Patriarchial Institutions: A Study of the Social Institutions in the Patriarchal Period in the Light of Cuneiform Sources

David Neiman
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Abstract
In studying the social institutions of the age of the Patriarchs as they are reflected in the narratives in Genesis, it has been found that the closest analogies between the system of laws, mores, and institutions that the Patriarchs lived by, can be found in the institutions of the community of Northeastern Mesopotamia that centers around Nuzu, as reflected in the many tablets found in that area. The Nuzu documents contain thousands of cases that can be paralleled by events in the lives of the Patriarchs as we know them from the Biblical narrative. Many of the laws found in the other Mesopotamian lawcodes, the codes of Hammurabi, Eshnunna, Lipit-Istar, Assyria, and the Hittites, show similarities in many instances of the laws of the Bible as well as to institutions of the Patriarchal Period. But in none of these codes and systems do we find the almost complete identity that is found between the Nuzu laws as illuminated by the contracts and other documents found there, and the laws by which the Patriarchs lived, as depicted by the narratives in Genesis.

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by

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has been read and approved by

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Aleks M. Brajman

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PREFACE

In submitting this thesis for approval to the faculty of the Dropsie College for Hebrew and Cognate Learning, I am deeply conscious of the immense debt that I owe to all those who have helped me, guided my steps, and brought me to the realization of this goal. Many of my teachers in schools where I studied while I cherished the hope of studying at the Dropsie College shall have to remain unmentioned at this time because their help and encouragement, although of immeasurable value, was not directly effective in the conception or execution of this work.

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A more helpful and encouraging major professor and adviser than Dr. Cyrus H. Gordon, no student can wish for. There was no difficulty that a student faced that Dr. Gordon would not help him overcome. Dr. Gordon's primary interest in his work at the College, has been
the welfare and success of his students. Without his encouragement and help this work would not have been possible.

One who was a dedicated scholar who could inspire his students to great efforts more by his example than by his precept, is unhappily no longer with us. Dr. Solomon L. Skoss of blessed memory, whose infinite patience and unlimited love of learning made studying with him an honor, departed this life before he could see my work completed. The loss of his presence is felt even today.

Two other teachers with whom it was a great privilege to study, and whose brilliant and stimulating lectures it is an experience to listen to, are Dr. Solomon Zeitlin, Professor of Rabbinics, and Dr. Theodor H. Gaster, Professor of Comparative Religion at the College. Their instruction made Hebrew and Cognate Learning live.

I owe thanks also to Dr. John Mish, Chief of the Oriental Division of the New York Public Library, and his assistant, Mr. Francis Paar, both of whom are anthropomorphic encyclopedias of oriental bibliography and gentlemen whose patience knows no bounds.

Without the aid and encouragement of the men mentioned above, this work would not have been.
PATRIARCHAL INSTITUTIONS

A Study of

The Social Institutions in the Patriarchal Period

In the Light of Cuneiform Sources

by

DAVID NEIMAN

Submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy

The Dropsie College for Hebrew and Cognate Learning

1955
# LIST OF ABBREVIATIONS

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INTRODUCTION
In studying the social institutions of the age of the Patriarchs as they are reflected in the narratives in Genesis, it has been found that the closest analogies between the system of laws, mores, and institutions that the Patriarchs lived by, can be found in the institutions of the community of Northeastern Mesopotamia that centers around Nuzu, as reflected in the many tablets found in that area. The Nuzu documents contain thousands of cases that can be paralleled by events in the lives of the Patriarchs as we know them from the Biblical narrative. Many of the laws found in the other Mesopotamian lawcodes, the codes of Hammurabi, Eshmunna, Lipit-Istar, Assyria, and the Hittites, show similarities in many instances to the laws of the Bible as well as to institutions of the Patriarchal Period. But in none of these codes and systems do we find the almost complete identity that is found between the Nuzu laws as illuminated by the contracts and other documents found there, and the laws by which the Patriarchs lived, as depicted by the narratives in Genesis.

"One of the most surprising results of a study of the Nuzu tablets is the light they shed on the Patriarchal Age of the Old Testament: the period of Abraham, Isaac, and Jacob. As we know, the social institutions of that age were not the same as they were among the later Israelites; for
the laws that governed Abraham, Isaac, and Jacob were not the same as the laws set down in the later 'Mosaic' Law. What is surprising is that many of the peculiar social institutions of the Patriarchal period are also characteristic of the Nuzu community. "1

The community of Nuzu of which we have so much information since its discovery, flourished around the end of the 15th and the beginning of the 14th century B.C.E., that is, in the Amarna Age. Traditionally, the age of Abraham has been placed around 1800 B.C.E., or even earlier. 2 But we will try to prove that the time of Abraham, Isaac and Jacob was the Amarna Age, and that Abraham's family lived in the vicinity of Northern Mesopotamia at the time that the community of Nuzu flourished. The problem of the chronology of the Patriarchal Period has been attacked from a novel point of view by Dr. Gordon, a point of view which has very cogent arguments for its adoption, and one which has convinced this writer. 3 The following reconstruction of the chronology of the Patriarchal Age is the result of reasoning based on Gordon's approach.

The Conquest of Canaan by the children of Israel under the leadership of Joshua and Caleb took place around 1230 B.C.E. This is the opinion of the leading archaeologists of Palestine. 4 Since this date of the Conquest is securely supported by archaeological evidence, we can count backwards from this date, and arrive at other checkpoints in time. The wandering in the Desert in the words of the Bible oft repeated, is "forty years".
Scholars are agreed that the number "forty" as used in the early Biblical narratives does not mean the exact number. From a study of the books of Joshua and Judges, we can safely assume that when the expression "forty years" is used it does not mean "forty" but rather a long period of time, which can be variously estimated as ranging from thirty to forty years in length, or roughly, one generation. Other numbers used schematically like "forty" in the book of Judges for periods of time are twenty and eighty years: all multiples of twenty. From a study of the other Semitic languages, we can also see that the number "forty" is almost universal in the Semitic world as a round number for a large quantity.

The only chronological yardstick which is reliable in the story of the Desert wandering, is the word "generation". Throughout the story of the wandering in the desert, the word "generation" is repeated time and time again. God tells Moses that the wandering will continue "until this entire generation is finished". The key to the desert chronology is the word "generation" and not the number "forty". This thing must be borne in mind for a proper understanding of the chronology of the Patriarchal Age. Since the word "generation" is reliable, we can assume with a high degree of certainty that the wandering in the desert lasted for a period of thirty to thirty-five years. This would make the date of the Exodus around 1260 B.C.E.

If the Exodus was around 1260 B.C.E., that would mean that the Israelites were in bondage in Egypt during the reign
of Raamses II, who ruled from 1299 to 1232. If this date is reliable, we have next to consider the evidence from Egypt and from the Bible to see if the Israelites could have been slaves in Egypt around this time, that is, during the reign of Raamses II. We read in the Exodus that when the Israelites were forced into slavery, "they built store-cities for Pharaoh, Pithom and Ra'amses." Now from Egyptian history we know that Seti I, after his accession, moved his capital from Thebes on the Nile to Tanis-Avaris in the eastern delta, close to the routes leading to Asia, and the site of the ancient city of Zoan, which was the capital of the Hyksos dynasties of the 18th and 17th centuries B.C.E.

Although this building operation was begun by Seti I and continued under his successor Raamses II, the city was named Pr-Raamses (House of Raamses). In other words, the city in Egyptian had the same name that is given to it in the Bible. Thus this important point in determining the chronology of Israel's early history, namely, the actual name of the building project on which they slaved, ties in with the fact that such a building project actually took place.

This city which was called Raamses in the Bible as well as in the Egypt of that day, had this name for only a comparatively short time, from the date of its establishment, around 1318 B.C.E., until about 1100 B.C.E. Now Israel was already in Canaan in the year 1230 B.C.E., and the Exodus had been a generation prior to the invasion of Canaan, i.e., around
1260 B.C.E. Since the start of the building of Pithom and Raamses was in the year 1318 B.C.E., i.e., the year of the accession of Seti I, and the Exodus was around 1260 B.C.E., the total number of years that the Israelites were slaves in Egypt, according to the dates of the building projects on which they worked and the date of the conquest of Canaan, was approximately sixty years. Therefore, our conclusion is that Israel was enslaved in Egypt for a period of about sixty years, or two generations. I shall attempt to prove that this is the correct figure from the biblical account itself.

Let us turn to the Biblical narrative. We read\textsuperscript{15} that when Jacob and his children went down to Egypt, Joseph, a son of Jacob, was holding a high position in the land of Egypt. The family of Israel settled in the land of Goshen, a region in the vicinity of Zoaan-Tanis-Avaris, in the eastern delta, not far from the land of Canaan. Joseph and his brothers ---that entire generation of Israelites--- were free people, enjoying the favor of the Pharaoh in the land of Egypt. In Exodus we read\textsuperscript{16} "Then Joseph and all his brothers died, and that entire generation." The account continues with this:\textsuperscript{17} "Then a new king arose over Egypt who knew not Joseph, and he said to his people: 'Behold, this people, the Israelites, is too big and strong for us (to endure) in our midst. Let us be wise concerning them, for if they (continue to) increase and a war breaks out, then they may join our enemies and fight against us and leave the country.'"
From the Biblical account we surmise that this attitude and action was taken by the "new king", i.e., very soon after the new king came to the throne. We can also assume that it was not too long after the death of Joseph, because Joseph, according to the Biblical narrative was a very old man when he died, and the Pharaoh who had befriended him was probably old at the time of Joseph's death. Therefore we are safe in assuming that the rise of the new king was not too long after Joseph's death. Now the generation of Israelites immediately following Joseph's death was enslaved by Pharaoh. The children of Joseph and Levi and their contemporaries, were enslaved. Levi's children and grandchildren were enslaved, but his great-grandchildren, were of the generation that left Egypt. Moses' generation, i.e., the great-grandchildren of Levi, were the generation of the desert. Therefore, according to the Biblical account, the children of Israel were enslaved in Egypt for only two generations. This agrees exactly with the number of years that the children of Israel could have been working on the Pithom and Raamses building project, beginning in 1318 B.C.E., until the Exodus, around 1260 B.C.E. According to the biblical account, they were slaves for the two generations between Joseph's and Moses', and according to the chronology of the Pithom and Raamses building operations, as we know from Egyptian sources, they could have been slaves for about sixty years. That sixty years is approximately equal to two generations no one will seriously dispute.
If someone will counter with the assertion that Zelophehad the son of Hepher was four generations removed from Joseph, we can state that Moses was only one generation removed from Levi on his mother’s side. In other words, there are exceptions and variations in individual families, but the overwhelming majority of genealogies given in the Bible testify to the fact that the number of generations between the desert and Joseph was two.19

If the Exodus was around the year 1260 B.C.E., the Israelites were enslaved during the reign of the Pharaoh who was ruling at that time, namely, Raamases II, and that of his predecessor, Seti I. If two generations of Israelites were enslaved, that means that the slavery lasted for about sixty years. Therefore, they would have begun their slavery around the year 1320 B.C.E. But since the building operations began in the year of Seti’s accession, we can safely say that the slavery began around the year 1318 B.C.E., and still be very close to the evidence as we have it from two independent sources. Therefore, the Israelites were slaves in Egypt from about 1318 B.C.E., until approximately 1260 B.C.E.

If the Israelites began their slavery in the year 1318, then Joseph could have been ruling in Egypt only during the reign of Haremhab, for the latter ruled from 1353 until 1319, for a period of thirty-four years, and Joseph could not have ruled more than the one generation preceding the bondage, which would place Joseph’s rise to power during the beginning
of Haremhab's reign, or around 1350 B.C.E. Therefore, Jacob and his children came to Egypt around the year 1350 B.C.E.

The next question that arises is the obvious one: Could Haremhab have been the Pharaoh of Joseph, the Pharaoh for whom Joseph had interpreted dreams, who had appointed Joseph to his high position, and during whose reign Jacob and his children came to Egypt? To answer that question, let us see what we know about Joseph's Pharaoh from the Bible, and compare it with what we know about Haremhab from Egyptian sources.

The Pharaoh of Joseph, as we learn from Genesis, chapter 41, was a monarch who showed a lot of faith in Joseph, and a king who trusted his intelligent servant.

Pharaoh was grateful to Joseph for his able administrative ability, and showed his gratitude by giving Joseph special consideration; by allying him by marriage with the priesthood of Heliopolis, by giving him an honorific title, and by giving him special privileges.

Pharaoh's attitude of consideration for Joseph continues as long as Joseph lives. When Jacob and his sons are invited by Joseph to come to Egypt and live there, Pharaoh extends the invitation to them even though shepherds are undesirable in Egypt. So we see that according to the Joseph story, even though shepherds were an undesirable element in Egypt, they were welcomed into the country by the Pharaoh, because of his special consideration for their brother.
Perhaps only the Joseph story can explain the action of Haremhab in welcoming Asiatic shepherds from Palestine into Egypt during his reign. The shepherds of Palestine were a source of annoyance to the Egyptians; there were constant campaigns being waged to drive them out; the bedouin were constantly troubling the eastern borders of Egypt. Truly, the "shepherds were an abomination to the Egyptians."26

Yet, despite the fact that these shepherds were "an abomination to the Egyptians," and a hated, an enemy element in the population, we find that Haremhab, the Pharaoh of Egypt, welcomed bedouin into his land because they were hungry. From reading the Joseph story in the Bible we can see why a Pharaoh would admit shepherds into Egypt even though the Zeitgeist had rendered them an abomination to his countrymen. From the Egyptian sources we know that he did welcome them, but we have no clue as to why he welcomed them. We must conclude that Haremhab, the Pharaoh of Joseph, welcomed the bedouin into Egypt because their brother, Joseph, was beloved of him and had been appointed to be his trusted counselor. This would not only reconcile the divergent elements of the Hebrew and Egyptian sources, but would also agree with the chronology which we maintain to be the most acceptable.27

Now we come to what I consider the last problem of importance in determining the chronology of the Patriarchal Age. This is the reckoning of years of Egyptian Bondage as given in the Bible.
In Exodus 12:40 we find the figure 430 given by the Biblical account for the number of years that the Israelites were slaves in Egypt. In Genesis 15:13 we also find the number, rounded to 400, given as the number of years that Abraham's descendants will be enslaved in a strange land. In the Hellenistic Period, when the interpreters of the Bible were trying to clarify the text of the Old Testament as well as translate it, they reduced this figure from 400 (or 430) years, to around 251 years by including in the 400 the years from Abraham's arrival in Canaan to Jacob's departure for Egypt.²⁸

That the Septuagint Version is incorrect is obvious from the next verse, Exodus 12:41, in which we have the exact translation of the Masoretic Version, which repeats that they were slaves in Egypt for 430 years. The Hellenistic scholars tried to reduce the figure, feeling that it was too high. Since there were so few generations involved, the number 400 was obviously out of the question as a reliable guide to chronology.

The attempts of scholars to establish early Biblical chronology on the basis of numbers as given in the early books of the Bible are at fault. The trouble is not that the Numbers as given are contradictory and fail to give satisfactory chronology. The fault lies with the scholars, who attempt to make sense out of numbers in the early books of the Bible --numbers that have no relationship to reality.

We maintain that the Biblical genealogies from the Patriarchal Age down through the destruction of the First Temple,
are all correct and authentic. The numbers of years in Hebrew history begin to have reality at the beginning of the monarchy. The numbers of years in the earlier books of the Bible, prior to the rise of the monarchy are not reliable. If we consider the story of the Patriarchs from Abraham to Joseph, we must take the genealogies as the more reliable. The year numbers which are given, such as the 400 or the 430 years of the bondage, are to be discarded as misleading.29

"Both the genealogies and the year reckonings cannot be correct at the same time, and it is necessary for us to evaluate the evidence. Among the tribal Semites, such as Arab nomads down to the present day, there is a great feeling for genealogy and it is not unusual for an Arab to be able accurately to recite the names of his ancestors back for ten or fifteen generations covering several hundred years. Yet that nomadic Arab will not know how old he is. Tribal Semites have no birth certificates, and while they memorize genealogies, they keep no track of birthdays. Accordingly, when we choose between the two conflicting chronological schemes of the Patriarchal Period, we are forced by the nature of that type of Semitic society to lean on the genealogies and not on the reckoning in terms of years.30

When we deal with ancient periods of history, we must try to understand their point of view, and not to impose our own concepts. We must try to find out what was important to those people, and not what is of importance to us or to another
society. If the year numbers as given in the Patriarchal narrative conflict with the genealogies, we must accept the genealogies and discard the year numbers. In other societies, in settled and organized states, both in ancient as well as in modern times, the numbers of actual years were important, and were kept, whereas genealogies were sometimes dealt with loosely. The name of Raamses I was omitted from the names of the Hypostyle Hall at Karnak\(^\text{31}\), because he ruled for such a short time. So also, some Assyrian lists omit some of their kings. But in nomad society, where years are not counted, where people do not know even their own ages, there we find very great importance attached to the names of the ancestors. In these societies genealogies must be our guides for the historical chronology.

In the light of the foregoing we must consider the story of the Israelite bondage in Egypt. Some scholars were of the opinion that since the number of years spent in bondage was around 400 (or at least 200 according to another view), that therefore, the generations between Joseph and Moses must have been confused and some of the names dropped in the course of the long slavery. But quite the contrary is true. The genealogies as we have them must be our chief criterion for dating.\(^\text{32}\)

Now the Pharaoh who favored Joseph, as we learn from the Biblical account, welcomed Jacob and his sons to Egypt in a very friendly and hospitable manner.\(^\text{33}\) He was very friendly to these shepherds who were despised by his people, by the
Egyptians. This same circumstance we find in the case of the Egyptian Pharaoh Haremhab, who is pictured on a monument as welcoming Asiatic shepherds from Palestine into his land, and offering them a home at a time when they were suffering from famine. What better evidence could we have from Egyptian sources for the story of Jacob's entry into Egypt?

If we maintain that the period of Israel's sojourn in Egypt lasted from c. 1350 to c. 1260 B.C.E., and that the bondage lasted from 1316 until the Exodus circa 1260, then how do these facts fit into the Biblical account as we have it in the story in Exodus? To answer that let us look at the first chapter of Exodus and analyze its historical references.

"Then Joseph died and all his brothers, and all that generation. And there arose a new king over Egypt who knew not Joseph. And he said unto his people:'Behold, the Israelite People are too great and too mighty for us. Come, let us deal wisely with them, lest they multiply and it come to pass that, if there should befall us a war they may join themselves to our enemies and fight against us and get them up out of our land.' Therefore did they set over them taskmasters to afflict them with their burdens. And they built for Pharaoh store-cities, Pithom and Raamses."

First let us examine the words of Pharaoh as recorded in verses 9 and 10 of the first chapter of Exodus. This Pharaoh, who we maintain was Seti I, cautions his people against the Israelites who are living in their land and talks
of a potential war in which he assumes the Israelites will be sympathetic to the enemies of Egypt. Who was threatening Egypt, and what reason did Pharaoh have to take precautions against the children of Israel?

From Egyptian inscriptions we learn that in the days of Seti I Egypt was threatened by enemies from the direction of Palestine and Syria. Under the pressure of the Hittite empire, which was expanding rapidly in the north, the states of Palestine and Syria were being consolidated and united into coalitions, and under the urging of Hattusas (the capital-city of the Hittite Empire), they were threatening Egypt's northern borders. The Canaanites and Syrians were a real threat to Egypt at that time (in the days of Seti I), and he wanted to prepare against a potential war, and to guard his borders in every way possible.

What existed at the time was what we now call a "cold war", and during a "cold war" passions wax very hot. The fear of the population can be exploited by the government to do anything that is necessary in order to guard the country against the threatening enemy. The children of Israel were Palestinians, they spoke the language of Canaan, and they lived a life that was strange to the Egyptians. In short, they were foreigners in the land. True, they had lived in peace and had not disturbed Egypt nor given her any cause to suspect their loyalty. Nevertheless, because the related states of Canaan were threatening Egypt, the Egyptians felt that they had
to take precautions against these "Canaanites" who live in their midst and were known as the "people of Israel." 39

Therefore, because Egypt felt the threat of an impending attack by the Hittite Empire, aided and abetted by a coalition of Palestinians and Syrians, and because these people living inside the border of Egypt which was closest to Palestine were also Palestinians, Pharaoh Seti I said what he feared: "In case of a war, these people may join our enemies and fight against us. Therefore, we must take action against them."

Now, when we turn to Exodus 1, verse 11 we find the statement that the Israelites were enslaved and forced to work on great building projects, which consisted of building two "store-cities" for Pharaoh, named Pithom and Raamses. Now aside from the fact that we know from Egyptian sources that the cities of Pi-Tum and Fr-Ra'amseu were built during the reigns of Seti I and Raamses II, and that they were built in the eastern delta near the ancient site of Zo'an-Tanis-Avaris, (in the vicinity of the "Land of Goshen"), we also can see the purpose of Seti I embarking on this particular project. In order to protect his northeastern border from invasion and in order to provide a point near the border of Palestine from which to launch an attack against the northern countries when such a move would be necessary, he decided to rebuild the ancient site of Tanis-Avaris. In order to accomplish this he had to remove the shepherd population of Israelites from the area. But rather than remove them he used them -- for
the economic reason as well as for the other reason given above— as slave-labor to build these very cities whose construction was for the purpose of defense or attack against their ancient homeland.

The picture of the political situation of the time therefore, as we know it from Egyptian sources, fits together with the story as we have it in our Biblical account.

The next verse we have to consider is Exodus 2:23, "And it came to pass, in the course of those many days, that the king of Egypt died; and the children of Israel sighed by reason of the bondage". This was the year 1299, when Seti I died and Raamses II came to the throne. There was no change in the policy of Egypt with the accession of the new monarch. The slavery of the Israelites continued. The cities which had been begun by Seti I continued to be built. Evidently the city of Raamses had not advanced as far in its construction as did Pithom, for Raamses bears the name of the king of Egypt who continued the project begun by his predecessor. It is my suggestion that Pithom was completed sooner, and was named in honor of the god Tum (Pi-Tum), whereas Raamses' completion was later. Seti I did not live to dedicate and name the place. This was left for Raamses II to do, and he graced it with his own name.

A question arises at this point. If Haremhab was the Pharaoh of Joseph, Seti I the Pharaoh who "knew not Joseph," and Raamses the Pharaoh of the oppression and Exodus, then
why does not the Bible give some indication of the accession and death of Raamses I who came to the throne in 1319 B.C.E., after the death of Haremhab and before the accession of Seti I? The answer to that can be found in the Egyptian sources. We know from the Egyptian sources that Raamses I did not really rule over Egypt. He died in the year of his accession. If he ruled at all, it was only for one year and no more. He had barely had time to become Pharaoh before he was gone and a new Pharaoh was on the throne. The Biblical account therefore, would not have bothered to mention him. But even more interesting is the fact that he did not even manage to have his own name inscribed on his most ambitious building venture.\(^{140}\)

So we see that the story as we have it in the first chapter of Exodus agrees in all details with the history of Egypt at the beginning of the XIXth dynasty. Haremhab, the founder of the Nineteenth Dynasty, was the Pharaoh of Joseph, Seti I was the Pharaoh who "knew not Joseph" and who instituted the enslavement and surveillance of these Asiatics who lived in his kingdom. He was also the one who planned the building of the two store-cities Pithom and Raamses and who planned the relocation of the capital of Egypt from Thebes to the Eastern Delta. He did this in order to strengthen Egypt on its northeastern border against attack from Palestine, and to have these strongly-fortified cities close to Asia so that Egypt would have a base from which to launch attacks against Palestine and Syria. Seti I died during the execution of this
building project, and his successor, Raamses II completed it. Raamses probably named one of the cities after himself, Pr-Raamses, and continued the policies of his predecessor. Raamses continued and increased the oppression of the Israelites. Because the situation in Asia vis-a-vis Egypt became worse during his reign, he redoubled his efforts to strengthen Egypt.

When Raamses II came to the throne in 1299 B.C.E., he was faced with a strong coalition of enemies. He came to the throne in the midst of the "cold war" that was going on between Egypt and the Hittites, and continued preparing for an expected open conflict. There had been a small-scale war between Egypt and the Hittites before Raamses II's accession, which had ended with an indecisive Egyptian victory and a truce.

"While the Egyptian victory in the struggle with the Hittites for sovereignty of Syria had resulted in a truce, no really final decision had been reached. On the contrary, Muwatallis (King of the Hittites) took advantage of the armistice which had been forced upon him to consolidate his forces and win allies, with the intention of pushing such an overwhelming offensive against the Egyptians that they would be driven completely out of Syria and their hopes for world power brought to a permanent end. At first he gave every indication of desiring to keep the peace. For when Raamses II came to the throne, Muwatallis requested his friend the prince of... Qode to hasten to Egypt and pay homage to the young Pharaoh. Nevertheless, after a few years he appeared at the head of
a great Syrian confederation as a dangerous and aggressive rival to Egypt. He had 'assembled all the foreign lands as far as the ends of the ocean' and organized an army of 25,000 - 30,000 men. 'The entire Hittite Land came and Naharin likewise,' as well as the powerful Syrian and Anatolian princes of Carchemish, Kizzuwatna, Qude, Nuhashshi, Kadesh on the Orontes, and various other towns, in addition to levies from Arzawa."

So we see that Raamses II, when he came to the throne, was faced with great problems that threatened Egypt, and he saw no alternative but to increase the oppression of these Israelite slaves whose enslavement solved several problems for Egypt at one time.

So the history of Egypt at the beginning of the XIXth dynasty, we see, agrees with the picture of the situation in Egypt as we know it from the Old Testament. We can therefore continue our chronological study with this period as a fixed point of departure. We therefore arrive at the following chronology for the Patriarchal Period.

1230 - Conquest of Canaan
1260 - Exodus. Raamses II ruling in Egypt.
1299 - Raamses II accedes to the throne. "And it came to pass, in those many days, that the King of Egypt died, and the Children of Israel sighed because of the difficult labor." Exod 2:23.
1318 - Seti I comes to the throne and starts the building of Pithom and Raamses. "And a new king arose
over Egypt who knew not Joseph." Exod 1:8

1319 - Haremhab dies and Raamses I becomes king. Raamses I's accession and death are overlooked in the Biblical account because he died in the year that he became king. His name is also omitted from some Egyptian king lists.

1350 - Joseph becomes an administrator in Egypt, and Jacob and his children come to settle in Egypt.

1353 - Haremhab accedes to the throne. He was the Pharaoh who favored Joseph and invited Jacob and his sons, shepherds who were an "abomination" to Egyptians, to settle in Egypt. Gen 46:34 and ARE, III, 10.

1350 - Abraham, Isaac, and Jacob flourished in Canaan and were independent shepherds. This period is the Amarna Age, which is usually given as the period of the reigns of Amenhotep III and Ikhnaton, whose combined reigns extended from 1412 to 1360.

Now if Jacob and his family came down to Egypt around the year 1350 B.C.E., then Abraham must have flourished two generations earlier, or around the year 1410 B.C.E. Therefore, Abraham, Isaac, and Jacob would have flourished around the years 1410 1350 B.C.E., or precisely in the Amarna Age, and they would therefore have been contemporary with the community of Nuzu.
whose documents—which date from this period—we will consider below. The contents of the Nuzu documents so closely resemble the social and religious institutions of the Patriarchal Society that we know from the Bible, that we can only surmise that the two social groups were roughly contemporaneous. This contention would have had validity on the basis of the identity of the legal, religious and social institutions alone. The fact that our analysis of the chronology on the basis of the nature of early Semitic reckoning also brings us to the same conclusion, only serves to strengthen our view of the chronology for the Patriarchal Age.

There are other points in the Biblical narrative that fit in very closely with this view of the chronology of the Patriarchal Age. According to the story found in Genesis 19:30-38, the nations of Ammon and Moab owed their origins to an event that occurred in the days of Abraham. In other words, the saga of Lot and his daughters reflects a tradition that Transjordan was devoid of human habitation during the days of Abraham, but that it started to be populated in his days or shortly thereafter. According to the archaeological evidence gathered by Nelson Glueck in his explorations in Transjordan, this region was uninhabited between the 17th and the 14th centuries B.C.E.

From the Biblical account found in the story of Lot, we learn that the early Israelites had a tradition that Transjordan was uninhabited in the days of Abraham, but that the settled communities of the region—those people known as
Ammon and Moab—came there shortly after the days of Abraham. From the archaeological evidence cited above we know that this settlement took place in the 14th century B.C.E. Since the latter days of Abraham are contemporary with the Settlement of Transjordan, and the settlement of Transjordan is dated in the 14th century B.C.E., we are inclined to maintain—even in the absence of other proofs—that Abraham lived in Canaan in the 14th century B.C.E.

If Abraham was in Canaan in the Amarna Age, how does his story fit into the general picture of Palestine in the Amarna Age as we know it from other sources, in particular the celebrated Amarna correspondence which has given that century its name? Here again we can say with assurance that Abraham's story as recounted in the narratives in Genesis fits very nicely into the picture of the Amarna Age.

What was the situation in Palestine in the Amarna Age? We learned from the Amarna Letters that Palestine during the reigns of Amenhotep III and Amenhotep IV (Ikhnaton), that is, in the years 1412-1360 B.C.E., was divided among many small city-states. Each state was independent and was ruled over by its own king who owed allegiance to no one. The rivalry for power and territory among these various city-states was intense. I mentioned that these states were "independent" and that they owed allegiance to no one. In one sense that was true. These states were independent of each other and were not bound in anything that resembled a permanent alliance. But actually, in the years
preceding the reign of Amenhotep III, Palestine and all its cities was under the hegemony of Egypt. The kinglets of Canaan paid tribute to Pharaoh and considered him their suzerain. But some years after the accession of Amenhotep III, the hold of Egypt over her empire weakened considerably. Whether this was due to the illness of Amenhotep III and the ineffectiveness of his rule, we are not certain. But the fact remains that towards the end of his reign and during the entire reign of Ikhnaton, (1377-1360 B.C.E.) the reins of Egyptian government in the empire, outside of Egypt’s borders, were very slack, and international anarchy resulted. The kinglets of Palestine and Syria would try to conduct their own affairs and fight their own battles, but if things went ill for them, they appealed to Egypt for help, and pleaded for any amount and any kind of aid, both financial and military. Many of these kinglets, at the same time that they were appealing to Egypt for help and protesting their loyalty to Pharaoh, were trying to better their position vis-a-vis Egypt’s enemies and to reach some kind of agreement with them. Their neighbors, other kinglets of the same kind, in appealing to Egypt for help, would accuse the others of disloyalty to the Empire, and of trying to undermine Egypt’s power in the area. The Canaanite city-states were trying to better themselves at each other’s expense and in appealing for help to Egypt they would always threaten Egypt with the possibility that the Hittites would grow stronger in that area if Egypt did not send them help
immediately. They did not necessarily mention the Hittites in their appeals but the implication was there when they said "Pharaoh is in danger of losing his lands."45

In addition to all of these squabbles that were going on in Canaan between the various Canaanite kings, there was also a new population factor intruding into Canaan which offered added trouble to the small city-states of Western Palestine. This population group is the people known as the Habiru in the Amarna Letters.

The Habiru, a group of people who are found all over the Near East in the Second Millennium B.C.E., and who are evidently a class of the population, are frequently mentioned in the Nuzu Documents as people who voluntarily sell themselves into slavery. There is no indication in the Nuzu Documents or in the Amarna Letters that the Habiru are an ethnic, racial, or national group. They may have been, but all the evidence we have points them out only as a social class of the population, who evidently were at such a low economic level, that they frequently sought to sell themselves into servitude.

The evidence in the Amarna Letters indicates that they were attacking cities. But here again, we cannot say that they were attacking as an organized military force, or that they were anything more than slaves revolting against their masters. There may have been masses of Habiru people entering Palestine who could find no means to live, and who raided cities and villages in order to steal the means to live. The actions of
the Habiru could have been like the slave revolts which occurred in the Roman Empire about a millenium and a half later. The attempt of many scholars, after the discovery of the Amarna Letters, to identify the Habiru attacks with the Israelite invasion of Canaan under Joshua was not based on a careful consideration of the available evidence. Now, that it is most certain that Joshua's invasion took place in 1230 B. C.E., there can be no doubt that the Habiru mentioned in the Amarna Letters have no connection with Israel. The Period of the Amarna Letters precedes the Israelite invasion by a hundred and fifty years.

If Abraham was in Canaan at the time of the Amarna correspondence, can we not say that Abraham was a Habiru? The answer to that is rather difficult. Abraham was called Ha-ibri, but 'ibri and Habiru are not the same.

It is quite unfortunate that scholars pounced upon the superficial resemblance of two words in two separate languages, and identified them, and on this unproven identification built a magnificent theory. None of the scholars who claimed the identification between Habiru and Hebrew ever proved in a manner that is grammatically and linguistically acceptable that the two names are identical. In fact, the proof would indicate the contrary. The names Habiru and Hebrew are not the same. Accepted rules of Historical Semitic linguistics will prove that they are different. \footnote{46}

The type of social class which Abraham came from, semi-
nomadic, property-owning, independent, wealthy, was definitely not parallel to the type of social class represented by
the Habiru, who were itinerant slaves and who were satisfied when they could sell themselves into perpetual slavery into
the household of a property-owner.

Abraham lived in Canaan at the same time as the Habiru were causing trouble for the city-states of Canaan, but he was
not a Habiru, and is not to be identified with them.

How does the history of the Patriarchs fit into
the picture of Canaan in the Amarna Age? The answer to that
is that there are many episodes in the lives of the Patriarchs
that are perfectly explicable only if we assume that they
occurred in the Amarna Age. One of these is the famous enig-
matic story that constitutes the 14th chapter of Genesis.

Much has been written about the 14th chapter of Genesis,
and many attempts have been made to identify all the names that
appear there. Much ink has been spilled to prove or to disprove
that Amraphel, King of Shan'ar, was Hammurabi, King of Babylon,
an identification that we hold to be incongruous and impossible.
But many points that were casually overlooked are much more
important than the identification of these names.47

My interpretation of this chapter - Genesis 14 - would
follow these lines of approach:

1. The attacking or invading kings went on a punitive
and raiding expedition against the city-states of the Southern
Jordan and the Wadi 'Arabah, who had been paying tribute to them.
The expedition was punitive because in verse 4 we are told specifically, that after twelve years of "serving" their masters they "rebelled," that is, they stopped sending the yearly sum of tribute. In order to teach their subjects that they were still the masters of the situation, they sent their armies against them in the fourteenth year, the year after they had stopped sending their dues. It was a raiding expedition, because after the battle, they took all the booty they could, and made off with men and goods, as we learn from verses 11 and 12. The raid was also punitive, because not only did they take the equivalent of the tribute that was overdue, but more, as a sort of "indemnity" to pay for the trouble and the expenses of the campaign. Also, they took human captives, which was sufficient punishment for the rebellion.

2. The city-states that were thus attacked were all located in the Great Rift which divides Eastern from Western Palestine, and which consists of the Jordan Valley and the Wadi 'Arabah. Before attacking the five kings of the Northern Dead Sea region --Sodom, Gomorrha, Admah, Zeboiim and Zoar -- they went South, to the southern end of the Wadi 'Arabah, and raided the Horites and Amalek, who lived in the region of Mount Seir and Kadesh, on the edge of the Sinai Desert, then they turned North, and went against the cities of the Plain. Here they were met by a coalition of five kings of the Dead Sea area; they beat them, raided and looted their territories,
and turned north, to return to their own homes.

3. The next important point to be borne in mind is in verses 13, 14 and 15. A man who escaped from the war comes to Abraham who is living in a place called "Elonei Mamre," which evidently belongs to an Amorite called Mamre, who with his brothers Eshkol and (Aner, are allies of Abraham ("Bashar Brith Abraham"). Abraham, upon hearing that his "brother" is taken captive, musters his trained men, those who were "born in his house", who numbered three hundred and eighteen, and he pursues the invaders as far as Dan. Then at night he and his servants make a surprise attack upon the enemy, beat them, and chase them as far as Hobah, which is north of Damascus.

In the above, the following things stand out:

A. If five kings ruled independent states in the vicinity around Sodom and Gomorrah, they were kings of tiny states. Perhaps each king ruled over not more than three or four square miles.

B. All of these kinglets were "independent", that is, they were masters of their own affairs, and made alliances with friendly neighbors in times of trouble.

C. A raiding army could invade the Valleys of the Jordan and Arabah with impunity and leisurely pick off states for raiding and plunder without any great power interfering or stopping them and without encountering any strong opposition or full-scale war. The so-called "war" that took place in the Emek Siddim was probably a one-day rout which resulted
in small losses on either side.

D. The cities of the Jordan Valley were paying tribute to some coalition of kings which evidently came from the Northeast, from the region of Syria-Mesopotamia; and Egypt, which was the great power closest to Canaan and the Jordan Valley in the Second Millenium B.C.E., was not ruling over them and collecting the tribute that a dominating power would. Evidently Egypt's power and influence were nil or at best ineffective in that area at this time.

E. Abraham, a wealthy, independent, semi-nomadic shepherd, maintains a private army of 318 men (called hanikim, yelidel bayit). Any man of property will employ servants, shepherds, and guards to guard his property. But for a private individual to maintain a force of three hundred men or more indicates that the country was in such a state of anarchy that each man had to maintain his own private army in order to retain his independence and his property. Evidently there was no policing force and no effective central government at the time; a state of affairs which brought about the existence of private armies; a state of affairs which was the outstanding characteristic of the Amarna Age.

F. In line with the preceding, each man, in order to afford himself added protection against large-scale robbers--such as the four kings who came from the north-- would ally himself with some of his friendly neighbors in a mutual-defense alliance, and together they would maintain a sizable striking force.
Thus, the account in Genesis tells us, Abraham maintained an alliance (brit) with Eshkol, 'Aner, and Mamre, three brothers, Amorites, who lived together in the region known as Elonei Mamre.

G. That the four raiding kings came from the North-Northeast of Canaan is obvious, because they were pursued until Hobah, "which is north of Damascus." This was the situation in Palestine in the Amarna Age, when the city-states of Syria and Mesopotamia attacked the city-states of southern Palestine—where Egyptian rule was lax and negligent—with the encouragement and approval of the enemies of Egypt to the north.

H. The number 318—the number of Abraham's men—is a conventional number which appears in the inscription on a wedding scarab of Amenhotep III, from the Amarna Age, and the context indicates Mitannian influence; i.e., influence from the area of Northern Mesopotamia.48

This state of affairs was typical of that existing in Palestine in the Amarna Age.
Parallels Between Canaanite Literature of the Amarna Age and the Patriarchal Narratives

There are some other very striking features of the Patriarchal Narratives that indicate that these epic accounts were composed in the Amarna Age. They may not have been written down until a much later time, but they retained their ancient poetic structure and have come down to us in a form which compares very closely with contemporary writings of the Amarna Age.

Just as the legal documents of Nuzu — to which this thesis is mainly devoted — show legal usages which explain the social institutions of the Patriarchal Period, so do the literary and epistolary documents of Palestine of the 14th century B.C.E., indicate very close parallels with the corresponding documents of the Patriarchal Narratives.

When we read the Patriarchal Narratives we feel that these tales are poetic in structure. The poetic form of these epics is not as rigidly defined throughout as is the poetry of the Psalms, but in certain sections we have even the Psalm-like parallelism which is the form and metre of ancient Hebrew Poetry.49

Among all peoples of antiquity, in fact, among all peoples who have not yet settled down to a sedentary "civilized"
way of life, the history of the people is preserved in the form of poetic creations which are related and sung by members of the group who learn the stories orally from their predecessors.

Semitic epic poetry has as a characteristic feature the parallelistic structure of the lines. This is found in the Babylonian Emma Elish as well as in the Songs of Deborah and Moses and in the Psalms. Semitic poetry has another feature; the recapitulation and repetition in toto, of very long narrative passages. A few examples will illustrate this.

In the Ugaritic Poem of Keret we find the following:
Keret, the hero of the legend, is widowed, and wants to obtain a wife. He falls into a deep sleep, and El, the Father of Man, appears to him in a dream. El advises Keret to follow a certain procedure in order to assure success in his quest, and outlines the acts that he is to perform in detail. After Keret awakens from his sleep, he sets about to do all that El commanded him. The Legend of Keret which is a literary product of the Amarna Age, does not say "Then Keret did all that El had commanded him," or words to that effect. The poetic account repeats the entire story of El's conversation with Keret, changing only the tense of the verbs, to suit the time of the action. I shall now present the two accounts as given in the Legend of Keret, and we can compare them and see that complete repetition of long passages is a characteristic of the poetry of the Amarna Age.
Ugaritic Literature

KRT I

62. Thou shalt wash
    and rouge thyself
    Wash thy hands to the elbow
    From thy fingers to the shoulder

65. Enter the shade of the tent

66. Take a lamb in thy hands

67. A lamb of sacrifice in
    the right

68. A kid in both hands

70. Take the entrails of a bird
    of sacrifice

71. Pour wine from a cup of
    silver

72. Honey from a cup of gold

74. And rise to the top of the
    tower

75. Ride the shoulders of the
    wall

76. Lift thy hands heavenward

77. Sacrifice to Tor, thy Father
    Il

78. Present Baal with thy
    sacrifices

79. Dagan's son with thy vietuals

80. Then let Keret go down from
    the rooftops

81. Prepare food for the city

82. Wheat for the community
156. He washes yea rouges himself
He washes his hands to the elbow
From his fingers to the shoulder

159. He enters into the shade of a tent

160. He takes a lamb of sacrifice in his hands

161. A kid in both hands

163. He takes the entrails of a bird of sacrifice

164. He pours wine from a cup of silver

165. Honey from a cup of gold

166. And he goes up to the top of the tower

167. He rides the shoulders of the wall

168. He lifts his hands unto heaven

169. He sacrifices to Tor, his Father II

170. He presents Baal with his sacrifices

171. Dagan's son with his victuals

172. Keret goes down from the rooftops

173. He prepares food for the city

174. Wheat for the community
This style of writing, of retelling a long episode in the narrative in almost the identical words, is an outstanding characteristic of Ugaritic Poetry. It can be found again and again in the Epics of Ugarit. But this characteristic is also to be found in the earliest Hebrew Narratives, in the Patriarchal Narratives of Genesis which, we have seen, are also poetic creations in the epic style, of the earliest traditions of the Hebrew People.

Probably the most perfect example of this style of narrative is to be found in the story of Rebecca and the servant of Abraham. When Abraham sent his trusted servant to Aram Naharaim to find a wife for his son Isaac, we find the entire story told twice in Genesis chapter 24. The first account is in verses 3 to 27, and the second, in verses 37 to 48. The second account is almost a word for word repetition of the first, with slight changes being introduced to allow for change of tense and person, and additional changes being made to take into account the feelings of the people who were listening to the second version.

Let us now examine the two accounts and see how closely they resemble each other in detail.

First Account

Genesis 24:3-27

3. And I shall make you swear by the Lord, the God of the heaven and of the earth, that you will not take a wife for my son from among the daughters of the Canaanite
in whose midst I dwell.

4. But thou shalt go to my land and to the place of my birth and thou shalt take a wife for my son, for Isaac.

5. And the servant said to him: "Perhaps the woman will not want to follow me to this land. Shall I bring your son back to the land from whence you came?"

6. And Abraham said to him: "Beware lest thou return my son there."

7. "The Lord, the God of heaven, who took me from my father's house and from the land of my birth, and who spoke to me and who swore to me saying, 'To thy children will I give this land,' He shall send His messenger before thee, and thou shalt bring a wife for my son from there."

8. "And if the woman will not want to follow you, then shall you be free of my vow. But do not return my son there."

9. Then he caused the camels to kneel outside the city, at a well of water towards evening, at the time that the girls come forth to draw water.

10. And he said: "Lord, God of my master Abraham, I beg Thee, cause to happen today, and do kindness to my master Abraham.

11. "Behold I stand here at the well of water, and the daughters of the people of the city are coming out to draw water.

12. "And it shall be, the girl to whom I say, 'Please incline thy pitcher that I might drink,' and she will say, 'Drink, and I shall also water your camels,' she is the one Thou hast pointed out for Thy servant Isaac, and through her
I shall know that Thou hast done kindness with my master."

15. And it came to pass, just as he finished speaking, behold Rebecca came out, who was born to Bethuel the son of Milkah, the wife of Nahor the brother of Abraham, and her pitcher was on her shoulder.

16. And the girl was very beautiful to look at, a virgin, and no man had known her. She went down to the well, filled up her pitcher, and went up.

17. And the servant ran to meet her and said: "Please give me some water to drink from your pitcher."

18. And she said: "Drink, my master." And she hastened and lowered the pitcher to her hand and she gave him to drink.

19. And she finished giving him to drink and said: "I shall also draw water for your camels, until they have finished drinking."

20. And she hurried and emptied her pitcher into the trough and ran back to the well to draw water again, and she drew water for all of his camels.

22. And it came to pass, when the camels had finished to drink, that the man took a ring of gold weighing a beqah, and he placed on her hands two bracelets weighing ten shekels of gold.

23. And he said: "Whose daughter are you? Please tell me; Is there a place in your father's house where we can spend the night?"

24. And she said to him: "I am the daughter of Bethuel,
the son of Milkah, whom Milkah had born to Nahor."

25. Then she said to him: "We have much straw and fodder and also a place to sleep."

26. And the man bowed and prostrated himself before God.

27. And he said: "Blessed be the Lord the God of my master Abraham, Who has not forgotten His kindness and His truth, nor withheld it from my master. I am on the way in which the Lord has led me: direct to my master's brother's house."

Second Account

Genesis 24: 37-48

37. And my master made me swear as follows: "Thou shalt not take a wife for my son from among the daughters of the Canaanite in whose midst I dwell.

38. "But only to my family and to my own father's house shall you go, and you shall take a wife for my son."

39. And I said to my master: "Perhaps the woman will not follow me."

40. And he said to me: "The Lord before Whom I have walked shall send his messenger with you and shall prosper thy way, and thou shalt bring a wife for my son from my own family and from my father's house.

41. "Then only will you be free of my vow: If you will come to my family and they will not give you (a wife for Isaac), then shall you be free of my vow."

42. And I came this day to the well and said: "Lord, God of
my master Abraham. I beg of Thee, please cause Thou my path to succeed. (Bring Thou success upon) the road along which I travel.

43. "Behold I am standing at the well of water. And it shall be, the young girl who comes out to draw water, and I shall say to her: 'Please give me some water to drink from your pitcher.'

44. "And she shall say to me: 'Drink you, and I shall also draw water for your camels,' she is the woman whom the Lord has chosen for the son of my master."

45. Now just as I finished speaking to myself, behold Rebecca comes out, and her pitcher is on her shoulder. She went down to the well and drew water, and I said to her: "Please give me to drink."

46. So she hurried to lover her pitcher and said: "Drink, please, and let me also water your camels." So I drank, and she also gave my camels to drink.

47. Then I asked her: "Whose daughter are you?" And she answered, "I am the daughter of Bethuel the son of Nahor whom Milcah had born." Then did I place the nose-ring on her nose and the bracelets on her hands.

48. Then I bowed and prostrated myself before the Lord, and I blessed the Lord, the God of my master Abraham, who had led me on the true road to take the daughter of my master's brother as a wife for his son."
We have shown two examples of literary epic from Canaan (Syro-Palestinian coastland): the Ugaritic Epic of Keret and the Patriarchal Narrative Epic, and find that they are quite similar in their styles of narration and even show similarities in poetic structure. We maintain that these two examples of literary expression are close in time as well as in cultural milieu.

There is one other type of Amarna Age literary style that we should like to examine and to compare with a parallel example from the Patriarchal Narratives. Here too, we shall show the striking resemblance between the Canaanite style of the Amarna Age and the Hebrew style of the Patriarchal Age. We shall now turn to an examination of the Amarna Letters.

In studying the documents of the Amarna Period, whether they be the legal documents from Nuzu or any other writings of the time, it is essential to look at many facets of these writings, because we can glean from them different kinds of information, all of which will shed light on the period which produced them. In studying the Amarna Letters, we should examine them not only for the light they shed on the political situation of the time, but also for what they intrinsically contain. This writer has found a striking resemblance between the style of the Amarna Letters and a portion of the Patriarchal Narrative which convinces him--in addition to all of the other evidences presented--that the Period of the Patriarchs and the Amarna Age coincide.
The Amarna Letters need no introduction to Biblical scholars. They include correspondence from the kings of many near eastern lands addressed to the Pharaohs Amenhotep III and Amenhotep IV (Ikhnaton), in the years 1412-1360 B.C.E. Many of the letters are from kings of city-states located in Palestine, and in these letters they profess their undying loyalty to the Pharaoh and accuse their neighbors of treachery to him. The letters from Canaan were written by native Canaanite scribes in Babylonian, the official diplomatic language of the time. But the Canaanite background of the scribes is evident in the letters because their Babylonian is faulty and many Canaanite words and expressions appear in the body of the letters. In these letters from Canaan, Babylonian words are translated into Canaanite, and so these letters offer us the earliest examples of the Canaanite language in the Babylonian writing system, as it was spoken in the 14th century B.C.E. These translations are known as the "Canaanite Glosses." They prove to us that the scribes who wrote them spoke Canaanite, i.e., Hebrew.

However, there are parts of the letters which are not translated into the Canaanite language of the day but betray a Canaanite origin nonetheless. The one that concerns us here is the form of the letter, its construction and mold. The point we are particularly interested in is the form of address.

The relative positions of the writer and the addressees
can be seen immediately when we read the opening of the letter. When a man writes to his equal, to one to whom he is not beholden, he addresses him as "brother", i.e., a term signifying equality of status. Thus, when the king of Karduniash (Babylonia), or the kings of Assyria or Mitanni write to the Pharaoh of Egypt, they address him as "brother". On the other hand, when the letter is addressed by a king of one of the small city-states of Canaan to the Pharaoh, the form of address is very subservient; in fact, the tone of many is servile.

The letters which come from Syria and Palestine are all of this latter type, because all the kings of this area were under the shadow of Egypt and feared its domination. Very illuminating is the passage that appears in these letters from Canaan time and time again which proves to be a pure Canaanitism. This is the expression, "I fall on my face seven times before the feet of my Lord and Master." This expression is varied, appearing most often in this form: "I fall on my face seven times and seven (meaning "on my back too") before the feet of my Father, my Sun, my Lord and Master." This expression is found most often in the letters from Palestine and Syria. The following few examples will show how it is used:

1. a-na šar (matu)Mi-is-ri (ki) To the king of Egypt
2. um-ma a-ki-is-si ardu-ka-ma So says thy slave Akizzi:
3. i-na 7 a-na ṣepi be-li-ia 7 times at the feet of my Lord
4. addi-ia am-qut

1. a-na nam-mur-ia mar (ilu) Šamma be-li-ia qi-bi-ma:
   To Namurria, son of the (God) Sun, my master, speak:
2. um-ma a-ki-iz-xi ardu-ka-ma:
   Thus says Akizzi, thy slave:
3. 7 a-na (širu) šepe be-li-ia am-qut.
   7 times at the feet of my Lord do I fall prone.

1. a-na šarri (ilu) Šamši be-li-ia
   To the king, the Sun, my Lord.
2. um-ma abdi (ilu) As-ra-tum:
   So says Abdi-Asratum:
3. ardu-ka ip-re ša šepe-ka
   Thy slave (who is) the dust of thy feet
4. a-na šepe šarri beli-ia
   At the feet of my king, my master.
5. 7-šu u 7-šu am-qut
   7 times and 7 times do I prostrate myself.

1. a-na šarri beli-ia
2. ki- bi- ma
3. um-ma abdi-Asartti
   arad šarri
4. a-na l šepe šarri
   beli-ia
5. ma-ak-ti-ti 7 šepe
   šarri beli-ia

To the king, my Lord.

Speak:

So says Abdi-Asarte
the slave of my king:

At the foot of my king
my Lord.

I have fallen 7 times at the feet
of my king, my Lord.
And 7 times more do I fall.  
Both on my belly (lit. "liver")  
And on my back.  

That these letters are Canaanite in form and spirit even though they were written in the required Babylonian of the time is illustrated even more clearly by two letters which came to light many years after the discovery of the Amarna correspondence. Two letters found at Ugarit, written in the language of Ugarit, and being therefore closer to Canaanite culturally and linguistically, contain the same expressions and forms as the letters from Amarna quoted above.

These letters are as follows:  

First Letter

1. lmlkt adty rgm  
2. thm Tlmyn  
3. lp'n adty  
4. sh'd wsb'd  
5. mnrhqm  
6. qlt  
7. 'm adty mm m'lm  
8. rgm ttcb l'bdh  

1. To the queen, our Lady, speak.  
2. The message of thy servant Tlmyn:  
3. At the feet of my lady  
4. Seven times, yea seven times  
5. Backwards and forwards  
6. I fall to the ground prostrate.  
7. Whatever welfare there be with my lady  
8. A report let her return to her servant.

Second Letter

1. l. amy. adtny  
2. rgm  
3. thm. Tlmyn  
4. w. ah'tmlk  
5. l. p'ny adtny  

1.-2. To our lady, our mother, speak.  
3. The word of Tlmyn  
4. And Ahatmilk, thy servants:  
5. Before the feet of our lady.
6. We fall prone and supine.  
7-9. May the gods guard thy welfare.  
10. Here, with us.  
11-12. Everything is very well.  
13-14. And I myself have had repose.  
14b-15. There with our lady.  
16. How are things?  
17. Please answer thy servants.

So we find, from the epistolary evidence we have from Palestine and North Canaan that this form of address, "falling on the face, yea on the back, seven times and seven," was very nearly a universal characteristic of letter-writing in Canaan.

Was this act of submission, of falling on the face, merely a figure of speech, or was it an actual practice? It was probably a literary expression of something that did actually take place. When a subject king or vassal came to pay his respects to his superior he did fall on his face and kiss the floor or "the dust of his feet." The pictures — drawings and sculptures— which we have from Egypt and Mesopotamia show this act being performed. Defeated kings and subject rulers in coming to pay their respects to their overlords, made obeisance and lay at the feet of the ruling monarch.

The most famous of these representations is the Black Obelisk of Shalmaneser which shows Jehu, King of Israel, kissing the ground before the feet of Shalmaneser, King of Assyria.
Now we come to a very interesting passage in the Patriarchal Narratives which is in the form of a letter. To my knowledge, this passage has never before been viewed in the light of the Amarna and Ugaritic Letters quoted above. Although this "letter" -- the one from the story of Jacob and Esau -- is an oral message delivered by messengers by word of mouth, it still follows the formal pattern and style of letters of the Amarna Age and can be placed alongside of the Amarna Letters for comparison. It will be seen at once that this is another example of a letter from the Amarna Age.

This passage is found in Genesis 32 and 33 and reads as follows:

Gen 32:5 And he commanded them as follows:

Thus say to my Lord Esau:
Thus says thy slave Jacob:
I did live with Laban etc.

Then, when Jacob approaches Esau and meets him, he follows the pattern of the subject addressing his king:

Gen 33:3 And he went before them
And bowed down to the ground seven times
Until he came close to his brother.

We see therefore, in this passage of the Patriarchal Narratives another parallel to Amarna literary style.

We can now enter upon a study of the Patriarchal institutions on the basis of the Nuzu tablets, knowing full
well that these tablets were written at the time that the Patriarchs lived, and in a place which was very close to their ancestral home, Aram Naharaim. We know, therefore, that we are dealing with documents which come from the same milieu as that in which the Patriarchs found themselves, in time, as well as in place.
CHAPTER I

ADOPTION: GENERAL
CHAPTER I

ADOPTION - GENERAL

The institution of adoption is as old as the history of man. Indeed, the very earliest literatures available to us speak of the practice of adoption.\(^1\) The basic reason for adoption --as are so many other human actions-- is a desire to fulfill a personal need. The parent who adopts a child is in the majority of cases, himself childless; the adoption fulfills a desire on the part of the foster parent to be a parent.\(^2\) Every man and woman at some time in life desires to be a parent, and most people fill this need naturally in the course of events.

But among many who cannot fulfill this need naturally, an effort is made to fill it by substituting another's child for their own, by adopting and raising a strange child as if the child were born of their own flesh.\(^3\) Still, it is rare for the parental instinct to be completely satisfied with a substitute. Therefore, if parents adopt a child and subsequently produce one of their own, it is difficult for them to restrain the pleasure felt at contemplating the product of their own bodies.\(^4\)

Although this parental instinct is the basic drive that led to the institution of adoption, the practice itself was so institutionalized that it was formalized, defined,
legalized and exploited. Many of its later motivations and usages can hardly be recognized as having come from the same source as the original. In fact, it becomes, in its highly developed stages, a vehicle of commercial transaction, a means of buying and selling, of transferring real estate, movable goods, and human beings.

"Adoption played a very significant role in the society of the ancient Near East. People for practical, social and religious reasons had to have heirs. If a couple remained childless for long, they would eventually adopt a freeborn child, or even a slave. For the continuity of the estate was essential for the integrity of the social system; an heir had to be secured in one way or another. Furthermore, the religion required that the members of a family be on hand to take care of the burial and the mourning rites of the dead. For many reasons, then, adoption was indicated by the matrix of society. Those adoptions also took the place of insurance and annuities in our form of civilization. Thus, if a person was unmarried, or married but childless, with no son to look after him in his old age, take care of the house and the food supply, and manage the estate, he (she or they) could adopt a son who would be bound legally to show his filial respect, to take care of him in old age, to provide food, clothing and shelter as long as he lived, to bury and mourn for him when the time came, and to keep the estate running. In exchange for this service, the adopted son becomes a member
of an established household and his fortune is made. It really is a sort of social security or annuity provision."

The adoption as described above, although it was viewed as a "social security policy" or an "annuity" was in the class of what we call "real adoptions" in our study of the cuneiform documents of the Mesopotamian area. But there are many thousands of tablets --indicating a very high proportion of cases-- in which the term "adoption" as used is obviously a fiction; the purpose of the tablet is something entirely alien to child-parent relationship. The use of the term "adoption" in these tablets is only incidental, the real contents of the tablet being a transaction entirely unrelated to the concept of adoption.

But first we will consider adoption as we find it in its true form: the acquisition of a child to fill the need and desire of the individual to be a parent, to have someone on whom to shower parental affection and other, more material gifts. We shall take some examples from the literature of the Amarna Age to illustrate this universally recognized social phenomenon.

In Near Eastern Literature of the Amarna Age the theme of a desired heir recurs. From Ugarit we have the story of Daniel and Aqhat which contains the theme of the childless man who prays to his gods to intercede on his behalf and to bless him with a child. Daniel, although he is the possessor of great wealth, power and position, has no son, and this
condition weighs very heavily upon him, causing him much
grief. The epic describes Daniel in the following words:8

The grief of Daniel the Rapheite,
The sigh of the hero, man of firmness,
Who has no son like his brethren,
Nor a scion like his kinsmen,
May he have a son like his brothers,
May he have a root like his kinsmen.

Because he has no son he is unhappy; his life is un-
fulfilled, his purpose on earth is not complete.9 However,
the poet explains his desire for a son in more elaborate
terms.10

May a son of his be in the house,
A root in the midst of the palace,
One who sets up the stela of his gods in
the shrine,
Who lays his people to rest in the earth,
Who may send out his incense from the dust,
The soldier of his post,
Who heaps the tablets of his office,
Who may drive away any who would assail
his guests,
Who takes his hand when he is drunk,
Who supports him when he is full of wine,
Who eats his portion in the house of Ba'âl,
Who plasters his roof on the day of rain,
Who washes his clothes when they are soiled.

In the Bible, the story of Abraham indicates the same
elements. Abraham was a man of great wealth and position.
The narrative states that Abraham was "very rich in cattle,
silver and gold."11 This same story tells that the combined
wealth of Abraham and Lot was so great and their flocks so
large, that the land was too small to support them both,
and they were forced to separate.12 Abraham, therefore,
had all the wealth that a man could want, and yet we find
that he was unhappy because he was childless. At the height
of his material success, we find him complaining to God that
all his wealth means nothing to him, for he says, "What can You give me, when I go along childless. See, You have not given me any children." 13 So Abraham too, like Daniel of Rpha, although possessing great wealth, honor and position, was unhappy with life because he was childless.

This same theme occurs again in the story of Isaac, the answer to Abraham's prayer. "Isaac prayed to God for the sake of his wife, for she was barren," the account tells us. 14

Since men in their civilization are sophisticated and cannot always bring themselves to express their true feelings, they hide them by rationalization and roundabout reasoning. Thus, Daniel of Rpha gives a long list of reasons why he should have a son, 15 and so does Abraham. But Abraham's reason, not so lengthy or elaborate as Daniel's, is all too familiar. He says to God in effect, "What is the purpose of my amassing wealth and possessions when I have no son to inherit and enjoy them after my death? I go along childless, and the master of my goods after my death will be my servant." He wanted an heir to inherit his property and to enjoy the fruits of his life's labor.

There is a Babylonian adoption document of the Kassite period which is very candid in its opening lines. It states the reason why the prospective foster-mother wants to adopt the daughter. The body of the document shows the various reasons which prompt the woman to adopt the girl (not very maternal reasons), but the opening of the document
states very simply that the woman had no daughter, and therefore had decided to adopt one. The opening reads:

Ina-Uruk-Fishat, daughter of Mushallim,

had no daughter. She therefore adopted

Etirtum, daughter of Ninurta-Mushallim. 16

Abraham story has one feature which distinguishes his story from that of Daniel of Repha and that of Isaac. Although Abraham, Isaac and Daniel appealed to their respective deities to grant them sons, only Abraham had already provided for the eventuality of his dying without a child. Abraham had already appointed an heir to his estate who would inherit him. 17 This is a difference we shall notice between the Mesopotamian Patriarchs Abraham and Jacob (who lived a good portion of their lives in Mesopotamia), and the Canaanian Patriarchs Isaac and Daniel of Repha (who lived all of their lives in Canaan). The former, as we shall point out in detail below, were almost exclusively guided in their daily life by Mesopotamian Laws, whereas Isaac and Daniel are evidently under the influence of other laws and customs, and seem to pay no attention to the system of adoption, which was such an important factor in the life of Mesopotamian Society.

Now Abraham, having appointed an heir and successor, is not satisfied. He pleads with God to grant him a real son before he dies. That the relationship between Abraham and Eliezer was not that which obtains between a father and son is all too obvious. Abraham does not want Eliezer to
inherit him, but will have no choice if God does not grant him a real son as he requests. But Eliezer is his heir and must remain such until a real son is born to Abraham.

The reasons why Abraham had an adopted heir and Isaac and Daniel did not, are now abundantly clear from the Nuzu tablets. We know now that in Mesopotamian Society there was hardly a man who did not adopt an heir in the event of his dying without progeny. The relationship between Abraham and Eliezer is now understood clearly in the context of the society reflected in the Nuzu tablets. This milieu, which was unknown to us before the discovery of these priceless archives, is the only one in which we can place the stories of the Patriarchal Age and have them stand out in perfect detail and in clear and unmistakable perspective.

There are hundreds of tablets from Nuzu which are contracts providing for just such a relationship as that which obtained between Abraham and Eliezer. These will be analyzed and discussed in detail in their proper place. The relationship which existed between Abraham and Eliezer is what we classify in this study as a "real adoption".

Adoption, from its origins as a fulfillment of a human need, developed to such an extend in Mesopotamia, that it pervaded nearly every area of human endeavor. It was used, abused and exploited for every conceivable purpose. Here are some of the uses to which adoption was put.

1. Real adoption: To serve its original purpose.
To provide a person with a child who would perform what was expected of a real child and who would receive in return for his performance and loyalty, the estate as an inheritance.

2. Sale-adoption: A legal fiction by which land could be sold in circumvention of the Muzian law which forbade the transfer of real estate.

3. Adoption-purchase of a slave: A parent would sell his son or daughter, who would be "adopted" by the buyer as his "child". The buyer would use the purchased "son" or "daughter" as a slave, a concubine, or a maidservant and mother of slaves.

4. To acquire wives or concubines.

5. To acquire a son-in-law or a daughter-in-law.

6. For manumission of a slave by adoption as a son.

7. As a business investment. This is admittedly a crude way of expressing the idea. Actually a ḫarīmtum, a so-called "Temple Prostitute", or what is known in Hebrew as a Qadeṣah, was a woman who held a respectable position in the community. She was not looked down upon as is a prostitute in our society. The ḫarīmtum was a woman who was connected to the Temple and served a function in much the same way as did any other sacerdotal official. The wage of a hierodule was good, and she could easily support her parents from her own income.

There are adoption contracts of girls being adopted to be hierodules.
That adoption was widely—one could say universally—practiced during the Patriarchal Age in Mesopotamia is abundantly clear from the Nuzu documents and the Mesopotamian Lawcodes. Is it any wonder that it was so widely employed as a means to ends other than its original one?

The following three chapters will deal with various forms of adoption, classified according to the purposes for which they were used. It is evident, from the universality of its application, that adoption of one form or another will overlap other social institutions and will at times not be clearly definable as one single type of adoption. Many times we find different aims confused or combined in one single document, and at other times we find one adoption used for several purposes.

All of these different types of adoption will be examined, and their relationship to the institutions of the Patriarchal Age will be clearly pointed out with abundant evidence from cuneiform documents to support each conclusion.
CHAPTER II

REAL ADOPTION
CHAPTER II

REAL ADOPTION

According to Meissner\(^1\) adoption in Mesopotamia was used in the overwhelming majority of cases, as a means of procuring service. The aim of adoption, he claims, was for the foster parent to obtain the necessary manpower that was needed in an agricultural society where farmhands were essential for the survival of the economy, and where there was a dearth of slaves. It was economically more sound for a man to adopt a worker as his son, have him work for the rest of the parent's life, and then leave all his property to him, than to purchase a slave on the market. From the language of most adoption tablets themselves we can easily detect that many "real adoptions" were also business transactions of the most commercial kind, with many future eventualities taken into consideration.

Since a father wanted his own child to be his heir, it was understood that if a man adopted a son and subsequently had a child of his own, that the adopted son would lose some of his rights and privileges. This had to be provided for in the original tablet of adoption. The usual method, was for the contract to provide that the adopted son, upon being adopted, becomes the \(\text{maru\ rabu}\), or chief heir; but, if a son is later born to the foster-father, then the son
born becomes the maru rabu, and the adopted son becomes the tertennu, the second son, which meant, in their legal system, that the inheritance portion was reduced.

The adopted son took the risk of losing his status of maru rabu, but on the other hand, he still acquired permanent security, because even if his master did beget a son of his own, the adopted son still received an inheritance portion. Many tablets illustrate this method of providing for the possibility of a son being born. The following tablet shows this very clearly:

The tablet of adoption of Ḥēl-Tēṣub son of Pūhiya. He adopted Zigi son of Akuya. (he declared:) "All of my land, my houses, my buildings, my servants, one part of everything, to Zigi I have given them." If Ḥēl-Tēṣub has any sons of his own, a double portion they shall receive, and Zigi shall be second. If Ḥēl-Tēṣub does not have sons, Zigi shall be the first heir. Ḥēl-Tēṣub shall not adopt another son in addition to Zigi. As long as Ḥēl-Tēṣub lives, Zigi shall serve him; with clothes he shall dress him. Whosoever of the two of them breaks this contract shall pay 1 mana of silver and 1 mana of gold.²

We see from this tablet, how the adopted son protected his interests on being adopted. He provided the following clauses:
1. If Ẹhel-Tešub does not have sons, Zigi shall be the first heir.

2. Ẹhel-Tešub shall not adopt another son in addition to Zigi. On the other hand, we see what Zigi has to surrender. He must yield the rights and claims to the title; the emoluments, and privileges of 瞃'elle ŗâbu if Ẹhel-Tešub has a son of his own. In that case, Zigi becomes the tertennu, the second son.

There are tablets in which no clause is given to provide for the eventuality of a son being born to the foster-parent. In these cases we can surmise that the adoption was irrevocable. That is, where it does not provide for the adopted son to be replaced as 瞃'elle ŗâbu by a born son, we assume that the adopted son remained 瞃'elle ŗâbu or remained the heir to that portion of the property which is specified in the adoption tablet. Also, we can assume that in cases where there was no possibility of the master having a child, the clause was also omitted.

We have a tablet from Nuzu which illustrated this type of adoption contract; i.e., where no replacement as heir is provided for.

Tablet of adoption of Ḥanadu son of Kusiya.

He adopted Ḫutiya his companion. So declared Ḥanadu: "All the fields and buildings, all of my inheritance which my father Kussiya gave to me, all of these, I myself have given to Ḫutiya." So long as Ḥanadu lives, Ḫutiya shall serve him.
And Hutiya, every year shall give to Hanadu, 1 garment as his clothing, and 5 imēr of barley and 2 imēr of wheat as his food. When Hanadu dies, Hutiya shall weep for him and shall inter him. Thus further said Hanadu: "The tablet of my will I have given to Hutiya." Whosoever of these two breaks this contract shall pay two minas of silver and two minas of gold.3

There were times when the adopted son could exact such conditions out of the foster-parent before the writing of the contract, that his position in the family was not subject to any unforeseen change. What conditions preceded the arrival at such an agreement we have no way of knowing. Evidently the foster-parent needed the adopted son more than the latter needed the former. In any event, we have contracts which provide for the adopted son to remain the māru rabu even if the parent later has a child of his own.

Bunini-Abi and Hūšutum the Priestess of Marduk and wife of Bunini-Abi, have adopted Samaš-Abili from his mother Sāhamatum, from his sister Mārat-Iṣtar, and from his brother, Taribum. Even if Bunini-Abum and Hūšutum the Priestess of Marduk shall have children (their own), Samaš-Abili shall still be the oldest son (the māru rabu).

Thus we see that there were different types of real
adoption, and that different conditions were specified in the adoption document. The clauses in the adoption document, the *tuppi marûti* were agreed on first by the prospective father and the candidate for adoption. Then the conditions were written into the tablet of adoption. We have seen above that the child could be adopted as the *maru râbu*, or chief heir, without any provision that he be replaced as chief heir by the born son who might arrive at some future date. On the other hand, we have seen in the majority of tablets that the natural son was to replace the adopted son as the *maru râbu*. But we see in all of the tablets that the adopted son remains an heir under all circumstances. If he is replaced as *maru râbu*, he becomes a *tertennu*, a "second one," that is, a son without the rights of the *maru râbu*. This *tertennu* receives a smaller portion of the inheritance than does the *maru râbu*, but still he remains an heir. If we are to assume that a parent who adopted a child wanted to disown the child, to declare that the child was no longer his, what do the contracts provide for such a situation? The adopted son in this case is also protected. We have a Babylonian Tablet which has a clause protecting the adopted child in case his parent wishes to disown him. This tablet reads as follows:

A certain *Mar-Ištar* is the son of *Il-Tani* and *Midnat-Sin*. *Il-Tani* and *Midnat-Sin* have adopted him as a son. *Abu-Wakar* is his brother.
On the day in which Mâr-Ištar says to Il-Tani his mother, and to Nidnat-Sin his father, "you are not my father, and you are not my mother," they shall sell him for money. On the other hand, on the day on which Il-Tani and Nidnat-Sin say to Mâr-Ištar their son, "you are not our child," he shall take and carry away one part as his inheritance equal to that of the real children of Il-Tani and Nidnat-Sin. 5

This tablet shows very clearly that once the child is adopted he thereupon becomes a potential owner of a part of the father's property.

The adopting parents, once they make an arrangement with a son for adoption, cannot thereafter break that arrangement. He is an heir to a part of the property of the adopting parent. True, he must serve his parent and treat him as a son treats a father; but if the parent for some reason decides to drive him out of the home before he can inherit the property, the parent has to pay a penalty which is equivalent in value to the property which is to be inherited. The penalty that the parent pays is the foreclosure on that part of the property which was due the adopted son on the death of the parent. The parent has to make payment immediately upon driving the son forth from the house. The adoption in this tablet therefore, is an irrevocable adoption; i.e., the agreement having been made, the son
becomes heir to a portion of the property, and cannot thereafter be forced to relinquish his rights to it.

On the other hand, the adopted son may not deny his new parents, under threat of losing everything; not only his inheritance portion, but also his freedom. "If Mar-Ishtar says to Il-Tani his mother and to Midnat-Sin his father, 'You are not my father and you are not my mother,' they shall sell him for money." The statement is very clear and needs no further explanation. The son may not break the adoption agreement by deciding to leave this family and entering another. If he does, not only does he lose the portion to which he was heir, but his adopting parents may sell him for money. This means that he is sold into chattel slavery.

There are tablets stating that the adopted son is to be adopted as mâru râbu on an irrevocable basis. Above (p. 62) we saw the possibility of an adopted son being granted the status of mâru râbu irrevocably. The document specifies: "Even if Bumini-Abi and Shushutum should have children, Shamash-Abili shall still be the oldest brother." 6

On the other hand, the normal type of adoption was the one which provided for the adopted son to be replaced as the mâru râbu by the begotten son at the time that the latter was born. In this case the adopted son becomes a tertenmu, a "second son", and equal only to the other "second sons"
of his father. A tablet which shows this very clearly says the following:

"If he (the adopting parent) should have sons, then the first born of these shall be the oldest son and shall inherit two portions of the estate, whereas Gimillu (the adopted son) and his younger brothers shall have equal portions." 7

Certain tablets are so specific on the point of the born son being the elder, that they specify the mother as well as the father, so that there will be no doubt as to the claims of the two parties to the birthright. In a tablet from Nuzu we find this interesting declaration.

"Thus says Akabshenni: 'If I have a born son, he shall be the elder; accordingly he shall receive a double share. Indeed, whichever wife of Akabshenni bears a son, he shall be the elder; Shelluni (the adopted son) shall be second.'" 8

That this clause was inserted, "whichever wife of Akabshenni bears a son, he shall be the elder," indicates the possibility of claiming an interpretation of the document if the clauses were not specified and explained by specific instances. Shelluni, the adopted son in this case, could have claimed that he had a verbal agreement or that he construed this tablet to mean that only if Akabshenni begets a son from his oldest wife, would that son be the elder, but that if Akabshenni would beget a son from a younger wife, or perhaps from a wife whom he married subsequent to the
adoption, that son would not be the elder. Therefore the tablet says, "whichever wife of Akabshenni bears a son, he shall be the elder," to obviate the possibility of claim.

We know, of course, that if a son were born to a parent who had adopted a son, that the born son had rights of inheritance. Whether the born son had the right to replace the adopted son as chief heir as in the Nuzu Tablet cited above (BSS V, 7) or did not have that right, as in the Babylonian Tablet cited (Schorr, p. 21, No. 8), there does not exist a single tablet in which the born son does not have any rights. In other words, even if the heir was protected against losing his maru ravu status, as in the Babylonian Tablet referred to (ibid), he was never protected against the possibility of losing at least one third of the inheritance by the birth of a son to the father. But the adopted son could protect himself against sharing the estate with another adopted son. We have many Nuzu Tablets which contain this clause, restricting the right of the parent to adopt any other son. In one of these tablets we have these clauses:

Ehel-Tešub adopts Zigi.

"If Ehel-Tešub has any sons of his own, a double portion they shall receive, and Zigi shall be the second (tertemmu)."

"If Ehel-Tešub has no sons, then Zigi shall be the principal heir (maru ravu)."

"Ehel-Tešub shall not acquire another strange
son (meaning adopted son, a son not born of himself) in addition to Zigi. 9

We have another tablet which contains this clause:

Surišil adopts Šennima. After stating many conditions involved in the adoption, they agree that "Surišil shall not adopt another son in addition to Šennima." 10

Enough has been said of the commercial aspects of adoption to convince us that adoption in ancient Mesopotamia was a matter of business as well as of anything else. Children were necessary in the household, and people of property, not necessarily wealthy, used to adopt children if they did not have their own. In many cases, even if people had children of their own they would adopt others as a mean of acquiring additional cheap labor. In all of these cases, of course, the child was paid for his labor in the inheritance which awaited him after the death of the parents. In some instances a poor person would adopt a rich one as a child. The poor person gave to the rich one all of his property after his death. In return for this expected income, the rich "child" would support the poor parent during his lifetime. All of these foregoing instances are instances of adoption which are business transactions of one kind or another.

But there is another aspect of adoption which we have not touched upon, but which was equally important in
adoption in ancient Mesopotamia, as important as it is in our own society today. That was the actual father-son relationship between foster-parent and adopted child.

There is a tablet from Babylon which is humorous in its form of expression. The tablet reads as follows:

"Nakidu is the child, Kiniya is his father.
Outside and within the city he shall honor him.
Nakidu shall treat him as one treats fathers,
and Kinniya shall treat him as one treats sons.
If Nakidu does not honor Kiniya, he shall shave his head and sell him for money without process of law."ll

In this tablet the father wanted the respect that is normally shown a father to be shown to him. If he did not receive it, he had the right to punish the adopted son as if the latter had said "thou are not my father." But in actuality, most of the adoption tablets include these clauses, that the child was to treat the foster-parent with the respect due a parent. In return, the father was to treat the child "as one treats sons." This mutual respect was as essential a part of the relationship as was the monetary consideration. Of course, the very fact that the "respect clauses" had to be written into the contracts proves that this respect had to be exacted by law, and was not spontaneously forthcoming in many cases.

In the tablet previously cited (VAT No. 8947), we
also have the "honor" clause, but here tied in with the "support" clause.

"Azukiya is his father and ... is his mother.
So long as they live he shall honor them and support them. Within the city and without he shall show respect for them."

The "support" clause is important to us, because it is a very prominent feature of the Nuzu adoption tablets. In many cases of "real adoption" in Nuzu --as we shall show later in the chapter on "Sale Adoptions"-- the adoptions were actually transfers or sales of land. Some of these land sales look like real adoptions because in these, the seller does not receive a cash price for the land, but in return for adopting the buyer and giving him the land as his inheritance portion, the buyer offers to support the seller for the rest of his life. In these cases the buyer offers to be a "son" to the seller, to treat him with respect, to mourn and perform funerary rites for him after his death, and to be in all respects a real son.

However, from the nature of the documents as well as from the names of some of the participants in these transactions, we know that these adoptions are "real" in name only.

One of these is the tablet of adoption of Zigi, a man whom we know from the Nuzu tablets to have been an affluent entrepreneur. When Zigi was "adopted" as a son he was only
speculating and making investments in land. In one of the tablets of adoption,\textsuperscript{12} Zigi is adopted by one EBel-Tesub. The contract states:

"If EBel-Tesub has no sons, then Zigi shall be the principal heir. And EBel-Tesub, another adopted son in addition to Zigi shall not acquire." Now Zigi was protected against losing his inheritance share through having to share it with another adopted son. But he did gamble on the possibility of EBel-Tesub not having another son by birth. However, Zigi assumed certain obligations in becoming the son and heir of EBel-Tesub. He had to do as follows:

"As long as EBel-Tesub is alive, Zigi shall serve him, with garments he shall provide him."

The garments mentioned are an actual monetary obligation that Zigi undertook. The "serve him" obligation that Zigi undertook was the obligation to treat his foster-parent as a real son treats his father.

That adoption was considered a business relationship in ancient Mesopotamia is further indicated from the Code of Hammurabi. As we learned from the adoption tablets from Babylonia and Nuzu, in adoption there was a reciprocal relationship and obligation. The adopting parent had certain duties and obligations and the adopted child had duties and obligations. This is very clearly outlined in the laws of adoption in Hammurabi.

In Hammurabi 188, we read: "If an artisan adopts a.
child to raise him, and has trained that child in his handicraft, that child cannot be redeemed (from his foster-parent)." The intent of this law is obvious. If the foster father has trained a child in his handicraft, he has invested his valuable time in teaching that child a trade. His part of the obligation of adoption has been fulfilled. Now that the child is trained, it will be his responsibility to help support his foster-parent in his old age, to help repay the time and energy that was invested in his rearing. Therefore, says the Code, once that child has been trained by his foster-parent, he cannot be redeemed, but must remain with him as his son.

On the other hand, says the Code, in the following law (No. 189), "If the artisan has not trained the child in his craft, then the adopted child can return to the house of his own father."

So we see, from the Mesopotamian Lawcodes as well as from the tablets, that adoption, even "real adoption" in Ancient Mesopotamia, was primarily a transaction that involved material considerations as much as other types of considerations. Although many tablets contain the "respect and "support", the "honor and support" and the"mourn for" clauses, all of which are obligations of children to parents, we still see that the overwhelming majority of adoptions were business transactions arrived at to suit the convenience of the adopting parents as well as the adopted child.
CHAPTER III

SALE-ADOPTION
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SALE-ADOPTION

Among the Nuzu tablets that have been unearthed, a very large proportion deal with adoptions of one kind or another. This is to be expected, since we discovered in our study of the tablets that adoption as a social institution covered a multitude of sins, both literal and figurative.¹ In Chapter II it was pointed out that adoption was used as a method of acquiring cheap labor in the form of slaves. These slaves were adopted and thereby became "children" of their master, thus acquiring a status that was slightly higher than that of outright slavery.² Nevertheless, although it is obvious from the contracts of slave-adoption that the purpose of the adoption was the acquisition of a slave, it can be argued that the adopted slave did become a "child" of his master, and that his status in the family was not so low as that of the chattel-slave. In other words, in slave-adoption there is some connection between the form and the essence; there is some kind of familial relationship between the slaves and the masters.

But one of the practices found at Nuzu which went under the guise of adoption could hardly be called an institution related to family life; yet it is one of the most widely found forms of "adoption" in that region.

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This is the sale-of-land transaction in the guise of adoption which has been called "Sale-Adoption."

Briefly outlined, the origin of the sale-adoption document is the following. In Nuzu of the Amarna Age, real-estate (whatever is designated in the tablets as "land and buildings") was inalienable from the family unit. Land and house could be transferred from father to son by inheritance, but could not be sold. In the course of time, when the fortunes of men fluctuated, and certain families, possessors of houses and lands, but destitute of the means to live, found themselves with house and field but without food and clothing, in view of the existing restrictions, they could not sell their real property in order to survive. The solution to their problem was to circumvent the law against transfer of land by adopting a son who was affluent enough to support them. In return for this support, he would inherit the real-estate after the death of his foster-parents.

This form of inheritance became such a common and regular form of business transaction, that land-sales, legally forbidden, became very common in Nuzu. When the economic crisis which resulted in the impoverishment of many Nuzu landowners struck, there were buyers available who were willing and able to take advantage of the situation and buy the lands of the landed gentry. The nouveau-riche merchants of Nuzu had the cash available for the purchases, the impoverished landowners had the land, and the properties changed hands. In the course
of a generation, certain men whose fortunes had been rising, could walk down the streets of Nuzu and meet literally hundreds of their newly-acquired "parents", the people who had sold their lands for a pittance by "adopting" the buyer and thereby letting him "inherit" their land.

The sale-adoptions had a regular form which was accepted as the legal form for these inheritance or adoption documents. The buyer had to have himself adopted by the seller. The portion of land which was to be sold was called the "inheritance portion" (zittu). The purchase-price (šimû) could not be written into the document as a "purchase-price", because sale was forbidden. Therefore, a device was invented to bring the purchase-price into the adoption contract. The price to be paid for the land was called a "gift" (gištu), and the buyer (called the "adopted son" in the contract) gave his newly-found "parent" a "gift", which happened to be equal to the purchase-price for the piece of land in question.

In actual practice, the buyer did not wait until the death of his "parent" to take possession of the "inheritance portion". He took possession of the land immediately after the conclusion of the transaction at the same time as he gave the filial "gift" to his new "parent".

In this way, through using the fiction of adoption, the documents for the sale of properties were executed by the thousands in the city of Nuzu as well as in the entire
area where these laws applied and where they had to be circumvented. There is a family known to us from the Nuzu documents whose fortunes grew and increased for three generations, during which time they were dynamic and expanding capitalists, acquiring land on every hand and taking over destitute landowners and their properties. One of these men, Tehiptilla by name, the head of the family in its second generation of expansion, was adopted by thousands of landowners as "heir" to all or to part of their properties. In many cases people gave all their land to Tehiptilla in return for food and clothing for the rest of their lives. In this case the adoption tablet could be called one of "real adoption", because it does not provide for a distu (filial gift) as the purchase price of the land. Instead, it provides for the "son" to take care of his "foster-parent" and to give him or her, food and clothing for the rest of his (her) life. In this respect, the adopted child was like a real son taking care of his father or mother. But the truth of the matter is that this type of document illustrates one of the circumventions which the people resorted to in order to get security. In the case of those sale-adoptions in which the buyer had to give a filial gift, we are at least assured that the land was sold for a price that was agreed upon. In other words, the man who was selling his land still had some bargaining power. But in those cases where a big buyer like Tehiptilla became a "real son"
and had to provide his "parents" with food and clothing while they lived, and with mourning rites after they died, the sellers were forced to yield their last possessions without the power to salvage any concessions from the buyer. In these cases, the sellers had to hand over their property to Tehipitilla in return for his mercy and generosity.6

But since very little mercy or generosity could be expected from a man who was no longer an individual but an institution, they had to extract whatever conditions they could in exchange for what they had to offer.

The "sale-adoption" contracts resemble the real adoptions only in their external form, but essentially they are quite different. The following is the form of the sale-adoption contract.7

Clause I. The title resembles the superscription of the real adoption tablet: tuppi marutâ, a "tablet of adoption".

Clause 2. Defines the property that is being sold. It is called zittu, ("inheritance portion"). As is to be expected in deeds and sales of land, the lands and buildings are accurately and minutely defined as to location, size and boundary lines.

Clause 3. The purchase price is written explicitly. This is called the qištu ("gift") and is given by the newly-adopted "child" (the buyer) to his new "parent", (the seller). This gift may be money (in the form of silver, gold, bronze or lead, by weight), grain, clothing, or any other goods of value. No qištu is ever found in real adoption documents.

Clause 4. The "title guarantee". If the fields and/or houses have any liens outstanding against them, the seller must satisfy these claims
(uzakkama), and the buyer shall not be liable for the payment of any of these claims. The buyer buys free and clear.

Clause 5. The feudal service (ilku) connected with the property in question is then mentioned. Either the buyer or the seller assume this obligation; usually, the one who retains the largest portion of the property assumes the ilku obligations.

Clause 6. The penalties provided for breaking the contract. This is the same as in any contract which provides penalties for breach. Real adoption contracts also contain this clause.

The following are typical sale-adoption contracts:

1. Tablet of adoption of Turari son of Kawinani. 9
2. Akkuya son of Katiri
3. He adopted. 3 awihari of field
4. Turari gave to Akkuya.
5. And Akkuya, 20 shekels of silver as a gift
6. To Turari has given
7. Whoever of the two
8. Breaks the contract, shall give 1 mana of silver and 1 mana of gold.

1. Tablet of adoption of Kuzu 10
2. The son of Karmiše. Tehiptilla
3. The son of Puišenni he adopted.
4. As his inheritance share, 40 imers of field in the district of Iḫ-ḫuš, 5. Kuzu has given to Tehiptilla.
6. If the fields have any liens against them,
7. Kuzu shall clear them (the claims) and give
(the fields) to Tehiptilla (free and clear).
8. And Tehiptilla, to Kuzu
9. 1 mana of silver has given as a gift.
10. Whoever shall break (this contract), 2 mana
    of silver and 2 mana of gold.
11. He shall pay.

Notice should be taken of the fact that it was almost
impossible for the parties who broke the contract to meet
the penalties for breach. In the last contract cited,
the total price paid for the 40 'inras of land is 1 mana of
silver, which was quite a large sum of money. Yet the for-
feiture for breach of contract was 2 mana of silver and
2 of gold, much more than twice the total money involved.
The same proportions are maintained in most of the other
contracts that have come to our notice. It seems as if
the smallest penalty for breach of contract that we find in
these documents is one mana of silver. In most contracts
the penalty is one of silver and one of gold, which was
another way of assuring that these contracts were irrevocable.

The documents usually keep up the fiction of adoption,
but in labeling the cases of the tablets, the true nature
of their contents was indicated. Thus, although the tablets
are introduced with the words *tuppi mariti*, meaning a "tablet
of adoption," some of them are labeled on the envelopes as
tuppi zitti, meaning "a contract of the inheritance portion."
In other words, the scribe betrayed the true character of the document, which was not the adoption of the child, but the sale of the piece of land --called the zittu-- phrased in keeping with the fiction of "adoption."

Another tablet12 which is introduced with the words tuppi marúti, meaning "a tablet of adoption," was found with its case intact. The case was labeled "a contract concerning 9 mana of lead of Shukri-Teshub." The body of the contract itself is a typical sale-adoption as described above (pp. 77, 78). In clause 3, where the purchase-price is filled in, we find the words: "And Kunnu, on the same day, 9 mana of lead as his gift to Shukri-Teshub has given." This tablet, being the copy that Kunnu kept in his own archives, was labeled with the amount of money that he had paid and the person to whom he had paid it. Therefore the inscription "a contract concerning 9 mana of lead of Shukri-Teshub." This was also his "receipt", since it proved that he paid for the land in question; i.e., he gave his "gift" to his new "parent" in return for the 8 awihari of irrigated land which he was to "inherit" immediately. It is almost certain that Shukri-Teshub had an identical document --his copy of the contract-- in his possession, but that his label probably read "a contract concerning the 8 awihari of irrigated land which I sold to Kunnu."
This tablet is interesting to us for another reason. Sukri-Tesub, the owner of the land, is selling a piece of mortgaged property. The clause ־קשתו בקירה עיד "if the fields have a claim against them") is not included, because the fields definitely do have a claim against them, said claim being specifically written out in lines 16 - 20.

"Thus says Sukri-Tesub: 'That land, as ditenmuti Ilânu son of Tayuki, in exchange for 5 imîr of grain, 5 minas of wool, and three minas of lead, has been holding.'"

Kunnu, in buying the property, takes over the claim (the mortgage) and pays to Sukri-Tesub the difference between what is owed on the property and the total value of the property (he pays him the "equity" in modern terms). Therefore, the clause is written in "Whenever 5 imîr of grain, 5 minas of wool, and 3 minas of lead Kunnu will repay to Ilânu, that land he shall take as his own."

In simple terms, Sukri-Tesub sells his interest in his land to Kunnu. That interest is worth 9 minas of lead. Kunnu, in paying the 9 minas of lead takes over the rights to the property. However in order to gain full control over the property, he has to do exactly what the former owner would have to do in order to retain his full control, namely, he has to pay off the indebtedness on the property. This Kunnu agrees to do. We have here, therefore, a transfer of a property
with a type of mortgage (ditenutu) and the purchase of the property and its attendant obligations and encumbrances ("taking over the mortgage").

These are some of the uses to which "adoption" was put in Nuzu, when it assumed the form of "Sale-adoption". It became a method of doing business by circumventing those laws which restricted certain business practices. Originally, when the first properties were sold by means of "adoption", the majority of cases were probably destitute landowners who sold their little properties in order to get the necessities of life. But once the method was developed to the extent to which we know it, it became the regular means of buying and selling property. Therefore, whenever we come across a "sale-adoption" contract, we shouldn't think that the "parent" is an impoverished landowner who is selling his property to an avaricious "capitalist" who is being adopted as a son. Real-estate operators and speculators in Nuzu, like in other places, bought and sold land, and many properties changed hands many times. But the most commonly accepted form for the transfer-of-land contract was the "adoption" form.
CHAPTER IV

PURCHASE-ADOPTION
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PURCHASE-ADOPTION

Another form of adoption prevalent in Nuzu during the Patriarchal Age, and one which appears in the Bible in legal rather than in narrative form, is the adoption which I have called "Purchase-Adoption".1

In Purchase-Adoption, the man who adopts the individual, is actually buying that individual to be his slave. However, certain conditions are agreed to between the buyer and the seller which raise the status of the person being sold into slavery. Thus, the slave in question, although being bought, is legally adopted, and thus becomes a child of his master. In this situation, his position in the household is higher than that of an outright slave.

In this form of purchase-adoption, the parents (or brother and mother, or mother, or mother and sister, or any combination of siblings and parents) sell the child to the buyer.2 The document drawn up is usually in the form of an adoption. Thus, as we saw in the case of the "Sale-Adoption" in Chapter III, the adoption document is a legal fiction that hides the true nature of the transaction. However, lest we jump to the unwarranted conclusion that the "purchase-adoption" was as fictional an adoption as the "sale-adoption" we must realize at the outset that there is a world of difference
between them. The "sale-adoption" was an out-and-out fictitious transaction designed to circumvent the prohibition against the transfer of real property from one family to another. The "sale-adoptions" were sales of land disguised as adoptions. The "purchase-adoptions" on the other hand, were real adoptions, in the sense that a person sold as a slave in a "purchase-adoption" was definitely in a much better position socially than one who was sold outright as a slave. Furthermore, we know that outright sale of people into slavery was practiced in Nuzu.

The method of sale of children as slaves in "purchase-adoption" was similar to that used for "sale-adoption". The parent would give his child to the buyer for adoption. The buyer would adopt the child and give a "gift" to the parents of the child. This gift was the purchase price.

Girls were often sold to be handmaids to their mistresses and concubines to their masters. They therefore had some status in the family, since they were used for the purpose of childbearing for their masters. A Babylonian Tablet showing this type of sale is the following:

"Šamaš-Nuri, daughter of Ibi-Sa'ân, was purchased from her father Ibi-Sa'ân by Bunini-Abî and Belizunu. To Bunini-Abî she shall be a wife; to Belizunu she shall be a maidservant. On the day that Šamaš-Nuri says to Belizunu her mistress, 'You are not my
mistress,' she may shave off her hair and sell her for money. For her, five shekels of silver were paid as the full purchase price."

A tablet from Nuzu illustrating the same type of purchase-adoption is the following:

"Document of adoption of Shitanka daughter of Habildamqu ... Tulpunnaya will give away Shitanka into wifehood. If Tulpunnaya is so inclined, she may give her to a slave ... and if Tulpunnaya is so inclined, she may make Shitanka into a harlot. But as long as Tulpunnaya is alive, she shall feed her. If ten of her (the adopted girl's) husbands have died, in that case to an eleventh into wifehood she shall give her. If Shitanka should break the agreement and leave the house of Tulpunnaya, two minas of gold to Tulpunnaya she shall pay."

Now what are the conditions that prove this to be a document of purchase-adoption; what is there in this document that makes it distinguishable from a true adoption document? One very important point is noted at the beginning of the tablet. "If Tulpunnaya is so inclined, she may give her to a slave." This was a very important consideration, for slaves born of slave parents remained the property of their masters. So the purchase of this girl by adoption was in the nature of an investment. If the girl were to be given to a slave for the purpose of childbearing,
and were to have children, the mistress in this case would have young slaves who would be of great value to her in the future, and whom she would have acquired through the purchase of only this one girl.

The second "if" clause gives the purpose of the adoption away. "If Tulpunmaya is so inclined, she may make Shitanka into a harlot". The "harlot" in Ancient Mesopotamia was a woman who practiced a profession that was profitable. It was not a profession that was looked upon with scorn or disgrace, but one that required devotion, and a lifetime of service. Perhaps that is the reason that girls who were adopted or purchased were often given over to the profession. (This will be seen from other adoption tablets which we will cite.) The harlot was a woman who made a good living, and was able to support not only herself, but also her parents. Therefore, so many adoption documents of girls specify that the girl can be made to enter that profession by her adopting parents, since it provided for them in their old age.

The certainty that the girl will be used for the purpose of slave-bearing is borne out by the exaggerated clause concerning the husbands she is to have. "If ten of her husbands have died, to an eleventh she shall give her as a wife." This was a sort of insurance that this girl would be joined to a male slave as long as she was in the home of her mistress. In other words, she is being bought for the purpose of giving birth to children who will be slaves, and
is to be considered as a source of income for her mistress for all time.

Another document which illustrates this type of adoption is also found in this same collection of documents from Nuzi. This one reads as follows:

"Document of daughtersonship and daughter-in-lawship of Hasmatka: Kissaya into daughtersonship and daughter-in-lawship to Tulpunnaya she gave. Tulpunnaya shall give Kissaya as a wife to whomever from among her slaves she chooses. If her first husband should die, to another man she shall give her, if the second dies, to a third . . . and so forth. The belongings of Kissaya shall become the property of Tulpunnaya. As long as Kissaya is alive, the house of Tulpunnaya she shall not leave. And the full money for Kissaya in accordance with the payment for wives, Tulpunnaya shall pay. If Kissaya breaks the agreement and leaves the house of Tulpunnaya, one mina of gold and one mina of silver to Tulpunnaya she shall pay."

Here again we see the same situation. Notice that Tulpunnaya, in buying Kissaya to be a wife to her slaves, has to pay the "bride-price", that which is called mîhar in the Bible and the tirbatu in Babylonian documents. Tulpunnaya does not buy her as one buys a slave, but she buys her "in accordance with the payment for wives."

Kissaya, like Shitanka, is also to be given to a succession
of husbands—all slaves of Tulpunnaya—for the purpose of producing slave children.

We have another tablet which gives us a "human side" to this story. In this same collection of tablets, the following one, No. 31, says:

"The declaration of Kissaya before the witnesses, to Tulpunnaya she spoke as follows: 'Why have you given me in wifehood to Mannuyu the upputu? Remove me from Mannuyu and give me to Arteya as a wife.' And this declaration Kissaya to Arteya gave. And in the entrance of the gate of Tamtena the transfer was made and her word was made binding. Kissaya was given to Arteya as a wife."

We see that this slave-girl who was bought for the purpose of bearing slave children was not satisfied with the man to whom she had been given as a wife. She spoke up and demanded that she be given to another man. This her mistress consented to—possibly letting love have its way—and the girl was transferred from Mannuyu to Arteya. Thus the story of Kissaya has what we call today a "happy ending".

A third tablet of this type is in this same collection.6 "Document of daughtership and daughter-in-lawship of Hanate, slave-woman of Tulpunnaya. Halpapusha was given in daughtership and daughter-in-lawship to Hanate, maid of Tulpunnaya. Hanate may give Halpapusha into wifehood to whomever she chooses."
To a slave as wife she may give her. If the first husband should die, to another husband she may give her. If the second husband should die, to another husband she may give her, and so forth. And the belongings of Halpapusha shall become the property of Hanate.' 7

There are many other tablets of this type labeled as martuti (daughtership) tablets or as martuti u kallâti, meaning daughtership and daughter-in-lawship tablets. The purpose in these adoptions is clearly stated. These girls were adopted as daughters and as daughter-in-law. But actually, the "sons" to whom they were married were other slaves of the master who were probably his sons by adoption. In practically all of these tablets, the girls who are adopted as daughters and as daughters-in-law are given in marriage to slaves.

In several of these tablets, a brother sells his sister into "daughtership" and "daughter-in-lawship". One of them contains the following clauses: The brother gives

"his sister, Hashilikanzu, to Tehiptilla
for daughtership and daughter-in-lawship.
And Tehiptilla pays him ½0 shekels of silver." 8

In another tablet the price that is paid for the girl is called the tirhatu (the bridal price); for the parent or guardian who sells her will not take less than the bridal price which she will command. In other words, the master, in buying her, is doing much the same as a husband would.
He is buying her as a wife. But the intention here is that he will give her as a wife to one of his slaves, not that he will take her for himself. Most of these tablets specify that the girl will be given as a wife to one of the slaves of her master. 9

This type of adoption purchase is found in the Bible, in the laws of slavery contained in the Book of Exodus, chapter 21, verses 7-11. We find there the following law:

Exodus 21: 7-11.

This passage from Exodus, the first true lawcode in the Bible has been abundantly misunderstood in the past, and the interpreters and translators have allowed later Jewish customs and practice influence their interpretation of it. Now that we have the masses of martâtu, kallûtu, tablets and martâtu u kallûtu tablets from Nuzu available,
the law written in Exodus 21:7-11 should be perfectly clear. In fact, I venture to suggest that this law is one of the closest we have to the actual practice in Nuzu in the Amarna Age. If a lawcode of Nuzu is ever discovered, it will in all likelihood contain this very passage from our Bible. I therefore am convinced that this law (as well as the others associated with it in the laws found in this section of Exodus) is one of the laws that governed the oldest Hebrew society in which the patriarchs lived, and was incorporated into the Mosaic legislation later on. This law is contemporary with the Amarna Age.

The following is my interpretation of this law in the light of the Nuzu documents we have pertaining to this same matter. Please note that my translation is also part of my interpretation:

1. If a man sell his daughter to be a handmaid, she shall not go out free (after a stated period of time) as the men-slaves go free.

This law is not the first in a series, but evidently refers back to another law in the series, namely "she shall not go out free as do the men-slaves." This reference is to the previous law which begins this series, namely "If you purchase a Hebrew slave, he shall labor for six years, etc.", the law found in Exodus 21:2-6. Just as the Mesopotamian Lawcodes which we already have in our possession, this lawcode too, separates the laws into sections according
to the subject matter, and each individual law does not stand alone. In each section, every law subsequent to the first, may refer back to a previous law, and we must bear that in mind when interpreting the lawcodes. The references are important. Now the first law in this series, the one pertaining to male slaves, has a very important characteristic. This law pertains to the *febed fibri*, to the Hebrew slave, and it is a law of the Hebrew People. This law was designed to protect the member of the Hebrew People from abuses of slavery, from the possibility of lifetime servitude, and from indignities to which other slaves were subjected. This law, drawn up by the lawgivers of the Hebrew People, was for the protection of their own people. Slavery was a common and widespread institution, almost universally practiced. Foreign slaves, those captured in war and sold from country to country were treated like other property of the individual or the state, humans who were foreign slaves were treated like cattle. If they were shown consideration and were allowed certain comforts and conveniences, these considerations were shown to the slaves by their masters for the same reason that a man would show consideration to his cow or his horse. Just as livestock was treated in a manner that would be beneficial to the animal and thereby to its owner, so did the owner of a slave treat his human cattle. Slaves were bought for money at a market price which fluctuated and varied according to many factors, primarily the health,
condition and age of the slave, and were retained forever by their masters. The offspring of slaves were added wealth to the owner which accrued to him by means of natural increase, in much the same manner as calves born of his cattle. If a slave ran away from his master, he had to be returned if found, just as a horse or a cow has to be returned if found running away or wandering in the fields. In fact, in one of the Mesopotamian Lawcodes the runaway slave, the lost donkey, the lost ox and the lost slave-girl are all thrown together into one category which seems to be that of "property: living beings."\textsuperscript{10} While in another Code, the slaves are placed together with any kind of property, animate or inanimate.\textsuperscript{11} The laws pertaining to the apprehension and return of runaway or lost slaves in the Code of Hammurabi (Laws 15-20) illustrate the similarity in status of slaves and cattle.

The basis of the laws in Exodus 21:2-6 and 7-11, the laws of the Hebrew Slave and the Hebrew slave-girl, is to be found in the entire ancient Near East. In every national group of antiquity we find the group promulgating laws for the protection of its own members. In the Assyrian Laws\textsuperscript{12} we have a parallel to the provision in Ex. 21:6. The Hebrew Law in Ex. 21:6 gives a special instance in which the ear may be pierced with an awl and the Hebrew Slave thus marked; the Assyrian Law just says that "when he deserves it", the master may "mutilate his ears by piercing them."

The Assyrian Law makes a further distinction on the
basis of relative social class, but we see in the Assyrian Law that special provisions were made for the Assyrians under their own law. According to one of these laws, if an Assyrian of the aristocratic class who had fallen on hard times had given himself as security for a loan or as a pledge to another man, and the man who held him as security or as a pledge had sold the Assyrian aristocrat into another country, the seller, when convicted, had to forfeit the money which he had lent, he was to be flogged with staves, and he was to do forced labor for forty days. If the aristocrat died in the foreign country, then the man who sold him into a strange land was to "compensate with a life."13

On the other hand, the Assyrian Law evidently relaxed the restriction against selling an Assyrian common man into a foreign land if he were sold or given as a pledge for his "total value". But even this relaxation shows that in Assyria the Assyrians were protected by their own laws against suffering the indignities of chattel slavery in their own land. This is also true of other societies in the Ancient Near East as we know from the Nuzu tablets and as we know from the laws of Exodus under consideration.

In the Nuzu documents we find that the people of Arrapha, the kingdom of which Nuzu was a part, protected their own against being treated like foreign slaves. In all likelihood their law code had a provision that protected the members of their group against mistreatment. But we don't
have the law code available, we have the legal documents, and many of these have specific clauses protecting the principals against being treated as less than a member of that group. "She must be treated like a daughter of Arrapha" is a frequent clause in a contract of adoption-purchase.

In one Nuzu tablet we find the following statement:

"Hanate shall treat Halpapusha as a daughter of Arrapha; She shall not return her to the status of a slave-girl."  14

I shall now interpret the complete law in Exodus 21:7-11 in the light of the Nuzu evidence.

7. "And if a man sell his daughter to be a handmaid, she shall not go out free as do the men-slaves" (after a period of years). When a woman is sold, she is sold permanently, in exactly the same way as a daughter is bought from her family to be a bride.

8. "If she is not satisfactory to her master, who has assigned her to himself, then he must allow her to be redeemed. To a strange nation he shall not have a right to sell her, for in doing so, he shall do a punishable wrong against her."

This verse has been misunderstood by interpreters throughout the ages for a very peculiar reason: its meaning is too plain. *Sam nokhri* means "a foreign nation," a "strange people," and nothing less. Just as the Assyrian Laws protected their citizens against being sold to strangers, that is,
to non-Assyrians, so does this law in Exodus provide that the girl may not be sold to any non-Hebrew. Another word which indicates that the girl had to be resold with care is wehefdah. The two words ge'ulah and pidyon have a special meaning in Hebrew. They refer to the nearest relative to purchase something which by right belongs in the family. Specifically, land, inheritance portions and people.

If a piece of land is sold, it must be redeemed. The buyer of the land has no right to sell it to a third party. Before he wants to sell it, he must offer it to the original owner for redemption, i.e., repurchase. If the closest relative cannot or does not want to redeem the land, it must be offered to the next of kin who is next in line for the inheritance. Only the one who has priority in the line of succession can pass on his right to redeem. And he too, can only pass it on to another in the family who has the right of redemption.

One of the most celebrated instances of redemption in which this process is illustrated is the story of Ruth and Boaz and the property of Ruth's dead husband. In Ruth 3:12-13 Boaz explains that although he would like to redeem the property of Elimelech and take Ruth as a wife in levirate marriage, he cannot do so "for there is a kinsman nearer than I." When Boaz meets this kinsman, he says to him, "Buy the parcel of land which was our brother Elimelech's. If thou wilt redeem it, do so. But if thou
wilt not redeem it, then tell me, for there is none to redeem it before thee, and I am after thee." (Ruth 4:3-4). This indicates the strict system of priority that had to be observed.

When, therefore, the verse in Exodus tells us that the girl cannot be sold to a foreign nation, but that she must be redeemed (wehefdah), it means that her closest relatives must be given priority in paying for her. If her family cannot buy her back, then a more distant relative must be given the right to buy her. This is the meaning of the word (wehefdah). If, as might happen, no man in her family can pay for her redemption, then a point may be reached at which she may be sold to any other Hebrew "on the free market" so to speak. But under no circumstances may she be sold to a non-Hebrew, to an 'am nokhri, a "foreign nation."
CHAPTER V

SARAH AND HAGAR

The story of Sarah and her servant Hagar as told in the Biblical account in Genesis, chapter 16, and in chapter 21:9-21, is a story whose background is very well understood since the discovery of the cuneiform legal documents of Mesopotamia. The custom described, of a wife giving her maidservant to her husband for the purpose of bearing children, is well known and attested in many documents, both codes and private legal tablets.

The Babylonian family was monogamous. It was not so by the law of the land or the community, but by agreement between husband and wife.¹ As we know from many extant documents, the marriage contract was an agreement between a man and his wife or her representatives (father, mother, sisters or brothers, or a combination of these).² If the wives agreed, the man could marry more than one wife. This we know from a Babylonian tablet in which two sisters agree to marry one man.³ This contract reads as follows:

"Warad-Samaš, the son of Ili-Enam, has taken Il-Tani and Taram-Sagila, the daughters of Samaš-Tatum, from their father as wives."

This same situation, of a man marrying two sisters, daughters of one man, and taking them both as his wives, we
know from the story of Jacob and Laban, in which Jacob marries Leah and Rachel because their father Laban wants it so.\textsuperscript{4} But ordinarily, a marriage under Babylonian Law is monogamous. This was a natural outcome of the principle underlying all marriage in Mesopotamia, even the two multiple marriages cited above: The consent of the wife had to be obtained to marry another woman. The wife, or her legal representative (father, brother, mother, sister, or a combination of parents and siblings) had to agree to the terms of the marriage. This normally resulted in marriages being monogamous. But in the cases cited above, the wives (or their fathers) agreed to have both of them married to one man.

A husband was permitted by law to marry a second woman without the consent of his wife only if she were incapable of fulfilling the main duty of a wife: i.e., bearing children, or if she were stricken with incurable and incapacitating disease.\textsuperscript{5} In both of these cases, the first wife is protected by the law. If the man takes another woman for the purpose of bearing children, she shall be a concubine, and shall in no way rank as equal to his wife.\textsuperscript{6} If he marries another woman because his first wife has fallen ill or contracted a disease, he may not divorce his first wife, but must continue to support her and maintain her in his own home.\textsuperscript{7}

Now the duty of having children was incumbent upon the wife. If she could bear none because she was barren she
could still prevent her husband from taking a concubine by providing him with one of her own choosing. Thus, if a married woman had a personal maid who was her own property, and this wife could bear no children, and she gave her maid to her husband for the purpose of bearing children and a child was produced, the husband had no right to take another concubine. The wife had fulfilled her function in the family, her part of the marriage contract. 8

The most practical item that a Babylonian father could give his daughter as a dowry (or part of her dowry), was a healthy young maidservant who could serve as a concubine if necessary, and thereby prevent the husband from taking another wife if his first wife had no children. It is obvious that if the wife had no children and the husband took another wife who did have children, that the childless wife would suffer by being lowered in status in the family. It was therefore desirable for a father to provide his daughter with a maidservant upon her marriage. This was done by Sarai’s father when she married Abraham, 9 and by Laban when Leah and Rachel were given in marriage. 10 In case of childlessness, the wife handed her maidservant over to her husband for the purpose of bearing a child, as did Sarah and Rachel. 11 The maidservants were also used for the purpose of increasing the number of children in the family, and Leah and Rachel used them in their child-bearing competition. 12
Both in the case of Rachel\textsuperscript{13} and in the case of Sarah\textsuperscript{14} the word \textit{Tobinah} ("I shall be built") is used. This word can be interpreted in several ways. The simplest meaning is "I shall be built," meaning "I shall have a child through her." But it also has another meaning. The woman who was childless was in danger of losing her control in the family. She was in danger of having her husband bring another wife into the home, a wife who could have a child and thereby replace the first wife. Therefore, when these women said "Perhaps I shall be built up through her," they were saying that perhaps their position in the home will be secured through the concubine's giving birth to a child.

The story of Sarah and Hagar as told in Genesis chapters 16 and 21 is not an isolated story of a jealous mistress and her maid, but a story whose elements fit into the picture of Mesopotamian society as we know it from the Lawcodes and personal contracts of the Second Millenium B.C.E. Let us read this account and see what events reflect Mesopotamian tradition.

"Now Sarai, Abraham's wife, bore him no children. And she had an Egyptian handmaid who was named Hagar. And Sarai said to Abram, 'Behold, the Lord has kept me from bearing. Go unto my handmaid, perhaps I shall be built through her.' And Abram hearkened to Sarai."\textsuperscript{15}

Mesopotamian Parallel: "If a man marries a woman and that woman gave a female slave to her husband and she has then
produced children; if that man has set his mind to marry another woman they shall not allow him; he shall not marry the (other) woman."16

There are several assumptions that must be made in interpreting the Babylonian Law which are not explicitly stated. In the first place, the words "and that woman gave a female slave to her husband and she has then produced children," must be understood as being preceded by the words "If a man marries a woman and that woman does not bear children." In law, not every implicit idea is stated, because certain ideas must be understood from context.

The other alternative, that if the wife does not provide a maidservant for the purpose of bearing children, that the man may take a second wife, is given explicitly in the Code of Hammurabi.17 The law protects the woman by saying that the second wife may not rank as her equal, but this protection is small solace, for the second wife can by her motherhood capture the husband's affections, with all the concomitant unhappiness to the first wife resulting therefrom. The wife who had the wherewithal, would provide her husband with a maidservant who would fulfill her function as a mother and still keep the servant subservient to the wife.

"And he came unto Hagar, and she conceived. And when she saw that she had conceived, then her mistress became despised (more accurately, "less important") in her eyes."18

"If a man married a woman and she gave a female slave
to her husband and she (the female slave) has then borne children; if later that female slave has claimed equality with her mistress because she bore children, her mistress may not sell her; she may mark her with the slave-mark and count her among the slaves."19

In reading the Biblical passage, we see feminine jealousy dominant in the relationship between Sarah and her slave. The servant, having conceived, would naturally feel superiority to her mistress, in that she was able to accomplish what her mistress could not. But from the Mesopotamian law we find that practical consideration played an important role in influencing Hagar's behavior. When Hagar became pregnant, she knew that Abram would now protect her until his child were born. After the child were born, Hagar knew that the law of the land would protect her, for did not the Law state that "if a man married a woman and she gave a female slave to her husband and she (the female slave) had then borne children, . . . her mistress may not sell her;"? Knowing that her position in the home was now secure, and that her mistress had lost the power to sell her as a slave, she felt that she could now lord it over her mistress.

Sarai did not accept this changed situation with calm or equanimity. She flared against Abraham, holding him responsible for the changed status of her slavegirl. She said to him, "The wrong done me is upon you; I put my maidservant in your bosom, and now that she sees that she has conceived,
I am despised by her (literally: "I have become less in her eyes."). But both ladies forgot themselves in their emotional extremes. Hagar, in her joy, forgot the latter part of the law, which provided that even though "her mistress may not sell her, she may mark her with the slave-mark and count her among the slaves." Sarah, in her fury, also overlooked the fact that Hagar would now have to suffer all the pangs of childbearing during the entire period of gestation and thereafter, for the poor slave was now at the mercy of her mistress. Abram, wanting to keep this slave who was bearing his seed, and eager to pacify his unhappy wife, called her attention to the law by saying, "Look, your maidservant is in your power (literally: "in your hand"), do with her as you wish." And this Sarah proceeded to do.

"And Sarah treated her harshly, (until) she ran away from her."23

"If later that female slave has claimed equality with her mistress because she bore children, her mistress may not sell her; she may mark her with the slave-mark and count her among the slaves."24

Where the Bible says that Sarah became despised in the eyes of Hagar (literally: "light, less important"), it means exactly what the Code states, that "she claimed equality with her mistress." Now Sarah was empowered to take her servant, mark her with the slave-mark, and count her among the slaves. This is what Abram pointed out to Sarah and
what she proceeded to do. She treated her so much like a slave and embittered her life so, that the handmaid felt compelled to run away. 26

In the desert she has a vision in which she is told to return and to suffer the tortures to which Sarah has been subjecting her, for she will be rewarded for all her sufferings. She also may have had a change of heart, and returned because she was secure in the knowledge that to some extent Abraham would protect her; that despite her suffering, her child would be the heir of Abraham. 27 She also was able ... after the passions had cooled somewhat ... to achieve a modus vivendi with Sarah, for the mistress was faced with the same prospect that confronted her before Hagar had conceived: namely, the unhappy eventuality of Abram's taking another wife over whom Sarah would have no control. Sarah had therefore to endure the handmaid's suppressed joy at being a mother, and the servant had to suffer the wrath of her unhappy mistress.

Some time later, Sarah gave birth to a son. 28 This son, Isaac, being Sarah's son, was going to be made the maru ṭābu. Ishmael, the son of Hagar, was going to be demoted to the position of tertenmu, to that of "second son." Since Abraham already had an heir who was the son of his chief wife, he would no longer keep Ishmael, the son of his wife's maid-servant as his maru ṭābu, as his chief heir. But Ishmael was also Abraham's son, and as a father, he wanted to keep his son in his home. On the other hand, Sarah, the jealous mother,
could not abide Hagar and her son. The feelings of resentment that she bore against her maidservant and her son were insuppressible. She therefore demanded of her husband that he drive out the maidservant from the house together with her son. There was also a question of inheritance involved, and even though Isaac would be the maru rabu, Sarah did not even want Ismael to be the tertennu. Whether Ismael could be denied the value of his inheritance portion I doubt very much in view of the overwhelming evidence of the Nuzu tablets, in every one of which the heir is always assured of at least the portion due a tertennu.

At all events, according to our version of the story, Sarah did not want Ismael to inherit together with her son Isaac. Abraham did not approve of this situation at all; It was "evil in his eyes." God again steps into the dispute between Abraham and Sarah and tells Abraham to listen to his wife. The matter ends with Abraham sending Hagar and her son away.

Now the following problem in the law presents itself: In view of the fact that heirs could not be disinherited under any circumstances, as evidenced by the codes and by the Nuzu documents cited above, how could Abraham send Ishmael and Hagar out of his home? One answer can be that given by Gordon: "Custom did not favor Sarah's wish to expel Hagar and her child, as is suggested by the prohibition in the Nuzu tablets. Sarah's request that Abraham drive them out to
prevent Ishmael from inheriting along with Isaac therefore required a divine dispensation to justify Abraham's acquiescence.\textsuperscript{36}

Or we can surmise that Abraham did not use the influence of his God to break the law and the contract, but actually sent Ishmael away with his portion of the inheritance in portable goods of value equivalent to the value of his inheritance. What Sarah demanded was that Ishmael not inherit together with her son Isaac. That means that she did not want Ismael to stay in the same house with her son until Abraham's death, nor to inherit a piece of property contiguous to Isaac's. No matter how little Sarah liked Ishmael, she could not demand that he be completely disinherit and dispossessed. She could demand that he and his mother be sent away, but not empty handed. Abraham probably gave Ishmael goods of value as he later gave his other children.\textsuperscript{37} Also, we find that Hagar "took a wife for him from the land of Egypt."\textsuperscript{38} To "take a wife" in those days (even as is done in that part of the world today) one had to have money. A wife could only be purchased from her family for the price of the bride, known as the \textit{mahr} in Hebrew or the \textit{tirhatu} in the Babylonian documents. Hagar evidently had the wherewithal to purchase a wife for her son.\textsuperscript{39}

The other explanation may lie in the fact that Hagar was still Sarah's property; a property of value. True, Sarah could not sell her,\textsuperscript{40} but she could have kept her as a slave.
The fact that she let her go may have been a condition for getting rid of both mother and son. As Gordon points out, according to the Sumerian Lawcode, "the expulsion (and disinheritance of Ishmael) would be legal in exchange for the freedom which Hagar and Ishmael thereby won."

Abraham, prompted by God, listened to his wife, and sent Ishmael and Hagar away from his home. Thus was Sarah mollified, and thus did the chapter of Hagar and Sarah come to a close.
CHAPTER VI

ABRAHAM AND HIS CHILDREN
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1. ELIEZER

In this chapter we are going to analyze the stories of Abraham and his children in the light of the Nuzu documents, and find out how their relationship fits into the pattern of social institutions drawn for us by the tablets found in Mesopotamia.

The first account we shall analyze is found in the following verses: Gen 15:2

רָאָשׁ אֶלֶף אָבוֹתָיו, וְאֶת הָזָן לִי
רֶמֶזָה עֵדֶרֶת, וְהֶחַלְּשׁ שְׁמֵי הָהֵם שִׁמְשֶׁם.

Gen 15:3

רָאָשׁ אֶלֶף הָצַי לִי אַל לְנַעֲמֶת הָזָה
רְחַב בֹּק-בֵיתִי, יוֹרָשׁ אֲחָי.

In the first verse of Gen 15, God promises Abraham great reward in the future, and Abraham says:

"My Lord, Yahwe, what canst Thou give me, when I go childless, and the master of my household goods is Eliezer the Damascene?"

"Then said Abraham, 'Behold Thou hast not given me seed, and behold one who was born in my house, he is my heir.'"
The meaning of these verses is plain even as they stand. Abraham complains to God that he doesn't have a son of his own. And all that Abraham has will be inherited by one of his servants, Eliezer by name. Verse 3 is almost an exact paraphrase of verse 2 and is thought by many scholars to be a gloss explaining the meaning of the more difficult and archaic words in verse 2. Be that as it may, whether verse 3 is original to the story or just a translation of verse 2, the meaning of the story is only strengthened by the repetition of the same idea. The idea is, that since the man who possesses property must designate an heir, if he does not have a son of his own, he designates an adopted son. Who would be a more trustworthy and likely heir to adopt than a servant born in one's own household? Abraham, not having a son of his own, adopted Eliezer the Damascene to be his heir.

This did not satisfy Abraham; he wanted a son of his own, one begotten by him, to be his heir. This God promised. In verse 4 God says: "This one shall not inherit you, but the one who shall come forth from thy loins, he shall inherit you."

From what we now know about the social institutions of the Patriarchal Age we know the full significance of that statement. What God said to Abraham was this: You shall have a son of your own begetting. He shall be your heir. Since the son begotten by Abraham would be his heir,
this meant that Eliezer’s appointment to the post of chief heir was a conditional one; the condition being that as long as Abraham remained childless, Eliezer would remain his heir, but that if Abraham had a begotten son, the child born would replace Eliezer as heir. This we understand very clearly from what we have learned before, because we have many tablets in which a man is designated to be an heir on condition that his adopting parent does not have a son of his own. If the adopting parent has a son born to him, then the adopted son—the previously designated heir—yields his right of inheritance to the begotten son.

This is the clear meaning of these three verses which tell of Abraham and Eliezer.

2. ISHMAEL

The promise that God made to Abraham in Gen 15:4 came true and a son was born to Abraham. This son became the heir of Abraham in accordance with God’s promise, and also in keeping with Mesopotamian, especially Nuzu practice, in which the born son replaces the adopted one as the chief heir.

The verses we shall examine in this section are the following: Gen 16:15 and 17:19-21 and 21:9-13
When Hagar gave birth to a son, Ishmael, he became the heir of Abraham, replacing Eliezer, who had been the adopted heir. Hagar was not the wife of Abraham, but his wife's maidservant. Sarah, in accordance with Babylonian law which we discuss in another chapter gave her maidservant to Abraham for the purpose of bearing children, in order to prevent Abraham from taking another wife. The child of this maidservant becomes the heir of his father if he is so designated. 1

It made no difference who the mother was, any son of Abraham could be appointed heir and replace Eliezer. The Nuzu tablet that states this specifically shows that in some cases it had to be explicitly stated. 2 In other cases it might have been understood, but in any event, we see from this passage that Ishmael replaced Eliezer as the first born,
Sometime after Ishmael's birth the Lord speaks to Abraham and says to him: "Sarai thy wife, thou shalt not call her name Sarai, for Sarah is her name. And I shall bless her, and shall give you a son from her. And I shall bless her and she shall become nations; kings of peoples shall come from her." 

This promise from God is very surprising to Abraham. He had not expected that his wife Sarah would give birth. Sarah, not having had children, gave her handmaid Hagar to Abraham for the purpose of producing a child, in accordance with Mesopotamian usage. Abraham, upon the birth of Ishmael, had designated him as his heir, for Ishmael was his own begotten son. Of course, a son of Sarah would have been more desirable as an heir to Abraham, for Sarah was his wife, and the mother of Ishmael was a handmaid. But it seems that God wants to satisfy Abraham completely, and so promises Sarah a son.

Abraham, seemingly not wanting to put his God to the test, protests by saying "Perhaps Ishmael will live before Thee," meaning as if to say, "Don't bother, Lord, I already have a son, Ishmael, and let him be the heir to my fortune, and the heir also to my covenant with Thee, which Thou canst renew with him."

But God persists and says, "But Sarah thy wife shall bear to thee a son, and thou shalt call his name Isaac, and
I shall keep my covenant with him as an everlasting covenant, and with his seed after him." This was another way of saying to Abraham, that Isaac, the son who is foretold, will be the inheritor of Abraham's main inheritance, and will be the "first born," or the "oldest" son.5

But as for Ishmael, who is now Abraham's only son, and has been the candidate for the position of "first born," or māru rābu, he too, shall be taken care of. God says to Abraham, "And as for Ishmael, I have heard thee. Behold, I shall bless him, and shall make him fruitful, and shall increase him very greatly. He shall beget twelve princes, and I shall make of him a great nation."6 This was God's way of saying, in the terminology of those days, that Ishmael, although no longer the māru rābu, would not be completely disinherited, but that he would also get his share of the inheritance. He would become, in the words of the Nuzu tablets, a tertennu, a "second son", but not the māru rābu.

But as for Isaac, God continues, "But my covenant I shall establish with Isaac, whom Sarah shall bear to thee at this time in the coming year."7

After Isaac was born and Abraham had made the necessary changes by appointing Isaac his māru rābu and Ishmael his tertennu, the expected was to be that Isaac would be the chief heir, the "oldest son", and that Ishmael would also inherit. But Sarah, the mother of Isaac, was dissatisfied even with this state of affairs. She wanted Ishmael
to be completely disinherited and driven from her home together with his mother. 8

But driving Hagar and her son out of the house was not such a simple matter. True, Hagar was Sarah's handmaid and her property, but there were laws and customs that complicated the procedure quite a bit. 9 In any event, Ishmael was entitled to a share in the inheritance of Abraham, so that Abraham could not drive him out at the whim of Sarah, or even if he himself so desired. Ishmael had to inherit his share. 10

When Sarah asked Abraham to drive Ishmael and his mother out of his home, she specifically stated that she did not want "The son of this handmaid to inherit with my son, Isaac." 11 (Gen 21:10)

Abraham was not very happy about this situation. In the first place, Ishmael was his son, and he did not want to send him away. Secondly, he was not legally justified in doing so.

However, God told Abraham that in this case he was to listen to his wife, for the important thing was that Isaac was going to be Abraham's heir and also the bearer of his covenant with God. Isaac was designated by God to be Abraham's chief heir, legally as well as spiritually. 12

But Abraham was not to think that Ishmael would be disinherited spiritually, even as he was not to be disinherited materially. God tells Abraham that Ishmael, even though
he will not be the māru rabu of Abraham, will be his tertennu. For God says, "And also the son of the handmaid will I make into a nation, for he is thy seed." In the use of the word gam, "also", we see the phraseology that describes the role of the tertennu. The tertennu is also an heir; he also inherits a share, but the main share goes to the māru rabu.

When Abraham sent Ishmael away, he did not send him empty-handed, but gave him a share of the inheritance. This last statement may seem like an unwarranted assumption, but there are little bits of evidence that we can collect to reach the conclusion that Ishmael was not sent away empty-handed. The first remuneration of value that he received was his mother's freedom. Hagar was still Sarah's property, and Sarah could do with her as she wished. Her freedom was valuable, and by Sarah granting her freedom, it was as if she had received a sum of money. The second little point comes at the end of Ishmael's story, where we read that "his mother took for him a wife from the land of Egypt." (Gen 21:21)

The acquisition of a wife required an outlay of money, and Hagar had the money with which to pay the bridal price, the mōhar or the tirhatum for the wife that she bought for her son. This money could only have come from Ishmael's inheritance. The third indication is the account in Gen 25:5, and 6. Here we read the statement that reasserts Isaac's birthright and position as chief heir. "And Abraham gave all that he had to Isaac." But the account adds, "And to
the sons of the concubines that Abraham had, Abraham gave presents, and he sent them away from the presence of Isaac his son while he was still alive." In other words, all the other sons of Abraham were told to leave and were given portions of Abraham's property, which were their inheritance portions. Certainly Ishmael, who was Abraham's maru rabu at one time, also received a proper portion before he left Abraham's home.
CHAPTER VII

JACOB AND ESAU
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JACOB AND ESAU

The story of the twin brothers, Jacob and Esau, who became the eponymous progenitors of Israel and Edom respectively, is told in some of the most beautiful poetic measures in the Patriarchal narrative. The story begins in Genesis 25, verse 19. Before Rebecca gives birth, the Lord tells her that there are "two nations in thy womb, and two peoples shall come forth from thy inwards. One nation shall be stronger than the other, and the elder shall serve the younger." ¹

The concept of ultimogeniture — of the younger child becoming the greater, eclipsing and ruling over the elder — occurs here and recurs several times in the Bible as well as in other Canaanite Literature.² Actually, ultimogeniture is not present as a principle in Biblical or Ugaritic Literature, but it does exist as a tradition, perhaps as a vestige of some practice that at one time had the force of law and custom behind it. I shall list several instances found in Ugaritic and Biblical Literature of ultimogeniture as a theme or a motif, and present several theories of its place in the life of the Ancient Near East before going on to a discussion of the legal basis and background of the sale of Esau's birthright.
In the Legend of Keret\textsuperscript{3} we find Aliyan Baal blessing Keret and foretelling that Keret will beget many children, and saying: "I shall make the youngest of them the firstborn." The Biblical instances are the following:

Gen 4:3-5. Where God accepts the sacrifice of Abel, the younger son, but rejects the offering of Cain.

The story of Isaac and Ishmael, in which the younger son, Isaac, becomes the "firstborn" of Abraham.

Jacob and Esau, in which the mother is told in advance that "the elder shall serve the younger."\textsuperscript{4} Jacob, the younger of the two, does receive the birthright of the elder by purchase,\textsuperscript{5} and the blessing of the firstborn by deception and masquerade\textsuperscript{6}.

The story of Perez and Zerah\textsuperscript{7}, in which Perez, the firstborn, is shown as actually having come into the world after Zerah. Perez became the greater, and the ancestor of David the King.

The story of Joseph, in which he --one of the youngest of Jacob's children-- receives the greatest of the blessings from the father, while the three oldest sons receive nothing\textsuperscript{8}.

The story of Ephraim and Manasseh, in which the younger, Ephraim, receives the blessing as the one destined to be greater, and in which Jacob predicts that the younger will eclipse the elder\textsuperscript{9}. In giving the blessing to the two sons of Joseph, "he placed Ephraim before Manasseh."
The choice of David over his older brothers to be the King of Israel\textsuperscript{10}.

The choosing of Solomon over Adonijah to succeed to the throne of Israel. Here we are given the actual details of the political intrigue that resulted in Solomon’s selection. The youngest here happened to be the son of the favorite wife, a fact that influenced the final decision\textsuperscript{11}.

One of the theories concerning the origin of ultimogeniture maintains that among shepherds and herdsmen, such as the Hebrew Patriarchs were, the eldest son, "as soon as they are capable of leading a pastoral life migrate from their father with a certain allotment of cattle and go to seek a new habitation. The youngest son, therefore, who continues to remain the last with his father, is naturally the heir of his house, the rest being already provided for. And thus we find that among many other northern nations, it was the custom for all the sons but one to migrate from the father, which one became his heir\textsuperscript{12}. This theory is confirmed by the practice among certain tribes in Assam (a province of India bordering on Tibet and Burma), "each son of a chief, as he attained a marriageable age, was provided with a wife at his father’s expense, and given a certain number of households from his father’s village, and sent forth to a village of his own. Henceforth he ruled as an independent chief... The youngest son remained in his father’s village and succeeded not only to the village, but also to all the property."\textsuperscript{13}
Another theory of the origin of ultimogeniture holds that "The minor right is not a privilege but a natural course, owing to the fact that the elder sons usually separate from the father . . . while the youngest 'never severs from the father's root.'" If in addition to the father's house the younger son inherits other property to the disadvantage of the elder sons, he also inherits certain duties: to take care of his enfeebled father and mother, and often also of unmarried sisters. If the elder sons have not separated from the father before his death, the house goes to the youngest son, but it is his duty to help the elder brothers in starting new households for themselves. 14

Another theory has been proposed to account for ultimogeniture. It is the opinion of some15 that in a polygamous society the youngest wife that a man marries would be his favorite, and that he would choose her son to be his chief heir out of love for her. This would be corroborated by the choice of Solomon to be heir to the throne of David instead of Adonijah, as recounted in I Kings 1, in which case David's love for Bath-Sheba was the deciding factor. Also, in the story of Joseph we have a distinct impression that Jacob's love for Rachel continued after her death in his devotion to her firstborn in preference to his other sons.16

Among shepherds too, it is more likely for the older sons to strike out on their own, and for the younger to
remain with the parents. Among the bedouins the relations between a father and his sons are such as might easily result in a preference for the youngest son over his older brothers. Burckhardt\textsuperscript{17} wrote that "The daily quarrels between parents and children in the desert constitute the worst feature of the Bedouin character. The son, arrived at manhood, is too proud to ask his father for any cattle, as his own arm can procure for him whatever he desires; yet he thinks that his father ought to offer it to him. On the other hand, the father is hurt at finding that his son behaves with haughtiness towards him; and thus a breach is often made, which generally becomes so wide that it never can be closed." In a situation of this kind, it would be natural for the youngest son to be the most obedient and the most easily held under the influence of the father. The father would therefore incline to favor the youngest and to make him the chief heir. Ultimogeniture would evolve from this situation. This is very similar to the situation we find in the story of Joseph\textsuperscript{18}.

This digression was made to illustrate the fact that there are traces in the Bible that would indicate the existence of ultimogeniture at one time. The practice of ultimogeniture was outlawed by legislation in Deuteronomy\textsuperscript{19}.

The story of the sale of Esau's birthright can only be understood in the context of Nuzu legal practices as we know them from the Nuzu tablets. I should like to point out a fact that to my knowledge has heretofore been overlooked.
Esau did not have the birthright originally because he was born first. We have always been under the impression that the right of being the primary heir, the maru râbu belonged to the first born son. This impression was strengthened by the law in Deuteronomy referred to above. But in the Patriarchal Age this was not so. Nowhere in the Nuzu tablets is there any evidence that the firstborn son was to be the maru râbu. We have numerous tablets specifying that a son born to the father was to be the maru râbu, the "chief heir", in place of a son adopted by the father. But nowhere do we have evidence that the "firstborn" was to be the chief heir. The evidence points to the fact that the favorite son was always appointed chief heir. We have a Nuzu tablet that shows that the father changed his chief heir as his mood suited him. He appointed his son chief heir, annulled his appointment, then reappointed him. The tablet reads as follows:

"Thus says Kibal-Rumti son of Ḫāniku:
My son, Zir-Tesub, I at first annulled his relationship to me; but now I have restored him into sonship, and he is the maru râbu. A double portion he shall take." 20

So the birthright in Nuzu went to the real son in preference to the adopted son, and to the favorite son, regardless of his relative age in the family. The maru râbu, the chief heir, had to be so nominated by the father to be his heir.
Even the Code of Hammurabi gives as the definition of "first-born" the word "favorite". The Code reads as follows:  

"If a man, upon presenting a field, orchard, 
or house to his first-born, who is the favorite 
in his eye..."

Esau was the maru rabu of Isaac, the chief heir of 
his father, not because of his prior birth, but because 
"Isaac loved Esau". Because Isaac loved Esau, he appointed 
him to be his chief heir, his maru rabu, and Esau was in 
possession of the birthright.

The story of the sale of Esau's birthright has for 
long been a puzzling episode to students of the Bible. 
The difficulty lay in the fact that the nature of the birth-
right in Patriarchal times was not understood, and the idea 
of a birthright being saleable was not conceivable.

Later Biblical law decreed that the birthright was 
to remain the inalienable property of the son who was born 
first to his father. The father could not appoint his "first-
born" anymore, but had to accept the one who was really born 
first as his "firstborn". But this law was evidently an 
innovation in Israel, and was certainly a change from the 
free choice that existed in the days of the Patriarchs as 
we know from the evidence in the Patriarchal narratives as 
well as from the extra-biblical evidence of the Muzu tablets 
which date from the Patriarchal Age.

The law of the firstborn as stated in Deut 21:15-17
became so much a part of the life of Israel, that the entire concept of the firstborn changed. The older concept—the one that existed in Mesopotamia and in Patriarchal society—was forgotten in later Israel. In fact, the very word "firstborn" is misleading in a discussion of this subject in terms of Babylonian Law. The term מַרְעָן וָאָבֹה means not the "older son," but the "greater son," or the "chief son." Analogically, the term tertemum means the "second son" not necessarily in the meaning of "younger," but in the sense of "the son of the second place." So when we speak of the "firstborn" in Patriarchal Society, we actually mean the "chief heir." This term, מַרְעָן וָאָבֹה was the meaning of the Hebrew term bekhor.

Since the Hebrew term bekhor came down to us with semantic change that transformed its original meaning of "chief heir" to "firstborn," because the two terms, "chief heir" and "firstborn" coalesced and became one by law and custom, we were left with the term bekhor meaning "firstborn," and use it that way. But we must realize the distinction in meaning and concept of the two terms if we are to understand the meaning of the story of Jacob and Esau and the entire change that took place in law and custom—and therefore in concept—from the Patriarchal Age to the later Israelite Age. The two opposing concepts are illustrated by the story of Jacob and Esau on the one hand and the law in Deuteronomy on the other.

The story of the selling of the birthright is now very clearly understood, since we have Nuzu contracts in which
the exact situation is represented. Not only do we have a Nuzu tablet in which a man sells his birthright to his brother for the equivalent of "a mess of pottage," but we have many tablets in which birthrights are sold right and left and traded like so many commodities. In a very large number of tablets we have the situation in which a man sells the right to inherit him to a stranger in return for a small sum, or in return for support for the rest of his life. One of these tablets, in which a man sells the right to inherit him—that is, the right of the heir—to a stranger, states the following:

"Tablet of adoption of Turari son of Kavinani. 
Akkuya son of Katiri he adopted.
3 awiham of land, Turari to Akkuya has given.
And Akkuya, 20 shekels of silver to Turari has given."27

Now what has happened in this tablet? Turari "adopted" Akkuya. What has he actually done? Turari has sold to Akkuya 3 awiham of land for 20 shekels of silver. But in legal terms, he adopted the buyer and allowed him to "inherit" his land. In this case, therefore, he was giving him inheritance rights. What Esau did, was to transfer his inheritance rights to Jacob for a meal. Why he sold these rights for a meal is probably to be explained by the fact that at the time they were sold they were worth nothing. Jacob was speculating that they might be worth something in the future.

Birthrights were sold in the days of the Patriarchs,
as we know from many Nuzu tablets. The birthright was sold for its market price, which was a percentage of its potential value. If the owner of the birthright was to inherit property after the death of his father, and did not want to wait, or if he couldn't wait, but had to raise some money immediately in order to feed himself and his family, he would sell his birthright for what he could get. It is interesting in this connection to read the entire episode of Jacob and Esau and see what transpired.

One assumption we must make is that Isaac, at the time of the selling of Esau's birthright, was in a poor economic situation. I draw this conclusion from the following evidence:

Abraham was a wealthy shepherd, with many flocks and a large household that commanded around 300 servants. Abraham and Lot had so many flocks that they had to go to different parts of the country. Abraham had a large enough household to maintain a private army and to enter into an alliance with other tribal chiefs in the area where he lived. Abraham was able to send his servant with ten camels loaded with goods as bride-price for his son's wife. Abraham was able to provide all of his sons with presents before giving Isaac his main share of the inheritance.

By contrast, Esau, Isaac's firstborn son and chief heir was not a shepherd, but a hunter, and I venture to say that a shepherd would not take to hunting as a profession unless he were deprived of his flocks. My conclusion there-
for is, that Isaac was hit by some natural economic disaster which was all too frequent an occurrence in Canaan, and was left without property. It is a well-known fact that if shepherds are hit with a drought, that wealthy men can become impoverished overnight. The lack of grazing grounds where and when they are expected, can bring death to thousands of head of cattle, and there is nothing that the shepherd can do to prevent loss of his cattle and therefore, of his possessions. Drought and hunger occurred in Canaan on many occasions, and the results were disastrous. The shepherds of Canaan had to run where they could to save themselves from hunger. That is why so often shepherds from Palestine would wander down into Egypt when there was famine in their own land, as was shown in the introduction to this study.

Isaac's son Esau was a hunter because he had to earn a living, and he was the favorite of his father, because he provided his father with the results of his catches. In other words, with the bad conditions as they existed, Esau still managed to make a living — albeit a meager one — and to help feed the family. Thus did he become his father's favorite, and therefore was he appointed his chief heir.

When, on this certain occasion, Esau returns from the field and he is tired and hungry, and asks Jacob to feed him with the food that his brother had prepared, Jacob offers to feed him as payment for the birthright.
The birthright was worthless. The property of Isaac was not feeding the family, for there was no property. Esau was feeding the family with the catch that he would make if he were successful in the hunt. Esau therefore takes the request of Jacob as a joke. He, being the main support of the family, knows that the birthright that he possesses is worthless, and if Jacob is willing to feed him a meal in exchange for a worthless birthright, he will sell it to him. He says to Jacob, "Here I am, dying of hunger, and what do I need the birthright for."

In other words, the birthright was not feeding him now, and from all indications it would not be able to feed him in the future. To Esau's way of thinking, if there were any change in Isaac's fortunes, it would be brought about through his, Esau's efforts. Therefore, Esau did not need the birthright. If Jacob wanted it for a meal, then he could have it. Therefore, Esau swore to bind the contract, and "sold his birthright to Jacob." 37

When the Biblical account tells us that "there was a famine in the land, besides the first famine, the one that was in the days of Abraham," 38 we shouldn't be skeptical and say that this story is just a retelling of Abraham's story with Isaac's name substituted. One famine in a generation was probably not above the average for Canaan; it is more likely that there were more than one famine in a generation, and when the famine came, the shop-
herds of Canaan could do nothing but seek refuge in a more fertile country. Abraham had to go down to Egypt to escape a famine in Canaan; Isaac started to go to Egypt for the same reason, but the Lord appeared to him and told him not to go down to Egypt; and Jacob and his children went down to Egypt to escape a famine in Canaan and stayed there. Egyptian monuments and inscriptions also tell of Canaanite shepherds coming into Egypt in order to escape the famine in their own lands.

Isaac makes a new beginning, starts to engage in a bit of agriculture and he is successful. He continues to increase his success until he becomes independent and wealthy again. He buys cattle, and returns to his old way of life, that of the well-to-do shepherd. When he digs several wells and succeeds in striking water each time, he is satisfied, even though the other inhabitants of the land have taken two of the wells away from him, because he is happy with the good fortune that the Lord has given him. So when he finally digs a well which gives fresh water and he is allowed to hold it in peace, he says "Now I know that the Lord has been generous with us, and we shall be fruitful in this land." This was his expression of gratitude and confidence after the years of hunger and poverty. Now Jacob had an inheritance in which he had the larger share. But at the time he bought the right of the chief heir, the inheritance was not worth
the "mess of pottage" which he had given for it.

But with the rise and fall in family fortunes, such as the one of Isaac, which I have just outlined, it was inevitable that the rights of inheritance should be sold by impoverished heirs, or that the parents themselves should sell the rights of inheritance to strangers in return for an immediate aid to living. Esau's sale of his birthright to Jacob was perfectly legal and common procedure. We have a tablet in which a man, exactly as did Esau to Jacob, sells his birthright to his own brother in return for a small consideration. A Nuzu contract containing the terms of the agreement between Esau and Jacob is extant. It reads as follows:

"On the day they divide the grove (that lies) on the road of the town of Lumti . . . , Tupkitilla shall give it to Kurpazah as his inheritance share. And Kurpazah has given 3 sheep to Tupkitilla in exchange for his inheritance share."48

"It is hard to imagine that any reason other than dire lack of food induced Tupkitilla to sell his patrimony for three sheep. But just as Kurpazah exploited Tupkitilla's hunger, so did Jacob take advantage of the famished Esau."49
CHAPTER VIII

JACOB AND LABAN
Jacob and Laban.

The story of the dealings between Jacob and Laban begins in Genesis 29:15, where Laban asks Jacob: "Tell me what your wages shall be." Jacob has fallen in love with Rachel, the younger daughter of Laban. In order to marry in those days, a man had to pay the price of the bride to her father of guardian. This bride-price was known as the mehar in Hebrew and tirhatu in Akkadian. Jacob, being penniless at this time, offered his services for the hand of Rachel. Instead of taking his wages in money or cattle he would work for a period of years, at the end of which, he would be given Rachel as a wife. Laban agrees to this arrangement, but I am convinced that the agreement arrived at was verbal and was not committed to writing because of what transpired later. Jacob fulfilled his part of the agreement and demanded his payment. Laban made preparations to fulfill his part of the bargain, but did not quite fulfill it. Instead of giving Rachel to Jacob as his wife, he gave Leah, his older daughter, whom Jacob did not love.

In the morning, when Jacob discovered that he had been cheated, he came to Laban demanding to know why. Laban gave him some answer, and suggested that they repeat the agreement for another period of seven years, in return for which labor he will give Rachel to Jacob, as he wanted. Jacob was "stuck". He had worked for one of
Laban's daughters and had received one for his labors. Now he had to serve another seven years if he wanted to marry the one he loved.

According to all Mesopotamian practice, every transaction or agreement had to be recorded, no matter how small. The purchase of a sheep had to be recorded on a tablet and signed by the seller, the buyer, and witnesses. A woman who lived with a man for years could not demand the rights of a wife unless they had drawn up a marriage contract. The concept of the "common law" wife does not exist in Mesopotamian Law. The insistence of the law on the written document was so prevalent, that we find even seemingly unnecessary details written into agreements. It is known therefore, that in Mesopotamian practice it was essential to have a written document in order to prove ownership or in order to demand fulfillment of an agreement.

In Canaan, on the other hand, the verbal agreement was a prominent method of business transaction. This I gather from several pieces of evidence. The first is the bargain struck between Abraham and Ephron the Hittite, in which the entire preliminary bargaining is mentioned, but no mention is made of a written agreement. The second is the sale of inheritance rights or their transfer in the case of Boaz and the closer kinsman of Abimelekh. In Ruth 4 we have a very detailed picture of how business transactions were conducted in Israel in the period of
the Judges. First, one of the parties went to that part of the city where transactions took place; this was the city-gate.\textsuperscript{20} Then he invited ten elders of the city to sit by while the negotiations were proceeding.\textsuperscript{21} These ten elders served as witnesses; official and reliable witnesses. Then the negotiations started. When they were completed, a certain formal symbol of conclusion of agreement was produced. So the writer of Ruth tells us that "this was the method in Israel in the olden days in matters of redemption and exchange. In order to establish any matter, one man removed his shoe and gave it to his friend. And this was the document in Israel."\textsuperscript{22} What the writer of Ruth is telling us is that instead of the written contract which was introduced into Israel later on, this method of concluding an agreement by the transfer of a shoe in the presence of witnesses was the accepted method of indicating the reaching of an agreement in Israel in days of yore.

Verses 8 through 11 give the final details of the closing of the sale. The seller says "You buy it," and removes his shoe. The buyer says to the assembled witnesses, "You are witnesses." The assembled answer, "(We are) witnesses." The oral contract in the presence of witnesses was the accepted method of conducting business in ancient Israel and, as I understand it, in Canaan.

Abraham, when he bought the cave of Machpelah
from Ephron the Hittite, did it "in the ears of the Children of Heth, to all who come to the gate of his city, saying:

"May, my master, but hear me. I give (sell) you the field, and the cave which is in it I give (sell) it to you. In the eyes of my people (i.e., they are witnesses) I give (sell) it to you. Bury your dead."

So the method of transacting business and concluding contracts in Canaan in the days of Abraham was essentially the same as that employed in Israel in the days of the Judges. The contract was an oral one, with many witnesses present. When the concluding terms were agreed upon, the terms were stated in the presence of the witnesses, "in the ears of the Children of Heth,"23 or in "the ears of the people of the land." In Ruth we notice a further detail; the principals in the transaction asked the assembled if they were witnesses, and the witnesses answered by saying, "Witnesses (are we)."24

The Book of Ruth was written at a time when the written contract had already become standard in Israel, for the writer calls attention to the fact that "this was the custom in Israel in those days," namely, the removal and transference of the shoe, and he concludes with the reiterating remark that "this was the document in Israel." When the written contract came into widespread use in Israel we are not certain, but it must have been soon after the establishment of the monarchy, when the govern-
ment started to keep written accounts and records, when life became more regulated, and when written documents and contracts became essential to the conduct of business.25

The written document in monarchic Israel was a regular contract, similar to the kind we are accustomed to seeing in our own society and in ancient Mesopotamia. Details concerning the written contract in Israel are given in the thirty-second chapter of Jeremiah, a document dating from about the year 588 B.C.E. Here we read that when the transaction was completed, the buyer "wrote in the document and sealed it, and appointed witnesses."26 The witnesses wrote their names in the document,27 and there were evidently two copies of the contract, a sealed one and an open one.28 This would correspond to the Mesopotamian practice of sealing the clay tablet in a layer of wet clay and inscribing an exact copy of the contents on the outer case and signing and sealing the outer case with the names of the parties and the witnesses. The inner tablet would be the "sealed" and the outer one would be the "open" or "revealed."29

The evidence from Ruth and Genesis 23 would indicate therefore, that the oral agreement in the presence of witnesses was the accepted form of contract in Canaan and in early Israel. The oral agreement is used and recognized among people of many societies, even where written agreements are prevalent. In highly developed societies, the
oral agreement may be used only in certain cases, and can be maintained in court only with supporting evidence or witnesses, but it is a valid type of agreement. In certain societies it was the only form of agreement, and therefore, absolutely binding. But in Mesopotamian Society the written agreement was the only admissible evidence in any claims that were made in court. Even such a situation as the claim of a common-law wife to the rights of a legally wedded wife could not be upheld in a Babylonian court of law, even if countless witnesses could be brought to substantiate her claim. Under the Babylonian Law she had no claim to the rights of a wife unless she had a written marriage contract.

If the verbal agreement was a binding contract in Canaan and early Israel, it was not necessary that witnesses be present at the conclusion of an agreement for that agreement to become a binding contract. In order for a claim to be substantiated, witnesses would be necessary if a man wanted to renege on his promise. But if there were no witnesses present, the contracting parties would exact a vow from each other in addition to the promise. This vow, in the name of one's god, made the agreement binding. For even though a man might go back on his own word, he would not break a promise made in the name of his god. It may be a little difficult for us to grasp this sense of awe for the mention of the name of one's deity, but we see from the ancient literature that the
Divine Name had a great power over the individual, and a promise made in the name of one's god could not easily be denied. That is why we find that in those cases where covenants were entered into in the absence of witnesses, that vows were made in the name of the god or gods of the contracting parties. This occurred in the promise that Abraham requested from his servant, in the sale of Esau's birthright to Jacob, in the covenant agreed to between Jacob and Laban, in the promise that Joseph made to Jacob, and in the promise that Israel's children made to their brother Joseph.

I have digressed and discussed this point on contracts at length, because I am convinced that when Laban and Jacob agreed to the original contract for the purchase of Rachel, Laban knew exactly what he was doing, but Jacob did not. Laban knew that in his country no claim could be entered without a written agreement, whereas Jacob was new to this type of arrangement. Jacob came from a place where the verbal agreement was binding on a man, and perhaps he did not want to embarrass his host, uncle, and benefactor by insisting on a written agreement or on a vow in the name of his god. But that Laban both knew and understood what the agreement was for is all too obvious. Jacob did not think for a moment that Laban had misunderstood him. But it was too late to do anything but to go along with Laban's suggestion that Jacob continue working for him.
for the hand of Rachel. 37

One of the most interesting tablets we have from Nuzu shows very close parallels to the story of Jacob and Laban. The relationship between Nashwi and Wullu, the two principals involved in this tablet is so similar to that which we find between Jacob and Laban, that if a contract were written to define the relationship between the two men from the story in the Bible, it would approximate the terms of the now-celebrated Wullu tablet. This document was published with transliteration and translation by C. J. Gadd 38 and in translation and interpretation by Gordon. 39

In reading this tablet, if we were to substitute the name "Laban" for "Nashwi" and the name "Jacob" for "Wullu", we would be able to see how closely the institutions recorded in the Patriarchal narratives reflect an accurate picture of life in the Nuzu community in the Amarna Age.

The Wullu tablet reads as follows: 39a

1. "A tablet of adoption of Nashwi the son of Arshenni. He has adopted Wullu the son of Pubishenni as a son.

2. "As long as Nashwi lives, Wullu shall provide him with food and clothing.

3. "When Nashwi dies, then Wullu shall make the burial.

4. "If there shall be any (begotten) son born to Nashwi, then shall he with Wullu
divide equally. But the gods of Nashwi, the (begotten) sons of Nashwi shall take.
5. "If there be no sons of Nashwi, then shall Wullu take the gods of Nashwi.
6. "(Nashwi) has given his daughter Nuhuyya as a wife to Wullu.
7. "If Wullu should take another wife, then shall he vacate the fields and houses of Nashwi.
8. "Whoever breaks this contract shall pay 1 mana of silver and 1 mana of gold."

The first half of the tablet speaks of adoption in the usual terms, and from the story of Jacob and Laban it would appear that the Biblical episode is not parallel to the situation in this Nuzu tablet, since in the Biblical account there is no mention of adoption. But if we investigate further we shall see that this was actually the case; Laban did adopt Jacob as a son and heir.

The first clause we should examine is the one in which Nashwi has given his daughter Nuhuyya as a wife to Wullu, his adopted son. From our knowledge of life in ancient Mesopotamia, we know that wives were not given; they were sold. What was the consideration that Nashwi received in return for giving his daughter to Wullu as a wife? The payment for the hand of Nuhuyya was specified in clause 2, "As long as Nashwi lives, Wullu shall provide him with food and clothing." In other words, Wullu was
supposed to work for Nashwi, to provide him with the necessities of life. So too, we know from the story of Jacob and Laban, that in payment for the hand of Rachel (and Leah), Jacob worked for Laban.140 Several other considerations are specified in the tablet in the nature of a quid pro quo agreement. Wullu is supposed to bury Nashwi upon the latter's death and mourn for him. This mourning involves religious rites which are the duty of a son to perform, and is one of the chief reasons why the adoption of sons was so widespread. An inheritance awaits Wullu after his adopting father's death, which will be his further reward for faithful services rendered and for the performance of all of his duties and obligations.

Clause 7 is interesting because Laban also made Jacob agree to this condition in return for the final settlement to which Laban agreed.141 If Wullu, according to the tablet, takes another wife in addition to Nuhuyya, then shall he lose his rights to the fields and houses of Nashwi. Laban makes Jacob swear that he will neither "oppress" his daughters nor take wives in addition to them.142 Laban does not have to specify a penalty for violation of this clause in their agreement. God will take care of those who make light of His witnessing of a solemn covenant.

The clause in the tablet that convinces us that the Wullu tablet reflects the Jacob-Laban relationship,
even to the point of adoption, is the clause that I have numbered 4. Here we read the following:

"If there shall be any (begotten) son born to Nashwi, then shall he with Wullu divide equally. But the gods of Nashwi, the (begotten) sons of Nashwi shall take."

Clause number 5 reiterates the corollary of this:

"If there be no sons of Nashwi, then shall Wullu take the gods of Nashwi."

Before the discovery of the Nuzu tablets, the verses in Gen 31 referring to the gods of Laban were very obscure and thoroughly misunderstood. It was the traditional view that these gods of Laban, evidently idols in human form, were wanted for their intrinsic value. If the "teraphim" were desired for their intrinsic value alone—and they were evidently small, because Rachel could hide them under her pillow—\(^43\) then why did Laban make such a to-do about them? Jacob certainly did not need them; or so we thought. We know now, that the problem of the "teraphim" is not so simple.

The essential significance of the possession of the "teraphim", the household gods, was this: He who possessed the household gods was head of the household by virtue of that possession.

"... these house gods had a legal significance; the possessor of them had a claim, de iure to property, if
not de facto. This significance of these figures is proved by a text from Arrapha. . . " (The translation of the Wullu tablet follows)

"The position is similar to that of Laban and Jacob, so that the point need not be labored. Laban's anxiety to recover his gods, like Rachel's desire to possess them, did not depend solely on their divine nature or on their material value per se, but on the fact that the possessor of them was presumptive heir. Hence the point of Laban's enquiry, 'And now, . . . wherefore hast thou stolen my gods,' that is, you claim only to desire to return to your own home, but show every sign of wishing to claim mine."

"There is no mention of gods in such cases as occur on tablets from purely Babylonian cities, so that this may be considered a distinctive feature of . . . Hurrian Law, and this is interesting in view of the Hurrian element in the proper names of Palestine and Syria in the Amarna Period. . . "

Who was entitled to the possession of the household god? Evidently, only the māru rābu. Even if several sons were to divide the property of the father equally, still, only one could be the māru rābu, and only that one could have the household gods. Therefore, the tablet of Wullu says, "If there be no sons of Nashwi, then shall Wullu take the gods of Nashwi." On the other hand, if there shall be a real son born to Nashwi, then shall the real son take
the gods of Nashwi, even though the real son will divide equally with Wullu, the property of Nashwi. This is very significant. Even if the real son and the adopted son divide everything equally, the one thing which indicates the leadership of the family, of the Patriarchal social unit, is the possession of the household gods. This goes only to the appointed maru ṭābu; namely, the real son.

When Rachel stole the gods of Laban she thought that she would thereby retain the leadership of her father's family in her husband's hands. For if Jacob ever came and demanded the leadership of the family and produced the household gods, he would be granted that leadership. This is what Rachel had attempted to do by her theft.

"Rachel's motive was the securing of some prized advantage in family affairs, for her husband and children. Since they were bound for Canaan and were leaving Mesopotamia for good, it is not likely that the gods conveyed valuable property rights. The possession of the gods may rather have betokened clan leadership and spiritual power to an extent that made possessing them of paramount importance."46

An interesting pair of questions present themselves at this point. The first is: Did Jacob ever have the right to the possession of these "teraphim", and was he ever the maru ṭābu of Laban? The second is: Do we have any evidence to indicate that Jacob was the adopted son of Laban in the same way that Wullu was the adopted son and
son-in-law of Nashwi? I think both of these questions can be answered affirmatively.

In the first place, we hear of no sons of Laban until much later in the story. The early part of the narrative speaks only of Laban’s daughters. Secondly, if Laban had sons earlier and Jacob had come into the family later, Rachel would not have stolen the household gods. Jacob must have been entitled to their possession at one time and Rachel thought that she could retain this possession for her husband by stealing them. But this evidence is admittedly weak, and needs more to make it acceptable. We therefore must consider the following: When Laban chases after Jacob and overtakes him on Mount Gilead, and after Jacob unburdens his heart and lets Laban understand exactly how he feels, without mincing any words, Laban, apparently unmoved, says to Jacob: "The girls are my daughters and the children are mine, and the sheep are mine and all that you see is mine."\footnote{47} He seems to imply that all that Jacob has labored for these many years means nothing. Our usual interpretation has been that Laban, knowing that Jacob came to him with only his staff in his hand, regarded all that Jacob had acquired in the intervening years as his. After all, Jacob had married Laban’s daughters, and had received cattle which were Laban’s cattle. Also, Laban having made an agreement with Jacob on division of profits which
amounted to a wager and depended on "luck," was disappointed at Jacob's phenomenal success and his own lack of good fortune in the outcome of the "bargain" they had struck. Jacob saw that Laban was very unhappy at his success, and was afraid of what Laban would do to him because of it. Laban's sons too, were saying that "Jacob has taken all that belongs to our father, and all the fortune that he made was with our father's property." Now if Jacob had an agreement with Laban as a free and independent individual, Laban could not have claimed that all Jacob had was his. But if Jacob was an adopted son of Laban, with the proviso in his adoption agreement that he would inherit his share after the death of Laban, then as long as Laban lived, he was the master of all that Jacob had. For Laban was the Patriarch, and therefore the only possessor of all property in the clan or tribe. The Patriarch had all power over all his children and their wives, and over his grandchildren. All their property was his property as long as he was Patriarch. Only after the death of Laban could Jacob claim his share as an heir and move on. Since Laban had begotten sons of his own, Jacob was a tertennu. As a tertennu, he was entitled to a share of the inheritance, but not the major share, and he certainly was not entitled to the teraphim, which were the property of the maru rabu, who was now one of the sons of Laban.
There is another point in this story which has been overlooked, but which also strengthens the view that Jacob was an adopted son of Laban and not an independent man under contract to his father-in-law. Let us return for a moment to the first agreement arranged between Jacob and Laban. In this agreement, Laban agrees to accept Jacob's labor for seven years in lieu of the mohar payment for the hand of Rachel. In their second agreement, Jacob again works for seven years for the hand of Rachel (having accepted Leah as payment for the first seven years' labor). From our knowledge of the social institutions and laws of this period, if a man paid for a woman and took her as his wife, the father of the girl had no claim against him thereafter. According to the practice of the time, Jacob could have taken his wives and gone where he wished as soon as his obligation was fulfilled. Yet even though we know that Jacob longed for his home and his birthplace, and that he wanted to return to Canaan and his father's house, we find him coming to Laban and asking his permission to leave, saying to him:

"Send me away and let me go to my own land and to my own place. Give me my wives and my children for whom I served you, and let me go, for you know the labor that I performed for you."

Why does Jacob have to plead so for what is evidently his? If he were a free man he would not have to
ask permission of Laban to go; he would not request him to give him his own wives and his own children. The answer to this question is to be found in Jacob's status. He had evidently undertaken to work seven years for each of his wives and had been adopted by Laban. He had hopes that if Laban did not beget any male children that he, Jacob, would remain his sole heir and his maru rabu. But since Laban did beget sons (probably shortly before Jacob's fourteen years were completed), and Jacob knew that he would not remain the maru rabu, he saw no reason to remain with his father-in-law as a tertennu. He thought it much better to return to his father's house where he was the maru rabu, having bought this status, the right of the firstborn, from Esau many years before.

However, since Jacob had been taken into the family as an adopted son, he could not leave because Laban was his Patriarch, the father of the entire family, and had full control over all of his children, begotten or adopted. Therefore, Jacob's wives were still Laban's children, and Jacob's children were still Laban's property. Because of this situation, Jacob has to beg of Laban permission to leave together with his wives and children. So also, when Laban overtakes Jacob at Mount Gilead he says to him: "The daughters are mine and the children are mine." And you Jacob, have no right to take off with them and to abscond with my property. True, after
Laban's death Jacob could have taken his share of the inheritance and gone, but as long as Laban was alive Jacob had no right to leave the family without his permission.

What finally happened we know from the end of the story. Laban followed Abraham's example (and the practice of many other Mesopotamian) and allowed Jacob to leave him with his share of the inheritance before his death. He did this in order to keep peace with his daughters. As Gordon so aptly put it: "Even the heart of a crafty Aramaean like Laban was not devoid of parental tenderness: 'And as for my daughters, what can I do to them now— or to their children that they have borne.' (Gen 31:43)."55

Laban says to Jacob, "Let us cut a covenant,"56 in order to make the separation legal and in order for Laban to allow Jacob to take his inheritance share now, as did Abraham with his sons whom he did not want to inherit together with Isaac.57 In Gen 31:50 it is interesting to note that Laban makes Jacob agree that he will not take any other wives in addition to Leah and Rachel. This was a condition that many Mesopotamian fathers exacted from the men who married their daughters, as was pointed out above.

In this covenant too, we are shown that this agreement, being concluded between the two men without anyone else being present,58 Laban calls God as a witness to the agreement.59 But there were other men present, as we know from the fact that Laban pursued after Jacob with
his men60 and that Jacob called to his men to help him 
raise the mound of stones.61 But these men were not 
eligible witnesses. They were servants of the two par-
ties involved (or their sons) and were partisan.62 
Therefore, when Laban says to Jacob "there is no man 
here with us,"63 he means "there are no men here whom 
we can consider eligible witnesses," therefore, "See, God 
is the witness between me and thee."64 The mound of stones 
and the stela (massebah) are also to be witnesses.65 
This shows that an inanimate object can be endowed with 
a power or force which renders it what we would call 
"sacred". The aura of the divine is imparted to it 
upon its being "consecrated" or "dedicated" as a masse-
bah was when oil was poured on it. The participants can 
therefore agree that this inanimate object will be a wit-
ness in the same sense that god is a witness.66 

Thus was Jacob allowed to take his inheritance 
--actually what he had worked for many years-- and to 
leave the land of his temporary sojourn to return to 
Canaan, the land of his father, there to begin life as 
the Patriarch of his own family. For Jacob was returning 
to an inheritance where he was the māru rābu and where 
he would be his own master.
NOTES TO INTRODUCTION
NOTES

INTRODUCTION


The excavations of Nelson Glueck in Transjordan prove beyond a doubt that the kingdoms of Transjordan Ammon, Moab, Bashan and the others mentioned in the O.T., were not established until the thirteenth century B.C.E. Therefore, the story of Balak, Balaam, and the conquest of Transjordan by Moses and the Israelites could not have occurred until the
latter half, or at the earliest, the middle of the 13th century B.C.E. In other words, the chronology of the conquest of Transjordan by Israel agrees archaeologically with the conquest of Western Palestine. The textual evidence from the O.T. agrees also with the archaeological evidence. John Garstang’s excavations at Jericho lead him to believe that the destruction described in Joshua 6 took place around 1400 B.C.E. If this view is correct—and all the evidence indicates that it is—the period of time between the conquest of Jericho and the conquest of the cities of Western Palestine is around 170 years. So the destruction of Jericho and the conquest of Canaan, which are intimately related in the Biblical narrative, are unrelated events according to all the evidence we have from archaeological discoveries. This problem remains one of the great enigmas of Biblical archaeology. Many solutions to this problem have been suggested; Garstang advances the view that Israel destroyed Jericho in 1400 B.C.E., and entered Canaan, but made no further conquests until about 1200 B.C.E. (Garstang, The Heritage of Solomon, (1934), pp. 222, 261). Some other scholars have also adopted this view (Feigen, S.I., Missitrei Ha-avar, (New York: 1943), p. 294).

My view is the following: Jericho was destroyed in 1400 B.C.E., by a catastrophe other than the invasion by Israel. In 1400, which was the peak of the Amarna Age, wars in Palestine were frequent and many. Another cause
of the downfall of the walls of Jericho may have been an earthquake, as has been suggested by Garstang, the excavator of Jericho. (Garstang, Joshua Judges, The Foundations of Bible History, (1931), pp. 136ff.) I only pick up this suggestion of Garstang's concerning an earthquake, because I have tried to find the motivation for the inclusion of the story of the destruction of Jericho in the Biblical account of the conquest.

Since I am convinced that there was no "People of Israel" in existence in 1400 B.C.E., and that the Patriarchs were residing in Canaan at that time, I cannot connect the destruction of Jericho with the conquest of Canaan which took place in 1230 B.C.E. The destruction of Jericho must have been a very impressive event something that made a profound impression upon the population of the area. The ruins of Jericho too, were an awe-inspiring sight. When the People of Israel entered Canaan under Joshua in 1230 B.C.E., they already saw the ruin which once was Jericho. Later, when the account of the conquest was composed, the ruin of Jericho, which was one of the impressive sights which greeted their eyes as they crossed the Jordan, wove itself into the account of the conquest. A destruction by earthquake would have given even more of a motive for its inclusion in their account. Since an earthquake is a God-sent destruction, and since the God of Israel had destroyed this Canaanite citadel of
great strength before their assault, they could have attributed its destruction to their God, who was fighting for them. Just as he stopped the sun and moon later on, He destroyed Jericho now.

I connect the destruction of Jericho with another event recorded in the Bible. According to the archaeological evidence Jericho was destroyed around 1400 B.C.E. According to our reckoning, the cities of Sodom and Gomorrah were also destroyed about the same time. This may have been one cause of Jericho’s fall; an earthquake which destroyed Sodom, Gomorrah and Jericho in a great tremor centered in the lower Jordan Valley. Jericho may also have been destroyed by an invading army during the Amarna Age. This military destruction may have been by invading armies, such as those that raided the Cities of the Plain in the days of Abraham, or Habiru, who were attacking the cities of Palestine in the Amarna Age may have destroyed Jericho. The fall of Jericho was contemporary with the attacks of the Habiru. However, one thing is certain: The People of Israel did not destroy Jericho.


7 *barba* in Arabic is used in much the same way as we use the words "hundred," "thousand," or "million," in English, not as the actual number, but as a figurative
expression meaning "a great number." The so-called "centipede", meaning "hundred-legger" actually has less than a hundred legs. This same arthropod is called "centipide" or "thousand-legger" in English and ٦اربانيِّ (meaning "fortyer") in Arabic.

8 Num 32:13; Deut 1:35; Deut 2:14; Ps 95:10
Exod 16:35; Num 14:33,34; Num 32:13; Deut 2:7; Deut 8:2,4;
Deut 29:4; Josh 5:6.

9 Steindorff-Seele Chronology in When Egypt Ruled the
The Borchhardt-Edgerton Chronology places the reign of Raamses
II in the years 1301-1234 B.C.E.

10 Exod 1:11.

11 "One of the most significant political and social
events of the early Nineteenth Dynasty was the transfer of
the seat of government from Thebes to the Delta city of
Avaris-Tanis. This town had been forsaken since the ex-
pulsion of the Hyksos and had probably fallen into ruin,
but it was reestablished with great ceremony by Seti I.
The old local god Seth was presented with a splendid new
temple which Raamses II enlarged and greatly enriched
during his reign. This king took up his residence in
the vicinity at a place which he named 'Raamsesburg.'
the modern Qantir and the Biblical town of Raamses, to the building of which the children of Israel are related --perhaps anachronistically-- to have contributed their forced labor." Steindorff-Seele, When Egypt Ruled the East, p.256. The authors of this excellent short history of Egypt err when they introduce the parenthetical remark "--perhaps anachronistically--" into the account quoted above. The town in the vicinity of Zoan was known as "Pr-Ra'amses" (meaning "House of Raamses"), only from the time that it was rebuilt during the reigns of Seti I and Raamses II, and for about two centuries thereafter (1318-1100 B.C.E.). If the Israelites had not labored at the building of Raamses the city, they would not have mentioned that name in the account of their bondage. This particular name would not have been chosen out of the past if it were not the actual building project. There were more ancient cities in Egypt and greater too, and the Biblical account mentions Pithom and Raamses. These are mentioned because they were the actual cities on which the Israelites slaved. Is it not an arresting fact that the archaeological evidence shows that Pithom and Raamses were built at the same time?

12 Zoan, Num 13:22; Isa 19:11,13; Ps 78:12,43; Isa 30:4; Ezek 30:14.

There were scholars who maintained that the name "Raamses" used as the name of a city in the Bible was an anachronism, since Raamses was known to be the name of a Pharaoh, not the name of a place. Later discoveries proved the Bible reliable and the critics hasty. Even now, many scholars still maintain that the Israelites had nothing to do with the construction of Raamses because they retain the view that the bondage was at a much earlier period than the building of Raamses.

Gen 50.

Exod 1:6.

Exod 1:8-10.

Actually, the number 110 for the years of Joseph's life was not a large number compared to the ages given for Abraham, Isaac, and Jacob. Still, he is described as being an old man and as having lived to see his great-grandchildren born (Gen 50:23, 26). The reason the number 110 was used in this passage is to be found in the Egyptian milieu of the story. J.A. Wilson, in ANET, p. 414, n. 33 points out that 110 is the ideal figure for a ripe old age in Egyptian Literature.

Korah, Dathan, Abiram and most others. Exod 2:1, cf.
Num 26:59. We should also take into consideration the tradition preserved in Gen 15:16, in which the Lord promises Abraham that "the fourth generation shall return here." Three generations would be in Egypt and the fourth would return. This detail, added to the promise of the Lord, strengthened the belief in that story because it was based on the fact that the fourth generation did return to Canaan.

20 Gen 41:45.
21 ibid.
22 Gen 41:42, 43.
23 Gen 46:34.
24 Gen 47:10.
25 Breasted, James H., Ancient Records of Egypt, (Chicago, 1906-1907), Vol. 3, No. 10. "Asiatics ... their homes destroyed and their town laid waste ... they have come to entreat the great in strength to send his mighty sword before them. Their countries are starving; they live like goats of the mountain. Their children come before thee now, saying: 'A few of the Asiatics who knew not how they should live, have come begging a home in the domain of Pharaoh, after the manner of your fathers' fathers since the beginning.'"
26 Gen 46:34.

27 We must also take note of this incident. When Joseph accuses his brothers of being spies (Gen 42:9), they are truly afraid because the accusation is within the realm of possibility. They can be considered spies. When would such a situation obtain? During this period, when Egypt was wary of Asia and very suspicious of Asiatics.

28 The LXX version of Exodus 12:40 says: "Now the time that the children of Israel dwelt in Egypt and in the land of Canaan was four hundred and thirty years." The statements in Galatians 3:17 and in Josephus' Antiquities, II, xv, 2, are both based on this Hellenistic tradition. Whiston, in his translation of Josephus, accuses the Masoretes of deliberately altering the text and lengthening the period of slavery and comments: "it is hard to say why they should have done so." Whiston vented his spleen too soon. Had he cared to read the following verse, Exod 12:41 of the LXX, he would have seen the translation of the M.T. given verbatim, stating that the Israelites were slaves for 430 years. It is obvious that Whiston was defending the authenticity of the Galatians Passage (Christian) against the M.T. (Jewish). See Whiston's footnote, Antiquities, II, xv, 2.

This Hellenistic tradition found its way into the later Jewish tradition and is accepted by most of the
Medieval Jewish Commentators. Rashi (1040-1105) in his comment on Gen 15:13 says that the figure given, 400 years, refers to the period of time from the day that Isaac was born until the date of the Exodus. Abraham Ibn-Ezra in his comment on that verse interprets the number 400 as the period of time from the date of the Covenant described in Gen 15 until the date of the Exodus. Nahmanides quotes Ibn-Ezra.

29 Abraham Ibn-Ezra (1092-1167), with his usual brilliant insight into problems of Biblical interpretation, made the discovery that the numbers in the Bible are anything but accurate. In commenting on Exod 12:40 he says: "Many reckonings are given in Scripture and we have no way of knowing to what they refer. I shall mention only a few. 'And it came to pass after 40 years, that Absalom said.' (II Sam 15:7). Now Absalom was not 40 years old . . . It says, 'and it came to pass, in the 30th year.' (Ezek 1:1). Some say it refers to the age of the prophet; some think it refers to the 30th year of the Jubilee cycle, while others think its reference is to the date of the finding of the Book of the Torah by Hilkiah the High Priest. I don't know, but I do know this: that all of these suppositions are without foundation or support . . . . Now when we come to the question of Israel's descent into Egypt during the days of Joseph, we
must take into account that Kohath the son of Levi was one of those who came down with Jacob. Amram his son was the father of Moses. Assuming that Amram was born at the end of Kohath's days, and that Moses was born at the end of Amram's days . . . this would bring the total number of years of their sojourn in Egypt to 350 (taking into account that Moses was 80 years of age when they left Egypt) . . . now if you count 400 years from the day that Isaac was born, you will find that from the day that Israel entered Egypt until the day they left, 210 years elapsed. And this was one of the things that they (the seventy elders who made the Septuagint translation of the Bible) taught Ptolemy the King (of Egypt)."

We see that Abraham Ibn-Ezra refers the entire system of the reckoning of the years of bondage which was current in his day, to the Hellenistic period, during which the Jewish scholars first tried to make acceptable sense out of the numbers given in the Bible. The Hellenistic scholars tried to reconcile the numbers of the account with number of generations given. This has been the traditional Jewish method of interpretation; to accept the complete account, the account of the generations as well as the numbers, and to try to reconcile them.

Most critical scholars of our day have tried to make sense out of the numbers and realizing that they could not reconcile the numbers with the generations, they have
discarded the genealogies. The reverse method would have been the correct one. The genealogies are correct; the numbers are less reliable.


31 Seela, Keith C., The Coregency of Raamses II with Seti I and the Date of the Great Hypostyle Hall at Karnak, ("Studies in Ancient Oriental Civilization," No. 19, U. of Chicago Press, Chicago: 1940), pp. 12-13. "Since the name of the great hall contains that of Seti I rather than that of his father Raamses I, Legrain argues that Raamses died so soon after the beginning of building operations that Seti I was able to include his own cartouche in the name of the Hypostyle Hall without the necessity of usurping his father's name." P. 23, "Raamses' reign had been too short for his name to be included in that of the Hypostyle Hall."

32 Also, we must consider the fact that only two midwives were able to take care of the entire Israelite community of Egypt. This indicates a small population, therefore, a short period of sojourn. Exod 1:15

33 Gen 47:1-10.

34 Gen 46:34.

35 Ancient Records of Egypt, 3, 10.
In fact there is a more striking piece of evidence from Egypt that would lead one to believe that Haremhab was the Pharaoh of Joseph. The story of Joseph as we have it in Genesis is based on an Egyptian model, the story of Haremhab.

The story of Haremhab is as follows:

The King (Tutenkhamen) took pleasure in him and appointed him to the chief place in the land in order that he might administer the affairs of the two lands as prince of this entire land. When he was summoned to the palace by the king, the people were astonished at his words, and when he answered the king, he delighted him by his wisdom. He was ultimately appointed to the chief administrative position in the empire and given command of the entire Egyptian army. He administered the two lands for many years and reverence for him was great in the sight of the people. Like the king himself, people besought for him prosperity and health.

The story of Joseph after his "discovery" by Pharaoh, is quite similar to that of Haremhab.

"Then Pharaoh said to Joseph: 'After God has let you know all this, there is no one as wise or as understanding as you. You shall be appointed over my house, and according to your command shall my people be ruled. Only in the throne shall I be greater than you.' Then said Pharaoh to Joseph: 'See, I have appointed you over the entire land of Egypt.' And Pharaoh removed his signet ring from his hand and placed it upon the hand of Joseph. Then he had him
dressed in linen garments and placed the gold necklace about his neck .... and the people called out before him 'ab-rek' (Egyptian; meaning 'the heart to thee')
(Gen 41:39ff.)

37 Exodus 1:6, 8-11. The "new king" referred to in verse 8 I take to be Seti I.

38 Genesis 46:34; 43:32.

39 Exodus 1:9.

40 Seele, Hypostyle Hall at Karnak, pp. 12-13, 23.


42 Genesis 19:31. "Then said the elder to the younger: 'Our father is old, and there is no man on earth to come unto us according to the manner of the whole world.'" When this account of the origins of the nations of Transjordan --Ammon and Moab-- was written, it was connected with the story of the destruction of the cities of the plain because they were proximate in time. The beginning of the resettlement of Transjordan took place not long after the destruction of Sodom and Gomorrah. The writers knew the history of the region, and knowing that Transjordan was uninhabited in the days of Abraham and Lot, they put these words into the mouths of the daughters of Lot. Since to their knowledge everyone had been destroyed in the holocaust that
befell the valley, and since they had escaped to the high-
lands east of the Jordan Valley, they assumed that there
was no man left alive on earth because in the land to which
they had fled there were no inhabitants.

This situation, the depopulation of Transjordan,
obtained only in the period between 1700 B.C.E. and 1300 B.
C.E., as was proved by the excavations of Nelson Glueck.
The rehabilitation of Transjordan, together with the rise of
the kingdoms of Ammon, Moab, and Bashan, took place at the
very end of the 14th century B.C.E. When Israel went against
these kingdoms of Transjordan in the years preceding the
Conquest of Canaan, circa 1240 B.C.E., these kingdoms were
already in existence. So the Biblical account of the wan-
dering in the desert, the invasion of Eastern Transjordan,
and the Conquest of Canaan agrees in general outline with
the archaeological picture. The chronology of these events
is fairly certain.

According to the Biblical account (Gen 19), the re-
settlement of Transjordan took place after Abraham's day.
It was settled by the children-grandchildren of Lot. Since
we know from the archaeological evidence that Transjordan
was settled in the 14th-13th century B.C.E., we have a li-
terary tradition to prove that Abraham was in Canaan around
the end of the 15th and the beginning of the 14th century B.
C.E.
Glueck assigns the events in Genesis 14 to the 19th century B.C.E. But the evidence he uncovered would conflict with this interpretation rather than support it. According to the archaeological evidence uncovered by Glueck, the civilization of Transjordan was destroyed in the 19th century B.C.E. According to the account in Genesis 14, there was no destruction. The campaign in Genesis 14 was a hit-and-run raid whose purpose was plunder and collection of unpaid tribute.

On the other hand, the account in Genesis 19 tells of a new settlement or resettlement of Transjordan which took place shortly after Abraham's days. This event could be connected with the resettlement of Transjordan which Glueck found to have taken place around the 13th century B.C.E. The destruction which Glueck found to have taken place in the 17th century B.C.E., cannot be connected with any literary passage in the entire narrative of Abraham. The cause of the destruction of the Transjordanian states of the 17th century B.C.E., must be sought elsewhere.


being lost."

Knudtzon, Tablet 290:

"Pa-ṭa-ra-at mat Šarrir
a-na aweluti Ḫa-bi-ri."

"The land of the king is fallen away to the Habiru."

46

I do not know of any scholar who has attempted a detailed comparison of the words Ḫabiru and ʿibri with strict adherence to the rules of historical Hebrew Grammar and Comparative Semitic Linguistics. Most of the identifications have been offhand assertions with important details being completely overlooked.

One of the most misleading statements ever made in the study of Semitic Grammar is the one that asserted that "vowels in Semitic languages are not significant." The man who first made that assertion had no knowledge of the nature of language or linguistics and confused writing with language, a false identification that is made even to this day.

In studying historical grammar and comparative linguistics, attention must be paid to each element of a word. We cannot overlook a phoneme to suit our prejudices or convenience. The existence of phonemes is a basic axiom without which we cannot continue responsible study.

This misunderstanding of language which first led to the statement that "vowels are unimportant" still influences
some interpreters of Biblical history. They overlook the fact that the words ḫaḥiru and ʿibri, no matter how they are twisted and turned, cannot be made equal if we adhere to the rules of Historical Hebrew Grammar and Comparative Semitic Linguistics.

Gordon, in his Introduction to O. T. Times, p. 76, n. 2, points out that of the five phonemes in the word ḫaḥiru, only two occur in the word ʿibri. Gordon knew, from his study of the words ḫaḥiru and ʿibri, that they are not to be identified. I pointed out to him in conversation that more of the phonemes of these two words can be equated if a closer analysis is made, in strict accordance with the rules of the two disciplines mentioned above. But a complete identification of the two words I find to be impossible. The two words cannot be identified, because they do differ. In linguistics we cannot be judicial or decide according to the majority of phonemes. Either words are the same, that is, identical, or they are not the same. If they are not the same, they cannot be identified because of similarity or resemblance.

My analysis follows:

1) ḫaḥiru can represent the Hebrew word ṣaber or ṣabir. It can also represent the Hebrew word ṣaber, if we are certain that the a of ḫaḥiru is a long a.

2) ḫaḥiru should be read ḫahiru according to Gordon, because the sound pi in the cuneiform writing of that period
can only be represented by the sign for bi, and if the word were ḫapiru it would have to be written ḫabiru. Gordon insists that it must be ḫapiru (the p representing ṣayin) because in those writing systems in which the p and the ṣayin are unequivocally written, the word is invariably written 'pr. Thus, ḫabiru appears as 'pr in Egyptian and Ugaritic writings, and we have the word ʿapiru (vocalized from the cuneiform writing) to identify with ʿibri which is quite impossible in the opinion of Gordon.

3) I have gone a step further. Although we know that in Egyptian and Ugaritic the word in its original form is ʿapiru, and that the writing ḫabiru is only the accommodation of the word to the Babylonian system of writing, we can also assume the possibility that this word in Hebrew would have been pronounced ʿabiru as against the ʿapiru of Ugaritic. We have correspondences between Ugaritic and Hebrew which would allow this combination; Ugar. ʿapiru equals Hebr. ʿabiru. The example that comes to mind is the well-known designation of Baʿal as ṭakibu ʿarapati in the Ugaritic Epics, a designation that comes into the O.T. as ṭokheb ʿarahōt. Thus, just as the word ʿarapati in Ugaritic is equivalent to the word ʿarahōt in Hebrew, the word ʿapir in Ugaritic can be equivalent to the word ʿabir in Hebrew. I don't have sufficient examples to formulate this into a law, but it seems to be the influence of the r or the ṣayin or the combination of both, that
causes the shift from Ugaritic 𐤁 to Hebrew מ. (I have a feeling that the presence of the מ is more influential in causing this shift). Therefore, we can formulate this identification, in keeping with the rules of grammar: Ugaritic 𐤆 IPV equals Hebrew 𐤆 IPV, which is written as מ or ( IPV) in Egyptian and 𐤆 IPV in Babylonian. Therefore I claim that 𐤆 IPV in Babylonian can represent a Hebrew 𐤆 IPV or 𐤆 IPV.

4) If 𐤆 IPV equals 𐤆 IPV, 𐤆 IPV, does this mean that we can identify the 𐤆 IPV with the Hebrews? Is this be our basis for identification, then the answer is definitely not. According to the accepted rules of Hebrew Grammar, what form would the word 𐤆 IPV have in Masoretic Hebrew? Assuming that the מ of the Egyptian and Ugaritic inscriptions is a מ in Hebrew, the word could be either one of the following:

a. If the word 𐤆 IPV was pronounced with a long מ, the word in Hebrew would be מ IPV or מ IPV; plural, מ IPV or מ IPV.

b. If the word 𐤆 IPV was pronounced with a long מ, the word in Hebrew would be מ IPV, plural מ IPV.

No possible form of the word 𐤆 IPV, 𐤆 IPV, 𐤆 IPV could be equated with the word מ IPV or מ IPV in Hebrew. The identification is inadmissible.

5) What form would the Hebrew word מ IPV, מ IPV have in old Canaanite, which is contemporary with Ugaritic and the Babylonian of the Amarna Letters? The form of
the word *ibri* with the accent on the ultimate would be *cabri* according to the law of Semitic Grammar that in Hebrew short *a* in an unaccented, closed syllable becomes short *i*. Thus, we have the forms Samson shifting to Simson and Magdal shifting to Migdal in Hebrew.

If the word *ibri* were found in Babylonian it would have to appear as *abri*. This would be written in the Babylonian orthography as *ha-ab-ri*. Never has this form been found in any Babylonian document.

Conclusion: The word "Hebrew" does not appear in any extra-biblical document of the Amarna Age.

It is interesting to note that H.M. Orlinsky in his latest book, *Ancient Israel*, (Ithaca, Cornell U. Press, 1954), pp. 20-21, maintains that the *habiru* of the Amarna Letters and the other documents of the period are the ancestors of the Hebrews. He classifies as Hebrews the Israelites, Ammonites, Moabites, Edomites and other related tribes found in the region of Palestine and Transjordan. He gives little reason for reaching these conclusions and it is difficult to follow him.

These so-called "minor points" are those that I feel fit Genesis 14 into a proper frame of reference. All that has been written about this chapter, trying to identify the "big names" that appear in this story has not succeeded in reaching any conclusive results. I feel that the writers who have dealt with this chapter are
looking in the wrong period of history. This is also the opinion of Dr. Gordon.

48
An Egyptian text of the Amarna Age which includes the number 318 is a scarab of Amenhotep III published by J. H. Breasted in ARE 2, p. 348. The original was published by H. Brugsch in the Zeitschrift für Aegyptische Sprache und Altertumskunde, Vol. 18 (1880), p. 82. The scarab contains the following passage: "Remarkable things which were brought to his majesty, may he live, be prosperous and healthy: (As follows): The daughter of Shuttarna, King of Naharaim, Gilukhepa, and the principal ladies of her harem, 317 women." Thus we have 1 plus 317, i.e., 318, the same as the number of Abraham's men.

49
Gen 12:1-3, 5, 8, 10-13;
Gen 13:1-6, 8-9;
Gen 16 (entire chapter);
Gen 17:4, 6, 7, 16;
Gen 19 (entire chapter);
Gen 20; and so on, to the very end of Genesis.

50
The only portions of the first account that are not repeated in the second account are those that might not be flattering to his listeners, such as this one.

51
ibid.
This detail is omitted from the second account because the young lady's family did not have to be told. Even in the first account it is only a poetic cliche that is frequently used in speaking of young, unmarried women.

The words I have underlined are added by the servant when he tells the story because he is convinced that it is true, and he also wants to influence the parents and family of Rebeccah to consent to the marriage by implying that the entire episode was the design of the Lord, the God of Abraham.

ibid., p. 332.
ibid., p. 346.
ibid., p. 354.
NOTES TO CHAPTER I
NOTES

CHAPTER I

1. Legend of Sargon of Akkad, in Cuneiform Texts from Babylonian Tablets in the British Museum, Part VII, (London, 1899), plates 42, 43. Transliteration and translation in Rogers, R.W., Cuneiform Parallels to the O. T., (New York, 1926), Column I, lines 9, 10. Also, story of Moses on the Nile, in Exodus 2:9, 10, where the daughter of Pharaoh says to the mother of Moses, "Nurse him for me," and after he is weaned the account says that "he became her son."


4. Many modern parents who have adopted children and have subsequently given birth to their own, try to soften the effect upon the adopted child of the shocking discovery that he is not born of their flesh. They try not to favor their own real child over the adopted one.
Many devices are resorted to in order to make the adopted child feel that he is as loved as the real child.


7. The literature of Ugarit, which made such a sensation in the fields of Semitic, Biblical, and Near Eastern Studies since its discovery in 1929, is still in the course of publication. Many new texts are being unearthed constantly in the excavations at Ras Shamra which are still in progress. Some of the more important publications will be listed here, but the references to the Ugaritic Literature hereafter will be limited to the comprehensive publication of the Grammar, Texts, and Glossary of the Ugaritic material incorporated in Gordon’s *Ugaritic Handbook*, "Analecta Orientalia," No. 25, (Pontificio Institutum Biblicum, Rome, 1947). The autograph texts were published by Charles Virolleaud in *Syria, Revue d’Art et d’Archéologie Orientale*, Vols. 10, 12-19, and in *Bibliothèque Archeologique et Historique*, Vols. 21, 22, and 28 (Missions de Ras Shamra I, II and IV). Gordon has also published translations of all
NOTES TO CHAPTER I
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CHAPTER I

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the texts in *Ugaritic Literature*, (Rome, 1949). A complete bibliography, up to the date of publication, of all the literature pertaining to Ugarit and Ugaritic, can be found in Robert de Langhe's *Les Textes de Ras-Shamra-Ugarit et leurs Rapports avec le Milieu Biblique de l'Ancien Testament*, (Gembloux-Paris, 1945). Important translations of some of the longer texts are H. L. Ginsberg's, in *Ancient Near Eastern Texts Relating to the Old Testament*, and T. H. Gaster's, in his *Thespis: Ritual, Myth and Drama in the Ancient Near East*.


9 In Homer's *Iliad*, Book II, lines 698-702 we find the expression "His wife was left in Phylake ... with the house only half finished." This means that he left his wife, but no children whose presence would have completed the house.


11 Gen 13:2.


13 Gen 15:2, 3.


16
Ina-uruk-rišat marat Musallim
mārta la ıšuma
Etırtum marat Ninurta-Musallim
ana mārūti ilqi.


17
Gen 15:3.
NOTES TO CHAPTER II
NOTES

CHAPTER II

1. Meissner, B., Privatrecht, p. 15.

2. HSS V, 60.

3. JEN, 59.

4. Meissner, 95. Schorr, p. 21, No. 8, VAT, 926.

5. Schorr, p. 23, No. 10.


7. VAT, 8947.

8. HSS V, 7.

9. HSS V, 60.

10. HSS V, 67.

11. VAT, 8802.

12. HSS V, 60.

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NOTES

CHAPTER III


2. Cuq, Édouard, Droit Babylonien, p. 48; Mendelssohn, Slavery, p. 10; David, Adoption, p. 70; Meissner, Privatrecht, pp. 15, 16. "It is obvious that in the majority of cases in this period adoption was just another method of hiring labor."


4. This inalienability of house and land was also a part of the Hebrew Law, and existed only in Hebrew and Nusian Law as far as we know at the present time. In the Code of Hammurabi there is a section dealing with benefits which were given to veterans of the royal service. These veterans received lands which were to remain theirs forever. They could not sell these lands nor dispose of them. (Hammurabi, sections 26-41). Gordon has called this section of the Hammurabi Code the "Veterans' Bill of Rights" (Introduction, p. 72). But the law prohibiting the sale of land existed only in Nusu and in Hebrew Law. The latter

Another way of circumventing the law in addition to adoption was through the ditemutu transaction which was a loan of money against a loan of land.

Chiera-Speiser, AASOR VI, pp. 86ff., and JAOS 47 (1927), p. 36; P. Koschaker, Neues Keilschriftliche Rechtsurkunden aus der El-Amarna-Zeit, (Leipzig, 1928), David, Adoption, p. 109. Mendelssohn, in his book Slavery in the Ancient Near East refers to another type of adoption as a "sale-adoption" (pp. 5-14). This use of a term which has already been established in the literature about the Nuzu documents for an entirely different situation can only lead to unnecessary confusion. The use of the term "sale-adoption" in this study will refer only to the sale of land masked as adoption. The term was first used by Chiera and Speiser for this type of adoption and should not be given another definition in this same area of study.

Chiera, They Wrote on Clay, pp. 180-182; Gordon, The Living Past, p. 160. "Another lady, named Mattiya, owned several 'homers' of land, a tidy little stretch of property. But she had no son nor anyone to look after her when she would become old. So she turned over her ... land to Tehiptilla, who was perhaps the richest man of the community, and thereby adopted him. He was the richer
for the land, and she had the security of being taken care of for life by the Henry Ford or the John D. Rockefeller of her community."

9 HSS V, 61.
10 JEN, 1.
11 HSS V, 75.
12 HSS V, 56.
NOTES

CHAPTER IV

1 Mendelssohn, in his book Slavery in the Ancient Near East, calls this type of adoption "sale-adoption." It is confusing to adopt a term which already has a defined meaning in the study of Nuzu documents and to use this term for an entirely different concept. We use the term "sale-adoption" as it is used by Speiser in "New Kirkuk Documents Relating to Family Laws," in AASOR Vol. X.

2 That the right of selling a woman belonged to her brother as well as her father is illustrated by the story of Laban (Gen 24:50-53) and by a Nuzu Tablet published by Gordon in "Nuzi Tablets Relating to Women", "Analecta Orientalia," No. 12, (Rome, 1935), pp. 163-184. The tablet in question is Text XVII, (HSS V, 13).

3 Schorr, Moses, Urkunden des Altbabylonischen Zivil- und Prozessrechts, (Leipzig, 1913), No. 77.

4 One Hundred New Selected Nuzu Texts, AASOR, Vol. XVI, No. 23.

5 ibid., No. 30.
6  ibid., No. 42.

7 A similar Nuzi Tablet, in which Tehiptilla buys a woman who becomes his handmaid and is given as a wife to any of his servants he may choose to give her. Gordon, "Fifteen Nuzi Tablets Relating to Women," Le Musé-
or, Vol. XLVIII (Louvain, 1935), pp. 113-132. (JEN 26)

8  JEN 429.

9  JEN 430.

10 Eshmunna, 50.

11 Hammurabi 7. "Silver or gold, or a male slave or a female slave, or an ox or a sheep or an ass, or any sort of thing."


13 ANET, p. 187.

14 AASOR, Vol. 16, No. 42.

15 The usual interpretation placed on this verse is that (am nochri means "another person." By the time of the Talmud Jewish Law prohibited the sale of Jews into slavery. However, since the Torah in this section had expressly per-
mitted a man to sell his daughter into slavery, the Talmud restricted that right to one sale and no more. Therefore, if the original buyer did not want her because she did not
find favor in his eyes, he could not sell her to another man. He could only allow her to be redeemed by a member of her family. Therefore, the Jewish Law of later times placed the meaning "another man" on the words \( \text{am nokhri} \). This meaning was so universally accepted without question- ing, that Nahmanides in commenting on this verse says: "Le\( \text{am nokhri} \) means the same as Le\( \text{ish nokhri} \), and we have never found another instance of this kind in Scripture." (Nahmanides was listing this word as a \text{hapax legomenon}.) Saadia Gaon, quoted by Ibn-Ezra, says that "le\( \text{am nokhri} \)" means "to a strange man."

The Talmud (Kiddushin 18a) states that a daughter may be sold by her father once into servitude, but no more than once. If a man sells his daughter into slavery once and redeems her, he may not sell her into servitude again. From this law, which is later than the Biblical enactment, the Talmudists gave the meaning "another man" to the words le\( \text{am nokhri} \).

We must however, translate plainly. This law, like all the lawcodes of antiquity, protected the people of the group from the terrible possibility of being sold outside of their own society. This was as true of early Hebrew society as it was of the Nuzu society which is familiar to us from these tablets. This held true also for Assyrians as well as Greeks. The codes which protected Assyrians, Hebrews, and Nuzuans we have already cited. The Greek law
is referred to in Philostratus' *Life of Apollonius of Tyana*, Book 8, chapter 7, (Loeb Classical Library Ed., Vol. 2, p. 337). "...yet the Hellenes retain their love of liberty, and no man of Hellas will ever sell a slave out of his country; ..."
NOTES TO CHAPTER V
CHAPTER V

1 If the wives agreed, the man could marry more than one wife. This we know from a Babylonian tablet from the period of Hammurabi published by Meissner, in which two sisters agree to marry one man. See Meissner, B., Beiträge zum Altbabylonischen Privatrecht, (Leipzig, 1893), No. 89.

2 E.g., JEN 745.

"Marriage tablet of Hanadu . . . concerning his sister Kulimmadu . . . giving her as a wife to Hanaya, the slave of Tehiptilla. Forty shekels of silver Ithip-Sarri, father of Hanaya, shall pay to Hanadu."

Rebecca was given in marriage by her mother and her brother. (Gen 24:53,55) Other examples are numerous.

3 See note 1.


5 CH 145, 148.

6 CH 145.

7 CH 148.

8 CH 144.
9
Gen 16:1.

10
Gen 29:24, 29.

11
Gen 16:1 and Gen 30:3, 4.

12

13
Gen 30:3.

14
Gen 16:2.

15
Gen 16:1, 2.

16
CH 14:4.

17
CH 14:5.

18
Gen 16:4.

19
CH 14:6.

20
Gen 16:5.

21
CH 14:6.

22

23
Ibid.

24
CH 14:6.

25
Gen 16:4, 5.
26
Gen 16:6b.
27
Gen 16:9-12.
28
Gen 21:2.
29
Gen 21:10.
30
ibid.
31
HSS, V. 60:8-11; 67:8-10; 7:10-15.
32
Gen 21:10.
33
Gen 21:11.
34
Gen 21:12.
35
CH 170.
36
37
38
39
Notice that Hagar bought her son a wife from the Land of Egypt (Gen 21:21) like herself. Not a Mesopotamian or a Canaanite, like her mistress.
40
CH 114:6.
41
Gordon, op. cit., p. 110, n. 19.
NOTES

CHAPTER VI

1.
The details concerning Sarah and Hagar have been discussed in Chapter V.

2.
HSS V, 7.

3.
Gen 17:15, 16.

4.
Gen 17:18.

5.
Gen 17:19.

6.
Gen 17:20.

7.
Gen 17:21.

8.
Gen 21:9, 10.

9.
These laws and customs are discussed in Chapter V.

10.
The tertemnu had to receive his share. Also, if an adopted child or one who had already been appointed an heir, were driven out of his father's house he did not go empty-handed, but received his share of the inheritance. See Schorr, p. 23, No. 10.

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11  Gen 21:10.
12  Gen 21:12, "For through Isaac will seed be called yours."
13  Gen 21:13
NOTES

CHAPTER VII

2. Gordon, Introduction, pp. 84, 85, 123.
5. Gen 25:31-33.
10. 1 Sam 16:6-13.
11. I Kings 1. The "son of the favorite wife" relationship, also existed in the case of Isaac and Ishmael.

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18. Gen 37:2, 3.


20. HSS V, No. 21.

21. CH 165.


25. Gen 25:30-34.

This economic disaster is alluded to in Gen 26:1.
45 Gen 26:13.
46 Gen 26:14.
47 Gen 26:22.
48 JEN, 204.
NOTES

CHAPTER VIII

1. Gen 24:29


11. Gen 29:23
12 Gen 29:25.
13 Gen 29:26, 27.
14 CH 7, 104, 105.
15 CH 128.
16 E.g., HSS V, 7:10. "Thus says Akabshenni: If I have a son who is born to me, 12. He shall be the elder, and 2 shares he shall receive. 13. Indeed, whichever one of the wives of Akabshenni a son shall bear, he shall be the elder." Lines 13 and 14 of this contract are superfluous, and would not be included in an agreement unless the people had already developed a tradition of legal terminology including involved clauses covering all eventualities that can be foreseen.
17 Gen 23.
18 I do not maintain that if something is not mentioned, therefore it does not exist. Because the word for "book" or "writing" is not mentioned in the Bible until after the Exodus (Exod 17:14), some scholars maintained that the Hebrews did not know about writing until after they left Egypt. Similarly, some Hellenic scholars maintained that because "writing" is not mentioned in the works of Homer, that the Homeric Greeks did not
possess the art. Not only is this reasoning fallacious, but it has been proved conclusively wrong in both cases cited above. By the same token, printing did not exist in the days of Shakespeare, because in all of his works it is never once mentioned. This we know to be untrue. Just as Shakespeare had no occasion to use the word "printing" in his plays the Bible had no reason to refer to "writing" before the incident in question. So too, Homer had no reason to refer to writing and therefore didn't. However, in a case like the one involving Ephron and Abraham, I think it reasonable to expect the mention of a document of some kind if it were the custom to conclude agreements in writing. Certainly the same kind of transaction took place between Jeremiah and his uncle, and there they refer to the written documents, because it was already customary at that time for such transactions to be recorded in writing in the Kingdom of Judah. But in Canaan, and in pre-monarchic Israel, I am convinced that the writing of agreements was not customary.

19
  Ruth 4.

20
  Ruth 4:1.

21
  Ruth 4:2

22
  Ruth 4:7.

23
  Gen 23:10, 11, 13, 16.
Among the Jews of Eastern Europe -- when those communities flourished before the First World War -- the oral agreement was practically universal. If a bargain was struck and agreed to, and the parties to the agreement shook hands or even if they touched hands, the agreement became binding; as binding as a written contract. The taking of the hand was called tekiyas kaf (the Ashkenazic pronunciation of טקיית כף), and a tekiyas kaf was as binding in any beis din (beit din, "court of law" in the Ashkenazic dialect) as any written document. The beis din I refer to was the Jewish Rabbinical court of law which existed in every Jewish community and consisted of a court of three judges. (See Mishnah, Sanhedrin, I. 1.)

Even if the two contracting parties did not touch hands, but agreed verbally, it was also a binding agreement.
The Yiddish expression for a verbal agreement was \textit{a vort is a vort}, meaning "a (man's) word is a (his) word," equivalent to the English expression "his word is his bond." Even the largest transactions, involving thousands of rubles and hundreds of acres of land, were concluded by the contract known as \textit{tekiyas kaf}, "the shaking of the hand."

In America and in England certain types of contracts are always concluded verbally, even by telephone, where the only method of identification is by voice. If, for example, a man calls an insurance agent and asks him to insure his house against fire or his automobile against liability, and the agent answers that he is insured as of that day or as of the following day, that client is insured. If he should enter a claim for recovery of damages after the time that the agent designated as the beginning of his period of coverage, that claim will be honored by the company. The actual issuing of the policy may take place a week or two later, but the agreement is binding as of the moment of the telephone conversation.

\begin{itemize}
  \item[31] Gen 24:3, 8.
  \item[33] Gen 31:50.
  \item[34] Gen 47:29, 30, 31.
\end{itemize}
Another interesting point to note about contracts among the Jews of Eastern Europe is that the expression בְּרוֹכֵ֣ה-בְּיתֵךְ-בַּ֖אֲשֶׁרֶךְ (Ashkenazic pronunciation of בְּרוֹכֵ֣ה בְּיתֵךְ ba'tchek ba'asher), the words used by Jacob in Gen 29:18, meaning "for Rachel, thy younger daughter," is used to mean "specifically; let there be no misunderstanding."


The arrangement as given here is not according to the lines of the original tablet, but according to the clauses as we interpret them.

Gen 29:18, 20, 27, 30.

Gen 31:50.

It is interesting to note Laban's words in this connection. "There is no man with us, (therefore) behold, God is the witness between me and thee." This was in keeping
with the custom that if there were no human witnesses present at the conclusion of an agreement, that God was invoked as a witness. And no man would break a contract to which his God was the witness. See notes 31, 32, and 34, above.

43 Gen 31:34.

44 Smith, Sidney, "What were the Teraphim?", in the Journal of Theological Studies, Vol. 33, (1932), pp. 33-36.

45 Gen 31:32.

46 Gordon, Introduction to O. T. Times, p. 117.

47 Gen 31:43.

48 Gen 30:31-36.

49 Gen 31:2.

50 Gen 31:1.

50a E. g., Judah pronounced the death sentence upon his daughter-in-law. Gen 38:24.

51 Since Laban's sons first appear in Gen 31:1, Gordon is of the opinion that they were born after the adoption of Jacob and that they displaced Jacob as the maru rabu. I am in agreement with this opinion because
of the incident with the teraphim.

52 Gen 29:18.
53 Gen 29:27, 30.
54 Gen 30:25, 26.
56 Gen 31:44.
58 Gen 31:50.
59 Ibid.
60 Gen 31:23.
61 Gen 31:46.
62 It is interesting to note that Laban's men and Jacob's men are called "brothers" in this chapter, although we know that Laban evidently had no brothers and certainly Jacob had none in this vicinity. But "brothers" in this context means "men" in the sense of helpers or partisans.
63 Gen 31:50
64 Ibid.
This quality is known as mana in the study of ancient religions as well as in the study of comparative religion. Inanimate objects can possess mana, or the quality of the numinous as well as animate objects or humans. The object which has mana possesses a numen, or living spirit. Thespis, by T. H. Gaster contains a thorough and clear explanation of this phenomenon, which throws light on the passage which we are here considering.
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