

# Orient and Occident

Essays presented to  
Cyrus H. Gordon  
on the Occasion of his  
Sixty-fifth Birthday

Edited by  
Harry A. Hoffner, Jr.

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## P R E F A C E

The essays in this volume were submitted by invitation to the editor in June of 1972. Invitations were extended to a group of the friends, colleagues and former students of Professor Cyrus H. Gordon. It was impossible to include every friend, colleague or former student who might have wished to contribute an essay.

The essays were edited during the months of July, August and September, 1972. Because the editor was spending a long awaited sabbatical in Germany during the autumn of 1972, it was possible for him to confer personally with Herren Drs. Loretz and Dietrich in Münster in October and to submit the edited manuscripts in person. The editor wishes to thank Herren Loretz and Dietrich for their kind and efficient assistance in producing this volume and keeping its character confidential until the date of presentation.

The essays are arranged in the alphabetical order of the authors' surnames. The sole exception is the large index of passages from Ugaritic texts cited in Gordon's *Ugaritic Textbook*, which has been placed at the end near the other indices to facilitate usefulness.

The abbreviations employed are those used in the more or less standard reference works of the various disciplines. For Assyriology, W. von Soden's *Akkadisches Handwörterbuch* and the Chicago Assyrian Dictionary. For Egyptology, A.H. Gardiner's *Egyptian Grammar*. For Hittitology, J. Friedrich's *Hethitisches Wörterbuch*. For biblical studies, the *Interpreter's Dictionary of the Bible*. For Islamic studies, the *Encyclopedia of Islam*. Supplementary abbreviations can be found at the head of each article.

For reasons of space it was decided to forego the inclusion of a complete bibliography of Professor Gordon's publications, since this would have required a volume almost half again as large as the present one. A complete bibliography to the year 1962 was published in *Studia Mediterranea: a Student Tribute* (Brandeis University, 1963).

Christmas, 1972

Harry A. Hoffner, Jr.  
Editor

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## INCEST, SODOMY AND BESTIALITY IN THE ANCIENT NEAR EAST

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## I. Old Testament Legislation.

That a human male should have sexual relations with any other than a human female who herself was born outside the circle of his own immediate blood kin was regarded as a moral outrage in ancient Israel. Thus sexual relations with animals (bestiality), with humans of the same sex (homosexuality), or with one's own immediate blood kin (incest) made an individual liable to the death penalty.<sup>1</sup>

Although other passages indirectly express the same resolute hostility toward the coupling of man and animal,<sup>2</sup> the most forthright and direct statement of condemnation is to be found in Lev. 18:23 ("And you shall not give your semen to any beast to defile yourself with it, neither shall any woman give herself to a beast to copulate with it: it is perversion [Heb. *tebel*].") and Lev. 20:15-16 ("If a man lies with a beast, he shall be put to death; and you shall kill the beast. If a woman approaches any beast and lies with it, you shall kill the woman and the beast; they shall be put to death, their blood is upon them."). In each of the formulations just cited it is explicit that the human partner has initiated the cross-species mating.<sup>3</sup> The action brings an automatic blood guilt upon both the human and the animal, which must be resolved by execution.

Homosexual relations were also regarded as a crime worthy of death (Lev. 18:22; 20:13). Wages earned by homosexuals could not be accepted in the temple as payment for a vow (Deut. 23:18; Judg. 19:22). Various terms were current in ancient Israel for the homosexual: *keleb* "dog" (Deut. 23:19), and *qadeš* "sacred male (prostitute)".<sup>4</sup> Houses of male prostitutes were destroyed by King Josiah (2 Kings 23:7). No distinct terms have survived in the OT to designate the dominant as opposed to the passive homosexual, although the Greek term *malakos* "effeminate" is employed by St. Paul (1 Cor. 6:9; Rom. 1:27) to designate the latter type.

Incest (Germ. *Blutschande*) is defined as sexual intercourse between two persons too closely related for marriage according to the mores of the community. Each community determines the degrees of kinship permitted. A number of forbidden couplings are enumerated in Lev. 20:11-12, 17-21. One was forbidden to copulate with his father's wife, whether or not she was only a step-mother (Gen. 35:22; 49:4; Ezek. 22:10-11; 1 Cor. 5:1). One was forbidden to copulate with one's sister, whether paternal or maternal (Lev. 20:17; Ezek. 22:10-11), even though the patriarch Abraham was alleged to be paternal brother of his wife Sarah (Gen. 20:2 and 12). This crime formed the subject of the story of Amnon and Tamar, who were both children of King David but from different mothers (2 Sam. 13). One was forbidden to lie with his daughters or daughters-in-law (Lev. 20:12; Ezek. 22:10-11). This crime formed the subject of the story of Lot and his two daughters, who deemed themselves to be the sole survivors of the human race after the destruction of Sodom and Gomorrah

<sup>1</sup> Whereas in English one distinguishes "bestiality" from "sodomy" (homosexuality as the practice of Sodom, cf. Gen 19), in German "Sodomie" includes both homosexuality and bestiality.

<sup>2</sup> Thus in Gen. 2:18ff. the search for a mate (Heb. *ēzer k<sup>e</sup>negdō*) appropriate for the first man led first to the animal kingdom (verses 19-20) before it became apparent to God that no suitable partner for the man could be found there. Having rejected the animal solution, God created woman (2:21-24).

<sup>3</sup> By contrast Hittite law § 199 envisages the possibility of the animal taking the initiative, on which see below.

<sup>4</sup> Perhaps, however, the clients of the *qadeš* were females.

and thus justified their act (Gen. 19:31-35). An exception to this rule was the patriarch Judah, who was obliged to fulfil the duty of the *levir* (Heb. *meyabbem*) to Tamar on his sons' behalf (Gen. 38). The penalty for committing incest was death (Lev. 20:11-13), by fire if a man cohabited with a wife and her mother also (Lev. 20:14).

## II. Syro-Palestine and Mesopotamia.

Among the ancient Syro-Palestinian cultures we cannot determine with certainty the attitude toward such acts. It has often been supposed that the Israelite legislation was in response to the practice of these acts by the surrounding peoples, and in fact this notion is attested in the OT itself (e.g. Lev. 20:23).<sup>5</sup> The story of the Syro-Palestinian god Ba'al copulating with a heifer seems to have been told with no trace of disapproval.<sup>6</sup> This does not mean, of course, that adult human males and females within the community in which these myths were told had no scruples against copulation with animals.<sup>7</sup> Unfortunately we have no corpus of laws for the communities living in Syro-Palestine other than the Israelites.

In Mesopotamia bestiality is not mentioned in any corpus of laws. It is only a supposition that in the Gilgamesh Epic the man Enkidu copulated with animals until his first encounter with a woman, namely the harlot, who introduced him to human sexual intercourse and thus alienated him from his animal friends.<sup>8</sup> It must be a supposition, for nothing in the text explicitly says that he ever mated with the animals. Yet one must admit that it is not an improbable supposition, since Enkidu was raised among the animals and might well have imitated the mating activities which he observed. There are few laws regarding homosexuality in Mesopotamian legal corpora.<sup>9</sup> It has been suggested that male cult figures such as the *assinnu*, the *kulu'u*, the *sinnišanu*, and the *pilpilû*, some of whom are said to dress as women, were homosexuals, but there is no agreement among scholars on this point.<sup>10</sup> With regard to incest the Code of Hammurapi §§ 154-158 enumerate several forbidden degrees of relationship: father — daughter, father — daughter-in-law, son — mother, son — foster-mother.

## III. Hittite Asia Minor.

It would seem that aside from the OT the only ancient Near Eastern culture in whose legal literature the copulation of humans and animals is mentioned is that of the Hittites. In laws §§ 187-88 and §§ 199-200A it is stated that, if a man has sexual relations with a cow, a sheep, a pig or a dog, he has become guilty of *hur=kel* and must die. If on the other hand he has sexual relations with a horse or a mule, there is no offence. I cannot offer a solution to the problem of the distinction between the cow, sheep, pig and dog on the one hand and the horse and mule on the other. C.H. Gordon has expressed the opinion that these laws are a manifestation of the "varying degrees of kinship with the different animal species" felt by the ancients.<sup>11</sup> The same kind of distinction is implicit, he thinks, in modern western man's willingness to eat beef, pork, and mutton, but his reluctance to eat horse or dog meat. One might seek a distinction between the other animals and the

<sup>5</sup> For example see C.H. Gordon, "A Note on the Tenth Commandment," JBR 31 (1963), 2-8 and 209, and O.J. Baab, IDB, I, 387 s.v. "bestiality".

<sup>6</sup> C.H. Gordon, UT, 196, text 132:1ff. (cf. ANET, 142).

<sup>7</sup> See the remarks about the Bena, Dahomeans, Kiwai, Lakher, Penobscot, etc. in C.S. Ford and F.A. Beach, *Patterns of Sexual Behavior* (New York, 1951), 146f.

<sup>8</sup> O.J. Baab in IDB, I, 387, basing his observation on Gilgamesh, Tabl. I, iv 1-41 (cf. ANET, 75, and R. Labat, in *Les religions du proche-orient* [1970], 153-54).

<sup>9</sup> Only in Middle Assyrian Law § 20, on which see G. Cardascia, 133-5.

<sup>10</sup> *assinnu* "Buhlknabe" (AHw, 75), *kulu'u* "Kultprostituiertes, Buhlknabe" (AHw, 505), *kurgarrû* "ein Kultdiener" (AHw, 510), *pilpilû* "Buhlknabe, Kinäde" (AHw, 863), and *sinnišanu* "effeminate man" are some of the relevant terms. A negative verdict on association with homosexuality is given by the CAD A<sup>2</sup>, 341 on *assinnu*, and CAD K, 529, 557ff. on *kulu'u* and *kurgarrû*.

<sup>11</sup> *The Ancient Near East* (3rd ed., 1965, in paperback of *Introduction to Old Testament Times*, 1953), 242 with note 8a.

equids in the more recent date of domestication of the horse and the mule. But I confess that I do not see in this a ready and workable solution.

In Hittite law § 199 an allowance is made for cases in which a sexually aroused animal might initiate the relationship, in which instance no guilt accrues to the human. As strange as such a situation might appear to some readers, especially readers whose life-locus is distinctly urban, there is ample attestation in the annals of anthropology of animal-human sexual relationships initiated by the animal partner. Several of these instances are recorded by Clellan S. Ford and Frank A. Beach, including an account by A.W. Yerkes in *The Mind of the Gorilla* of sexual solicitation directed at himself by an immature female gorilla named Congo. I quote only particularly relevant lines from Yerkes: "Congo came close to me . . . [and] throwing herself on her back she pressed her external genitalia against my feet and repeatedly and determinely tried to pull me upon her . . . In this activity she was . . . vigorously aggressive, and it required considerable adroitness and strength of resistance on my part to withstand her attack. . . . Her insistence on sexual contact was . . . somewhat dangerous because of her enormous strength, but throughout the period of observation she was unusually gentle and friendly, although determined in her efforts to satisfy her desire."<sup>12</sup> Such behaviour is by no means limited to primates, but can be and has been observed in other species. Incidence is particularly high, however, when the animal has been denied normal sexual contacts with members of its own species.

There is no indication in the Hittite laws that the life of the animal involved was ever spared, when the human was executed. Thus Hittite (and ancient Hebrew) law stands in contrast to the derivative law of the Christian societies of medieval Europe and colonial America, in which a court could find the animal partner innocent.<sup>13</sup>

In Hittite those couplings which were illegal were called *hurkel*. As *hurkel* the Hittites designated sexual relationships with most animals (§§ 187-88, §§ 199-200A),<sup>14</sup> with one's mother, daughter or son (§ 189), with one's stepmother while one's father was alive (§ 190), with one's sister-in-law while one's brother was alive (§ 195), with a free woman and her mother (§ 195), or with a free woman and her sister (§ 195). Aside from the coupling with animals it is clear that the definition of *hurkel* always takes into account the degree of kinship. Stating it another way, those couplings which are condemned are incestuous, in that they involve partners who are too intimately related by blood or by marriage to allow sexual intercourse. Homosexuality as such is not termed *hurkel*. A man who sodomizes his son is guilty of *hurkel* because his partner is his son, not because they are of the same sex. It is not out of the question that one should regularly translate *hurkel* as "incest" (*Blutschande, inceste*). The principal apparent exception would be in the cases involving animals, and these would be no exception, if Gordon's theory were accepted. There is no case to my knowledge in published Hittite texts where *hurkel* describes a crime which does not involve a sexual combination which is condemned by social mores. One would need such an example, it would seem, in order to reject the translation "forbidden sexual relationship" in favor of the more general "abomination" or "detestable act".<sup>15</sup>

One can subdivide the translations of Hittite *hurkel* which have been offered up to the present into two groups: (1) those which concern the nature of the act, and (2) those which specify the mode of punishment. Those of A. Goetze ("capital crime", *ANET*, 196f.) and S. Alp ("Räderung", *JCS* 6 [1952], 95f.) fall in the second category

<sup>12</sup> R.M. Yerkes cited by Ford and Beach, *Patterns of Sexual Behavior*, 148-49.

<sup>13</sup> "E.P. Evans states that at Vanvres in 1750 one Jacques Verrons was hung for copulating with a she-ass. The animal was acquitted on the grounds that she was a victim of violence and had not participated of her own free will. The prior of the local convent and several citizens of the town signed a certificate stating that they had known said she-ass for four years, and that she had always shown herself to be virtuous both at home and abroad and had never given occasion of scandal to anyone. This document was produced at the trial and is said to have exerted a decisive influence upon the judgment of the court." Ford and Beach, *Patterns of Sexual Behavior*, 144-45.

<sup>14</sup> H. Hoffner, *Tyndale Bulletin* 20 (1969), 41-42.

<sup>15</sup> HWb, 76, and Friedrich, HG, 112-13.

and can be disallowed by virtue of the variety of responses available to the community toward the act of *hurkel*: it could be executed, banished, or — as we shall see below — purify the offender. In category one fall the translations “Greuel, abscheuliche Tat, unerhörte Tat” offered by Friedrich (e.g., *HWb*, 76). These translations lack the precision which the available evidence now allows. In the majority of the occurrences in ritual texts the word simply denotes an evil to be removed from the man who committed the deed (IBoT II 117+ 1’-3’; KBo XXI 35 i 4’; KBo XIII 104+ Bo 6464 15’; Bo 2968 obv<sup>2</sup> 5’-10’; Bo 69/900 10’-11’; 254/d 15’; 173/q 4’-5’), from his house or city (KUB XXX 34 iv 15-18), or from the king who is indirectly defiled by the misdeeds of his subjects (KBo XIII 109 iii 4-11 (with dupl. Bo 898 rt. 1’-7’). In these passages *hurkel* is associated with such other terms as *paprātar* “defilement” (KBo XIII 109 iii 10), (*idālu*) *alwanzātar* “(evil) sorcery” (Bo 2968 obv<sup>2</sup> 8’; 173/q ii<sup>2</sup> 5’; Bo 6464 13’-14’(?)), *lingāiš* “(evil) oath, perjury” (Bo 2968 obv<sup>2</sup> 9’) *eš[har<sup>2</sup>]* “bloodshed” (Bo 2968 obv<sup>2</sup> 8’; rev<sup>2</sup> 5’; KUB XXX 34 iv 17), *inan* “disease” (KUB XXX 34 iv 17), *mūlatar/mulātar* (KBo XIII 109 iii 10; Bo 898 rt. 7’), and the Akkadiogram *AN-ZE-EL-LU* (KBo XIII 109 ii 10’, iii 9’; Bo 898 rt. 6’) “tabu, forbidden food, forbidden deed”.<sup>16</sup>

Like these terms *hurkel* should be allowed a general meaning but distinct from each of the accompanying terms. That general meaning I would propose was “forbidden sexual combination, incest” (German “un-erlaubte Geschlechtspaarung, Blutschande”). Friedrich’s “Greuel, abscheuliche Tat, unerhörte Tat” overlaps too much with the meaning of the other terms in the lists. Nor can one adduce a single example from the cases in the Hittite laws (or elsewhere in Hittite texts) in which an act other than a sexual one is called *hurkel*.

The passage from Bo 6464 11’-14’ is strikingly similar to the entry in the catalogue text KUB XXX 67 7’-9’ (cf. Laroche, CTH, p. 40 n. 1, pp. 171-72):

[I TUP-PU nu-uš-š]a-an III SISKUR a-ni-ya-an INIM <sup>no 23, 32?</sup> *ḫu-un-ta-ri-it-ta-a*  
[ma-a-an . . . . . na<sup>2</sup>-a]ḫ-ḫu-wa-i na-aš-ma-an-kán DINGIR.MEŠ *pár-ra-an-da ḫUL-lu*  
[ . . . . . n]a-aš-ma *hur-ke-el i-ya-an ḫar-zi*

The same phrases may have stood in the text of which we now have only a very small piece, the as yet unpublished Yale Hittite fragment <sup>NBC</sup> 3991, which reads: (new HFAC 19)

h /  
.... ma-ḫa-an-za UN-an [ku<sup>2</sup>-iš<sup>2</sup>-ki<sup>2</sup> . . . .  
.... na-aš-m]a *kur-ke-el [i-ya-an ḫar<sup>2</sup>-zi<sup>2</sup> . . . .*  
..... ]x DU-aš Û [ . . . . .  
..... ]i<sup>2</sup> ku-it-ki [ . . . . .

Bo 2968 obv<sup>2</sup> 5’-10’ reads as follows:

ka-a-aš-wa-kán GIM-an . . . . . [ . . . . .  
É IN.NU.DA IN.NU.DA *pa-ra-a* [ . . . . .  
*zi-in-na-a-i ki-nu-un-na-wa ke[-e-da-ni]*  
[U]N-ši *ḫUL-lu al-wa-an-za-tar e-eš[ḫar<sup>2</sup> . . . ]*  
[i]i-in-ga-a-en *ḫu-ur-ki-il [ . QA<sup>2</sup> -TAM<sup>2</sup> -MA<sup>2</sup> ]*  
[GAM]an *ar-ḫa ze-en-ni-eš-d[u]*

“As this . . . .<sup>17</sup>. [ . . . ] the straw barn (and?) straw . . [ . . ]  
makes an end, now [for] th[is ma]n [in like manner] let [ . . ]  
make an end of evil sorcery, bloo[dshed, . . . ], perjury (and) *hurkel*!”

<sup>16</sup> (AHw, 56; CAD a/2, 153; on the Sumerian word an-zil see MSL 12, 165 and 183 [lú-an-zil-kú-kú], and ZA 57, 101. A related Sum. word may possibly be written zi-lá = Akkad. *ebūru ša usukki* “offence of the sex-criminal” [Delitzsch, *Sum.Gloss.*, 225; Th. Jacobsen, *Image of Tammuz*, 207].).

<sup>17</sup> It would appear that E. Forrer (BoTU, I, p. 16, number 8) read the configuration of wedges which I have left untransliterated as <sup>GIS</sup>AGA. H.G. Güterbock (JCS15 [1961], 68-69, n. 19) suggested that this as yet unpublished tablet be checked in order to compare Forrer’s “AGA” with the sign in KBo VI 2 ii 57, which is problematic. It seems to me purely from a contextual viewpoint that AGA (i.e., “crown”) is out of place in Bo 2968 obv<sup>2</sup> 5’-10’. The item is the grammatical subject of the verb *zinnai*, the direct object of which appears to be É.IN.NU.DA (and) IN.NU.DA. One thinks of an agricultural implement of some type, but not a crown.

Since it would appear that homosexuality was not outlawed among the Hittites, we can proceed to the question of punishments only with regard to bestiality and incest, and perhaps, since mating with equids was permitted, only with regard to incest itself. In the Hittite laws, whose formulation in the main version dates to the very beginning of the Old Kingdom (c. 1650 B.C.), if not earlier, the normal punishment for *hurkel* was execution. However, the king might spare the life of his subject, in which case the one guilty of *hurkel* was banished from his city.<sup>18</sup> In another text, whose period of composition probably falls in the 15th or 14th century B.C.,<sup>19</sup> it is stated that various cities and towns within the Hittites' sphere of control had different traditions regarding punishment of *hurkel*. Some executed the offender(s), others banished. From the 17th through the 14th century no Hittite document records any option for the city other than executing or banishing.

These punishments render it apparent that such a law does not belong to the category of torts and personal offences, such as do the bulk of the laws in the corpus. *hurkel* constitutes an offence against the culprit's city. By committing such an act he has brought impurity upon his fellow townsmen and made them liable to divine wrath. Thus the townsfolk must protect themselves by eradicating the cause of divine wrath, i.e., either by executing the offender(s) or removing them permanently from the town.<sup>20</sup> Thus is explained the attending actions associated with purification. In the laws the offender(s) may not approach the king (§§ 187-88, 199-200A).<sup>21</sup> Even the man whose coupling with an equid is deemed "no offence" may not approach the king nor ever after become a priest.<sup>22</sup> Townsfolk who banish one guilty of *hurkel* must afterward bathe themselves.<sup>23</sup> Such purification rites as transpired, therefore, would have been for the city and its residents rather than for the banished man.<sup>24</sup> His departure from the city would lose its significance, if the impurity could be removed from him by a ritual. Like the scapegoat the banished man carried his impurity with him far away from the city (Lev 16:20ff.).

It is therefore highly interesting that there have recently turned up tablets and library catalogue entries for tablets containing rituals to remove the impurity of bestiality and incest from a man.<sup>25</sup> For this constitutes primary evidence for a further development in the religio-legal attitude toward incest and bestiality among the Hittites. During the Old Kingdom and the earliest years of the Empire period it would seem that either execution or banishment was practiced in the towns of the Hittite empire and purification rituals were performed for the town(sfolk) after the offender's departure. The present copy of the ritual KUB XLI 11 may be dated to the reign of Hattušili III or that of one of his two successors (second half of the 13th century B.C.),<sup>26</sup> while the

<sup>18</sup> Law § 196. Two offenders (slaves) are involved. Each is removed to a different town. Both are banished from the town in which they committed the offence. Even in §§ 187-88 and 199, where "the king may spare his life" (*huišnuzi-an LUGAL-uš*), the offender was not allowed to stay in the town in which the crime was committed (see also below).

<sup>19</sup> KUB XIII 2+ iii 9ff. (von Schuler, *Dienstanw.*, 47; ANET, 211; Güterbock, JAOS Suppl. 17 [1954], 18).

<sup>20</sup> See the societies enumerated in Ford and Beach, *Patterns*, 146-47, in which death or banishment are the preferred courses of action taken by the citizens. Note also that in the Code of Hammurapi the man guilty of incest is either executed (§§ 155, 157) or banished from home and city (§§ 154, 158). *could be question*

<sup>21</sup> Goetze's translation (ANET, 196-97) "he must not appeal to the king" is unlikely. One must remember the sacred person of the king and the need to scrupulously protect him from men bearing impurity. A. Goetze, *Kleinasien*<sup>2</sup> (1957), 89ff.; J. Friedrich, MAOG 4 (1928), 46-58; ANET, 207 (KUB XIII 3).

<sup>22</sup> Goetze's (ANET, 197) "nor shall he become a case for the priest" would require: *ša LUŠANGA Ū-UL ki-i-ša*, instead of what the text offers: *LUŠANGA-ša Ū-UL ki-i-ša* "he shall not become a priest".

<sup>23</sup> XIII 2+ iii 14 (von Schuler, *Dienstanw.*, 47; ANET, 211): *nam-ma-za URU-aš EGIR-an-da wa-ar-ap-du*, "furthermore afterwards let (all) the city bathe itself."

<sup>24</sup> A sample ritual designed to remove the taint of *hurkel* from a town is KUB XXX 34 (iv 15ff.).

<sup>25</sup> Only the newly published KUB XLI 11 explicitly pertains to bestiality. The library catalogue entry is KUB XXX 67 7'9', which ritual is designed to purify a man who has committed *hurkel*. Presumably this applied to all types of *hurkel*, including bestiality. But the catalogue entry does not specify. A ritual to purify from incest is KBo XII 115 with dupl. IBoT II 117 (CTH 445). Note too the association of the *nakkuššiuš* with *hurkel* in 254/d ii 1' and 15'.

<sup>26</sup> Specific linguistic clues are the following datable spellings: UN-aš (line 29') as replacement for older *an-tu-uh-ša-aš* generally not earlier than Mursili II; GAM and GAM-an (lines 2' and 32') for older *kat-ta-an* not be-



time of the ritual's written composition may go back to the reign of Mursili II.<sup>27</sup> It is highly unlikely that this ritual was composed as early as the reign of Šuppiluliuma I much less during those of his predecessors. The ritual has a pronounced Kizzuwatnaean cast and compares strikingly with other Hittite rituals of Kizzuwatnaean origin composed during the empire period (14th and 13th centuries). As in other Kizzuwatnaean rituals the offering of birds is prominent (lines 4 and 6ff.) including the bird whose name is usually written MUŠEN HUR-RI but in this text MUŠEN *hur-ri-li-in* ("Hurrian bird"; line 4).<sup>28</sup> As in other such rituals each bird is offered not to a deity but for an aspect of the sin or its effect: for sin, for the curse, for anger, for weeping; or for some aspect of the hoped-for reconciliation: for peace (*takšul*).<sup>29</sup> The location of the offerings is specified by the two locative forms *ambašši* (8', 11') and *kutruešni*.<sup>30</sup> Like other Hurrian rituals one or more animals (in this case a sheep and a bird, line 12) are released as scapegoats (*nakkušši*, in this text, line 12, the unique spelling *nakkuššan*) to carry away the defilement to a remote and unoccupied place.<sup>31</sup> The ritual is probably late therefore and belongs to a period when Hurrian religious influence from Kizzuwatna was particularly strong (perhaps the reign of Muwatalli or Hattusili III).

## KUB XLI 11

## TRANSLITERATION

- § 1     2 [ma-a-an LÚ-a]š UDU-i na-aš-ma ÛZ-i GAM w[a]-aš-t[a-i nu UDU<sup>2</sup> -un da-an-zi]  
        3 [na-an-kán MÍ].É.GE<sub>4</sub> A-aš i-wa-ar an-[d]ka ka[-ri-ya-an-zi x x x]<sup>32</sup>  
        4 [ x x x x L]Ú-LIM I MUŠEN *hur-ri-li-in* SUM-an-z[i x x x x x x]  
        5 [ x x x x š]i<sup>2</sup> -kán še-er ap-pa-an-zi
- 
- § 2     6 [nu-za x x k]u-up-te-uš wa-al-ḫa-an-zi I UDU I MUŠEN wa-aš-t[ú-l-aš]  
        7 [I UDU I MUŠE]N *hur-ti-ya-aš* I MUŠEN NA<sub>4</sub>-i RA-an-zi  
        8 [I UDU I MUŠEN-y]ka *ták-šu-la-aš* I MUŠEN am<-ba-aš>ši *hur-ti-ya-aš*[š x x x]

fore Mursili II; SUM-an-zi (line 4) for older *pí-(ya-)an-zi* probably no earlier than Tudḫaliya IV; RA-an-zi (lines 7', 10') for older *wa-al-ḫa-an-zi* or GUL-an-zi not before Tudḫaliya IV; DÜ-at (22', 30') for older *i-ya-at* rare in Mursili II becomes more common in Muwatalli and Hattušili III; KAR-zi (26') for older *ú-e-mi-ya-zi* appears first in Hattušili III; me-ma-an-zi (21') for older *me-mi-an-zi* probably no earlier than Mursili II; kiš-an (21') for earlier *ki-iš-ša-an* first becomes common in Hattušili III, although rare in Mursili II. The accumulated evidence indicates a date for the copy in the reign of Hattušili III or more likely Tudḫaliya IV (late 13th century B.C.). As regards the script, nothing on the tablet contradicts the late dating supposed above on the basis of the spellings. The following signs are typical of the documents from the reign of Hattušili III and Puduḫepa: ID (rev 16', 33'), AL (rev 6'), ŠAR (rev 14'). The following are typical of the documents written during the reign of Šuppiluliyama (Šuppiluliuma II): RU (rev 11', 12'), NA (rev 12', 31'), BI (rev 19', 31'). The following are typical of documents written during the entire period from Hattušili III to Šuppiluliuma II: ḪA (rev 6', 19', 20', 22'), LI (rev 4', 15'), DA (rev 9', 20', 25'), URU in URU+URUDA (= BANSUR) (rev 13'). For the sign shapes cf. now Christel Rüster, "Hethitische Keilschrift-Paläographie" (StBoT 20 [1972]).

<sup>27</sup> The form *pé-en-ni-an-zi* (19') is an archaic vestige of the earlier copies, for this form was generally replaced by *pé-en-na-an-zi* during the reign of Muwatalli.

<sup>28</sup> Unless, of course, we are to read: 1 MUŠEN <1> *hur-tal-li-in* (cf. HWb, 77).

<sup>29</sup> Cf. for example KUB XV 31 iii 54-59, iv 32-35; KBo II 9 iv 24-25; XII 27+ i 31-39 (Mursili II); KBo V 1 ii 2, iii 5ff., iv 27ff.

<sup>30</sup> The cultic site *kutruešsar* "(place of divine) witness" recalls Heb. 'ēdūt (Ex 25:16, etc.).

<sup>31</sup> On the *nakkušši* see N. van Brock. RHA f. 65, 126ff., 136ff. Laroche (private talk) denies the Hurrian origin of *nakkušši* and derives it from the Old Hittite neuter noun *nakkuš* "noxa" (Hitt. laws § 98).

<sup>32</sup> For a restoration *ka[-ri-ya-an-zi]* see below.

- 9 [I UDU I MUŠE]N *wa-aš-túl-aš* I UDU I MUŠEN *ša? -a-an-da-aš* [ x x x ]  
 10 [ x x I MUŠ ]EN NA<sub>4</sub>-i RA-an-zi I [MUŠE]N *hur-ti-ya-aš*  
 11 [I MUŠEN *am-b*]a-aš-ši *ták-šu-la-aš* I [UD]U<sup>33</sup> I MUŠEN *ku-ut-ru-e-eš-ni*  
 12 [I MUŠEN *iš-h*]a-aš-ru-wa-aš [I U]DU I MUŠEN *na-ak-ku-uš-ša-an tar-na-a*[n-zi]
- 
- § 3 13 [III GÍN KÙ.BABBAR III GÍN GUŠKIN II GÍN AN.NA III GÍN URUDU I TÚGTUM  
 14 [ x x x x x x ] I TÚG ŠA.GA.DÙ I TÚG *ku-re-eš-šar* SÍG.BABBAR SÍG.G[E<sub>6</sub>]  
 15 [ x x x x x x ] QA-DU TÚGKA-PAL-LI I DUG *tal-la-i* x [ x x ]  
 16 [ x x x x x TU-T ]I-IT-TÙ KÙ.BABBAR I a-šu-ša-aš KÙ.BABBAR x [ x x ]  
 17 [ x x x x x G ]I.N.GÍN KÙ.BABBAR I PA ŠE I PA ZÍZ I BÁN GÚ.x [ x x ]  
 18 [ x x x x x LÀ ]L I DUG GEŠTIN *i-wa-ar-wa-an-ni[-eš?-kán?-zi?]*<sup>33</sup>
- 
- § 4 19 [ x x x x x x ] x *pé-di ar-ḥa pé-en-ni-an-zi ki-i* [ x x x ]  
 20 [ x x x x x x ] x *pé-e-da-an-zi nu* UDU *ar-ḥa tar-na-[a]n-zi*  
 21 [ x x x x x x ] *kiš-an me-ma-an-zi ka-a-ša-wa-ra-aš a-pa-a-aš*  
 22 [ x x x x UN-aš w ]a-aš-ta-aš-wa *ku-iš ḥa-ra-tar-wa ku-iš DÙ-at*  
 23 [ x x x x x x -a ]n-kán *ka-a-ša i-wa-ru-wa-za IŠ-TU* KÙ.BABBAR GUŠKIN  
 24 [AN.NA URUDU *ḥu-u-ma-an-d*]a-za *aš-ša-nu-nu-un* NUMUN.ḪI.A-wa-aš-ši *a-ni-ya-nu-un*  
 25 [ x x x x x x ]-x-x-uš *pa-iz-zi* DINGIR<sup>LUM</sup> *pa-ra-an-da-aš-ša-an* x [ x x ]  
 26 [ x x x x x x ] x *nu-za ku-iš ka-a-aš*<sup>34</sup> UDU-un KAR-zi  
 27 [ x x x x x x ] *ḥa-ra-tar wa-aš-túl a-pa-a-aš-da-a-ú* EN.SISKUR-m[a- x ]  
 28 [ *ke-e-da-az wa-aš-tú* ]l-az *pár-ku-iš e-eš-du*
- 
- § 5 29 [ x x x x x x x ] x UN-aš *nu-za wa-ar-ap-zi* [ x x x x x ]  
 30 [ x x x x x x x ] UN-aš *nu-za* EGIR-ŠÚ SISKUR.MEŠ DÙ-x [ x x x ]
- 
- § 6 31 [ *ke-e-da-ni-iš-ša-an* ] A-NA TUP-PI II SISKUR *a-ni-ya-an* [I SISKUR]  
 32 [ *ma-a-an LÚ-aš* UDU-]i<sup>35</sup> *na-aš-ma ÛZ GAM-an wa-aš-ta-i*  
 33 [I SISKUR *ma-a-an UN-š*]i<sup>2</sup> *an-da pa-ap-ra-tar ku-it-ki* [ x x x ]  
 34 [ x x x x x x x x ] x GIM-an *pár-ku-nu-uz-zi* [ x x x x ]
- (Remainder of the colophon is broken away.)

A connected translation of the entire text would not justify the space it would require. I content myself with the translation of selected portions and with comments thereupon. As can be seen from the colophon, this tablet is a *Sammeltafel*, on which two rituals have been set down. The colophon lists the two in the opposite order from which they occur on the tablet, naming first the ritual for sodomy, "[When a man] sins together with [a sheep] or a nanny goat." The ritual actions are described in verbs of the present-future tense with third person plural subject (verbs in *-anzi*). Within the ritual a formula is quoted, which a single priest or magician recites, as he send the scapegoats out of the town. It is phrased with past tense verbs with a first person singular subject (lines 21ff.: *aššanunun*, *aniyanun*), followed by a section whose principal verbs are third person singular imperatives (*dau*, *ešdu* in lines 26-28). The plural subjects in the first and principal portion of the ritual doubtless represent the village elders, who acting for the village purify the offender. The single in-

<sup>33</sup> For a restoration *i-wa-ar-wa-an-ni[-eš-kán-zi]* see below.

<sup>34</sup> Perhaps scribal error for *ku-u-un*?

<sup>35</sup> One expects *-i* here, but the trace does not fit. What could it be?

dividual who sends away the scapegoats cannot be the offender himself, since he would be referring to himself in the third person in lines 22 and 27-28. Rather it is a priest or magician. Line 3 is tantalizing. Should one restore *ka-[ri-ya-an-zi]* at the end? If so, whom do they "veil like a bride"?<sup>36</sup> The animal? To the man they give a "Hurrian bird" and hold [it? ?] over him. In the second paragraph (lines 6-12) a number of birds are offered for various aspects of the offence, the bad consequences and the hoped-for purification (see above). At the end of that paragraph "[one she]ep (and) one bird they dispatch as a scapegoat."

Paragraph 3 (lines 13-18) appears to detail the items in the *iwaru* alluded to again later in § 4, line 23. It would seem that the animal with whom the offender has copulated must be treated like a bride. It must first be veiled as a bride (§ 1, line 3), and when it is sent away from the city, its dowry (*iwaru*) must be paid back (but to whom and how?), just as in a human marriage the husband who divorces his wife gave back her dowry (*iwaru*) to her to go with her back to her parents' home.<sup>37</sup> No Hittite text of which I have knowledge ever describes the items which made up a typical dowry. And although this is to say the least a very atypical case, it is interesting to see what the items were.

"[Three shekels of silver, three shekels of gold, three shekels of tin, three shekels of copper, one garment, [. . .], one *šagadu*-garment,<sup>38</sup> one woman's headdress, white wool, black wool, [. . .], together with stockings, one *tallai-jar*<sup>39</sup> (for cosmetics?) [. . .] pec]toral of silver, one silver *ašušāš*,<sup>40</sup> [. . .] shekels of silver, one *parišu* of barley, one *parišu* of wheat, one BAN of I[entils?], . . . honey, one jug of wine." The verb, which comes at the end of the paragraph, is probably to be restored as *i-wa-ar-wa-an-ni* [eš-kán-zi] "they customarily give as a dowry", although theoretically it could be *i-wa-ar-wa-an-ni* [pí-an-zi] "they give for (i.e., 'as') a dowry (\**iwarwatar*)."

Paragraphs 4 and 5 (lines 19-30) describe the ritual formula and ritual ablutions which accompany the sending off of the animal laden with impurity. The formula is introduced by "thus they say" (line 21), yet the speech is in the first person singular (line 24). "Lo, that one [is the offender? ?] He who sinned, he who committed the offence [. . .], and I have 'made it good' for him by (the payment of) [al]l (this) dowry of silver gold, [tin and copper]. I have sown seed for him. [. . .] . . . Whoever shall encounter this (*ka-a-aš* is error for *ku-u-un!*) sheep, let him take on [all the . . .] offence (and) sin! And let the sacrificer (here) from [this si]n be purified!" Then the man washes himself and performs other rites.

Fragments of two copies of a ritual to treat a man who has committed incest have been identified by E. Laroche in CTH 445. On the basis of the two duplicates the entire colophon can be restored, which reads:<sup>41</sup>

DUB.1.KAM<sup>1</sup> QA-TI

*ma-a-an UN-aš h[(ur-ki-il i-ya-zi)]*

<sup>36</sup> For *kariya*- "zudecken, verhüllen, - verstecken" see *HWb*, 100.

For the specific meaning "to veil" see KUB XXXII 115++ (Maštigga 2nd vers.) i 25-26: 2 ALAN GIŠ TÚG *wa-aš-ša-an-da na-at-kán* SAG.DU-ŠU-NU *ka-ri-ya-an-te-eš*; and KUB XXXIX 9 obv 2-3 (Otten, *Tot.*, 52f.); *Babyloniaca* 4 (1911) 225, text #3, obv 6; KUB XXV 37 ii 24. Also see Goetze's remarks on the TUG *kariulli*: "It must be concluded that it [the *kariulli*] is a garment which drapes the head of women and covers their whole figure to the feet." (*Corolla linguistica*, Wiesbaden, 1955, 61).

<sup>37</sup> The disposition of the *iwaru* in cases of divorce does not seem to have been determined in the Hittite laws (§§ 26-27). Compare Hammurapi's Code §§ 137 and 142 requiring repayment of the wife's dowry (cf. RLA 2:284).

<sup>38</sup> Goetze (*Corolla linguistica*, 54-55) interprets these spellings as Akkadian *šagatu* and proposes the translation "waistband." The Hittite equivalent of the Akkadian word is apparently TUG *maššiya*.

<sup>39</sup> In KUB XXIX 4 iii 24 and 31 the *tallai-jar* contains perfumed oil (I.DÜG.GA), as also in KBo VII 44 obv 8. The traces of the sign following *tallai* conform to neither I or KU, although one would expect either I[DÜG.GA] or K[Ü.BABBAR]. For one of these made of silver see KUB XXXVIII 1 iv 12.

<sup>40</sup> The *ašušāš* was a piece of woman's jewelry (H. Otten, *Tot.*, 112<sup>1</sup>; ZA 54 [1961], 150; *HWb* Erg. 2, 9).

<sup>41</sup> KBo XII 115 rev 1'5' with restorations from IBoT II 117 IV 1'3'.

(13)

nu-za DUMU.MÍ-ŠU NIN[-Š(U AMA-ŠU da-a-i)]

nu-za ki-i da[-ah-ḫi . . .]

ŠU mMa-d[a- . . .]

"First tablet, complete, (of the ritual) 'If a man commits incest (in that) he takes sexually his daughter, his sister (or) his mother, I take (the following steps).' Written by (the scribe) Mad[a- . . .]." The body of the ritual is almost completely lost. Comparison with the ritual treated above for bestiality allow a partial restoration of the three lines of column III whose initial words are preserved on IBoT II 117 iii 1'-3':

ḫa-r[a-tar-wa ku-iš DÙ-at . . . . .]

pa-ra-x[ . . . . . EN.SISKUR-ma wa-aš-túl-az]

pdr-ku-i[š e-eš-du . . . . .]

"[As for him who has committed] the offence . . . . .] . . . [ . . . may the sacrificer be] purified from this sin!]"

One of the interests of this text is that it includes the sister (NIN-ŠU), which was omitted from the formulation in the Hittite laws (§ 189), although clearly stated in KBo V 3 iii 28ff. (*Hukk.* § 29). The text is also of interest in that it shows that all types of *ḫurkel* (bestiality and human incest) were handled in this fashion during the 14th and 13th centuries B.C.

Still another fragment, which seems to deal with the case of incest, is 827/z, which contains the first nine lines of a ritual to deal with a case of incest.

1 ma-a-an UN-aš IT-TI AMA-ŠU	If a man [sleeps] with [his] mother, [his daughter?],
2 na-aš-ma ḫa-aš-ša-an-na-aš š[-	or one of (his) immediate family [. . . . .],
3 na-aš ma-a-an EGIR-zi-iš[	if he be a low-ranked [person or a high-ranked one?],
4 UN-aš ku-iš wa-aš-da-i n[a-an? -	The man who has committed the offence [. . . . .]
5 nu URU-aš ḫu-u-ma-an-za an-d[a	And all the city [shall] a[ssemble? . . . . .]
6 a-pé-da-ni URU-ri EGIR-a[n?	to that city . . . . . [ . . . . .]
7 MÍ.ŠU.GI a-ni-ya-ta-x[	the "old woman" [her] ritual [. . . . .]
8 i-ya-an-zi n[a-x[	they perform [. . . . .]
9 nu LÚ.DU x[	And the man of the storm god [. . . . .]

Either at the end of line one or line two one should restore the verb *šešzi* "sleeps" or *wašdai* "sins". Compare line four. The traces on the photo do not allow that the sign after *ḫaššannaš* be read as the first sign in *wa-[aš-da-i]* "sins". There is just enough space between this *si* and the preceding word to preclude that it is the enclitic pronoun *ḫaššannaš-ši* (or *ḫaššanna-šši*). Line three must contain a nominal sentence, of which EGIR-zi-iš (*appezziš* "latter, last, low-ranked person") is either the entire, or the first half of the predicate. At the end of line five restore perhaps [*ta-ru-up-pa-an-za e-eš-du*] "let it be gathered together". Thus the entire village assembly takes part in the purification and/or banishment. From the preserved parts of the ritual it is not clear whether it deals with the purification of the village only, in which case the man would have been banished, or if it deals with the purification of both village and culprit, in which case the man could remain there. The two functionaries, whose names are preserved in connection with the ritual are the "old woman" (MÍ.ŠU.GI) and the "man of the storm god".

The word *ḫu-ur-ke-el* also occurs in the fragmentary text KBo XXI 35 obv i 4', where seven lines later (11) there occurs the word MÍan-na-ni-ku-uš. This word, which was translated "Dirne, Prostituierte(?)" by Frie-

drich (*HWb*, 21), "sister(s) of the same mother" by Goetze (*ArchOr* 17 [1949], 289f.), and "sister" by the present writer (*Or NS* 35 [1966], 391f.), has been reconsidered recently by H. Otten (*ZA* 61 [1971], 239ff.) in the light of a newly identified duplicate to Hittite laws § 199-200. Otten's new evidence suggests that an independent word *nega-* denoting a female blood relative ("sister" or "daughter") may in fact exist in Hittite. Quite another question is the relationship, if any, between the words *nega-* and *annanega-*. As I noted in *Or NS* 35 (391f.), the sister relationship of the *annanikuš* in law § 194 is clear already from *annaš-šman-a* "and their mother", so that there is no reason why *annanega-* could not be the syllabic writing of *MÍKAR.KID-aš* in the same law (also paired with *GEME*). The Hittite word underlying *MÍKAR.KID* is an *a*-stem common gender noun; it cannot therefore be *MÍkaršant-* as was suggested by Laroche in *Ugaritica* V, 783. Besides in *Bo* 5622 left 7'-8' the two (*MÍkar-aš-ša-an-ti[-.]* and *MÍKAR.KID-aš*) are kept distinct. The employment of the determinative *MÍ* in *KBo* XXI 35 does not exclude a term of family relationship (cf. *MÍannawanna-*, *MÍanninniyami-*), but its employment with professional designations is also frequent (cf. P. Reichert, *RHA* XXI, fasc. 73 [1963], 136f.). If *MÍannanikuš* is a term for blood (or family) relationship, then its presence in the same context with *hurkel* in *KBo* XXI 35 recalls Hitt. law § 191 and supports the translation "incest".

Let us now summarize. From the evidence of the Hittite laws (§§ 187-88, 199-200A) and the early 14th century instructions to the commanders of the border garrisons it seems clear that persons found guilty of *hurkel*, i.e. having sexual relations of a forbidden (perhaps incestuous) type were either executed or banished, while the town in which the offender lived was purified. During this early period it is unlikely that any known offender avoided either death or banishment. The phrase *huišnuzi-an LUGAL-uš* "the king may spare his life" (§§ 187-88, 199) means he would be banished instead of executed. In the course of history, after the intensification of Hurrian religious influences on the Hittite court and society during the reigns of Muwatalli and Hattušili III, a third option developed. The human offender need not be killed or banished. The animal could be sent away from the city, bearing the impurity of the act, and a kind of fine, which took the appropriate form of a "dowry" (*iwaru*), was paid perhaps to a deity. In this way the human offender could continue to live in the city without bringing the wrath of the gods upon it.

From ancient written sources of Israel, Canaan, and Hatti we have long known that bestiality was practiced and that at least in Israel and in Hatti it was considered an improper combination (Heb. *tebel*, Hitt. *hurkel*). In Israel the only disposition of such a case known to us was execution. But now for the first time we can see how in Hatti the earlier and more rigorous treatment of the offender was ameliorated, giving way to a purification ritual and the payment of a fine.<sup>42</sup> There is no evidence regarding the punishment for bestiality in Israel. But the deed continued to be viewed along with homosexuality as a dishonorable and unnatural passion (see St. Paul's Epistle to the Romans 1:24-27).

<sup>42</sup> The same pattern of ameliorating older and more rigorous penalties and replacing them with simple fines can be seen again and again in the Hittite laws themselves.