

C. L. Crouch
War and Ethics in the Ancient Near East

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John Barton · Reinhard G. Kratz
Choon-Leong Seow · Markus Witte

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C. L. Crouch

War and Ethics in the Ancient Near East

Military Violence in Light
of Cosmology and History



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for my grandmother

Foreword

The following represents the revision of a thesis for which the degree of D.Phil. in the University of Oxford was awarded in 2009. Thanks are due to my supervisor, John Barton, for his unfailing faith in both the thesis and myself, as well as to a number of individuals who read and commented on parts or the whole of earlier drafts. Among these are Hans Barstad, Kevin Cathcart, Stephanie Dalley, John Day, Paul Joyce, Shalom Paul, Francesca Stavrakopoulou and Jonathan Stökl. Finally, a debt of immense gratitude is due also to my family, without whom the entire endeavour would have been long since lost.

Carly L. Crouch
Fitzwilliam College, Cambridge

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1. Introduction

To what extent are the ethics of the Hebrew Bible, insofar as they reflect the ethics of ancient Israel and Judah, commensurate with the ethics of these nations' ancient Near Eastern contemporaries?

This was the starting point for this examination of the ethics in the ancient Near East, which has taken the actions of warfare as its case study. The hypothesis to be tested was that ancient Israelite¹ and ancient Judahite² ethical ideas were not as distinct from those of their neighbours as generally supposed.

From the beginning of comparative study of ancient Near Eastern cultures, there has been a tendency among biblical scholars to want to emphasise the uniqueness of the biblical nations of Israel and Judah. From the Bibel-Babel controversy sparked by F. Delitzsch, through the biblical theology movement characterised by such works as G.E. Wright's *The Old Testament Against its Environment*, to the so-called "pseudorthodox" scholars of more recent times, there has been a long-standing concern to retain an ultimate certainty in the incomparability of the biblical ancestors' beliefs.³ This bias has persisted despite the attention drawn to it by scholars such as M. Smith and M. Malul, no doubt encouraged by both its original source – the desire of the religious to secure the special place of their faith in history – and by more scholarly assertions of the importance of "Bible first" interpretation.⁴

1 As has been emphasized by P.R. Davies and others, biblical scholars have a tendency to sloppy terminology when it comes to their more historical endeavours. This study will distinguish as far as possible between the nations of Israel and Judah, and persist also in using both "Israelite" and "Judahite" in tandem, to emphasise that these nations, though clearly related by history and culture, developed along different historical trajectories. The nature of our sources makes unambiguous differentiation between them difficult, but it ought nonetheless to be pursued in principle; the use of clearly defined terminology is designed to keep this attempt constantly in mind.

2 The terminology of "Judahite", instead of "Judaeans", is employed to emphasise the differences between the pre-exilic, national culture of Judah and the post-exilic culture of the province of Yehud (later Judea) (see also n.1).

3 G.E. Wright, *The Old Testament Against its Environment* (London: SCM Press, 1950). For the term "pseudorthodox", see M. Smith, "The present state of Old Testament studies", *JBL* 88 (1969): 19-35.

4 M. Smith; M. Malul, *The Comparative Method in Ancient Near Eastern and Biblical Legal Studies*, AOAT 227 (Neukirchen-Vluyn: Neukirchener Verlag, 1990). See e.g., S. Tal-

Even those scholars who pursue comparative study are frequently influenced by a desire to distinguish the biblical culture from the culture(s) of its ancient Near Eastern neighbours – a need which at times lends itself to the uncritical pursuit of methodologies which, though faulty, produce the desired conclusions.⁵ Ethics has not been immune to this concern: if anything, it has been more susceptible, given that most study of ethics in the Hebrew Bible is pursued for the purposes of enlightening modern believers as to the relevance of these texts for their own lives.⁶

As an antidote to the persistent bias against the other cultures of the ancient Near East, this study has been conducted from the opposite starting point: it has asserted that Israel and Judah were first and foremost part of a broad ancient Near Eastern “historical stream”, and that, though they did have unique qualities which differentiated them from their neighbours, they also shared more characteristics than they disputed. As a more familiar analogy, one might compare the cultural relationship between Britain and the United States: though any traveller or expatriate between these countries would affirm that there are cultural differences which distinguish these nations from each other, they would also recognise that a great deal of the intellectual and cultural background of these societies is shared, as are many values and ethical beliefs. Indeed, the more astute observer might also notice that the similarities and differences which one had thought occurred on a

mon, “The comparative method in biblical interpretation: principles and problems”, in *Literary Studies in the Hebrew Bible: Form and Content* (Leiden: Brill, 1993); reprinted from *Congress Volume: Göttingen 1977*, VTSup 29 (Leiden: Brill, 1978).

- 5 For a rare instance of the reverse – a scholar apparently determined to cast the biblical cultures as less-developed morally than their neighbours, in this case the Assyrians – see H.W.F. Saggs, “Assyrian prisoners of war and the right to live”, in *Vorträge gehalten auf der 28. Rencontre Assyriologique Internationale in Wien 6.-10. Juli 1981*, AfO Beiheft 19 (Horn: Ferdinand Berger & Söhne, 1982).
- 6 This is by far the most common purpose of the “ethics of the Old Testament”. See, for example, the works by B.C. Birch (*Let Justice Roll Down: The Old Testament, Ethics, and Christian Life* [Louisville, Ky.: Westminster John Knox, 1988]); J.W. Rogerson (*Theory and Practice in Old Testament Ethics*, edited by M.D. Carroll R., JSOTSup 405 [London: T&T Clark, 2004]); J.G. Millar (*Now Choose Life: Theology and Ethics in Deuteronomy*, NSBT 6 [Leicester: Apollos, 1998]); W.C. Kaiser Jr. (*Toward Old Testament Ethics* [Grand Rapids, Mich.: Academie Books, 1983]); M.J. Harris (*Divine Command Ethics: Jewish and Christian Perspectives*, Philosophical Ideas in Debate [London: RoutledgeCurzon, 2003]); G.J. Wenham (*Story as Torah: Reading the Old Testament Ethically*, OTS [Edinburgh: T&T Clark, 2000]) and C.J.H. Wright (*Old Testament Ethics for the People of God* [Leicester: Inter-Varsity, 2004]); even *The Bible in Ethics: The Second Sheffield Colloquium* is primarily concerned with modern application (edited by M.D. Carroll R., M. Davies and J.W. Rogerson, JSOTSup 207 [Sheffield: Sheffield Academic Press, 1995]).

national level actually reflected internal differences, stemming from and connected to social and economic class. This particular observation we will pursue in more detail below. First, however, a return to the extant literature.

In the last century there have been a number of attempts to address the nature of the ethical content of the Hebrew Bible.⁷ Of these, the majority are of limited use for the present study, as they are decades out of date and hampered by the state of the field in their time (H.G. Mitchell and J.M.P. Smith), unabashedly Christian in orientation and therefore almost wholly ahistorical in approach (W.C. Kaiser and B.C. Birch), or addressing questions largely irrelevant to the question at hand (W. Janzen). Even the most recent study, E. Otto's *Theologische Ethik des Alten Testaments*, which does attempt to relate the biblical texts to relevant ancient Near Eastern material, is limited by its exclusive reliance on the explicitly didactic texts of law and wisdom; this omission limits it especially in our case, as neither of these plays a significant role in the study of warfare.⁸ Though the upswing in articles and essays on ethics in the Hebrew Bible which has occurred in English-speaking scholarship over the last two decades suggests that the field is growing, the restriction of most of these to brief and largely theoretical forays indicates that the field is still very much in its infancy.⁹

As already noted, many of the attempts made thus far have also been from a Christian perspective, attempting to articulate the relevance of Old Testament ethics for Christian ethics today rather than addressing the historical question of the nature of ethical thought and behaviour in Israel and Judah in the first millennium. As a result, much of the previous scholarship on Hebrew Bible ethics has taken little pains to articulate the relationship between the beliefs espoused by the biblical texts and the beliefs of the entire historical community(ies) which produced the texts, having taken as their starting place a radi-

7 H.G. Mitchell (*The Ethics of the Old Testament*, University of Chicago Publications in Religious Education, Handbooks of Ethics and Religion [Cambridge: Cambridge University Press, 1912]), J.M.P. Smith (*The Moral Life of the Hebrews* [London: Cambridge University Press, 1923]), J. Hempel (*Das Ethos des Alten Testaments*, BZAW 68 [Berlin: A. Töpelmann, 1938]), H. van Oyen (*Ethik des Alten Testaments*, GE 2 [Gütersloh: Gütersloher Verlagshaus, 1967]), Kaiser (*Toward Old Testament Ethics*), Birch (*Let Justice Roll Down*), W. Janzen (*Old Testament Ethics: A Paradigmatic Approach* [Louisville, Ky.: Westminster John Knox, 1994]), E. Otto (*Theologische Ethik des Alten Testaments*, TW 3.2 [Berlin: W. Kohlhammer, 1994]).

8 With the exception of Dt. 20, on which see Chapter 10.

9 E.g., *The Bible in Ethics: The Second Sheffield Colloquium* and the dedicated *Semeia* volume, both from 1995. Excepting Otto, recent German scholarship has largely ignored ethics.

cally different point of view than that required by the historical type of study attempted here.

Only a few scholars have advocated such a historically-based study of ethics in ancient Israel and Judah, and their suggestions have as yet been largely on the theoretical level.¹⁰ The most important contribution of this methodological work has been the recognition that to make no distinction between the ethical community as described in the Hebrew Bible and the ethical community as lived and breathed in the Levant in the first millennium BCE is highly problematic.¹¹ As J. Barton emphasises in one such discussion,

the Old Testament is evidence for, not coterminous with, the life and thought of ancient Israel; Old Testament writers may at times state or imply positions which were the common currency of ancient Israelites, but they may also propound novel, or controversial, or minority positions.¹²

Given the limited nature of historically-based attempts at Hebrew Bible ethics, there is little literature to which we may refer as a successful application of this point. One of the few attempts to address an essentially ethical issue historically, in fact, does not recognise this point, and as a result fails in its historical objectives: this is M. Zehnder's *Umgang mit Fremden in Israel und Assyrien*.¹³ Because Zehnder's subject matter relates so closely to the topic taken as the focus for this study, its shortcomings will be discussed in more detail below and in Chapter 4. For the moment it may suffice to mention that Zehnder's conclusions are ill-effected by his decision to take the biblical texts as straightforwardly reflective of "Israel", without making any distinction between the viewpoint(s) put forth by the biblical texts and the viewpoint(s) of the living community(ies) behind the texts.

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- 10 See, e.g., R.R. Wilson, "Approaches to Old Testament ethics", in *Canon, Theology, and Old Testament Interpretation: Essays in Honor of Brevard S. Childs*, edited by G.M. Tucker, D.L. Petersen and R.R. Wilson (Philadelphia, Pa.: Fortress, 1988); "Ethics in conflict: sociological aspects of ancient Israelite ethics", in *Text and Tradition: The Hebrew Bible and Folklore*, edited by S. Niditch, SS (Atlanta, Ga.: Scholars, 1990); "Sources and methods in the study of ancient Israelite ethics", *Semeia* 66 (1995): 55-63; Barton, *Ethics and the Old Testament* (London: SCM, 1998); *Understanding Old Testament Ethics: Approaches and Explorations* (Louisville, Ky.: Westminster John Knox, 2003). An application of the method is Barton's *Amos's Oracles Against the Nations: A Study of Amos 1.3-2.5*, SOTSMS 6 (Cambridge: Cambridge University Press, 1980).
- 11 This point is, of course, made readily by scholars such as with regard to historical research on Israel and Judah generally, but seems to have been only slowly picked up by those interested in the sub-section of social history which ethics comprises.
- 12 Barton, *Understanding*, 17.
- 13 M. Zehnder, *Umgang mit Fremden in Israel und Assyrien: Ein Beitrag zur Anthropologie des »Fremden« im Licht antiker Quellen*, BWANT 168 (Stuttgart: Kohlhammer, 2005).

These bracketed plurals draw our attention to one of the two principal methodological contributions which the present study makes to the study of Hebrew Bible and ancient Near Eastern ethics, namely the fundamental importance of recognising the social origin of texts and other materials employed in the historical endeavour.¹⁴ Some beliefs may be held by most, if not all members of a society, but many others are held only by certain segments of it. The difficulty, if not impossibility, of speaking of the ethics of an entire society must be recognised in any attempt to describe the ethical thinking of ancient communities. It is essential to identify the origin of the "informant" (in terminology adopted from M. Liverani), in order to properly locate it in its social matrix.¹⁵

This is essential particularly in the comparative endeavour. Until now, however, the comparison of biblical texts to ancient Near Eastern materials has been done with little, if any, recognition that the social matrices of the biblical informant(s) are radically different from the social matrix of most other known ancient Near Eastern informants. Rather than recognising that most of the ancient Near Eastern material derives from a royal or similarly élite social background while a significant proportion of the biblical informants do not, scholars have taken each side as a sufficiently accurate reflection of its society as a whole as to merit the wholesale comparison between the one and the other. As this has tended to buttress that hoped-for conclusion of biblical uniqueness, it has been carried on almost without objection. In the case of *Umgang mit Fremden in Israel und Assyrien*, the problems which arose from glossing over the distinctions among biblical texts were compounded by Zehnder's uncritical comparison of this composite "Israel" to Assyrian materials of essentially royal social provenance. Comparing the élite perspective of the Assyrian material with the entire swathe of biblical material obscures the internal differences in ethical thinking which arise from the key role of social context in the formation of ethics, and portrays these as differences between the societies as a whole instead. For various historical reasons, the biblical texts are not congruous in social origin to the majority of the other texts and materials pre-

14 Barton has hinted at this in his emphasis on the importance of distinguishing between statements such as "all or most Israelites held that X" and "certain Old Testament authors held that X" (*Understanding*, 16). In light of the following remarks, we would emphasise that "some Israelites (or Judahites), in particular those with affinities to Y social group, held that X".

15 M. Liverani, "Memorandum on the approach to historiographic texts", *Or* 42 (1973): 178-194.

served from the ancient Near East, and this must be taken into account in any attempt to compare the biblical texts to those materials.

Here the recognition of informant origins will be fully recognised, and the consequences for the study's conclusions will be clear. I have made a point of making assertions on the ethical thought of the ancient Near East with regard to warfare only insofar as concomitant assertions could be made with regard to the social background of the informant text, bearing in mind, of course, the many uncertainties which are attendant upon such assertions. The texts are not made, as far as possible, to speak beyond their natural limits: those which appear to derive from the section of society which we will call the *élite* are considered reflective of the practices of the same; those which appear to derive from elsewhere are considered separately.

An important corollary to this methodological point is that ethics must be contextualised and understood in their own intellectual framework. Ethics do not exist in an intellectual vacuum, but are closely connected to and indeed dependent upon what we will here call ideology. The content of the intellectual framework relevant for understanding a given ethical belief is intimately related to the social context of the belief.

The tendency in biblical scholarship (and even ancient Near Eastern scholarship, in which the personal attachment tends to be less) to recoil in disgust at the more violent descriptions of war has usually aborted prematurely any attempt to explain or understand these acts in their own context. Where warfare is concerned, scholars seem to have observed reports of violence with total disregard for context, apparently presuming that ancient peoples engaged in violent practices despite consciously and knowingly considering them immoral.¹⁶

The second methodological contribution of this study arises from the first, namely, that in addition to distinguishing between social backgrounds (and ideologies) in analysing ethical thinking in the ancient Near East, it is equally necessary to consider the influence of historical circumstances. The interaction between history, society and ideology provides the essential source material for ethical thought. Historical events affect the reality of society, and changes in society are reflected in changes in its ideas about what is or is not appropriate behaviour.¹⁷

16 The most attention that is usually paid to context is limited to apologetic references to the necessities of nation-building during the biblical conquest and similar.

17 The one study in which the importance of historical context for ethics has been recognised is A. Mein's *Ezekiel and the Ethics of Exile*, OTM (Oxford: Oxford University Press, 2001). Here we will expand this recognition to an examination of the

We thus note the importance of being aware of several elements of “context” in the study of ancient Near Eastern ethics: the immediate cultural (i.e. national) context of the society in question, as defined further by chronological parameters; the “sub-contexts” of various sub-groups within that culture; and the “macro-context(s)” of the wider, international atmosphere of which the single national context is itself a sub-context.

Though these assertions of the importance of context in ethics may seem obvious, it is nonetheless the case that, particularly in the field of Hebrew Bible ethics, the extent to which context is acknowledged as a factor affecting social norms has been remarkably less than one might expect. The implicit or explicit concerns of scholars to apply Hebrew Bible ethics to modern Christian ethics has tended to obscure the importance of their historical context in favour of transcendent ideals transferable to modern ethical thought. All of these attempts have been further impeded by attempts to incorporate the entirety of biblical history into one synthetic whole, preventing the possibility of properly detailed analysis of intellectual and ideological factors affecting Hebrew Bible ethics over time, as well as obscuring the simultaneous co-existence of multiple social strata in Israelite society. Previous studies have also, with rare exception, been hardly conscious of the wider ancient Near Eastern context of Hebrew Bible ethics. Despite the ever-increasing availability of ancient Near Eastern materials for providing a broader context for Hebrew Bible ethics, there still seems to be an overwhelming emphasis instead upon the isolation of the latter from their distinct social situation as comprised by the broader ancient Near East. Attempts to consider the wider ancient Near Eastern context of the ethics of the Hebrew Bible and of ancient Israel and ancient Judah have as yet been minimal, especially in English-speaking scholarship (German scholarship, primarily in the guise of Otto, is somewhat improved), and have been essentially confined to the much narrower category of legal material, instead of more broadly drawn upon for ethics in general. This ignoring of the ancient Near Eastern context in particular seems a gross omission, and an attempt to rectify it is one of the primary aims of this study.

The question addressed by this study, while pertaining to the subset of thought known as ethics, is for these reasons an essentially historical question. The interest of other scholars in the relevance of the Hebrew Bible for modern ethics is not the focus of this study – though I

changes in ethical thinking about warfare which arose as a result of nearly two centuries of political and social developments in Assyria and Judah.

would contend that such endeavours cannot properly be carried out without due attention to historical considerations.

In order to enable an appropriately historical approach to the question at hand, this study could not conduct a systematic review of every ancient Near Eastern culture; to do so would have led to the significant details of each being lost to overly-broad depictions. Bearing in mind the depth of research necessary to undertake a project of this kind, the study had to be restricted to only a few cultures. The primary foci of investigation have therefore been limited to the nations of Israel, Judah and Assyria. In deciding which cultures to examine, the practical fact that it is these three nations for which contemporaneous primary evidence is in the largest supply was a significant factor. For Israel and Judah we are in possession of biblical texts, despite the difficulties they pose for historical research as secondary rather than primary sources, and the royal archives of the neo-Assyrian empire are extensive and increasingly available for scholarly study. Evidence for most of the other cultures of the ancient Near East is either very limited (e.g. other small Levantine states) or chronologically far-flung (Ugarit, Mari). The only significant exception to this is Egypt, which has been excluded in part due to the limitations of a project of this size and in part due to the fact that Israel and Judah tend to exhibit closer (though by no means exclusive) cultural relationships with other Semitic cultures than with Egypt.

The heavy emphasis laid on contextual factors by this study also strongly discouraged the indiscriminate use of chronologically far-flung materials. As Malul noted, increasing the variations in chronology and geography between the subjects of comparison correlates to a decrease in the ability of the observer to make comparisons of any significance. Hence it was considered preferable to limit the study to nations of contemporary existence; their separation being thereby limited to (the inevitable) geography. The variations observed within even a single society over relatively short periods of time further confirmed the validity of the concern that a broad chronological net would have obscured the important nuances of historical and social context: if such change were possible even within a relatively short space of time and within a single culture, the increase of chronological distance could hardly have resulted in anything but increased differences within the culture itself, thereby making the indiscriminate comparison of its features to other cultures decreasingly valid.

Having limited the scope of the investigation to three nations, and bearing the concern for chronological contemporaneity in mind, the chronological parameters were set at approximately the beginning of

the eighth and the end of the seventh centuries BCE. This contained on the Assyrian side the final resurgence of the Neo-Assyrian empire, as well as a half century before this. Eventually the earlier material was abandoned, in part due to limited evidence, but also due to changes in the behaviour evidenced in the two periods: a shift worthy of study in and of itself but beyond the scope of this study. The Assyrian material, then, was ultimately limited to that pertaining to the final imperial Neo-Assyrian (hereafter Assyrian) period, beginning with the accession of Tiglath-pileser III in 745 BCE and continuing through his descendants and successors until the fall of the Assyrian empire in 612.¹⁸ In the case of Judah and Israel, the chronological parameters were also designed to restrict the study to a time period for which some historical knowledge might be more or less reasonably asserted; the further into the early days of these nations the project ventured, the more time would have had to be spent on purely historiographical issues, and the less certain would any assertions about the reliability of the available texts' information have been, about either history or ethics.¹⁹ The end dates for Assyria and Israel were naturally set by their demises in 612 and 721, respectively. Judah ceased as a (semi-)independent political entity with its destruction by the Babylonians in 587, but in this case the continuation of national identity, albeit in a modified form, offered the option of extending the investigation beyond the political destruction of one of the nations. However, the choice of warfare as the project's case study and the central role which this phenomenon played in the nation's destruction suggested that to do so might be problematic, insofar as an event of such significant impact on the culture and identity of the people might be expected to affect not only its theology but also its ethics. An initial review of exilic and post-exilic texts suggested that there was in fact an observable shift in moral thinking at this time, at least with regard to war ethics, and as a result the end date for Judah was set at the time of its political demise, as were those for Israel and Assyria. The nature of the biblical evidence has in some cases worked against the possibility of a total division between pre- and post-exilic material and thought, but to the extent possible this distinction has been maintained.

18 All dates are hereafter BCE unless otherwise noted.

19 Foray into the pre-monarchic period, it hardly need be mentioned, suffers from this problem in the extreme, as well as involving a social form of an entirely different nature. It has thus, along with the earlier monarchic period, been put aside for the purposes of this project, though the narratives about these periods may be thought pertinent for those periods in which they were compiled and edited (but on which see Chapter 6.2).

Our case study therefore proceeds as follows.

Part I, "Ideology, cosmology and ethics", addresses the intellectual background of ethical thought in the societies in question. First, there is a general chapter on the function of ideology in societies and its relevance to military encounters (Chapter 2), followed by chapters detailing its specific royal manifestations in Assyria (Chapter 3) and Judah and Israel (Chapter 4).

With this groundwork laid we proceed to Part II, "Ethics and society", which constitutes an application of our first methodological point – variability according to the social context of an informant. Chapter 5 describes the deployment of royal ideology in the legitimation of military actions in the early Assyrian period, and this is followed by a parallel chapter with regard to Judah and Israel (Chapter 6). Part III concludes with a chapter addressing the appearance of an alternative social perspective in *Amos* (Chapter 7).

Part III, "Ethics and history", applies the second of our methodological points to the warfare case study, with Chapter 8 examining the changes in the use of royal military ideology across the reigns of Sennacherib, Esarhaddon and Assurbanipal. Chapter 9 examines this principle with regard to the prophets Isaiah of Jerusalem and Nahum, and Chapter 10 suggests an interpretation of the practice of *hērem* according to this model of ethical development over time.

One ought, before embarking on any project, to be quite clear about the terminology and concepts employed within it, and this is no less – and probably especially – the case with a study on the subject of ethics and morality. Here then, let us immediately state that these two terms will be employed essentially interchangeably. None of our sources constitute a philosophical disquisition on the subject at hand, and to impose on these texts the finer distinctions of terminology adopted by modern philosophical discussions would be inappropriate and anachronistic. The terms are therefore used here in their common meanings, and no great weight ought to be attached to the use of the one or the other in a given phrase.

Both terms refer to those principles of conduct which govern human behaviour, and therefore relate to both an individual's or society's beliefs about actions which are desirable or undesirable, as well as those wider social factors which affect these beliefs.

Finally, this is also perhaps an opportune moment to iterate that this study will, insofar as is reasonably possible, avoid making evaluative assessment of the acts and beliefs of the societies in question. Rather, this is an attempt to articulate the specific moral parameters of one aspect of ancient societies and the overarching ideological and ethi-

cal framework which gave rise to those parameters. The essential role of ideology in determining ethics demands that the topic be approached with a full appreciation of the total social context of ethics, and, as will be elaborated in more detail in the following discussion of ideology and sociology, this approach implies, if not requires, a certain moral abstinence on the part of the scholar attempting to describe and elucidate it.

Part I

Ideology, cosmology and ethics

