helsinki: Suomalainen Tiedeakatemia, 1977).

5. Observation of the law and loyalty to the covenant
6. Inheritance of the land
7. Retribution and material motivation
8. Fulfillment of prophecy
9. Election of the Davidic dynasty[13]

Some of the tenets proposed by Weinfeld could use some clarification and

reworking. First, "idolatry" is a common, but problematic, term for biblical polemics

against cult icons, and cult practices that the Deuteronomists did not like. DtrH has some

specific cultic bugaboos that are constantly targeted such as "high places" (*bāmôt*),

"baals" (*běʿālîm*) which are possibly local manifestations of gods, including Yahweh,[14]

"asherahs," some kind of wooden cult object that may represent a goddess, "holy people"

(*qādēš/qědēšâ*[15]), magic arts and necromancy, the "host of heaven" and "other gods."

Second, whether or not any part of Deuteronomy, even Deuteronomy 4, can be said to be

truly "monotheistic" is debatable.[16] Third, with "election" should also come the idea of

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[13] Weinfeld, *Deuteronomy*, 2. Another good summary of Deuteronomistic ideology can be found in Noth, *Deuteronomistic History*, 89-99.

[14] See 2 Sam 5:20; 15:7, two important texts that seem to refer to local manifestations of Yahweh. In the former, Yahweh assists with David's victory and he names the place of victory Baal-perizim, showing that *baʿal* ("lord") was an epithet used to refer to Yahweh (see also Hos 2:16 for another possible example). In 2 Sam 15:7, Absalom must return to Hebron to fulfill a vow to "Yahweh-in-Hebron" suggesting that there could be multiple, local manifestations of Yahweh with their own cultic requirements and protocol. On multiple manifestations of Yahweh and their relationship to the epithet *baʿal* see Baruch Halpern, "Brisker Pipes than Poetry: The Development of Israelite Monotheism," in *Judaic Perspectives on Ancient Israel* (ed. Jacob Neusner, Baruch Levine and Ernest S. Frerichs; Philadelphia: Fortress Press, 1987), 87-102; P. Kyle McCarter, "Aspects of the Religion of the Israelite Monarchy: Biblical and Epigraphic Data," in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross* (ed. Patrick D. Miller, Paul D. Hanson, and S. Dean McBride; Philadelphia: Fortress Press, 1987), 137-55.

[15] Often translated "cult prostitute." There are numerous problems with the idea that the Hebrew words *qādēš* and *qědēšâ* should be translated "cult prostitutes." See section on "Cult Practices" below.

[16] The term "monotheism" may be an inappropriate term for the cultic practices of ancient Israel and biblical presentations of Yahweh. For some reviews of the problems with the application of the term "monotheism" to ancient Israel, see Robert Gnuse, "The Emergence of Monotheism in Ancient Israel: A Survey of Recent Scholarship," *Religion* 29 (1999): 315-336; Juha Pakkala, *Intolerant Monotheism in the Deuteronomistic History* (Publications of the Finnish Theological Society 76; Göttingen: Vandenhoeck & Ruprecht, 1999), 1-20, 224-33. Römer believes that the parts of DtrH written in the pre-exilic and exilic periods do not express a "clear monotheistic theology" unlike Second Isaiah and what he considers to be late Persian period texts of DtrH (Römer, *So-Called*, 114, 173-74). Even the "monotheism" of Second Isaiah has been challenged by Saul M. Olyan, "Is Isaiah 40-55 Really

"holiness" because Deuteronomy emphasizes that the people of Israel are holy (Deut 7:6; 14:2; 14:21; 28:9). The holiness of the people distinguishes DtrH from the Priestly source, which asserts that only the priests are holy (compare Num 16:3-7). Otherwise, Weinfeld's list of key tenets seems useful for sketching out DtrH's main ideological tenets.

By using one term for all of the traditions that make up DtrH I do not mean to suggest that there was only one author of DtrH.[17] When I use the term "DtrH," I am referring to literature that explicitly participates in Deuteronomisitc ideology, which most scholars agree is the case with Deuteronomy – 2 Kings.[18] I share Rainer Albertz's view that DtrH should be first and foremost understood as an ideological phenomenon or, in his words, as a "'theological current of the time' typical of the sixth century BCE." Just as there may be debates and differences within any ideological *Tendenz* (Marxism, feminism, libertarianism, etc.), DtrH betrays several differences of perspective, particularly about the nature of the monarchy, the people's relationship with the land, and the emphasis on covenant or the emphasis on wisdom. The different perspectives may stem from the differences in historical context (i.e. an exilic perspective versus a pre-exilic perspective), but irrespective of when the texts were written they are united in their promotion of Deuteronomistic ideology. I would also argue that a negative view of certain "foreigners," such as the Canaanites, is a common ideological viewpoint in DtrH.

Monotheistic?" *JANER* 12 (2012): 190-201.

[17] Steven L. McKenzie and John Van Seters make a strong case for one author of DtrH—a case with which I disagree. See McKenzie, *The Trouble with Kings* (Leiden: Brill, 1991) and Van Seters, *In Search of History: Historiography in the Ancient World and the Origins of Biblical History* (New Haven, Conn.: Yale University Press, 1983).

[18] For now, the question of whether or not other books such as Hosea, Jeremiah, and the other sections of the Pentateuch show signs of Deuteronomistic redaction will be tabled.

I believe that the block model, or so-called *double-redaction theory* of DtrH,

noted above, and articulated first by Cross, makes the most sense because it grapples with

the starkest contradictions and the most profound problems that beset the books of

Deuteronomy – Kings in a simple, uncomplicated way. The double-redaction theory's

simplicity, by proposing just two editions, also fits best with current research on scribal

culture in ancient West Asia. DtrH is most likely an extremely complex work and it

certainly consists of a variety of different traditions, something that, perhaps, the

Göttingen School picks up on in its theories. But, as David M. Carr notes,

"intertextuality" was simply a part of scribal culture in the ancient world and all texts

were composed from "a tissue of memorized quotations of earlier works."[19] These

compositions were not simply compilations, citations, or exegesis of past material but

were fully original compositions created from memorized "building blocks" of older

material.   Yet, when scholars have been able to detect layers in non-biblical texts, the

observable layers are fairly large blocks of explanatory and thematic material. For

example, the Standard Babylonian version of the *Epic of Gilgamesh* adds an entire

prologue, the Babylonian flood story and a speech by Utnapishtim to the Old Babylonian

version of the Epic.[20]

The lesson to draw from the cuneiform examples is that when proposing concrete

editorial layers, scholars should be more focused on large chunks of text rather than

parsing the text into a multitude of redactional layers, each of which contributed snippets

to the text. There were, indubitably, a multitude of traditions that went into one block of

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[19] David M. Carr, *Writing on the Tablet of the Heart: The Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005), 36.

[20] See Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge, Mass.: Cambridge University Press, 2007), 126-129.

text, but the idea that all of these traditions can be isolated into discrete redactional layers cannot be sustained.[21] Also, the detection of multiple traditions is not *necessarily* incompatible with notion of composition by one author. The Standard Babylonian version of *Gilgamesh* lists one author Sîn-lēqi-unninni, who compiled and arranged the text, even though *Gilgamesh* is clearly a composite text.[22]

As strong as Cross's theory is, some important adjustments and critiques were made over the years after he proposed his double-redaction theory. First, some scholars who have followed in Cross's footsteps believe there was much more written during the exilic period than was originally proposed by Cross.[23] Second, some interpreters prefer to talk about major periods of literary production in lieu of proposing specific dates and time for composition. In his pivotal work assessing the various theories of the Deuteronomistic History both in Europe and North America,[24] Thomas Römer argues that "deuteronomistic literary production" began in the Neo-Assyrian period (7th Century BCE), but that the Deuteronomistic History was not written until the exile. Römer may or may not be correct about his historical reconstruction of DtrH's composition, but one of his major contributions to biblical scholarship is his proposal that DtrH's composition should be understood as stemming from periods of literary activity.

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[21] Though certainly, some sources can be isolated. For example, an apology for King David and a Succession Narrative for King Solomon can be detected within the early layer of the Deuteronomistic History. But again, these are large chunks of text, not an example of different authors tinkering here and there. Moreover, Albertz notes that the "strata model" has not been tested against the entire text of the Deuteronomistic History (*Israel in Exile*, 275).

[22] For other examples of single authors compiling complex texts in Mesopotamia, such as Kabti-ilani-Marduk, author of the *Poem of Erra* and Saggil-kinam-ubbib, compiler of the "Babylonian Theodicy," see van der Toorn, *Scribal Culture*, 27-44.

[23] For some examples, see Richard D. Nelson, *The Double Redaction of the Deuteronomistic History* (Sheffield, England: JSOT Press, 1981), 43-98; Jon Levenson, "Who Inserted the Book of the Torah?" *HTR* 68 (1975): 203-33, who attributes the exilic frame of Deuteronomy (4:1-40; 29:21-28; 30; 31:16-22, 24-29) to the exilic author.

[24] McKenzie refers to Römer's work as a "compromise" between North American and Continental scholarship. See McKenzie, "Response," 15.

Based on my own adoption of Cross's block model, this study will assume that there were two, and maybe three, major periods of literary activity for DtrH: The Neo-Assyrian Period (seventh century BCE), the Exilic Period (post 586/87), and, possibly, the post-Exilic period or early Second Temple Period (fifth century BCE - fourth century BCE). These three periods of literary activity are reflected in blocks that are easily isolatable within DtrH. As one might expect, there are a variety of proposals for how the texts of these different periods were put together. One major debate about the Neo-Assyrian Period is whether the literary activity began during the reign of Hezekiah or during the reign of Josiah.[25] Resolving these debates is well beyond the scope of this project.

My focus on DtrH will be ideological for the most part because it is not my intent to reconstruct a history of Judah, nor is it my intent to reconstruct the parties or factions that may have been active in Judah in the late monarchy and exile. For the purposes of understanding how negative assessments of an ethnic group's social practices relate to the negative characterizations of these ethnic groups, it is the *ideas* contained in DtrH that are most important. Theories of dating are significant because they can reveal how different ideas in different periods might have interacted with one another or how ideas may have developed. The most important contribution of DtrH is the idea that worship of Israel's God should be centralized at the temple in Jerusalem—an idea that had a life outside of DtrH, as in the book of Chronicles, Jeremiah and other prophets. There are, of course, other unique emphases in DtrH, which have been outlined by Weinfeld and others.[26] The

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[25] See n. 8.
[26] See n. 13 and above.

double-redaction theory allows for DtrH to be both a composed text and ideological text that engages with ideas from past eras as well as its own.

As a solution to the problem of multiple ideas contained in DtrH, scholars have proposed that there was a Deuteronomistic "school" or "movement" in ancient Judah that perhaps came from the kingdom of Israel. Unfortunately, this intriguing theory is difficult—if not impossible—to prove at this point.[27] As ideologues, the authors of DtrH would have an interest in co-opting, engaging and responding to a multiplicity of ideas in the history.[28] Some of the texts I analyze closely make up the exilic frame of Deuteronomy, such as Deuteronomy 4 and 28.[29] Other texts are ambiguous with respect to date and provenance, such as Deuteronomy 32. However, the work of both the pre-exilic, exilic, and post-exilic contributors to DtrH reflect the ideology of "Deuteronomism," and the stories incorporated into DtrH have been appropriated by DtrH for the authors' own purposes. The investigation below will be mindful of the dating of texts and portray texts that come from different strata as voices with different perspectives in dialogue with one another, but united in their promotion of Deuteronomistic ideology.

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[27] Lohfink points out that the composition of texts is unlike the process of a "movement" (*Bewegung*) as it is traditionally understood (e.g. "Civil Rights Movement") because movements are characterized more by goals than by texts. He suggests, alternatively, that there may have indeed been a movement in Judah that promoted centralization of worship and greater national independence, in which the authors of Deuteronomy – 2 Kings participated or which they supported, but that the idea of "deuteronomism" as a movement would not be appropriate ("Was There a Deuteronomistic Movement?" in *Those Elusive Deuteronomists* [ed. Linda S. Schearing and Steven L. McKenzie; Sheffield, England: JSOT Press, 1999], 36-66). For the view that there may be a relationship between a "deuteronomistic" movement in the Northern Kingdom and the prophet Hosea, see Weinfeld, *Deuteronomy*, 366-70.

[28] For example, McKenzie (*Trouble*, 100) believes that the incorporation of Northern prophetic cycles in DtrH is a "problem." I think it fits well with the idea that the authors of DtrH are ideologues, who would incorporate Israelite prophetic cycles both to give the history legitimacy, to reinforce the idea that Yhwh appointed prophets as his "servants" to carry out his word, and because many of the prophetic stories place Israelite kings (for whom there is no love lost in DtrH) in a negative light.

[29] Levenson, "Torah," 203-33.

Deuteronomism and Ethnicity

I will now look at how the relationship between geographic space and concepts of descent play out in Deuteronomistic materials. I have broken the task of determining the relationship between descent and geographic space in DtrH into a few questions for exploration: What are DtrH's key terms for denoting foreigners? Does DtrH essentialize foreigners? If so, what ideas, associations and terms does DtrH use to essentialize them? Does DtrH present ideas or use language that shows that certain constructions of foreigners are related to descent and geographic space? And how does DtrH understand "descent" and "geographic space"? In DtrH, the key terminology that informs its constructions of foreigners include: "people" (ʿam), "nation" (gôy), "foreign" and "strange" (both denoted interchangeably in some instances by the roots *nkr* and *zwr*).

"Foreigners" in DtrH: The Hebrew Roots nkr *and* zwr

Outside of DtrH, the Hebrew roots *nkr* ("to be foreign") and *zwr* (II, "to be strange") have a range of meaning, and the roots do not necessarily refer to people or objects that have foreign *ethnic* origins. Most often, the roots seem to refer to an object or person outside of a designated category or grouping of objects/people.[30] The designated category is often an ethnic group (see below), but the category can also encompass smaller descent-groups such as families or genealogies and object-groups

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[30] L.A. Snijders uses the expression "that which does not belong" (זר/זור, *TDOT*, 55), a concept that does not seem to differ much from my own idea that *zwr* and *nkr* refer to objects and people outside of a particular grouping of objects. The root *zwr* II seems to have a basic spatial meaning: to "turn aside, deviate, go away," and according to Snijders the participle *zār* should be translated "one who distances or removes himself" (ibid, 53). I wonder, however, if this translation works in all of the instances of *zār* in which a person has not removed himself of herself from something (e.g., the *zār* who may not eat the holy foods; it seems as though the *zār* does not "remove himself," but is excluded by law).

such as "things that are holy." For example, Priestly and Holiness sources use the root

zwr to refer to those who are outside of the priestly genealogical line (Exod 29:33; 30:33;

Lev 22:10-13[H]; Num 1:51; 3:10, 38; 17:5 [ET 16:40]; 18:4, 7). Anyone who is not a

member of a priestly family is labeled a "stranger" (*zār*), especially when it comes to the

use or consumption of holy objects. The Priestly source also uses the root *zwr* to refer to

illegitimate fire (*'ēš zārâ*) and incense (*qĕṭōret zārâ*) used on the incense altar for

Yahweh (Exod 30:9; Lev 10:1-2; Num 3:4; 26:61). The use of *zār* in these cases is

interesting because it seems as though the Priestly source assumes nested categories by

which to determine what is and is not "strange." In both the cases of the fire and incense

as well as the laypeople, what are considered *zārîm* are objects and people outside of the

category "things that are holy (*qdš*) to Yahweh," but laypersons are also *zārîm* because

they are outside of a particular descent-group ("Aaronids").

In wisdom literature, the roots *nkr* and *zwr* sometimes simply mean "another" as

in "someone distinct from the subject."[31] So Prov 27:2 says, "Let another (*zār*) praise

you, and not your own mouth, a stranger (*nokrî*) and not your own lips." Helmer

Ringgren suggests that Prov 5:10, 20 and Qoh 6:2 are other examples in which *nokrî*

simply means "another."[32] But at least two of these examples may refer to members

outside of the descent-group of the family. Prov 5:10 describes the fate of a man who

falls for an adulterous woman: "strangers (*zārîm*) will be filled with your strength and

your treasures will go to the house of another (*bêt nokrî*)." The use of *zārîm* in

conjunction with *bêt nokrî* leads me to believe that the "strangers" are members of

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[31] Helmer Ringrren, נכר, *TDOT*, 425. Also see Ringgren's Ugaritic example, KTU 1.14, II, 48, 50: "Let the newly married man go forth (to battle), let him bring his wife to another, his beloved to someone else (*nkr*)."

[32] Ringgern, נכר, TDOT, 425

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another household (*bayit*), which means that the author is admonishing the young man not to go after an adulterous woman lest his pursuit result in people who are not among his household (non-heirs?) acquiring his property. The terminology based on *nkr* and *zwr* in Prov 5:10 would, of course, fit poetically with the same kind of terminology used for the "strange woman" ([*'iššâ*] *zārâ/nokriyyâ*), who also comes from outside of the "household" (Prov 5:20). In Qoh 6:2, however, *nokrî* does seem to refer to another person who is explicitly contrasted with "the man (*'îš*) to whom God has given riches."

Based on their use in parallelism (see Prov 5:10 above), the roots *nkr* and *zwr* also appear to be closely related, and it is difficult to determine whether or not they are completely synonymous or whether there are some subtle differences between the two roots. In Ps 69:9 (ET 69:8), the Psalmist laments, "I have become estranged (*mûzār*) from my brethren, a foreigner (*nokrî*) to my mother's children." In a similar vein, Job laments, "The residents of my house and my female slaves reckon me a stranger (*zār*); I am a foreigner (*nokrî*) in their eyes" (Job 19:15). These appear to be extended uses of *nkr* and *zwr* that denote estrangement, alienation and unusualness (see also Isa 28:21) without any discernable shades of meaning between the two terms.

As many of the examples above demonstrate, the roots *nkr* and *zwr* often, though certainly not always, carry negative connotations,[33] and their use in DtrH is no exception, as DtrH repeatedly uses *nkr* and *zwr* to cast people and gods in a negative light. In DtrH, *nkr* derived words are commonly employed to describe cult practices that DtrH characterizes as disloyal to Yahweh, often claiming that illegitimate cults and ritual

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[33] Saul M. Olyan, "Stigmatizing Associations: The Alien and Practices Associated with Aliens in Biblical Classification Schemas," in *The Foreigner and the Law: Perspectives from the Hebrew Bible and the Ancient Near East* (ed. R. Achenbach, et al.; BZABR 16; Wiesbaden: Harrassowitz, 2011), 1-2, n.2.

traditions are centered around "foreign gods" (Deut 31:16,[34] 32:12; Josh 24:20, 23; Judg

10:16; 1 Sam 7:3). In one instance, the root *zwr* is used to describe "foreign [gods]"

(Deut 32:16).[35] DtrH also applies terminology derived from the root *nkr* to negatively

characterize people. The mention of Solomon's "foreign wives" is a very notable

example (1 Kgs 11:1, 8), both because Solomon's "foreign wives" are said to have

prompted him to set up cults to "foreign gods" but also because of the impact the story of

Solomon's "sin" against Yahweh had on later interpreters, such as the author of Neh

13:26.[36] Looking at these examples from DtrH and other texts, it seems safe to say that

things associated with the roots *nkr* and *zwr* are frequently, but not always, presented as

threats to social or community units and structures. The strange woman, repeatedly

invoked in Proverbs, threatens the family structure. Strange gods, fire and incense

threaten the community's cultic life. Finally, the consumption of holy food by strangers

threatens the community's cultic life as well as the possessions, property and privileges

of a social unit (the priests).

On the other hand, *nkr* can possess a neutral sense, even if DtrH often uses the

root to refer to supposedly illicit cult practices. For example *nkr* is used to distinguish

family or kin members from non-kin. In Deut 14:21, the "foreign" person is simply

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[34] Some translations render *ʾĕlōhê nēkar-hāʾāreṣ* in Deut 31:16 as "gods of the foreigners of the land" (AV, NASB). This would be a very unusual and awkward expression for DtrH. Some LXX manuscripts omit *hāʾāreṣ* altogether. The best translation, in my view is "foreign gods of the land," which is both true to the text and is closer to DtrH's usual expressions for illegitimate deities.

[35] Though Deuteronomy 32 is possibly an independent, originally preexilic hymn appropriated by DtrH. See Paul Sanders, *The Provenance of Deuteronomy 32* (Leiden: Brill, 1996); Matthew Thiessen, "The Form and Function of the Song of Moses," *JBL* 123 (2004): 401-424; Mark Leuchter, "Why Is the Song of Moses in the Book of Deuteronomy?" *VT* 57 (2007): 295-317. That DtrH appropriated Deuteronomy 32 can be shown by its influence on the exilic frame of Deuteronomy (Levenson, "Book of the Torah," 215-218). In fact, according to Levenson, this very verse has influenced (exilic) Deut 4:25; 31:29. Deut 32:16 may be earlier than DtrH, but DtrH seems to endorse this verse's ideas.

[36] Some contend that 1 Kings 11 is a late composition. See Michael Fishbane, *Biblical Interpretation in Ancient Israel* (New York: Oxford University Press, 1985), 125-26. For a defense of an earlier date, see Gary N. Knoppers, "Sex, Religion and Politics: The Deuteronomist on Intermarriage," *HAR* 14 (1994): 121-141.

contrasted with an Israelite and resident alien (*gēr*). In the Priestly Writer's account of Yahweh's covenant with Abraham, the "foreigner" (*ben-nēkār*) is identified simply as someone "who is not among your descendants" (*ʾăšer lōʾ mizzarʿăkā hûʾ* —Gen 17:12). Gen 17:12 is concerned with delineating who must be circumcised within an Israelite household, and the Priestly author of Genesis 17 believes that all the males of the household, including males in dependent classes—i.e. foreign slaves—should be circumcised. This neutral use of "foreigner" is quite revealing because it suggests that the foreignness denoted by the use of the root *nkr*, at least when referring to *categories* of people, is a descent-based foreignness because the "foreigner" is contrasted with a male head of household's descendants, or literally, his "seed."

Similarly, the root *zwr* also seems to have a connection with descent at times. To use an example from DtrH, in Deut 25:5, DtrH's legislation about Levirate marriage, a widow may not marry "outside [the family] to a stranger" (*haḥûṣâ lěʾîš zār*), but rather a surviving brother of the deceased must perform his Levirate duties and take her as a wife. DtrH's Levirate marriage laws contrast the "brothers" (*ʾaḥîm*), a familial term, with the "stranger" (*ʾîš zār*). Moving to a non-DtrH source, the Priestly narrative also contrasts descendants and "strangers"—this time very negatively—in the narrative about Korah's rebellion in Numbers 16-17. After Korah's rebellion has been crushed, Yahweh tells Moses that the "stranger," (*ʾîš zār*) may not offer incense to Yahweh, whereas "the descendants of Aaron" (*zeraʿ ʾahărôn*) may (Num 17:5 [ET 16:40]). As is well known, the contrast between the "descendants of Aaron" and "strangers" in the Korah narrative is part of a Priestly concern with keeping the privileges of the sons (*bānîm*) or descendants

(*zeraʿ*) of Aaron away from non-Aaronids (*zārîm*) (Exod 29:33; 30:33; Num 1:51; 3:10, 38; 18:1, 4, 7; also H in Lev 22:10-13).

Some of the uses of the roots *nkr* and *zwr* outlined above refer to those outside of a particular descent group, be it a family-unit or a larger descent group, such as the descendants of Aaron. In light of the uses of these roots, I propose that DtrH's contrast between the "stranger" and "brothers" in Deut 25:5 becomes extended to the larger putative kin-group of the people of Israel in Deut 14:21; 15:2; 17:15; and 23:21 (here designated by the word *nokrî*). That is to say that the familial language used in Deut 25:5 is extended to refer to the larger "brotherhood" of Israel. In all but one of these verses (Deut 14:21[37]), the text contrasts the "foreigner" with the "brethren" of Israel. So, Deut 15:2 and 23:21 say that an Israelite may press a claim on a "foreigner," after the seventh year, but not on his "brothers." Note that in Deut 15:2, the text also equates the "neighbor" (*rēaʿ*) with the "brethren" of Israel. Deut 17:15 commands the Israelites to only elect a king from among their "brethren" and not a "foreigner" (*nokrî*). DtrH's use contrasts with Genesis 17 (P), which uses a word derived from the root *nkr* to refer to people outside a smaller descent group. But even here, because the text makes a contrast between an Israelite head of households and "foreigners," it could be argued that this reference too refers to those outside of the larger "brotherhood" of Israel.[38] In addition,

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[37] Deut 14:21 says that both the "foreigner" (*nokrî*) and "resident alien" (*gēr*) are permitted to eat animal carcasses, whereas Israelites, who are a holy people to Yahweh, may not. The passage makes a distinction between "resident aliens" and "foreigners," showing that for DtrH (non-Israelite) "resident aliens" and "foreigners" are different kinds of non-Israelites. See discussion in Saul M. Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* (Princeton, N.J.: Princeton University Press, 2000), 77.

[38] My argument here should also be seen as a response to those who believe that the concept of "brotherhood" is largely "ethical" and de-emphasizes "ethnic" characteristics. The concern with "descent" (*zeraʿ*) inherent in the brother/foreigner dichotomy seems to undercut that argument. See Lothar Perlitt, "Ein einzig Volk von Brüdern: Zur deuteronomischen Herkunft der biblischen Bezeichnung 'Bruder'" in idem, *Deuteronomium-Studien* (Tübingen: Mohr Siebeck, 1994): 50-73.

because the root *nkr* usually refers to descent-groups in DtrH, when DtrH uses the root

nkr in connection with "foreign deities," I propose that the text intends to communicate

that these deities belong to other descent-groups and not the "brotherhood" of Israel (see

discussion on *Cult Practices* below for contextual evidence).

Words derived from the roots *nkr* and *zwr* can also have a spatial element,

depending on the context. Returning to DtrH's Levirate marriage legislation (Deut 25:5),

note that the word "outside" (*ḥûṣ*) is used in conjunction with the "stranger" (*ʾîš zār*).

Normally, the word "outside" quite conventionally refers to physical spatial relationships,

or the word could refer to streets (in contrast to an enclosed space such as a home or

courtyard).

In another example, this time from DtrH, one of the women in Solomon's famous

case of the two women in conflict over a child, says that there was "no 'stranger' (*zār*)

with us in the house" (1 Kgs 3:18). Judging from the uses of the word "house" (*bayit*) in

this pericope, it seems that the term, at least partially, denotes the physical space in which

the women live, though "house" can mean "household" as well.[39] Here the "stranger" is

contrasted with the women who "live together in one house," "gave birth together in the

house," and "were together in the house" (*ănaḥnû yaḥdāw...babbāyit*[40]). The

"stranger," for these women, would be a person who comes from outside of the physical

space of the house. However, the definition of *zār* as "another" also works here. It

could be that the stranger is just someone who is *not* the two women.

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[39] As an unrelated aside, this passage might be interesting for LGBT/queer hermeneutics. Considering that "house" (*bayit*) can denote a physical house or a household, or both simultaneously, it perhaps could be argued that biblical writers recognize that two women can, in some sense, form a family unit—a "house."

[40] LXX omits *babbayit*.

Considering the theoretical discussion in Chapter One, it is unsurprising that a word for "foreign" in the Hebrew Bible would also have spatial connotations, nor is it surprising that spatial language (e.g. *ḥûṣ*) would be used in conjunction with it. In sum, the uses of the roots *zwr* and *nkr* seem to confirm that there is a spatial element wrapped up in perceptions of groupness. At the same time, there is a wide range of meaning for the roots *nkr* and *zwr*, demonstrating that overall the terms primarily mean, as Ringgern suggests, "that which does not belong." That the roots can at times denote "another" in contrast to the "self" also confirms the intuitive tendency, articulated in philosophy, to see a connection between the dichotomy of "self/other" and "native/foreign." In DtrH, however, the roots are primarily used to categorize people into descent-groups and to distinguish that which belongs to the "brotherhood" of Israel and that which belongs to those who are "foreign" (*nokrî*).

Fixing Boundaries: "People" and "Nation" in DtrH

Two other words, "people" (*ʿam*) and "nation" (*gôy*) also seem to confirm the spatial elements involved in perceptions of groups. There are over five hundred examples of the use of the word "people" and over eighty of the word "nation" in DtrH. Rather than parse every single use of the word, I will highlight some key uses in DtrH that support my argument. Deuteronomy 32:8, part of the "Song of Moses," is a powerful statement of how DtrH saw "nations" and "peoples":

*běhanḥēl ʿelyôn gôyîm běhaprîdô běnê ʾādām yaṣṣēb gěbūlōt ʿammîm
lěmispar běnê [ʾĕlōhîm]. kî ḥēleq yhwh ʿammô yaʿăqōb ḥebel naḥălātô.*

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When the Most High bequeathed the nations,[41] when he separated
humanity, he fixed the borders of peoples according to the number of
divine beings.[42] For Yahweh's portion is his people; Jacob is the territory
of his inheritance (Deut 32:8-9).

I would argue that the Song of Moses offers a definition of "nation" in verse 8. In this

passage, "nations" seem to be peoples (ʿammîm) who have been divided into their

respective borders (gĕbūlōt), fixed (Hiphil, nṣb) according to the number of divine

beings. In Deut 32:8, the "fixing" of boundaries takes place within mythical time, in a

past when the Most High (elsewhere, but not here explicitly, identified with Yahweh[43])

gave different deities their own inheritances based on divinely ordained borders.

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[41] Some translations suggest that the nations are given an inheritance instead of the divine beings,
rendering: "when the Most High gave the nations their inheritance…" (JPS, ESV, NASB). The
difference in translations can be pinpointed to two issues. The first issue is that the hiphil of nāḥal ("to
bequeath") takes two direct objects, one for the thing bequeathed and another for the person(s)
inheriting, which creates some ambiguity about who receives what. The larger context of Deuteronomy
32 seems to suggest, however, that it is the divine beings who receive an inheritance and not the nations
because Yahweh claims Israel as his own portion (ḥēleq) and inheritance (naḥălâ), and the text
contrasts his inheritance with the inheritance of the other divine beings (32:9; also 9:26, 29). The other
source of contention is that Deut 4:19 and 29:25 say that gods themselves are, in fact, "apportioned"
(ḥālaq) to "peoples" (ʿammîm) and to Israel. I would suggest that there are two related, but distinct,
expressions reflected in 32:8 versus 4:19 and 29:25. A god can be received as an inheritance or a god
can receive a nation or group as an inheritance. In Deuteronomy, the Levites receive Yahweh, a God,
as an inheritance (Deut 10:9; 18:2, also in DtrH Josh 13:33), which, I propose, is a different expression
from 32:9; 9:26, 29, where Yahweh claims his people, Israel, as an inheritance. The difference between
a god inheriting a people and a people inheriting a god is unclear (if there is any difference at all) but
there appears to be enough evidence to show that they are two different expressions. The idea that the
Levites "inherit" Yahweh (understood as the priesthood) also appears in P (Num 18:20).

[42] Like most scholars, following Qumran manuscript 4QDeut[j] and supplanting the MT "sons of Israel"
(bĕnê yiśrāʾēl) with "sons of God" (bĕnê ʾĕlōhîm). For the use of the term "sons of God" as a reference
to divine beings, see also Gen 6:2, 4; Job 1:6; 2:1; 38:7. LXX[AB] reads angelōn theou, which possibly
interprets bĕnê ʾĕlōhîm in a theologically palatable manner, also reflected in Sirach 17:17. The reading
of "sons of Israel" outside of the MT is found in other manuscript traditions of the Hebrew Bible
(Samaritan Pentateuch, the Symmachus, Theodotion and Aquila manuscripts of LXX, Vulgate, Peshitta,
Targum Onkelos) and relates the seventy "fathers" who went down to Egypt in Deut 10:22 to the
number of nations. See discussion in Richard D. Nelson, Deuteronomy (Louisville, Ky.: John Knox,
2002), 367. See also David E. Stevens' argument that an emphasis on angelology in the Hellenistic
period influenced the Qumran manuscript and Greek traditions in "Does Deuteronomy 32:8 Refer to
'Sons of God' or 'Sons of Israel'?" Bibliotheca Sacra 154 (1997): 131-41. Stevens suggests there was
either theological motivation and/or haplography (yiśrāʾēl --> ʾēl) that prompted the Qumran and
LXX[AB] readings. He also believes that "sons of God" is incompatible with Deuteronomy's anti-
"polytheistic" outlook. Leaving aside the problem with suggesting that Deuteronomy's views are "anti-
polytheistic," Stevens's proposal clashes with the idea that Yahweh inherited his people in 32:9.

[43] See 2 Sam 22:14 and Ps 97:9 for a more explicit identification.

The tradition of a cosmic fixing of boundaries presented in Deut 32:8 appears to be shared by Ps 74:17 and Isa 51:14-16. After mentioning some of Yahweh's other acts of creation, such as the creation of the sun and heavenly bodies, as well as his mythological acts, such as the slaying of the sea dragon, Ps 74:17 says that Yahweh "fixed the boundaries of the earth" (*hiṣṣabtā kol-gĕbûlôt ʾāreṣ*). The mythological references that surround the fixing (again Hiphil of *nṣb*) of earthly boundaries (*gĕbûlôt*) in Ps 74:17 seem to confirm that Deut 32:8 takes place in a mythic past.[44] Isaiah 51, which contains a great deal of mythological imagery (e.g. verses 9-11), has Yahweh promise to free the exiles because he "stirs up the sea and its waves roar" and he further claims, "I covered you with the shadow of my hand to establish the heavens, to found the earth and to say to Zion, 'You are my people!'" (51:15-16). The mythologizing of earthly boundaries in Deut 32:8 can also be compared to Ugaritic texts in which gods were given land as an inheritance.[45]

In addition, if looked at in the context of other ideas contained in DtrH, these "fixed" boundaries appear to be somewhat permanent. According to the legal material in DtrH, "boundaries" (*gĕbûlîm/gĕbûlôt*) given in inheritance should not be moved (Deut 19:14; 27:17; for material outside of DtrH, see also Hos 5:10; Job 24:2; Prov 15:25; 22:28; 23:10). Indeed, the very use of the root *nḥl* (Qal: "to inherit" or Hiphil: "to bequeath") implies a permanent fixedness for these boundaries. Property that is inherited (*nḥl*) seems to be perpetually established because inherited property is often accompanied

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[44] Note that Ps 82:6 [ET 82:5] says that the "gods...sons of the Most High" (*ʾĕlōhîm ...bĕnê ʿelyôn*) will fall and that God (*ʾĕlōhîm*) will inherit all the nations (*tinḥal bĕkol haggôyîm*), an interesting sentiment when considered alongside Deut 32:8's claim that other deities inherited the nations and Yahweh inherited Israel.

[45] The city of *hmry* was *ʾrṣ nḥlt* of Mot and *ḥkpt* was the inheritance of Qadeš-Amrur (KTU 1.4, VIII, 11-14; 1.5, II, 15f; Qadeš-Amrur: KTU 1.3, IV, 15f). See Edward Lipiński, נחל, TDOT, 330.

by the expression "forever" (*lĕʿôlām*) (Exod 32:13; Lev 25:46; Ps 37:18; 119:111; 1 Chr 28:8).[46] Exod 32:13 is probably the best example of the "inheritance" being promised forever, since the land given to Abraham's, Isaac's and Jacob's descendants (*zeraʿ*) will be inherited forever (*nāḥălû lĕʿōlām*; see also 1 Chr 28:8). The traditions in biblical literature that mandate the permanent establishment of boundaries can, perhaps, be compared to Mesopotamian traditions that sacralized the boundary markers between different territories and even placed boundary markers within temples to, apparently, sacralize these boundaries.[47] At the same time, other texts suggest Yahweh can rearrange and destroy national boundaries if he so chooses (e.g., Isa 10:13).

I have just argued that Deut 32:8 defines "nations" (*gôy*) as spatially bounded peoples (*ʿammîm*) bequeathed to particular gods, and yet the difference between the words "nation" and "people" is difficult to delineate. It is exacerbated by the fact that in numerous instances, "people" and "nation" seem to be almost interchangeable. In Deut 32:8, it could be argued that there is a difference between "people" and "nation" because in this passage "nations" seem to be composed of "peoples" divided by their respective boundaries. But Deut 4:5-6 poses a different problem:

> *rĕʾēh limmadtî ʾetkem ḥuqqîm ûmišpāṭîm kaʾăšer ṣiwwanî yhwh ʾĕlōhāy*
> *laʿăśôt kēn bĕqereb hāʾāreṣ ʾăšer ʾattem bāʾîm šāmmāh lĕrištāh.*
> *ûšĕmartem waʿăśîtem kî hîʾ ḥokmatkem ûbînatkem lĕʿênê hāʿammîm ʾăšer*
> *yišmĕrûn ʾēt kol haḥuqqîm hāʾēlleh wĕʾāmĕrû raq ʿam-ḥākām wĕnābôn*
> *haggôy haggādôl hazzeh.*

> Look, I have taught you statutes and rulings according to what Yahweh
> my God commanded me so that you act accordingly in the midst of the

[46] Lipiński, נחל, 327

[47] Thanks to Nathaniel Levtow, who pointed this out at the 2011 Annual Meeting of the SBL in San Francisco. See Kathryn E. Slanski, "Classification, Historiography and Monumental Authority: The Babylonian Entitlement *narûs* (kudurrus)," *JCS* 52 (2000): 95-114.

land you are entering to possess. So keep and do them for that is your wisdom and your understanding in the eyes of the peoples who hear all these statutes. And they will say, 'Surely this great nation is a wise and discerning people.'

In Deut 4:5-6, probably a text from the exilic period,[48] it seems as though "nation" and "people" are used almost interchangeably.[49] But what does this interchangeability mean? Does the interchangeability mean that "nation" and "people" are virtually synonymous, or is there a subtle difference between the two terms? Some commentators certainly think there is a difference between "nation" and "people." Ephraim A. Speiser argues that that "*people* tends to emphasize common cultural and social characteristics, while *nation* is mainly a political designation associated as a rule with state and government."[50] Speiser further contends that

> ...a *gōy* can be made, established, founded, or the like...They can, however, go out of existence (Jer 31:35). As opposed to all this, an *ʿām* just is; it is a physical fact...an *ʿām* can eat and drink, be faint and suffer thirst, quarrel and complain and weep, tremble or flee or hide in caves, come into the world and eventually be buried. It is a group of persons. The *gōy* on the other hand, even when not tied to the land or linked to a state is a regimented body, e.g. when it crosses a stream or makes war. The one, in sum, is discrete, the other collective.[51]

Speiser compares the terms associated with "nation" to the terms associated with "people" to make his argument. "Nations" are classified according "geographic and linguistic principles" (*bĕʾarṣōtām/lilšōnōtām*) in Genesis 10, and are composed of "families" (*mišpāḥōt*), which, Speiser asserts, are administrative units. And whereas

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[48] The unity of Deut 4:1-40 has been cogently defended as has its function as part of the exilic "frame" of the core of the pre-exilic Deuteronomy (Deuteronomy 5-28). See Levenson, "Torah," 203-33.
[49] On this question, also see Ronald E. Clements, גוי, *TDOT*, 427.
[50] Ephraim A. Speiser, "'People' and 'Nation' of Israel," *JBL* 79 (1960), 157.
[51] Speiser, "People and Nation," 160.

"nations" are comprised of "humans" (*ʾādām*), "peoples" are composed of "individuals" (*ʾîš*), where the former, "human," is, according to Speiser, a "statistic."

There may be some differences between the uses of "nation" and "people," as Speiser suggests, yet there may still exist an inextricable fluidity between the two terms that makes a clear demarcation very difficult. Speiser's view that "nation" is a politically organized "people" seems plausible. Yet, it should be acknowledged that a "people" can be destroyed (Exod 33:3, 5; Deut 2:21; 9:26; Josh 7:7; Jer 6:26; 15:7; 48:42; Ezek 25:7; Esth 3:6; 7:4; Ps 106:34; 1 Chr 5:25) and established (Deut 28:9; 29:13) as well. "Peoples" are made and dissolved, apparently, at the will of the deity, just as much as "nations" are. Along the lines of positing a more political definition for "nation," some have argued that "race, government and territory" are all important components of a "nation."[52] Of course, the word "race" is problematic when discussing ancient societies, but what is usually meant by race is something along the lines of "consanguinity" or a genealogical relationship. I would certainly agree that these aspects are critical for the definition of a nation, but whether or not these aspects can be used to distinguish "nation" from "people" remains unclear.

Looking at Deut 32:8-9 again, it appears as though "people" are associated with land in a way that makes a distinction between "nation" and "people" in terms of their political connotations and relationship to land more complicated. The statement, "Yahweh's portion is his people; Jacob, the region of his inheritance" with its juxtaposition of "people" and "region," suggests nation, people and land are intricately connected in DtrH's ideology. It could be cogently argued that the use of "region"

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[52] Clements, גוי, TDOT, 429

(*ḥebel*[53]), which usually refers to physical tracts of land (Josh 17:14; 19:9; Ps 16:6; esp.

Zeph 2:5-6), is metaphorical when referring to Yahweh's "people", but it is also possible

that the use of physical boundary markers suggests that Deut 32:9 wants to re-emphasize

that land is inherent in DtrH's notion of Yahweh's "people." The word "region" (*ḥebel*)

is used in juxtaposition with the word "inheritance" (*naḥălâ*) elsewhere in DtrH (Josh

17:17; 19:9), but perhaps the "region" in Deut 32:9 is closest to Zephaniah's idea of

"region":

> Woe to the inhabitants of the sea region (*ḥebel hayyām*), the nation (*gôy*)
> of the Cherethites. The word of Yahweh is against you, O Canaan, land of
> the Philistines. And I will destroy you so that there is no inhabitant. And
> the sea region (*ḥebel hayyām*) will be pastures, caves for shepherds, and
> pens for flocks.

In Zeph 2:5-6, the "sea region" is a place inhabited by a nation, the Cherethites. Zeph

2:5-6 certainly seems to support the argument that "land" is inseparable from the idea of

"nation." Zephaniah also seems to support Speiser's assertion that "nations" can be

destroyed. Also notably, "nation" in Zeph 2:5-6 is identified as "inhabitants" (*yôšĕbîm*)

of a region.

The identification of the nation of the Cherethites with "inhabitants" of the sea

region in Zech 2:5-6 raises the question of whether the term "inhabitant" (*yôšēb*), the

masculine substantive participle form of the verb, "to dwell," is another way of

demarcating "nations" or "peoples." Judging from the way other texts utilize the term

"inhabitant" + geographic name it is very possible that it is. The ubiquitous use of the

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[53] Literally, *ḥebel* refers to the "measuring-line" used to apportion property (Amos 7:17) or separate
people (2 Sam 8:2, a gruesome example), but it can also denote an actual piece of land.

expression "inhabitants of the land" (*yōšĕbê hāʾāreṣ*) to designate the Canaanites is the best example of this use of "inhabitant," and a number of sources throughout the biblical corpus use this particular expression to refer to Canaanites (Gen 34:30; 50:11; Exod 23:31; 34:12, 15; Num 32:12, 52; 33:55; for DtrH examples, see below). Granted, "inhabitant" + geographic name is also used to simply denote people who live in a particular geographic area and it is not always a term that demarcates "nations."[54] But "inhabitant" + geographic name seems to be among the expressions used, at times, to describe nations and peoples. At any rate, the use of "region" to describe the territory of a "nation" and the juxtaposition of "people" and "region" in Deut 32:8, supports the idea of an interrelationship between "nation," "people" and land.

Deuteronomy 32 and Genesis 10

How should Deut 32:8 be understood in relation to other ideas about peoples, nations and land in the biblical corpus? It seems safe to say that in DtrH, "people" and "nation" are used interchangeably and that peoples and nations are attached to lands. It could be that "nation" refers to a politically organized "people," but it also seems as though nation cannot exist without a people and vice-versa. Like many chapters in Deuteronomy, Deuteronomy 32, the Song of Moses, is difficult to date. Most agree that the Song has its roots in the pre-exilic period,[55] but some assert that the song was inserted in the book of Deuteronomy to respond to the crisis of exile.[56] Whenever it was written,

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[54] Note how Jeremiah 1 and Hosea 4:1 use the expression "inhabitants of the land" to refer to Israelites and Judahites. Have Jeremiah and Hosea turned ancient rhetoric, traditionally used against the Canaanites, against Israel? Perhaps the practice of using this terminology to describe Israel was also picked up by post-exilic prophets as well (Joel 1:2, 14; 2:1 and Zech 11:6).

[55] See Sanders' linguistic analysis (*Deuteronomy 32*, 295-436). Some, like Cross, date the poem fairly early (see Cross, *Canaanite Myth,* 264 n.193).

[56] Levenson, "Book of Torah," 212-18; Richard Elliott Friedman, "From Egypt to Egypt: Dtr1 and Dtr2," in

Deut 32:8 seems to share some similarities with Genesis 10, the Table of the Nations. The similarity between the two texts might point to an influential concept of national origins in Israelite and Judean discourse.

With Genesis 10, Deut 32:8 shares the idea that the nations are divided (*prd*) geographically, but the two passages emphasize different ways by which the nations are divided. Deut 32:8 claims that Yahweh divided (Hiphil of *prd*) peoples by "boundaries." Genesis 10 says that the "coastlands of the nations were divided (Niphal of *prd*) according to their lands, individually according to their languages, and families, into their nations" (Gen 10:5). Both passages use geographic terms to describe their respective divisions: "boundaries" (*gĕbūlôt*) in DtrH, "lands" (*ʾarăṣôt*) in the Yahwist-Priestly composition of Genesis 10.[57] In addition, Deut 32:8 credits Yahweh with the division of humanity, but Genesis 10 simply says that the nations "were divided." Genesis 10 emphasizes language and clan structure in their division, whereas Deut 32:8 emphasizes patron gods. Lastly, Genesis 10 does not mention the word "people" (*'am*) but Deut 32:9 does.

Despite these differences, Deut 32:8 and Gen 10:5 share the idea that nations and peoples (if these terms are interchangeable, as I suggested above) are divided geographically, are tied to ancestors, and that this division lies in the distant, mythic past of humanity. In Genesis 10, this distant past is the post-diluvian period and the repopulation of the earth. Deut 32:8 credits the division to Yahweh in cosmic time. In

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Traditions in Transformation: Turning Points in Biblical Faith (ed. Baruch Halpern and Jon D. Levenson; Winona Lake, Ind.: Eisenbrauns, 1981), 187; Nelson holds that the text was inserted fairly late (*Deuteronomy*, 369); Römer argues that the text could have been inserted by the editors of the entire Pentateuch (*Deuteronomistic History*, 181). My own view is closest to Levenson's (see n.32).

[57] For this view of the compositional history of Genesis 10, see Bustenay Oded, "'The Table of Nations (Genesis 10)': A Socio-Cultural Approach," *ZAW* 98 (1986): 17-21.

addition, Genesis 10 stresses that nations originate with eponymous ancestors, as does

Deut 32:9, which suggests that Jacob is Israel's eponymous ancestor. The variations in

emphasis, language and circumstance both appear to communicate the same idea: that the

nucleus of a nation and a people (for DtrH) is rooted in its ancestors.

Negative Characterizations of Foreigners

The discussion that follows, which focuses on negative characterizations of

foreigners, will not give much attention to the "resident alien" (*gēr*), since the portrayal

of the "resident alien" is largely positive and the root *gwr* ("to reside as an alien") is used

to refer to natives as well as non-Israelites. In DtrH, "resident aliens" are economically

disadvantaged people who can either be foreign or native.[58] The trait that seems to

distinguish the resident alien from others is that they do not have inheritable property

within Israel and are dependent on another property holder who allows the resident alien

to use the land.[59] The legal material in DtrH requires that the resident alien be treated

with justice (Deut 1:16; 10:18; 24:17; 27:19) and love (Deut 10:19). Some passages in

DtrH seem to refer to foreign resident aliens (Deut 14:21), while others seem to address

native resident aliens (Deut 18:6; Judg 17:7-9; 19:16). Someone can be an alien with

respect to a town (Deut 18:6), or with respect to a larger geographic area such as a region

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[58] But note that DtrH never actually uses the noun *gēr* unambiguously in reference to an Israelite. Lev 25:35 does use the noun *gēr* to refer to a native Israelite who becomes so poor that he must become the dependent of another Israelite, who must then "sustain him [as a] resident alien and temporary laborer (*heḥĕzaqtā bô gēr wĕtôšāb*)"—showing that the Holiness Source does acknowledge that a native Israelite can become a *gēr*. But when referring to Israelites, DtrH texts prefer the verb *gwr* instead of the noun, *gēr* (Deut 18:6; Judg 17:7-9; 19:16). To assert that DtrH believes that an Israelite can become a "resident alien" (as a *noun*), one would have to assume that when DtrH uses the verbal root *gwr*, DtrH means that the Israelite has become a *gēr* (a reasonable conclusion, in my view). For the various interpretations of the *gēr* in biblical texts see Olyan, *Rites and Rank*, 68-81; Christiania van Houten, *The Alien in Israelite Law* (Sheffield, England: JSOT Press, 1991); Christoph Bultmann, *Der Fremde in antiken Juda: Eine Untersuchung zum sozialen Typenbegriff >ger< und seinem Bedeutungswandel in der alttestamentliche Gesetzgebung* (Göttingen: Vandenhoeck & Ruprecht, 1992).

[59] Olyan, *Rites and Rank*, 69.

or country (Judg 19:16). In Deut 14:21, the resident alien is also differentiated from the "foreigner" (*nokrî*), and the text explicitly differentiates both the resident alien and the foreigner from Israelites. In this passage, it would appear as though non-Israelites can possess different statuses with respect to Israelite society, something that seems to be reaffirmed in texts outside of DtrH as well (e.g., Exod 12:43-49). Perhaps the resident alien and the mere foreigner are distinguished from one another due to their perceived integration, or lack of integration, into Israelite society.

In one instance, the resident alien appears in a negative context. Deuteronomy 28, a listing of covenant curses, warns Israel that one of the punishments for their violation of the covenant will be that "the resident alien, who is in your midst will rise above you higher and higher, but you will go down lower and lower...he will be the head and you will be the tail" (Deut 28:43-44). The passage suggests that the resident alien's natural station is one of dependency, not equality or superiority, even though he is entitled to the justice owed to him as a *gēr*. It has become common to suggest that the laws concerning the resident alien are "egalitarian." Passages such as Deut 28:43-44 combined with other passages which show that the resident alien is (even *should*, in the proper order of things, be) a dependent, like other lowly social groups such as widows and orphans, suggest otherwise.

Though the resident alien is often a non-Israelite, whom DtrH places in a fairly positive light, other non-Israelites are portrayed rather negatively. Yet, as I will show, not all non-Israelites are portrayed negatively in the same way. Some non-Israelites are portrayed negatively because of the threat they are alleged to cause Israel, while others are portrayed negatively because of an act their people committed in the past. Certain

non-Israelites—i.e., those who lived in the land to be inherited by Israel—are seen to be particularly dangerous. These especially dangerous groups are sometimes identified specifically as seven discrete nations: the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivvites, and the Jebusites (Deut 7:1; Josh 3:10; 24:11).[60] Most commonly, DtrH lists six nations, often omitting the Girgashites (Deut 20:17; Josh 9:1; 11:13; 12:8; Judg 3:5; 1 Kgs 9:20). There are other combinations and variations as well. The terminology used to describe these former inhabitants varies from "nation," which is used most commonly,[61] to "peoples" (Deut 6:14; 7:16; 20:17; Josh 24:18; Judg 2:12), to "inhabitants of the land" (Josh 2:9, 24; 7:9; 9:24; Judg 1:32-33; 2:2;[62] 1 Sam 27:8; 2 Sam 5:6), once again demonstrating the fluidity of meaning between these three expressions.

At times, DtrH uses the gentilics "Amorite" and "Canaanite" as catch-all terms for the peoples to be driven out and destroyed (Deut 1:27; Josh 24:18; Judg 11:23; 2 Sam 21:2; 2 Kgs 21:11). Other sources in the biblical corpus also use "Amorite" to describe the inhabitants of the land, such as Gen 15:16; 48:22; Amos 2:9-10. The term "Amorite" is not exclusively reserved for the seven Canaanite groups to be driven out and destroyed by Israel. 1 Sam 7:14 employs the term "Amorites" to describe Philistines, who do not belong to the groups to be driven out of the land and destroyed (but compare Josh 13:6).

DtrH may employ the term "Amorites" often because of the prevalent Neo-Assyrian influence on DtrH. In Neo-Assyrian texts dating from the first millennium

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[60] Actually, the list of nations and the order in which they appear varies widely in DtrH as well as throughout the Bible. For a review, see Tomoo Ishida, "The Structure and Historical Implications of the Lists of Pre-Israelite Nations," *Bib* 60 (1979): 461-90.

[61] Deut 4:38; 7:1, 17, 22; 8:20; 9:1,4-5; 11:23; 12:2, 29-30; 17:14; 18:9, 14; 19:1; 20:15; 29:18; 31:3; Josh 23:4, 7, 9; 23:12; 23:13; Judg 2:21, 23; Judg 3:3; 1 Kgs 11:2; 14:24; 16:3; 2 Kgs 17:9; 17:11; 21:2, 9.

[62] Judg 2:2 employs a slightly different expression: "inhabitants of this land" (*yôšĕbê hāʾāreṣ hazzōʾt*).

BCE, "Amorite" is a general name for "Westerner" and was an epithet given to people who lived in the western regions of Assyrian influence.[63] The kingdoms of Syria, Phoenicia, Israel, Moab, Ammon, Edom and the Philistine city-states are considered part of the "land of the Amorites."   Similarly, the term "Hittite" seems to also serve as an expression for Syria-Palestine in Neo-Assyrian texts. There is another use of "Amorite" in the Hebrew Bible that distinguishes between the inhabitants of the highlands and those who dwelled in the sea-coast region, which was said to be populated by Canaanites. This, too, seems to mirror a Neo-Assyrian use of the term (Deut 1:7, 19-20, 44; Josh 5:1).[64] As noted in Chapter Two, most of the negative caricatures of Amorites from Mesopotamian literature antedate the Neo-Assyrian period. Consequently, it cannot be stated with any certainty whether or not biblical authors had these negative caricatures of Amorites in mind when they decided to label the former inhabitants of the land as "Amorites." On the other hand, it does seem clear that, as John Van Seters argues, biblical texts use the terms "Amorite" and "Hittite" rhetorically and ideologically (for other ideological uses of "Amorite" and "Hittite" see Ezek 16:3, 45). The terms "represent the primeval wicked nations whom God displaced in order to give Israel its land."

Cult Practices

The most prominent and prevalent accusation levied against the former inhabitants of the land is that they are responsible for threatening cult practices: the

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[63] John Van Seters, "The Terms 'Amorite' and 'Hittite' in the Old Testament," *VT* 22 (1972): 66. I find Van Seters' argument that these are borrowed Neo-Assyrian terms for the inhabitants of Syria-Palestine more convincing than arguments that there were actually Hittite settlements in the land, especially at the time in which the first DtrH texts were written.

[64] Van Seters, "'Amorite' and 'Hittite,'" 72.

veneration of "other gods" and cult objects that DtrH's ideology of centralization condemned. Deut 12:2, the very beginning of the "core" of Deuteronomy, says that these nations serve their gods in every high place and under every green tree. These nations also employ illegitimate altars, asherahs,[65] standing stones (*maṣṣēbōt*) and engraved images (*pĕsîlîm*)—things the text commands Israelites to cut down and destroy. These "other gods" (*ʾĕlōhîm ʾaḥērîm*) are referred to as "gods of the peoples who surround you" (*ʾĕlōhê hāʿammîm ʾăšer sĕbîbôtêkem*) or "their gods" (*ʾĕlōhêhem*) (Deut 6:14; 7:4, 16; 12:2, 30), gods who were "not known" or who were "neither known by you or your ancestors" (Deut 13:2, 6; 32:17).

These gods are sometimes derogatorily referred to as "detestable things" (*šiqqûṣ*) (Deut 29:16 [ET 29:17]; 1 Kgs 11:5, 7; 2 Kgs 23:13, 24). Interestingly, in three out of the five times that "detestable thing" is used in DtrH, the term refers to national deities of nations that are not among the seven "Canaanite" nations, such as Chemosh the national god of Moab, Milcom the god of the Ammonites, and Astarte,[66] the patron goddess of the Sidonians. In these instances, the text disapprovingly refers to cults that Solomon set up, probably because he included the gods of conquered nations (2 Sam 8:12), or key allies

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[65] What, exactly an "asherah" is, and especially its possible relationship to a goddess of the same name, who might have been a spouse for Yahweh has been ferociously debated by scholars. Based on biblical texts, it is certainly envisioned as some kind of wooden object. For an overview see Saul M. Olyan, *Asherah and the Cult of Yahweh in Israel* (Atlanta, Ga.: Scholars Press, 1988). See also William Dever, "Asherah, Consort of Yahweh?" *BASOR* 255 (1984): 21-37; Mark S. Smith, *The Early History of God: Yahweh and the Other Deities in Ancient Israel* (San Francisco, Calif.: Harper and Row, 1990), 80-97.

[66] Reading LXX, "Astarte," for MT's *ʿaštōret*, which may be part of an MT convention of using the vowels for the word "shame" (*bôšet*) to render the names of some deities or divine epithets. See also MT's "Ishbosheth" for LXX's "Ishbaal" in 2 Sam 2:10, 12, 15; 2 Sam 3:8, 14-15; 2 Sam 4:5, 8, 12 and MT's "Mephibosheth" for LXX's Meribaal (see also Gordon Hamilton, "New Evidence for the Authenticity of BŠT in Hebrew Personal Names and for Its Use as a Divine Epithet in Biblical Texts," *CBQ* 60 (1998): 228-50, who argues that the root *bšt* in personal names conveys "protective spirit" [Akkadian: *bāštu*], possibly an epithet for a god, because it often appears in Amorite personal names. Hamilton also contends that certain passages such as Hos 9:10 have turned the root *bšt* into a double entendre, intending the root vocalized as *bōšet* to refer to a divine epithet and to also mean "shame").

such as the Phoenician city, Sidon,[67] in the Israelite pantheon, which was a common practice among states in ancient West Asia.

Deut 7:26 indicates that there is a relationship between the verb "to detest" (*šqṣ,* Piel), and the famous biblical pejorative, "abomination" (*tôʿēbâ*). The verse admonishes Israelites to "not bring an abomination (*tôʿēbâ*) into your house that you, like it, should be consigned to the ban (*ḥērem*). You shall utterly despise it (*šaqqēṣ tĕšaqqĕṣennû*) and utterly abominate it (*taʿēb tĕtaʿăbennû*), for it is consigned to the ban." In Deut 7:26, both the verbal root of "abomination" (*tʿb*) and the noun (*tôʿēbâ*) seem to be closely related to the verb "to detest." Deut 7:26 sets up an interesting relationship between something to be hated and something to be consigned to the ban. If cult objects that are consigned to the ban are to be "abominated" and "detested," does the hatred also extend to *people* to be consigned to the ban? Possibly. DtrH is different from other biblical strands, such as the Holiness Source, which usually refers to actions as "abominations," in that it calls actions, objects, people (Deut 22:5) and animals (Deut 14:3; 17:1) "abominations." While the word "ban" (*ḥērem*) is not used in Deuteronomy 18, Deut 18:12 says that "all who practice" (*kol ʿōśēh*) magic arts, divination or necromancy are

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[67] DtrH created an interesting dilemma when it compiled the different traditions about the Sidonians. On the one hand, Sidonians are often cast as dangerous people like the Canaanites. Josh 13:6 includes Sidonians among the people that Yahweh will drive out and all of Lebanon is promised to Israel as a possession (Josh 13:5). Sidonians are also included among the nations Yahweh "left" to test Israel (Judg 3:1-4) and are included in an expanded, possibly post-exilic, list of nations with which Israelites should not associate (1 Kgs 11:2). Of course, Solomon is said to have defied this rule and married Sidonian women (1 Kgs 11:1), which caused him to set up a cult to Astarte, their goddess. On the other hand, DtrH preserves traditions in which David and Solomon have friendly relationships with Hiram of Tyre—even to the point that Solomon uses "Sidonians" for the construction of Yahweh's temple (1 Kgs 5:16-20). 1 Kgs 5:16, like Josh 13:6, seems to suggest that the population of all Phoenician city states such as Tyre and Sidon, or perhaps all the inhabitants of Lebanon, are generally "Sidonians." Even though some texts recognize the term "Tyrian" (1 Kgs 7:14 in reference to Hiram with whom Solomon has made the lumber arrangement; see also late texts like 1 Chr 22:4 and Ezra 3:7, which separate Tyrians and Sidonians), 1 Kgs 5:16 and Josh 13:13 label all inhabitants of Lebanon "Sidonians." As a result, the picture that emerges is that the Solomonic monarchy needs friendly relations with "Sidonians" for lumber, but elsewhere the text insists that Sidonians are among the nations with which Israel cannot associate.

"an abomination to Yahweh, and on account of these abominations, Yahweh your god will drive them out (*môrîš*) from your presence." The verb "drive out" or "dispossess" (*yrš*) is commonly used to describe the fate of the groups that inhabit the land (18:14). However, individuals actually referred to as abominations are not explicitly consigned to the ban.

Another DtrH text identifies the much maligned "other gods" as none other than the "host of heaven":

> If within one of your towns, which Yahweh your God is about to give to you, a man or woman is found in your midst, who should do evil in the eyes of Yahweh your God, transgressing his covenant, serving other gods and worshiping them— i.e.,[68] the sun or the moon or all the host of heaven, *which I did not command*...then you shall investigate it well… (Deut 17:2-4a, emphasis mine).

In other words, the gods condemned by DtrH are identified here as members of a typical Canaanite pantheon such as the Sun, the Moon, and other members of the Supreme God's retinue who are emphatically disassociated with Israel and are said to be gods belonging to the surrounding nations (Deut 4:19).

The expression, "which I did not command" (*ʾăšer lōʾ ṣiwwîtî*) deserves a special look because when a text emphasizes that Yahweh *most certainly did not* command something, it is sometimes an indication that some people thought Yahweh did in fact command it. For example, Jer 7:31 insists that Yahweh absolutely did not command (*ʾăšer lōʾ ṣiwwîtî*) that child sacrifice be practiced among the Israelites (see also Jer. 19:5; 32:35). However, other texts imply that at least some people did believe that Yahweh commanded child sacrifice and that it was perfectly compatible with the worship of

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[68] Taking the *wĕ-* of *wĕšemeš* as an epexegetical *waw*. Possibly a gloss (Nelson, *Deuteronomy*, 216).

Israel's God. Ezekiel argues that, as a punishment for their transgressions, Yahweh gave

Israel statutes that were not good and by which they could not live, which included

causing their firstborn to pass through [fire] (Ezek 20:25-26; cp. 20:30-31; 23:38-39).

And of course there is the famous example of Yahweh's demand that Abraham sacrifice

his son Isaac, which presupposes that sacrificing a child to Yahweh would be a

reasonable and comprehensible request (Genesis 22). Other examples, such as the

sacrifice of Jephthah's daughter to fulfill a vow also suggest that child sacrifice was a

Yahwistic practice, and not necessarily associated with "other gods" (Judges 11; cp. Mic

6:6-8, though perhaps Micah's example is hyperbolic).[69]

DtrH, with Jeremiah and other biblical traditions,[70] stresses that child sacrifice is

something only practiced by the surrounding nations for their gods and that such a

practice was not commanded by Yahweh. In fact, for DtrH, child sacrifice is an

"abomination" (*tôʿēbâ*) to Yahweh (Deut 18:9) and is listed among several

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[69] John Day has offers the best case that Molek could be a chthonic deity, a form of a Syro-Mesopotamian
deity, Malik, who is often equated with the underworld god Nergal. The main problem with Day's
theory is Punic inscriptions describing child sacrifice, which suggest that the biblical *mōlek* should, in
most cases, be understood as a kind of sacrifice—a *mulk* offering—and not a deity. Day's monograph
presents a complicated, sophisticated argument as to why the term *mulk*, which is philologically related
to the biblical *mōlek*, means child sacrifice in Punic inscriptions but nevertheless, *mōlek* refers to a
chthonic deity in biblical sources.

An additional problem for Day's argument is that most references to child sacrifice at Carthage
and Inçirli and are said to be made to Baal Hamon or Cronus. Day disagrees with Cross's identification
of Baal Hamon with El and argues that Baal Hamon should be identified with the storm god. But
regardless of who is correct in that debate, certainly neither Baal nor El are underworld deities.
Day explains the association of the supposed god "Molek" with Baal in the Hebrew Bible (Jer 19:5;
32:35) by saying sacrifices to Molek take place in the context of the "Canaanite fertility cult," which
was centered on the god Baal. Even conceding that there was such a thing as a "Canaanite fertility cult"
that could be clearly distinguished from ordinary Yahweh worship, Baal and Molek, and the realms
they represent (fertility versus death) seem to be at odds. In addition, the conflict between Baal and
Mot in the Ugaritic texts suggests that Baal should not be associated with a chthonic deity. It is clear
that some biblical texts want to associate the practice of child sacrifice with other gods, but Malik is
probably not the god they have in mind. See Day, *Molech a God of Human Sacrifice in the Old
Testament* (Cambridge: Cambridge, University Press, 1989).

[70] See Ps 106:37-39, which asserts that Israelites sacrificed their children to "demons" and "the idols of
Canaan." See also Lev 18:21-27, the Holiness Source, which will be addressed in the next chapter.

"abominations" practiced by the groups to be dispossessed, such as various magic arts[71]

and necromancy (18:10-11). These abominable practices of the nations are contrasted

with the "blameless" (*tāmîm*) state Israel is exhorted to pursue (18:13). The "nations" to

be dispossessed and destroyed also heed (*yišmāʿû*) those who practice sorcery and

divination, whereas Israelites must heed (*tišmāʿûn*) only prophets who are like Moses

from "among your brethren" (*mēʾaḥeykā*) (18:15, 18).

The "holy man" and "holy woman" (*qādēš* and *qĕdēšâ*) are also cult practitioners

condemned by DtrH. 1 Kgs 14:21 asserts that the "holy man" (*qādēš*) was one of "the

abominations of nations that Yahweh dispossessed before Israel," who was nevertheless

still in the land. Deut 23:18 [ET 23:17] forbids Israelite women and men (*mibbĕnôt*

yiśrāʾēl...mibbĕnê yiśrāʾēl) from becoming a "holy woman" or "holy man." Kings who

receive good reviews by DtrH such as Asa, Jehoshaphat and Josiah are said to have

expelled the "holy ones" (if one takes *qĕdēšîm* as a plural encompassing men and

women) or "holy men" from the land (1 Kgs 5:12; 22:46; 2 Kgs 23:7).

It is common to render "holy man" and "holy woman" as "cult prostitute," or

worse, for the masculine form, "sodomite." No English translation currently translates

the words *qādēš* and *qĕdēšâ* as what they literally mean: "holy man" and "holy woman."

The "cult prostitute" translation continues despite the fact that parallel terminology from

Akkadian and Ugaritic sources overwhelmingly challenges the idea that there was such

an institution as "cult prostitution." Confronted with the stark lack of evidence, some

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[71] The precise practices described by the words used for "magic arts" in Deut 18:10 such as *qsm, ʿnn, nḥš*, and *kšp* are unknown. Yet, they all seem to be some kind of magic or divination. For details, see Rüdiger Schmitt, *Magie im Alten Testament* (Münster: Ugarit-Verlag, 2004); Brian B. Schmidt, "Canaanite Magic vs. Israelite Religion: Deuteronomy 18 and the Taxonomy of Taboo" in *Magic and Ritual in the Ancient World* (ed. Paul Mirecki and Marvin Meyer; Leiden: Brill, 2001), 250-254. Also Nelson, *Deuteronomy*, 233 and Johan Lust, "On Wizards and Prophets" in *Studies on Prophecy* (ed. Daniel Lys; VTSup 26; Leiden: Brill, 1974), 133-42.

scholars assert that even if there is no evidence for the institution of "cult prostitution," the biblical writers polemically insinuated that the "holy ones" were "cult prostitutes."[72] If this is the case, then the polemics against the "holy man" and "holy woman" would be an example of the biblical text distorting and maligning an allegedly foreign cult practice.

But this is not the case. Akkadian sources show that the "holy woman" (*qadištu*) was a woman who was consulted as a wetnurse and who performed magic rituals surrounding childbirth.[73] As a largely independent woman who worked, often on the street,[74] she might have been associated with sex-workers or even, in some circles, been considered part of the same class as sex-workers.[75] But there is little evidence that she participated in sex-work, let alone *cultic* sex-work. Consequently, biblical passages that place the terms "holy woman" and "prostitute" in close proximity to one another need to be analyzed closely before asserting that the two terms are used in "parallelism."[76] In Genesis 38, Judah mistakes Tamar for a "prostitute" (*zônâ*), sleeps with her and promises to pay her the next day. Mistaking unattached women on the street for prostitutes seems to have happened not infrequently,[77] which may have led to an association between sex-workers and the "holy woman." When Judah returns the following day, he asks people

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[72] Robert Oden, "Religious Identity and the Sacred Prostitution Accusation," in idem, *The Bible without Theology: The Theological Tradition and Alternatives to It* (San Francisco: Harper and Row, 1987): 131-53.

[73] Joan Westenholz, "Tamar, Qedesha, Qadishtu," *HTR* 82 (1989): 245-65; Mayer Gruber, "Hebrew Qedesah and Her Akkadian Cognates," *UF* 18 (1986): 133-48.

[74] There is some evidence that freelance magicians worked on the street and went door-to-door performing their respective arts. All of the evidence relates to male magicians such as the *āšipu*, the *eššepu* and the *mušlahhu*. See Henshaw, *Female and Male: The Cultic Personnel; the Bible and the Rest of the Ancient Near East* (Allison Park, Penn.: Pickwick, 1994), 108, 145.

[75] Some Mesopotamian texts do not portray magicians favorably. See Henshaw, *Female and Male*, 164, 203, 300.

[76] Phyllis Bird, "The End of the Male Cult Prostitute: A Literary-Historical and Sociological Analysis of Hebrew Qadesh-Qedeshim" in *Congress Volume: Cambridge 1995* (John Emerton, ed.; VTSup 66; Leiden: Brill, 1997): 37-80.

[77] Westenholz points out that in the myth of Enlil and Sud, Enlil mistakes Sud for a prostitute because she is standing in the street ("Tamar, Qedesah, Qadistu," 251).

on the street whether they have seen the "holy woman." Because the narrative uses "holy woman" and "prostitute" in close proximity, some conclude that "holy woman" must be a synonym for "prostitute." The problem with this interpretation is that Tamar's prostitution does not take place in a cultic setting. Judah initially finds Tamar in the *gate* of the city (which could have been the location of a shrine,[78] though the text does not say) and looks for her in the *street*. "Holy women" and female sex-workers were certainly women who operated in the same milieu, but that does not mean that sex-work was intrinsic to the profession of the holy woman.

Lastly, certain mourning rituals are alleged to be foreign to Israel. Deut 14:1-2 says that Israelites may not lacerate themselves or make a bald spot between the eyes for the dead because they are a "holy people" to Yahweh who has chosen them "to be a people for his own possession out of all the peoples who are on the face of the earth" (14:2). This is another example of DtrH's estrangement of rituals that are, by other accounts, normal Israelite practices. Positive descriptions of similar depilation practices appear in other biblical texts. Amos 8:10 says that Israelites will make "baldness on every head" when Yahweh brings about famine and other natural disasters in judgment. Ezek 7:18 says that Judean survivors of the conquest and destruction will make "baldness on their heads," an act similar to what Deut 14:1-2 condemns. Ezra tears out the hair of his head and beard when he realizes that Judeans are intermarrying with "people of the land" (Ezra 9:3).[79] Isa 22:12 has Yahweh actually command people to make baldness on

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[78] In Palestine, shrines have been found in or near gate installations in sites dating from the Middle Bronze II period, such as Tel Mor, Ashkelon, Tell el-Far'ah, Hazor, and apparently from the Iron Age at Tell Dan (See Beth Alpert Nakhai, *Archaeology and the Religions of Canaan and Israel* (Boston: ASOR, 2001), 101-107, 85; Tryggve N.D. Mettinger, *No Graven Image? Israelite Aniconism and Its Ancient Near Eastern Context* (Stockholm: Almqvist and Wiksell International, 1995), 177.

[79] Saul M. Olyan, *Biblical Mourning: Ritual and Social Dimensions* (Oxford: Oxford University Press, 2004), 103ff. Olyan notes that though the legal corpora condemn depilations and lacerations for

their heads, again, in response to conquest and judgment. Jer 16:5-6 describes lacerations

and depilation as typical Israelite mourning rites that will *not* be performed for the dead

because the people are being punished (see also Jer 41:5).

Perhaps it could be argued that most of the mourning rituals listed above are not

specifically "for the dead" and so they are fundamentally different from the rites

condemned in Deut 14:1-2. Prohibiting the application of depilation and laceration only

in the case of mourning for the dead would be a particularly idiosyncratic prohibition.[80]

Perhaps, Deut 14:1-2 targets the ancestral cult and these specific mourning rituals might

have played a role in identification with or communion with the dead. On the other hand,

the fact that Deut 14:1-2 does not prohibit sackcloth, ashes, and crouching low on the

ground (close to the underworld?)—three other common mourning rites—makes that

interpretation unlikely. It cannot be convincingly argued that *only* lacerations and

depilations are associated with an ancestral cult but sackcloth, ashes and "being low" are

not. The fact that these specific acts are sometimes associated with worship at high

places may partially explain why they are condemned. The prophets of the "Lord"

(*ba'al*) at Mount Carmel (whoever he is) lacerate themselves, perhaps in a gesture of

petitionary mourning to get the deity's attention (1 Kgs 18:28). But making bald spots is

never associated with worship at high places, and so this explanation is also limited. It

seems as though the best explanation has been provided by Olyan who argues that

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mourning, they seem to be acceptable in other sources.

[80] Nelson's suggestion that mourning rituals are prohibited because Israelites considered the "sphere of the dead to be an unclean realm incompatible with holiness, under the sway of powers outside of Yahweh's rule" must be rejected because Deut 14:1 does not condemn other mourning rituals (Nelson, *Deuteronomy*, 179).

lacerations and bald spots cannot be easily reversed, should it be necessary to move from

mourning to rejoicing.[81]

The cult practices associated with the surrounding nations, such as multiple

shrines, "standing stones" (*maṣṣēbōt*), asherahs, lacerations and the imposition of bald

spots for the dead, and maybe even "holy ones" were most likely just as indigenous to

Israel as child sacrifice and veneration of other gods in the Israelite pantheon. After

condemning service to the gods of the surrounding nations on "high mountains" and

under "green trees" as well as their altars, the asherahs and graven images, Deut 12:4

says that "you shall not act thusly for Yahweh your God." The expression "on the high

mountains" and "under every green tree" is typical DtrH talk for uncentralized worship,

and the "mountains" and "green trees" seem to be common locations for "high places"

(*bāmôt*), local shrines where Yahweh, and perhaps other deities were worshipped outside

of the central sanctuary in Jerusalem (2 Kgs 16:4; 17:10; also Jer 3:6, 13; Ezek 6:13).

By associating all of these cult practices with the groups to be dispossessed, DtrH seems

to deny that Israel's ancestors did these very acts or that they were ubiquitous in ancient

Israel's past.

In contrast to this picture, both archaeological and biblical evidence suggest that

"standing stones" as objects of worship were common for the people of ancient Palestine,

including Israel, and ironically may have even been an expression of the cultic aniconism

that DtrH promotes elsewhere Deut 4:12, 15-18; 5:8; 27:15).[82] In Gen 28:17-18, Jacob

sets up a standing stone (*maṣṣēbâ*), and pours an oil libation over it, declaring that "this

stone which I set up as a standing stone will be God's house." Jacob named the place

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[81] The allotted time for mourning is typically seven days. The appearance of lacerations and depilations
    would certainly last longer than that. Olyan, *Biblical Mourning*, 115.

[82] For archaeological evidence of standing stones in ancient Palestine, see Mettinger, *Aniconism*, 135-196.

where he set up his standing stone Bethel, which was one of two key sanctuaries for the Northern Kingdom of Israel and the subject of polemics in DtrH because it rivaled the Southern Kingdom's Jerusalem sanctuary (1 Kgs 12:27-13:34; 2 Kgs 23:4, 15-17). In fact, if one were to just read DtrH, one might get the impression that the altar at Bethel was the rebellious king Jeroboam's idea (1 Kgs 12:33) rather than a prestigious sanctuary associated with a major patriarchal figure. Some scholars have noted that DtrH downplays the patriarchal traditions, choosing to speak mostly about "the ancestors" generally and avoiding the mention of Abraham, Jacob and Isaac.[83] If these reconstructions are accurate, perhaps it is precisely because the ancestors acted in ways that DtrH wanted to cast as "foreign" that DtrH would have de-emphasized these ideologically unhelpful traditions.

DtrH does seem to recognize that at least some maligned cult practices were a part of Israel's history and some passages even attempt to offer an explanation for them. DtrH concedes that uncentralized worship was an important, and perhaps necessary aspect of Israelite worship in the past. 1 Kgs 3:2 explains the use of high places by noting that the people sacrificed on high places because the temple at Jerusalem was notyet built. In addition, DtrH does not seem to have a problem with the prophet-priest-judge Samuel's sacrifices on "high places" (1 Samuel 9). These verses do not comment on whether or not worship at high places is a foreign or indigenous practice; they only recognize, perhaps grudgingly, that the practice was a part of Israel's history.

The decision to cast illicit cult practices as "foreign" was not the only path DtrH could have taken to polemicize against these particular cultic traditions. DtrH recognizes that some illicit cult practices were Israelite in origin, even while disapproving of them.

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[83] Römer, *Deuteronomistic History*, 42

Gideon's ephod was said to be a "snare" for Gideon and his family and an object with which Israel "played the harlot." But the ephod, which was created by Gideon himself, is not said to be foreign—even though it was made out of Midianite booty (Judg 8:27). Though Judg 18:17 pairs an ephod with household gods (*těrāpîm*), graven images, and cast-metal images, ephods are not a part of DtrH's "foreigner" polemics.   In addition, the bronze serpent, Nehuštan, who received incense offerings, was destroyed by Hezekiah, though it was set up by Moses, according to the text (1 Kgs 18:4). Thus, the casting of certain illicit cult practices as "foreign" was a deliberately chosen polemical tactic, selected for a reason.

Social Practices

The emphasis on the abominable *social* practices of other nations is something that the Holiness Source stresses, but there may be some attacks on the non-cultic social practices of the surrounding peoples/nations in DtrH as well.   In addition to dangerous cult practices, the nations are also said to be generally wicked, possibly both in a cultic sense and a social sense. Deut 9:4-5 accuses the "nations" of general "wickedness" (*rišʿâ*). The same root (*ršʿ*) is used elsewhere in the Bible, and once in DtrH (Deut 25:2) to denote the guilty party in judicial settings (see also Prov 18:5). Another closely related word for "wickedness" (*rešaʿ*), from the same root, is used in a variety of settings, both to describe cultic infractions and social injustice, but mostly in reference to social injustice and crime.[84] In Prov 10:27, general "wickedness" (*rešaʿ*) is specifically contrasted with "fear of the Lord" (*yirʾat yhwh*).

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[84] Prov 4:17; Mic 6:10-11; Hos 10:13; Ezek 5:6; 7:11; Isa 58:6; Qoh 3:16.

One important social practice used to distinguish foreigners and native Israelites is circumcision. But in DtrH, only the Philistines are marked specifically by their lack of circumcision. References to the Philistines in DtrH appear in older narratives appropriated by DtrH's authors, which describe Israel's conflict with the Philistines. In these stories, Philistines are constantly referred to as "the uncircumcised" (*hāʿărēlîm*; Judg 15:18; 1 Sam 14:6; 31:4; 2 Sam 1:20). For these narratives, preserved by DtrH, the Philistines' peculiar social practice (or rather, lack of it) has become a major identifying feature for them. The obsession with the Philistine tradition of not circumcising is especially clear in a story, preserved by DtrH, and perhaps from the Apology of David, in which Saul challenges David to bring him one hundred Philistine foreskins as a bride price for Saul's daughter Michal (1 Sam 18:20-29). Saul Olyan aptly characterizes this episode as an example of the "grotesque fetishizing" of Philistine foreskins.[85] In contrast, the Samuel narratives never refer to people such as the Amalekites as "the uncircumcised" (see e.g., 1 Sam 15:1-20). Neither the conquest narratives of Joshua, nor the narratives in Judges highlight circumcision in their characterizations of Canaanites, nor is circumcision highlighted when other groups are mentioned, such as Sidonians. The absence of references to lack of circumcision among the Canaanites is unsurprising, since circumcision was a common practice in Syria and Palestine.[86] Apparently, the Philistines, as a people originally from the Aegean, did not adopt the practice.

DtrH's presentation of the Canaanite groups contrasts slightly with Genesis 34 (a Yahwistic text), which portrays one of the major Canaanite groups, the Hivvites, as being uncircumcised. If this narrative preserves a historical memory of some kind, Hivvites

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[85] Olyan, *Rites and Rank*, 66.

[86] For examples of circumcision in Syria and Palestine dating from the third millennium BCE on, see Jack M. Sasson, "Circumcision in the Ancient Near East," *JBL* 85 (1966): 473-76.

could have been an exception to the seemingly normal practice of circumcision in Syria-

Palestine and Egypt (Jer 9:25-26). Some scholars have argued that the biblical Hivvites

are related to the Hurrians,[87] a Mesopotamian/northern Syrian group that formed the

kingdom of Mittani, which was eventually overrun by the Hittites in the fourteenth

century BCE. If this very problematic theory[88] is true, it is possible that the

Hivvites/Hurrians, as a group of Indo-European language speakers who came from

outside Palestine, did not practice circumcision like the majority of Syro-Palestinan

groups.   The use of the term *Kharu* to describe all of Canaan in some Egyptian texts[89]

also suggests the possibility that Hurrians were a major group in Palestine. The Egyptian

geographic use of *Kharu* might additionally show that, like "Amorite" and "Hittite," the

biblical material uses "Hivvite"/"Hurrian" in a stereotyped and ideological fashion.

Another idea is that the story of Shechem in Genesis 34 serves as an explanation, or

etiology, for the practice of circumcision among the Hivvites. Othniel Margalith argues

that the Hivvites are actually the Achaeans, known as Akaiwaša in Egyptian and Ahijawa

in Hittite, a Peloponnesian sea-people, who invaded Palestine and who were said to have

practiced circumcision.[90]

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[87] Based on the argument that Hivvite is a scribal error for Horite. The argument relies on LXX's rendering of Hivvite with Hurrian (or "Horite"/*chorraios/ḥôrî*) on a number of occasions, including Gen. 34:2 (see also LXX Josh 9:7). Gen 9:2, 20 refers to Zibeon both as a Hivvite and as a son of Seir, the Horite. See Robert North, "The Hivites," *Bib* 54 (1973): 53-56; Ephraim A. Speiser, "Horite," *IDB* (1962) II, 645-664.

[88] Othniel Margalith points out that the Vulgate and some Old Latin versions read "Hivite" in Gen 34:2, "proving that the error was in the Septuaginta" ("The Hivites," *ZAW* 100 [1988]: 64). Also, Roland de Vaux has some reservations in "Les Hurrites de l'histoire et les Horites de la Bible," *RB* 74 (1967): 499. See also North, "The Hivites," 60.

[89] North, "The Hivites," 58.

[90] Margalith, "The Hivites," 65-70. Margalith's position is based on an ingenious and complicated text-critical argument based on the LXX use of *euaios* to render "Hivvite." Margalith argues that the initial article ha- assimilated the initial "a" of the gentilic (Ahijawa), and that the gutteral (*ḥ*-) in the second syllable was softened to h. Then, according to Margalith, the rough breathing mark shifted from the second sound to the first sound, a common occurrence in Greek (*ahaios > heuaios*). Finally, for some reason, the rough breathing mark on the initial syllable dropped out altogether.   As a result, the LXX

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An identification of the Hivvites with the Achaeans or Hurrians may be a stretch, but it is certainly possible that they were considered a group who originated from outside Palestine, and who would not have practiced circumcision. After all, the Gibeonites do claim to be from a "land very far away" (*mēʾereṣ rĕḥôqâ mĕʾōd*) (Josh 9:9). In addition, that DtrH does not mention the Hivvites' lack of circumcision at all lends support to the idea that Genesis 34 is an etiological explanation for the Hivvites' practice of circumcision, which was tacitly recognized by the narratives in DtrH.

Though only the Philistines' lack of circumcision is mentioned explicitly, DtrH regards circumcision as a necessary social practice for Israelites. According to Joshua, the descendants of those who had left Egypt had not been circumcised in the wilderness, and Yahweh had to command Joshua to have all the Israelites circumcised "a second time" (Josh 5:2). Because the narrative points out that the previous generation that left Egypt "did not heed the voice of Yahweh" (Josh 5:6), the narrative seems to imply that the failure to circumcise was a result of the disobedience of the previous generation.

After the Israelites are circumcised and are healing in the camp, Josh 5:9 says that "Yahweh told Joshua, 'Today I have rolled away the reproach of Egypt (*ḥerpat miṣrayim*) from you,'" suggesting that there is some relationship between uncircumcision and "the reproach of Egypt." Jack M. Sasson suggests that Josh 5:9 implies that the Israelites practiced circumcision in the Egyptian style which, judging from mummified remains, just involved a dorsal cut to expose the glans penis. Because Israelites, according to their custom, were supposed to cut the entire foreskin, exposing the corona

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renders the group as *euaios*. This is a lot of steps and some are not adequately explained, such as the dropping of the rough breathing mark or the diphthong *eu* at the beginning of the word. More important, if the Hivvites were understood to be the Acheans, why did LXX never simply use the common Greek term for Achaeans, *achaioi*?

of the penis, Yahweh required the Israelites to perform the circumcision a "second time."[91] Olyan notes that this explanation seems to contradict Josh 5:5, which says that the generation born in the wilderness was "uncircumcised".[92] Furthermore, to suggest that the author of Joshua 5 did not consider an Egyptian circumcision to be a legitimate circumcision makes little sense since Jer 9:25-26 certainly appears to recognize Egyptian circumcision as actual physical circumcision.

The only thing that might make sense of the association of the "reproach" with Egypt is to suggest that the wilderness wandering was so closely associated with the "going out (yṣʾ) of Egypt" that the failure to circumcise in the wilderness was considered the "reproach of Egypt." Josh 5:5 recognizes that the journey through the wilderness was actually a part of the exit from Egypt: "All the people who came out (hayōṣěʾîm) were circumcised, but all the people in the wilderness along the way as they came out (běṣēʾtām) from Egypt were not circumcised." In other words, the wilderness was a part of one experience—the "coming out of Egypt"—and during the "coming out of Egypt," the Israelites acquired their reproach by not circumcising. Perhaps the idea of one experience of "coming out of Egypt" is best expressed by Ezek 20:36, which calls the wilderness, "the wilderness of the land of Egypt" (midbar ʾereṣ miṣrāyim). For Ezekiel, the wilderness is an extension of the "land of Egypt." If the writer of Joshua 5 also believes that the wilderness is a part of Egypt, or at least part of the process of leaving Egypt, then the people's failure to circumcise in the wilderness would link their "reproach" with Egypt. This is not a perfect explanation for the "reproach of Egypt," but it makes some sense of this bizarre expression.

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[91] Sasson, "Circumcision," 474.
[92] Olyan, *Rites and Rank*, 153 n. 12.

The word "reproach" (ḥerpâ) seems to suggest that the foreskin is a *socially* shameful marker. In the Priestly worldview, circumcision is a sign of the covenant between Israel and Yahweh (Genesis 17). In Ezek 44:4-9 and Isa 52:1, lack of circumcision poses either a profaning or polluting threat to holiness.[93] Conversely, for DtrH, circumcision appears to be a divinely commanded social practice. The word "reproach" is used of acts or circumstances that bring about social disgrace, humiliation or embarrassment. Rachel's inability to have children is a "reproach" for her, which God took away (Gen 30:23). Tamar implores Amnon to consider that she would not be able to make her reproach go away should he rape her (2 Sam 13:13). Widowhood is also thought to cause reproach (Isa 54:4). Physical mutilation and defects can bring about "reproach" as well. When Nahash the Ammonite intimidates the city of Jabesh and agrees to make a covenant with them only on the condition that he gouge out one eye from each Jabeshite, he brags that his act "will make [the covenant] a reproach on all Israel" (1 Sam 11:2).

"Reproaches" are also associated with taunting and scorn. When David asks how the Israelites will deal with the menacing Philistine giant, Goliath, he says, "what will be done for the man who kills this Philistine and takes away (hēsîr) the reproach (ḥerpâ) from Israel. For who is this uncircumcised Philistine that he should reproach (ḥērēp) the brigades of the living God?" (1 Sam 17:26). This passage is particularly noteworthy because it portrays an uncircumcised person, whose uncircumcision would be considered a reproach according to Joshua 5, as the person bringing the reproach upon Israel. Judging from David's comment, Goliath's reproaching (ḥērēp) represents an unacceptable reversal of the way things are supposed to be. In another example of the

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[93] Olyan, *Rites and Rank*, 67

association between scorn and reproach, Nabal's men scorn David and his entourage, which was said to bring a reproach on David (1 Sam 25:14, 39).[94] The word "reproach" is also used to describe the humiliation experienced after invasion, plunder, conquest and other forms of victimization, as a euphemism for shamefully exposed genitalia (Isa 47:3), and as a general synonym for disgrace and humiliation (Jer 31:19; 51:51; Isa 30:5; 54:4; Ps 69:7, 19; 71:13).

If "reproach" indicates acts or circumstances that bring about social disgrace, an accusation of uncircumcision is an accusation that people participate in a socially disgraceful, shameful behavior. To characterize the Philistines as "the uncircumcised" is to make a shameful social behavior the key identifying feature of them. Because of the negative connotations associated with uncircumcision and the use of the term "the uncircumcised" as an alternative appellation for "Philistines," it may not be too much of a stretch to call "the uncircumcised" a kind of Israelite ethnic slur. Like the slurs "wetback" or "curry muncher," "the uncircumcised" turns an odd, stigmatized, marginalized or unusual social act—such as crossing the Rio Grande to emigrate to the US or working as a day laborer or eating a spice that some Westerners find pungent— into an insulting epithet.

Dietary Practices

Diet is another social practice highlighted by DtrH to distinguish Israelites from foreigners. Deut 14:3 proscribes the consumption of any "abomination" (*tôʿēbâ*). The laws permit only ruminants with split hooves, sea creatures with fins and scales, and

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[94] For some other examples of the association of "reproach" and taunting or scorning someone, see Ps 44:13; 79:4; 109:25; 119:22; Prov 18:3; Jer 20:8; 23:40; Ezek 5:14; 22:4; 36:15; Zeph 2:8.

"clean" (*ṭĕhōrâ*) birds (a category that excludes carnivorous birds and scavengers) (14:6, 9-11). Reptiles (*šereṣ*) are absolutely excluded (14:19), as are carcasses. There are a number of explanations for why these food prohibitions are a part of biblical legal corpora (see also Leviticus 11). But the only explicit rationale for these dietary laws is that Israel is a "holy people to Yahweh," in contrast to the "resident alien" (*gēr*) and "foreigner" (*nokrî*) (Deut 14:21).

The avoidance of some of these animals can be partially explained by agricultural customs in Syria and Palestine. The lack of pork in the West Semitic world, and overall biases against non-ruminants because of the costliness of maintaining them may have partially contributed to the ease with which biblical legislators made this list of forbidden foods. There is archaeological evidence that pork was not a major part of the diet of West Semitic cultures, at least in some periods, and neither the Bronze Age nor Iron Age strata in Palestine reveal any use of pork at any cultic sites.[95] Furthermore, pigs are not listed as sacrificial animals in the Ugaritic texts and the only biblically "unclean" animal listed is the ass (ʿ*r*), which seems to have been sacrificed very infrequently, in extraordinary circumstances.[96] The Punic Marseilles Tariff shows an absence of all the animals described as unclean in the biblical dietary laws, including pigs.[97] The climate and terrain of the region also seems to have made pig raising (and the raising of other

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[95] Walter Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law* (Sheffield, England: JSOT, 1992), 149-50.

[96] Houston, *Purity and Monotheism*, 151-2.

[97] Houston, *Purity and Monotheism*, 152-3. There is, however, evidence that the deer was a sacrificial animal in the Marseilles Tariff, whereas DtrH singles out the deer for non-cultic slaughter (Deut 12:15, 22; 15:22). It depends on whether to interpret ʾ*yl* as ʾ*ayil* (ram) or ʾ*ayyāl* (hart). Houston believes the latter is the best answer because there is already a word for ram in the text (*ybl*), which would make another word for "ram" superfluous.

non-ruminants) difficult, but not entirely impossible.[98] Adding to the evidence that West

Semitic cultures avoided pork, Hellenistic sources note that Phoenicians avoided pork.[99]

There was a cultural bias against pork and other animals in the East Semitic world

as well, though this cultural bias did not prevent the non-cultic consumption of pork.

Mesopotamian texts call pork "impure," "not fit for the temple, devoid of sense...an

abomination to the gods, an abhorrence [to the (personal) g]od and accursed by

Shamash."[100] Eating pork in dreams is also considered a bad omen. Dogs and the "cave

bird" (*iṣṣur ḫurri)* were also labeled abominable to the gods and water is said to become

impure when it comes into contact with these two animals.[101] Pigs, dogs and cave birds

were the target of negative discourse in Mesopotamian texts, but as far as public

consumption is concerned, they seem to have only been prohibited as sacrificial victims.

Like serving *McDonald's* or *Burger King* at a formal dinner for distinguished guests, the

presentation of these lowly animals as sacrificial victims would have been very

disrespectful to the gods.[102]

It seems as though the best explanation for the biblical dietary laws is that they

have personalized the cultic diet by extending the logic of the cultic sphere to the

individual. Houston suggests that when food taboos follow cultic practice, it is a

reflection of the influence of the sanctuary on society. He argues that "whenever the

cultic norms of the official sanctuaries were influential enough, the dietary repertoire was

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[98] Houston, *Purity and Monotheism*, 87ff.

[99] Houston, *Purity and Monotheism*, 156-57.

[100] See BWL 215:13-15; AHw 906a; See discussion in Karel van der Toorn, *Sin and Sanction in Israel and Mesopotamia: A Comparative Study* (Studia Semetica Neerlandica 22; Assen, Netherlands: Van Gorcum, 1985), 34

[101] SbTU I 44:73f.; van der Toorn, *Sin and Sanction*, 34.

[102] This also seems to be the reasoning behind the prohibition of other foods such as fish, leeks, garlic and pork before prayer and on certain festival days, according to some texts. Van der Toorn suggests that bad breath might have been a motive behind these food prohibitions. See van der Toorn, *Sin and Sanction*, 33.

confined to the 'clean'." Houston plausibly proposes that the cult could have had so much influence on the non-cultic diet because the gods were imagined to have the same tastes as humans and, in my view more important, because most people were poor and only had meat in a sacrificial context.[103] But in ancient Israel's case, DtrH attached dietary avoidances and prohibitions to the idea that Israel is a "holy people" (Deut 14:21). It would seem as though the "holiness" required of offerings (Deut 12:26) has been transferred from the altar to the mouth of the Israelite, who, as part of a holy people, should only eat food acceptable for sacrifice. The only exceptions to this possible connection between the holiness of offerings and the non-cultic diet are wild game such as deer, antelopes and gazelles, which are not sacrificial animals. One interpretation that might account for the inclusion of these game animals among "clean" animals is that West Semitic cultures may have seen deer as an acceptable sacrificial animal. I have already discussed the possible evidence from the Marseilles Tariff. In addition, deer antlers were found in a sacrificial context in archaeological finds at Mount Ebal.[104] Even though biblical texts did not see wild game as sacrificial victims, their cleanness according to biblical legislation may originate in West Semitic sacrificial customs.

If dietary laws, by and large, reflect the sacrificial customs of West Semitic peoples, the Israelite food laws, like circumcision in the case of the Priestly Writer, turn West Semitic practices into distinct cultural markers. Just as the Priestly Writer turns a common West Semitic social practice into a sign of the covenant between Israel and Yahweh (Genesis 17), DtrH turns the dietary customs of West Semitic peoples into a distinct marker of Israel as a "holy people." The similarities that the laws have to West

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[103] Houston, *Purity and Monotheism*, 157
[104] Houston, *Purity and Monotheism*, 149

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Semitic sacrificial custom suggests, but does not prove, that the dietary laws were composed during the exile in Babylon. The contrast between the avoidance of pork and other foods in the West and the acceptance of pork, and other foods, for non-cultic consumption in the East would have made the contrast between Judahites and Babylonians starker. At the same time, the general cultural bias against pork and other animals such as dogs and cave birds in the East would have given the food laws some overall legitimacy and support the idea that Israelites are a "holy people," who are uniquely "wise and discerning" (Deut 4:4-6). After all, the Israelite diet is restricted to foods only fit for the gods.

Mythic Foreigners

The first use of the word "people" (ʿam) in the main DtrH corpus is Deut 1:28,[105] a reference to the "people" in the valley of Eshcol, who are said to be "bigger and taller" than the Israelites (běnê yiśrāʾēl, v. 3) and among whom the Anakim (běnê ʿănāqîm) dwell (see also Deut 9:2). These people are identified as "Amorites," and since this story takes place in the highlands, near Hebron, "Amorite" is probably a reference to the people of Eshcol's geographic location as residents of the highlands (Deut 1:20), as opposed to the coast.[106] The reference to the Anakim, people known for their super-humanly large stature, and sometimes associated with the Rephaim (Deut 2:11), shows that some of the people of Canaan have been "mythologized."[107] While the idea that the

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[105] A Deuteronomic retelling of the tradition appearing in the Yahwistic Num 13-14. See Nelson, *Deuteronomy*, 25.

[106] Van Seters, "'Amorite' and 'Hittite'"; Cornelius Houtman, "Die ursprungliche Bewohner des Landes Kanaan im Deuteronomium: Sinn und Absicht der Beschreibung ihrer Identität und ihres Charakters," *VT* 52 (2002): 52.

[107] For other references to the Anakim, see Deut 2:10, 11, 21; 9:2; Josh 11:21-22; 14:12, 15. The identity of the biblical Rephaim and its relationship to the Ugaritic rapiʾūma, mentioned in a few texts from Ras

Anakim live among the "Amorites" of the Valley of Eshcol fits with the overall theme of

Israel fighting enemies that are bigger and stronger than they are, it should also be noted

that this is an instance in which foreigners are characterized by physical appearance.

Unlike some of the Mesopotamian texts encountered, however, the biblical material does

not claim that these people have animalistic physical features. Nevertheless, the

description of the super-human, mythological physical characteristics of some of the

people of Canaan places D's characterization of foreigners within a tradition, which, like

the *Curse of Agade* and the *Cuthean Legend of Naram-Sin*, characterizes hostile foreign

peoples as extremely different physically, and even monstrous. It appears as though only

some Canaanites are portrayed as large in stature in DtrH, whereas in Amos, all Amorites

are giants (Amos 2:9-10).[108]

Hereditary Punishment

Deut 23:4-7 (ET 23:3-6) prohibits the Ammonite and Moabite from entering the

"congregation of Yahweh" (*qĕhal yhwh*). The reason for their exclusion from the

"congregation" is that they did not meet the Israelites with food and water in the desert as

they were leaving Egypt and hired the prophet Balaam to curse the Israelites. The

passage says that Yahweh disregarded Balaam's curse and turned it into a blessing. As a

result, not only are Ammonites and Moabites not allowed into the "congregation of

Yahweh," but Israel may not "seek their peace or prosperity" (23:7).

Shamra (CTA 20-22), is a matter of scholarly debate and discussion. See, for example, Shemaryahu
Talmon, "Biblical rephāʾîm and Ugaritic rpu/i(m)," *HAR* 7 (1983): 235-49; Marvin H. Pope, "Notes on
the Ugaritic Rephaim Texts" in *Essays on the Ancient Near East in Memory of Jacob Joel Finkelstein*
(ed. Maria de Jong Ellis; Hamden, Conn: Archon Books, 1977), 163-82; Conrad L'Heureux, "Ugaritic
and Biblical Rephaim," *HTR* 67 (1974): 265-74; Johannes C. de Moor, "Rāpiʾūma – rephaim," *ZAW* 88
(1976): 323-345; John Gray, "Dtn and rp'um in Ancient Ugarit," *Palestine Exploration Quarterly* 84
(1952): 39-41.

[108] For Amos' possible relationship to DtrH, see discussion in Sparks, *Ethnicity*, 183.

The portrayal of the Ammonites and Moabites in Deut 23:4-7 is an example of what I call "hereditary punishment." "Hereditary punishment" takes place when the act of an ancestor or ancestors has a negative impact on future generations.[109] Unlike the typical passing down of iniquity from parents to children as in Exod 20:5 or Deut 5:9, "hereditary punishment" affects larger groups such as tribes, nations and clan groups. In this instance the group is punished for acting as obstructionists for Israel in the wilderness. The punishment of the Ammonites and Moabites bears a resemblance to the punishment of the Amalekites, who are to be destroyed for their own behavior towards Israel while they were coming out of Egypt (Deut 25:17-19; Sam 15:2-3). The actions of the Ammonites and Moabites as well as the actions of the Amalekites are considered "beyond the pale." They are unethical acts that demonstrate the absence of a "fear of God" (Deut 25:18).

The most important idea communicated in Deut 23:4-7 is that Ammonite and Moabite males are barred from the congregation of Yahweh and from a relationship with Israelites because of an act committed in the past. Much has been written about this passage. In particular, scholars are interested in what the "congregation" (*qāhāl*) means or what, exactly, the verses proscribe.[110] But regardless of what the passage means, the relationship prescribed between Ammonites, Moabites and Israelites has punitive motivations, and is not related to fear that Ammonites and Moabites will cause Israelites to worship other gods or participate in illicit cult practices. The cult practices of the

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[109] This argument is presented in its entirety in "Their Peace or Prosperity: Hereditary Punishment as Another Rationale for the Exclusion of Foreigners in Nehemiah 13." Paper presented at the 2011 Annual Meeting of the SBL, San Francisco.

[110] For a review, see Saul M. Olyan, "'Sie sollen nicht in die Gemeinde des Herrn kommen': Aspekte gesellschaftlicher Inklusion und Exklusion in Dtn 23, 4-9 und seine frühen Auslegungen" in *Social Inequality in the World of the Text: The Significance of Ritual and Social Distinctions in the Hebrew Bible* (Göttingen: Vandenhoeck & Ruprecht, 2011), 155-77.

Egyptians and the Edomites do not warrant their permanent exclusion from the "congregation" nor are Israelites commanded to never seek their peace or prosperity. In fact, Israelites are commanded to do the opposite; they must not "abominate" (*tĕtaʿēb*) Edomites or Egyptians (23:8 [ET 3:7]) and they may be included in the assembly in the third generation.

The use of "to abominate" to describe what Israelites may not do to Egyptians and Edomites intimates that the behavior that Israelites must exhibit towards the Ammonites and Moabites constitutes "abominating." In addition, the use of the verb "to abominate" (*tʿb*) suggests a kind of totalizing, cutting-off of the Ammonites and Moabites from Israelite social life. Deut 7:26 employs the same verb in reference to the Israelites' disposition towards "abominations" such as cult statues, which are to be consigned to the "ban." Ammonites and Moabites are certainly not consigned to total destruction here, or elsewhere in DtrH. On the contrary, Israelites are not to touch the land of Ammon and Moab because Yahweh has promised it to the Ammonitesand Moabites (Deut 2:19, 37; see also Gen 19:30-38). The particular abhorrence that Israelites are commanded to have towards the Ammonites and Moabites seems to suggest that there are nuances to the verb "abominate" so that the verb does not always mean that this disposition of "hate" should lead to total destruction or annihilation.

Foreigners as a Threat

When it comes to portraying threats that foreigners pose to Israel, DtrH is certainly very forceful about presenting certain groups (i.e. the Canaanites) as extremely menacing to Israel's loyalty to Yahweh. Deut 7:1-6 portrays the seven Canaanite nations

as so menacing that the Israelites must consign them all to the "ban." They may not make a covenant with them, nor may they show them any favor. Israelites are forbidden to intermarry with them because the sons and daughters of the nations will turn Israelite children from following Yahweh to serve other gods. Instead, Israel is commanded to tear down their altars, smash their standing stones, cut down their asherahs, burn their graven images and utterly annihilate them. Deut 20:17-18 demands that Israelites consign the Canaanite nations (only six are listed here; the Girgashites are absent) to the "ban" so that they "will not teach you to act according to all their abominations, which they perform for their gods and that you might sin against Yahweh your God." It is clear that this passage presents the Canaanites as particularly threatening because the text singles them out for utter annihilation in contradistinction to other groups. When it comes to cities that are "very far from you, not from the cities nearby," the Israelites may offer terms of peace and put the city under corvée labor (Deut 20:10-11). Conversely, for the cities of the "peoples" that "Yahweh your God gave you as an inheritance, you shall not keep alive anything that breathes" (Deut 20:16). Josh 23:12 says that Israelites should not intermarry or have any kind of social intercourse (denoted by expression *bôʾ bĕ-*) with these "nations."

Most often, Canaanites or their practices are referred to as a "snare" or "bait" (*môqēš*) for Israel. The term is also used for a cult object (i.e Gideon's ephod--Jdg. 8:27) and the gold plating of illegitimate cult icons, which could "ensnare" Israel (Deut. 7:25— here the verbal form, *yqš*). In Deut 7:16-26, pity for the "peoples" that Yahweh delivered to the Israelites and serving their gods would be a snare (see also Exod 34:10-16; Num 33:55). Josh 23:13 calls the nations that Yahweh promises to drive out before

Israel "snares." According to Judg 2:2-3, the gods of the "inhabitants of the land" will be a snare. Other expressions for the trouble that these nations will cause Israel include: a trap (*paḥ*), a whip (*šōṭēṭ*) and thorns in the eyes (*ṣĕnīnîm bĕʿênêkem*) (Josh 23:13, cf. Num 33:55).

Two of the metaphors used to describe the Canaanites are "prickly things" that sting, and the use of "prickly things" in biblical metaphors is quite common. Whips, thorns and other prickly things (like scorpions) are associated with domination (Judg 8:7, 16; 1 Kgs 12:11, 14). Prickly things are also associated with entrapment (Prov 22:5) and immobility (Hos 2:6; Prov 15:19). Wicked people are metaphorically compared to briars (*ḥēdeq*) and thorn hedges (*mĕsûkâ*) in Micah 7:4. Words of scorn and derision are like "thistles" (*sārābîm*), "briers" (*sillônîm*), "scorpions" (*ʿaqrabîm*), a "prickling brier" (*sillôn mamʾîr*), and a "painful thorn" (*qôṣ makʾīb*) (Ezek 2:6; 28:24). Though there is an expression in English, "a thorn in one's side," which usually refers to an annoyance or a persistent problem, the use of thorns in the biblical material seems to more strongly communicate entrapment, immobility, oppression and, of course, the pain that accompanies those situations. Eyes (*ʿênayim*) in the Hebrew Bible often denote perception and judgment, so perhaps the expression "thorn in the eyes" communicates a lack of judgment, or a state in which everyone does "what is right in his own eyes" (Deut 12:8; Jdg 17:6; 21:25). Just as bribes "blind" the eyes (i.e. the judgment) of the wise (Deut 16:19), the Canaanites will hinder, or perhaps even paralyze, the judgment of Israelites.

"Traps" and "snares," other objects to which the Canaanites are compared, are other metaphors that communicate immobility. Traps are hidden (Ps 140:5; 142:3; Jer

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18:22), birds are unaware of them (Prov 7:23), and a bird can fall into one (Amos 3:5). Traps may even spring from the ground (Amos 3:5). Judging from the metaphorical uses of "traps" and "snares" elsewhere, it could be that traps communicate that Canaanites and their practices are insidious, hidden threats, which are not readily perceived.

Some argue that the portrayal of the Canaanites in DtrH serves a primarily ideological and rhetorical function. The harsh treatment of the Canaanites is a way to legitimate Josiah's centralization program and to justify the suppression of those who resisted his reforms (e.g. Deut 13:6-18).[111] Some even suppose that the Canaanites are largely mythological peoples, "either bygone or fictitious and not contemporary neighbors."[112] Kaminsky suggests that texts referring to the Canaanites "were designed to propagate a newly unified sense of identity during a politically insecure period and are thus addressed to members of the Israelite community, whose dissent could threaten a fragile order."[113]

There are certainly some mythological elements wrapped up in the presentation of the Canaanites, but there may be some historical truth to the stories about the brutality shown towards them. The references to the Anakim and Rephaim as well as the idealized conquest traditions (Joshua 1-12) undoubtedly present the Canaanites in stylized and mythological terms. On the other hand, in the pre-exilic layer of DtrH, the stories about the Canaanites would serve as historic memory that would justify the expansionist ambitions of Josiah, who probably made real military incursions into the territory of the defunct northern kingdom of Israel (2 Kgs 23:15-20). Furthermore, if Jeffrey Geoghegan is correct, and the expression "until this day" suggests that a text probably dates from the

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[111] Wills, *Not God's People*, 29; Kaminsky, "Mistreatment," 402.
[112] Wills, *Not God's People*, 33.
[113] Kaminsky, "Mistreatment," 404.

pre-exilic edition of DtrH,[114] then the Canaanites—or people who were given a putative Canaanite ancestry—may not have been mythological. Rather, the passages suggesting that Canaanite groups were living among the Israelites "to this day" should be taken at face value: there were, in fact, "Canaanites" who were contemporaneous with the author of the pre-exilic edition of DtrH.

It is well known that the picture of the conquest of Canaan seems contradictory in Joshua and Judges. Joshua 1-12 presents the conquest of Canaan as largely successful and complete, but chapter 13 and following, as well as the book of Judges, present the conquest of Canaan as incomplete.[115] Joshua 13 and following chapters claim that there are a number of Canaanites and other groups, such as Philistines and Sidonians, living in the land promised to Israel as an inheritance that, ideally, should be driven out. While the historiographic and textual questions that surround these variant pictures are interesting, what is most important is that some texts suggest that there were actually people identified as "Canaanites" living in the Neo-Assyrian period. Josh 13:13 mentions the Geshurites and Maacthites, who were not dispossessed by Israel, but "live in the midst of Israel until this day." The Jebusites, the former inhabitants of Jerusalem, are also said to still live among Israel "until this day" (Josh 15:63; Judg 1:21). Lastly, the descendants of Rahab, the so-called "harlot" (*zônâ*) who helped Joshua and Caleb and was spared the fate of Jericho, are said to live among Israel "until this day" (Josh 6:25).

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[114] Jeffrey C. Geoghegan, "'Until This Day' and the Preexilic Redaction of the Deuteronomistic History," *JBL* 122 (2003): 201-227; idem, *The Time, Place and Purpose of the Deuteronomistic History: The Evidence of 'Until this Day'* (BJS 347; Providence, R.I.: Brown Judaic Studies, 2006). See Nelson, *Double Redaction*, 23-24 for another view.

[115] Despite the fact that many of his conclusions are outdated, John Bright provides a good, concise summary of the textual problems with the conquest narratives in *A History of Israel* (Louisville, Ky.: Westminster John Knox, 2000), 129-143.

If there were, in fact, Canaanites who still existed when the first layer of DtrH was written—or people who were given a putative Canaanite ancestry—one need not wonder how they were treated. Josh 16:10 and 1 Kgs 9:21 claim that descendants of the Canaanites, who were not destroyed, were conscripted as corvée labor "until this day" (see also Jdg 1:27-33).[116] The Gibeonites, a Hivvite group, are also said to be under a curse of eternal servitude because of which they will "never cease being slaves: hewers of wood and drawers of water" for the "whole congregation" (lĕkol ʿēdâ), the "house of my God" (bêt ʾĕlōhāy) and the "altar of Yahweh in the place he will choose" (Josh 9:23, 27). The text claims that the Gibeonites continue to be slaves "until this day." The "until this day" formula seems to suggest that there was a class of forced laborers identified as "Canaanites" that lived in Israel when at least the first edition of DtrH was written (i.e., the Neo-Assyrian Period of composition, see above).[117] The references to Canaanites who were part of the corvée labor force possibly show that people identified as Canaanites were socially marginalized, considered outside of the Israelite community, and that their marginalization and forced labor or enslavement was based on their identification as members of an ethnic group.

Another interesting use of the "until this day" formula with respect to Canaanites involves Rahab's family. Rahab's descendants are said to live in the midst of Israel "until this day," but it is important to note that in Josh 6:23, before the incineration of Jericho and its inhabitants, Rahab's family is saved but placed *outside* of the Israelite camp (miḥûṣ lĕmaḥănēh yiśrāʾēl). Considering that other DtrH texts want to keep impure things outside of the war camp (Deut 23:10-15 [ET 23:9-14]), Rahab's placement outside

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[116] Elsewhere, Solomon is said to have conscripted Israelites as corvée labor (1 Kgs 5:27-32). The insistence that Solomon only conscripted Canaanites, and not Israelites, could be an apologetic claim.
[117] See also Joshua 9 for the permanent enslavement of the Gibeonites.

of the camp could suggest that Canaanites defile the camp in some way. Does Josh 6:23, by extension, suggest that Canaanites, as a people, were considered to be ritually defiling in some way by the DtrH tradition? My view is that the evidence suggests this but is nevertheless too scanty to support that conclusion definitively. Certainly, however, Josh 6:23-5 shows that a people can be thought of as being very separate from Israelites but nevertheless living "in the midst" (*běqereb*) of Israel.

The Book of Samuel also implies that Canaanites lived urban enclaves in Israel during the period of the united monarchy of David and Solomon. One of the portrayals of Canaanites in Samuel also insinuates that some of the Canaanites who lived in the land Israel may have been able to exert some power. In David's kingdom, "cities of the Hivvites and Canaanites" were included in the census conducted by Joab (2 Sam 24:6) and some of these Hivvite urban enclaves belonged to the Gibeonites (2 Sam 4:2; Josh 9:17).

2 Samuel recounts a story in which David hands over seven of Saul's male relatives to be killed by the Gibeonites in order to avenge Saul's earlier massacre of the Gibeonites (2 Sam 21:1-9). The story claims that the bloodguilt from the massacre had caused a three-year famine in Israel (21:1), and David goes to the Gibeonites to see how he might deal with the lingering bloodguilt.   It is possible that this whole story was concocted by an apologist for David, who wanted to explain away the rather convenient demise of almost all of Saul's descendants.[118] Regardless of the circumstances of the story's composition, the story does mention that the Israelites made a covenant with the

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[118] See P. Kyle McCarter, *II Samuel* (ABD 9; New York: Doubleday, 1984), 445; Steven McKenzie, *King David: A Biography* (New York: Oxford University Press), 124-25.

Gibeonites, who the narrative is quick to point out, are "not of the Israelites, but rather[119] of the remnant of the Amorites" (21:2). The covenant the Israelites made with the Gibeonites mentioned in 2 Samuel 21 is probably the same covenant mentioned Joshua 9. Saul broke this covenant with the Gibeonites when he "sought to kill them in his zeal (*běqannōʾtô*) on behalf of the Israelites and Judahites."

While the famine of 21:1 may have influenced David's willingness to entertain the Gibeonites' demands, David does allow them to decide what they want from Israel "that they might bless the inheritance of Yahweh" (21:3). The empowerment David grants to the Gibeonites to bless Israel and set the terms for the expiation of the bloodguilt appears to differentiate this pericope from Joshua 9's portrait of the Gibeonites as subservient people. It also suggests that David's regime had to negotiate and play politics with the Canaanites in order to maintain peace within his kingdom. In this instance, David's politics seems to have provided a convenient excuse for the death of Saul's descendants.

Both the story in Joshua 9 and the story in 2 Samuel 21 seem to present Gibeonites as Yahweh worshippers, at least after the covenant has been made between the Israelites and the Gibeonites. In Joshua 9, the Gibeonites are cursed to be servants both for the congregation and for the temple, which would, of course be built later (a mention that definitely places Joshua 9 in the Neo-Assyrian period). It is difficult to imagine that non-Yahwists could serve the temple of Yahweh in any capacity, no matter how lowly the job.[120] In 2 Samuel, the Gibeonites tell David that they will hang Saul's

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[119] The "but rather" (*kî ʾim*) seems to emphasize the contrast between the Israelites and Gibeonites.

[120] If the temple cannot accept money from people DtrH finds objectionable, such as prostitutes, it seems likely that it could not accept labor from people they find objectionable (see Deut 23:19 [ET 23:18])

relatives "before Yahweh in Gibeah of Saul, the chosen one of Yahweh."[121] Executing

people before Yahweh seems to have an expiatory effect (Num 25:4) and may remove the

wrath of Yahweh, and so it would appear as though the Gibeonites do recognize Yahweh

as their own deity.

The fact that the remaining Canaanites are said to serve as corvée labor and slaves

is another interesting similarity that DtrH has with Genesis 9-10, which says that Canaan

will be a an *abject* servant to Shem (*'ebed 'ăbādîm*, 9:25), an eponymous ancestor of

Israel. While corvée labor is not equivalent to slavery, note that 1 Kgs 9:21 uses the root

'bd ("to serve as a slave," "to serve") and *mas* (corvée labor) in close proximity (*lĕmas*

'ōbēd). If the "until this day" formula is truly an indication that texts were written in the

Neo-Assyrian period, it indicates that there may be an influential tradition within Israelite

history, shared by multiple sources, that justified the conquest, social marginalization and

forced labor or enslavement of putative Canaanites, who were contemporaneous with the

author(s).

In a couple of instances, monuments that stand "until this day" memorialize the

wholesale slaughter of people. Ai, which was, according to the narrative, totally

destroyed and ethnically cleansed, is a "mound of eternal destruction until this day" (Josh

8:28; see also Josh 10:27).[122] The Ai mound (*tēl*) shows a relationship between the

construction of the conquest narratives in Joshua and Deuteronomy's law of the "ban" in

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[121] McCarter, following Wellhausen, argues that the text should be amended to follow the LXX[AB] reading more closely, which has Yahweh in Gibeon (*bĕgib'ôn*) as opposed to the MT's Yahweh in Gibeah. McCarter suggests the emendation, "before Yahweh in Gibeon on the mountain of Yahweh." If this reconstruction is correct, the text would show that the Gibeonites worshipped a local manifestation of Yahweh, most likely on a high place (a mountain). If the Gibeonites had their own cult shrine, this would be more evidence of their Yahwism. See McCarter, *II Samuel*, 438.

[122] The conquest of Ai was most likely not an historical event, but the story of its conquest was an etiology to explain the destruction of a much older city, whose ruins still remained during the Iron Age settlement of Palestine. See Amahai Mazar, *Archaeology of the Land of the Bible: 10,000 - 586 BCE.* (ABRL; New York: Doubleday, 1992), 331-32.

20:10.[123] Ai's mound also shows that the "ban," which in the context of war means the complete destruction of a people in a particular locale, was seen as a legitimate practice during a time in which a real, living monarch (Josiah) had the power to execute it. Thanks to the Mesha Stele (mid-9th Century BCE), it is well-known that the "ban" was seen by Levantine peoples as a tactic of war and as some kind of act for the national deity, in Mesha's case, the Moabite God, Chemosh (though, like Neo-Assyrian inscriptions and the depictions of the Canaanite conquest in the Bible, we cannot be sure of its historicity).

In stark contrast to the view of the former inhabitants of the land as dangerous threats, the books of Samuel and Kings represent foreigners as very vulnerable. They are susceptible to conscription into corvée labor and massacres by zealous kings. The fact that Saul's massacre was said to have been spawned by his fanaticism or zealotry (*qn'*) is interesting, considering that "zealotry" is used by the Priestly Source to approvingly describe Phineas' killing of the Midianite Cozbi and her Israelite husband, Zimri (Num 25:10-16). In that instance, Phineas' "zealotry" in slaying the Midianite woman and her husband is an expression of divinely mandated animosity towards the Midianites. Unlike Phineas' story, however, the Gibeonites are portrayed as illegitimate victims of Saul's bloodlust and are entitled to vengeance. Taking into consideration the actions of Saul and the legitimation of the "ban" in the Neo-Assyrian stratum of DtrH, is it possible that in the Neo-Assyrian period, those who were labeled Canaanites were particularly vulnerable to similarly "zealous" outbursts from Judahite and Israelite kings? It is possible, but there is no record (biblical or otherwise) of a king after the United

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[123] See Weinfeld, *Deuteronomy and the Deuteronomic School*, 142; Geoghegan, "Until this Day," 211-212.

Monarchy massacring Canaanites. On the other hand, the fact that the book of Kings seems to compare Josiah to Joshua, the Israelite conquistador *par excellence,* on a number of occasions as well as the legitimation of the ban in DtrH shows that such zealous outbursts like this might have been considered acceptable practice. If there were putative Canaanites living in the land of Judah when the first edition of DtrH was being composed, their position might have been very precarious.

Non-Peoples

The last kind of threatening outsider to consider is the nation from afar that Yahweh will raise up to punish Israel. The image of this nation is very similar to the imagery of the Gutians and other peoples that the gods raise up to punish arrogant kings such as Naram-Sin. Deut 28:49-52 says that Yahweh will raise up "a nation from afar, from the end of the earth, as the eagle swoops down, a nation whose language you will not comprehend." This nation is described as a "brazen-faced" (ʿaz pānîm) nation who will show no favor to the old or the young. The expression "brazen-faced" appears to be a negative term, and not a description of the nation's strength. The expression appears only one other time in the Hebrew Bible, in the very late text of Dan 8:23, which describes a ruler who is both "brazen-faced and skilled in double-dealing." Much like the faraway nation in Deut 28:49-52, Dan 8:26 describes a mighty ruler who will "destroy extraordinarily." The characterization of the anonymous "brazen-faced nation" coupled with their disregard for the old and the young is also similar to the descriptions of the Gutians as "people who know no inhibitions" and "show no restraint."

Similarly, Yahweh promises to raise up a nation against Israel in Deut 32:21. This nation is described as a "non-people, a foolish nation":

> They have made me jealous with a "non-god"; they have vexed me with their meaningless things, so I myself will make them jealous with a "non-people"; with a foolish nation I will vex them.

The expression "non-people" is very similar to the description of the Gutians in the *Curse of Akkad*, which also describes them as a "people not classed among people" (**un-gá nu-sì-ga**). The *Curse* as well as the *Weidner Chronicle* draw attention to Gutians' inferior mental faculties and their "barbarism", just as the Deut 32:21 calls this nation a "foolish nation" (*gôy nābāl*). Foolishness is the opposite of "wisdom" and knowledge of God (Proverbs 10). Fools "act corruptly" (*hišḥîtû*) "act abominably" (*hitʿîbû*), and are "doers of wickedness" (*pōʿălê ʾāwen*) (Ps 14:1, 4; 53:1).

If Deuteronomy 28 and 32 are pre-exilic, they definitely tap into an ancient tradition, which proposed that the gods could raise up barbaric, uncouth nations against rulers who angered them. The nation mentioned both in Deuteronomy 28 and in the Song of Moses is anonymous, which adds to its mythical character. In Deut 32:21, it is unclear whether the nation comes from a faraway place or not, unlike the nation in Deut 28:49-52. It is only by juxtaposing both chapters' descriptions of the nation that will judge Israel that an image of a faraway, barbaric nation that is an instrument of punishment emerges. If these chapters are exilic or post-exilic, they are polemics against the Babylonians. An exilic or post-exilic date would cast a particular nation, the Babylonians, in this mythic narrative of nations from afar as instruments of divine

punishment. The characterization of Babylon as "foolish" would certainly fit with other

polemics against them as "brutish" (*bāʻar*) and "stupid" (*kāsal*) (Jer 10:8).

Deuteronomistic Ethnocentrism

A Wise and Discerning Nation and People

Deuteronomy 4, which is part of the exilic frame of Deuteronomy, proclaims:

So keep and do [Yahweh's statutes and judgments] for that is your
wisdom and your discernment in the sight of the peoples who will hear all
these statutes and say, 'Surely this great nation is a wise and discerning
people.' For what great nation exists, who[124] has a God so near to it as
Yahweh our God whenever we call out to him? Or what great nation
exists, who has statutes and judgments as righteous as this teaching, which
I myself am establishing before you today?...Indeed, ask from the former
days which were before you, since the day that God created human beings
on the earth, and from one end of heaven to the other, 'Has anything been
done like this great thing, or has anything been heard like it? Has a people
heard the voice of a God speaking from the midst of fire as you yourselves
have heard and lived? Or has a God tried to go to take for himself a nation
from the midst of a nation with trials, signs and wonders, and in battle and
with a mighty hand and with an outstretched arm and with great terrors
like all that Yahweh your God did for you in Egypt in your
sight?...Because [Yahweh][125] loved your ancestors, thus he chose their
descendants after them. And he willfully brought you, through his great
might, from Egypt, driving out from before you nations greater and
stronger than you to bring you in and give you their land as an inheritance,
as it is today (Deut 4:6-8, 32-34, 37-38).

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[124] Preserving the interrogative, *mî* ("who"), which I believe is important in showing that nations are not
simply sociological ideas, but are composed of people and are often personified as single people.
Additionally, nations are thought to have derived from single progenitors.

[125] There are some textual problems with Deut 4:36-37. There is a strange *wĕtaḥat* that appears at the
beginning of verse 37 that probably to belongs to verse 36 (as *watteḥî,* "…and you lived," see BHS n.
36/37a). In addition, what I have rendered "chose their descendants after them" reads in the MT
wayyibḥar bĕzarʻô 'aḥărāyw (singular third person masculine pronominal suffixes). Many manuscripts
including LXX, Syriac, and the Vulgate render the text as if the Hebrew had third person plural
pronominal suffixes.

According to Deuteronomy 4, Israel has a unique, unparalleled relationship with its God. Israel, referred to interchangeably as a "people" and a "nation," has a God that is nearer than any other God, has had privileged access to fiery manifestations of God and has benefitted from Yahweh's saving acts on its behalf. Most important, Israel has been chosen (*bāḥar*) and loved (*ʾāhab*) by Yahweh. As a result of this unique relationship, the Israelites also possess the most righteous (*ṣaddîq*) statutes and judgments out of all the nations. Access to this knowledge gives Israel the ability to become the most "wise and discerning" people on earth.

Wisdom and discernment, a result of its unique relationship with Yahweh, then, have become Israel's claim to greatness and are the source of its ethnocentrism. I am not convinced, as some commentators are, that Deuteronomy's exilic frame (Deut 4:1-40 and Deuteronomy 32) promotes "monotheism" instead of a very strong monolatry and a forceful insistence that Yahweh is God—as in the Supreme God—as opposed to another national deity, such as the Babylonian god, Marduk or the Assyrian god, Assur.[126] Leaving the question of monotheism an open question, I think most can agree that Yahweh is certainly promoted as the Supreme God and it is Israel, not any other nation or people, that has access to him.

The wisdom that Yahweh imparts to his people is the ability to tell right from wrong in a judicial setting and an understanding of proper and improper social

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[126] Deut 4:19 and 32:8 seem to pose problems for the idea that Deuteronomy promotes "monotheism." That nations argued over whose god was supreme is shown by "Marduk's Ordeal," a story reenacted during the Assyrian version of the *akitu* festival, which claimed that the Babylonian god, Marduk, challenged the authority of the Assyrian god, Assur, and was imprisoned in the *akitu* house for seven days. See Mark E. Cohen, *The Cultic Calendars of the Ancient Near East* (Bethesda, Md.: CDL Press, 1993), 420-425. For an analysis of some biblical rhetoric that has been understood as "monotheistic," see Nathaniel Levtow, *Images of Others: Icon Politics in Ancient Israel* (Winona Lake, Ind.: Eisenbrauns, 2008).

behavior.[127] The laws given by Yahweh are the most "righteous" (*ṣaddîq*), a term which

is linked with judicial and court settings.[128] Weinfeld suggests that the wisdom promoted

by DtrH actually eschews esoteric knowledge of creation and promotes proper moral

behavior (Deut 30:11-14). Similar wisdom traditions appear in Babylon and Egypt and

they seem to have influenced the composition of the DtrH tradition.[129]

A critical part of the wisdom promoted by DtrH is the concept of "fear of

Yahweh." According to wisdom sources outside of DtrH, "fear of Yahweh" is the very

beginning of wisdom (Ps 111:10; Prov 1:7; 9:10). In DtrH, fear of Yahweh is directly

connected with the teaching of the statutes and judgments of Yahweh to future

generations and study of the law (Deut 4:10; 6:2; 17:19; 31:12), obeying the covenant

and loyalty to Yahweh (6:24; 10:12; 13:4; 28:58; Josh 24:14; 1 Sam 12:14, 24; 2 Kgs

17:25, 28, 34, 36, 39). The consequences of fear of Yahweh are material and concrete.

Fear of Yahweh will lead to long life (Deut 6:2), good things and life (Deut 6:24), good

rulers (1 Sam 12:14), and deliverance from enemies (2 Kgs 17:39). In DtrH, the idea of

the "fear of God" (*ʾĕlōhîm*) seems slightly different from "fear of Yahweh." The

expression "fear of God" seems to connote ethical principles that go beyond Israel's

relationship with its God. The Amalekites were said to have "no fear of God" when they

attacked Israel from the rear when they were vulnerable. In other words, they went

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[127] Weinfeld, *Deuteronomy and the Deuteronomic School*, 255-57.

[128] Weinfeld, *Deuteronomy and the Deuteronomic School*, 150-51. Weinfeld argues that the expression *ḥuqqîm ûmišpāṭîm ṣaddîqîm* is similar to the expression found in Codex Hammurapi, *dīnat mīšarim* (CH 24b: 1-2). Weinfeld may be right in his argument that Deuteronomy 4, as a major redactional frame for the Deuteronomic corpus in general, seems to be framing the laws as a typical law code as opposed to a treaty.

[129] Particularly the Egyptian Teaching of Amenemope (ANET 2, 422). See Weinfeld, *Deuteronomy and the Deuteronomic School*, 266; J. Fichtner, *Die altorientalische Weisheit in ihrer israelitisch-jüdischer Ausprägung* (BZAW 62; Giessen: A Töpelmann, 1933).

beyond the expectation of normal, ethical behavior that was expected of all people. The just king is also said to rule in the "fear of God" (2 Sam 23:3).

Deut 7:6, 12 say that Israel's relationship with Yahweh is not a result of its size, but because of Yahweh's love for Israel and his oath to Israel's ancestors. This is often taken to mean that Israel was not selected because of its own "merit" or its "special worthiness."[130] However, in many biblical passages, Yahweh's response to the actions of ancestors is a statement of value. Yahweh's treatment of a progenitor's descendants often demarcates "good" and "bad" people along genealogical lines. I have already discussed the concept of hereditary punishment in the case of Ammon, Moab and Amalek. Deut 7:6, 12 by contrast, present an example of hereditary blessing. In other sources, eponymous ancestors act in ways that are pleasing to Yahweh and their entire progeny benefits as a result. Abraham's descendants are considered a great "reward" (*śākār*) for him (Gen 15:1). The Aaronids are given the priesthood as a reward for the bloody, zealous actions of Phineas (Num 25:11-13). David's descendants are spared total loss of the throne for years because of Yahweh's promise to David and David's merit (2 Samuel 7; 1 Kgs 11:34-36; 15:4-5). Since Deut 7:6 does not mention Abraham, Isaac, Jacob or any of the other ancestors in the patriarchal narratives, for DtrH, Yahweh's relationship with the ancestors may start in Egypt (7:8). Whatever ancestors Deut 7:6 has in mind, considering the use of hereditary punishment in DtrH and the use of hereditary blessing in other sources, the promise to the ancestors probably communicates a value judgment on the "seed" (*zeraʿ*) of Israel (see also Deut 10:15).

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[130] Nelson, *Deuteronomy*, 101. I suspect a particular Christian theological interpretation underpins these kinds of readings, in that Yahweh's relationship with Israel is the result of "grace" and not "works." On the contrary, *somebody's* works and merit caused Israel's election, even if it was an eponymous ancestor.

There are *some* elements of the prevalent Mesopotamian center/periphery schema that appear to be present in DtrH. DtrH creates a vision of an idyllic, bountiful land that requires the protection of Yahweh from outside enemies.   Deut 32:10-14 contrasts the wilderness in which Yahweh found Israel with the plentiful highlands inherited by Israel.[131] Yahweh found Israel in "a howling chaos, a wasteland" (*bĕtōhû yĕlēl yĕšīmōn*), which is both a contrast with the bountiful land they inherited and similar to the consequences Israel will experience as a result of breaking the covenant. Thanks to Yahweh's protection and provision, Israel not only has plenty, it has *the best*. Israel has the "choicest lambs" (*ḥēleb kārîm*) and the best kernels of wheat (*ḥēleb kilyôt ḥittâ*). Yahweh also protects Israel within this bountiful land like an eagle protecting his young. The idyllic setting that Israel inherits also seems to be communicated by the idea that Israelites live in their bountiful land "securely" (*beṭaḥ*) from their enemies due to Yahweh's protection (Deut 12:10; 33:13-16 [in reference to specific ancestors, who, presumably stand in for tribes], 26-29; also Lev 25:18-19; 26:5). Like the Song of Moses, the Blessing of Moses notes that Yahweh gave "Joseph" the best things (*meged*) of heaven, the best of the yield of the sun, the best things from the produce of the months, the best of the ancient mountains, the eternal hills, and the earth in its fullness (verses 12-16). Later, the Blessing of Moses says:

> There is none like the God of Jeshurun, who rides the heavens to your help
> and through the skies in his majesty. The ancient God is a habitation, and

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[131] Nelson, *Deuteronomy*, 372.

from under his everlasting arms he has driven out the enemy before you and said, 'Destroy!'

Blessed are you, O Israel. Who is like you, a people saved by Yahweh, who is the buckler of your help and the sword of your majesty? And your enemies will fail[132] with respect to you and you will tread on their high places (Deut 33:27, 29).

While the Blessing of Moses and the Song of Moses assert that Yahweh has already driven out Israel's enemies, the promise to act as a protector in the future presents an image of Israel threatened by hostile forces, but protected by Yahweh who acts as an eagle (32:11), the storm god,[133] a buckler, and a sword.

Certain resonances with the Mesopotamian center/periphery schema appear in DtrH, but the dominant threat remains the "enemy within," agents inside the land that will cause Israel to break the covenant (Deut 7:1-6; 28-29; 32). Even the reference to a "a non-people," a description very similar to the description of the Gutians in the *Curse of Akkad*, is fitted to the text's concern with obedience to the covenant. DtrH's vision combines its main concern for the covenant violators within with its portrayal of hostile nations from the periphery. The dual vision may be communicated, in part, by the very metaphors for the Canaanites, such as "thorns," "traps" and "snares." Thorns are often associated with the wilderness, are contrasted with settled life and, as a symbol for a reversal of the fertility of the land, are used in descriptions of Yahweh's judgment (Judg 8:7; Isa 7:24; 32:13; 34:13). Traps are also used to capture wild, not domesticated, animals. In other words, perhaps, Canaanites and their practices have the ability to bring

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[132] Note the shift from the so-called waw-consecutive form to the simple imperfect, indicating that this is a future promise.

[133] Shown by the expression "rider of heaven" (*rōkēb šāmayim*) which is similar to the expression "rider of the clouds" an epithet of the storm god (Ps 68:5, cf. Ps 68:32-33; 104:1-4; Isa 19:1).

the wilderness into Israel both literally, in the form of Yahweh's judgment, and figuratively in the form of their cult practices.

In Mesopotamian examples, it is the presumptuous monarch who brings the wrath of the deity to his land through very public acts of impiety and defiance towards the gods. In DtrH, there are other agents within the society that can also incur Yahweh's wrath, such as individual towns and people. At the same time, the book of Kings recognizes the head of state, the monarch, as the primary agent who incurs the wrath of Yahweh. By noting that it is the king who does evil in the eyes of Yahweh and incurs his wrath, the book of Kings, in contrast to the book of Deuteronomy, which emphasizes the role of the people, presents a model that is closer to the Mesopotamian model. Interestingly, in the book of Kings, the monarch seems to act as a causative agent, and as someone who provokes the people of Israel to sin. According to 2 Kings, Manasseh, who is considered the "worst of the worst" Judahite king, "who did more evil than all the Amorites did who were before him," "seduced" (*yatʿēm*) the people "to do more evil than the nations that Yahweh destroyed before the Israelites" and he also "caused Judah to sin with his cult icons" (2 Kgs 21:9, 11). To sum up, DtrH differs from the extant Mesopotamian literature because it mentions other agents within the land who can provoke the wrath of the deity, even though DtrH makes the king primarily responsible.

DtrH, by putting so much emphasis on Israelites' own culpability in bringing about their misfortunes, may also be expressing a variation on a West Semitic way of understanding history. Most of the states in Syria-Palestine were relatively small and their fortunes probably more uncertain than the larger world powers such as Assyria, Babylon and Egypt. It would seem as though states in Syria-Palestine, being between

major two spheres of power (Mesopotamia and Egypt) would need to have a very compelling way of explaining national misfortune, since it probably happened frequently. They may have found their compelling explanations through blaming their own very angry national deities. Mesha, king of Moab, in his famous ninth century BCE. stele says that Israel oppressed Moab because "Chemosh was angry with his land" (*ky yʾnp kmš bʾrṣh*). The Mesha Stele does not say why Moab's god was angry with his land, and the possible reasons are endless. Did Mesha's father, Chemosh-[x], do something to anger Chemosh? Did the people of Moab anger Chemosh somehow? Was Moab as monolatrous as Israel, and did cultic improprieties take place? Most of the time, extra-biblical texts are used to interpret the Bible. Perhaps, in the case of the Mesha Stele, it might be appropriate to use biblical evidence to interpret extra-biblical texts. Deuteronomy 29 lists all of the curses that will befall Israel should they violate the covenant. Deut 29:26 (ET 29:27) sums up the reason that Yahweh will pour out all of these misfortunes on his people: "the anger of Yahweh burned against that land (*wayyiḥar-ʾap yhwh bāʾāreṣ hahîʾ*) to bring upon it every curse which is written in this book." In other words, like Chemosh, Yahweh was angry with the land. There is no way to know what happened in Moab to provoke Chemosh's fury at his land. But, judging from the biblical evidence, someone, whether it was the king, the priesthood, or the people, probably did something to anger him. The fact that Mesha felt the need to record his deity's anger on an inscription suggests the importance of this explanation for misfortune in the national history of at least some Palestinian states. It is no surprise, then, that Israelites would look to this explanation first to interpret their misfortunes as well.

Assessing "Foreigners" in Deuteronomistic Texts

The rhetoric of essentialization espoused by DtrH is primarily rooted in descent (*zeraʿ*) and the concept of "nation" and "people." "Foreigners" are denoted by their position outside of the "brotherhood" or "seed" of Israel. Some strata of DtrH paint a picture of a world in which "peoples" are divided into respective "nations" and given gods by divine decree (Deut 32:8), which is similar to other biblical visions of humanity (Genesis 10). The overall picture presented by all of the portrayals of DtrH is that the essence of peoples is rooted in their past--both a primordial and a historical past. Israel's seed is kept alive by Yahweh's promise to its ancestors, which is transferred to their descendants (Deut 4:37). While the negative actions of the ancestors of other peoples can come to characterize them permanently, Israel's negative actions, while bringing about the wrath of Yahweh, do not "stick" in the same way that, say, the actions of the Amalekites or the Ammonites and Moabites or the Canaanites do. Actions committed by the ancestors of other peoples can set them up for total destruction or permanent alienation from Israelite cultic and social life. When set against the hereditary punishment of the Ammonites, Moabites and Amalekites as well as the condemnation of the Canaanites, specifically, DtrH has clearly differentiated Israel because Israel's "seed" is protected from destruction.

DtrH is not simply trying to maintain boundaries, preserve a fragile "identity," or maintain Israel's "uniqueness." DtrH is also enthusiastically engaged in the articulation, theorization and construction of outsiders. Though DtrH must deal with the realities of fluid social borders and boundaries, there is constantly, within DtrH, an attempt to

elucidate, in a positive sense, the nature of outsiders, different outsiders' dispositions and outsiders' inherent properties. There are different kinds of outsiders: the "resident alien," "the Canaanite," the Amalekite doomed to destruction due to their past actions and the Ammonite and Moabite who are excluded from Israelite social life because of prior deeds.

DtrH also molds themes found in West Semitic customs and Mesopotamia to construct outsiders. Circumcision, a common West Semitic practice, is employed to negatively cast the Philistines as people who engage in socially shameful acts. The cultic diet of West Semitic peoples and the association of certain foods with defilement even in East Semitic cultures was perhaps used to emphasize the holiness of the people of Israel. Wisdom, something valued throughout ancient West Asia, uniquely characterized Israel because it had access to wisdom through its relationship with Yahweh, who also happened to be the Supreme God. Even if Israelites, through their disloyalty, do not follow Yahweh's laws, they still have exclusive access to Yahweh's statutes and judgments, which lead to wisdom and discernment. This privileged access, guaranteed by Israelites' relationship to their ancestors with whom Yahweh made a covenant, is a source of their redemption for DtrH, if only they would return to Yahweh.

Chapter Four:

"And I Was Repulsed By Them": Caricatures of Foreigners in Holiness Texts

My investigation of negative caricatures of ethnic foreigners now turns to

Leviticus 17-26, a legal collection known as the "Holiness Code."[1] Though the book of

Leviticus appears before Deuteronomy in the canonical arrangement of the Hebrew

Bible, as I will show below, Leviticus 17-26 and indeed the entire book of Leviticus

probably postdates most of Deuteronomy (except, of course, for the late additions to

Deuteronomy, some of which I discussed in Chapter Three). There does seem to be a

general consensus among biblical scholars that Leviticus 17-26 constitutes its own

independent source, which can be distinguished both from the first sixteen chapters of the

book of Leviticus and the larger Priestly opus (hereafter P) in which it is embedded (i.e.,

Genesis-Numbers). The idea that the Holiness Code should be considered a discrete

source was developed in the nineteenth century, and some of the more noteworthy

promoters of the theory include Karl Heinrich Graf, Abraham Kuenen and Julius

Wellhausen. Graf separated Leviticus 1-17 from 18-26 and noted the similarities between

the language and themes of Leviticus 18-26 and the rhetoric of the book of Ezekiel.[2]

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[1] August Klostermann coined the term "Holiness Code" (*Heiligkeitsgesetz*). Klostermann was among several nineteenth century biblical scholars who argued that Leviticus 17/18-26 constituted a discrete source. See Klostermann, *Der Pentateuch: Beiträge zu seinem Verständnis und seiner Entstehungsgeschichte* (Lepizig: M. Deichert, 1893), especially "Ezechiel und das Heiligkeitsgesetz," 385, in the same volume.

[2] Karl Heinrich Graf, *Die geschichtlichen Bücher des Alten Testaments: Zwei historich-kritische Untersuchungen* (Leipzig: Weigel, 1866), 75-83. Graf believed that Ezekiel authored the Holiness Code, something rejected by Abraham Kuenen and scholars who followed (Kuenen, *The Religion of Israel to the Fall of the Jewish State* [Vol. 2.; London: Williams and Norgate, 1874/5], 189-92). See discussion in Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (Tubingen: Mohr Siebeck, 2007), 1-2.

Kuenen took up Graf's observation and argued that Leviticus 18-26 was the earliest of three stages in the development of P, which was followed by the addition of a historical narrative with some limited legal material, and a final stage, a more extensive legal supplement, mainly outlining rituals.[3] Finally, Wellhausen argued that Leviticus 17 should be included in the division of Leviticus 18-26 as a separate source. Notably, he also believed that while the Holiness Code was penned earlier than the rest of the P corpus, it was only *incorporated* into the corpus at the latest stage of P's composition, during the early post-Exilic era (fifth century BCE).[4]

Thanks to the work of these early critics, the theory that Leviticus 17-26 was an independent source achieved the rare privilege of becoming a "consensus" within biblical scholarship. Even today, though there are profound disagreements about the date of the Holiness Code and its relationship to P and the rest of the Pentateuch, most critics tend to agree that Leviticus 17-26 is an independent source with its own unique vocabulary and themes.[5] Graf, Kuenen and Wellhausen also agreed that the Holiness Code was a

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[3] Kuenen, *Religion*, 150. Nihan has a good summary of scholarly perspectives on the "Holiness Code" in *Priestly Torah*, 1-11.

[4] Wellhausen believed that P was composed during the Exilic period. For Wellhausen the Holiness Code was part of the secondary "legal" supplement to P. Wellhausen, and German scholars who followed him (e.g., Martin Noth), held that P was composed of two layers Pg (g = *Grundschrift*) and Ps (s = *sekundär*) (*Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* [Berlin: G. Reimer, 1899]). See also Martin Noth, *Überlieferungsgeschichte des Pentateuchs* (Stuttgart: Kohlhammer, 1948), 7-19. The former (Pg) was a strictly narrative source about Israel's origins and the latter (Ps) was a legal supplement added to the original narrative. At the time, Kuenen laid out problems with a rigid separation between "narrative" and "laws" (*A Historical-Critical Inquiry into the Origin and Composition of the Hexateuch*, [tr. Phillip A. Wicksteed; London: MacMillan and Company, 1886], xx-xxiv). The model dividing P into two strata (Pg and Ps) continues to be influential to this day, especially within German biblical scholarship.

[5] Though see the important dissenting opinion of Erhard Blum, "Issues and Problems in the Contemporary Debate Regarding the Priestly Writings," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* (ed. Sarah Shectman and Joel S. Baden; AThANT 95; Zürich: Theologischer Verlag Zürich, 2009), 31-44. Blum agrees that Leviticus 17-26 is distinctive, but holds that "the much discussed characteristics of Leviticus 17-26 are neither exclusive to this corpus nor do they demand diachronic solutions. On the contrary, Leviticus 17-26* form an essential part in the overall conception of P" (39). The differences between Leviticus 17-26 and the rest of P are not sufficient to posit any "diachronic decomposition" or discrete editorial layers. See also idem, *Studien zur Komposition des*

composition that pre-dated P; these earlier critics disagreed about *when* P appropriated

the Holiness Code. For example, Kuenen believed that the Holiness Code was the

earliest stage in the composition of P,[6] while Wellhausen believed that the Holiness Code

was incorporated into P's work in the final stages of its production. The idea that the

Holiness Code was an *earlier,* independent composition also enjoyed widespread

agreement until Karl Elliger suggested that the Holiness Code was *created* as a

supplement to the narrative material of P (otherwise known as Pg[7]).[8] In other words, for

Elliger, the Holiness Code was not an earlier composition that was *incorporated* into P at

a stage of its development, nor was the Holiness Code the earliest strand of P; rather, the

Holiness Code was actually *produced* in the middle stages of P's formation. Elliger's

argument prompted a shift in how some critics began to view the Holiness Code.[9] Many

scholars began to see the Holiness Code as a text that was deeply woven into the fabric of

P in a way that seemed to militate against the idea that the Holiness Code was written

earlier than the P corpus.

After Elliger, scholars began to look even more closely at ways in which the

Holiness Code presupposes P's stories, ideas and themes in its legal pronouncements and

scenarios. From this starting point—the assumption that the Holiness Code is unique in

style and emphasis but nevertheless betrays a familiarity with P—biblical scholars begin

to part ways. And the different theories about the role of the Holiness Code in the

development of P are extremely varied. The dominant, though controversial, viewpoint

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Pentateuch (BZAW 189; Berlin: Walter de Gruyter, 1990), 229-85.
[6] Keunen, *Religion*, 150.
[7] See n. 4.
[8] Karl Elliger, *Leviticus* (Tübingen: Mohr Siebeck, 1966), 14-20.
[9] Elliger's view that the Holiness Code was a supplement to Pg was contested, and is not commonly held (but see Alfred Cholewiński, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie* [AnBib 66; Rome: Biblical Institute Press, 1976], 338). Elliger's main contribution, in my opinion, is the idea that the authors of the Holiness Code actually composed their text in response to P.

seems to be that the author(s) of the Holiness Code played some kind of editorial role, either in the composition of P or in the composition of the Pentateuch as a whole. Israel Knohl's proposition that the "Holiness School" (his term for the authors of the Holiness Code[10]) were responsible for *editing* P (and indeed, for him, the entire Pentateuch[11]) in its final form remains one of the more prominent theories explaining the Holiness Code's relationship to the rest of P. According to Knohl's theory—adopted by Jacob Milgrom with his own modifications[12]—the Holiness Code is the centerpiece and main composition of the "Holiness School," the priestly circle that, Knohl claims, compiled the entire Pentateuch. In my view, the cogency of this theory can be credited to two factors. First, the theory that the so-called "Holiness School" played an editorial role explains the presence of language and themes that are unique to Leviticus 17-26 in places outside of the Holiness Code (e.g., Exod 12:43-49; Lev 11:43-45). Among the language and themes that seem unique to the author(s) of the Holiness Code, two stand out:

1. Israel's God refers to himself in the first person (e.g., "I am Yahweh your God" – Lev 18:2, 4, 30; 19:3-4, *et passim*).[13]

2. Whereas in the P corpus, the concept of holiness was generally restricted to the realm of the temple and cult, the Holiness Code has expanded the idea of holiness so that it includes the entire people of Israel. As Lev 19:2 famously says, "You shall be holy, for I, Yahweh your God, am holy" (compare Num 16:3-5 [P]). In

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[10] See my reservations about the term "school" below and in Chapter Three with respect to DtrH.

[11] Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis, Minn.: Fortress Press, 1995), 95-96, 101-103. With respect to the book of Deuteronomy, Knohl believes that the "Holiness School" authored Deut 32:48-52 because it promotes "sanctification of God among the people of Israel" which is an important theme for the Holiness School (cp. Deut 32:51 and Num 20:12).

[12] Jacob Milgrom, *Leviticus 17-22* (ABD 3A; New York: Doubleday, 2000), 1349-51.

[13] Knohl, *Sanctuary*, 169-70; Milgrom, *Leviticus 17-22*, 1341-44.

fact, the Holiness Code fuses the concept of holiness with morality, making proper social and religious behavior an expression of holiness (Leviticus 18-20).[14]

Second, Knohl's theory explains why the Holiness Code seems to engage and respond to both Deuteronomistic and Priestly laws in Leviticus 17-26, particularly laws concerning festivals and the Sabbath.[15] For these reasons I too find the theory that the authors of the Holiness Code can also be identified as the redactors for P convincing. However, I prefer to avoid the word "school" since, as I suggested in Chapter Three, it is difficult to make concrete arguments about the existence of "schools" (Deuteronomistic, Holiness or otherwise) in ancient Israel.[16] Rather, I refer to the body of texts composed by the authors of the Holiness Code, as the "Holiness Source" (hereafter H) because I define a biblical "source" as a discrete, isolatable set of texts that share the same general ideological outlook and vocabulary (see discussion in Chapter Three). Sources are a patchwork of earlier materials, recast and interpreted within a narrative framework with a particular ideological outlook. As Joel S. Baden notes, "it is the manner in which [disparate earlier independent elements and], the way in which these elements were shaped and contextualized in order to fit into the newly-created narrative framework that defines the source."[17]

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[14] Knohl, *Sanctuary*, 180-86.

[15] Saul M. Olyan, "Exodus 31:12-17: The Sabbath According to H or the Sabbath According to P and H?" *JBL* 124 (2005): 201-209; Nihan, *Priestly Torah*, 401-543; Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (Tübingen: Mohr Siebeck, 2007); idem, "The Holiness Legislation and Its Pentateuch Sources: Revision, Supplementation and Replacement," in Shectman and Baden, *Strata*, 187-204; Knohl, *Sanctuary*, 8-40.

[16] See Chapter Three, n. 27; See also Milgrom, who also eschews the use of the word "school" because he sees no evidence of continuous literary activity ("H$_R$ in Leviticus and Elsewhere in the Torah," in *The Book of Leviticus: Composition and Reception* [ed. Rolf Rendtorff and Robert A. Kugler; Leiden: Brill, 2003]), 25. Nihan also prefers the term "Holiness School" (Nihan, *Priestly* Torah, 562-75).

[17] Joel S. Baden, "Identifying the Original Stratum of P" in Shectman and Baden, *Strata*, 27.

For the purposes of my investigation, I treat H as a single, unified source, which means that I will only deal with layers *within* H when the assimilation of these sources *directly impacts* the way that H portrays ethnic foreigners. For example, there is some evidence that the author of Leviticus 18 incorporated a popular earlier list of incest taboos (18:6-18), which he combined with the laws of 18:19-23, to produce one of H's famous list of forbidden sexual practices (the other can be found in Leviticus 20).[18] While this part of the compositional history of Leviticus 18 is interesting, that Lev 18:6-18 may have been composed earlier does not significantly alter the overall portrait of ethnic foreigners in Leviticus 18. Whether Lev 18:6-18 constitutes an earlier taboo list or not, the main point of Leviticus 18 is that the previous inhabitants of the land routinely practiced these incestuous and "illicit" sexual behaviors when they lived there. It is the final arrangement of the chapter that makes that overall point, and so the final arrangement of the text of Leviticus 17-26 will receive the bulk of my attention.

The Date of H

Coming to the conclusion that H redacted and supplemented P only answers an editorial question; it does not resolve the arguably even more contentious debate over the dating of H. Those who might agree that H redacted P disagree intensely over the dates to assign to these strata. On one side, Knohl and Milgrom argue that the bulk of H should be dated to the eighth century BCE,[19] while others, building off of the conclusions of

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[18] See discussion in Nihan, *Priestly Torah*, 441-42.
[19] Milgrom argues that there was an exilic layer of H, added during the exile, which he refers to as H_R, but asserts that 95% of H was written in the eighth century. Knohl also recognizes two H layers. See especially "H_R in Leviticus and Elsewhere in the Torah" in *The Book of Leviticus: Composition and Reception* (ed. Rolf Rendtorff and Robert A. Kugler; Leiden: Brill, 2003): 24-40.

early German scholarship, argue that H was written in the post-exilic period. Proponents of both sides have marshaled a number of arguments, but I will focus on two major points of contention: 1. Does H assume centralized worship, and if so, what does the assumption of centralized worship mean? 2. What does the covenant with Abraham in Genesis 17 (mostly P) say about the dating of H?

1. Centralized Worship. A number of critics argue that the prohibition on burnt offerings in any place besides the Tent of Meeting (Lev 17:8-9 [H]), presumes the Deuteronomistic ideology requiring that every domesticated animal sacrifice take place at the Temple in Jerusalem.[20] By contrast, Milgrom argues that the reference to "sanctuaries" (plural, *miqdāšîm*) in Lev 26:31 constitutes evidence for a pre-exilic date because, according to him, it presumes the existence of multiple cult shrines. In Milgrom's favor, the "sanctuaries" mentioned in Lev 26:31 do seem to be legitimate sanctuaries in H's eyes because they are paired with a reference to Yahweh smelling the soothing aroma of sacrifices. He further contends that, unlike DtrH and other sources (Amos 7:9) that recognize that high places are locales for Yahweh worship, H identifies "high places" (*bāmôt*) solely with "idolatry."[21] Whereas the word "sanctuaries" refers to legitimate multiple sanctuaries for Yahweh, "high places" are locales for "idolatrous" worship. Milgrom's argument is plausible, but is not the only possible reading. I would contend that the "sanctuaries" mentioned in Lev 26:31 could refer to the inner and outer sanctuaries of the Temple complex (see 1 Kgs 6:29-30). This is reinforced by Lev 21:23, which says that a priest may not go in to the veil (inner sanctuary) or come near the altar

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[20] E.g., Blum, "Priestly Writings," in Shectman and Baden, *Strata*, 32; also Knohl, *Sanctuary*, 208-209. Though note that DtrH permits the non-cultic slaughter of animals, something H apparently does not (compare Deut 12:15-16).
[21] See discussion in Milgrom, *Leviticus 23-27*, 2316-17.

(outer sanctuary) and thus "profane [Yahweh's] *sanctuaries*." Consequently, there is no

clear evidence that H believes that sanctuaries other than the central sanctuary

(metaphorically represented by the Tent of Meeting in Leviticus 17) are legitimate.

Knohl, on the other hand, recognizes that H insists on the centralization of

sacrifice at one main sanctuary, but argues that the pro-centralization theme points to a

pre-exilic date because it shows that H has affinities with DtrH's ideology, and in

particular, the cultic reforms of Hezekiah.[22] But as I will show in this chapter, H, unlike

DtrH, does not stigmatize the cult practices it considers illicit as foreign. The hesitancy

to stigmatize illicit cult practices as foreign is part of H's presentation of the former

inhabitants of the land as having been expelled, which differs immensely from DtrH's

vision of a constant struggle against foreign peoples and their practices. Rather, H

focuses on the Israelite community and deviant internal behavior that may undermine the

community. While the differences between H and DtrH do not necessarily help pinpoint

a precise date for H, the divergent focuses do suggest that H may not be

contemporaneous with DtrH.

2. Circumcision. If H is, indeed, P's redactor, evidence suggesting that P was

most likely composed during the exile also points to a possible exilic date for H. Gen

17:10-14 makes circumcision a sign of the covenant, a perspective that makes the most

sense in the context of exile. In other biblical texts, the absence of circumcision is

considered a shameful practice, which is used to stigmatize *certain* foreigners such as

Philistines (1 Sam 17:26; 18:25-27) or Hivvites (Gen 34:15-31), but in P, circumcision

has been recast as a symbol of Abraham's covenant with Yahweh. Since there is

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[22] Knohl, *Sanctuary*, 206-212, 218-219. Knohl dates H to "after Ahaz's rise to power…but preceding Hezekiah's reforms" (209).

evidence that West Semitic peoples did circumcise,[23] and East Semitic people (i.e. Babylonians and Assyrians) did not, the prestige given to circumcision as a sign of a unique covenant fits in a context in which this Israelite social practice would be very distinct.[24] Furthermore, Genesis 17 makes circumcision a sign of an "eternal covenant" (*běrît ʿôlām*), an idea that was apparently developed and promoted in the exile by P and appropriated by H (see Lev 26:44-45).[25]

Another reason H is probably post-monarchic and exilic is that the center of H's Israel is the paterfamilias and the clan, though my position should not be taken to mean that I hold that H is unconcerned with the cult. It is possible that H's outlook reflects a more agrarian perspective that differs from the urban, monarchic perspective found in DtrH, but it strikes me as more likely that making the family the central institution reflects the general exilic tendency, also expressed in P, to bring the focus of Israelite life back to the paterfamilias and family praxis (see the emphasis on sexual practices that affect the patriarchal household in Leviticus 18 and 20; the importance of observing sacred times in Leviticus 23[26]; and the emphasis on patrimonial estates in Leviticus 25). Thus, H's re-emphasis of dietary laws (Lev 20:24-26) and its focus on Sabbaths also reflects an exilic context. While Jan Joosten points to the "people of the land" as a possible reference to a monarchic institution,[27] the monarchy itself, as well as its judicial system of judges and magistrates, are nowhere to be found in H (cp. Deut 17:9-20; 19:18-

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[23] Chapter Three, n. 86.

[24] See discussion in Saul Olyan, "An Eternal Covenant with Circumcision as Its Sign: How Useful a Criterion for Dating and Source Analysis," in *The Pentateuch: International Perspectives and Current Research* (ed. Thomas B. Dozeman et al.; Tübingen: Mohr Siebeck, 2011): 347-358.

[25] Olyan, "Eternal Covenant," 351-355; Nihan, *Priestly Torah*, 539-40.

[26] Indeed, H seems very concerned with sacred times, since the author(s) of H have gone through a great deal of trouble in revising the Sabbath legislation of P (see n. 15)

[27] Joosten, *People and Land*, 88.

19). The idea of "elders of the city"(Deut 19:12; 21:19) as well as descriptions of urban

organization are also absent in H, though cities are mentioned (Lev 25:29-34).

The laws proposed by H and the society envisioned by H are "idealized," in the

same imaginative tradition as Ezekiel 40-48, parts of which most likely from the sixth

century BCE.[28] Leviticus 25 is particularly unrealistic and idealized, complete with a

scenario in which Yahweh magically brings bounty on the land if the Israelites follow

counterintuitive (by the text's own admission) Sabbath laws (25:20-22). The idea that

Israelites will maintain their patrimonial estates in perpetuity is reminiscent of the

idealized divisions of the land in Ezekiel 47:13-48:35.   Instead of using a divine

messenger to authorize this vision, as Ezekiel does, H uses the national narrative of the

Exodus and Mosaic tradition to authorize its prescriptions for an "ideal" society. H's

society is not utopian, for it envisions that such a society might have what it considers

deviants or disobedient people and seems more "down to earth" than the vision in Ezekiel

40-48.

The dating of Ezekiel 1-39 carries a great deal of weight in dating H because the

text, at times, seems familiar with some concepts and even terminology expressed in H.

If Ezekiel used a version of H in his own prophetic rhetoric, then Ezekiel's use of H

would be strong evidence that H was written before the exile. The traditional view was

that H quoted from the book of Ezekiel, or was familiar with the Ezekiel tradition (e.g.

Wellhausen, Kuenen).[29] Over the years, this view has been challenged and the debate

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[28] Walther Zimmerli, *Ezekiel* (Vol. 2; Philadelphia: Fortress Press, 1983), 532
[29] For a review of Wellhausenian view and current perspectives on the relationship between H and Ezekiel,
    see Michael A. Lyons, *From Law to Prophecy: Ezekiel's Use of the Holiness Code* (LHBOTS 507;
    New York: T & T Clark, 2009), 35-46.

over which came first—H or Ezekiel—has not been adequately resolved.[30] My own

working assumption for this chapter will be that Ezekiel and H shared a common

tradition that persisted among the priesthood of ancient Israel during the Exile. Yet there

are significant differences in outlook between H and Ezekiel even as there are broad

similarities. As I will argue in this chapter, in Leviticus 26, H distances Israelites from

the defiling "abominations" listed in Leviticus 18 and 20, whereas Ezekiel accuses

Israelites of committing some of the "abominations" mentioned in those very chapters

(e.g., Ezek 22:10). But the differences between the two authors raise another question:

Were either one of the authors responding to the other? Was H responding to Ezekiel, or

was Ezekiel responding to H? Unfortunately, I will not be able to engage this intriguing

question. In addition, because the scribal culture of the ancient Near East was largely

oral, I believe that it is impossible to conclude that one of the authors had the other's text

in front of him. Rather, both texts employ moral and cultic ideas circulating in the

priesthood, which they adopted for their own purposes.

Fixing Boundaries: Ethnic Terminology in H

As in Chapter Three, the same questions will guide my investigation of

terminology. What are H's key terms for denoting foreigners? Does H essentialize

foreigners? If so, what ideas, associations and terms does H use to essentialize them?

Does H present ideas or use language that shows that certain constructions of foreigners

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[30] See the debates between Milgrom and Lyons, who believe that H inspired Ezekiel, and Klaus Grünwaldt
  and Baruch Levine who believe that Ezekiel inspired H (Milgrom, *Leviticus 23-27*, 2349-52;
  Grünwaldt, *Das Heiligkeitsgesetz Leviticus 17-26* [Berlin: De Gruyter, 1999], 350, 365-66, 70-73;
  Levine, *Leviticus* [Philadelphia: Jewish Publication Society, 1989], 280-81; idem, "The Epilogue to the
  Holiness Code: A Priestly Statement on the Destiny of Israel," in *Judaic Perspectives on Ancient Israel*
  [ed. Jacob Neusner et al.; Philadelphia: Fortress Press, 1987, 9-34).

are related to descent and geographic space? And, how does H understand "descent" and "geographic space"? In my view, the evidence will show that H, like DtrH, characterizes the foreigners it maligns and disparages as *ethnic* foreigners.

Interestingly, the root *nkr* does not appear nearly as frequently in H as it does in DtrH, though it does appear prominently outside of the Holiness Code (Exod 12:43-49) and once within the Holiness Code (Lev 22:25). In H, the key terminology that relates to H's constructions of foreigners include: "nation" (*gôy*), "inhabitant," "men of the land" (*'anšê hā'āreṣ*), and "people" (*'am*).

The "Resident Alien" (gēr), *the "Foreigner"* (ben-nēkār), *and the "Native"* ('ezrāḥ) *in H*

As in DtrH, H tends to treat the "resident alien" (*gēr*) fairly positively; in many cases H asserts that resident aliens should be treated the same as native Israelites (*'ezrāḥ*). I take Lev 19:34 as paradigmatic for how H views the resident alien: "The resident alien who resides among you shall be to you as the native among you; and you shall love him as yourself, for you were resident aliens in the land of Egypt." In addition to Lev 19:34, passages that exhort Israelites to treat resident aliens the same as natives in certain matters can be found throughout H (e.g., Exod 12:19, 48-49; Lev 24:22; Num 9:14) and sometimes in P (Lev 15:15; 16:29). Resident aliens are permitted to participate in cultic activities such as Passover and sacrifices (if circumcised) and are also subject to many of the same proscriptions and legal sanctions as native Israelites. The end of Leviticus 24 outlines a number of legal scenarios in which the resident alien is subject to the same laws and punishments as native Israelites:

Now the son of an Israelite woman (*'iššâ yiśrĕ'ēlît*), whose father was an Egyptian man (*'îš miṣrî*), went out among the Israelites and the Israelite woman's son and an Israelite man (*'îš hayyiśrĕ'ēlî*[31]) struggled with each other in the camp. And the son of the Israelite woman blasphemed the Name and cursed [it[32]]. So they brought him to Moses (his mother's name was Šĕlōmît, the daughter of Dibrî of the tribe of Dan). They put him under guard to clarify [the matter] for themselves according to the word of Yahweh. And Yahweh spoke to Moses: 'Bring the one who cursed outside the camp and let all who have heard lay their hands on his head then let the entire congregation stone him. You shall tell the Israelites the following: Any man who curses his God will bear his sin and one who curses the name of Yahweh will be put to death—the entire congregation will stone him. Both the resident alien and the native, when he curses the Name, will be put to death' (Lev 24:10-17).

Lev 24:16 and 22 order the entire congregation (*'ēdâ*) to stone to death anyone who curses Yahweh or illegitimately uses his Name regardless of the offender's status as a resident alien or native Israelite. The compiler of Leviticus 24 communicates that the equal punishment faced by both the resident alien and the native Israelite as a consequence of cursing Yahweh and the illegitimate use of his Name should define how Israelites treat the resident alien when it comes to Yahweh's laws and instructions. The command to stone a curser and blasphemer appears as part of a speech that Yahweh makes to Moses in which he relates that a resident alien who commits other crimes such as murder, assault that results in injury, or killing an animal illegitimately will also be held to the same "judgment" (*mišpāṭ*) of *lex talionis* as a native Israelite (Lev 24:17-22). Other H passages echo the sentiments of Lev 24:10ff by commanding that the resident alien observe the prohibitions of Leviticus 18 and 20, that he afflict himself during Yom Kippur (Lev 16:29), that he avoid the consumption of leavened bread during the festival

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[31] The Samaritan Pentateuch reads *'îš yiśrĕ'ēlî*, without the definite article.

[32] It is unclear in Lev 24:11 that the son of the Israelite woman is actually cursing Yahweh, something that the narrative makes clear in 24:15, 23.

of Unleavened Bread (Exod 12:19) and that he refrain from eating blood (Lev 17:10-13), like native Israelites.[33]

A number of scholars have concluded that these passages, and others commanding that there be "one teaching/judgment" for the native and the resident alien (e.g., Exod 12:49; Num 15:14-16), promote a sense of "legal equality" between the resident alien and the Israelite. Others observe that "legal equality" is not an appropriate term because Leviticus 25:45 makes distinctions between (foreign) resident aliens and native Israelites and also because H addresses Israelites directly and refers to resident aliens, like women, in the third person.[34] Additionally, in one passage at least, the resident alien seems to have a slightly different relationship to Israel's religious practices. The resident alien is not required (not invited?) to dwell in booths during the Festival of Booths (Lev 23:42). [35] On the other hand, the resident alien may offer and participate in sacrifices voluntarily, provided he is circumcised (Exod 12:48; 9:14; 15:14-16). It should also be noted that H allows for the enslavement of a resident alien by an Israelite, a condition that H does not permit for an Israelite (Lev 25:45). When H says that there is "one law" for the resident alien and the native, there seem to be exceptions to this "one law" and the fact that resident aliens can even be enslaved by Israelites suggests that the resident alien is in some way socially inferior to the Israelite. Olyan suggests that the different perspectives on the resident alien that appear in H can be explained if the

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[33] Saul M. Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* (Princeton, N.J.: Princeton University Press, 2000), 70.
[34] Joosten, *People and Land*, 61-75.
[35] Olyan, *Rites and Rank*, 71.

references to "one law" for the native Israelite and the resident alien are seen as additions by a later H redactor.[36]

A relationship to geographic space seems to be conveyed in the opposition between "native" and "resident alien" as well. The term "native" appears in construct relationship with "the land" to produce the expression "native of the land" (ʾezrāḥ hāʾāreṣ, Exod 12:19, 48; Num 9:14). Other terms juxtaposed with "native" are "among the Israelites" (ʾezrāḥ bibnê yiśrāʾēl, Num 15:29; Ezek 47:22) and "in Israel" (ʾezrāḥ bĕyiśrāʾēl, Lev 23:42). There does not seem to be a major difference between these expressions, so the seeming interchangeability of terminology indicates that the idea of land (ʾezrāḥ hāʾāreṣ) and peoplehood based on descent (ʾezrāḥ bibnê yiśrāʾēl) are both fused in the concept of nativeness. Joosten also notes that the term "resident alien" has an "ethnic" quality because Lev 24:10, the legal scenario I discussed above, places the gentilic "Israelite" (yiśrĕʾēlî) in opposition to the "resident alien," and because after generations the descendants of the resident aliens (bĕnê gērîm), among whom the Israelites may get slaves, remain distinct from Israelites (Lev 25:47).[37] In accordance with the theoretical approach I've adopted for analyzing ethnicity in ancient Israel and Mesopotamia, the term "native" certainly appears to combine concepts of geographic space and descent. Interestingly, Lev 24:10ff also demonstrates that for H (as well as other sources[38]), one's status as a non-Israelite is transmitted genealogically through men. It is the *father* of the resident alien, an Egyptian, who determines the resident alien status of the condemned man, not the man's mother, an Israelite from the tribe of Dan (Lev 24:11).

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[36] Olyan, *Rites and Rank*, 72, esp. n. 53.

[37] Joosten, *People and Land*, 33, 82.

[38] See the masculine gentilics for Ammonite and Moabite in Deut 23:4-9 (Olyan, *Rites and Rank*, 82).

In Chapter Three, I mentioned that Deut 14:21 makes a distinction between the

resident alien and the "foreigner" (*nokrî*). H also seems to make a distinction between

the status of the resident alien and the foreigner, though H uses a slightly different word

for "foreigner" which is derived from the same root as *nokrî* (*nkr*):

> Yahweh said to Moses, 'This is the statute of the Passover: No foreigner
> may eat it. But as for every man's slave purchased with money (*miqnat
> kāsep*), when you have circumcised him, then he may eat it. A guest
> worker (*tôšāb wĕśākîr*[39]) shall not eat it…if a resident alien sojourns with
> you and makes a Passover sacrifice to Yahweh, let every male belonging
> to him be circumcised and then let him draw near to make it; and he shall
> be like a native of the land. But no uncircumcised person shall eat it'
> (Exod 12:43-45, 48[40]).

Whereas the resident alien may participate in the Passover sacrifice, H expressly forbids

any "foreigner" (*ben-nēkār*) from partaking, seemingly without exception (Exod 12:43):

"No foreigner (*ben-nēkār*) may eat it." The next verse, Exod 12:44, however, says, "but

as for every man's slave purchased with money, when you have circumcised him, then he

may eat it." I believe that Exod 12:44 serves to clarify the seemingly blanket prohibition

of the foreigner in 12:43. Because H is most likely familiar with Genesis 17, H

recognizes that a "foreigner" (*ben-nēkār*) can be a slave in the Israelite paterfamilias'

household and that he will be circumcised in accordance with the command in P's

covenant narrative:

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[39] Following Olyan, *Rites and Rank*, 68 n. 35 and taking the expression as hendiadys. But note Lev 22:10
where *tôšāb* and *śākîr* are broken up by the "priest." I take *tôšāb* by itself to be the functional
equivalent of *gēr*, especially since it is used most often with the verb *gwr* or the noun *gēr* (Lev 25:6, 23,
40, 45).

[40] For arguments that Exod 12:43-49 is H, see Knohl, *Sanctuary*, 21-22.

> And every male among you who is eight days old shall be circumcised
> throughout your generations: a slave who is born in the household or who
> is bought with money from among any foreigner (*miqnat kesep mikkol
> ben-nēkār*), who is not of your descendants (Gen 17:12).

> All the men of his household who were born in the household or bought
> with money from a foreigner (*miqnat kesep mēʾēt ben-nēkār*) were
> circumcised with him (Gen 17:27).

The use of the idiom "purchased with money" (*miqnat kesep*), used in Gen 17:12, 23, 27

to refer to Abraham's foreign slaves, and the term's reappearance in Exod 12:44, suggest

that the slaves mentioned in 12:44 refer to the *foreign* slaves of Israelites, as in Genesis

17. Thus, Exod 12:44 must clarify the blanket exclusion of foreigners to say that

foreigners who are slaves of an Israelite may participate in the Passover sacrifice because

they are a part of the Israelite's household (Exod 12:46; cp. Lev 22:11 for a priestly

example). No other person designated as a *foreigner* may participate in the Passover

except foreign slaves of an Israelite. And what does it mean to be a "foreigner" for H?

Unfortunately, H provides only one small glimpse into the social activity of a foreigner

who is not a slave in Lev 22:25, which assumes that a foreigner can own and sell

domesticated animals for use as sacrifices. And even though both the *tôšāb wěśākîr* and

the foreigner may not eat the Passover sacrifice, H does not say whether or not there is a

relationship between the *tôšāb wěśākîr* and the foreigner nor does H give any hints about

the precise meaning of *tôšāb wěśākîr*.

One more interesting mention (or rather, lack of mention) of the resident alien

requires comment. Lev 17:3-7, the proscription on the slaughter of domesticated animals

outside of the Tent of Meeting, seems to apply only to the native Israelite and not the

resident alien. Lev 17:3-5 is addressed only to the "Israelites" whereas 17:8-9, the

proscription on burnt offerings (ʿôlâ) outside of the Tent of Meeting, is addressed to both

Israelites and resident aliens, suggesting the omission of the resident alien is deliberate.

The lack of mention of the resident alien in 17:3-7 is odd, considering that the verse

emphasizes that an Israelite who slaughters an animal non-sacrificially has committed an

act of bloodguilt. Since acts of bloodguilt tend to pollute the land, out of fear that the

land might be polluted, it would seem as though the law should apply to both the alien

and the native. The rationale provided by H for the ban on slaughter outside the Tent of

Meeting is strange as well: "They [the Israelites] shall no longer sacrifice to goats, after

which they act like a loose woman" (17:7). The law seems to suggest that the reason the

Israelites cannot engage in non-cultic slaughter of domesticated animals is that they used

to sacrifice to "goats" (whatever those are, but often translated as "demons"—see section

on *Illicit Cult Practices*, esp. n. 82). But why are sacrifices to "goats" only a threat for

Israelites and not resident aliens? Are these "goats" less enticing to resident aliens for

some reason? Perhaps H saw sacrifices to goats as a problem unique to ancient Israel's

history and one that would not seduce resident aliens.

  Whatever the reason, this passage, at the very beginning of the Holiness Code,

introduces a major difference between H and DtrH that will be repeatedly encountered.

For H, illicit cult practices are not typically stigmatized as foreign (with the notable

exception of child sacrifice, see section on *Illicit Cult Practices*), nor are they associated

with foreignness. Rather, illicit cult practices are usually threats from within. With

respect to sacrifices to "goats," it appears as though this cult practice is so uniquely a

threat for *Israel* that H does not feel the need to include the resident alien in this law.

Unlike D, the word "inhabitants" (*yôšĕbîm*) is used only twice in H (Lev 18:25; 25:10) and in both instances it appears with a possessive suffix whose antecedent is the land ("its [i.e. the land's] inhabitants"). In Lev 18:25, "inhabitants" refers to those who lived in the land of Canaan before the Israelites came to possess it, and were "puked out" because they committed the abominations condemned in Leviticus 18. By contrast, Lev 25:10 exhorts the Israelites to declare "freedom" (*dĕrôr*) in the land to its inhabitants— that is, they are to declare the Jubilee year. But the inhabitants who will experience the promised freedom in the Jubilee year are Israelite males who may (or, rather *must*) be released from slavery and return to their patrimonial estates. Since the "inhabitant" of Lev 25:10 seems to be identified as an *Israelite*, not others such as slaves and resident aliens who might be in the land, for H, "inhabitant" appears to be a term that refers to the people with whom the land is *identified*.[41] Like DtrH, for H, the term "inhabitant" highlights the person's identification with a particular group and, in turn, this person's identification with the land.[42] Generally, the verb "to dwell/inhabit" (*yšb*), the root for the participial noun, "inhabitant" (*yôšēb*), is to be distinguished from the verb "to reside as an alien" (*gwr*), though the concepts of "dwelling" and "residing as an alien" can certainly overlap (cp. Lev 18:3; 19:34). People can also reside illegitimately in a land (Lev 26:32).

Another term used to describe the former inhabitants of the land is "men of the land" (*ʾanšê hāʾāreṣ,* 18:27). The expression seems to be a synonym for "inhabitants," but this expression may signify more than a generic term for "inhabitants," or an

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[41] See also Chapter Three,
[42] For DtrH texts using the expression "inhabitants of the land," see Josh 2:9, 24; 7:9; 9:24; Judg 1:32-33; 2:2; 1 Sam 27:8; 2 Sam 5:6.

alternative to "people of the land."[43] The "men of the land" in Lev 18:27 could point

back to the idiom "any man" (ʾîš ʾîš) which began the incest laws in Lev 18:6 (as well as

the repeated use of ʾîš in Leviticus 20). Of course, ʾîš ʾîš in Lev 18:6 is an idiomatic

expression that certainly means "no one" (with the negative particle, lōʾ). Yet, in the

context of Lev 18:6, the "no one" refers to male heads of household. As David E.S. Stein

argues, the term ʾîš is most commonly a relational term, similar to bēn ("son"), and as a

relational term, ʾîš assumes that the individual "man" is part of a larger group or is in

some kind of relationship with someone or something.[44] Note also the contrast between

"slave" and "man" (with the meaning "anyone") in Exod 12:44, where the possession of

the slave by the "man" is indicated by the construct relationship.

By pointing back to Lev 18:6, reference to the "men" of the land could be an

underhanded comment on the absence of proper family structure among the former

inhabitants. The "men of the land" may also be similar to the concept of the "men of

Israel"--that is the men who were old enough to be a part of a fighting force, attested

ubiquitously in DtrH.[45] Perhaps the "men" of "men of the land" should be translated with

sarcastic scare quotes because according to H, the "men of the land" certainly did not

behave the way that a "real man" (that is, a head of household) should (see more on this

below in *Foreigners and Sexual Taboos in H*). The use of "men of the land" in Lev

18:27 lends further support to my theory that part of the puking out of the former

"inhabitants" (yôšĕbîm) of the land involved a loss of *status* for the former inhabitants.

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[43] Milgrom, *Leviticus 17-22*, 1580.
[44] David E.S. Stein, "The Noun ʾîš in Biblical Hebrew: A Term of Affiliation," *JHS* 8 (2008):1-24.
[45] Lawrence Kutler, "A Structural Semantic Approach to Israelite Communal Terminology," *JANES* 14 (1982): 69-77. It is also commonly noted that the ʾîš is the basic unit of the ʿam ("people"), another term for the military force of a nation.

Just as "inhabitant" probably means free, landowning male (Lev 25:10), so "men of the land" could mean the same thing.

"Nations" in H

One of the terms H uses for former inhabitants of the land is "nation" (*gôy*). When referring to the former inhabitants of the land who have been "cast out" (*šlḥ*) and "puked out" (*qî'*) on account of their "abominations," the singular "nation" is used twice (18:28; 20:23) and the plural "nations" is used once (18:24) in the MT. Multiple ancient translations of the Hebrew Bible, such as *LXX, Pesh., Tg. Neof.*, read the singular, "nation" as plural, "nations."[46] Milgrom notes that in 20:23, in the MT, plural verbs are used with the singular "nation," and the following verse uses "peoples" (plural), making the other manuscripts' rendering of "nation" as plural more plausible. But Milgrom has doubts about rendering the singular "nation" in 18:28 as plural, since verbs accompanying "nation" are, unlike 20:23, singular.

One explanation for the interchangeability of singular and plural of "nation" in Leviticus 18 and 20 is that it could reflect the different appellations for the former inhabitants of the land in biblical sources. Some biblical sources, such as DtrH, almost always see the former inhabitants of the land as comprising multiple nations. But other, usually earlier sources, use the appellative of a singular nation, either Canaanite or Amorite, to describe the former inhabitants of the land (Amorite: Gen 15:16; 48:22; Amos 2:9-10; Canaanite: Gen 10:19; 12:6; 13:11). Genesis 15 is a particularly poignant example because in the same chapter the inhabitants of Canaan are both described as a singular nation (the Amorite, 15:16) and a plurality of nations (the Kenite, Kenizzite,

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[46] Milgrom, *Leviticus 17-22*, 1582.

Kadmonite, Hittite, etc., 15:18-21). The variety of ways by which to describe the former

inhabitants of the land in a range of biblical sources points to the possibility that there

was a certain flexibility in literate circles about whether or not to refer to the inhabitants

of the land as a single nation or to conceptualize the former inhabitants as separate

nations.[47] Even though H does not explicitly refer to the former inhabitants of the land of

Canaan as "Canaanites," the fact that it renders "nation" as both singular and plural

suggests it could have other biblical traditions about the "Canaanites" and "Amorites" as

former inhabitants of the land in mind.

A number of biblical sources refer to Israel as a "nation" (*gôy*), but no H text calls

Israel a "nation."[48] Perhaps H's negative formula, "do not defile yourselves by any of

these things, for by all these [abominations] the nations which I am casting out before

you have defiled themselves" (18:24) implies that Israel, as a counterpart to the defiled

nations is also a "nation." H most certainly implies that Israel is a "people" (*'am*) that

Yahweh has separated (*hibdîl*) from all the other peoples. If "nation" and "people" are

interchangeable, as I argued in Chapter Three, then H too conceptualizes Israel as a

nation. A less likely, but nevertheless possible solution for H's seeming hesitance to

refer to Israel as a nation could be that H appropriates the Balaam cycle's idea that Israel

"does not think of itself as among the nations" (Num 23:9).[49] On the other hand, H's

appropriation of P's history, a source that repeatedly uses the term "nation" with respect

to Israel, weakens the viability of this solution (especially Gen 17:20).

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[47] Similar, perhaps, to the way that in careless, vernacular terminology "Mexican" can become an appellative for "Latin American" or "Central American," despite the diversity of nations that comprise these regions (El Salvador, Guatemala, Honduras, Nicaragua, Panama, etc.).

[48] Even if one were to assume that all of the passages attributed to H by Knohl were, in fact, authored by H (Knohl, *Sanctuary of Silence*, 101-103), not a single one of his proposed H passages contains the word "nation" (*gôy*) to in reference to Israel. Of course, some passages which have alleged H interpolations contain the word "nation" in reference to Israel (esp. Genesis 17).

[49] For H's possible interest in the Balaam cycle, see the comments on Intermarriage below.

Another use of *gôy* in H is Lev 25:44's reference to the "nations" surrounding Israel from which Israel may procure slaves. Who are these "nations"? Are they the former inhabitants of the land who have been "cast out" (*šlḥ*) and "puked out" (*qî'*) (Lev 18:24-25, 28; 20:23)? Does H believe that a small remnant of "Canaanites" has been left behind, as DtrH does?[50] Or have the former inhabitants of the land been so thoroughly "cast out" and "puked out" that there is no trace left of them? Since H neither reveals the names of the nations that were expelled, nor does it provide the identity of those "nations" from which the Israelites may take slaves, we cannot know. Also unlike DtrH, H does not provide a list of gentilics (e.g., Canaanite, Hittite, Hivvite, etc.) in reference to the nations dispossessed by Israel, and so the reader is left to wonder whether or not Lev 25:44 refers to the "Canaanite" nations, as outlined in DtrH, or just other neighboring non-Canaanite nations (such as Ammonites, Moabites, Edomites, and perhaps even Arameans, Philistines, Tyrians and Sidonians). As I already noted, H does not even refer to the former inhabitants of the *land of Canaan* as "*Canaanites*" (Lev 18:3)! I suspect, but cannot prove definitively, that included among the nations referenced in Lev 25:44 are remnants of the *Canaanite* nations that have been "cast out" and "puked out" of the land. One of the reasons I suspect this is because H says that these nations are "surrounding" Israel (*sĕbîbōtêkem*), which is one of DtrH's expression for the nearby peoples whose cult practices pose a threat to the correct worship of Yahweh, according to DtrH (Deut 6:14; 13:7; 17:14; Judg 2:12; 2 Kgs 17:15). Of course, when it comes to the nations that pose such a threat, DtrH mentions the Canaanites most often—though not exclusively (e.g., Judg 10:6, which presents the gods of Aram, Moab, Sidon, and the Philistines as threats to Israel's ability to stay faithful in worship to Yahweh). The other

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[50] See Chapter Three and e.g., Josh 13:13; 15:63; 16:10; Judg 1:21, 27-33; 1 Kgs 9:21.

reason I suspect that the former Canaanite nations are included among the nations from which Israelites may buy slaves is because other literary strata in the Hebrew Bible promote the idea that the Canaanites served as a lowly, vulnerable underclass from which slave labor and corvée labor was extracted—and that this was their expected position.

The last use of "nation" in the Holiness Code refers to the nations among which Yahweh will scatter the Israelites if they fail to follow the covenant (26:33, 38, 45). H does not provide any information about the identity of these nations, nor does H provide any description of them. These nations, like the nation(s) in Lev 18:24, 28; 20:23; 25:44 seem to serve as foils against which Israel is compared. Here, obviously, the nations are different from the "puked out," dispossessed nations in those passages.

"Such a Thing is Not Done in Israel": Foreigners and Sexual Taboos in H

The first negative reference to foreigners in the Holiness Code appears in Lev 18:3:

> I am Yahweh your God. You shall not act (*taʿăśû*) according to the convention (*maʿăśēh*) of the land of Egypt in which you lived, nor shall you act according to the convention (*maʿăśēh*) of the land of Canaan to which I brought you, nor shall you walk by their statutes (*ḥuqqōt*) (Lev 18:3).

Interpreters translate this passage in different ways. The word *maʿăśeh*, which I have translated "convention," is a very versatile word that can denote deed, activity, action or occupation. I believe the use of this word conveys the idea that Israelites should not act according to the convention or "way of life" of the land of Egypt or Canaan, taking my cue for interpretation from Judg 13:12, a passage that describes the Nazirite regimen

prescribed for Samson and his mother. In this passage, Yahweh promises Manoah, whose wife is barren, a son, who, as the reader discovers later, will turn out to be none other than the famous Israelite hero, Samson. Manoah then asks Yahweh, "What will be the lad's regimen (*mišpāṭ*) and manner of conduct (*maʿăśeh*)?" Yahweh responds directly to Manoah's query by ordering that Samson's mother adhere to the the regulations of the Nazirite, a religious order open to men and women that requires abstinence from alcohol and forbids haircuts. Here, *maʿăśeh* seems to describe the way of life or regime by which Samson and his mother must live. It is especially interesting that in Judg 13:12, *maʿăśeh* appears in juxtaposition with *mišpāṭ*, a word used frequently by H to describe the rules by which Israelites must live. Throughout the main H corpus of Leviticus 17-26, Yahweh repeatedly exhorts the Israelites to perform (*ʿśh*) and keep (*šmr*) his "rulings" (*mišpāṭîm*) (Lev 18:4-5, 26; 19:37; 20:22; 24:22; 25:18; 26:15). It may not even be too far off to translate *maʿăśeh* as "culture."

Notably, the former inhabitants of the land and the Egyptian *people* are not mentioned. Rather, both the convention (*maʿăśeh*) and the statutes (*ḥuqqōt*) of the lands of Egypt and Canaan seem to be associated with the lands themselves. It could be, of course, that the lands of Egypt and Canaan serve as stand-ins for the inhabitants of those places. After all, the end of Leviticus 18 certainly mentions the former inhabitants of the land. Yet it is also very possible that H would omit the inhabitants in 18:1-5 deliberately.

H might purposefully omit reference to the inhabitants of the land in these particular verses to emphasize that the lands of Egypt and Canaan have their own properties. Lev 18:15 follows the H motif of abstracting the land from its inhabitants and

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giving it its own "personality."[51]   One land, Canaan, clearly cannot tolerate the

impurities listed in Leviticus 18, or it will puke its inhabitants out. The land of Canaan

can incur defilement, but the text does not claim that Egypt can incur defilement. In fact,

Egyptians are not said to have defiled themselves through these practices, either. Only

the inhabitants of the land of *Canaan* can become defiled by committing the acts

described in Leviticus 18 and 20. It should be noted that though the land is said to puke

out its inhabitants on account of their impurity, that this is not an *automatic* consequence

of defilement. Rather, the land puked out its inhabitants when Yahweh "visited its

iniquity upon it" (Lev 18:25). In other words, it is Yahweh who *induces* the vomiting of

the land through punishment. The imagery of the land as a living thing that can eat and

vomit has been used in the P tradition, adopted by H. For example in Numbers 16, the

ground opens and swallows Korah's descendants up and they descend alive into the

underworld (Num 16:30-33). Here also the land acts because of Yahweh's activity (Num

16:20-21).

The reference to Egypt in Lev 18:3 is noteworthy. First, Egypt only appears in

Lev 18:3 and does not reappear elsewhere in the paranetic framing of Leviticus 18 and

20. Second, considering that the Canaanites are usually the target of biblical polemics

against the former inhabitants of the land, the reference to Egypt is out of the ordinary.

Milgrom suggests that the mention of Egypt is supposed to allude to Ham, the infamous

common ancestor of both Canaan and Egypt, who "saw his father's nakedness" and

whose son, Canaan, was cursed by Noah in retaliation for Ham's offense. Milgrom along

with a number of interpreters see Ham's offense--viewing his father's nakedness—as a

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[51] Joosten, *People and Land*, 95.

"homosexual" act of some kind.[52] As a result, the descendants of Ham have become

associated with sexual immorality in general (see also discussion below on "nakedness").

Milgrom's suggestion is enticing. It is seductive because if H refers to Genesis 9 here, H

would, in effect, be asserting that the sexual immorality exhibited by Ham is inheritable

and that this sexual immorality was transferred to his descendants. Consequently, if

Milgrom is correct, H's reference to Ham would render all of the peoples who descended

from him characterized by sexual immorality—a powerful polemic against Canaanites

and Egyptians, indeed. Even juicier still, Milgrom unintentionally suggests that H gives

theological support to nineteenth century racists who claimed that blacks, as descendants

of Ham (through Ham's sons, Cush and Put, traditionally interpreted as African nations),

were characterized by sexual immorality and licentiousness.

I believe that Milgrom is on the right track, but some serious objections can be

levied against his interpretation. First, since Egypt, as a part of the narratological

background assumed by H, is the land from which the Israelites came, the reference to

Egypt makes sense within the narrative of H. It is entirely possible that H refers to Egypt

simply because it is a part of the narrative of the Exodus adopted by H, just as Canaan is.

Consequently, reading Gen 9:21-7 into Lev 18:3 seems superfluous. Second, while a

number of scholars are convinced that Ham's sin was a sexual act, I believe the evidence

for a sexual reading is flimsy and based on an inordinate, myopic fixation on the verbal

root "to uncover" (*glh*) and the reference to "nakedness" in Gen 9:21-23, two terms used

in the sexual idioms of Leviticus 18 and 20 (i.e., "you shall not uncover the nakedness

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[52] Milgrom, *Leviticus 17-22*, 1537. I believe it is problematic both from an analytical point of view and
from an ethical point of view to refer to all sexual acts between people of the same sex (especially in
antiquity!) as "homosexual," which in contemporary parlance denotes a homosexual *orientation*. Not
all sexual activity between people of the same sex (especially activity between males) is an expression
of a "homosexual orientation." See below on Lev 18:22; 20:13.

of…").[53] While the root "to uncover" and the word "nakedness" are indeed used in

Leviticus 18 and 20, proponents of a sexual reading of Gen 9:21-27 tend to pay neither

adequate attention to the very specific use of *glh* in Gen 9:21, which differs significantly

from Leviticus' use,[54] nor do they explore adequately other cultural issues that may be at

play, such as filial piety and the obligation to take care of one's father when he is drunk

and making a jackass of himself.[55]

What makes the reference to Egypt interesting is that it expands H's accusations

of sexual immorality and shines more light on H's view of the land of Israel. This

passage makes a very clear distinction between the land that belongs to Yahweh and the

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[53] The expression "see nakedness" (*rʾh ʿerwâ*) seems to just denote an ocular activity—and that is all. For example, in Deut 23:15 (ET 23:14), Yahweh tells the Israelites that he should not *see* "an indecent thing" in the camp (*ʿerwat dābār*, literally "the nakedness of a thing") in the camp. The "indecent things" Yahweh does not wish to see are defilement by seminal emissions and human feces in the camp—note that feces do not involve the genitalia. On the other hand, a possibly more sexual understanding of "an indecent thing" (*ʿerwat dābār*) appears in Deut 24:1. Here, the verb "to find" (*mṣʾ*) instead of "to see" (*rʾh*) is employed. For another view, see Milgrom, *Leviticus 17-22*, 1531-32. Based on Deut 23:15, it appears as though nakedness, while it can denote genitalia (e.g. Exod 20:26; 28:42, etc.) can mean something unseemly related to the human body. For a defense of the view that Ham committed some kind of sexual violation against Noah, as well as a review of interpreters who hold this position, see John S. Bergsma and Scott W. Hahn, "Noah's Nakedness and the Curse on Canaan (Genesis 9:20-27)," *JBL* 124 (2005): 25-40.

[54] The *binyan* of *glh* in Gen 9:21 is Hitpael (*wayyitgal*), which strongly suggests that Noah disrobed *himself* in his drunken stupor. The Niphal of *glh* can denote either reflexivity or passivity, depending on the context, so the choice of the Hitpael in Gen 9:21 intimates that the author intended to promote a reflexive sense of *glh*. The passive use of Hitpael is apparently very rare and, thus, unlikely here. For a review of the use of Hitpael and Niphal in the Hebrew Bible and the extreme rarity of the passive Hitpael, see Joel S. Baden, "Hithpael and Niphal in Biblical Hebrew: Semantic and Morphological Overlap," *VT* 60 (2010): 33-44, esp. 34-35. Bergsma and Hahn attempt a backflip over the Hitpael by asserting that because "individuals do not typically disrobe because they are drunk," therefore the text must have "erotic undertones" ("Noah's Nakedness," 27). But Lam 4:21 in its personification of Edom presents another example, albeit metaphorical, of a person stripping *(titʿārî)* themselves when drunk. Hab 2:15-16 also envisions a scenario in which mass drunkenness leads to stripping both of oneself and public displays of nudity. People also disrobe in other mental fits, such as prophetic ecstasy (1 Sam 19:24).

[55] As far as I am concerned the actions of Noah's other sons show, unequivocally, that Ham's offense was that he viewed his father's genitalia and did not cover it, as his brothers piously did (Gen 9:23). Just as El's son, Baal, takes care of his father when he is drunk and defecating, so Ham should have made sure that his father was not subject to the illegitimate display of genitalia. Furthermore, Ham informed his brothers of Noah's exposed genitalia, further subjecting his father to public humiliation. Those who see more here are reading a great deal into the text that is simply not there (Milgrom, *Leviticus 17-22*, 1519, 37), when the literal text is perfectly comprehensible according to the themes of filial piety and the general taboo against the inappropriate exposure of genitalia (even accidentally, Exod 20:26).

land of Egypt. These immoral acts are supposedly the custom in the land of Canaan and the land of Egypt. However, it is very clear that the land of Canaan cannot sustain these acts. If these acts are committed on the land of Canaan, the land pukes out its inhabitants.

"Uncover the Nakedness"

I argue above that there is probably no literary dependence between the expression "to uncover the nakedness" in Leviticus 18 and the use of "uncover" and "nakedness" in Genesis 9:21-27, the story of the "Curse of Canaan." But the two passages are connected in another sense. The two passages engage a strong taboo against the inappropriate exposure of genitalia (and certain bodily functions such as seminal emissions and defecation, see n. 53). Both Genesis 9:21-27 and Leviticus 18 underscore the importance of keeping the genitalia covered in ancient Israel and the social importance of viewing genitalia at the right times and in the right contexts.[56] The improper display of "nakedness" constitutes a grave act of social impropriety and is something that brings about serious social stigma to the person whose nakedness is exposed and for people who illegitimately expose someone's genitalia. Elsewhere in the Bible, the malicious exposure of genitalia and the shame that it caused may have even contributed to the beginning of a war (2 Sam 10:4-5, see below).

By using the expression "that is your father's nakedness," the text of Leviticus 18 is keen to delineate clearly that the specific context in which the "nakedness" of a woman can be exposed is within the confines of a marriage relationship with the appropriate

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[56] See also comments of Gerstenberger, *Leviticus*, 247; Additionally, Michael Satlow looks at Hellenistic and Rabbinic ideas of "nakedness" ("Jewish Constructions of Nakedness in Late Antiquity," *JBL* 116 [1997]: 429-454). I disagree with Satlow's view that the Hebrew Bible betrays little social concern about displays of nakedness (452-53), because some biblical texts certainly seem very explicit about communicating a "social understanding" of nakedness, especially in Leviticus 18.

patriarchal head of household. By describing these sexual acts as "uncovering the nakedness," instead of saying something to the effect of, "you shall not lie with," a sex idiom Leviticus 20 uses in addition to "uncover the nakedness," Leviticus 18 engages a nexus of social shame associated with improper display of genitalia.

For men, the inappropriate exposure of their own genitalia is a particularly sensitive issue. In a cultic context, it disgusts Yahweh to see male genitalia in the sanctum (Exod 20:26; 28:42), which demonstrates that even the inadvertent display of male genitalia is a negative thing. The strong condemnation of the exposure of male genitalia to Yahweh, even if accidental, sheds even more light on Ham's offense in Gen 9:21-27 because it shows that even the unintentional inappropriate revelation of nakedness between men can bring down opprobrium on an individual. Note that in Exod 20:26, the word "uncover" (*glh*) is used in the passive (Niphal) to describe the inappropriate exposure of male genitalia in a non-sexual sense. The deliberate exposure of male genitalia humiliates those who are exposed and constitutes an act of domination and power, as Isa 20:4-5 demonstrates:

> The king of Assyria will lead the captives of Egypt and the exiles of Cush, young and old, naked and barefoot, with buttocks (*šēt*) exposed--the exposed genitalia (*ʿerwat*) of Egypt. And they will be dismayed and ashamed (*bôšû*) because of Egypt their hope and Cush their glory.

In another instance, 2 Sam 10:4-5, Hanun the Ammonite exposes the rear ends of David's ambassadors to communicate, forcefully, that he will break off his treaty with David:

And Hanun seized David's servants and shaved off half their beards[57] and cut their garments in the middle to their buttocks (*šĕtôtêhem*) and sent them away...When they told David he sent out to meet them because the men were greatly disgraced (*niklāmîm*). And the king said, 'Remain in Jericho until your beards grow back, and then return.

While the word "nakedness" is not used in 2 Sam 10:4-5, judging from Isa 20:4-5, exposure of the buttocks may amount to exposure of the genitalia. Note also the pairing of exposure with the cutting of the beard, an outward display of masculinity. That Hanun's act constitutes a social outrage is shown by the fact that it makes the Ammonites "putrid" (*nibʾăšû*) to David. The word "to be putrid" (*bʾš*) often has social meaning, and when someone becomes "putrid" to another person in a social context, the understanding is that the offended party will respond (with violence—Gen 34:30; Exod 5:21; 1 Sam 13:4; 27:12; 2 Sam 16:21).

The "nakedness" discussed in Leviticus 18 and 20 is the genitalia of a woman. Of course, the illegitimate exposure of a woman's genitalia also shames her (Isa 47:3; Lam 1:8; Nah 3:5). But in many instances, the exposure of female genitalia is associated with a man sending away his woman (Hos 2:10; Ezek 16:37; 23:29)[58] and, conversely, the covering of a woman's genitalia often signals the woman's entry into a relationship with a man (Hos 2:9; Ezek 16:8, 36).

Uncovering a woman's nakedness in its right time and right place demonstrates respect for social boundaries and social structures. When a woman's nakedness is uncovered at the wrong time by the wrong people it is associated with social breakdown

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[57] So MT. According to LXX Hanun shaves their entire beards (see P. Kyle McCarter, *II Samuel* [ABD 9; New York: Doubleday, 1984], 267).

[58] Again, pace Satlow, "Nakedness," 451. The issue here is not simply vulnerability but dispossession by Yahweh or behavior that characterizes a "loose woman" (i.e., a woman not under the control of a man). Also the vulnerability communicated by nakedness is a part of the social shaming of the process of stripping and being naked.

and, at times, disrespect for the patriarchal household, since the undressing of women is often associated with acting like a loose women (Ezek 16:36; 23:18; Isa 57:8). In Leviticus 18, the concept of "nakedness" is presented as a rhetorical tool to erect boundaries of appropriateness between members of the family. Exposure at the wrong time is offensive and shameful. Exposure of a betrothed or married woman's genitalia to the wrong people is especially scandalous, as the nudity rhetoric in Hosea, Isaiah and Ezekiel demonstrate. Exposure of men's genitalia to the wrong people, at the wrong time is disgraceful and those who expose men's genitalia to humiliate them commit a social outrage.

By using the theme of "nakedness," Leviticus 18 shows that Canaanites and Egyptians did not respect these basic social boundaries and rules of decorum. Leviticus 18 is probably building off of earlier polemics against Canaanites in the Epic (JE) traditions. In these traditions, the Canaanites are accused of committing all kinds of appalling sexual offenses. The JE tradition especially presents the Canaanites as people who are capable of raping women and men (Genesis 19; 34).

The idea that Ham, who is related to Canaan, committed an act against his father that involved sexual *intercourse* or genital contact should be emphatically rejected. But Gen 9:21-27 may communicate some sense of "sexual" *humiliation*, because all socially shameful exposures of the body, including going to the bathroom and seminal emissions were related to the concept of "nakedness." Taking things even further, the tradition of Genesis 19 (Sodom) shows that some Canaanites were thought to humiliate men through sexual intercourse and rape. Judges 19, by contrast provides the proper, Israelite response to such horrors: destroy the people responsible. Of course, the sexual

humiliation of males is not "homosexual," any more than the outrages (*něbālôt* indeed!)

of Abu Ghraib prison in Iraq (exposure of genitalia) or the sexual assault of Abner

Louima (anal penetration) by NYPD officers were "homosexual."

Abominations, Lewdness, and Illegitimate Mixings

H refers to some form of sexual activity between men, possibly a sexual

role thought to be "passive"[59] as an "abomination," calls all of the prohibited actions in

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[59] Literally: "With a male you shall not lie the lyings of a woman; that is an abomination." The sex idiom used in Lev 18:22; 20:13 ("lie the lyings of a woman") is bizarre, even for H. The "as with" provided by most English translations to produce "you shall not lie with a male as with a woman" is a speculative reconstruction that attempts to make sense of this strange expression. Going against the grain of the majority of interpreters, I, like Jerome T. Walsh, suspect that Lev 18:22; 20:13 addresses, specifically the "receptive" man (or, to use a certain vernacular expression, "the bottom") ("Leviticus 18:22 and 20:13: Who is Doing What to Whom," *JBL* 120 [2001]: 201-209). The idiom used for penetrative sex by a man as an "insertive" party is "give your/his lying to" (*ntn šĕkābtô/šĕkābtĕkā* [*lĕzāraʿ*], Lev 18:20, 22-23; 20:18) or just the transitive use of "to lie with" (*škb;* Milgrom, *Leviticus 17-22*, 1571).

To "lie the lyings of a woman" (*škb miškĕbê ʾiššâ*) means to assume the position of a woman because the person specified in the construct relationship with "lying" (*miškāb/miškĕbê*) always refers to the sexual partner(s) opposite to the person specified as the subject. So, to know the "lying of a male" refers to women having sexual relations with men (their partners) and the "lyings" of Reuben's father refers to his father's harem (i.e. his father's partners). To express the idea of a man having sexual relations with a man, he would experience the lyings of a man (for other arguments that arrive at the same conclusion, see Walsh, "Leviticus," 204-205). The use of the plural of "lying" (*miškĕbê*) instead of the singular (cp. Gen 49:4; Num 31:18) may highlight the illegitimacy of the act (Milgrom, *Leviticus 17-22*, 1569).

For a free, Israelite male to put himself in the position of a woman is what is an "abomination" to H. Both the Israelite male who puts himself in that position and the man who puts the Israelite male in that position are to be executed, though perhaps as Olyan argues, the original prohibition in Lev 18:22 was targeted at only one party. Olyan argues that the target was the "insertive" partner (or "the top") in contrast to myself and Walsh ("And with a Male You Shall Not Lie the Lying Down of a Woman," *Journal of the History of Sexuality* 5 [1994]: 179-206). My own interpretation and the interpretation of Walsh brings H's law closer to Mediterranean customs, such as the taboos of the Greek and Romans, prohibiting the sexual penetration of free males. As Walsh notes, Lev 18:22; 20:13 does not address whether or not a free Israelite may anally penetrate a slave or war captive as "the top" (208-209). Other texts acknowledge the deep social outrageousness of (threatened) male penetration against resident aliens and free men in the context of rape (Genesis 19; Judges 19, see discussion on sexual humiliation and the Canaanites).

Another way of looking at the verse that produces a similar result is to see the "lyings of a woman" (*miškĕbê ʾiššâ*) as explanatory of "you shall not lie with a male." The verse would then read, "You shall not lie with a male, [who is] the lyings of a woman; that is an abomination." The "lyings" (plural, not singular) of a person may refer to the person to whom someone is married. As the "lyings" of Reuben's father refer to the father's harem, so the "lyings" of a woman would be a woman's husband (Gen 49:4). In other words, the law is a prohibition on a free Israelite male having sexual relations with another male head of household because one of the two would have to be the bottom.

Because the noun in construct relationship to "lying/lyings" refers to the opposite sexual partner of

Leviticus 18 collectively, "abominations" and once refers to the proscribed acts as "abominable" statutes (18:22, 26-27, 29-30).

One salient question to ask is, "abominations to whom?" Deuteronomy says that illegitimate cult icons, unclean animals, sacrificial victims with blemishes and defects, child sacrificers, sorcerers, necromancers, (cultic?) cross-dressers, the wages of loose women and the payment of dogs, and people who act unjustly are each an abomination to *Yahweh* (*tôʿăbat yhwh* [*ʾĕlōhêkā*], Deut 7:25; 14:3; 17:1; 18:12; 22:5; 23:18; 25:16; 27:15).[60] In Deut 24:4, a woman who has been divorced twice and remarries her first husband is an abomination before Yahweh (*lipnê yhwh*). Elsewhere Deuteronomy says that the cult practices of the Canaanites are "abominations which Yahweh hates" (*śnʾ*, Deut 12:31). The book of Proverbs renders many socially unjust and immoral behaviors, such as lying, false weights, evil devisings, and pride, "abominations to Yahweh" (*tôʿăbat yhwh*). For both Deuteronomy and Proverbs, which share a wisdom outlook,[61] their "abominations" are, primarily, offenses to the deity. It has been argued by some that the use of "abomination" in Deuteronomy primarily refers to matters of cultic impurity.[62] But since the word refers to situations outside of a cultic setting, cultic

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the subject, the other syntactically possible meaning is that the law is a prohibition on two men lying with a woman not addressed by the incest laws at the same time. So, the verse would say something like: "you shall not experience the lyings of a woman with a man." In other words, Lev 18:22; 20:13 would be a prohibition on two men sharing the same woman in a ménage à trois. This interpretation is not as far-fetched as it might seem, since later Rabbinic authors imagined the notion of polyandry and found it horrific. Polyandry may not have been outside of H's moral imagination, either. Yet, this interpretation, while syntactically possible, is contextually unlikely because it would seem as though H would call for execution of all three parties, as in the law prohibiting a man from marrying of both mother and daughter (Lev 20:14).

[60] See list in Paul Humbert, "Le substantif toʿēbā et le verbe tʿb dans l'Ancien Testament," *ZAW* 72 (1960), 222.

[61] See Chapter Three, n. 129.

[62] Humbert avers that the references to "abominations," "aim to ensure the purity of the Yahwistic cult, above all in cultic matters" and "only concern, then, breaches of Yahwism with respect to purity and principally breaches of his cult" (my translation). His explanation that the "abominations" that do not seem to have a cultic setting (Deut 24:4; 25:16) were taken from an older tradition that "coincided with

impurity cannot explain the term entirely, even in Deuteronomy. Rather, Deuteronomy and Proverbs use the language of offense to the deity to stigmatize disapproved social actions and those who commit them. The use of "abomination" in the cognate Phoenician language, which says that the illegitimate opening of a tomb is "an abomination of Astarte" (*t'bt 'štrt*, KAI 13.6), as well as Egyptian concepts of "abomination" (*bw.t*) also suggest that when it comes to "abominations," the offended party is usually—not always—a deity. Because it is usually a deity who experiences the indignation of an "abomination," it is unsurprising that most references to "abomination" target cultic behaviors. But the fact that cultic matters are most frequently referred to as abominations merely suggests that abomination is a term most frequently used to denote offense to the gods (a catchall for "stuff God doesn't like"), not that it is a primarily cultic term.

However, in the Hebrew Bible, the word "abomination" does not only refer to something that is offensive to the deity, since something can be an abomination to a human being, or more precisely, to a group of human beings. Eating food with Hebrews, the profession of shepherding and sacrificing to Yahweh in the land of Egypt are said to be "abominations" to the Egyptians (Gen 43:32; 46:34; Exod 8:26). Someone can even become an abomination to their friends (Ps 88:9 [ET 88:8][63]). And so, there is a social sense to the idea of "abomination" as well.

Deut 7:25-26 may hold the key to understanding this complex term. When it comes to prohibited icons, just as Yahweh finds these icons to be *abominations*, so the Israelites are to utterly *abominate* them (Deut 7:25-26, cp. 12:31). Through the

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his effort to purify the Yahwistic cult" does not seem to explain why "abominations" that take place outside the cult are considered "abominations" if the term is concerned with cultic purity (ibid, 223).

[63] The plural *tô'ēbôt*, probably the plural of intensity, is employed here. *HALOT*, 1703

interchange between "abomination to Yahweh" and "you (the Israelites) shall utterly abominate it" in Deut 7:25-26, DtrH communicates that because Yahweh hates these icons, so should the Israelites. By juxtaposing Yahweh's hatred of prohibited icons with the exhortation to the people to hate prohibited icons, Deut 7:25-26 combines both the divine and social senses of "abomination." It is an abomination to Yahweh and therefore is (or, at least, should be) an abomination to Israel as well. Consequently, the use of "abomination" to describe forbidden foods in Deuteronomy is deliberate (Deut 14:3). As I, following Houston, argued in Chapter Three, Israel has most likely made the diet of West Semitic peoples, based on foods thought to edible for the gods, required for the Israelites in an East Semitic context. The idea of "abomination" as it relates to forbidden food animals is: if the gods hate these foods, we should hate them too. In the same way, the abominations of Leviticus 18 are primarily offenses to the deity, even though Yahweh never says that the offenses are "abominations to Yahweh," as the book of Deuteronomy is wont to do. Yet, the argument of H seems to be that because Yahweh hates these social practices, the Israelites should as well. The use of "abomination" in Leviticus 18 reinforces the entire "holiness" theme of H, in that the Israelites should be holy as Yahweh is holy. As Yahweh, their holy God hates these acts, so Israelites, who are also holy, will adopt his perspective and hate them as well in a kind of *imitatio dei*.[64]

The singling out of a kind of sexual activity between males as an "abomination" has puzzled interpreters. If all of the forbidden acts of Leviticus 18 are "abominations," why does Leviticus 18:22; 20:13 single out this particular sexual act as an

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[64] I employ Milgrom's idea that Israel's conduct is, at times, a kind of *imitatio dei*, but unlike Milgrom, I believe that the people of Israel are already holy, not "aspiring" to holiness (*Leviticus 17-22*, 1604-1607, 1740). Exhortations to the people to *be* holy (Lev 19:2) are not incompatible with the idea that they are holy (Olyan, *Rites and Rank*, 121-22).

"abomination"? Some assert that the double use of "abomination" in Leviticus 18 betrays the work of multiple authors.[65] But if the author of Lev 18:22; 20:13 is not the same author who wrote the framing of Leviticus 18 and 20, what could the earlier author have meant by "abomination"?

It could be that this act is an "abomination" in the same way that people who act unjustly are abominations for DtrH or that differing weights and unjust kingship are abominations for Proverbs or that usury, robbery, murder and other acts of social injustice are abominations for Ezekiel (Ezek 18:13; 22:2). The designation of male sexual activity as an "abomination" may be related to H's view on the treatment of an Israelite, and H's concern with the status of Israelite men in society. Since Israelite men are not to be treated as slaves or oppressed in any way (Lev 25:17, 36-46, 53), in H's worldview, for an Israelite male to submit to penetration would diminish his status and dishonor him.[66] By prohibiting the oppression of Israelites, Leviticus 25 articulates the necessity of maintaining the status of Israelite males. When it comes to Lev 18:22; 20:13, just as an Israelite male may not sell his ancestral property in perpetuity (Lev 25:23), thus voluntarily forfeiting his status as an Israelite male landowner, analogously, he may not voluntarily forfeit his status as a free Israelite head of household, sexually, either. To diminish one's status as an Israelite with respect to gender roles seems to be "abominable" to at least two biblical authors (cp. Deut 22:5[67]). One could imagine that

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[65] See comments in Gerstenberger, *Leviticus*, 247-48.

[66] See discussion in Walsh, "Leviticus," 206-209.

[67] Because cultic devotion to to the goddess Ishtar probably involved cultic performances (not cultic orgies!) that included cross-dressing, Deut 22:5 may be a prohibition on this kind of cultic playacting. However, Deut 22:5 is placed within a series of laws concerning social behavior (also note Daniel Boyarin, "Are There Any Jews in the History of Sexuality?" *Journal of the History of Sexuality* 5 [1995] 343-44, who also suggests that Deut 22:5 is a non-cultic prohibition). For examples of cross-dressing performances in the Ishtar cult, see Henshaw, *Female and Male*, 237, 292-95, comments 305-306.

such an idea could be extended to the resident alien class as well. As people who are to

be "loved" in the same way as Israelites, if resident aliens become heads of households,

they too must maintain the same decorum as Israelite male heads of households (Lev

18:26).

The Rhetoric of Pollution

Some critics argue that is no way to address the kind of defilement that takes

place as a result of violations of the prohibitions in Leviticus 18 and 20. The

consequence of violating these taboos results in what these interpreters call "moral

pollution."[68] That is one possible interpretation that makes good sense of the evidence.

It should be considered, however, that the use of the expression "their blood is upon

them" invokes the concept of blood retribution (*dam ʿal*, Deut 19:10). Just as murder can

be expiated by the execution of the murderer (Num 35:33-34[69]), these sins can be

expiated by the execution or "cutting off" of the offender.[70] To put it another way,

should an Israelite commit any one of these acts, that person becomes a deviant and is

removed from the community either by execution or by Yahweh himself who acts by

"cutting off" the person. This means that the former inhabitants of the land were not

expelled simply because these abominations happened to be practiced in the land, but

because these abominations rose to the level of convention (*maʿăśeh*, 18:3) and customs

(*ḥuqqôt hattôʿēbōt*, 18:30). It should not even get to that point in Israel. If the people

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[68] For now, I will use the term praxiological defilement because, in H, the defilement is directly tied to a
person's practices (*ʿśh*; *hlk bĕḥuqqōt*). For an explication of the idea of "moral pollution" see
discussion below on *Holiness/Defilement and a Center-Periphery Model?*

[69] Though the word for "defile" is *ḥnp* not *ṭmʾ*. The former is commonly used commonly for land
pollution, though *ḥnp* seems to be a synonym for *ṭmʾ* (see Num 35:34)

[70] Which may refer to extirpation of lineage, see Donald J. Wold, "The Kareth Penalty in P: Rationale and
Cases," *SBL Seminar Papers 1979* (Vol. 1; ed. Paul J. Achtemeier; Missoula, Mont.; Scholars Press,
1979), 1-25; Milgrom, *Leviticus 1-16* (ABD; New York: Doubleday, 1991), 457-60.

take action against them, and maintain their relationship with Yahweh, acts that incur bloodguilt can be purged (see also Deut 21:1-9).

The proper way to deal with moral outrages, such as the ones in Leviticus 18, is to destroy those who commit them. Killing those who commit prohibited sexual acts demonstrates that the Israelites have not adopted the convention and customs of the former inhabitants of the land. In this way, H is close in worldview to the author of Judges 19-21. In Judges 20, the Israelites, after hearing of the brutal rape and murder of a Levite's concubine by the men of the Benjaminite city of Gibeah, resolve to kill the male Gibeahites, identified as "lowlifes" (ʾanšê bĕlîyaʿal), "that we may purge the evil from Israel" (Judg 20:13). The violent response has Yahweh's approval, and the Israelites succeed in destroying the city of Gibeah (Judg 20:36-40). The acts of the Gibeahites are identified as "an outrage" (nĕbālâ, Judg 19:23-24; 20:6, 10), similar to the sexual "outrage" of Shechem in Genesis 34 and the rape of Tamar by her brother Amnon. The text distances Israelites from such outrages in Judg 19:30, which claims that "nothing like this has happened or been seen since the Israelites came up from the land of Egypt to this day." The Israelites also show that they, as a people, do not approve of the action when all of the Israelite men unite as "one man" to go up against Gibeah and purge the evil from Israel (Judg 20:11).

Similarly, Leviticus 20 distances the Israelites from the abominations of Leviticus 18 and other socially unsavory deeds[71] by prescribing the destruction of the people who commit them. Not only does Leviticus 20 promote the destruction of the people who commit these acts, it advocates the destruction of the lineage (by Yahweh?) of those who

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[71] Not all of the actions that incur the death penalty in Leviticus 20 were mentioned in Leviticus 18. For the relationship between Leviticus 20 and Leviticus 18, see Nihan, *Priestly Torah*, 454-459.

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commit them. H, like other biblical legal texts, sometimes specifies the way in which a

person is to be executed (20:2, 14; 21:9). For example, when a man marries a woman

and her mother, they are to be burned to death, a particularly gruesome way to go

(20:14). Such brutality, like the extreme punishments of extirpation of lineage or stoning,

communicates the community's revulsion and its emphatic repudiation of the practice.

Such practices will most certainly never become "convention" or "statutes" in the land of

Israel.

Execution for certain sexual violations is an intrinsic *part of* Yahweh's statutes

and ordinances. There are three important charges listed in Leviticus 18 and 20, but each

charge has different consequences. The first command is to not follow the convention

and statutes of the former inhabitants (18:3, 20:7-8, 23). The second command is to

follow Yahweh's statutes and ordinances (18:4-5, 26a; 20:22). The third command is to

not commit any of the abominations (18:26b). The consequence of violating the third

command is that the offender defiles him or herself and is subject to *divine* wrath on

account of the defilement (Lev 18:29-30). To put it another way, the third command is

addressed to the individual Israelite. The offender may, depending on the offense, also

be subject to execution, which, I argue, may have the function of purging the land from

the bloodguilt incurred by the offense. H's perspective is similar to Ezekiel 18's view on

individual responsibility, with some important differences. According to Ezekiel 18, an

individual who commits an offense will be punished for his own offense: "his blood will

be on his own head" (Ezek 18:13) and sons will not "bear iniquity" (*nś' baʿăwōn*) for

their fathers' sins and fathers will not "bear iniquity" for the sons' sins (18:20).

Similarly, those who commit abominations or commit other acts of wrongdoing in H will

be executed; "their blood will be upon them" and the individual will "bear his/her own iniquity" (*nś' ʿāwōn*).

Ezekiel's individual responsibility paradigm, which seems to be shared by Lev 18:26b, brings me to H's second command. If the people do not follow Yahweh's statutes and ordinances—i.e., they do not follow the prescribed remedies for offenders outlined in Leviticus 20--then abominations, which could have been dealt with on an individual basis under normal circumstances, rise to the level of "custom" and "statute" (which violates the first charge to not follow the customs and statutes of the land of Canaan). When it gets to that point, *then* the land becomes defiled.

The land defilement happens in two ways. First, by not following the remedies laid out in Leviticus 20, Israelites allow bloodguilt that has not been expiated to contaminate the land, thus defiling it. In addition, when the people disobey Yahweh's statutes, he also removes his presence (Lev 26:11-12) and their disobedience interferes with his ability to act as sanctifier of the people (Lev 20:8; 21:8). While this is not stated in the text, it is imaginable that Yahweh might refuse to "cut off" defiling people who commit abominations if the people do not maintain their proper relationship with him and defy his statutes. Part of Yahweh's role as "sanctifier" for the people could be to intervene when the people are unable. For example, Yahweh could punish acts performed in secret, or he could intervene when people are unwilling to intervene, as in the case of inaction due to *mōlek* sacrifices. As a result of Yahweh's inaction, offenders will no longer bear their *own* punishment (Lev 20:17, 19; differs from Ezekiel 18), but their pollution will permeate throughout the community and the land. As a result of the widespread proliferation of defilement, the land will puke them out and they will be

subject to *national* defilement (see below) (Lev 20:22). However, should they follow Yahweh's statutes and ordinances by repudiating these social practices through execution, Yahweh himself will assuredly act as an agent excising offenders (and their lineages) from the people (Lev 18:29-30).

National Defilement

The consequence of defilement by the transgressions in Leviticus 18 is not simply that the land pukes the offending nation out, but that the nation itself, collectively, incurs pollution. Lev 18:24 admonishes the Israelites: "Do not defile yourselves by these things, for by all these, the *nations* which I will drive out before you have become defiled." Lev 20:23 adds, "Do not walk in the customs of the nation that I am driving out before you, for they did all these things, therefore I was repulsed (*qwṣ*) by them." The revulsion of Yahweh as well as the defilement that results from their offenses attaches to the nation itself. As a result, H introduces the *nation* (*gôy*) as another entity that becomes defiled in addition to the land and the individual person who sins. Again, the author's decision to place the former inhabitants' statutes (*ḥuqqōt*) in close apposition with actually doing unsavory deeds themselves (*ʿśh*) suggests that the nations were puked out because their offenses rose to the level of being customary.

I would submit that no one—not even Israel—could recover from national defilement as conceptualized by H. When national pollution occurs, it is a permanent condition that leads to the nation's permanent exclusion from their land. As I suggested above, it is possible that the concept of puking out and sending out may not necessarily entail the complete expulsion of all the former inhabitants. Rather, the term seems to also

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include the idea that the former inhabitants are stripped of their social power as free men, and in particular as landowners and heads of household. As they have shown no respect for the patriarchal family in their customs, they are deprived of its social life and are reduced to slaves and people alienated from the cultic life of the land as well as ownership and wealth from the land.

National Defilement, Collective Punishment and H

I believe that national defilement is a permanent condition because the authors of Leviticus 26, a chapter that outlines blessings for obedience to Yahweh's statutes and curses for disobedience to Yahweh's statutes, cannot countenance the idea that Israel would actually commit the acts forbidden in Leviticus 18 and 20 in the same way that the former inhabitants of the land did. To admit that Israel engaged in these acts at the same level as the former inhabitants would be to say that Israel should be subjected to the same fate as these expelled nations. Leviticus 26 does not use the words "abomination" (*tôʿēbâ*) or "lewdness" (*zimmâ*) to describe Israel's (putatively future) sins against Yahweh, nor does there appear to be any direct reference to the sins of Leviticus 18 and 20, with the possible exception of the word "iniquity" (*ʿāwōn*), a catch-all term for acts that incur the disapproval of Yahweh. The only other expression recognizable from Leviticus 18 and 20 is "I will set my face against," which appears in Lev 26:17 in a different context unrelated to *mōlek* sacrifices. Instead, Leviticus 26 describes Israel's transgressions as "sins" (*ḥaṭṭāʾōt*, vv. 18, 21, 26), "iniquity" (*ʿāwōn*, v. 39-40), and "sacrilege" (*maʿal,* v. 40).

Most important, Leviticus 26 does not claim that the land "puked out" (*qîʾ*) the

Israelites because of their iniquity. Instead, Yahweh will make the land

desolate/uninhabited because of the people's disobedience (*šmm*, 26:31, 43).[72]   I would

submit that the difference in terminology is purposeful, and not simply a reflection of a

different author. By this omission, H, like Judges 20 and Genesis 34, and echoing

Tamar's cry (2 Sam 13:12), seems to assert that when it comes to the abominations of

Leviticus 18, "such a thing is not done in Israel." If such a thing were ever to be done in

Israel, it can be effectively expiated by cutting that person or household off from his

people and/or execution.[73] If actions such as those described in Leviticus 18 and 20 ever

did take place in Israel, those who committed them are understood as *deviants* who would

be summarily executed. Such behavior would not in any way *characterize* the people.

Instead of the term "abomination" (which brings *defilement* to the nation), Lev

26:21 uses the term "sin" (plural: *ḥaṭṭāʾōt*), which seems to bring about *desecration*, to

describe *Israel's* offenses. H uses the word "sin" only once (Lev 19:20-22) in reference

to the act of having sexual relations with a slave woman pledged[74] to another man (Lev

19:20-22). There are a multitude of legal issues associated with Lev 19:20-22, which I

will not pursue. But there is one issue here that is relevant to the use of "sin" in Lev

26:18, 21, 26: the sin committed by the offending man in Lev 19:20-22 requires a "guilt

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[72] Joosten, *People and Land*, 127.

[73] Andrea Allgood (personal communication) has pointed out that just because Yahweh is the agent of purgation (e.g., cleansing the people of their defilement with "metaphorical" water) does not make the purification any less efficacious or "real." The "cutting off" of a person by Yahweh, then, may *actually* purify the land. But if Yahweh can magically purify the land through the *kārēt* penalty, how could it ever be defiled? Again, the answer may be related to the terms "convention" and "abominable statutes." Should these acts become customary, then the land will become defiled. Perhaps one of the ways that Yahweh "sanctifies" Israel is by removing deviants supernaturally. If Yahweh removes his presence because of their disobedience, he can no longer act as an agent that cuts off deviants from the community.

[74] The Niphal use of the verb *ḥrp* is a hapax, but it is clearly to be differentiated from the verb *ʾrś*, which is used only when free women are betrothed to free husbands.

offering" (*ʾāšām*). Usually, when a biblical text requires a guilt offering, the offender has

committed some kind of sacrilegious act (*maʿal*)—that is, the sinner has illegitimately

made something holy into something profane (desecration). The relationship between

"sin" and "guilt offering" in Lev 19:20-22 indicates that the author of Leviticus 26 chose

the word "sin" to describe Israel's wrongdoing in order to fit with the overall

characterization of Israel's transgressions as sacrilege (Lev 26:40). Consequently, for H,

the reason the Israelites will be expelled from the land is because they have diminished

their own holiness, thus profaning themselves and committing a sacrilegious offense

against Yahweh, but not necessarily because they have defiled (*ṭmʾ*) themselves

according to the "abominations" of Leviticus 18. Apparently, it is inconceivable in H's

view for the Israelites to be able to defile themselves in the same way that the former

inhabitants of the land did.

The authors[75] of Leviticus 26 made a decision not to use the particularly

stigmatizing, vilifying rhetoric in Leviticus 18 and 20 to describe the transgressions of the

Israelites. If H dates to the Exilic and post-Exilic periods, which I believe to be the case,

it joins the debates that took place during the periods about the culpability of Israel and

the reasons for the Exile. On one side, Ezekiel fumes that Israel (collectively) has

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[75] Many critics believe that Leviticus 26 contains a core, written in the pre-Exilic period and additions
composed during the Exile. Milgrom argues that an H redactor, who wrote during the exile composed
Lev 26:1-2, 33b-35, 43-44, but that the core of the chapter (and most of H) is pre-Exilic. Furthermore,
Milgrom believes that Leviticus 26 represents one of three different H traditions about the Israelites'
relationship with the land and the nature of their expulsion (*Leviticus 17-22*, 1577; *Leviticus 23-27*,
2277-2279, 2363-65). Ginsburg and Levine propose a similar structure even if they disagree with
Milgrom by attributing verses to the exile that Milgrom does not. In Ginsburg's analysis, the exilic
additions took place in two stages: one during the early exile (39-40a, 44-45) and one during the last
days of the exile (33b-37a, 40b-43). See Ginsburg, *The Israelian Heritage of Judaism* (New York:
Jewish Theological Seminary, 1982), 79-80, 100-101 n. 36; Levine, *Leviticus*, 275-81. Like Num
33:50-56, parts of Leviticus 26 claim that the problem is worship of other deities (Lev 26:1 [possibly
exilic], 30) and failure to keep the Sabbath played a role in Israel's expulsion. But there is no reference
to the defiling acts of Leviticus 18 and 20, nor is there a reference to the defilement rhetoric of these
chapters.

committed more abominations than even the nations that came before it and further

asserts that Israel's insufferable behavior can be traced all the way back to the time of its

servitude in Egypt (Ezek 23:3, 19)! Ezekiel also accuses Israelites of committing all

kinds of abominations, including some that are explicitly mentioned in Leviticus 18 and

20, such as sexual activity with women during their period of menstrual impurity,

adultery and child sacrifice (though the expression "passing children through fire" is

used, not "give your seed [as a] *mōlek*"[76]) (Ezek 16:21; 22:10).   H, on the other hand,

avers that Israel has sinned and failed to maintain its holiness by disobeying Yahweh's

statutes and ordinances, which is certainly a grave sin and constitutes grounds for

expulsion.[77] In the debate over what Israel did wrong, H stands between the extremes of

Ezekiel and Jeremiah, who assert that Israel has gone beyond the pale, and Lamentations

which at times protests that Israel's punishment outweighs its transgressions.

However, as culpable as H believes Israel to be, H does not take that extra

Ezekielian step to assert that Israel has done morally reprehensible, defiling actions that

violate H's sense of universal, human decency (Ezek 16:58). H reserves that vilification

for Egypt and Canaan alone. In addition, H does not refer to a number of illicit cult

practices as "abominations," unlike Ezekiel. For H, apparently, certain illegitimate cult

practices that Israel committed, such as the veneration of illegitimate icons (*gîllûlîm*), fall

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[76] See discussion on *mōlek* and child sacrifice in Chapter Three, esp. n. 69.
[77] Knohl argues that Num 14:26-35, another narrative of Israel's disobedience, was written by H
(*Sanctuar*y, 90-92). In this pericope, Yahweh tells the Israelites that the current generation will die in
the wilderness, and that only their children will enter the land because they grumbled (*lûn*) and made
complaints (*tĕlūnôt*) against him. Again, alienation from the land for H is the result of rebellion against
Yahweh, not any kind of defilement. H seems to avoid ascribing the defilement of Leviticus 18 and 20
to Israel.

under the category of "sin" and "sacrilege," not "defilement" (except for necromancy and child sacrifice, accusations not levied against Israel by H in Leviticus 26[78]).

There is yet another difference between the portrayals of Ezekiel and Leviticus, as it relates to the characterization of Israel. In H's view, Israel deserves to be redeemed by Yahweh, at least partially based on its own merit. H sees Israel as inherently more virtuous than the inhabitants of Canaan and Egypt and Leviticus 26's confident prediction that Israel will repent of its iniquity is reflective of H's overall belief in Israel's moral superiority. Thus, Yahweh's decision not to "abhor them to destruction" is both based on Yahweh's covenant loyalty and is justified based on Israel's more worthy conduct. Such an interpretation also supports my own theory of national pollution. According to H, Israel is not permanently excluded from the land because they have *not* defiled themselves and have *not* incurred national pollution, unlike the previous inhabitants.

Perhaps Leviticus 26 also provides an understanding of the rare word, "revile" (*qwṣ*) in Lev 20:23. On the one hand, Yahweh "reviled" the former inhabitants of the land, which resulted in their permanent expulsion. By contrast, Yahweh will not "abhor [Israel] to destruction" (*gāʿal lĕkallōtām*) and permit them to return (26:44). These two expressions may be opposites: to revile a nation means to "abhor them to destruction" and to disembody the people from the land. Israel's wrongdoing is certainly severe, but the overall tone of Leviticus 26 distances Israel from the most abhorrent acts, which

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[78] Or, does the fact that H says that one can be defiled by necromancers, mediums and child sacrifice mean that all illicit cult practices defile in the same way? The singling out of mediums and necromancers as defiling may stem from the idea that it was a very ancient, well-established, "beyond-the-pale" taboo in Israel, said to have been banned (hypocritically) even by Saul (1 Sam 28:9). Also, the strong prohibition against necromancers and mediums may stem from a general ancient Near Eastern fear of witches and other freelance magicians, especially in the Neo-Assyrian period (see e.g., *Maqlû* texts; Henshaw, *Female and Male*, 164-65).

means Yahweh may "abhor" them (temporarily), but he will not be repulsed by them (*qwṣ*) which would lead to their *permanent* defilement and alienation from the land.

When it comes to the redemption of Israel, again, the contrast with Ezekiel is striking. For Ezekiel, Yahweh redeems Israel only for the sake of his reputation in the eyes of the nations, and emphatically not because of anything that Israel has done to deserve his salvific intervention (Ezek 20:9, 14, 22, 44). For Leviticus 26, however, Israel's ability to return is the result of the fact that they have not defiled themselves through pollution and that they repent, in addition to Yahweh's concern with his reputation and covenant.

Dietary Practices

Like DtrH, H uses dietary practices to separate Israelites from foreigners. H adopts P's dietary laws, and makes some important additions at the end of Leviticus 11.[79] The avoidance of certain foods is a part of Israel's ability, through their unique relationship with their God, to separate the clean from the unclean (Lev 11:43-47; 20:24-25). The command to distinguish between the clean and unclean, including clean and unclean animals in 20:25, is connected with Yahweh's decision to separate Israel from "the peoples" in 20:24 by the verb "to separate" (*bdl*):

> I am Yahweh your God, who has separated [*bdl*, Hiphil] you from the
> peoples. So you will make a separation [*bdl*, Hiphil] between the clean
> animal and the unclean animal and between the unclean bird and the clean
> bird. (Lev 20:24b-25).

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[79] Knohl, *Sanctuary*, 69-70.

Just as Yahweh "separated" Israel from the nations, so Israelites must "separate" between the clean and unclean. For the H source, probably composed by priests, the job of imparting the divisions between clean and unclean is, unsurprisingly, ultimately bestowed on the priesthood (Lev 10:10-11).

While H's command to separate clean from unclean is tied to the conceptualization of Israel's holiness, H also insists that eating forbidden animals simultaneously threatens Israel's holiness and its cleanness (i.e., it will defile them). H emphasizes that the consumption of "despicable things" (*šeqeṣ*, a P term) makes one despicable (*šqṣ,* Lev 11:43a; 20:25) and defiles a person (*ṭmʾ,* Lev 11:43b-44).[80] The kind of defilement caused by the consumption of forbidden animals is the very similar, if not identical, to the kind of pollution caused by the sexual prohibitions of Leviticus 18 and 20. The way in which H discusses the defilement that results from eating forbidden foods is very similar to the way in which H discusses sexual prohibitions:

> Do not make yourselves *despicable* with any creeping thing (*ʾal-tĕšaqqĕṣû ʾet-napšōtêkem bĕkol haššereṣ*) that creeps that you not *defile* yourselves by them (*lōʾ tiṭṭammĕʾû bāhem*) and become defiled (*niṭmēʾtem*) (Lev 11:43).

> Do not defile yourselves by any of these things (*ʾal-tiṭṭammĕʾû bĕkol ʾēlleh*) for in all these things the nations that I sent out before you were defiled (*niṭmĕʾû*) (Lev 18:24).

> Do not make yourselves despicable (*lōʾ tĕšaqqĕṣû*) by an animal or bird or anything that creeps on the ground (Lev 20:25).

The consumption of forbidden foods is said to make a person despicable (*šqṣ*), which is virtually synonymous, according to Lev 11:43, with outright defilement (*ṭmʾ*). It is

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[80] For the relationship between H's use of these terms and P's use of these terms, see Milgrom, *Leviticus 17-22*, 1763. For arguments that Lev 11:43-47 was composed by H, see Knohl, *Sanctuary*, 69.

possible that the word *šqṣ* functions as an alternative word for "to defile," much like the word *ḥnp*, which seems to apply most often to defiled land—though see Jer 23:11 for its use with human defilement.

In addition, I believe that the use of the Hitpael imperfect and Niphal perfect of *ṭmʾ* in conjunction with the preposition *bĕ-* point to the fact that H sees food pollution as something similar to sexual pollution (11:43; 18:24, 30). The verb "to defile" (*ṭmʾ*) can appear in the Piel form with the direct object "oneself" (literally: one's soul) (*ṭimmēʾ ʾet-nepeš*) and mean basically the same thing as the Hitpael form (to defile oneself). The verb can also be used intransitively in the Qal in the sense of "be defiled" as it is often used in the infinitive in Leviticus 18 (18:20, 23, 25, 27; also 19:31) and in the imperfect to describe the defilement of the land (Lev 18:25). The Hitpael of *ṭmʾ* is used only of people defiling themselves with forbidden foods, the forbidden acts of Leviticus 18 and 20, and priestly corpse pollution (Lev 21:1, 3).   The Hitpael of *ṭmʾ* + the preposition *bĕ-* is only used by H for the consumption of forbidden foods and the forbidden acts of Leviticus 18. Also, the Niphal form of *ṭmʾ* is only used of eating forbidden foods and the forbidden acts in H. Secondly, 11:43 and 18:24 are structurally comparable in that there is a progression from Hitpael imperfect + *bĕ* to Niphal perfect + *bĕ* to express the defilement caused by either forbidden foods or the forbidden acts. All of these philological observations suggesting that food and sexual defilement are very similar are supported by the fact that H tacks the consumption of forbidden foods near the end of chapter 20, right after a section that warns against defilement of the land due to the acts for which it prescribes penalties.

However, the subjects of the Niphal perfect (i.e., the subjects of the passive voice) are different in 11:43 and 18:24, respectively. In the former, the people who are defiled due to eating forbidden foods are the implied "you" of the second person perfect plural (i.e., the Israelites), whereas the subjects in 18:24 are the nations who became defiled by the forbidden acts.

The different subjects could suggest that the kind of defilement discussed in Lev 11:43 is slightly different from the defilement in Lev 18:24 because the former might express individual defilement, whereas the latter could express "national" defilement, as I call it. I suspect, however, that both uses of the Niphal perfect refer to *collective*, national defilement, whereas the Hitpael imperfect refers to an *individual's* defilement of him or herself with either forbidden foods or forbidden acts. In other words, the Hitpael communicates a distributive sense of defiling oneself, but the Niphal communicates the collective sense of defilement. National pollution, as I have discussed, results in collective, national defilement and punishment, but individual defilement results in execution and/or individual punishment by Yahweh. All told, Lev 11:43 and 18:24 are admonishments, saying: Do not defile yourself in this way, because acts such as these put the entire nation at risk. As I have also discussed, the system of defilement has a few stopgaps such as execution and, ultimately, Yahweh's intervention, which involves the removal of an offender and his progeny from the community. At the same time, these verses recognize the inherently dangerous nature of these acts and the fact that widespread commission of these offenses has serious, irreversible consequences.

Lastly, it should be noted that P's dietary laws try to give what are really West Semitic dietary customs an air of legitimacy by suggesting that the prohibitions are based

on observations of the natural world (hoof, ruminant, fin and scale classification) and, ultimately, rooted in a kind of cosmological knowledge of the universe.[81] The acceptance of these Priestly laws and their cosmological outlook by H may be related to H's view that Yahweh's statutes and rulings are regulations "by which a man might live" (Lev 18:5). For H, the division of the world into clean and unclean and the classifications of animals into their respective places is understood as universal knowledge that is not simply localized to Israel's society. This universalization of Israel's dietary laws, and the close association of dietary laws with sexual practices expresses a common motif in the history of ethnographic caricatures of foreigners. One finds the denigration of both sexual and dietary customs frequently in ethnographic literature that attacks the social customs of alien peoples. H seems to be no exception, linking what it considers to be defiling dietary customs with defiling sexual behaviors.

Foreigners and Illicit Cult Practices in H

Considering that rhetoric accusing the Israelites of adopting foreign gods and foreign cult practices litters DtrH, it is remarkable that H never uses the kind of alienating language found in DtrH to refer to illicit cult practices, such as sacrifices to "goats,"[82] the construction of molten gods, cult icons, standing stones, divination, sorcery, and inquiring of the dead (Lev 19:4, 26, 31; 20:6, 27; esp. 26:1). The absence of explicit

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[81] Nihan, *Priestly Torah*, 333.

[82] A number of scholars interpret the reference to "goats" as "goat demons." Milgrom suggests that Lev 17:7 is an H polemic against the scapegoat ritual for Azazel, described by P in Leviticus 16. Many interpreters take Azazel to be a deity of some kind, which may be true. Whoever, or whatever, Azazel might be, even if H polemicizes against Leviticus 16, P's ritual is not described as foreign. Azazel receives a goat, which is to be "offered" (*hiqrîb*) on account of the sins of *Israel*.   If Milgrom is correct, Lev 17:7 targets a practice that is, according to the text, very indigenous to Israel, not a practice that is deemed to be foreign. For more speculation about what Lev 17:7 may refer to, see Maciej M. Münnich, "What did the Biblical Goat Demons Look Like?" *UF* 38 (2006): 525-535.

rhetoric stigmatizing these cult practices as foreign is quite noticeable, considering H's

willingness to characterize sexual activities and child sacrifices (or *mōlek* offerings, see

below), which H opposes, as foreign (Lev 18:3, 24-30; 20:22-23).[83]

The only cult practice presented as foreign is the *mōlek* sacrifice, which appears

within the polemical, anti-Canaan and anti-Egypt framing of Leviticus 18 and the anti-

former inhabitants framing of Leviticus 20. The prohibition on necromancy falls outside

of the framing (Lev 20:27) and may have been tacked on to Leviticus 20 because it, too,

was seen as something uniquely defiling (Lev 19:27). Milgrom argues that necromancy

and the *mōlek* are placed in the same chapter because they both deal with ancestor

worship. My objections to this position will be outlined below. Yet, there is evidence

here that even the *mōlek*, while it is said to have been practiced by Canaanites (and

Egyptians?), was a sacrifice that might be offered for Yahweh (and presumably the

national gods of the Canaanites and Egyptians). In Chapter Three, I already discussed

possible reasons that the *mōlek* is probably a kind of sacrifice, instead of a deity. But

there is more evidence within the text of H to suggest that the *mōlek* would be offered to

Yahweh and was not intended for another deity.[84]

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[83] Knohl and Milgrom suggest that Num 33:52-53, which mention illicit cult practices and associates them with the "inhabitants of the land" is H. I disagree with this view. Much of the vocabulary in Num 33:52ff is Deuteronomistically inspired. "Inhabitants of the land" is more popular with DtrH, not H, who uses "its inhabitants" (see terminological discussion below). Some words that are used for the illicit practices are more popular in H and H-like texts, e.g., "carved image" (*maśkît*, Lev 26:1; Ezek 8:12) but others are popular in DtrH texts, e.g., "molten image" (*massēkâ*, also used in H, Lev 19:4). Furthermore, the expression "pricks and thorns in the sides" as I demonstrated in Chapter Three, are common DtrH expressions (Num 33:55). The entire scenario where the inhabitants of the land are continually a threat is a scenario envisioned in DtrH. I would suggest that Num 33:50ff is a late addition, perhaps by the redactor of the entire Pentateuch (not H, as some argue), that combined DtrH and H words and expressions.

[84] The expression "play the harlot after the *mōlek*" *(liznôt ʾaḥărê hammōlek)* is a sticking point for some exegetes and a major barrier that prevents them from accepting the theory that the *mōlek* is a kind of sacrifice (Milgrom, *Leviticus 17-22*, 1556; Joosten, *People and Land*, 150). The fact that there is no biblical expression "act like a loose woman with" (*znh ʾaḥărê*) a sacrifice and because the expression "act like a loose woman with" is usually employed to refer to veneration of illegitimate deities or illicit

The use of the idiom "to profane the name…" in reference to the *mōlek* suggests that H understood that they were sacrifices for Yahweh. Yahweh says that the *mōlek* "profanes the name of Yahweh your God" (*tĕḥallēl ʾet-šēm yhwh ʾĕlōhêkā*, Lev 18:21) and "defiles my sanctuary and profanes my holy name" (*ṭāmmēʾ ʾet-miqdāšî ûlĕḥallēl ʾet-šēm qodšî*, Lev 20:3). In all of the instances in which H asserts that Yahweh's name has been profaned, H aims the assertion at an act that involves Yahweh directly. For example, unsurprisingly, H claims that improper invocation of the divine name either by swearing by it falsely or using[85] it in an inappropriate context (i.e. "in vain") profanes Yahweh's name (Lev 19:12; 24:11, 15). Importantly, however, improper handling of holy food offerings, either by a priest who has profaned himself in some way or by the failure of a priest to properly "dedicate himself to the holy food offerings" also results in the profanation of Yahweh's name (Lev 21:6; 22:2).[86] Lev 21:6 says that the Aaronids are "holy to their god, so they shall not profane the name of their God because they make the offerings of Yahweh (*ʾiššê yhwh*)—the food of their God. They will be holy." Lev 22:2 says that the Aaronids "will dedicate themselves (*yinnāzĕrû*) to the holy food offerings of the Israelites, that they not profane my holy name because they are my holy

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cult practices continues to prompt scholars to support the notion that the *mōlek* is, in fact, a deity. Yet, a range of nouns seems to be compatible with the expression "act like a loose woman with." Aside from "acting like a loose woman" with illegitimate deities and other illicit cult practices and cult functionaries, people can "act like a loose woman with" people of other nations (Num 25:1 [J]; Ezek 16:26-28), an ephod (Judg 8:27, clearly a Yahwistic cult object), even their own hearts and eyes (Num 15:39, probably not a reference to veneration of illegitimate deities). In addition, the metaphorical terminology of "acting like a loose woman" (*znh*, without *ʾaḥărê*) is not limited to acts that involve the veneration of other deities or illicit cult practices. "Loose woman" imagery with the root *znh* can be used to describe disobedience against Yahweh generally (Ps 73:27) as well as disobedience in matters of social justice (Isa 1:21) and diplomacy (Isa 23:17; Ezekiel 16; 23:3, 30).

[85] As pointed out by Kamionkowski, the root *nqb*, sometimes translated "to blaspheme" can also mean "call the name of," which is how I take it here. S. Tamar Kamionkowski, "Leviticus 24:10-23 in Light of H's Concept of Holiness" in Shectman and Baden, *Strata*, 79-80.

[86] This would include, for the priest, a failure to maintain his holy status. In Lev 21:1-6, corpse *defilement* results in the *profanation* and defilement of the priest, which, in turn, leads to profanation of Yahweh's name (compare 21:4, 6).

food offerings." With the latter examples, improper handling of Yahweh's food is said to profane Yahweh's name.

While most of the acts that profane Yahweh's name in H are connected to Yahweh directly, H does not claim that other banned cult practices, such as divination and sorcery, the forging of cult icons and standing stones, and sacrificing to goats profane the name of Yahweh. H's approach to illicit cult practices may differ from Ezekiel's approach, which claims that all illicit cult practices, including both child sacrifice and homage to illegitimate icons (*gillûlîm*) in general do, in fact, profane Yahweh's name (Ezek 20:39).[87] In H, the *mōlek* is the only illicit cult practice said to profane the name of Yahweh. The singling out of the *mōlek*, uniquely among all other illicit cult practices, as the cult practice that profanes the name of Yahweh strongly suggests that the sacrifice was thought to be intimately connected with Yahweh.[88] H, then, takes a position like that of Deut 12:31, which says that child sacrifice is an abomination that was practiced for the Canaanites' own gods, but that should not be done for Yahweh. Similarly, for H, the

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[87] In addition, other texts suggest that immoral social acts profane Yahweh's name (Amos 2:7; Prov 30:9). I do not agree with Milgrom's contention that Ezek 20:39 decries "the syncretic practice of serving YHWH with gifts and at the same time worshipping idols." For Milgrom, the reason *mōlek* sacrifices profane the name of Yahweh for H is because H wants to counteract the common notion that "Molek worship is not incompatible with the worship of YHWH." Interestingly, Milgrom did not incorporate his observation (noted by him later on 1589) that *Yahweh* takes credit for the "gifts" (*mattānōt*, probably children who are sacrificial victims—see Ezek 20:25-26) that Ezekiel condemns in Ezek 20:39. Because Ezekiel 20 deals with worship at "high places" (*bāmâ*, Ezek 20:28-29), it is very possible that in Ezekiel 20, the illegitimate icons decried by Ezekiel are local manifestations of Yahweh (and their requisite icons/objects, Ezek 20:32), which Ezekiel thought were illegitimate for his conception of Yahweh's cult. Again, in Ezekiel, much of the evidence points towards child sacrifice being a Yahwistic practice (cp. Ezek 16:36).

[88] Judging from the ways in which child sacrifices are used—to produce a favorable outcome for a request (Judg 11:30-40; 2 Kgs 3:24-27)—perhaps, like the improper use of Yahweh's name (Lev 24:11, 15), the *mōlek* sacrifice was seen as an illegitimate invocation of Yahweh's power. Milgrom's suggestion that child sacrifices were entreaties to chthonic deities to produce favorable outcomes for ancestors in the underworld because Yahweh was believed to have no power there, appear to contradict biblical texts showing that child sacrifices were offered to produce favorable outcomes for the living. Strangely, Milgrom is aware of these uses of child sacrifice, but still maintains that the practice was supposed to be efficacious in the underworld (Leviticus 17-22, 1771)

mōlek is, indeed, an abominable cult practice performed by other nations, but it is one that must not be practiced for Israel's own God.

If the foreignness of the *mōlek* is mitigated by an understanding that the offerings are made for Yahweh, it would appear that there are no illicit cult practices that H characterizes as thoroughly foreign. As I noted in Chapter Three, DtrH's characterization of illicit cult practices as foreign was a purposeful decision. That H is less inclined to characterize illicit cult practices as foreign makes the fact that DtrH deliberately highlighted the foreignness of the cult practices even clearer. H shows another way in which illicit cult practices could have been conceptualized: as devisings of Israel's own mind. H does not blame illicit cult practices on foreign peoples who may entice Israelites to sin; they are home-grown abominations and acts of disobedience. Possibly, Numbers 15, which may have been written by H as well,[89] provides an interesting contrast between H and DtrH. H admonishes the Israelites to "remember all the commandments of Yahweh and do them. And do not seek after your own heart and your own eyes after which you acted like a loose woman" (Num 15:39). While this passage is a direct response to a story in which a man violates the Sabbath and is executed by stoning, it seems to be a window into the worldview of H. The biggest threat, for H, is the mind of the Israelite—an Israelite's own "heart" and "eye," which would lead him or her to violate Yahweh's statutes. For DtrH, the expression "acting like a loose woman with" (*znh ʾaḥărê x*) refers exclusively to illicit, usually foreign (except Judg 8:27), cult practices (Deut 31:16; Judg 2:17; 8:27, 33; also Deuteronomistically inspired Exod 34:15-16). Conversely, for H, "acting like a loose woman" can refer to general violations of Yahweh's commands, such as violating the Sabbath (Num 15:39), along with

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[89] Knohl, *Sanctuary*, 53

veneration of other deities (Lev 17:7) and illicit cult practices, such as the *mōlek* (Lev 20:6).

Intermarriage

Unlike DtrH, which fears intermarriage with Canaanites, intermarriage with foreigners is not prohibited by H, a glaring omission noticed by a number of scholars.[90] Considering how dangerous H considers the statutes of the nations to be, the absence of a prohibition on intermarriage is interesting indeed. However, if Knohl is right and Num 25:6-18; 31, stories about Israel's conflict with Midian, were composed or compiled by H, the H corpus contains a major intermarriage polemic.[91] In Num 25:6-18, Yahweh sends a plague on the Israelites because of an intermarriage between an Israelite man and a Midianite woman. When Phineas, the progenitor of the legitimate priestly line (according to P), kills the Israelite Zimri and his Midianite wife Calu, he effectively ends the plague that Yahweh sent on the Israelites (Num 25:8) (see also discussion in Chapter Three).

Numbers 25 is an interesting combination of sources. On the one hand, Num 25:1-5 (not H) highlights the foreign cult practices of the Moabites as a reason to cast aspersions on the Israelites' social intercourse with them. But Num 25:17-18 (possibly H) highlights "hereditary punishment" as a rationale for disassociation with Midian. Here, Yahweh commands the Israelites to "be inimical towards" Midian (*ṣārôr*) because of the Midianites' past treachery with respect to an incident with the prophet Balaam (cf. Num 31:16). In Num 31:2-3 (H), Israel's attack on Midian is described as vengeance for

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[90] Milgrom, *Leviticus 17-22*, 1584-86.
[91] Knohl, *Sanctuary*, 96-98.

past actions, but the passage does not mention their foreign cult practices. If Num 25:6-18 and Numbers 31 were, in fact, composed by H, then the negative attitude towards intermarriage also conveys H's hesitancy to associate illicit cult practices with foreign people. Because most illicit cult practices are not stigmatized as foreign in H, H does not especially target foreign peoples as forces that will seduce Israelites to perform illicit cult practices. Instead, H uses another rationale, *hereditary punishment*, to explain its attitude about intermarriage when it comes to Midianites, which contrasts with the presentation of the Moabites in Num 25:1-5. Notably, H's negative attitude toward intermarriage with Midianites is only directed at Midianites (who are, incidentally, not considered "Canaanites" in other biblical sources). There does not seem to be a polemic against intermarriage with Canaanites or with foreigners in general in the entire H corpus.

Ethnocentrism in H

As one can ascertain by reading the laws in Leviticus 18 and 20, the land is very important in H's conceptualization of Israelite ethnicity and it shares some important similarities with DtrH's focus on the land in Deuteronomy 29 and 32. H's ethnocentrism is also tied to the idea that the people of Israel are holy and their presence on the land is intrinsically connected with their ability to maintain their holiness. In some respects, H's view is very similar to DtrH's view that Israel is a "holy people" (Deut 7:6; 14:2, 21; 28:9) and that Israel has a unique relationship with its God, with some important differences.

Israel's unique relationship with its God is expressed through Yahweh's "statutes" (*ḥuqqôt*) and "rulings" (*mišpāṭîm*), which Israel must follow (Lev 18:4-5). Yahweh's statutes and rulings are universalized as good for all of humanity because by them "a human being (*ʾādām*) will live" if he does them (18:5). The universalizing of H in this respect is evocative of the tradition in DtrH, which asserts that Israel has access to laws that could make them the most wise and discerning people (Deut 4:6). The dietary laws, which come from Yahweh's desire to separate Israel from the peoples stem from this overall universalizing tendency in H. The separation between "clean" and "unclean" is not simply a separation relevant for the Israelite, but is a statement about the cosmic order. Yet, unlike DtrH, H understands this privileged knowledge as revealed knowledge of what is pure and what is defiled, instead of "wisdom" (*ḥokmâ).*

To say that Israel is the only people that truly knows the separation between holiness and profanity and impurity and purity is a commentary on the cultic practices of other peoples (*ʿammîm,* Lev 20:24). Since, throughout the ancient Near East, knowledge of purity and pollution is necessary to participate in divine cults, and even to create cult icons, H's assertion that only Israel has access to this knowledge implies that other peoples' cults are inferior. Similar to the portrayal of the Gutians in the *Weidner Chronicle*, but reversed, H effectively claims that *only* Israel truly knows how to worship God properly. But rather than targeting a specific group, such as the Gutians, for their improper rituals, H uses the idea of improper worship to stigmatize all other peoples. It is hard to say whether or not H promotes "monotheism," but it is certainly clear that H sees the cults of other peoples as inherently defective.

As noted above, paired in opposition to the "convention" (*maʿăśeh*) of the land of Canaan and Israel, statutes and rulings probably refer to the customs of the people who live in the land, the way of life, or perhaps even the "culture" ascribed to the inhabitants. For H, it was customary for the former inhabitants of the land to commit wanton sexual acts and sacrifice children to their own gods. Conversely, for the Israelites, it must be customary to ruthlessly punish those who commit such wanton sexual acts and child sacrifices.

Following Yahweh's statutes and rulings has two effects: first and foremost, the statutes keep the people from polluting themselves and as a consequence, incurring the condition of national pollution, which permanently alienates them from Yahweh, who will be repulsed by them (*qwṣ*) and induce the land to puke them out. Following Yahweh's statutes also maintains the people's holiness (Lev 11:44-45; 19:2; 20:26) so that Yahweh will continue to be present among his people (Lev 26:11-12), and act as their sanctifier (Exod 31:13; Lev 20:8; 21:8, 15; 22:9).

There is a reciprocal—or, as Milgrom put it, "dynamic"—relationship between the people's holiness and Yahweh's activity as their sanctifier. On the one hand, the people are not intrinsically holy, but Yahweh must bestow that status to them in his role as divine sanctifier. At the same time, in order to keep Yahweh's presence as a sanctifier, they must follow his statutes and "be holy." In addition, for H, the Israelites are "slaves" of Yahweh who live on his land as resident aliens and their continued residency on the land is contingent on following Yahweh's rules (Lev 25:55).[92] Some interpreters believe

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[92] For discussion of the "slavery" imagery of H, see Joosten, *People and Land*, 98-100, 113-114. Joosten relies on Moshe Weinfeld's observation that in Mesopotamian, Hittite, and Greek texts, the people of cities liberated by worldly kings were given to gods to serve in the gods' temples as "slaves" of the God, settled around the sanctuary on land belonging to the god.

that there is a major difference between DtrH's conception of the people's holiness and H's conception of the people's holiness because DtrH supposedly claims that the people are "intrinsically" holy, whereas H asserts that the people must aspire to holiness.[93] I do not believe that there is a significant difference between the perspective of the two sources. The views of both H and DtrH suggest that the holiness of the people is tied to actions that maintain that holiness. Deuteronomy 7 connects the assertion of Israel's holiness with the exhortation to follow Yahweh's commands: "You are a holy people to Yahweh your God...therefore you shall keep the commandment and the statutes and the rulings which I am commanding to you today, to execute them" (Deut 7:6, 11).

Holiness and Defilement as Expressions of a Center/Periphery Model?

The land, as well as the identity of its possessors is central to H's concepts of holiness and defilement. Before H even mentions the peoples who lived on the land specifically, H draws attention to the practices of the *lands* of Canaan and Egypt. It seems as though the land of Canaan, uniquely, can be defiled by the practices delimited in Leviticus 18 and 20. Furthermore, without possession of the land, the former inhabitants are no longer a threat. The land is threatened by the forces of defilement and is also threatened by the possibility that the people who inhabit it will not live up to Yahweh's standard of holiness.

The consequences of not following Yahweh's statutes and rulings for Israelites are that the people will profane themselves and Yahweh will punish them through disease, crop failure and bad harvests, as well as enemy attacks. The culmination of this punishment is that the land will be abandoned (ʿzb) and desolate (šmm) and the people

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[93] Joosten, *People and Land*, 96.

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will be scattered among the nations--an obvious reference to exile. However, if they do

follow Yahweh's statutes and rulings, they will experience well-timed rains, good

harvests, freedom from enemies and wild animals in addition to population growth (26:1-

13). Similar to the description of the land in Deuteronomy 28 and 32, the descriptions of

Israel's blessings are idyllic and near perfect. The consequences of disobedience are just

as horrific as the punishments in DtrH, including the threat of foreign invasion. By

contrast, however, the imagery of a faraway, barbaric nation that appeared in the

punishments of DtrH does not appear in H.

A number of scholars have pointed out that P's schema, which was adopted with

modifications by H, seems to assume a system of order and chaos based on the ritual life

of Israel, through which the chaos of the outside is kept at bay by the rituals performed at

the temple.[94] For example, the "scapegoat" ritual of P, which sends the "iniquity"

(ʿāwōn) of the community into the wilderness associates lands outside of Israel with sin.

The scapegoat ritual expresses:

> ...the antinomy between the figures of Yahweh as the creator of a
> coherent, civilized world whose microcosmic model is the sanctuary.
> Although this world is continuously threatened by the forces of chaos and
> antistructure that rebel against the organizing scheme of the creator God,
> such forces do not properly respond to it...Israel as the 'priestly nation' in
> the universe is called to restore the perfection of original creation by
> sending all physical and moral transgressions where they belong by means
> of the ceremony of [Leviticus] 16.[95]

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[94] William K. Gilders, *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore, Md.: Johns
Hopkins University Press, 2004), 134-35; Frank H. Gorman, *The Ideology of Ritual: Space, Time and
Status in Priestly Theology* (Sheffield, England: JSOT Press, 1990), 62-102; Nihan, *Priestly Torah*,
371-75.
[95] Nihan, *Priestly Torah*, 374.

H reinforces the Priestly worldview, by tying the correct implementation of Yahweh's statutes and ordinances to the well-being of Israel. Obedience to Yahweh's statutes and rulings creates an ideal, paradisaical community that hearkens back to Creation, complete with Yahweh walking among his people, just as Yahweh walked with Adam.

The land must be protected from all kinds of defilement. In H, there are two kinds of defilement: the defilements that stem from the acts committed in Leviticus 18 and 20 as well as the defilements of Leviticus 12-15, which H seems to adopt (Lev 22:3-9). I use the term praxiological defilement to describe the defilement that is a consequence of the actions of Leviticus 11:43-47; 18; 20 and use the term bodily/corporeal defilement to describe the defilements described in Leviticus 12-15. Praxiological defilement is defilement that results from conscious praxis or actions ("*doing*" [ʿśh] abominations; "*walking* in statutes" hlk běḥuqqôt) and not from bodily *functions,* or what I call "bodily/corporeal" defilement. I disagree with those who claim that bodily defilement is not dangerous, or that bodily defilement is just concerned with keeping impurities away from sancta.[96] While Jonathan Klawans' observation that bodily defilement is not inherently "sinful" (though I prefer to say that the person does not "incur guilt" [nś' ʿāwōn] due to bodily defilement, rather than use the occluding English term "sin") is well-taken, his idea that the failure to cleanse oneself of bodily defilement becomes "moral pollution" is problematic.[97]

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[96] Tivka Frymer-Kensky, "Pollution, Purification and Purgation in Biblical Israel" in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman* (ed. Carol L. Meyers and M. O'Conner; Winona Lake, Ind.: Eisenbrauns, 1983), 399, 405, quoted in Jonathan Klawans, *Impurity and Sin in Ancient Judaism* [New York: Oxford University Press, 2000],15-16.

[97] It becomes the "wanton sin of refusal to purify" which in and of itself defiles the sanctuary. To not purify is indeed a "sin," but it is intrinsically connected with the person's continued bodily defilement. Klawans, *Impurity and Sin*, 25.

Rather, the moral imperative to cleanse oneself of bodily defilement stems from the fact that bodily defilement is inherently dangerous, if it is not contained. The inherent danger of bodily defilement is demonstrated by the case of the defiling skin-disease (ṣāraʿat), usually translated "leprosy." A person with an intractable case of the skin-disease must dwell outside the camp (Lev 13:46 [P]), showing that if *certain* bodily defilements persist, the continued presence of those defilements are a threat to the entire community. Perhaps the skin-disease is a special case because it may have been thought to be contagious, but the same idea is expressed in Numbers 19:13, 20. A person who does not purify himself or herself from corpse defilement must be cut off from the people and that person defiles the sanctuary (remotely), not because he has committed an act of so-called "moral pollution," but simply because "he has been defiled; his [*bodily*] defilement will *still* be in him" (*yihyeh ʿôd tumʾātô bô*). The rhetoric of "defilement" (*ṭmʾ*) in Num 19:13, 20 is too fluid to allow a clear demarcation between "moral" and "ritual" defilement.

It is true that the *instantiation* of bodily defilement does not incur guilt, but the *persistence* of some bodily defilements can incur guilt, because the persistence of bodily defilement can threaten the community and the sanctuary (Num 19:13, 20). At any rate, at least some bodily defilements pose a clear and present danger to the community because those with these persistent bodily defilements must be removed from the community (Lev 13:46; Num 19:20). In addition, *all* bodily defilements must ultimately be removed from the community through ritual, demonstrating the danger that body defilement in and of itself poses (Lev 16:14-19 [P]).

The difference between bodily defilement and praxiological defilement is that bodily defilement can be contained through the performance of rituals by the person who is defiled and the source of the defilement is often a bodily function or another natural bodily process (like death or disease), whereas praxiological defilement must be expiated and contained by other means, usually by an *outside party*: execution, cutting off, or forgiveness and expiation by Yahweh who may perform a "metaphorical" ritual.

But while sin and chaos are associated with the periphery, the *people* who are most likely to bring that kind of chaos to the community are not peoples from faraway lands, but the Israelites themselves. Even more than DtrH, H expresses the idea that the people who would be responsible for bringing the chaos of the periphery come from within the community. The "hearts" and "minds" of Israelites and their propensity to "act like a loose woman" are what threaten the idyllic, paradisaical community and ultimately, their habitation on the land. At the same time, H seems hesitant to imagine a scenario in which Israel can permanently defile itself in the way that the former inhabitants do.

Conclusion:

Non-Peoples and Foolish Nations

In Chapter One, I argued that ethnicity should be defined as a way of categorizing people in which actors posit that category members share a common, nonobvious essence (the mental process of *essentialization*). I further argued that actors engage in abstract speculation about *why* category members share a common essence and that, when it comes to ethnicity, this abstract speculation revolves around the themes of "common ancestry" and "common territorial origins" (the process of *naturalizing* the "essence"). Furthermore, culture and ideology deeply inform concepts of ancestry and territorial origins. Different societies (and even various people and social groups *within* a society) have varied notions of what constitutes "ancestry" (e.g., descent from a common ancestor, genetics, different creation myths) and "territory" (expressed through ideologies of "landscape"). When it comes to perceptions of "landscape" relevant to constructions of ethnicity, they are informed by the ideological importance actors ascribe to the various *geographic spaces* that surround them. Geographic spaces are human conceptualizations of space that are outside the boundaries of what a person can experience through normal locomotion with a human body. Additionally, the kind of "territories" associated with ethnic group members should be considered geographic spaces. In fact an association of ethnic group members' origins with geographic space is what distinguishes ethnic group constructions from other similar group constructions, such as the constructions of tribes, bands and clans. Actors may associate the common essence of members of bands, tribes and clans as with smaller spaces, such as *environmental spaces*—spaces that can be

experienced by normal human locomotion in a piecemeal fashion. As a result, the size of the space corresponds with the size of the group being constructed. Ethnic group construction involves positing that group members are part of a very large, abstract kinship structure, and so, the geographic space is, correspondingly, large and fairly abstract (since a person cannot experience the space through locomotion). Bands, clans, and tribes are smaller, more intimate groups and so, correspondingly, actors associate group members' essences with smaller, less abstract spaces that can be experienced more concretely via the human body.

I also averred that speculation about ethnic group members' essences (the process of *naturalization*) is most likely to be perceptible in abstract communication about ethnic groups, and especially in "off-line" reasoning. This is where my assessment of Mesopotamian texts and biblical texts becomes relevant. Written texts—and especially literary texts—are mediums for abstract communication, and as mediums for abstract communication, Mesopotamian and biblical texts demonstrate that ethnic group construction is something that human beings do cross-culturally and diachronically. The terminology that Mesopotamian texts and biblical texts use to describe foreigners, as well as the imagery about foreigners, betray a concern with tying foreigners' "essences" to ancestry and geographic origins. Indeed, most of the foreigners addressed in Mesopotamian and biblical texts can be described as *ethnic* foreigners. When something or someone is foreign, the "foreign" object or person is thought to be in a space to which it does not "belong." For a person to be deemed foreign, he or she is thought to be in an environmental or geographic space to which he or she does not belong. Not all concepts of foreignness can be designated *ethnic* foreignness, however. Only concepts of

foreignness in which actors ascribe to foreigners from other geographic spaces a putative common essence that is related to common ancestry.

Some Mesopotamian texts use "descent" terminology such as *zēru,* **numun** ("seed")*,* and *zēr halqati* ("brood of destruction") to communicate that the foreigners they depict shared a common ancestry in some sense. Other times, texts such as the *Curse of Akkad* and the *Cuthean Legend of Naram-Sin* describe the animal-like physical features of foreigners, which I would argue suggests that the foreigners shared a common ancestry. The *Curse* claims that the Gutians possessed physical features like that of monkeys and the *Cuthean Legend* says that Naram-Sin's enemies had bodies like cave-birds and faces like ravens. In fact, the *Cuthean Legend* claims that the foreign enemies faced by Naram-Sin (possibly the Lullubians) were not only distinct from other peoples with respect to physical features, but were specially created by the goddesses Bēlet-ilī and Tiamat as a separate people. With respect to the relationship between common geographic origins and foreigners in Mesopotamian texts, "cartographic" texts, such as the *Sargon Geography* and the *Babylonian Map of the World* associate most foreigners— even nomads such as the Haneans and Subartans—with a geographic space of some kind. Biblical texts use terms such as *zeraʿ*, as well as familial terms such as *ʾaḥ* (brother) and *bayit* (household) to show that Israelites share a common ancestry. In addition, biblical texts, especially in DtrH, tie Israel's identity to eponymous ancestors (Deut 32:8-9; cp. Genesis 10 [P]). Ethnic group constructions in biblical texts are also tied to geographic locations. In Deut 32:8-9, Yahweh has divided peoples (*ʿam*) according to cosmically fixed "boundaries" (*gĕbūlôt*) and associated the eponymous ancestor Jacob (a stand in for the "people" of Israel) with a territory (*ḥebel*), thus connecting ancestry and territorial

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origins. Some of the terms for "foreign" such as words based on the roots *nkr* and *zwr*, at times, carry spatial connotations.

Most important, Mesopotamian and biblical texts use stereotypes and negative imagery to caricature these ethnic foreigners, and these stereotypes consist of traits considered "uncivilized" by Mesopotamian and Israelite societies. In Meosopotamian texts, the ideological division of the world between center and periphery impacted how ethnic foreigners were portrayed. These texts claimed that peoples from the eastern mountainous regions of Mesopotamia ("the periphery"), such as the Gutians and Amorites, were uncivilized because they did not practice agriculture, did not live in houses, did not know how to bury the dead properly (especially the Amorites), and did not have proper respect for authority. In addition, throughout Mesopotamian texts, from the Isin Larsa/Old Babylonian period to the first millennium BCE *Weidner Chronicle*, ethnic foreigners are also accused of being unable or unwilling to worship the gods properly (the Gutians).

In the Hebrew Bible, DtrH makes correct worship the main way in which it caricatures foreigners (though it at times negatively depicts foreigners by mentioning other social practices such as lack of circumcision). DtrH accuses foreigners, especially the Canaanites, of engaging in cult practices it condemns, thus stigmatizing *both* the cult practices and the foreigners themselves. H, on the other hand, highlights certain foreigners' *sexual* practices (and other distasteful practices such as child sacrifice), thus participating in a common way of caricaturing ethnic foreigners, which has been evidenced throughout the ages (e.g., Herodotus). Like the *Curse of Akkad* and the *Cuthean Legend of Naram-Sin*, DtrH at times suggests that certain foreigners are

extraordinarily different with respect to physical characteristics (Deut 1:28; 9:2; Josh 11:21-22; 14:12, 15; also cp. Josh 11:22 and 1 Sam 17:1-52; cp. Amos 2:9-10). But one major difference between the physical descriptions of foreigners in DtrH and portrayal of foreigners in the *Curse* and *Cuthean Legend* is that DtrH never compares the physical features of foreigners to animal features. DtrH never claims that foreigners have the likenesses of monkeys or birds. If, however, Selim Adalı is correct in that one should not read the descriptions of foreigners' "animalistic" features in Mesopotamian texts literally, but rather should understand them as figurative references to *human* deformities, then the difference between DtrH and the *Curse* and *Cuthean Legend* is less stark. If the mention of animalistic features in the *Curse* and *Cuthean Legend* does, in fact, figuratively allude to human physical features, it can be said that both biblical and Mesopotamian texts characterize certain foreigners as posessing odd *human* physical characteristics such as extreme height (DtrH) or deformed facial and corporeal features.

The main difference between the Hebrew Bible and Mesopotamian texts can be seen in the way that the two texts treat the "center" and the "periphery." Neither DtrH nor H has as strong of a concept of "center" and "periphery" as Mesopotamian texts. In Mesopotamian texts, foreign peoples from far away threaten the "civilized" center. Conversely, when an idyllic, prosperous and abundant Israel is threatened by outside forces, those forces are the cultic and social practices of *local* peoples, not enemy hordes from far away. Rather, *disobedience to Yahweh* threatens to bring the "periphery" (wild animals, desolation, barrenness) to the land (Deut 28:15ff; 32:15ff; Lev 26:14ff). If the Israelites adopt the cultic and social practices of local peoples, and disobey Yahweh *then* the consequences look very much like destruction wrought by people like the Gutians. In

Deut 28:48-49, Yahweh will bring "a nation to you from afar, from the end of the earth…a brazen faced nation who will have no respect for the old, nor for the young."   In fact, just as the Gutians are "not classed among people" so Yahweh will raise a "non-people" to judge Israel (Deut 32:21). In addition, just as the Gutians and mountainous invaders (usually raised by the gods) often bring natural disasters, texts describing Yahweh's judgment on Israel claim that natural disasters will accompany the invading foreigners raised by Israel's God. Interestingly, Deut 32:31 also brings the invading nation's barbarism into relief by referring to it as a "foolish nation." But, as I also noted in Chapter Three, in most instances, it is the people as a whole who prompt Yahweh to raise the enemy horde, where as in Mesopotamian texts, it is the king who provokes the ire of the deity. What Mesopotamian and biblical texts both share, however, is a fear that foreigners (or their legacy) will turn their land "inside out." The result of invading enemies raised by the gods is that the land becomes a wasteland and that the "center" becomes just like the "periphery." In this sense, foreigners and practices associated with foreigners represent both natural and social instability and disorder.

Ultimately, both DtrH's and H's stereotypes and caricatures of foreignness are rooted in Israelite "ethnocentrism." The ethnocentrism of Mesopotamian texts is grounded in an ideal of civilized urban life protected by the institution of the monarchy, and so the stereotypes of foreigners preserved in the literature unsurprisingly demonstrate that foreign peoples do not engage in the social practices that were thought to accompany civilized urban life. In biblical texts, "civilized life" is defined by the wisdom and knowledge imparted by Israel's God, with whom Israelites have a unique relationship. The wisdom that Israelites receive from their God includes knowledge of correct

religious practices (emphasized by DtrH), which includes the ability to discern between "clean" and "unclean," as well as knowledge of correct ethical principles (emphasized by H). Though the differences between biblical and Mesopotamian texts with respect to their concepts of ethnocentrism are evident, it should also be noted that biblical notions of "civilized life" seem to prioritize an aspect of social life that was also important to Mesopotamian societies: proper worship and ethical behavior. While no Mesopotamian text I am aware of accuses foreigners of improper sexual practices, some Mesopotamian texts certainly accuse foreigners of improper worship, lack of respect for the gods and unethical behavior.

Both biblical and Mesopotamian texts seem to participate in *ethnic* stereotyping, something I consider to be an unfortunate human practice that can be traced both cross-culturally and through history. The insights of cognitive science and social psychology have provided the vocabulary and the concepts by which modern readers and interpreters can navigate the similarities and differences between what these ancient texts say about foreigners and the kinds of ethnic stereotyping that takes place in modern contexts. Scholars of both the ancient and modern worlds can analyze and theorize how texts or other forms of human communication, within a particular social context, use the idea of common ancestry and common geographic origins to explain the putative "essences" of ethnic peoples. Instead of simply asserting that ancient concepts of ethnic foreignness are just like modern "ethnic" and "racial" concepts (as some biblical scholars do), or conversely, instead of simply assuming that ancient concepts are so radically different from modern concepts, I can confidently state that there are profound similarities between ancient and modern concepts and equally compelling differences. One profound

similarity that I must highlight is the notion of "essentialism." The behaviors and traits

that constitute stereotypes about ethnic groups in both modern and ancient societies are

thought to stem from a permanent, fixed common essence shared by ethnic group

members. Though from an analytical point of view, ethnicity is "fluid" and "socially

constructed," from a cognitive point of view, that is from the point of view of actual

participants, ethnicity is not fluid.[1] Even when a large amount of counterfactual evidence

presents itself in the form of ethnic group members who do not fit ethnic stereotypes, the

concept of ethnicity is often strong enough to withstand these kinds of challenges.[2] Both

Mesopotamian (or, more specifically, Neo-Assyrian) texts and biblical texts present

examples of ethnic foreigners who are integrated into the societies of Assyria and Israel,

respectively. However, these instances of integration should not be taken to mean that

the writers understand ethnicity as an extremely "fluid" concept or that there is no idea of

ethnicity present in these texts at all.

In Neo-Assyrian texts, non-Assyrians are "integrated" into Assyrian society only

because of the intervention of the king and the willingness of the foreigners to submit to

Assyrian hegemony. Under the heel of Assyria, the foreigners learn proper culture and

respect for the gods, but when foreigners rebel against Assyria their "senseless" and

uncivilized "nature" (perhaps, it might be better to say "essence") reasserts itself. In the

Hebrew Bible, certain Canaanites such as the Gibeonites or the descendants of Rahab

become included in Israelite society (Josh 9:3-27; 6:25). The former become servants in

the Temple of Yahweh and the latter are said to reside among the Israelites "to this day."

Of course, these integrated peoples do not *become* Israelites, since the text still uses the

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[1] An argument laid out by Rogers Brubaker, Mara Loveman and Peter Stamatov, "Ethnicity as Cognition,"
   Theory and Society 33 (2004): 49-51.
[2] See discussion in Chapter One, 55-57, esp. n. 54.

Gibeonites' ethnic appelative to refer to them and Rahab and her family are placed

outside of the Israelite war camp. Rather, they are ethnic Canaanites who are permitted

to live in the midst of the Israelites despite pronouncements that Israelites should have no

social intercourse with them (Deut 7:1-6). From a cognitive science perspective, when it

comes to *categorizing* things, some category members are considered more "typical" of a

category than others (e.g., as I noted in Chapter One, a robin is often considered more of

a "bird" than a penguin). Gibeonites and the descendants of Rahab might have been

considered atypical Canaanites (and thus acceptable), or "exceptions to the rule." Indeed,

the circumstances by which the Gibeonites and descendants of Rahab are included within

Israelite society are extraordinary, and the Gibeonites are made slaves. But the fact that

DtrH allows for some Canaanites to be integrated into Israelite society, despite its

pronouncement against social intercourse with them should not be surprising, since

stereotypes can tolerate a large number of "exceptions" or challenges and still remain

firm. Furthermore, even the most vile, rigid, and exclusionary concepts of ethnicity such

as the legal categories promoted by the apartheid government of South Africa and the

Nazi regime in Germany allowed for exceptions (e.g., "honorary whites" and "honorary

Aryans," though the Gibeonites and descendants of Rahab do not become "honorary

Israelites"). The integration of certain Canaanites into Israelite society does not show, as

some assert, that the primarily division between Israelites and outsiders was based on

"religious" criteria as opposed to ethnic criteria. While the absolute prohibition on

relationships with Canaanites shown by passages like Deut 7:1-6 may seem to contradict

the integration of the Gibeonites and Rahab's descendants, this seeming inconsistency is

totally compatible with typical ethnic group constructions and ethnic stereotyping.