

THE TYNDALE BIBLICAL ARCHAEOLOGY LECTURE,  
1968\*

***SOME CONTRIBUTIONS OF  
HITTITOLOGY TO OLD TESTAMENT  
STUDY***

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This is an ambitious subject, for the contributions of Hittitology to Old Testament studies, while clearly not nearly so numerous as those of Assyriology or Egyptology, are still considerable. It is not an unreasonable task for one to attempt to review such a subject in brief compass.

Although the first section will treat the question of Hittites in the Old Testament, I have deliberately avoided entitling this lecture 'The Hittites and the Old Testament' for two reasons. First, an excellent lecture by this title was delivered some years ago by Professor F. F. Bruce.<sup>1</sup> But far more important, I have avoided this wording because I do not believe that the really important issue for Old Testament scholars today is whether or not one can demonstrate that Hittites ever inhabited Palestine or made sustained contacts with its peoples. Assyriology as a discipline would have profound relevance to Old Testament studies even if Abraham had not

\* Delivered at Tyndale House, Cambridge, in July 1968.

The following extra abbreviations are used:

<i>ABoT</i>	Tablets in the Boghazköi Collection, Ankara Museum.
<i>BoTU</i>	E. Forrer, <i>Die Boghazköi-Texte in Umschrift</i> , Heinrichs, Leipzig (1922, 1926).
Hoffner <i>EHG</i>	H. A. Hoffner, 'English-Hittite Glossary', <i>RHA</i> 80 (1967).
<i>IBoT</i>	Tablets in the Boghazköi Collection, Istanbul Museum.
<i>KBo</i>	<i>Keilschrifttexte aus Boghazköi</i> , Heinrichs, Leipzig (1916-21).
Kitchen <i>AOOT</i>	K. A. Kitchen, <i>Ancient Orient and Old Testament</i> , Tyndale Press, London (1966).
<i>KUB</i>	<i>Keilschrifturkunckn aus Boghazköi</i> , Akademie Verlag, Berlin (1925 onwards).
<i>RHA</i>	<i>Revue Hittite et Asiatique</i> , Klincksieck, Paris.

<sup>1</sup> F. F. Bruce, *The Hittites and the Old Testament*, Tyndale Press, London (1947).

migrated from Ur or the Assyrian and Neo-Babylonian rulers had not led their armies westward into the land of Israel. The significance of Assyro-Babylonian literature to Old Testament savants lies rather in its contribution to one's understanding of the way men lived and thought during the era of Old Testament revelation.

I shall subdivide the review as follows:

- A. Who were the 'Hittites' of the Old Testament?
- B. Hittite law and the Old Testament,
- C. Hittite religion and the Old Testament,
- D. Hittite mythology and the Old Testament.

#### A. WHO WERE THE 'HITTITES' OF THE OLD TESTAMENT?

There is no single answer to this question, because the Biblical evidence itself is not uniform. One must ask this question afresh upon the examination of each new occurrence of the term in the pages of the Old Testament. It is by no means clear that the 'Hittites' of the patriarchal narratives, for example, are the same ethnic group as the 'kings of the Hittites' referred to in Kings and Chronicles. It is known that the English word 'Hittite' is applicable to at least three, possibly four, distinct groups of people in ancient Near Eastern history:<sup>2</sup> (1) the aboriginal Hattian stock<sup>3</sup> which the immigrant Indo-Europeans found inhabiting the central plateau of Asia Minor when they arrived about 2000 BC, (2) these Indo-European invaders,<sup>4</sup> known as Nesites and Luwians, who became the

<sup>2</sup> E. Forrer in his study of the Hittites in Palestine published in the *PEQ* (1936) 196, posited five different classes of 'Hittites'. The first four were the same as my four classes (although he dubbed class three 'Tabalians' after the geographical name Tabal, Biblical Tubal, and class four he believed to be identical with the fugitives from the town of Kuruštama about 1353 BC); while class five he defined as peoples erroneously called 'Hittites', but who had no historical connection with any of the previous four classes. See also H. G. Güterbock, 'Towards a definition of the term "Hittite"', *Oriens* 10 (1957) 233f.

<sup>3</sup> Forrer called them 'Armenoid', and suggested that they represented 'very likely no great difference from the aboriginal stock of Palestine' (*PEQ* 1937, 114). For a scholarly assessment of these people see A. Goetze, *Kleinasien*<sup>2</sup>, C. H. Beck Verlag, Munich (1957) 45-47; O. R. Gurney, *The Hittites*<sup>2</sup>, Penguin Books, Harmondsworth (1954) 15ff., 122; S. Lloyd, *Early Anatolia*, Penguin Books, Harmondsworth (1956) 74-111; E. Akurgal, *The Art of the Hittites*, Thames and Hudson, London (1962) 13-29 (with excellent plates); J. Mellaart, *CAH*<sup>2</sup> I, chs. 7, 18, 24.

<sup>4</sup> Forrer called them 'Indogermanoid Kanisians' and 'Indogermanoid Luvians' (*PEQ* 1937, 114). The cultic singer who employs the main dialect (what scholars

nucleus of a great empire which lasted throughout much of the second millennium BC, (3) certain peoples of Syria and Palestine in the first millennium BC, who spoke West Semitic languages,<sup>5</sup> and (4) a group of people living in central Palestine during the age of the patriarchs, bearing ostensibly Semitic names and affiliated by the genealogies of Genesis 10 with the other sons of Canaan: the Amorites, Jebusites, Perizzites, Hivites, and Girgashites.<sup>6</sup> It is my opinion that we never encounter 'Hittites' of categories 1 and 2 in the Old Testament (*i.e.* Hattians or Nesites). I do believe that the 'king's of the Hittites' spoken of during the time of Solomon (2 Ch. 1:17) and Jehoram son of Ahab (2 Ki. 7:6) were Syrians (that is to say 'Hittites' of class 3). But aside from the expression 'the land of the Hittites' all other references to 'Hittites' in the Old Testament are to the small group living in the hills during Abraham's day and their descendents. But what about this

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accustomed to calling 'cuneiform Hittite') is said in the texts to sing *našili*, *i.e.*, 'in Nesite'. The king of Arzawa, Tarkhunaradu, requests the Egyptian scribe of Amenophis III always to write to him *nešumnili* ('in Nesite'). These two adverbs in *-ili* are ultimately based upon the geographical name Nesha, which is the name of a town in the central plateau of Asia Minor. H. G. Güterbock has proposed that Nesha and Kanesh are two forms of the same Anatolian place name. This theory has unfortunately not been proven yet. On the wave of Indo-European invaders which became the later Nesites and Luwians see now R. A. Crossland, *CAH*<sup>2</sup> I, ch. 27; A. Goetze, *Kleinasien*<sup>2</sup>, 45-63; O. R. Gurney, *The Hittites*, 21-39; H. G. Güterbock, 'Kaneš and Neša', *Eretz-Israel* 5 (1968)

<sup>5</sup> Forrer called them 'Tabalians' after his name for the hieroglyphic inscriptions which he attempted to decipher. Most scholars today call them the 'Neo-Hittite' kingdoms of North Syria. The later Assyrian rulers, however, extended the term Hatti to cover an area in the west reaching all the way to Philistine Ashdod in the south. Forrer explained the Assyrian use of Hatti and the ethnicon *hattû* for the Ashdodites as an appropriation of the native name for the 'Hittites' of southern Palestine. This seems laboured to me, especially since we have no indication that the *הַתִּי* of the Old Testament ever were located in the maritime plain. On 'Neo-Hittites' see A. Goetze, *Kleinasien*<sup>2</sup>, 184ff.; O. R. Gurney, *The Hittites*, 1-46; O. Eissfeldt in *Fischer Weltgeschichte: Die altorientalischen Reiche* III, Fischer, Frankfurt (1967) 135-203; A. T. Olmstead, *History of Assyria*, Scribner's, London (1923) 94ff.

<sup>6</sup> Forrer identifies this group with the fugitive Kurushtamaens (*PEQ* 1937, 108-115). Others, who wish to see an Anatolian group in these 'sons of Heth' but whose date for Abraham is too early to identify the 'Hittites' contemporary with him with this Kurushtannaean band which arrived in 'the land of Egypt' about 1353 BC according to Forrer's dating, would suppose that they were isolated immigrants from the north on the order of Luqqa, son of Kukunni of Byblos or the 'Horites' (Hurrians) of the Old Testament (Kitchen, *AOOT*, 52 with n. 91). All of these theories exceed the evidence which exists. The view that these 'Hittites' are in actuality (like the Hivites and Horites) Hurrians clashes with the onomastic analysis and can produce no positive evidence from the known customs of Ephron and his compatriots which would lead us to believe that they were Hurrian.

fourth category? Some would oppose my view that they were Semitic natives. One group maintains that they were an enclave of Hurrians, and that their designation 'Hittites' (חִתִּי) is due to an ancient spelling error for 'Horites' (חֹרִי). This theory might account for the designation 'Hittite' but not for the expression 'sons of Heth' (בְּנֵי חֶת), for the Horites are never called 'sons of Hor' (בְּנֵי חֹר). More serious, however is the objection that the attested Biblical names of 'Hittites' are with one possible exception (Uriah) not Hurrian. And whereas some of the patriarchal customs are paralleled by ancient Hurrian ones, there is no trace of Hurrian social structure or legal customs among the 'sons of Heth'.<sup>7</sup>

A second view is that these 'sons of Heth' are early immigrants from Anatolia itself. In seeking to evaluate this view we must consider evidence of both negative and positive character. Negatively, we have no sure indication from written or non-written remains that a sizeable group of Hattians, Luwians, or Nesites (which are the only Anatolian groups entitled to the name 'Hittites') migrated into southern Palestine as early as Abraham's days (c. 1900 Bc). In 1936 Emil Forrer put forward the following explanation for the presence of 'Hittites' in Canaan. A passage from one of the plague prayers of Murgili II tells of the migration of the 'people of Kurushtama' from their original home in northern Asia Minor into the territory of Egypt. Forrer believed that the 'country of Egypt' in which these Kurushtamaeans settled was Egyptian-dominated Canaan, specifically the central highlands of what later became known as Judah. But there is no certainty that it was precisely this area which was intended by the expression, and even if we grant Forrer his unproven hypothesis that these people settled in the Judaeian highlands, these 'Hittites' arrived no earlier than 1350 BC 550 years later than Abraham. K. A. Kitchen has recently argued for genuine Anatolians in Canaan during Abraham's time on the following basis. (I) The Hittites intervened poli-

<sup>7</sup> The explanation that 'Heth' and 'Hittite' are 'P's' general designation for the pre-Israelite inhabitants of Palestine, which corresponds to 'J's' preference for 'Canaanite' and 'E's' for 'Amorite' may satisfy the source critic, but it does not come to grips with the more important issue of the identity of the 'sons of Heth' (or 'Hittites') when a *specific ethnic group* is intended—and even the radical critic admits that the terms are occasionally so used.

tically in Syria in the eighteenth to seventeenth centuries BC. (2) As early as c. 1800 BC, a Lycian (Kukun's son Luqqa) from western Asia Minor is attested at Byblos. (3) Limited Anato-penetration of Phoenicia and Palestine can be demon-strated for a very early period (twenty-fourth century BC). But this evidence does not support the thesis which Kitchen would wish to prove. I should like to point out that: (1) The arrival of peoples using the so-called Khirbet Kerak pottery in Palestine of the twenty-fourth and twenty-third centuries BC<sup>8</sup> may show that northerners, possibly even eastern Anato-lians, had penetrated the area. But these people were not Hat-tianns, Nesites, or Luwians. One would like to know the basis for the Bible's designation of them as 'Hittites', and if they were east Anatolians from the twenty-third century BC, there is no reason to expect among them cultural features charac-teristic of Hittites. Mellaart has proposed a date of c. 2300 BC, for the arrival of Luwians in western Asia Minor, while the Nesite group did not arrive in the central plateau until Early Bronze 3b (c. 2000 BC). Mellaart thus rejects, the earlier theory which associated the first Nesites with the earliest Cap-padocian ware, known as 'Intermediate', and which advoca-ted a date of c. 2000 BC, for their arrival in central Asia Minor. The Khirbet Kerak pottery, which has been found in early levels of settlements in Palestine and the Amuq plain, Mellaart considers to be an offshoot of East Anatolian culture during the Early Bronze I and 2 periods (c. 3500-2300 BC). Archaeo-logical evidence suggests that the economy of East Anatolia during this period was very different from its Central and West Anatolian contemporaries. It is not probable that Hattia,ns, Luwians, or Nesites made substantial use of this type of pottery. (2) The Hittite intervention in Syria in the eighteenth and seventeenth centuries BC never extended into Palestine and was almost exclusively northernmost Syria.<sup>9</sup> (3) The single Lycian personal name from Byblos around 1800 BC also accords with the judgment that such Anatolians penetrated only into

<sup>8</sup> Kitchen, *AOOT*, 52 n. 91 with literature.

<sup>9</sup> This applies to the activities of Khattushili I, Zukrashi, and others cited in tchen, *AOOT*, 52 n. Khattushili in his *res gestae* (*KBo* X 1-3) mentions the lowing localities (all in North Syria or Asia Minor): Shankhuitta, Zalpa(r), alkha, Urshu, Ikakali, Tashkhiniya, Arzawa, Nenashsha Ulluma, Shalla-shuwa, Zaruna/Zarunta, Mt. Adalur, Khashshuwa, Khakhkha, Zippashna.

the northern parts of Syria and the Levantine coast during this period.<sup>10</sup> Besides, what is presupposed by the Genesis texts is not just one, two, or a handful of isolated northern immigrants, but an entire clan.

We have been weighing negative evidence. What little positive evidence exists is either onomastic or legal. In assessing the onomastics we must compare them with the body of attested names borne by second millennium Anatolians as our standard.<sup>11</sup> This corpus is by no means itself linguistically homogeneous, being constituted of some Nesite (or Kanishite) members, some Hattic names, and the bulk about equally divided between Hurrian and Luwian names. At present we know of no second millennium Hittites who bore Semitic names.

In the Old Testament the names borne by persons called 'Hittites' are almost all identifiable as Semitic. The following is a brief tabulation:

עֶפְרוֹן	(Ephron)	Gn. 23	Semitic root עֶפֶר (LXX: Ἐφρων)
צֹהַר	(Zohar)	Gn. 23:8	Semitic root שְׁהַר (LXX: Σααρ)
יְהוּדִית	(Judith)	Gn. 26:34	Fern. ethnon of יְהוּד
בְּאֵרִי	(Beeri)	Gn. 26:34	Deriv. of Heb. בְּאֵר
בְּשֵׁמֶת	(Basemath)	Gn. 26:34	Sem.; rel. to HI בְּשֵׁם ('balsam?')
אֵילֹן	(Elon)	Gn. 26:34	Sem. animal name אֵיל (LXX: Ἄιλων)
עֲדָה	(Adah)	Gn. 36:2	Sem. root וְעַד (LXX: Ἄδα)
אַחִימֶלֶךְ	(Ahimelech)	I Sa. 26:6	'Melech (is) my brother'
אוּרִיָּה	(Uriah)	2 Sa. 11	Heb. noun אוֹר or אוּר 'light'; poss. also Hurrian <i>iwri</i> 'lord'

With the exception of Uriah none of the above-listed names has been seriously claimed as Hurrian or Luwian, much less

<sup>10</sup> W. F. Albright, *BASOR* 155 (1959) 33-34; (5964) 42; W. Helck, *Die Beziehungen Ägyptens zu Vorderasien im Altertum*, Harrassowitz, Wiesbaden (1962) 646ff.; Kitchen, *AOOT*, 52.

<sup>11</sup> Available in a reliable manual *Les noms hittites* compiled by E. Laroche of Paris and Strasbourg.

Nesite or Hattic. What has been argued, however, is that the early colony of Anatolians which settled in the vicinity of Hebron soon assimilated themselves to their Semitic neighbours and chose Semitic names for their children, so that the uniform Semitic character of these names proves nothing against the theory that these people were of Anatolian stock. Admittedly the sampling is too small (eight names) to be statistically significant. But it should be noted that when we find colonies of Hittites or Luwians on foreign soil outside the Bible, we have always found (no matter how small the sampling of names) at least one or two names of a type familiar to us from the large corpus of names borne by persons in the Boğazköy tablets.<sup>12</sup> Therefore it seems to me unwise to brush aside this bit of positive evidence as to the identity of these Biblical 'Hittites', especially since positive evidence on this question is at a premium!

The only other positive evidence bearing on the question is legal in its nature. M. Lehmann has claimed that the Genesis 23 narrative which describes the bargaining between Abraham and one 'Ephron the Hittite' over the cave and field of Machpelah reflects a familiarity with the details of Hittite land tenure law known to modern scholars only from Hittite laws 46 and 47.<sup>13</sup> According to these laws if a person bequeathed or sold certain kinds of land in their entirety, the taxes or duties connected with them became the responsibility of the new owner. If he conveyed only a small part of the land, the taxes remained his own responsibility. Kitchen has recently stressed the antiquity of the Hittite laws in order to show they were in existence early enough to affect Abraham's day. Now it is true that copies of these laws have been shown to be palaeographically and orthographically old.<sup>14</sup> The formulation of

<sup>12</sup> Thus for example the merchants from Ura who visited the kingdom of Ugarit and sought to settle there bear good Hurrian and Luwian names. On these men see M. Liverani, *Storia di Ugarit*, Istituto di Studi del Vicino Oriente, Rome (1962) 80-86; A. Goetze, *JCS* 16 (1962) 48-58.

<sup>13</sup> M. Lehmann's exact words are: 'Genesis 23 is permeated with intimate knowledge of intricate subtleties of Hittite laws and customs' (*BASOR* 129 (1953) 18).

<sup>14</sup> H. G. Güterbock, *JCS* (1961) 64-65; O. Carruba, *Kratylos* 7 (1962) 159; Güterbock, 'Early Hittite Writing', paper read to 6th Türk Tarih Kongresi, Ankara, 23 October 1961; O. Carruba, V. Souček & R. Sternemann, *Archiv Orientalní* 33 (1965) if.; H. Otten and V. Souček, *AfO* 21 (1966) 1-12; A. Goetze in G. Walser, *Neuere Hethiterforschung*, Steiner, Wiesbaden (1964) 27 n. 23; Hoffner, 'A Hittite Text Concerning Merchants', *JCS* 22 (1968).

the laws in the main version is to be dated in the Old Kingdom, and the 'father of the king' mentioned in law 55 may even be Hattushili I or Muršili I.<sup>15</sup> But is this all the evidence required in order to vindicate Lehmann's theory? Many questions remain unanswered. Even if this law about land tenure was in force in Hatti about 1650 to 1600 BC, a conservative dating of Abraham would require a date of *c.* 1900 BC—three centuries prior to Hattushili I.<sup>16</sup> Concerning Hittite laws 46 and 47 we must emphasize that too many Old Testament scholars have gratuitously assumed that the very specific conditioning clauses of these two laws can be generalized to apply to *all* cases of land transfer. Such an assumption is quite unwarranted. Fields to which this *pars-toto* criterion applies are: (1) 'fields and socage (held as) an inheritance' (§46) which are 'given' (not sold—the verbs for 'sell' are *happarai-* and *uš(ša)niya-*, both attested in the laws<sup>17</sup>) to another; and (2) 'fields of a craftsman' (LU GIŠ.TUKUL) (§47) which are 'bought' (waš-) by another. Now these conditions do not pertain at all to Ephron or to Abraham! Ephron does not seek to bequeath the fields in Mamre to Abraham as an inheritance; nor does Ephron occupy the status of a LU GIŠ.TUKUL.<sup>18</sup> Lehmann has energetically maintained that the point at issue between Ephron and Abraham is not the 'giving' versus 'selling' but the extent of property to be passed.<sup>19</sup> Abraham does in fact ask only for the cave at the beginning (verse 9). He does not present his request directly to Ephron, but asks for the intercession of the other *הַתַּיִת*; (verse 8). Ephron does counter with the offer to 'give/sell' (*נתן*) the field and the

<sup>15</sup> Goetze in Walser, *op. cit.*, 27<sup>23</sup>.

<sup>16</sup> Of course, the laws *could* be older than their written formulation by many years, but can we demonstrate this as a fact? After all, *some* laws are formulated at the time a written code is drawn up, and some laws cannot exist prior to the establishment of a centrally governed feudal state. Was such a state in existence before Khattushili I? If so, did they possess this law?

<sup>17</sup> Hoffner, *EHG* 78. For *happarai*, see laws 39, 48, 149, 176; for *uš(ša)niyalaws* 146 through 148.

<sup>18</sup> Lehmann skirts this issue with the casual remark 'these laws 46 and 47 applied to inheritance and purchase alike' (*BASOR* 129 (1953) 16). That he makes no comment about the Hittite case applying specifically to a Lu<sup>GIŠ</sup> TUKUL, is especially curious, since on page 17 he calls the reader's attention to the manner in which *ilku* bearing land in cuneiform law is either non-saleable (Hammurapi §36) or transfers obligations in accord with the occupational status of the holder in Hammurapi's laws they are *rēdûm*, *bā'irum*, and *nāši biltim*.

<sup>19</sup> *Op. cit.*, 16-17.

cave to Abraham (verse 11). Abraham next declares his willingness to buy the field, but implores Ephron to set a price for it (verse 13). Ephron cagily hints at a price of 400 shekels of silver (verse 14). Abraham sees through the façade of waiving all price and understands that this is really Ephron's way of setting the price. So the text then says 'Abraham agreed with (רִישָׁמַע)<sup>20</sup> Ephron and weighed out to him the amount of silver which he had declared in the presence of the sons of Heth' (verse 16). Abraham's interest *throughout* is to purchase a plot of ground sufficient to bury Sarah. His original request to buy only the cave may have been dictated by his fear that Ephron might not wish to part with more land than this, and caves were always popular sites for burial. Once Ephron declared his willingness to sell more, Abraham *never contested this aspect*.<sup>21</sup> What he did insist upon was that the transfer be a sale and that Ephron set the price as soon as possible. G. Tucker is probably right that Ephron's language disguises an intention to sell all along. Abraham is clearly not in a position to haggle! He must come to terms with his crafty seller as soon as possible.<sup>22</sup> Hence, he 'agreed with Ephron' (verse 16) and weighed out four hundred shekels of silver in the presence of the witnesses. There then follows (verses 17, 18) what appears to be a description of the transaction in quasi-legal terminology, which may echo an actual written contract. Whatever the original form may have been (Tucker and Petschow argue for the 'dia-

<sup>20</sup> G. Tucker, *JBL* 85 (1966) 82; E. A. Speiser ('complied with'), *Genesis (The Anchor Bible)*, Doubleday, New York (1964) 169. On the equivalence of this Hebrew usage with the legal usage of Akkadian *šemû(m)* see already J. J. Rabinowitz, *Journal of Juristic Papyrology* 13 (1961) 134. On the equivalence in neo-Babylonian legal parlance of *šema* and *magāru* see Petschow, *JCS* 19 (1965) 106 a. 26a.

<sup>21</sup> Verse 13 is *not* correctly translated by Lehmann, who reads: 'If you would only listen! (However,) I will pay the price for the (entire) field, take it from me . . .?' (*loc. cit.*, 16). There is no 'however' implied. All of the לֹרִישָׁמַעֲנִי of this chapter (verses 8, 11, 13, 14) are followed by the request which the speaker hopes the other party will heed. None are resignations! In verse 13 Abraham is happy to have the chance to buy the field too, but he wants to end the polite digressions and reach a final and reasonable price. Ephron may not have ever actually offered to *give* the field, since נָתַן is used for 'sell' throughout this passage (just as *ana kaspi iddin* is used in the contracts discussed by Petschow and Tucker). But he has up till now refused to set his price. Abraham wants him to get it over with.

<sup>22</sup> Rightly stressed by Petschow, who adduces evidence that one of the criteria for employment of the dialogue document type of formulation instead of the non-dialogue type in neo-Babylonian business contracts is whether or not the solicitor of the transaction is in dire need (*JCS* 19 (1965) 115).

logue' type and a consequent late period of composition;<sup>23</sup> Kitchen rightly stresses the sketchy nature of the evidence, readily adaptable to almost any period), what is preserved for us in Genesis 23 is clearly too abbreviated to identify with certainty the historical period. It could be as early as *c.* 1800 or as late as *c.* 500 BC. It will hardly serve to date the passage. Tucker is also right in stressing that the details of this account cannot in themselves be used to press for an early date of the story; but conversely neither is he entitled to press for a late date on the same kind of grounds! Both arguments depend heavily on negative evidence and are to that extent highly

<sup>23</sup> H. Petschow, *JCS* 19 (1965) 103, 120; G. Tucker, *JBL* 85 (1966) 77-84. is unfortunate that apparently Tucker knew nothing of the contents of Petschow's article, when his own went to press. Each could have made excellent use of the other's material. Since San Nicolo and others had made earlier analyses of this dialogue document type of contract, Petschow's purpose was twofold: (1) to bring the discussion of the dialogue document up to date, and (2) thereby to correct some false assumptions regarding it on which the late J. J. Rabinow had built a theory concerning its origins. Rabinowitz' theory was that, since the dialogue document contracts were limited chiefly to the fifth century BC and later in time and to southern Babylonia in place and were particularly common the archives of the House of Murashshu, which may have been run by Jewish exiles, the dialogue type contracts were of Jewish origin. He further argued the we can see the Jewish origin of this form in Genesis 23 (J. Augapfel before him (1917) had noted the similarity) and that a similar form was employed in the Talmudic period. Petschow's new evidence shows: (1) that dialogue documents occur as early as the first year of Sargon II of Assyria (721) and are common enough in the following 100 years; (2) they are found in all the larger Babylonian cities such as Babylon, Dilbat, Sippar, Barsippa, Der, Nippur, Uruk and Ur, and in Nippur (the city of the later Murashshû I) they are known since the thirty-sixth year of Ashurbanapal; (3) they are used for all kinds of contract: marriage, adoption, dowry, food, rent, tenant-farming, sale, exchange, *etc.* Nevertheless, several weaknesses appear in the attempts of Petschow and Tucker to prove that Genesis 23 represents a contract of this type. Most important is the fact (admitted by both men) that Gn. 23 is only the *report of a transaction*, not a deed or contract. If this is so, then we would not expect it to reflect formal details. Secondly, the details of form do not in fact coincide (recognized by Petschow; not recognized by Tucker): the dialogue documents begin with a title ('tablet of . . .'), followed by the offer made by the solicitor in the form of direct discourse ('A (not necessarily the seller, as Tucker says (page 81), but often the buyer; otherwise his case for Gn. 23 would be even weaker!) went before B and spoke as follows: ". . . ."'). No reply or further bargaining by the two parties is ever recorded in the dialogue documents. The response of the second party is merely recorded in the third person ('B agreed (*išme* or *imgur*')). The remainder of the document is styled in the objective third person. Tucker has also damaged his own case, while helping us all to a better understanding of this passage by pointing out the similarity between Gn. 23 and 2 Sa. 24, where some of the same 'dialogue' features are found in the bargaining between David and Araunah (not in 'P' nor possessing some of the essential marks of the dialogue contract). What emerges is the understanding that we have here not a Hittite legal proceeding nor a neo-Babylonian contract style, but a characteristic Hebrew description of the oral manoeuvring of two parties prior to agreeing on a transaction. As Tucker has well shown, the narrative of Gn. 23 is replete with polite expressions and gestures (*loc. cit.*, 78 n. 7) quite appropriate for a tale but not for a contract!

suspect. But returning from the peripheral issue of composition date to our immediate concern with the alleged Hittite influence, it is quite unlikely that genuine Hittite land tenure laws underlie this story. Tucker is quite right when he observes: 'the interchange is fully comprehensible without recourse to Hittite laws or feudal customs', and again: 'there is no reference to encumbrances—feudal or otherwise—on the land.' The king is never mentioned.

It thus appears that of what we can learn from the Bible about the character and origin of these 'sons of Heth' or 'Hethites' the onomastics are *totally* unlike the corpus of known 'Hittite' names from Boğazköy, and the customs in real estate transactions and feudal dues are unlike anything known among the Hittites of Asia Minor. What similarities might exist are of too general a nature to be truly distinctive. Such similarities might be shared by almost any number of peoples ancient and modern. So far as the dating of the passage, it is my opinion that the similarities to the 'dialogue contract documents' noted by Petschow and Tucker are too general also, so that this story could fit equally well into the known practices of second or first millennium BC. If these בְּנֵי חֵת are not second millennium Anatolians, neither are they first millennium Babylonians! The Old Testament text presents them as second millennium peasants living in south central Palestine, speaking a Semitic language, bearing Semitic names, and organized in clans of a very familiar type. There is nothing in the account of the sale which would invalidate such a picture.

## B. HITTITE LAW AND THE OLD TESTAMENT

We may not be able to accept an Anatolian origin for the 'Hittites' mentioned in the Old Testament as living in the land of Canaan, but this does not mean that we cannot reach a fuller understanding of significant portions of the Old Testament through the light afforded us in Hittite texts.

Historians of the Ancient Near East use the term 'law' to describe documents of many genres. Primarily, one has in mind the so-called 'codes' of law, of which there exist many examples: the laws of Eshnunna, the laws of Hammurapi, the Hittite laws, the Middle Assyrian laws, as well as the laws in

the Pentateuch. But in addition one speaks of 'international law,' which forms the basis of the great international treaties of the second and first millennia BC, and of 'documents from the practice of law' (such as wills, contracts, bills of sale), and of 'instructions' or 'protocols', of which a large variety survive from the Hittite archives. All of these constitute 'law' in its widest sense. Indeed, since the boundary between divine and human law is a fluid one, there is some justification for including in this category ritual texts, since they too describe and occasionally prescribe the activities of the servants and officials of the gods in their temples.

Turning our attention first to the collections of laws governing civil behaviour (the so-called 'codes'), let us see if there is any light which Hittite law sheds upon the understanding of Hebrew law.<sup>24</sup> The literature on this subject is scanty. The dominating interest in Hittite law by Biblical scholars (aside from the above-mentioned Ephron incident) has been in the treaty form.<sup>25</sup> Fensham, however, has written on the similarities between Exodus 21:18, 19 and Hittite law number 10.<sup>26</sup> The stipulations of the two are quite similar: (1) the offence is the temporary incapacitation of another as the result of aggravated assault, (2) the un-incapacitated party must pay for the loss of the injured man's time, and (3) he must pay the physician's fee. Because the situation described is so apparent in both cases, the juxtaposition of the two laws does not appreciably clarify the details, which were understood before the juxtaposition. Nevertheless a few details are added. The Hebrew *שָׂבַח* (translated 'he shall pay for the loss of his time') may imply more than just a monetary compensation. The Hittite law shows that the guilty party must *both* provide another man to assume the duties of the injured party while he is ill

<sup>24</sup> For a convenient survey see also Hoffner in *The Biblical World* (ed. C. Pfeiffer), Baker Book House, Grand Rapids (1966) 353ff.

<sup>25</sup> The question of similarities in the form of Hittite international treaties and Old Testament covenant formulations is properly a matter of great interest to Biblical scholars and has elicited much helpful research. Among the discussions which I have used with profit are: V. Korošec, *Hethitische Staatsverträge*, Leipzig (1931); G. Mendenhall, *Law and Covenant in Israel*, Biblical Colloquium, Pittsburgh (1955), reprint from BA 17 (1954); K. Baltzer, *Das Bundesformular*, Neukirchener Verlag, Neukirchen (1960); D. J. McCarthy, *Treaty and Covenant*, Pontifical Biblical Institute, Rome (1963). Other worthwhile literature has been conveniently assembled in Kitchen, *AOOT*, 91 n. 15. Because of the limits imposed on this lecture, I have deliberately omitted this topic from the present discussion.

<sup>26</sup> F. C. Fensham, *VT*, 10 (1960) 333-335.

*and* pay a six shekel indemnity after the convalescence is completed. The Hittite law is also more explicit on the matter of medical care. The Hebrew text ('shall cause him to be thoroughly healed') might admit to no more care than that which the guilty party could administer himself; whereas the Hittite text clearly states that the guilty man must pay the physician's fee.

A second Hittite law (§6) which resembles Hebrew legislation concerns the case of the unknown manslayer. The Hebrew law is found in Deuteronomy 21:1-9. In this case the Hittite law exists in both an earlier and a later rescension. The earlier one stipulates that if a man or woman be found slain on another person's property, the man on whose property the body is found must deduct 100 *gipeššar* (measure of area) from his land and give it to the surviving heir of the deceased. The later version (*KBo* VI 4 i 9-13) adds more precision. A distinction is first made as to the social and legal status of the slain person. If it is a free man, the owner of the property gives 'field (and) fallow, house, one mina (and) twenty shekels of silver'. If it is a woman who was found slain, he gives no property, but double the previously imposed monetary sum (three minas of silver). Then a distinction is made regarding the contingency that the body is not found on any one's cultivated land but on terrain which is 'open country' between settlements. In such a case a measurement is made to determine the nearest settlement which falls within a maximum radius of three *bērū* (Sumerian DANNA) from the location of the body. The nearest settlement therein may be possessed by the heir. If no settlement falls within this circumscribed area, the heir has no claim. In the Hebrew legislation (Dt. 21:1-9) the circumstances are those of the latter version of the Hittite law. The slain man lies not on cultivated ground but in the open country (Hebrew שָׂדֵה). As in the Hittite law a measurement is taken to the nearest city, but no maximum distance from the scene of the crime is set. Surely one must have existed in actual practice. But another feature is present which was lacking in the Hittite law. The elders of the settlement may exonerate their village by the taking of a self-maledictory oath (Dt. 21:6-9). No parallels to this law are to be found in other corpora of cuneiform law, although Driver cites Smith's appeal to the *Kitāb*

*al-Aglāni* for an old Arabian parallel.<sup>27</sup> Since this procedure was followed among the sedentary and non-tribal Hittites, it is proper to question Driver's assumption that the purpose of the Hebrew law was to prevent the blood feud.

A third case which bears a strong resemblance to the Hebrew laws may be found in Hittite laws 197 and 198.<sup>28</sup> These concern the determination of guilt in a case of a married woman's cohabitation with a man not her husband. The question at issue is whether she was forcibly raped or gave her consent (in which case she has committed adultery). The Hebrew legislation may be found in Deuteronomy 22:23-27. But in this instance the Hittite laws are not the only cuneiform laws which parallel this formulation, for the same kind of wording is found in the Middle Assyrian corpus (laws 12, 13, 16).<sup>29</sup>

The similarities and differences can be seen most clearly with the aid of the following table.

<i>Decision</i>	<i>Location and Circumstances</i>		
	<i>Hebrew</i>	<i>Hittite</i>	<i>Assyrian</i>
Woman innocent	in the field (בַּשָּׂדֶה)	in mountains ( <i>kalmaraš</i> )	in the street ( <i>ina sūqi</i> )
Woman guilty	in city (בְּעִיר)	in woman's house	in lover's house

In the Hebrew formulation quite an emphasis is placed on her being able to be heard when she cries out; whereas the significance of the location is left unexplained in the Hittite law, and only slight attention is given to it in the Assyrian. In the Assyrian laws (compare also laws 55 and 56) the incrimination of the woman is effected not on the basis of her ability to be heard but evidence of her willingness to give herself to the other man. This is 'proven' by her being ravished in that man's house, to which she presumably went of her own volition. The wording of the Hittite law is ambiguous. The house could

<sup>27</sup> S. R. Driver, *The Book of Genesis*, Methuen, London (1948) 241.

<sup>28</sup> Translation in *ANET* 296; transliteration of Hittite text in J. Friedrich, *Hethitische Gesetze*, Brill, Leiden (1959) 86-87; discussion of the contents of the laws can be found in Friedrich, *op. cit.*, 114-115 and F. Imparati, *Le leggi ittite*, Edizioni dell' Ateneo, Rome (1964) 321, 324.

<sup>29</sup> Translation in *ANET* 181.

be either that of the woman or the ravisher, but it is more likely the former. And if this is correct, then the Hebrew law bears a closer resemblance to the second millennium BC Hittite law than to the first millennium Assyrian one.

Hittite legislation regarding permissible cohabitation is of interest students of Hebrew law. Cohabitation of a heterosexual type was, of course, forbidden when one or both parties were at that time married to another (adultery).<sup>30</sup> If the girl was unmarried and was taken against her will, the ravisher could be forced to marry her. Other heterosexual relationships were permissible except for those which involved persons of close blood relationship. A man might not cohabit with his own mother or daughter (§189), with his sister (Hulk. III 28-32), with sisters and their mother (§§191, 194). The laws of Leviticus 18:6ff. deal in a similar way with the taboos concerning cohabitation with near kin. The Hebrews called these תוֹעֵבָה; the Hittites called them *hurkel*.<sup>31</sup> Unlike the Hebrews, the Hittites did not condemn homosexuality. The only instance of homosexual relationships mentioned in the laws is that of a man with his own son (§189). But this is mentioned in the same law with the interdiction of heterosexual relationships between near kin, so that it is very probable that it is the near kinship which militates against this act of homosexuality. Homosexuality and bestiality alike are condemned in Exodus 22:19 (Heb. 18), Leviticus 18:22, 23; 20:12-15, and Deuteronomy 27:21. These actions are called both תִּבְלָל ('unnatural combination') and תוֹעֵבָה ('detestible act').<sup>32</sup> Among the Hittites bestiality like homosexuality and heterosexuality was susceptible to regulation but not interdict. Certain combinations were permitted, others not. A man might initiate sexual relations with a horse or a mule with no guilt attaching (§200a). He might *not* do so with an ox (§187), a sheep (§188), a pig or a dog (§199). Such actions were *hurkel* and demanded the death penalty. If a man did not initiate the action, but was

<sup>30</sup> See laws 197 and 198 cited above (translation in *ANET* 196).

<sup>31</sup> For a full discussion of *hurkel* (with objections to Goetze's *ANET* rendering 'capital crime') see Friedrich, *Hethitische Gesetze*, 1 12-113. Additions in Hoffner, *Laws of the Hittites*, University of Microfilms, Ann Arbor (1964) 366f.

<sup>32</sup> On Hebrew תוֹעֵבָה 'detestable deed, abhorrence' and related words see *TWNT* (Engl. ed.) I 598ff.; Hoffner *JBL* 85 (1966) 328, 333-334; Hoffner, *BS* 124 (1967) 230-231.

attacked by either an ox or a boar (both could be large and strong enough to completely overpower an adult),<sup>33</sup> he was of course not held responsible (§199). Just why it was thought proper for a man to cohabit with a horse or a mule (§200a) is not at all clear. That some rural folk of all periods of history have sought such an experience is well known to anyone who has either himself lived on a farm or has talked with farming people about the matter. It is not an artificial situation contrived by a late editor of the Bible to be included among 'unnatural combinations' for the sake of completeness.

The ancients often conceived of the nocturnal semen emission as a sign that the man had received a divine visitation during the night and that the visitor (a *succuba*) had cohabitated with him.<sup>34</sup> Thus it was necessary to stipulate that such sexual relationships were not punishable, even should they involve incestuous union with one who was deceased (§190). While intentional emissions during intercourse and their effects upon the ritual purity of the man are dealt with in Leviticus 15:16f., the Old Testament has no legislation on semen emissions during sleep.

Quite aside from the thoroughly discussed and better-known, matters of literary form pertaining to legal documents there remain some matters of considerable interest to Old Testament scholars which pertain to legal usages or symbolic actions. The late Professor E. A. Speiser among others contributed much to our understanding of legal usages in the patriarchal narratives and some as late as the age of the classical prophets of Israel through adducing of parallels from the Nuzi documents. Hittite texts do not contribute nearly so much in this area as do the Nuzi texts, but they should not be overlooked.

As an example we might consider the institution which is known to us in the Book of Ruth and in the legislation of Deu-

<sup>33</sup> For representations of wild boars in Anatolian art see E. Akurgal, *Art of the Hittites*, plates 31 (above right), and especially 94.; O. R. Gurney, *Hittites*, pl. 17 (facing p. 144). On the pig in Hittite texts see A. Goetze, *Kleinasien*<sup>2</sup>, 164; E. von Schuler, *Die Kaskäer*, de Gruyter, Berlin (1965) 77 n. 80; Hoffner, *JAOS* 87 (1967) 183; Hoffner, *JBL* 86 (1967) 400. On the laws concerning bestiality see F. Imparati, *Le leggi ittite* (1964) 311 ff. and Hoffner in *The Biblical World* (1966) 355.

<sup>34</sup> See T. H. Gaster's remarks on Lillith and the *succubae* in *Interpreters Dictionary of the Bible* I, Abingdon Press, New York (1962) 819a. For a particularly unambiguous representation of the succuba in sculpture see *American Journal of Archaeology* 68 (1964), plate 104, fig. 24. Note that the *succuba* is winged and has birdlike feet. C. Vermeule (*ibid.*, 334) calls her a 'Lasa'.

teronomy as the case of the *הַלְוִיָּהּ הַנֶּעֱלָה*, that is 'the man whose sandal has been removed'. This case is delineated in Deuteronomy 25:5-10 and is illustrated in the story of Boaz the Bethlehemite in Ruth 4:7ff. S. R. Driver comments as follows on the Deuteronomy passage:

‘According to Ru. 4:7f., it was the custom in ancient Israel, when property was transferred, or a right ceded, to take off the sandal, and hand it to the person in whose favour the transfer or cessation was made, as a symbolic attestation of the act, investing it with legal validity. Here the sandal is taken from the foot of the husband's brother . . . ; but it is remove not by himself, but by the woman, as an indication, apparently, that he allows an honourable privilege to be taken from him . . . The discredit which was felt to attach to his conduct, appears further from the contemptuous act [spitting in his face] which the woman is afterwards directed to perform.<sup>35</sup>

Modern interpreters have been inclined to accept the explanation given in Ruth 4:7f. as the original meaning and the Deuteronomy application as secondary.<sup>36</sup> However, a Hittite parallel from the Protocol of the *Mešedi* (*IBOT* I 36 i 54f.) demonstrates that the connotation attributed to this action by Deuteronomy is by no means either isolated or late but completes at home in the legal literature of the late second millennia BC. The following points should be kept in mind regarding the situation in Deuteronomy 25:

- (1) the husband's brother has been remiss in the performance of an important duty;
- (2) one of his shoes is removed;
- (3) it is removed not by a judge or public official of the court but by a private citizen who is *witness against* the man;
- 4) the action constitutes a public stigmatization of the man who has failed to perform his duty. The person who removes the shoe does not obtain thereby purchase rights.

<sup>35</sup> *Deuteronomy* (ICC) 283.

<sup>36</sup> So R. d Vaux, *Ancient Israel*, Darton, Longman and Todd, London (1961)

With these points in mind we may proceed to consider the following passage from the Hittite protocol for the royal guard (*mešedi*):

*mān-kan* <sup>LÚ</sup>MEŠEDI-*ma arha mirzi n-ašta* <sup>GIŠ</sup>ŠUKUR *luštaniyaz,*  
*katta pedai n-an* <sup>LÚ</sup>NI.DU<sub>8</sub> *wašduli epzi nu-ši-kan* <sup>KUŠ</sup>E.SIR  
*arha lai*

'If a guard deserts (his post) and carries off a lance from the postern, and the gateman catches him in the sin, he (the gateman) shall remove his (the guard's) shoe' (*IBoT I* 36 i 53-54)

From the text before us we can see that all four of the above factors in Deuteronomy 25 are present in the Hittite passage.

- (1) The guard has been remiss in the performance of his duty;
- (2) one of his shoes is removed by the man who apprehended him in the flight from duty;
- (3) the gateman thus acts as a witness against him;
- (4) the action constitutes a public stigmatization.

### C. HITTITE RELIGION AND THE OLD TESTAMENT

When one speaks of 'religion' as distinct from mythology, he usually has the following areas in mind:

- (1) Pantheon,
- (2) cult (rituals, festivals, types of offerings, priests and temples),
- (3) theology.

Our consideration of Hittite mythology constitutes a later chapter so we shall confine our attention here to the three areas listed above.

As traditionally understood, the records of ancient Israel reveal to us a people who worshipped only one God, whose personal designation was Yahweh. It does not appear that any of the members of the Hittite pantheon exerted any appreciable influence upon the religious conceptions of the Israelites. Still, it is possible to see how some of the religious language of

the Canaanites—and through them the Hebrews—reflects a familiarity with the iconography of the Hittite gods.

A good example is provided by the dual usage of the early Canaan word *bamatu* (Ugaritic *bmt*, Hebrew בִּמְתָּ, Phoenician *bōmā*, Moabite *bmt*; compare Akkadian *bamtu* 'chest') with the meanings 'back' and 'mound, hilltop'.<sup>37</sup> The meaning 'back' is attested in Ugaritic<sup>38</sup> and Hebrew<sup>39</sup> and seems to have been the primary meaning. The derived meaning 'hilltop' (especially in the sense of a cultic installation on a raised area) is the normal one in Hebrew,<sup>39</sup> and the only one attested in Phoenician and Moabite.<sup>40</sup> The question of the manner in which the second meaning was arrived at can be answered on the basis of the religious art of Anatolia.<sup>41</sup> There mountain deities are portrayed anthropomorphically as hunchbacks. Frequently the storm god or the king stands on their backs with feet resting on these humps.<sup>42</sup> Thus what is a 'back' to the mountain viewed anthropomorphically is its summit or peak when conceived naturalistically. This insight is further fortified by the use in Hittite toponyms of the word which means 'back' as the name of a particular mountain: <sup>HUR.SAG</sup> Iškišaš, which is the genitive of the neuter noun *iškiš*. 'back, ridge, hump'. Thus the mountain's name is 'he of the ridge/peak' and reminds is of the Homeric epithets for mountains: πολύκνημος

<sup>37</sup> For a generally good survey see de Vaux, *op. cit.*, 284ff. There are some erroneous statements in this discussion, which must be briefly corrected here. De Vaux is mistaken, when he affirms that 'the corresponding word in Akkadian (*bamtu* B, *The Assyrian Dictionary*, Oriental Institute, Chicago (1965) B, 78f.) has this meaning ('back, trunk') too, though it can also denote any elevated ground, such as the crest of a hill or a height' (p. 284). Akkadian *bamtu* means 'chest, thorax', and never means 'elevated ground, crest of a hill'. It is not agreed among scholars that the Ugaritic word *bmt* refers to elevated ground either, although here there is more probability.

<sup>38</sup> C. Gordon, *Ugaritic Textbook*, Pontifical Biblical Institute, Rome (1965) 373. Another word *ksl* shares the, meaning 'back' with *bmt* (pp. 421-422).

<sup>39</sup> For OT references see de Vaux, *op. cit.*, 284.

<sup>40</sup> H. P onner & W. Röllig, *Kanaanäische und Aramäische Inschriften II*, Harrassowitz Wiesbaden (1964) 171. In the light of the probable phonetic form of the Phoenician cognate (*bōmā* from *bāmā*) and the similarity in meaning it might be tempting to see this West Semitic word as the source of Greek βωμός. But βωμός with βῆμα has an impeccable Indo-European etymology (J. I. H. Frisk, *Griechisches Etymologisches Wörterbuch I*, Heidelberg (1960) 279) and occurs in early texts with an already extended range of meaning (R. J. Cunliffe, *Lexicon of the Homeric Dialect*, London (1924) 74). An excellent and up to date summary by W. Fauth in *Der kleine Pauly I*, Druckenmüller, Stuttgart (1964) 279ff. Compare also Hoffner, *JBL* 86 (1967) 399.

<sup>41</sup> Hoffner, *EHG* (1967) 60 n. 116.

<sup>42</sup> See photos in E. Akurgal, *Art of Hittites*, plates 53, 76, 77, and line drawings in O. R. Gurney, *Hittites*, 143, fig. 8, registers 41 and 64.

(‘with many mountain spurs’), πολύπτυχος (‘with many clefts’). Thus Canaanite *bamatu* shared the same semantic development as Hittite *iškiš*, and both can be appreciated better in terms of the visual conceptions of Hittite religious art.

In the twenty-eighth chapter of Genesis the story is told of how the patriarch Jacob on his way from Canaan to Aram Naharaim stopped for the night at Bethel and saw there a vision. The traditional interpretation of this vision conceives of it as a ladder set up so that its foot rested on the ground and its top reached the sky.<sup>43</sup> On it angels of God were ascending and descending. In recent years the late E. A. Speiser has popularized in his Genesis commentary an earlier view that the situation envisaged by the author was not an ordinary ladder, but a ziggurat staircase.<sup>44</sup> Speiser is not deterred by the fact that just such a temple tower is described in Genesis 11:1-9 in wholly different terms. Nor is his parallel accurate. The staircase gave a means for the priest or human worshipper to ascend to the *Hochtempel*, where the human worshipper met the divine object of his worship. Jacob's vision concerns the passage of superhuman figures; from heaven to earth and vice versa. Speiser further argues on the basis of etymology that the Hebrew word סֹלֶם is derived from the root סָלַל ‘to heap up, raise’, and that such an etymology fits the conception of a staircase better than a ‘ladder’. But this etymology requires that we regard the final consonant מ in סֹלֶם as a formative. This is rendered highly improbable by the Akkadian cognate *simmiltu* ‘ladder, staircase’, which contains the same triconsonantal root in a metathesized form (*sml* rather than *slm*).<sup>45</sup>

More important than the questions of etymology and exact translation (although I personally prefer to retain the traditional translation ‘ladder’) is the question of the true conception of this ladder. Is it an image drawn from the Mesopota-

<sup>43</sup> So all standard English translations (AV, RV, ASV, RSV) and most older commentaries. Even J. Skinner (*Genesis ICC*) does not abandon ‘ladder’, though he acknowledges ‘stair’ as possible and even draws the analogy of the Babylonian temple tower (pages 376-378). An extended discussion can also be found in H. Gunkel, *Genesis*<sup>5</sup>, Vandenhoeck and Rupprecht, Göttingen (1922) 317-318. For discussion see Hoffner, *JBL* 86 (1967) 397-398.

<sup>44</sup> E. A. Speiser, *Genesis*, 218-220; argued without reference to earlier proponents among whom Skinner can be included (see preceding note).

<sup>45</sup> Hoffner, *loc. cit.*, 397 n. 30.

mian emple tower? Does it depict the way of ascent for a worshipper to visit the gods? To answer these questions it is necessary for us to investigate a genre of text less familiar to the Old Testament scholar but equally important. These are the Hittite texts describing offerings made to infernal deities and spirits.<sup>46</sup> Access to the infernal regions for purposes of making offerings was obtained by the digging of a pit or pits in the ground. Into them were lowered foodstuffs and precious adornments. The pits were called by the name βόθρος in Greek,<sup>47</sup> *ay(a)bi*, *hatteššar*, and *pateššar* in Hittite, *ab(.lâl)* in Sumerian, *ābu* Assyrian, *'ēb* in Ugaritic, and אֵב in Hebrew.<sup>48</sup> In one of these texts (*KUB XV 31 obv ii 6-26*)<sup>49</sup> the practitioner lowers into the pit a silver ladder and a silver pectoral ornament. The word translated 'ladder' is the Sumerogram <sup>GIŠ</sup>KUN<sub>5</sub> (<sup>GIŠ</sup>TUR.ŠĒ) the Akkadian reading of which is *simmiltu*.<sup>50</sup> One must decide for himself on the basis of this context which would be more appropriate; to prop a small silver ladder against the wall of the pit, or to set up a silver staircase on the floor of the pit. I think that the former is more likely.<sup>51</sup> But this is not the important issue. The significance of this silver ladder in the ritual context seems certainly to be an invitation on the part of the offerer to the infernal spirit to come up out of the pit by the ladder and to partake of the offering, the thin loaves which have been placed around the mouths of the pit. The ladder and the loaves are a kind of 'lure'. The ladder constituted a means of access for the spirits of the nether world to the surface of the earth, just as Jacob's אֵב offered to the angels of God a means of access from the heavenly realms to the surface of the earth. Jacob exclaimed, when he awoke from

<sup>46</sup> Complete assemblage of texts in transliteration, English translation, and commentary in Hoffner, *JBL* 86 (1967) 385-401. Earlier work of fundamental importance by M. Vieyra, *RHA* 69 (1961) 47-55. These studies, while shedding some light on Jacob's ladder, are of particular relevance to the nature and use of the magical installation for divination called the אֵב.

<sup>47</sup> See Fauth in *Der kleine Pauly* I (1964) 279ff. (under Altar) and W. K. C. Guthrie, *The Greeks and Their Gods*, Methuen, London (1950) 221ff.

<sup>48</sup> Tabulation and references in Hoffner loc. cit., 385.

<sup>49</sup> *Ibid.*, 390, text no. 3 line 17.

<sup>50</sup> Not of recognized by A. Goetze (apud A. Deimel's Nachtrage in *Šumerisches Lexik* H, Pontifical Biblical Institute, Rome (1932) 1134) in the mid-thirties, but explained by B. Landsberger and H. G. Güterbock in the late thirties (*ZA* 44 (1938) 88; *AfO* 72 (1937-39) 55f.), and now included in R. Labat, *Manuel d'Épigraphie Akkadienne*<sup>3</sup>, Imprimerie Nationale, Paris (1959) signs no. 142 and 147.

<sup>51</sup> For a pictorial representation of a ladder employed by acrobats see Akurgal, *op. cit.* plate 93.

this dream, 'How awesome is this place! This is none other than the house of God [from which Bethel got its name]! This is the gate of heaven!' (Gn. 28:17). Implicit in this exclamation is the conviction that there were precious few such 'Bethels' in existence. Places in which intercommunication<sup>52</sup> between the three levels of the cosmos was possible were quite difficult to find. And Jacob had stumbled on one!

The social phenomenon known as transvestism is still in existence today, although it is now divorced of all religious and magical significance.<sup>53</sup> For reasons of a psychological nature certain persons see fit to affect the outward bearing of the opposite sex and to live like them. In antiquity this kind of behaviour was religiously motivated.<sup>54</sup> It was exclusively associated with occult forms of magic and worship. As such it was banned in the Old Testament legislation. The wording of the interdiction (Dt. 22:5) does not specify the motivation of the transvestite,<sup>55</sup> and it is this aspect which requires some elucidation. The customary explanation for the rite given by modern commentators is that male worshippers of a bisexual deity, affected the outward bearing of the opposite sex as part of their worship. That such bisexual deities existed in antiquity one must freely admit. In the *Journal of Biblical Literature* for 1966 I cited evidence for the bisexuality of Ishtar in Akkadian texts, as well as the previously known evidence for the bearded Astarte worshiped on Cyprus. The description of Anat in the Chester Beatty Papyrus as 'Anat, the goddess, the victorious, a woman acting (as) a man, clad as a male and girt as a female' matches the descriptions of that goddess in the Ugaritic texts from Ras Shamra, but accords as well with the description of the woman Pughat, who in order to secure for herself masculine battle prowess to slay her brother's murderer clothes herself, as a man and stains her skin with red murex to affect the male colour, yet in order to disguise her intent she then puts on wo-

<sup>52</sup> Of course, it is important to stress that neither in the Jacob story nor in the Hittite ritual is it implied that a mortal could use one of these magic ladders. They were for supernatural beings only!

<sup>53</sup> D. O. Cauldwell, *Transvestism: Men in Female Dress* (1956); E. de Savitsch, *Homosexuality, Transvestism and Change of Sex*, Heinemann Medical Books, London (1958).

<sup>54</sup> Full discussion of transvestism considered from viewpoint of Hebrew, Ugaritic, and Hittite examples to be found in Hoffner, *JBL* 85 (1966) 326-334.

<sup>55</sup> The style of the verse is what is known as 'theological tautology' on which see von Rad, *Old Testament Theology* I, Oliver and Boyd, Edinburgh (1962) 197.

men's clothes over the men's! She (like Anat as described in Chester Beatty Papyrus) is 'clad as a male and girt as a female'.

Yet in all of this evidence there is not once provided a clue as to the motivation or purpose of the sexual transformation. The only exception is Pughat, who seems to desire masculine physical powers in order to slay her brother's murderer. That she is not desirous of affecting the outward and visible appearance of a man is clear from the fact that she dons women's clothing on top of the men's. Apparently then she believes that the men's clothing will impart to her some of the *attributes* of a man. And it is here that we achieve our first important insight.

As I demonstrated in my 1966 study, there are Hittite magic rituals designed to change the sexual characteristic—from male to female, from female to male. They were intended not for women but for men. When a man becomes aware that he 'possesses no reproductive power or has no desire for women', sacrifices were brought by a sorceress from Arzawa by the name of Pashkuwatti to the deity Uliliyashshi, and a magic ritual was carried out to remove femininity from the frustrated man and to restore to him his masculinity.<sup>56</sup> This result was achieved at least in part by the potent interchange of sexual symbols on his person. A spindle and mirror (woman's symbols) were taken from his hands, and a bow and arrows (male symbols) were put in their place. While this was being done, Pashkuwatti spoke as follows: 'I have taken womanliness away from you and given you manliness in return! You have cast off the "habit"<sup>57</sup> of a woman, now [show] the "habit" of a man!' Of course, there was much more to the elaborate rite than this interchange. Among the other details a most interesting feature is the incubation of the afflicted man, whereby he experienced the bodily presence of the deity in his dream, coming to him and sleeping with him (Uliliyashshi was thus doubtless a goddess;<sup>58</sup> not a god). All of this reminds

<sup>56</sup> Hoffner, *loc. cit.*, 331; translation in *ANET* 349-350.

<sup>57</sup> Hittite *šaklaiš* means 'custom, usage'. But like our English word 'habit' it can occasionally denote 'customary attire', as indeed here. The normal Hittite word for 'clothing' is *waš(ša)paš* (J. Friedrich, *Hethitisches Wörterbuch*, Erg. I. C. Winter, eidelberg (1957) 23).

<sup>58</sup> One should therefore change E. Laroche's description of her in 'Recherches sur les nom' des dieux hittites', *RHA* 46 (1946-47) 70, from 'divinité de Parmanna' to 'déesse de Parmanna'.

one of the prominent role of incubation, Greek ἐγκοίμησις; Latin *incubatio*, in the treatments provided to the ill by Asclepius and the other Greek healer-gods.<sup>59</sup> The reverse of the procedure was followed, when it was the intent of the practitioner to impair either the battle prowess or the sexual potency of enemy males.

In Deuteronomy 22:5 transvestism is forbidden because it was conceived of as a ritual employing magic. Magic ritual were offensive to Yahweh from the very beginnings of His associations with Israel. This is no late and artificial priestly legislation, but—as admitted by even the more sceptical school of Bible critics—an expression of the very heart of the understanding of Yahweh, that understanding which always conceived of Him as a free Agent whose personal sovereignty must not be infringed upon by the attempts to influence him by magical means.<sup>60</sup> In Israel if a woman was barren, she prayed to Yahweh for a child. Yahweh 'visited' her and she conceived. The same would surely be the case with males who could not produce children through any of their wives and concubines, although cases of the latter are not illustrated in the Old Testament. Prayer recognized the right of Yahweh to refuse or grant the request on a personal basis. A magic ritual presumed that His reaction would be (indeed must be) automatic and predictable.<sup>61</sup> This insight into the prohibition

<sup>59</sup> L. Deubner, *De Incubatione*, Teubner, Leipzig (1900); M. Hamilton, *Incubation* Simpkin, Marshall, Hamilton, Kent and Co., London (1906); J. Harrison, *Prolegomena to the Study of Greek Religion*<sup>3</sup>, Cambridge University Press (1922), 342-343; C. A. Meier, *Antike Inkubation* (1949); handy summary in English in *The Oxford Classical Dictionary*, Clarendon Press, Oxford (1949) 451-452. There is no clear evidence for this practice in the OT. God appears to individuals in dreams, but sick persons do not thus find healing nor barren women conception. Announcements to barren women in the OT are often made to their husbands (Gn. 18:9; 25:21), and when the announcement is made by a direct divine appearance in full wakefulness (Jdg. 13:2ff.). Nor do we see persons deliberately sleeping in a sanctuary in order to bring on divine revelation. Jacob experiences one at Bethel through accidental sleeping in a sanctuary whose existence he claims not to have previously recognized. On the general subject of dreams as revelatory means in the Ancient Near East see A. L. Oppenheim, *Interpretation of Dreams* American Philosophical Society, Philadelphia (1956).

<sup>60</sup> G. von. Rad, *op. cit.*, 34-35.

<sup>61</sup> The nature of magic and its polarity with religion is well expressed by H. M. Kümmel, *Ersatzrituale für den hethitischen König* (*Studien zu BoT 3*; 1967) 2f. The two rest on entirely different conceptions of the universe. In most religions of history there has been an inconsistency of practice which has permitted both to be pursued within the bounds of the same cult. In ancient Israel, however, it was early recognized that magic was inherently antagonistic to the worship of Yahweh as a free personal Agent. I do not deny that especially in the later periods of

against transvestism would have been unlikely had it not been for the analogous situations to be found in Hittite texts.

#### D. HITTITE MYTHOLOGY AND THE OLD TESTAMENT

In the term 'mythology' we include all texts which purport to tell of events which are either undated or set in hoary antiquity. Historical texts in the Hittite archives are associated with the reign of a known ruler. They are of the following types: annals, treaties, political and diplomatic correspondence, edicts, and protocols. One cannot define mythological texts as those in which major roles are assigned to deities, or as those in which direct divine intervention in history is depicted, for these descriptions would fit perfectly texts which we know relate actual events in the late second millennium BC. It is accepted procedure to include in historical narratives the events which transpired which the viewers attributed to the direct intervention of one or more deities.<sup>62</sup> What sets a 'myth' apart from historical texts in terms of our Hittite corpus is: (1) that all but one or two characters in the story are deities, (2) the events are not correlated with the reigns of any known king and are thus undated, and often (3) that the story is associated with the celebration of some religious festival. Of course the corpus of Hittite texts which we call 'mythological' are not uniform. The myths of presumed Hurrian origin (with the single exception of the Kumarbi cycle) fulfil only criterion number two. Few deities figure directly in the stories, and the principal

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Judaism (Aramaic magic bowls) magic found a prominent place in the popular religion. What has been rightly claimed is rather that in the *official* religion of early Israel such practices were condemned as incompatible with Yahwism.

<sup>62</sup> See the perceptive remarks of K. A. Kitchen in 'Myth and the Old Testament', *Theological Students' Fellowship Bulletin* 44. (1966) 1-2. Hittite historical literature preserves numerous examples. Two good examples come to mind: (1) in the to-year Annals of Murshili (*BoTU* 48 ii 16ff.; *AM* 46-50) the mighty storm god directly intervenes in history on behalf of Murshili by hurling a thunderbolt on the city of Apasha (Ephesus?), which was one of Ukhkhaziti's centres; and (2) Ishtar of Shamukha intervenes directly in history to defeat Urkhiteshub and the other enemies of Khattushili III (Apology of Khattushili, col. III, 15ff.; IV.18ff.; *KBo* VI 20 ii 29ff.). We may well doubt the attribution of these phenomena to direct intervention of deities, but we cannot question the fact that the ancient Hittites made such attributions and saw nothing out of place in including them in texts which we may classify as 'non-mythological'. Interesting ramifications of the ascription of military victories to particular deities are explored by W. W. Hallo in his as yet unpublished paper 'The Typology of Divine Exaltation' read before the American Oriental Society in Berkeley, 1968.

protagonists are humans. The stories themselves appear to have been divorced from ritual and festival situations, and may have been tales told for enjoyment, although the element of fable (a story with a moral) is clearly present in one, and there is a strong suspicion in others that a kernel of historicity underlies them. In this respect they resemble the Epic of Gilgamesh, which was the product of a long series of elaborations and accretions to the nucleus of a few Sumerian tales about the historical king Gilgamesh.

Since the myths of the vanishing god Telepinu, the dragon Illuyanka, and the dethroned deity Kumarbi have dominated the picture of Hittite mythology, and the minor myths of Hurrian origin have only been translated into English in the little book entitled *The World's Oldest Stories* by T. H. Gaster, not appearing in the more widely known *Ancient Near Eastern Texts* edited by J. B. Pritchard, it is not surprising that their contents should be less familiar to English-speaking scholars in general and English-speaking Old Testament scholars in particular. One of the most interesting of these is the tale of Appu.<sup>63</sup> We note at the outset—in order to facilitate comparative evaluations as the story is related—that the portion of the Old Testament which bears strongest resemblance to this tale is the story of Job. There is indeed even a very slight resemblance between the two men's names, if the Biblical name is traced back to its archaic pronunciation \*'Ayyābu. Like Job Appu was a very wealthy man and lived in the east. Job was the wealthiest man among the בְּנֵי קֵדָר or 'easterners'. The exact location of Appu's home is unclear, but clues in the story point to somewhere in the mountainous areas to the east of the Tigris. Appu's wealth consisted of gold and lapis lazuli, which was to be found in antiquity in this region.<sup>64</sup> His city was named Shudul, and it was in the land of the Luluwaeans.<sup>65</sup> Job once had everything he needed, but soon lost his possessions and his

<sup>63</sup> First transliterated and translated into German with philological comment by J. Friedrich in *ZA* 49 (1949) 214-225; translated into English by T. H. Gaster *The World's Oldest Stories*, New York (1952) 159-164, 167-171.

<sup>64</sup> Friedrich, *op. cit.*, 214-215, lines 13-14. On gold and lapis lazuli in the region of the river Kerkha (called *Uqnû* in antiquity) see E. A. Speiser, 'The Rivers, of Paradise', in *Oriental and Biblical Studies*, University of Pennsylvania Press Philadelphia (1967) 31-33, where the land surrounding the Biblical Pishon river has fine gold and אֶשְׁתֵּי stone (lapis lazuli?).

<sup>65</sup> *Ibid.*, lines 7-8.

children by successive catastrophes brought upon him by God. Appu did not experience catastrophes in which his wealth or children were lost. He remained wealthy, but he had always lacked children, and this was his point of acute suffering.<sup>66</sup> Perhaps if his wife had sympathized with him, Appu could have endured his tragedy. But like Job Appu had an unsympathetic wife. She knew that their lack of children was not due to her own barrenness but to his sterility. Therefore she chided him mercilessly about the matter even in the presence of their servants. When her words became absolutely unbearable, Appu spoke his mind 'You are a woman and of a woman's temperament—you know nothing at all!<sup>67</sup> One is instinctively reminded of Job's reply to his wife, after she had urged him to curse God and die: 'You speak as one of the foolish women!' (Jb. 2:10). Like Job Appu did not give up all hope, nor did he falsely accuse the gods. Rather he went to offer sacrifice to the sun god and to inquire about the nature of the sin which prevented him from having a child. At this point the story loses its similarity to the Book of Job. Appu does succeed in begetting two boys. The elder (like Cain) is wicked, and is so named: 'Bad'. The younger (like Abel) is good, and is likewise so named: 'Good'.<sup>68</sup> The rest of the story tells—in a manner reminiscent of the Abraham and Lot narratives—of how at the time of life in which they divided their father's inheritance the older brother chose first and tried to defraud his younger brother.<sup>69</sup> But the sun god looked down from heaven and overruled, so that the inferior cattle of 'Good' became superior to those of 'Bad'. The latter then claims foul play and takes his brother to court before various deities, each of which in turn exonerates 'Good' and condemns 'Bad'.<sup>70</sup> We do not know of the way

<sup>66</sup> *Ibid.*, lines 15-21.

<sup>67</sup> *Ibid.*, 216-217, lines 36-37.

<sup>68</sup> *Ibid.*, 218-221.

<sup>69</sup> *Ibid.*, 222-223.

<sup>70</sup> *Ibid.*, 224-225; *ABoT* 48, 1-11. On the basis of similar phraseology in the other myths it is possible for me to suggest several restorations which fill out *ABoT* 48 considerably more than Friedrich's transliteration.

4 [GIM-*an-ma-at-kán* I-NA<sup>URU</sup>ZIMB]IR *e-re-er* A-[NA<sup>d</sup>UTU *ti-i-e-er*]

5 [*nu*<sup>d</sup>UTU-*uš* ŠEŠ-a]n<sup>LU</sup>NÍG.SI.SÁ-*an šar*-[*la-a-it*]

6 [*nu* ŠEŠ-*aš*<sup>LU</sup>HUL-*lu-uš hur*-] *za-ki-u-wa-an da-a-is*<sup>d</sup>UTU-*u[š-wa]*

7 [Ú-UL *ha-an-d*]a-*an me-mi-iš-ta*- Ú-UL[-*wa*. . . .]

8 [. . . . .]-*hi* DI-*eš-šar pa-id-du-wa-aš-š*[*a?-an*]

9 [<sup>d</sup>EŠDAR-*iš-wa*<sup>URU</sup>Ni-*nu*-]wa-*aš* SAL.LUGAL-*aš-ha-an-na-a*-[*ú*]

10 [*nu* A-NA<sup>URU</sup>-Ni-*nu-wa pé-en*-] *nir* GIM-*an-ma-at*-[*kán* I-NA<sup>URU</sup>Ni-*nu-wa e-re-er*]

11 [*na-at* A-NA<sup>d</sup>EŠDAR DI-*eš-ni*] *ti-i-e-er* [*nu* ŠEŠ-*an*<sup>LU</sup>NÍG.SI.SÁ-*an-šar-la-a-it-pát*]

'But when they arrived in Sippar and took their stand before the sun god, the sun

in which the tale ends, but it seems logical to presume that 'Good' continues to be vindicated by the gods' tribunals and 'Bad' meets his just deserts. There are two reasons to expect this. The first is a line which occurs in a Hittite solar hymn which states 'The just man [*handanza*—the exact name of brother 'Good'] is dear to thee [the sun god], and thou art letting him win!'<sup>71</sup> And the second is that the tablet on which the beginning of the story is recorded preserves several lines of text before the beginning of the narrative proper. It does not represent the end of an entirely different composition, but seems instead to constitute a kind of prologue to our story. It is in a bad state of preservation, but what survives speaks of someone (a god?) elevating honest men—I read [*ha-an-da-an*] -*du-uš* LÚ.MEŠ [*k*]*u-iš šar-li!-iš-ki-iz-zi*—'but the evil men (*huwappuš-a* LÚ.MEŠ) like a tree (?) he bends; the evil men like *šakšakiluš* he strikes on their skulls, and destroys them'.<sup>72</sup> If these lines are intended to introduce the Appu story, their intention must be clear to all. The honest brother will continually be vindicated (*šarliškizzi* is iterative), and the dishonest brother will be bent and smitten/ on the skull, so that he is eventually destroyed. In other words we have before us a 'fable', a story told to illustrate a moral. Now of course this does not *necessarily* exclude the possibility that it rests on old sagas which grew up around a real person in history. It is interesting that Ezekiel 14:14 and 20 group together three figures from hoary antiquity who were famous for their righteousness: Noah, Daniel, and Job. If, as is increasingly being done, we identify Daniel with the figure known at Ras Shamra rather than the Old Testament Daniel the Jew, then all three of these figures are non-Jewish and are persons

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god awarded the decision to brother "Good". Brother "Bad" began to curse; "The sun god has spoken falsely! Nineveh's queen, judge (him)!" So they travelled to Nineveh. But when they reached Nineveh and took their stand before Ishtar for trial, she also awarded the decision to brother "Good".'

<sup>71</sup> KUB XXXI 127 i, 8—to in *JAOS* 78 (1958) 239. 'Letting him win' translates the same verb (*.arlisk-IsYarlai-*) which occurs in lines 5 and 11 of the Appu text (see preceding note).

<sup>72</sup> These opening lines have been recovered thanks in large measure to the alert mind of E. Laroche (*OLZ* (1955) 225), who recognized that *KBo* VII 18 was pertinent. It was Laroche too who showed by a correct restoration of *KUB* III 203 rev 9 (*RHA* 79, 162) that the equation (Akkad.) [*mu-u*]*h-hu* (Hitt.) *tar-na-a-[as]* held the key to the rendering of line 5 'on their skulls'. I have proposed that we read *šar-li!-iš-ki-iz-zi* in line 3, for this makes excellent sense, while *šar-ki-iš-ki iz-zi* (an intransitive verb) makes no sense. I plan to collate *Bo* 2345 in Turkey in order to see if the traces on the tablet justify the new reading.

of great antiquity celebrated in stories circulated by many different peoples in the Ancient Near East. It is possible that in the Appu story we have a story about this same figure from antiquity. Like the Appu story the Book of Job records an incident in the life of this famous righteous man in order to draw a moral: the righteous sufferer must neither blame God unjustly nor discount the testimony of his own conscience to his integrity.