

THE SOCIAL ENVIRONMENT OF THE PATRIARCHS

By M. J. SELMAN

The name of Nuzi has figured prominently in the study of the biblical patriarchs over the last four decades. No serious investigation of Genesis 12-50 can now afford to ignore information found in the cuneiform tablets from this East Tigris site (now Yorghan Tepe) of the mid-second millennium BC, for their impact on early biblical history has been considerable.¹ Examples of the important contribution thought to be provided by these texts can be seen in E. A. Speiser's claim that some patriarchal customs "cannot otherwise be explained either from the local background or from any but Hurrian sources",² and in J. Bright's conclusion that "the patriarchal customary law was at home specifically among the Hurrian population of approximately the same area at approximately the same time".³ Similar views are to be found in the large majority of books and articles concerned with the patriarchs.⁴

The benefits of this supposed special relationship with Nuzi

* Delivered at the School of Oriental and African Studies, University of London, on 3rd January, 1975.

¹ A few tablets generally described as Nuzian were in fact found at ancient Arrapha (modern Kirkuk), including the well-known text Gadd 51 (see below pp 123ff), published in C. J. Gadd, *RA* 23 (1926) 51-52. Texts of a similar nature have also been discovered in recent years at Kurruhanni (modern Tell al-Fikhar), about 35 kilometres south-west of Nuzi, — — see F. el-Wailly *Sumer* 23 (1967) pp. e-f; Y. Mahmoud *Sumer* 26 (1970) 112; K. Deller and A. Fadhil *Mesopotamia* 7 (1972) 193-213.

² E. A. Speiser, in J. J. Finkelstein and M. Greenberg (ed.) *Oriental and biblical studies: collected writings of E. A. Speiser* Philadelphia (1967) 264.

³ J. Bright *History of Israel* rev. ed., London (1972), 86.

⁴ Eg., C. H. Gordon *BA* 3 (1940) 1-12; idem *BASOR* 66 (1937) 25-27; idem *RB* 44 (1935), 34-41; idem *Introduction to Old Testament times*, Ventnor (N.J.

can be seen in at least three directions. In the first place, several enigmatic incidents in the patriarchal narratives are now explained on the basis of similar practices at Nuzi. Examples include the inheritance agreement between Abraham and Eliezer (Gn. 15), Jacob's marriages (Gn. 29-31), and Rachel's theft of her father's household gods (Gn. 31). In some cases, the new interpretation has differed radically from anything previously offered, so that C. H. Gordon was able to say the Jacob-Laban narratives, for instance, that they have taken on "an entirely new meaning in the light of the Nuzi documents".⁵

Following on from these comparisons, the Nuzi material has been employed along with other extrabiblical evidence, in support of a date in the second millennium *BC* for the patriarchal period. There is, however, less unanimity than might be expected concerning the value of the Nuzi evidence on this matter. Many scholars prefer to see the patriarchs in the context of the first half of the second millennium *BC*,⁶ even though the Nuzi texts were written in the fifteenth and fourteenth centuries *BC*.⁷ In the light of this later date of the Nuzi tablets, a minority view has been taken by Gordon, who suggested that the background of the patriarchal narratives belongs to the fourteenth century *BC*, on the basis of links with Ugarit and El-Amarna as well as Nuzi.⁷ Whichever part of the second millennium is accepted, however, it is generally held that those patriarchal customs to which parallels have been found at Nuzi were quite distinct from those practised in Israel in the first millennium *BC*. These particular patriarchal customs therefore, and by implication probably also

(1953) ch. 8; J. N. Schofield *ExpT* 66 (1954/5) 315-318; M. Burrows *JAOS* 57 (1937) 259-276; R. T. O'Callaghan *CBQ* 6 (1944) 391-405; H. H. Rowley, *The Servant of the Lord*² Oxford (1965) 312-317; R. Martin-Achard *Actualite d'Abraham* Neuchatel (1969); W. F. Albright *The biblical period from Abraham to Ezra* rev. ed., New York (1963) 1-8; *idem* *Yahweh and the gods of Canaan* London (1968) 47, 58, 87-88; E. A. Speiser *Genesis* (Anchor Bible) New York (1964); *idem* in A. Altmann (ed.) *Biblical and other studies* Cambridge, Mass. (1963) 15-28; *idem* *JBL* 74, (1955) 252-256; S. Paul, art. Nuzi, *Encyclopaedia Judaica* 12 (1971) 1287-1291; H. A. Hoffner in D. J. Wiseman (ed.), *Peoples of Old Testament times* Oxford (1973) 221-229.

⁵ C. H. Gordon *BASOR* 66 (1937) 25.

⁶ Eg., G. E. Wright *Biblical archaeology* London (1960) 21-22; J. Bright *op. cit.*, 78ff; K. A. Kitchen *Ancient Orient and Old Testament* London (1966) 47ff; W. F. Albright *From the Stone Age to Christianity*² New York (1957) 236.

⁷ C. H. Gordon *JNES* 13 (1954) 56-59; *idem* *Introduction to Old Testament times* 102ff; *idem* *Biblical and other studies* 5-6.

the patriarchs themselves, must derive from a time when such practices were actually in use in the ancient Near East.

The third area affected by this whole discussion is perhaps the most important, namely the historical value of the patriarchal narratives. This matter is of course closely related to the question of date, for if the claimed parallels are genuine, then considerable weight must be attached to the view that the relevant sections of Genesis could not have arisen within certain groups in first millennium Israel, but originated at a period in the second millennium when these customs were practised. This conclusion in its turn implies that the patriarchal narratives as a whole may have a much greater reliability historically than was thought to be the case before the Nuzi texts were widely known.⁸

Until very recently, few dissenting voices have been raised against the views outlined above. Objections have generally been restricted to individual passages in the patriarchal narratives, rather than the nature of the relationship between Nuzi and the patriarchs,⁹ although more fundamental questions have been asked by the recent contributions of T. L. Thompson and J. van Seters.¹⁰

In fact, there are a number of difficulties with the prevailing view. To begin with, despite the publication of approximately 4000 cuneiform tablets from Nuzi, no more than a dozen are quoted with any regularity as being relevant to the background of the patriarchal narratives.¹¹ In practice, the situation is even more remarkable in that very few scholars mention more than

⁸ See eg., J. Bright, *op. cit.*, 78ff; E. A. Speiser *Biblical and other studies*, 15-28; W. F. Albright *The biblical period 5*; *idem Yahweh and the gods* 47; H. H. Rowley *The Servant of the Lord* 315.

⁹ M. Greenberg "Another look at Rachel's theft of the *teraphim*", *JBL* 81 (1962) 239-248; J. van Seters "The problem of childlessness in Near Eastern law and the patriarchs of Israel", *JBL* 87 (1968) 401-408; *idem* "Jacob's marriages and ancient Near Eastern customs", *HTR* 62 (1969) 377-395; C. J. Mullo Weir "The alleged Hurrian wife-sister motif in Genesis", *Transactions of the Glasgow University Oriental Society* 22 (1967/8) 14-25.

¹⁰ T. L. Thompson *The historicity of the patriarchal narratives* (BZAW 133) New York and Berlin (1974); J. van Seters *Abraham in history and tradition*, Cambridge (Mass.) (1975). The latter was published after the delivery of this lecture, and therefore has not been taken into account here.

¹¹ Nearly all the known texts from Nuzi and Arrapha have now been published. A complete list is available in M. Dietrich, etc. (ed.), *Nuzi-Bibliographie* (AOATS 11), Kevelaer (1972). See also G. Wilhelm *Untersuchungen zum Hurro-Akkadischen von Nuzi* (AOAT 9) Kevelaer (1970) 1-3; B. L. Eichler *Indenture at Nuzi*, Yale (1973) 5-6.

four or five Nuzi texts.¹² Measured against even the 300 Nuzi tablets relating to family law,¹³ these four or five can hardly be regarded as representative. Allowance must be made, it is true, for the fact that many of these texts have been published only as cuneiform copies, and are therefore inaccessible to many Old Testament scholars. Nevertheless, it is a fair assessment to say that the Nuzi texts selected for comparison with the patriarchal narratives have almost always been treated in isolation, while other tablets on the same subject, whether from Nuzi or elsewhere, have been largely ignored.¹⁴ This haphazard approach has actually prohibited rather than promoted any real comparison, which can only be brought about by a much more comprehensive treatment of the Nuzi material.

At the same time, one must recognize the severe limitations of those passages in Genesis 12-50 which describe particular customs. Details are often tantalisingly brief, sometimes permitting more than one interpretation, and the emotions and reactions of the participants are frequently passed over, so that it is rarely possible to obtain any overall picture. In view of these factors, it is especially important to make sure that any substantial reinterpretation of an Old Testament passage on the basis of extrabiblical evidence still has a sound basis in its biblical context.

¹² Texts which are frequently mentioned include E. Chiera *Harvard Semitic Series* 5 (1929) No. 67 (abbreviated as *HSS* 5 67), transliterated and translated by E. A. Speiser *AASOR* 10 (1928/9 pub. 1930) No. 2; *HSS* 5 69 (*AASOR* 10, No. 27); *HSS* 5 80 (*AASOR* 10, No. 26); E. A. Speiser *AASOR* 16 (1936), No. 56 (copy never published); R. H. Pfeiffer *HSS* 9 (1932), No. 34; and C. J. Gadd *RA* 23 (1926), No. 51 (abbreviated as Gadd 51).

¹³ See in particular, E. A. Speiser "New Kirkuk documents relating to family laws", *AASOR* 10 (1928/9 [pub.] 1930) 1-73; E. R. Lacheman, *Family law documents* (*HSS* 19) Harvard (1962) copies only. Some of the relevant texts are also given in transliteration and translation in a number of American doctoral dissertations of variable quality, and are available on microfilm. See for example, J. M. Breneman *Nuzi marriage tablets*, Ph.D. dissertation, Brandeis Univ. (1971); S. C. Stohlman *Real adoption at Nuzi*, Ph.D. dissertation, Univ. of Pennsylvania (1972); J. S. Paradise *Nuzi inheritance practices*, Ph.D. dissertation, Univ. of Pennsylvania (1972).

¹⁴ Thompson has certainly recognised this problem, but since he has confined himself to transliterated texts almost entirely, he has not realised the full extent of the material available from Nuzi. For instance, in his treatment of Gn. 15:1ff.; Thompson mentions only eleven real adoption contracts, which is admittedly an advance on the maximum of six texts usually considered (*HSS* 5 7; 60; 67; *HSS* 9 22; Gadd 51; and E. Chiera *Joint Expedition at Nuzi* 1 (1927), No. 59-abbreviated as *JEN* 59), but this is far short of the nearly fifty Nuzi texts on this subject.

A rather different aspect of the problem concerns the social context of the Nuzi texts themselves. It is no longer possible to describe Nuzi customs as 'Hurrian',¹⁵ simply on the basis that they show some divergence from better known Mesopotamian practices, and because there was considerable Hurrian influence at Nuzi. There is an increasing awareness that the similarities between Nuzi and other Mesopotamian text groups is in fact greater than was formerly supposed.¹⁶ The consequences of this for the interpretation of Genesis 12-50 is not insignificant. If an individual patriarchal custom can be definitely paralleled in Nuzi, unless that custom can be clearly shown to be Hurrian in origin, one must not be surprised to find similar cases in other cuneiform texts. Since some scholars have already suggested the existence of a number of parallel customs between the patriarchal narratives and cuneiform texts from various parts of the ancient Near East,¹⁷ the uniqueness of the relationship with Nuzi should be called seriously into question.

A further difficulty concerns the whole matter of the suitability of the Nuzi texts for the purpose of determining the date of the biblical patriarchs. Quite apart from the point already raised about the variety of dates for which Nuzi support has been enlisted, there is the further consideration that social customs cannot easily be employed for fixing precise dates. By their very nature, customs are often of long duration, and especially in the ancient Near East, certain practices can be traced through many centuries, though details may vary according to time and place.¹⁸ A custom can only be used legitimately as a chronological guide when it can be definitely

¹⁵ Compare, for example, the quotation from Bright on p. 114.

¹⁶ E. Cassin "L'influence babylonienne à Nuzi", *Journal of the economic and social history of the Orient* 5 (1962) 113-138; B. L. Eichler *op. cit.* 48ff; M. J. Selman *BSOAS* 37 (1974) 678.

¹⁷ C. J. Mullo Weir, in D. W. Thomas (ed.) *Archaeology and Old Testament study*, Oxford (1967) 73-86; R. Frankena *OTS* 17 (1972), 53-64; R. de Vaux *RB* 56 (1949) 19ff; T. L. Thompson *Historicity*, 269ff; J. van Seters *JBL* 87 (1968) 401-408; *idem HTR* 62 (1969), 377-395; J. J. Finkelstein *JAOS* 88 (1968) 30-36.

¹⁸ For example, an eldest son maintained a privileged position in Mesopotamia in texts which date from the end of the third millennium B.C. until the end of the Persian period, though there was some variation in the benefits received. See e.g., A. Falkenstein *Sumerische Götterlieder* I, Heidelberg (1959) 12, 39; J. Köhler and A. Ungnad *Hammurabis Gesetz* Leipzig (1909-1923) Nos. 65, 778, 782, 800-802; G. R. Driver and Sir J. C. Miles *The Assyrian laws* Oxford (1935) B I, 0 3; J. Köhler and A. Ungnad *Assyrische Rechtsurkunden* Leipzig (1913) Nos. 41: 6-8, 158:27, 163:20; J. N. Strassmaier *Inschriften von Darius* Leipzig (1897) No. 379.

confined to a particular period. Any individual Nuzi custom can therefore be employed as a means for dating the patriarchs if it can be demonstrated that either the custom itself or its particular form at Nuzi was characteristic of that period and of no other. In fact, the links between Nuzi and Mesopotamian customs of various periods make this possibility unlikely.

The confident conclusions of Speiser, Gordon, and others that a special relationship existed between the people of Nuzi and the patriarchs are therefore not so soundly supported as is generally supposed. Rather, it is now proposed as a result of detailed investigation of the family law documents of Nuzi and the relevant material in Genesis 12-50, that the claimed parallels fall into two main groups:

(a) Those customs where the suggested comparisons must be regarded as invalid, and

(b) Those customs for which parallels can be cited from various parts of the ancient Near East.

In addition, there remains a small group of customs and phrases which have so far appeared only in Genesis 12-50 and the Nuzi documents. Most of these instances, however, are concerned with minor matters, and in each case some degree of uncertainty exists. No clear instance exists of a custom which was restricted to the Nuzi texts and the patriarchal narratives. In the remainder of this lecture, examples to support these conclusions will be examined.

A. *Invalid parallels*

(i) Wife-sister marriage

The existence of a wife-sister type of marriage in the ancient world was first proposed in 1963 in a remarkable article by E. A. Speiser.¹⁹ He thought that in certain cases a woman could enjoy the special status of both wife and sister to the same man, her position as 'sister' being bestowed by adoption 'into sistership' (*ana aḥatūti*), in addition to an existing marriage relationship. According to Speiser, this form of marriage was characteristic of upper Hurrian classes. The evidence for it is somewhat limited, however, being confined to

¹⁹ E. A. Speiser "The wife-sister motif in the patriarchal narratives", in A. Altmann (ed.) *Biblical and other studies* Cambridge, Mass. (1963) 15-28.

three Nuzi tablets relating to a single family and a theory of P. Koschaker's concerning a marriage between a daughter of Suppiluliumas and one of the Hittite king's Hurrian vassals.²⁰ Speiser also claimed to find traces of this custom in three enigmatic incidents in the patriarchal narratives where Abraham and Isaac apparently pretended that Sarah and Rebekah were their sisters.²¹ In Speiser's view, in the original form of the tradition, the patriarchs were actually drawing attention to Sarah and Rebekah's privileged status of 'wife-sister'.

A large number of difficulties arise from this hypothesis. A major obstacle is that the marriage practices in the three Nuzi texts and the Hittite vassal treaty still remain problematical. According to the Nuzi marriage contract *HSS 5 80:1-23*, a certain Hurazzi took to wife one Beltakkadummi, whereas in *HSS 5 69*, he adopted the same woman as his sister. The third tablet, *HSS 5 25*, is a receipt for a sum of forty silver shekels, apparently the price of the sistership adoption in *HSS 5 69*, though it could equally well be connected with the marriage arrangements. No attempt is made in any of the three tablets to explain their relationship to each other, whether sociologically or chronologically. Whatever the real explanation of this situation, there is certainly no mention of any special status incorporating privileges for the wife or adopted sister. Nor is there any hint of such a status in any other Nuzi text, or even that the families involved in the three texts were of a higher or richer social class. One possible solution is that Hurazzi adopted Beltakkadummi in order to marry her himself, a situation almost identical to one envisaged in a daughtership adoption text (*JEN 432*). This solution would at least explain why the receipt (*HSS 5 25*) seems to refer to both contracts, since only one payment would be required in such circumstances, the adopter and husband being the same person. It also has the advantage that it involves known practices, and does not assume the existence of an otherwise unparalleled custom.²²

As for the treatment of Sarah and Rebekah before the kings of Egypt and of the Philistines, it is surely unwise to attempt an explanation on the basis of a situation for which the evidence

²⁰ *HSS 5 25; 69; 80*; P. Koschaker *ZA*, Neue Folge 7 (1933) 1-13.

²¹ Gn. 12:10-20; 20:1-18; 26:6-11.

²² For a similar explanation, see E. Cassin *L'Adoption à Nuzi* Paris (1938)

is so slight, and which is not yet fully comprehended. A detailed rebuttal of Speiser's theory has already been published by C. J. Mullo Weir,²³ but there are one or two points that might be appended to Mullo Weir's arguments. Speiser concluded that 'wife-sister' marriage was indicative of higher social status, and was possibly an internationally recognised custom.²⁴ This is in fact most unlikely, since even on the basis of Suppiliumas' vassal treaty, Speiser acknowledged that this supposed concept would have been distasteful to the Hittite king,²⁵ and there is no *a priori* reason why the Egyptian or Philistine kings should have been any more kindly disposed to the practice. Indeed, in all three biblical passages, it is clear that the patriarchs were most certainly not welcome once the women's position was fully made known. The account in Genesis 12 in particular emphasizes that as soon as the Pharaoh discovered Sarah's true identity as both Abraham's wife and sister, the patriarchal couple were expelled from the country.²⁶ Furthermore, the statement in Genesis 20:12 that Sarah was Abraham's half-sister contains no indication that any adoption might have been involved or that she thereby gained a special status. The theory of 'wife-sister' marriage thus lacks any real foundation in either the Nuzi texts or Genesis 12-50.²⁷

(ii) A Sistership adoption

A further development of Speiser's proposals on patriarchal marriage customs was that he regarded Genesis 24:53-61 as containing most of the elements of a Nuzi sistership adoption contract (*tuppi ahatūti*).²⁸ Out of the five main

²³ C. J. Mullo Weir "The alleged Hurrian wife-sister motif in Genesis", *Transactions of the Glasgow University Oriental Society* 22 (1967/8) 14-25; see also T. L. Thompson *Historicity* 234-248.

²⁴ *Biblical and other studies* 28.

²⁵ *Ibid.* 22.

²⁶ Gn. 12:17-20.

²⁷ A clue to the explanation of Abraham and Isaac's apparent deceptions seems to lie in their very real fear of death should the true identity of their wives be discovered (Gn. 12:12; 20:11; 26:7). On all three occasions, it was clearly thought preferable to take the risk of putting their wives in a potentially dangerous situation rather than face almost certain death themselves as husbands of women whom the king desired. That the patriarchs anticipated correctly the behaviour of the Egyptian and Philistine kings is supported by the action of the Israelite king David in committing murder rather than marry another man's wife (2 Sa. 11).

²⁸ E. A. Speiser *Biblical and other studies* 26-27; idem Genesis 180-1 81, 184-185.

clauses occurring in this type of contract, four are identified by Speiser in the biblical narrative. These are —(a) the names of the principals involved (verses 53, 55), (b) the classification of the transaction as ‘sistership’, since it was the girl's brother who took the responsibility (verses 53, 55), (c) details of the payments (verse 53), and (d) the girl's declaration of agreement (verse 57). Only a penalty clause is lacking, and the whole is described as a "reasonable facsimile of a standard Hurrian document".²⁹

The most remarkable feature of this reconstruction concerns none of these details, however. It is rather that Speiser has omitted any reference to the central purpose of Nuzi sistership adoptions, that the man who adopted a girl as his ‘sister’ could then give her in marriage, and thereby receive the marriage payment from her husband. For example, according to one sistership adoption contract (*HSS* 19 68), the girl's real brother who gave her into sistership adoption declared: "I give my sister A into sistership (*ana aḥatūti*) to T. son of I., and T. may give her in marriage as he wishes and will receive the money from her husband"³⁰ The expedition of Abraham's servant in Genesis 24, on the other hand, had a very different purpose. The servant had no intention of adopting Rebekah as his sister in order to give her to Isaac as a wife, as a strict comparison would require, or even of carrying out an adoption on behalf of either Isaac or Abraham. Nor can the prominent position of Laban, Rebekah's brother, be used as an argument for sistership adoption. Even in Nuzi, brothers could give their sisters into various kinds of adoptive relationships, including daughtership and daughter-in-lawship, as well as into marriage.³¹

Of the other details in Genesis 24, only the matter of Rebekah's consent (verse 57) is significant here, though again

²⁹ *Biblical and other studies* 27.

³⁰ *HSS* 19 68:2-6. Clauses of this kind occur altogether in seven sistership adoption contracts from Nuzi (*HSS* 19 67; 68; 69; 143; *JEN* 78; *AASOR* 16 54; and a tablet from the Yale collection (YBC 12) to be published by E. R. Lacheman (see J. M. Breneman, *Nuzi marriage tablets* 167)). Only two of these seven contracts (*HSS* 19 67 and *JEN* 78) are actually entitled ‘sistership adoption’, though another Nuzi contract bearing the same title (*HSS* 5 69) omits the clause relating to marriage. Speiser himself seems to have made use only of *HSS* 5 69 and *JEN* 78 in support of his views, so that his evidence is somewhat distorted. Cf. also T. L. Thompson *Historicity* 242, 232, 240, on the purpose of sistership adoption at Nuzi.

³¹ *HSS* 5 53; 79; 80; *HSS* 9 24; *HSS* 14 543; *HSS* 19 19; 84; 87; 100; *JEN* 429; 437; 441; 596; *AASOR* 16 23; 55. Incidentally, this factor removes all support for the presence of fraternal elements in Gn 24.

no real comparison is possible. Rebekah's affirmation, "I will go", can hardly refer to her consenting to marriage with Isaac, since the marriage had already been agreed by her father and brother (verses 50-51), a decision in which Rebekah did not participate. The finality of this agreement between Abraham's servant and Rebekah's family is indicated by the subsequent behaviour of Abraham's servant. By making preparations for his return to Canaan, he had obviously concluded that the purpose of his mission was achieved (verses 52-54). The only decision required of Rebekah was whether she would leave for Canaan immediately or delay for a few days. In any case, even in the Nuzi sistership adoptions, the contract did not depend on the girl's consent. In those sistership adoptions where a statement by the girl occurs, Speiser consistently translated the relevant phrase (*ina ramānīya*) as "with my consent".³² The usual function of *ramānu*, however, is as a reflexive pronoun, while consent is generally expressed in Akkadian texts, including those from Nuzi, by a phrase such as *ina migrāti*.³³ In those cases, therefore, where a man gave sister into sistership adoption, her statement is to be understood simply as an acknowledgement of a *fait accompli*.³⁴

(iii) The Jacob/Laban narratives

Genesis 29-31 has probably been the most fertile area in the Old Testament for those who have sought to find comparison with the Nuzi documents. Altogether three separate aspects of Jacob's relationship with Laban are thought to be paralleled by Nuzi customs, though the proposals are largely based on a single tablet (Gadd 51). The suggested parallels include Jacob's adoption by Laban, the classification of Jacob's marriages within the type known as *errēbu*-marriages, and the theft of Laban's *terāphim* as Rachel's attempt to obtain for Jacob either her father's inheritance or leadership in his family.³⁵ The incident concerning the *terāphim* in particular has been described as "Perhaps the most outstanding example of an exclusively Hurrian custom which the patriarchal

³² Eg., *AASOR* 10 p 61 (*HSS* 5 25:14); *AASOR* 16 p 106 (*AASOR* 16 55:17).

³³ W. von Soden *Akkadisches Handwörterbuch* Wiesbaden (1965ff.) 651; *JEN* 404:2; 569:2.

³⁴ *HSS* 5 79; *HSS* 19 68; 69; 82; *JEN* 78.

³⁵ See for example, the works quoted on pp. 114-5, n. 4.

account records, but which becomes incomprehensible later on in Canaanite surroundings."³⁶

Since it was first suggested that there might be a connection between the inheritance of household gods by a real son in preference to an adopted son in Gadd 51 and the theft of Laban's *terāphîm*,³⁷ further Nuzi texts mentioning household gods have become available. Eleven separate references are now known, and in nine of them, the gods were given as part of an inheritance.³⁸ In each of these nine texts, heirs also participated in the division who did not receive the gods, which were normally granted to the eldest son, so that possession of such gods clearly did not represent an automatic claim to an inheritance.³⁹ Since a just claim to an inheritance in any case depended on its proper bequeathal and not simply on possession of the family images,⁴⁰ it is hard to see what benefits Jacob could have gained from Laban's estate by his wife's theft. Furthermore, Jacob's desire to put as great a distance as possible between himself and Laban does not betray any great interest on Jacob's part in his father-in-law's property. He made no secret of his frequently expressed desire to return to Canaan.⁴¹ Finally, Jacob was probably not Laban's heir at all, since his wealth was gained from wages paid him by Laban.⁴²

The existence of *errēbu*-marriage in the ancient Near East is very doubtful. The only possible occurrences are to be found in the use of the verb *erēbu* ("to enter") in some Assyrian laws referring to a husband 'visiting' his wife who remained in her father's house,⁴³ and in an emended reference in the Old Babylonian lexical list *ana ittišu*.⁴⁴ The abstract form *errēbūtu*

³⁶ E. A. Speiser *Biblical and other studies* 24, n. 40.

³⁷ S. Smith *RA* 23 (1926) p. 127.

³⁸ Gadd 5; 51; *HSS* 14 108; *HSS* 19 4; 5; 7; *JEN* 89; 216; and an unpublished text mentioned by E. R. Lacheman in H. A. Hoffner (ed.) *Orient and Occident* (*AOAT* 22) Kevelaer (1973), 100.

³⁹ Cf. eg., J. Bright *History* 78; A. E. Draffkorn *JBL* 76 (1957) 217ff; D. Kidner *Genesis* London (1967) 165; R. de Vaux *RB* 72 (1965) 24-25.

⁴⁰ M. Greenberg, "Another look at Rachel's theft of the *terāphîm*" *JBL* 81 (1962) 239-248; cf. R. Frankena *OTS* 17 (1972) 56; H. Vorländer *Mein Gott* (*AOAT* 23) Kevelaer (1975) 178.

⁴¹ Gn. 30:25ff; 31:3ff; 32:3ff.

⁴² Gn. 31:1-9.

⁴³ G. R. Driver and J. C. Miles *The Assyrian laws* Oxford (1935) §§25-27, 30, 32-33, 36, 38.

⁴⁴ B. Landsberger *Die Serie ana ittišu (Materialen zum sumerisches Lexikon, I)* Rome (1937) 3:iv:17. For an interpretation of the original reading *nērebūtu*, see J. van Seters *HTR* 62 (1969) 381ff., and especially the note by W. Moran on pp. 382-383.

does not actually occur on any cuneiform tablet. The Assyrian references are restricted to various verbal forms, while *ana ittišu* actually contains the form *nērebūtu*, which is used in connection with the expulsion of a disobedient adoptee. *Ana ittišu* does go on to refer to the reinstatement and marriage of this adoptee to his adopter's daughter,⁴⁵ a custom paralleled in Gadd 51 and four other Nuzi texts,⁴⁶ but this is nowhere described as an *errēbu* marriage. Though the word *errēbu* does in other tablets, it is never used of a type of marriage, or of a special kind of husband.⁴⁷

Neither *ana ittišu* nor the Assyrian laws seem to have any relevance to Genesis 29-31. There is no evidence that Jacob only visited his wives in Laban's house, nor of Laban adopting him in order to marry him to Leah or Rachel. The fact of Jacob's residence in Laban's household⁴⁸ could be explained on the basis of either their uncle-nephew or employer-employee relationship.

B. *Wider parallels*

(i) Eliezer's 'adoption'

The position of Abraham's servant Eliezer in Genesis 15 is remarkable, in that he is described as Abraham's heir even though he was not a blood relative of the family.⁴⁹ Since in cuneiform texts generally, the only way an outsider could inherit was by adoption into the family, it is often assumed that Abraham had previously adopted Eliezer as son and heir. Benefits accrued to both parties in such circumstances. The adopter gained a son who would provide for him in his old age, and who at his death would ensure proper burial and

⁴⁵ B. Landsberger *Ana ittišu* 3:iv:26ff.

⁴⁶ In addition to Gadd 51, this practice appears in *HSS* 19 2:33f; 49:18ff; 51; and probably in *HSS* 5 67. though the wife's identity in this last text is not entirely clear. There are also nine further Nuzi texts where the adopter arranged the adoptee's marriage, though not apparently for his own daughter (*HSS* 5 57; *HSS* 19 37; 39; 40; 45; 47; 52; 106; *JEN* 572),

⁴⁷ All the references to *errēbu* may be translated in the sense of "usurper, intruder" (see A. L. Oppenheim *Chicago Assyrian Dictionary* E 304; W. von Soden *Akkadisches Handwörterbuch* 243).

⁴⁸ Though compare Gn. 30:30. where Jacob's mention of his own household Perhaps indicates that he lived separately from Laban.

⁴⁹ Gn. 15:2-3. For the more important proposals for improving the MT of v. 2, see M. Weippert *Bib* 52 (1971) 420-421, n. 1; H. L. Ginsberg *BASOR* 200 (1970) 31-32.

mourning rites, while the adoptee received an inheritance in return.⁵⁰ There are some indications that these two essential elements of cuneiform real adoption contracts, the performance of certain duties by the adoptee and the granting of an inheritance by the adopter, can be traced in the narratives concerning Eliezer. Abraham's assertion, "My household slave is my heir",⁵¹ leaves no doubt as to Eliezer's status as heir, but the existence of the second element is not quite so obvious. If Abraham's servant in Genesis 24 is to be identified with Eliezer, then his being given charge of all his master's possessions (Gn. 24:2) implies that he also carried out his responsibilities towards Abraham satisfactorily. Even if this identification is unacceptable, however, it is unlikely in any case that Abraham would have endowed such a privilege on an untrustworthy servant. The lack of any commendatory reference in Genesis 15 to Eliezer's behaviour cannot be used as an argument against his adoption, since the account is a narrative, not a legal contract.

There is nevertheless, one important difficulty in the way of Eliezer's adoption. In the cuneiform adoption tests, an adopted son always retained his inheritance claim even if the adopter subsequently had sons of his own, whereas after the birth of Isaac, Eliezer seems to have enjoyed no such right. Abraham gave "all that he had" to Isaac, and even his concubines' sons received "gifts", but Eliezer is not even mentioned in the account of the division of Abraham's estate (Gn. 25:5-6). Again, the more imprecise character of the narrative form as compared with legal texts means that no final conclusion can be based on the omission of Eliezer's actually taken up his inheritance, but it does keep open the possibility of alternative explanations of Eliezer's status as heir. It may be that this incident simply illustrates the extent of Abraham's *patria potestas*, or perhaps it amounted to an application of the principle enunciated in Proverbs 17:2 — "a slave who acts

⁵⁰ For Nuzi, see for example, E. Cassin *L'Adoption à Nuzi* 275ff; Similar examples can be found in Babylonian and Assyrian texts of various periods, e.g., M. Schorr *Urkunden des altbabylonischen Zivil- und Prozessrechts*, Leipzig (1913) Nos. 8-22; B. Landsberger *Die Serie ana ittišu* 3:iii:21ff and 7:iii: 23-45; E. Ebeling, *Keilschrifttexte aus juristischen Inhalts* Leipzig (1927) Nos. 1-4, 6; J. Köhler and A. Ungnad *Assyrische Rechtsurkunden*, Leipzig (1913) No. 41; cf. also A. Falkenstein *Die Neusumerischen Gerichtsurkunden* I, Munich (1956) 110-111.

⁵¹ Gn. 15:3.

wisely will rule over a son who causes shame, and will share (lit. divide) an inheritance with the brothers". In either case, a theory of adoption is not absolutely necessary.

In spite of these considerations, Eliezer's adoption cannot be ruled out. The adoption of a 'slave' was not impossible since it occurs in two or possibly three Nuzi texts,⁵² while there are also six Nuzi tablets where the adopter was himself a slave (*ardu*).⁵³ It is clear that some of these 'slaves' were men of wealth and authority, and one was even a royal official,⁵⁴ so that the ascription 'slave' could sometimes refer to one's relationship to a higher official and not to social status. The use of the word 'servant/slave' (*ʿbd*) for Eliezer⁵⁵ should probably be interpreted similarly, since Abraham gave considerable responsibility to his most trusted employees.⁵⁶

Furthermore, the real adoption of slaves was not confined to Nuzi. Two examples from the Old Babylonian period and one from the Neo-Babylonian era in Mesopotamia are known of this precise custom.⁵⁷ The most significant reference, however, occurs in an Old Babylonian letter, which contains the following statement — "[T] his [judgment] has never been delivered in Larsa. A father does not adopt his slave if he has sons".⁵⁸ The clear implication of the letter is that a man in Larsa, without sons of his own, could adopt his own slave. It is this emphasis on the adoption of one's own slave which is lacking in the Nuzi material, but which shows the close relationship between the Old Babylonian letter and Genesis 15.

(ii) A barren wife's slavegirl

A childless couple in the ancient Near East had several alternative solutions open to them for providing an answer to

⁵² *HSS* 9 22; *HSS* 19 16; *JEN* 595. Only the first of these has received any attention from those interested in parallels with the patriarchs.

⁵³ *HSS* 5 66; *HSS* 19 43; 89; *Gadd* 9; *JEN* 465; 572.

⁵⁴ Paitešup, the adoptee in *HSS* 9 22, who acted as an "administrator" (*šellin tānu*) under a high-ranking official (*HSS* 9 29:15; 68:15; cf. 150:rev.1), and a landowner who functioned as both creditor and guarantor (*HSS* 9 19, 20, 30, 68, and *SMN* 1592 = B. L. Eichler *Indenture*, No. 9). ss Gn. 15:3.

⁵⁶ Compare Gn. 24:2.

⁵⁷ J. Köhler and A. Ungnad *Hammurabis Gesetze* Nos. 22, 23 (cf. M. David *Die Adoption im altbabylonischen Recht* Leipzig (1927), 68, n. 10 and 86, n.28); 5. Köhler and F. E. Peiser *Aus dem babylonischen Rechtsleben* IV, Leipzig (1898) 13-14.

⁵⁸ M. David in *Symbolae biblicae et mesopotamicae F. M. T. de Liagre Böhl dedicatae* Leiden (1973) 91-92.

their particular problem. They could adopt a son, the husband could marry a second wife or attempt to obtain a son through union with his concubine, or his wife could provide him with a slavegirl. These solutions are found in texts from many periods and places, though the only site where all four are known at present is Nuzi. The last of the four also appears in the patriarchal narratives in connection with the barrenness of Sarah, Rachel, and Leah,⁵⁹ and has sometimes been compared with the Nuzi adoption text *HSS 5 67*. This contract contains a clause that if the wife provided by the adopter for his adopted son proved to be barren, the wife was to give a Nullu woman (*i.e.* a slavegirl) to her husband, but the first wife would exercise authority⁶⁰ over any children born to the slavegirl. The Nuzi tablet apparently supplies a good parallel to the patriarchal narratives, since the three elements of barrenness as the cause, the wife's initiative in supplying her slavegirl, and the authority of the wife over the children occur in both contexts.⁶¹

Two important factors need to be borne in mind at this stage. The first is that there are examples of the same practice in cuneiform texts outside Nuzi. The case of the *nadītu*-priestess who was not allowed to have her own children, mentioned in the laws of Hammurapi, provides an illustration which fits exactly into the pattern, even though it is a restricted application of the same principle.⁶² According to § 163 of the same law collection, the same provision appears to have applied also to ordinary wives, while another Old Babylonian contract referring to a girl who acted as a slave for the wife and a concubine for the husband may provide a further example.⁶³ Finally the inclusion of a female slave in a dowery, mentioned in three Old Babylonian marriage contracts and in Genesis 24:59, 61, is probably also related to this practice.

The second note of caution arises out of the fact that *HSS 5 67* is the sole example of this custom in Nuzi. This particular tablet must be set alongside five Nuzi marriage contracts in which a husband was allowed to marry a second wife if the

⁵⁹ Gn. 16:1-4; 30:1-13.

⁶⁰ For this aspect, see below, p. 133.

⁶¹ Gn. 16:2; 30:1-4, 9. For the authority exercised by the patriarchs' wives, see below, p. 133.

⁶² The laws of Hammurapi, §144.

⁶³ M. Schorr *op. cit.* No. 77.

first was barren,⁶⁴ and four where it is clearly implied that he could raise up offspring through his concubine in similar circumstances.⁶⁵

Taken together, these two factors require us to see their particular patriarchal custom in a wider context. The practice seems to have been rare in Nuzi, and though it was also known in Babylonia in the Old Babylonian period, different solutions to the problem of barrenness were more frequently employed.

A brief word may be included here concerning van Seters' suggestion that the Nimrud tablet ND 2307 of the late 7th century BC is a closer parallel to the patriarchal narratives than HSS 5 67.⁶⁶ His theory makes use of several details in this Neo-Assyrian marriage contracts but further examination shows that it is not well supported by the facts. The basic difficulty is that the custom described in ND 2307 is essentially different from that mentioned in Genesis and HSS 5 67, in that it was not the wife who presented her own slavegirl to the husband in Nimrud, but the husband who took his slavegirl. Though the Neo-Assyrian concept is of course closely related, it lacks the vital ingredient of the wife taking the initiative. In any case, in ND 2307 the slavegirl does not appear to have belonged to the barren wife at all. A further point concerns van Seters' assertion that in the Nimrud tablet, the slavegirl's sons were specifically stated to be the wife's sons also. No such statement occurs in the contract in fact, since the relevant passage is partly damaged and its sense cannot be fully recovered. It is thus clear that the first millennium text less relevance for the patriarchal narratives than *HSS* 5 67.^{66a}

⁶⁴ *HSS* 5 80:1-23; *HSS* 19 78; 84; Gadd 12; and an unpublished Nuzi text in British Museum.

⁶⁵ *HSS* 9 24; *HSS* 19 85; *JEN* 435; and the unpublished text mentioned in the previous note.

⁶⁶ J. van Seters "The problem of childlessness in Near Eastern law and the patriarchs of Israel" *JBL* 87 (1969) 401-408.

^{66a} The Nimrud tablet ND 2307 has recently been collated by Postgate and a new translation published in his *Fifty Neo-Assyrian legal documents*, Warminster (1976) 103-107. Two important changes emerge in Postgate's revised reading in comparison with the original publication (*Iraq* 16 (1954) 37-39, 55), on which observations above were based: (a) it was the wife who acquired the slavegirl in the event of a barren marriage, and (b) it is fairly clear, though not absolutely so, that the slavegirl's sons were reckoned to the wife. Although ND 2307 therefore clearly describes the same basic custom as the second millennium cuneiform texts and the patriarchal narratives, it does not support van Seters' contention

(iii) A second wife

When Jacob and Laban made a covenant together in the hill country of Gilead, one of the conditions was that Jacob should marry no-one apart from Laban's two daughters.⁶⁷ This demand by Laban was considered by Gordon to be directly comparable with a similar clause in the adoption contract Gadd 51, and he used the comparison as an argument in favour of Jacob's adoption.⁶⁸ The suggested parallel is indeed a genuine one, but it does not possess quite the significance attached to it by Gordon. In the first place, this restriction was not confined to one Nuzi text. A similar prohibition is found in marriage contracts from many parts of the ancient Near East from the Old Assyrian period onwards, including several references in Nuzi, and was a means of protection for the status of the wife to be.⁶⁹ In the context of the patriarchal narratives, however, this restriction does not appear in a marriage contract at all, since Jacob had already been married to Leah for thirteen years and to Rachel for six.⁷⁰ Its importance as a parallel is thus somewhat diminished, though it retains some relevance in that as part of a formal agreement between Jacob and Laban, it seems to have retained its legal character among the patriarchs.

(iv) Birth on the knees

The practice of giving birth on someone's knees, mentioned twice in Genesis 12-50,⁷¹ is sometimes thought to provide evidence for adoption among the patriarchs.⁷² The custom

that it provides a better parallel to Genesis than *HSS 5 67*. No new parallel to the biblical material is added by the Neo-Assyrian text. In fact, it simply illustrates again the long continuity of ancient Near Eastern customs, and it certainly does not favour a first rather than a second millennium date for this particular section of the patriarchal narratives, as van Seters proposed.

⁶⁷ Gn. 31:50.

⁶⁸ C. H. Gordon *BASOR* 66 (1937) 25-27.

⁶⁹ Eg., J. Lewy *HUCA* 27 (1956) 6-10; D. J. Wiseman *The Alalakh tablets* London (1953) Nos. 91-94; B. Parker *Iraq* 16 (1954), 37-39; J. Köhler and F. E. Peiser *Aus dem babylonischen Rechtsleben I* Leipzig (1890) 7.

⁷⁰ Gn. 29:18-23; 31:38, 41.

⁷¹ Gn. 30:3; 50:23. Compare also Gn. 48:12, where Jacob removes his two grandsons/adopted sons from his knees prior to bestowing his blessing.

⁷² Largely following the work of Stade, (*ZAW* 6 (1888) 143-156), whose arguments were partly based on parallels from Homeric Greece, Old Germany, and the modern Bedouin.

does not appear in Nuzi, but it does occur in two Hurrian tales, the Ullikumish myth⁷³ and the Appush myth. A most interesting passage in the latter text, describing the birth of Appush's son, reads as follows, "The nurse lifted up the boy and set him on Appush' knees. Appush began to amuse the boy and to dandle him. To him he gave the 'sweet' name of Idalush".⁷⁴ The concept involved here is not that of adoption. Rather, the ideas associated with the placing of the child on its father's knees are those of giving birth, naming the child, welcome by the family, and fondling by the parents. It is significant that all these associations are found in the Old Testament, including the two references in the patriarchal narratives.⁷⁵ In addition, the words of a recurring Neo-Assyrian blessing, "May the king, my lord, lift his grandsons upon his knees",⁷⁶ are strongly reminiscent of the reception by Jacob and Joseph of their own grandsons and greatgrandsons on their knees.⁷⁷ In view of these parallels, and the lack of any clear reference to adoption in the patriarchal references, it seems better to see this custom as one connected primarily with birth and the welcome of a child into its family by the head of the family.

C Parallels so far restricted to Genesis and Nuzi

These parallels comprise only a small group, and a complete list of examples follows here. All of them concern points of contact of secondary importance, and it is possible that the very existence of this group should be explained by nothing more than an accident of discovery.

(i) "to eat money" (*'kl ksp*)

One of the accusations brought by Leah and Rachel against their father was that he had "eaten" or "consumed" their money (*wy'kl gm 'kl kspn*).⁷⁸ This unusual

⁷³ H. A. Hoffner *JNES* 27 (1968) 201, n. 27.

⁷⁴ Translation by H. A. Hoffner, *loc. cit.* 199; text in A. Walther *Keilschriftturkunden aus Boghazköi* 24, Berlin (1930) No. 8.

⁷⁵ Birth is mentioned in Gn. 30:3 and Jb. 3:11-12, naming of a child in Gn. 30:3, welcome by a senior member of the family in Gn. 48:12 and 50:23, and fondling by a parent in Is. 66:12.

⁷⁶ S. Parpola *Letters from Assyrian scholars* (AOAT 5/1) Kevelaer (1970) No. 72:r.1 2-15; 186:16-17; cf. 187:2'-3'; R. Harper *Assyrian and Babylonian letters* London 1892-1914 No. 178:r.5.

⁷⁷ Gn. 48:12; 50:23.

⁷⁸ Gn. 31:15.

phrase has been interpreted in various ways, including a suggestion by Gordon that it refers to enjoying the 'usufruct' of certain goods or money, on the basis of a similar phrase in some Nuzi texts (*kaspa akālu*).⁷⁹ Gordon regarded the *kaspu/* in all the references as another term for a dowry, supposing that this was kept in trust by the bride's father in case of widowhood or divorce, but that he could enjoy any income from it while it remained in his possession. The main difficulty of this theory for comparative purposes was that while the practice was clearly condemned in Genesis, in the Nuzi tablets there was no such criticism.⁸⁰

As far as the patriarchal narratives are concerned, Gordon's suggestion that the 'money' represented a dowry is probably correct. The two girls clearly expected to receive a gift from Laban in connection with their marriage, but he had withheld it from them unexpectedly. In Nuzi, the phrase occurs five times, mainly in adoption contracts,⁸¹ and in every case refers to money which was to be paid by a girl's future husband to the person now adopting her. In some texts, part of the money was to be paid to her original guardian as well. For example, in one sistership adoption text, the adopted girl states, "A. [the adopting brother] shall receive and 'consume' (*ikkal*) twenty silver shekels from my husband, and my brother E. [now giving her in adoption to A.] shall (also) 'consume' (*ikkal*) twenty silver shekels".⁸² A significant feature of all five texts is that provision is never made for a dowry. It is possible, therefore, that instead of the adoptive guardian giving his adoptee a dowry, a sum which was usually deducted from the groom's payment, in these five cases the adoptive guardian kept all the money himself. The reprehensible nature of such behaviour would of course receive no mention in a legal contract. This explanation would account for the use of the verb *'kl*, which in both Hebrew and Akkadian means to "eat, consume", that is, take the whole sum, rather than just enjoy the income. It also means that

⁷⁹ C. H. Gordon *RB* 44 (1935) 36. Compare RSV, "he has been using up the money given for us".

⁸⁰ M. Burrows *JAOS* 57 (1937) 269; R. T. O'Callaghan *CBQ* 6 (1944) 403; T. L. Thompson *Historicity* 274.

⁸¹ *HSS* 5 11; 26; *HSS* 13 15; Gadd 35; G. Contenau *Textes cunéiformes du Louvre* 9 Paris (1926) No. 7.

⁸² *HSS* 5 26;13-16.

the phrase can be interpreted consistently in both Nuzi and the patriarchal narratives.

(ii) A wife's authority over her slavegirl's children

It is doubtful whether this practice should be included here, since as already indicated, it belongs to the custom of a barren wife giving her slavegirl to her husband for the purpose of raising children.⁸³ The custom as a whole was known outside Nuzi,⁸⁴ but this particular aspect has been found so far only in *HSS* 5 67, apart from in Genesis 12-50. Presumably, similar clauses will eventually appear in other texts in the future. According to *HSS* 5 67, a first wife would exercise authority (*uwâr*) over any children born from the union of her husband and her slavegirl.⁸⁵ Evidence for the exercise of authority by the patriarchs' wives over the children born to their slavegirls is based on two details. The first is that the patriarchs' wives were responsible for the naming of these offspring.⁸⁶ The second concerns the strange expression which translated literally means "I shall be built up" (*'ibbāneh*) — Gn. 16:2, 30:3). The use of this idiom suggests that Sarah and Rachel considered that the children born in this way would be reckoned to them rather than to their real mothers.

(iii) Oral statements

In a special study of the background of Isaac's blessing in Genesis 27, Speiser argued that this chapter, together with three Nuzi texts,⁸⁷ showed that both at Nuzi and among the patriarchal clans, a final oral disposition by the head of a household had solid legal standing.⁸⁸ Furthermore, through such oral statements, an 'eldest' son could be appointed, who would thus enjoy the privileges accompanying such status, as in *HSS* 5 48.

In point of fact, this theory requires considerable modifi-

⁸³ See above, pp. 127ff. See also the revised reading of ND 2307 (p. 129, n. 66a), which probably gives another reference to a wife's responsibility for her slave-girl's children.

⁸⁴ See above, p. 128.

⁸⁵ For this reading, see E. A. Speiser *Genesis* 121.

⁸⁶ 30:6-8, 10-13.

⁸⁷ *HSS* 5 48; *HSS* 9 34; *AASOR* 16 56.

⁸⁸ E. A. Speiser "I know not the day of my death" *JBL* 74 (1955) 252-256.

cation. None of the Nuzi tablets, or Genesis 27 for that matter, are oral wills, as Speiser suggested, and there is no evidence at Nuzi for arbitrary determination of birthright. Nor have any of the three Nuzi texts anything to do with paternal blessings, which is the real subject matter of Genesis 27. *HSS* 5 48 is concerned with oral evidence obtained from the bedside of a sick witness in the presence of eight court officials. The witness was requested by the court to identify his eldest son, but this was not the occasion of the appointing of his chief heir. The inheritance of the son mentioned in *HSS* 5 48 had been settled previously, when the man who was now an invalid had adopted this heir because he was without sons of his own.⁸⁹ The second tablet, *AASOR* 16 56, concerns the legal validity of an oral statement made by a father about the arrangements for his youngest son's marriage. The interest of this text is that as the original oral statement was delivered, the father grasped his youngest son's hand, an action clearly regarded as being legally significant. *HSS* 9 34, the third text quoted by Speiser, contains three statements about the tenancy of or responsibility for a particular area of land. The tablet should probably be treated as a written record of the statements, of the same kind as those introduced by the term *lišānu* ("disposition").⁹⁰ The preservation of the three statements in this document does not seem to have been left to oral transmission.

The only real point of contact between these texts and the patriarchal narratives concerns the use of oral statements in ancient law. It is noteworthy that in *HSS* 5 48 and *AASOR* 16 56 on the one hand, and Genesis 27 and 48 on the other, certain legal safeguards always accompanied statements of this kind. A total of four of these actions or rituals, intended to authenticate the spoken word, are mentioned, though two of them are closely related. The grasping of the hand in *AASOR* 16 56 is reminiscent of the way in which Jacob laid his hands on Ephraim and Manasseh in pronouncing a blessing upon them (Gn. 48). Although the two actions are not identical, the position of one's hands could clearly be an important consideration when accompanying an oral statement, and according to the Nuzi text, was worthy of mention in a sub-

⁸⁹ *HSS* 5 67.

⁹⁰ For examples, see F. Cassia *L'Adoption, passim*.

sequent lawsuit.⁹¹ A kiss also appears to have had a legal function on certain occasions among the patriarchal clans. Both Isaac and Jacob preceded the granting of their final blessing by kissing the person who was to receive the blessing. An incidental act of this kind would hardly be mentioned if it were not regarded as significant.⁹² Finally, the presence of witnesses at the time when the original statement was made in *HSS 5 48*, Provides further evidence that legal validity of oral arrangements depended on the observance of certain accepted procedures, and was by no means an arbitrary process.

Conclusion

One important conclusion of our investigation is that no special relationship exists between the Nuzi tablets and the patriarchal narratives. If this indicates that the results are largely negative, then it must be recognised that an approach of this kind is sometimes a necessary preparation for real progress. To identify a false trail can be an essential task before the correct path is to be made clear. Thus, our quest for an understanding of the social background of Genesis 12-50 must be turned away from a single avenue of investigation, which is now seen to be less profitable than it once seemed, towards a much wider area altogether. To concentrate on Nuzi as the key to the original context of the patriarchal way of life is to overlook the equal if not greater value of material from a variety of ancient Near Eastern sites. Second- therefore, it is vital to take into account evidence from Syria, Babylonia, Assyria, and even further afield. It is now possible to compare related practices in different periods and places, as for example in the various alternatives to marrying a second wife when the first proved barren. Individual customs in Genesis 12-50 do not have to be compared with information based on an isolated cuneiform tablet, and it is becoming increasingly important to examine each practice in its fullest possible context.

The word of caution expressed earlier concerning the value of social customs as a means of dating the patriarchs also needs to be underlined. None of the customs discussed here

⁹¹ Gn. 27:21 is not significant in this context, since it is concerned with the special problem of Isaac's almost complete blindness (*cf.* E. A. Speiser *loc. cit.* 254 n. 10).

⁹² Gn. 27:6-7;48-10.

are sufficiently precise chronologically for dating purposes, and this applies equally to attempts to set the patriarchal period against the background of the first millennium as well as the second millennium BC. In the present state of our knowledge, it is perhaps sufficient to draw attention to two matters. At the moment, the large majority of relevant social parallels derive from second millennium sources, though it is important to add that much less is known about comparable customs from the first millennium BC in Mesopotamia and Syria. Secondly, the patriarchal customs discussed in sections B and C were quite at home in Mesopotamian culture of the second millennium, whereas some of them, such as the provision of a slavegirl by a barren wife for her husband, are unknown in Israel and Judah in the first millennium BC. Presumably the traditions in Genesis 12-50 containing references to these customs had a thorough acquaintance with a Mesopotamian way of life, since knowledge of this kind can only be gained through sustained rather than occasional contact. No opportunity for a long term acquaintance of this nature existed in pre-exilic Israel in the first millennium BC, so that the second millennium appears to provide the only adequate alternative. The most likely period would be when the Abrahamic clans moved freely about the Near East, when the consciousness of their Mesopotamian origins was something that belonged to the comparatively recent past, though the chronological limits cannot be fixed by data based on customary law alone.

Finally, the background of the Nuzi texts themselves requires some reinterpretation. It is clear that most of the Nuzi material considered here fits well into a Mesopotamian context, indicating that Nuzi practices cannot be treated automatically as Hurrian. There is of course considerable evidence of Hurrian influence at Nuzi, as in the personal names, technical terms, scribal traditions, and probably in the prevalence of 'sale-adoptions', but the distribution of Hurrian and Mesopotamian elements in the structure of Nuzi society is no superficial task. It appears that, like many outsiders who settled in ancient Mesopotamia, the Hurrians of the Nuzi area adopted Mesopotamian practices to a considerable extent.