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THE COVENANT OF GRANT IN THE OLD TESTAMENT AND IN THE ANCIENT NEAR EAST

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Two types of covenants occur in the Old Testament: the obligatory type reflected in the Sinai covenant and the promissory type reflected in the covenants with Abraham and David. It has been recently shown that the covenant between Yahweh and Israel was based on the treaty pattern prevalent in the ancient Near East, but no judicial prototype has been as yet found for the promissory type of the covenant. The author shows that the covenants with Abraham and with David are modelled on the "royal grant" so common in the ancient Near East. Gift of land and dynasty, the subjects of the Abrahamic and Davidic covenants, are most prominent in the suzerain-vassal relationship. Like the royal grant in the ancient Near East so the covenants with Abraham and David are gifts bestowed upon individuals who excelled in serving loyally their masters. The terminology used in this context is very close to that used in the grants. Especially characteristic are: "he kept my charge," "walked before me in truth," "his heart was whole to his master," "walked in perfection."

TWO TYPES OF COVENANTS are found in the Old Testament: the obligatory type reflected in the Covenant of God with Israel and the promissory type reflected in the Abrahamic and Davidic covenants.¹ The nature of the covenant of God with Israel has been thoroughly investigated and recently clarified by a comparison with the treaty formulations in the ancient Near East.² The nature of the Abrahamic-Davidic covenant however is still vague and needs clarification. The present study suggests a new way of understanding the character of the Abrahamic-Davidic covenants and this by means of a typological and functional comparison with the grant formulae in the Ancient Near East.³

¹ See e.g. most recently: R. E. Clements, *Abraham and David*, Studies in Biblical Theology, Second series No. 5, 1967. Cf. also N. Lohfink, *Die Landverheissung als Eid*, Stuttgarter Bibelstudien 28, 1967; F. C. Fensham, "Covenant, Promise and Expectation in the Bible," *Theol. Zeitschr.* 23 (1967) pp. 305-322.

² Cf. G. Mendenhall, "Covenant Forms in Israelite Tradition", *Bibl. Archaeol.* 17 (1954) pp. 50ff.; K. Baltzer, *Das Bundesformular*, Wissenschaftliche Monographien zum Alten und Neuen Testament, No. 4, 1964 (sec. ed.); D. J. McCarthy, *Treaty and Covenant*, *Analecta Biblica* 21, 1963.; M. Weinfeld, *Deuteronomy and the Deuteronomical School*, Clarendon Press, Oxford (in press).

³ A. Poebel (*Das oppositionell bestimmte Pronomen der 1 Pers. Sing. in den Westsemitischen Inschriften und im*

Two types of official judicial documents had been diffused in the Mesopotamian cultural sphere from the middle of the second millen-

A.T., Assyriol. Studies No. 3, Oriental Institute-Chicago, 1932) already suggested that the promise to the Patriarchs bears the character of an oral "Belehnungsurkunde." His suggestion was based on the syntactical function of the phrase "I am the Lord" preceding the promise of the Land. According to his view, the phrase "I am the Lord" is a typical opening phrase of royal documents in the ancient Near East which has to be connected with the following and to be understood as: "I am the one who did so and so etc." and not "I am the Lord" as an independent phrase of self-introduction. This assumption, which seems to be correct, is not sufficient to bear out the thesis about the identity of the Abrahamic-Davidic covenant with the grant. We must, however, give credit to Poebel for his penetrating glance into the nature of the covenant in Israel which, although expressed in one sentence, antedated Mendenhall (see note 2) by 22 years. Cf. his summation of the syntactical discussion: "Wir sahen auch, dass in jedem einzelnen Fall die Anwendung der dem Herrscher und Urkundenstil entlehnten Formell durchaus der Situation angemessen war, weil die Verheissung, den Nachkommen der Erzväter das Land Kanaan zu verleihen, gewissermassen eine mündliche Belehnungsurkunde ist und auch die Bundesschlussung Gottes mit Israel nach der Absicht der Erzähler ähnlich wie der Abschluss eines Bündnisses zwischen politischen Staaten oder Herrschern unter dem Gesichtspunkt eines rechtlichen Staatsaktes betrachtet werden soll" (p. 72).

nium onwards: the political treaty which is well known to us from the Hittite empire⁴ and the royal grant, the classical form of which is found in the Babylonian *kudurru* documents (boundary stones)⁵ but which occurs as such also among the Hittites⁶ in the Syro-Palestine area,⁷ and in the Neo-Assyrian period.⁸ The structure of both types of these documents is similar. Both preserve the same elements: historical introduction, border delineations, stipulations, witnesses, blessings and curses.⁹ Functionally, however, there is a vast difference between these two types of documents. While the "treaty" constitutes an obligation of the vassal to his master, the suzerain, the "grant" constitutes an obligation of the master to his servant. In the "grant" the curse is directed towards the one who will violate the rights of the king's vassal,¹⁰ while in the treaty the curse is directed towards the vassal who will violate the rights of his king. In other words, the "grant"

serves mainly to protect the rights of the *servant*, while the treaty comes to protect the rights of the *master*. What is more, while the grant is a reward for loyalty and good deeds already performed, the treaty is an inducement for future loyalty.

The covenant with Abraham, and so the covenant with David, indeed belong to the grant type and not to the vassal type. Like the royal grants in the Ancient Near East so also the covenants with Abraham and David are gifts bestowed upon individuals who excelled in loyally serving their masters. Abraham is promised the land because he obeyed God and followed his mandate (Gen. XXVI, 5; cf. XXII, 16, 18) and similarly David was given the grace of dynasty because he served God with truth, righteousness and loyalty (I Kings III, 6; cf. IX, 4, XI, 4, 6, XIV, 8, XV, 3). The terminology used in this context is indeed very close to that used in the Assyrian grants. Thus in the grant of Ashurbanipal to his servant Bulta¹¹ we read: "Bałtya . . . whose heart is devoted (lit. is whole) to his master, served me (lit. stood before me) with truthfulness, acted perfectly (lit. walked in perfection) in my palace, grew up with a good name¹² and kept the charge of my kingship." Similar formulations are to be found in connection with the promises to Abraham and David. Thus we read in Gen. XXVI, 4-5: "I will give

⁴ Cf. E. Weidner, *Politische Dokumente aus Kleinasien, Die Staatsverträge in akkadischer Sprache aus dem Archiv von Boghazköi*, Bogh. St. Heft 8, 1923; J. Friedrich, *Staatsverträge des Hatti Reiches in hethitischer Sprache*, MVAeG 31 (1926), 34 (1930).

⁵ L. W. King, *Babylonian Boundary Stones*, 1912. Cf. also F. X. Steinmetzer, *Die Babylonischen Kudurru (Grenzsteine) als Urkundenform*, Studien zur Geschichte und Kultur des Altertums, vol. 11, 1922.

⁶ Cf. H. Gueterbock, *Siegel aus Bogazköy*, AfO, Beiheft 5 (1940), especially pp. 47-55 dealing with the "Landschenkungsurkunden."

⁷ Cf. the gift-deed of Abba-El to Yarimlim (D. J. Wiseman, *The Alalah Tablets (=AT)*, 1954, No. 1*, complemented by the tablet ATT/39/84 published by Wiseman in JCS 12 (1958), p. 124ff, for which see also: A. Draffkorn, JCS 13 (1959), p. 94ff.) and the Ugaritic donation texts in PRU II and III.

⁸ Cf. J. Koehler-A. Ungnad, *Assyrische Rechtsurkunden*, 1916, No. 1-30.

⁹ For the structure of the Hittite treaties, cf. V. Korošec, *Hethitische Staatsverträge*, 1931 and for the structure of the *kudurru* documents cf. F. X. Steinmetzer, *op. cit.*

¹⁰ Cf. the *kudurru* inscriptions in L. W. King, BBST and the neo-Assyrian grants in Koehler-Ungnad, ARU No. 1-30. A peculiar threat occurs in an Old Babylonian grant from Ḫana: *bāqir ibaqqaru . . . kupram ammam qaqgassu ikkappar* = "whoever challenges the gift, his head will be covered with hot pitch," M. Schorr, *Urkunden des altbabylonischen Zivil- und Prozessrechts* (VAB 5) 1913, No. 219:17-24. At times the donor takes upon him-

self a conditional self-curse as for instance in the grant of Abba-El where Abba-El takes the following oath: *šumma ša addinukummi elegqû* = "(May I be cursed) if I take back what I gave you" (Wiseman, AT 1*:16-20). For the conditional oath sentences, see W. von Soden, GAG 185 g, i.

¹¹ *Bałtya . . . (ša) libbašu gummuru ana bêlijšu, ina maḥriya ina kināti izi[zūma], ittalaku šalmiš qirib ekallija, ina šumi damqi irbūma, iššuru maššarti šarrūtiya*, Koehler-Ungnad, ARU 15:13-17, comp. 16:13-17, 18:16-20.

¹² Translation of this phrase according to Y. Muffs, *Studies in Aramaic Legal Papyri from Elephantine*, Studia et Documenta ad Iura Orientis Antiqui Pertinentia VIII, 1969, pp. 134, 203, who joins *qirib ekalliya* with *ittalaku šalmiš* and not as the CAD (vol. 3 (D) p. 69) reads: *qirib ekalliya ina šumi damqi irbūma* = he grew with a good name in my palace. A support for Muffs' reading may be found in Ps.CI,2 where הנהלך בקרב ביתי לבב (walk with integrity) joins הנהלך בקרב ביתי (within my house/ palace).

to your descendants all these lands . . . inasmuch as Abraham obeyed me (שמע בקלי)¹³ and kept my charge (וישמר משמרת), my commandments, my rules and my teachings,"¹⁴ a verse preserving verbally the notion of keeping guard or charge (*išsur maššarti*) found in the Assyrian text. The notion of "serving perfectly" found in the Assyrian grants is also verbally paralleled in the patriarchal and the Davidic traditions. Thus, the faithfulness of the patriarchs is expressed by "walk(ed) before me" התהלך לפני (Gen. XXIV, 40, XLVIII, 15 = JE; XVII, 1 = P) which is equivalent to the expression: *ina maḥriya ittalak/izziz* in the Assyrian grant. The P source adds to התהלך לפני the phrase והיה תמים (XVII, 1) which conveys the idea of perfect or loyal service expressed in the Assyrian document by (*ittalak*) *šalmiš*.¹⁵ According to P not only Abraham but also Noah was rewarded by God (Gen. IX, 1-17) for his loyalty which is expressed by the very phrases used of Abraham's

¹³ Cf. in the Amarna letters: *amur arda ša išmē ana šarri bēlišu* = behold, the servant who obeys the king, his Lord (EA 147:48f.)

¹⁴ There is nothing deuteronomistic in this verse. הלך שמע בקול along with other terms expressing obedience is very frequent in the deuteronomistic literature which stresses loyalty to the covenant, but this does not mean that the terms as such were coined by the deuteronomistic school. The combination of הוֹקִים וְתוֹרוֹת "laws and teachings" is never found in the deuteronomistic literature. Deuteronomy always uses Torah in the singular and usually with the definite article: הַתּוֹרָה "the Law." On the other hand, this combination is attested in JE (Ex. XVIII, 16, 20). The origin of שמר משמרת is not deuteronomistic; see Weinfeld, *Deuteronomy and the Deuteronomistic School*, Appendix A.

¹⁵ Comp. Mal. II, 6: בשלום ובמישור הלך אתי which means "he served me with integrity and equity"; see Y. Muffs, *op. cit.*, pp. 203-204 (following H. L. Ginsberg). This phrase occurs in connection with the grant of priesthood to Levi (see below). For the interpretation of *ittalaku šalmiš* as "served with integrity" and not as Koehler-Ungnad translate: "in good or peaceful condition (wohlbehalten)," see Y. Muffs, *ibid.*, p. 203. *alāku/atalluku šalmiš* is equivalent to הלך בתום "walk with integrity" (Prov. X, 9) and to התהלך בקרב which in Ps. CI, 2 is connected with ביתי (within my house/palace) as in ARu 15:13-17; see note 11.

devotion: התהלך את האלהים, תמים היה (VI, 9).¹⁶

David's loyalty to God is couched in phrases which are closer to the neo-Assyrian grant terminology. Thus, the terms: "who walked before you in truth, loyalty¹⁷ and uprightness of heart" הלך לפניך באמת ובצדקה ובישרת לבב (I Kings III, 6), "walked after me with all his heart" הלך אחרי בכל לבבו (XIV, 8), "a whole heart (like the heart of David)" לב שלם (כללבב דוד) (XV, 3),¹⁸ are the counterparts of the Assyrian terms: "with his whole heart" *libbašu gummuru*; "stood before me in truth" *ina maḥriya ina kināti izizuma*;¹⁹ "walked with loyalty (perfection)" *ittalaku šalmiš*, which come to describe the loyal service as a reward for which the gift was bestowed.²⁰

¹⁶ However in contradistinction to the JE source where the loyalty of the Patriarchs is a matter of the past, in the priestly source it is anticipated.

¹⁷ צדקה here has the meaning of loyalty and faithfulness as does צדק in a similar context in the Panamuwa inscriptions (KAI 215:19, 216:4-7, 218:4) where בצדק אבי ובצדקי הושבני מראי . . . על כרסא אבי has to be understood: "because of my father's and my won loyalty, the king has established me on the throne of my father"; cf. H. Donner, MIO 3 (1955), p. 96ff. Virtually the same idea is expressed in I Kings III, 6: You have done grace with your servant David my father as he walked before you in truth, loyalty and uprightness of heart and you kept your grace (=promise) and gave him a son to sit upon his throne as at present."

¹⁸ Cf. also II Kings XX, 3.

¹⁹ As in Hebrew so also in Akkadian התהלך/הלך לפני *ina pāni alāku/atalluku* is similar in connotation to *ina pāni uzzuzu*, but the latter seems to have a more concrete meaning: praying, interceding, worshipping and serving whereas the former is more abstract. Cf. Jer. XVIII, 20. For discussion of these terms, cf. F. Noetscher, *Das Angesicht Gottes schauen*, nach biblischer und babylonischer Auffassung, 1924, pp. 83ff, 112f.

²⁰ The close affinities to the neo-Assyrian phraseology in these verses may be understood in the light of an identical chronological and cultural background. All of these verses appear in a deuteronomistic context which means that they were styled in the seventh century, a period in which the above mentioned documents were written. On the affinities of the deuteronomistic literature to the neo-Assyrian literary tradition, see Weinfeld, *Deuteronomy and the Deuteronomistic School*, Clarendon Press.

In the grants from Ugarit the loyalty of the donee is expressed by terms like: "he exerts himself very, very much for the king his lord."²¹ Similarly in a gift deed from Susa of a husband to his wife we read: "it is given her as a gift because she took care of him and worked hard for him."²² The same motivation occurs in a deed from Elephantine which reads: "I have turned my thoughts to you (עֲשֵׂתָת לְכִי) during my lifetime and have given you part of my house. . . I Anani have given it to Yehojišma my daughter in affection since she took care of me (supported me) (לְקַבֵּל זֵי סְבַלְתַּנִּי) when I was old in years and unable to take care of myself."²³ The verb *anāḥu* expressing the exertion of the vassal to his lord and the wife to her husband actually means to toil, to suffer, but in our context they denote exertion and devotion. The notion of exertion is

sometimes completed by the verb *marāṣu* "to be sick" as, for instance, in a letter from El-Amarna where the vassal says: "Behold I exerted myself to guard the land of the king (*etanḥu ana nāṣar māṭ šarri*) and I am very sick" (*maršaku danniš*).²⁴ In fact the verb *marāṣu* in Akkadian has also the meaning of "to care for" and so has the Hebrew חָלָה.²⁵ Held pointed out recently the correspondence of Hebrew סָבַל to the Ugaritic *zbl* "to be sick";²⁶ the same correspondence actually exists between *anāḥu* and *marāṣu* on the figurative level of these expressions.

In the light of all this we may properly understand Ps. CXXXII, 1: זָכַר לַדָּוִד אֵת כָּל עֲנֹוֹתָיו which the Septuagint and the Syriac misunderstood by reading עֲנֹוֹתָיו "his humility" which does not fit the context. In line with what we have said above, it has to be understood as "his submissiveness"²⁷ or devotion." To introduce God's promise to David the Psalmist depicts the devotion of David to God which found expression in his deep concern for the ark and this is what is meant by the opening prayer: "Remember to David all his submissiveness."²⁸ ל' זָכַר here is the semantic equivalent of עֲשֵׂתָת ל' in the quoted Aramaic gift deed, which means "to take favorable

²¹ *ana šarri bēlišu anīḥ danniš dannišma*, PRU III, 140:27-30; cf. *ana šarri anīḥ/ītanah*, PRU III, 84:24, 141:29, 108:16, 110:7. Cf. the Barrakib inscription: כָּל [ע] מֶל מִן כָּל וְבֵית אָבִי = "and my father's house exerted itself more than anybody else" (KAI 216:7-8), which occurs in a passage expressing the loyalty of Barrakib to Tiglath-Pileser (see above, note 17). Two different interpretations have been given to the phrase כָּל [ע] מֶל מִן כָּל וְבֵית אָבִי but neither of these is satisfactory. F. Rosenthal (ANET² p. 501) following H. L. Ginsberg (*Studies in Koheleth*, 1950, p. 3, note 2a) translates: "the house of my father has profited more than anybody else" but this does not fit the immediate context which is concerned with loyalty to Tiglath-Pileser. The same argument applies to B. Landsberger's translation which is diametrically opposed to Rosenthal's translation: "the house of my father was more miserable than anybody else" (*Sam'al, Studien zur Entdeckung der Ruinenstätte Karatepe*, 1948, p. 71). Besides, the latter translation is contradicted by the Panammuwa inscription (KAI 214:9), a fact which Landsberger was not unaware of (*ibid.*, note 187). Donner's translation, which we have adopted, is the most satisfactory and is now supported by the Akkadian parallels. It seems that עָמַל is the semantic equivalent of *anāḥu*. Similarly *mānahātu* is "results of toil" as is also the Hebrew noun עָמַל; for Hebrew עָמַל in this sense, cf. H. L. Ginsberg, *Qohelet*, Tel-Aviv-Jerusalem, 1961 (in Hebrew), p. 13-15.

²² *aššum ittišu īnaḥu dulla ill[iku] nadišši qī[ti]*, MDP XXIV, 379:7f; for an analysis of this document see J. Klíma, *Arch. Orient.* 28 (1960), p. 39.

²³ E. Kraeling, *The Brooklyn Museum Aramaic Papyri*, 1953, 9:16-17.

²⁴ EA 306:19-21.

²⁵ Cf. especially I Sam. XXII, 8: וְאִין חָלָה מִכֶּם עָלַי "and nobody cares about me" in the context of loyalty to the king. Cf. also Amos VI, 6: וְלֹא נָחְלוּ עָלַי שֹׁבֵר "They do not care about the breach of Joseph" and Jer. XII, 13: זָרְעוּ חֲטִימִים וְקֹצִיעִים קָצְרוּ נָחְלוּ לֹא "they have sown wheat and have reaped thorns, they exerted themselves but did not profit."

²⁶ M. Held, "The root ZBL/SBL in Akkadian, Ugaritic and Biblical Hebrew," (Speiser Memorial Volume) *JAOS* 88 (1968), p. 93.

²⁷ Cf. וְעַן אֲנִי אֲרִצֵּת עִזָּת = "I subjugated mighty countries" in the Azittawada inscription (KAI 26:18); cf. Mesha inscription 1.5 and Ex. X, 3: עַד מָתַי מֵאֲנַת "how long will you refuse to surrender before me." Cf. also Gen. XV, 13, Num. XXIV, 24, II Sam. VII, 10, I Kings XI, 39, Nah. I, 12.

²⁸ The notion that the promise of dynasty to David is to be seen as a reward for his devotion seems to lie behind the juxtaposition of chapters VI and VII in the second book of Samuel.

thought."²⁹ The Akkadian *ḥasāsu*, the equivalent of Hebrew זכר,³⁰ likewise means "to think about" or to "consider"³¹ and, in fact, occurs in this sense in the Neo-Assyrian grant quoted above. After describing the loyalty of his servant upon whom he bestows the grant, the Assyrian emperor says: *īna attašu aḥsusma ukīn šī-ri-[ik]-šu*³² = "I raised my eyes thereunto, considered him (favorably) and established his gi[ft]." The establishing of God's grant to the Patriarchs is expressed by הקים which is the semantic equivalent of *ukīn* in the Assyrian grant.³³

David's exertion for which he was granted dynasty is expressed then in Ps. CXXXII by ענה which somehow corresponds to the discussed *anāḥu*, *marāšu* and עמל.³⁴

In the deuteronomic historiography, however, David's devotion is expressed, as in the Neo-Assyrian grants,³⁵ in a more abstract way: "walking in truth," "acting with whole-heartedness and integrity," etc. The phraseological correspondence between the deuteronomic literature and the Neo-Assyrian documents is very salient in the description of the benevolence of God towards the Patriarchs and towards David. Thus, the Assyrian king before announcing the grant

says: "I am the king . . . who returns kindness to the one who serves in obedience (lit. to the reverential) and (to the one who) guards the royal command."³⁶ This phrase is close to the Biblical phrase: "the God . . . who keeps his gracious promise (הברית והחסד) to those who are loyal to him (lit. who love him) and guard his commandments" (Deut. VII, 9–12) which appears in connection with the fulfillment of God's promise to the Patriarchs. A similar phrase occurs in the context of the promise of dynasty to David: "who keeps his gracious promise (הברית והחסד) to your servants who serve you wholeheartedly" (ההלכים לפניך בכל לבם, I Kings VIII, 23, comp. III, 6). The grant par excellence is an act of royal benevolence arising from the king's desire to reward his loyal servant.³⁷ It is no wonder, then, that the gift of the Land to Abraham and the assurance of dynasty to David were formulated in the style of grants to outstanding servants.

The grant and the treaty alike are named ברית, a word which conveys the general idea of an obligation concerning two parties, similar to *riksu* in Akkadian and *išḫiul* in Hittite. However, in the more developed and therefore more reflective sources like P and D one can find a certain distinction between the term for grant and the term for treaty.

As we saw already, the Deuteronomic sources refer to the Abrahamic and Davidic covenants as הברית והחסד "the gracious covenant," in contradistinction to the covenants of Sinai and the Plains of Moab which are referred to as ברית only. On the other hand, P reserved the term ברית for the grant whereas the treaty is referred to as עדות.^{37a} This becomes especially clear when one compares the terms used for the

²⁹ Cf. H. L. Ginsberg, "Lexicographical Notes," *Hebräische Wortforschung*, Festschrift W. Baumgartner (Suppl. V.T. XV) 1967, pp. 81–82.

³⁰ See e.g. EA 228:18–19: *liḥsusmi* glossed by *yazkurmi*; cf. M. Held, AS 16 (B. Landsberger Festschrift) 1965, p. 399. On the root זכר cf. P. A. H. de Boer, *Gedenken und Gedächtnis in der Welt des A.T.* 1962; B. S. Childs, *Memory and Tradition in Israel*, 1962; W. Schottroff, 'Gedenken' im Alten Orient und im Alten Testament², 1967.

³¹ See Y. Muffs, op. cit.

³² ARu 15:19; 16:19; 18:22. For the text see: Johns ADD 647:19 and Peiser KB II, 583 (seventh line). Peiser (ibid p. 566) and Koehler-Ungnad read after *ukin*: *ar-x-šu*, and Peiser even restores: *ar-[ḫu]-šu*. The context, however, demands something like "his gift" and therefore I suggest the reading *šī-ri* instead of *ar* and the restoration to: *šī-ri-[ik]-šu*.

³³ Compare the latin *foedus firmare* = "to establish a pact"; cf. J. J. Rabinowitz, *Jewish Law*, 1956, pp. 1–2.

³⁴ See note 21. For the correspondence of עמל to ענה, cf. Gen. XLI, 51–52, Deut. XXVI, 7 etc.

³⁵ See above note 20.

³⁶ *ana pāliḫi nāṣir amat šarrātišu utirru gimilli dumqi* (ARu 15:6–7; 16:6–7; 18:9–10).

³⁷ Cf. Thureau-Dangin, "Un acte de donation," RA 16 (1919), p. 118: "Ces titres de propriété sont généralement des actes royaux de donation dont le bénéficiaire est, soit un enfant de roi, soit un prêtre temple, soit quelque serviteur que le roi veut récompenser".

^{37a} For the term 'edūt, cf. most recently B. Volkwein, *Biblische Zeitschrift* 13 (1969), 18–40.

tablets of the covenant in D and in P. D always uses the term *לחנות הברית* while P uses in a very consistent manner the term *לוחות העדות*. It is true, the word *ברית* is used in P also in connection with the Exodus (cf. Lev. XXVI, 45); what is, however, meant here is not the obligation of the people but the promise of God^{37b} to establish relations with the people by releasing them from Egyptian bondage.^{37c} One should admit that not fulfilling the commandments of God is considered violation of the covenant also by the Priestly author (Lev. XXVI, 15, 25), but the covenant in this case is not the sworn obligation of the vassal, which is never alluded to in P, but the solemn promise of God to establish a steadfast relationship with the people. Disobedience constitutes of course a violation of this relationship.

THE UNCONDITIONAL GIFT

Although the grant to Abraham and David is close in its formulation to the neo-Assyrian grants and therefore might be late, the promises themselves are much older and reflect, the Hittite pattern of the grant. "Land" and "house" (= dynasty), the objects of the Abrahamic and Davidic covenants respectively, are indeed the most prominent gifts of the suzerain in the Hittite and Syro-Palestinian political reality, and like the Hittite grants so also the grant of land to Abraham and the grant of "house" to David are unconditional. Thus we read in the treaty³⁸ of Hattušiliš III (or Tudhaliyaš IV) with Ulmi-Tešup of Dattaša.³⁹ "After you, your son and grandson will

possess it, nobody will take it away from them. If one of your descendants sins (*yaštai*-) the king will prosecute him at his court. Then when he is found guilty . . . if he deserves death he will die. But nobody will take away from the descendant of Ulmi-Tešup *either his house or his land* in order to give it to a descendant of somebody else."⁴⁰ In a similar manner Muršiliš II reinforces the right of Kupanta-Kal to the "house and the land in spite of his father's sins."⁴¹ A similar wording occurs in the royal decree of Tudhaliyaš IV and Puduhepa for the descendants of Šaḥurunuwaš, a Hittite high official. There we read:⁴² "Nobody in the future shall take away⁴³ this house from U-manava (or Tesup-manava), her children, her

RHA 48 (1948) pp. 40-48 for a discussion of the date of this treaty. The connection between this treaty and the Davidic covenant has been seen by R. de Vaux, "Le roi d'Israël, vassal de Yahve," *Melanges E. Tisserant I*, 1964, pp. 119-133.

⁴⁰ Cf. *ibid.*, rev. 21f: "Now as for what I, the Sun, have given to Ulmi-Tešup . . . I have engraved on an iron tablet and in future no one shall take it away from any descendant of Ulmi-Tešup, nor shall any one litigate with him about it; the king shall not take it, but [it shall belong] to his son. To another man's descendant they shall not give it." It seems that this iron tablet was the original gift-deed.

⁴¹ J. Friedrich, *MVAeG* 31 (1926), treaty no. 3 §7-8 (pp. 112-115), §21-22 (pp. 134-137).

⁴² KUB XXVI, 43 and 50. Cf. V. Korošec, "Einige Juristische Bemerkungen etc." for analysis of this document.

⁴³ *zilduṣya arḥa lē kuiški dāi*; cf. the same formula in KBo IV, 10, vs. 11. Cf. *urram šerram mamman lā ileqqe ištu qāti* X in the grants from Ugarit written in Akkadian (PRU III *passim*) and *šḥr. lmt bnš bnšm* (or: *mnk mnkm* = whoever you are) *l. yqḥnn. bd* PN in the Ugaritic version of the grants. Compare the conveyance formula from Elephantine: *מחר או יום אחרן לא אהנצל* = "on a future day I will not take it away from you in order to give it to others." (Cowley, *Aramaic Papyri* 7:18-19). On the correspondence between *urram šerram* and *יום אחרן* see J. J. Rabinowitz, *Jewish Law*, 1956, p. 161. Hebrew *מחר* and so *יום אחרן* have also the meaning of future, cf. Gen. XXX, 33, Ex. XIII, 14, Deut. VI, 20, Jos. IV, 6, 21, XXII, 24, 27 for *מחר* and Isa. XXX, 8 for *יום אחרון*. Cf. also the neo-Assyrian formula: *ina šertu ina lidiš* = "some time in the future"; see Y. Muffs, *Studies*, pp. 206-207.

^{37b} The priestly conception of a promissory oath given by God at the time of the Exodus is also reflected in Ezek. XX, 6, cf. A. Jepsen, "Berith. Ein Beitrag zur Theologie der Exilszeit," *Verbannung und Heimkehr*, Festschrift W. Rudolph, 1961, p. 168; N. Lohfink, *Die Landverheissung als Eid*, 1967, p. 111.

^{37c} See below.

³⁸ In fact this document can also be considered as a grant and according to V. Korošec ("Einige Juristische Bemerkungen zur Šaḥurunuwa-Urkunde," *Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte* 35 (1945), p. 221, note 5) is something between a grant and a treaty.

³⁹ KBo IV, 10, obv. 8-14; for translation see E. Cavaignac, RHA 10 (1933) pp. 65-76 and cf. E. Laroche,

grandchildren and her offspring. When anyone of the descendants of ^dU-manava provokes the anger of the kings . . . whether he is to be forgiven⁴⁴ or whether he is to be killed, one will treat him according to the wish of his master but his house they will not take away and they will not give it to somebody else."⁴⁵

A striking parallel to these documents is found in a will of Nuzi⁴⁶ where it says: "Tablet of Zigi . . . in favor of his wife and his sons. . . . All my lands . . . to my wife Zilipkiashe have been given . . . and Zilipkiashe shall be made parent of the sons.⁴⁷ As long as Zilipkiashe is alive the sons of Zigi shall serve/respect her (*ipallahšunuti*).⁴⁸ When Zilipkiashe dies the sons of Zigi shall receive their inheritance portions, each according to his allotment.⁴⁹ Whoever among my sons will not obey Zilipkiashe, Zilipkiashe shall put him in

⁴⁴ *duddunu* = "to forgive"; cf. recently A. Goetze, JCS XVIII (1964), p. 93.

⁴⁵ *nat damēdani lē piianzi*; cf. the Abba-El deed from Alalah: *ana šanīm ul inaddin* = "he shall not give it to anyone else" (Wiseman, JCS 12 (1958) 1.63), and the Nuzi deed quoted below: *mimma ana awēli nakari la inandin* = "she shall not give anything (from the inheritance) to strangers" (HSS V, 73:27-28). Compare the deed from Elephantine quoted above (note 43): *למנתן לאהרנן* "to give it to others".

⁴⁶ *Excavations at Nuzi I*, HSS V, 73:1-28; cf. E. A. Speiser, *New Kirkuk Documents*, AASOR X (1930), No. 20 (pp. 51-52).

⁴⁷ Read: *a-na a-bu-ti ša marē iteppuš* (11.10-11) with Koschaker, OLZ 35 (1932), p. 399f.

⁴⁸ *ipallahšunuti* has to be translated "she shall respect them," but as Speiser pointed out (see e.g. *Introd. to Hurrian*, p. 206f.) this grammatical confusion is characteristic of the Hurrian scribes (cf. also recently Speiser, JCS 17 (1963) p. 66 to lines 21f.).

⁴⁹ *u mārū ša Zigi attamannu kī emūqīšu zitta ileqqū* = lit. "and the sons of Zigi, whoever you are, shall receive his inheritance portion according to his allotment." *attamannu* here is the equivalent of the Ugaritic *mnk* (mn + ka) quoted above note 43. Comp. the Canaanite and Aramaic inscriptions: KAI 13:3 (מי ארת), 225:5 (מן ארת), 259:2 (מן זי ארת) and Zech. IV, 7: מי ארתה = "whoever you are big mountain before Zerubabel, you will become a plain."

the house of de[te]ntion],⁵⁰ their mark (on the head) shall be affixed and (they) will be put in (their) fetters,⁵¹ but (their) right shall not be annulled⁵² . . . and Zilipkiashe shall not give away anything to strangers."⁵³ The same conception lies behind the promise of the house to David and his descendants in II Sam. VII, 8-16 where we read: "I will establish the throne of his kingdom forever, I will be his father and he shall be my son, when he sins I will chastise him with the rod of men and with human afflictions but my grace will not be removed . . . your house and your kingdom will be steadfast before me forever, your throne shall be established forever."

The phrase "I will be his father and he shall be my son" is an adoption formula⁵⁴ and actually serves as the judicial basis for the gift of the eternal dynasty. This comes to the fore in Ps. II where we read: "he (= God) said to me: you are my son, this day⁵⁵ have I begotten you. Ask me and I will give you nations for your patrimony and the ends of the earth for your possession" (vv. 7-8).

⁵⁰ *ina bīt nu-[pa-ri] inandin*, cf. E. Cassin, RA 57 (1963) p. 116 and AASOR XVI (1936) 3:40: *ina (bīt) nupari ittadanni*; 12:12: *bīt nupari* (on *neparu* in Mari and other Old Babylonian documents cf. Oppenheim JNES 11 (1952) pp. 133-134). Compare HSS XIX, 19:29-30: *ina bīt kīli inandin* in a similar context, cf. also HSS XIX 39:23 and see below.

⁵¹ *abbutašunu umaššaršu u in kuršišunu* (GĪR-šu-šu, the determinative GĪŠ before GĪR has been omitted, similarly Ē before *nupari* in AASOR XVI, 3:40) *inandinu*; cf. HSS XIX 19:28-30, 23:12-13, 32:9-10, 37:37-38, 39:21-23 (*abbutam šakānu*). On the meaning of *abbutu* in this context, see E. Cassin, RA 57 (1963), p. 116; E. Speiser, JCS 17 (1963) pp. 65ff.

⁵² *kirbāna lā iheppē* = lit. "lump (clod) of earth (symbolizing tablet of rights) will not be broken"; cf. E. Cassin, JESHO 5 (1962), p. 133.

⁵³ See note 45 above.

⁵⁴ Cf. C. Kuhl, "Neue Dokumente zum Verständnis von Hos. 2, 4-15," ZAW 52 (1934), pp. 102ff.

⁵⁵ הַיּוֹם "this day" indicates the formal initiation of a legal contract; cf. Ruth IV, 9-10, 14, Gen. XXV, 31, 33; see most recently G. M. Tucker, CBQ 28 (1966), pp. 42-45. Compare S. E. Loewenstamm, Tarbiz 32 (1963) pp. 313-316 for the formula: *ištu ūmi annīm* (= from today) in the Akkadian documents from Alalah and Ugarit.

Similarly we read in Ps. LXXXIX:^{55a} "I have found David my servant . . . with whom my hand shall be established, my arm shall hold him אֲשֶׁר יָדִי תִכּוֹן עִמּוֹ אֲף זְרוּעֵי תְּאֻמָּצוֹ . . . I will smash his adversaries before him and will defeat his enemies. . . he will call me 'you are my father'⁵⁷ my god . . . and I will make him as my first born, the highest of the earthly kings. I will keep my grace forever and my covenant shall endure for him. Should his children forsake my law and will not follow my decrees . . . I will punish their rebellion with the rod and their sin with afflictions. But I will never annul my grace with him and shall not betray my pact⁵⁸ (with him). I will not profane my covenant and alter what came out of my lips."

"House" (= dynasty), land and peoples are then given to David as a fief and as it was the rule in the second millennium this could be legitimized only by adoption.⁵⁹ That this is really the case

^{55a} On the relationship of this Psalm to Nathan's oracle, see N. M. Sarna, "Psalm 89, A Study in Inner Biblical Exegesis," *Biblical and Other Studies* (ed. A. Altmann), Philip W. Lown Institute of Advanced Judaic Studies, Brandeis University, 1963, pp. 29-46.

⁵⁶ חִזַּק and אִמְצִין, verbs connoting strength (cf. חִזַּק וְאִמְצִין), when intensified by Hiph'il or Pi'el express the concept of keeping and holding, cf. Ps. LXXX, 18: תְּהִי יָדְךָ עַל אִישׁ יְמִינְךָ עַל בֶּן אָדָם אֲמַצְתָּ לָּךְ "May your hand be on the man at your right, upon the man you held with you"; cf. also Is. XLI, 10: אֲמַצְתִּיךָ אֲמַצְתִּיךָ אֲף עֲזַרְתִּיךָ אֲף עֲזַרְתִּיךָ בְּיָמַי צָדִיק "I have taken hold of you and helped you, I kept you with my victorious right hand." For the understanding of אִמְצִין in Ps. LXXX, 18 and in Isa. XLI, 10 I am indebted to Prof. H. L. Ginsberg.

⁵⁷ Cf. Jer. III, 4, 19 and see below.

⁵⁸ Cf. Sefire III: 7 שְׁקֵרְתֶם בְּעֵדֵי אֵלַי "You will have been false to this treaty"; see W. Moran, *Biblica* 42 (1961), p. 239. אֲמַנָּה here and in v. 50 has the same meaning as אֲמַנָּה in Neh. X, 1 (cf. J. Greenfield, *Acta Orientalia* XXIX (1965), p. 8). אֲמַנָּה in II Kings XII, 16 and in XXII, 7 has also, in my opinion, the meaning of pact or contract and the reason for not calling to account the people in charge of the work was that they were bound by the oath to deal honestly. On the loyalty oath of craftsmen, see D. B. Weisberg, *Guild Structure and Political Allegiance in Early Achaemenid Mesopotamia*, 1967.

⁵⁹ Cf. e.g. Yarimlim of Alalah who is named son of Abba-El (see Wiseman, AT *444a, seal impression) but

here may be learned from the treaty between Šupilluliumaš and Mattiwaza.⁶⁰ Mattiwaza, in describing how he established relations with Šupiluliumaš, says: "(The great king) grasped me with [his ha]nd . . . and said: when I will conquer the land of Mittanni I shall not reject you, I shall make you my son,⁶¹ I will stand by (to help in war) and will make you sit on the throne of your father . . . the word which comes out of his mouth will not turn back."⁶² A similar adoption imagery is to be found in the bilingual of Ḫattušiliš I.⁶³ In this document which actually constitutes a testament we read:⁶⁴ "Behold, I declared for you the young Labarna: He shall sit on the throne, I, the king, called him my son";⁶⁵ "he is for you the offspring of my Sun" (= he is for you the offspring of his majesty).⁶⁶ On the other hand, when he speaks of his rejected daughter he says: "she did not call me father I

actually was the son of Hammurabi (AT *1:9, comp. *444b). According to Alt (*Die Welt des Orients*, Band III, Heft 1-2, 1964, pp. 14ff.), Abba-El adopted Yarimlim in order to create the legal basis for installing him as king of Haleb.

⁶⁰ Weidner, *Politische Dokumente*, No. 2, ll. 24ff. (pp. 40-41).

⁶¹ *ana mārūtija ēppuškami. ana mārūti ēpēšu* means to adopt as a son; cf. E. A. Speiser, *New Kirkuk Documents Relating to Family Laws*, AASOR X (1930), pp. 7ff. Cf. also below.

⁶² *amātu ša ina pišu uššu ana kutallišu ul itār.*

⁶³ F. Sommer-A. Falkenstein, *Die hethitisch-akkadische Bilingue des Hattušili I (Labarna II)*, *Abhandlungen der Bayerischen Akademie der Wissenschaften*, Phil.-hist. Abt. N.F.16, 1938.

⁶⁴ *ù a-nu-um-ma TUR-am la-ba-ar-na [aq-b]i-a-ak-ku-nu-ši-im šu-u li-it-ta-ša-ab-mi LUGAL-ru [al]-si-šu-ma DUMU(?) -am = in Hittite: [nu-uš-ma-aš TUR-la-an] la-ba-ar-na-an te-nu-un [a-pa-a-aš-ya-aš-ša-an e-ša-ru LUGAL-ša-an-za] DUMU-la-ma-an ḫal-zi-iḫ-ḫu-un (I/II; 2-4). Akk. qabū = Hitt. te- which equals Hebrew אָמַר have in this context the same connotation as אָמַר in Ps. II, 7: "proclaim" or "declare." The newly appointed king is not the real son of Hattušiliš but the son of his sister who is being adopted.*

⁶⁵ Compare I/II:37: "Behold, Muršiliš is now my son."

⁶⁶ II:44: NUMUN ⁴UTU⁵ⁱ.KUNU.

did not call her 'my daughter' ⁶⁷ which reminds us of Ps. LXXXIX, 27.

Ḥattušiliš I himself is similarly described as adopted and legitimized by the sun goddess of Arinna: "She put him into her bosom, grasped his hand and ran (in battle) before him."⁶⁸ According to Ps. LXXXIX, David is also grasped and held by God's hand as a result of which he succeeds in the battles with his enemies (vv. 22–26).⁶⁹ If the emendation of Ps. II, 7,⁷⁰ is correct then the idea of the heir placed into the bosom of his adoptant also occurs in connection with David.⁷¹ It is also not without significance that the promise of Šupilluliumaš to Mattiwaza as well as God's promise to David (v. 35) are accompanied by the declaration that the suzerain will not alter his word. Ps. CXXXII, 12 also says that "the Lord swore to David in truth from which he will not turn away."

The notion of sonship within the promise of

⁶⁷ III:24–25.

⁶⁸ *ana sūnišu iškunšu u qāssu išbatsu, ina pānišu irtup alākam*, KBo X, 1 Vs. 13–14 (cf. H. Otten, MDOG 91 (1958) p. 79 and A. Goetze, JCS 16 (1962) p. 125). For the corresponding Hittite restoration (KBo X, 2 Vs. I: 28–30), see H. A. Hoffner, JNES 27 (1968) p. 201, note 27.

⁶⁹ According to H. L. Ginsberg (private communication), Isa. XLI, 9ff., also dealing with grasping the hand and helping against enemies, refers to the election of Abraham (cf. end of v. 8), which supports our view about the common typology of the Davidic and Abrahamic covenants. On "grasping the hand" in Deutero-Isaiah and the corresponding neo-Babylonian royal imagery, see S. Paul, JAOS 88 (1968), p. 182, note 19.

⁷⁰ אָמַר אֱלֹהִים, אֲסַפֵּנוּ אֶל הַיְקִי, אֲמַר אֱלֹהִים "I will gather him to my bosom, I will say to him" instead of אֲסַפֵּרָה "I will recite the law, the Lord said to me." Cf. H. Gunkel, *Psalmen* HKAT, ad loc. who follows Torczyner.

⁷¹ Cf. Ruth IV, 16 and see Hoffner, *loc. cit.* We must admit however, that putting into the bosom as such does not necessarily indicate adoption, it may just as well signify care and protection. Th. Jacobsen (JNES 2 (1943) p. 120) denies that nourishing by the goddess or placing on her knee in Sumero-Akkadian literature implies adoption. Similarly giving birth on one's knees in the Old Testament (Gen. XVI, 2, XXX, 3, L, 23) does not necessarily imply adoption; see J. Tigay, "Adoption," in the forthcoming volume of *Encyclopedia Judaica*.

dynasty comes then to legitimize the grant of dynasty. It has nothing to do with mythology; it is a purely forensic metaphor. The metaphor is taken from the familial sphere⁷² as may be seen from the quoted Nuzi will. In this document the father decrees that in case of disorder the rebellious son might be chained and confined but his inheritance rights will not be cancelled. The same concept is reflected in II Samuel VII, where the phrase הוֹכַח בַּשֶּׁבֶט "chastening with the rod" is used, which in other places occurs in a didactic context (cf. e.g. Prov. XIII, 24, XXIII, 14). Furthermore, on the basis of the comparison with the familial documents from Nuzi, the phrase rod of men (אֲנָשִׁים) and afflictions of the sons of man (בְּנֵי אָדָם) may be now properly understood. In the so-called *tuppi šimti* documents from Nuzi published recently⁷³ and analyzed by Speiser⁷⁴ we find often, in connection with the provisions about obedience to the adoptive father,⁷⁵ phrases like: "if PN (the adopted child) fails to show respect for PN₂ (the adoptive father) then just as a man treats his son so too shall PN₂ treat PN."⁷⁶ In another document it says that "just as one treats the citizen of Arrapha, so should PN treat PN₂: he shall put fetters upon his feet, place a mark on his hand, and put him in the house of detention."⁷⁷ The intention is clear: the son given into adoption has the duties of a son (= respect-

⁷² Cf. G. Cooke, ZAW 73 (1961) pp. 202–225.

⁷³ E. R. Lacheman, *Excavations at Nuzi VIII: Family Law Documents*, HSS XIX (1962).

⁷⁴ E. A. Speiser, "A Significant New Will from Nuzi," JCS 17 (1963), pp. 65–71; cf. also E. Cassin, "Nouvelles données sur les relations familiales à Nuzi," RA 57 (1963) pp. 113–119.

⁷⁵ This means of course anybody who assumes parenthood of the children (*ana abbūti*) as for instance the wife or the daughter of the one who draws the will.

⁷⁶ *šumma PN PN₂ la [ipal] laḥšu u kīmē awēlu māršu ḥuddumumma ippuš kinannama huddumumma ippuš*, JEN 572:26–31. Cf. the analysis of this passage by Speiser *loc. cit.* pp. 68–69. *ḥuddumumma epēšu* means, according to Speiser, to discipline. Cassin (*ibid* p. 116) translates it as "enfermer."

⁷⁷ *kīmē māršu ša awil Arraphē ippuš, kinannama PN PN₂ ippussuma, kurša ina šēpešu išakkan, abbuta ina qaqqadišu išakkan, ina bit kili inandin* HSS XIX, 39:16–23; cf. Speiser, *loc. cit.* p. 69.

ing his parents) but has also the privileges of a son: he has to be treated like the son of a free citizen and not like a slave. This is implied in another document of this collection where the father says that the adoptive parent "may act as though she were I."⁷⁸ This kind of privilege for the adopted can be traced back to the Old Babylonian period. In a document of adoption by manumission the master of the manumitted slave says: "If Zugagu will say to his father Sinabušu 'you are not my father' they will impose upon him the punishment of the free born"⁷⁹ i.e. he will not be enslaved but disciplined as the son of a free citizen.⁸⁰

What is then meant in II Sam. VII, 14 is that when David's descendants sin they will be disciplined like rebellious sons by their father⁸¹ but they will not be alienated. One must say that this lenient approach towards rebellious sons was not the rule in familial relationship in the Ancient Near East. On the contrary, in most of the cases rebelliousness brought about the dissolution of sonship, be it a real son or an adopted.⁸² In the quoted adoption documents from Nuzi

⁷⁸ *k[ima] yaši eteppuš*, HSS XIX, 19:31-32; cf. Speiser, *loc. cit.* p. 70 and note 22 for the grammatical problem involved.

⁷⁹ *PN ana PN abišu ula abi atta iqabbīma, aran mārū awīlē immidušu*, M. Schorr, *Urkunden*, 1913, 23:23-27 (p. 46).

⁸⁰ Contrary to Schorr (*ibid.*) who understands it as deprivation of freedom i.e. enslavement.

⁸¹ B. Jacob (ZAW 22 (1902), pp. 91-92) interprets *בשכט אנשים וכנגעי בני אדם* "Schläge wie sie die Kinder vom Vater erhalten d.h. aus Liebe und daher mit Maassen" which generally fits our understanding of the phrase. However his interpretation *אדם* and *אנשים* as parents literally (on the basis of Palestinian Syriac *אנשותא*) is not warranted. It might as well be understood as "human" (comp. Hos. XI, 4: *כחכלי אדם אמשכם בעבתות אהבה* = "I drew them with human cords, with bands of love").

⁸² Cf. e.g. CH §168-169 and the discussion in Driver-Miles, *Babyl. Laws*, vol. I, 1952, pp. 348-49, 395-405. These laws apply to the real son as well as to the adopted. That this is so may be learned from a Nuzi document (HSS V, 7) where it is stated that the adopted son might be disinherited following repetitive trials (11.25 ff.), which is similar in attitude to CH §168-169, according to which the son is to be disinherited only after he had

we find that the adoptive parent may chastise the disobedient son and also disinherit him, if he wants.⁸³ Similarly we find that the Hittite suzerain did not always grant land unconditionally. In a land grant of Muršiliš II to Abiraddaš, the Hittite suzerain guarantees the rights of DU-Tešup, Abimardaš' son, to throne, house and land, only on condition that DU-Tešup will not sin (*yaštai-*) against his father.⁸⁴ The unconditional promise is therefore a special privilege and apparently given for extraordinary loyal service.

This privilege in connection with David is also reflected in the fact that David is given the right of the first born. As is now known to us from Nuzi, Alalah, Ugarit and Palestine⁸⁵ the father had the right to select a "first born" as well as making all his heirs share alike,⁸⁶ and was not bound by the law of primogeniture.⁸⁷ Needless to say that the selection of the first born elevated the chosen son to a privileged position in the

been brought up before the judges for the second time. Compare Deut. XXI, 18-21 where the rebellious son is to be condemned to death only after being chastised before. For dissolution of sonship as a result of disobedience, cf. also RS 8.145, Syria 18 (1937), pp. 249-250.

⁸³ *PN kurši inandinšu, abbula umaššaršu, ina bīt kīli inandin, šumma ḥašihšu kirba[na] iḥeppe u ukaššasu k[ima] yaši eteppuš* = "PN may put fetters upon him, apply the slave mark to him, put him in the house of detention or, if it pleases her, break the clump of clay to disinherit him (*kuššudu*), she may act as though she were I" (HSS XIX, 19:28-32).

⁸⁴ F. Hrozný, *Boghazköi Studien* 3 (1919) pp. 142-144, Vs. II:10-18; cf. J. Friedrich, *Der Alte Orient* 24, 3 (1925), p. 20, 11.10-18; cf. also E. Cavaignac, *RHA* 6, Jan. 1932, p. 196.

⁸⁵ Cf. I. Mendelsohn, "On the Preferential Status of the Eldest Son," *BASOR* 156 (Dec. 1959) pp. 38-40 and the references there.

⁸⁶ Cf. e.g.: *ina libbišunu ša mārīya rabi yānu* = "there is none among them who shall be the oldest," HSS XIX, 23:5-6; cf. 17:12-13; see Speiser, *JCS* 17 (1963) p. 66 and the discussion on p. 70.

⁸⁷ This is prohibited in the Deuteronomic Code (XXI, 15-17). The Deuteronomic Law stands in clear contradiction to Gen. XLVIII, 13-20 where Joseph, the son of the "loved" woman Rachel, is given the double share while Reuben, the son of the "unloved" Leah (cf. Gen. XXIX, 33: *שנואה*), is repudiated as the first born.

family and thus entitled him to a double share in the inheritance. Indeed, the phrase **בְּכֹר אֶתְנַהֵוּ** means I will *appoint* him or make him first born, which speaks for a given right and not one acquired by nature.

In fact not only David is named the first born to God but also Israel is called by God "my son the first-born Israel" (Ex. IV, 22; cf. Jer. XXXI, 8) and as the adoption of David is aimed to legitimize the inheritance of nations, i.e. the Davidic empire, so is the adoption of Israel by God aimed to validate the gift of land. Though this is not expressed explicitly in the Pentateuch it is clearly indicated in a prophetic text (Jer. IV, 19) where we read: "I said I will surely⁸⁸ put you among the sons (= I will adopt you as a son) and give you a pleasant land, the goodliest heritage of the host of nations, and I said you shall call me my father⁸⁹ and you will not turn away from me." The phrase **אֶשְׂתַּךְ בְּכֹנִיִּים** "I will put you among the sons" undoubtedly alludes to adoption as Ehrlich indicated⁹⁰ and as such anticipates the inheritance of the *land*.⁹¹

The use of familial metaphors in order to express relationships belonging to the royal-national sphere should not surprise us, since the whole diplomatic vocabulary of the second millen-

nium⁹² is rooted in the familial sphere. So, for instance, the relationship between the states is defined as *abbūtu* = fatherhood (suzerainty); *mārūtu* = sonship (vassalship); *ab̄hūtu* = brotherhood (parity relationship). The phrase: *itti nakrīya lū nakrata itti sāl̄mīya lū salmata* = "with my enemy be an enemy, with my friend be a friend," which is so common in the Hittite-Ugaritic treaties⁹³ and is already found in the Elamite treaty of the third millennium B.C.,⁹⁴ is known to us from an Old-Babylonian marriage contract in which we read: *zenī sa PN PN₂ izenni salāmiša isallim* = "PN₂ (the second wife) will be angry with whom PN (the first wife) will be angry, she will be on good terms with whom PN will be on good terms."⁹⁵ Similarly we read in a Mari adoption document: *damāqīšunu idammīq lemēnišunu ilemmīn* = "their joy will be his joy, their sorrow will be his sorrow."⁹⁶ The close relationship of familial and political alliances has also been seen long ago by N. Glueck⁹⁷ who says: "Allies had the same rights and obligations as those who were blood relatives."

The gift of land to Abraham and the gift of kingship to David are then formulated in the way Hittite grants used to be formulated and especially those bestowed upon privileged vassals. Contrary to the prevalent law in the Hittite

⁸⁸ Read **אֶיךָ** instead of **אֵיךָ**; cf. A. Ehrlich, *Randglossen zur hebr. Bibel*, ad loc.

⁸⁹ Cf. above p.

⁹⁰ *ibid.* Cf. in the Azitawadda inscription: **ואף באבת: פּעֵלְן כֵּל מֶלֶךְ** (= his suzerain); see N. H. Tur-Sinai (Torczyner), *The Language and the Book II*², 1964, p. 76 (Hebrew). In Greek *ποιεῖσθαι* = **פִּעַל**, *epēshu* or *ἔσθαι* = **שָׁם** **וַיִּשְׁמֹו** **שִׁיתָ** are the verbs used for adoption. **וַיִּשְׁמֹו** **בְּנִים** in Ezra X, 44 implies adoption (cf. S. Feigin, JBL 50 (1931) pp. 196f. though we do not accept his restoration).

⁹¹ Inheritance of land in connection with divine sonship occurs in Deut. XXXII, 8 (LXX and Qumran). Compare the cone of Entemena of Lagash: "Enlil, the king of all the lands, the father of all the gods, marked off the boundary for Ningirsu and Shara by his steadfast word" (Cone A, 1-7); cf. Thureau-Dangin, SAKI p. 36; G. Barton, *Royal Inscriptions of Sumer and Akkad*, p. 56.

⁹² Cf. J. Munn-Rankin, "Diplomacy in Western Asia in the Early Second Millennium B.C.," Iraq 18 (1956), pp. 68ff.

⁹³ Cf. PRU IV, pp. 36, 49.

⁹⁴ Cf. W. Hinz, ZA 24 (1967), pp. 66 ff. See also the text in *Baghdader Mitteilungen II* (1963) p. 54 (W 19900, 147) which according to Kraus (Bibliotheca Orientalis 22 (1965) p. 289) is part of a treaty, where we read: [*lu a-n]a-ki-ir [is-]i-mu lu-ú a-sa-li-im*.

⁹⁵ M. Schorr, *Urkunden des altbabylon. Zivil- und Prozessrechts*, 1913, 4:21-23; cf. 5:7-8; Schorr's translation is wrong and Ungnad's is correct; see p. 11 there. Cf. CAD v. 21 (Z) *zenū* b.

⁹⁶ ARM VIII, 1:4-5. After completing this article I saw that R. Yaron, Journal of Juristic Papyrology 15 (1965) pp. 173-175, discussed this text in the context of some of the above mentioned texts and reached similar conclusions.

⁹⁷ *Hesed in the Bible*, 1967, p. 46.

kingdom,⁹⁸ in Ugarit⁹⁹ and in Alalah,¹⁰⁰ according to which the property of the condemned is to be confiscated, in the cited documents the property of the condemned cannot be taken away.

It was the Deuteronomist, the redactor of the Book of Kings, who put the promise of David under condition (I Kings II, 4, VIII, 25, IX, 4f) and so did Deuteronomy with the promise to the patriarchs.¹⁰¹ The exile of Northern Israel and the destruction of Jerusalem and disrupting of the dynasty refuted, of course, the claim of the eternity of the Abrahamic and Davidic covenants and therefore a reinterpretation of the covenants was necessary which was done by putting in the condition, i.e., the covenant is eternal only if the donee keeps his loyalty to the donor. It is true, even in the predeuteronomic documents the loyalty of David's sons and the sons of the patriarchs is somehow presupposed¹⁰² but it is never formulated as the condition for national existence as it occurs in the deuteronomic literature. In the JE source Israel is never threatened with destruction for violating the Law. The non-observance of the covenant will certainly bring punishment (Ex. XXIII, 33; XXXIV, 12) but no annihilation. Even the parenthetic section of Ex. XIX, which sounds like a condition, is in fact a promise and not a threat: "if you will obey me faithfully and keep my covenant you shall be my treasured

possession.¹⁰³ Indeed all the earth is mine but you shall be to me a kingdom of priests and a holy nation."¹⁰⁴ The observance of loyalty in this passage is not a condition for the fulfillment of God's grace as in Deuteronomy (cf. VII, 12f, XI, 13f) but a prerequisite for high and extraordinary status.

The priestly Code also, in spite of the curses in Lev. XXVI and the threat of exile there, does not end with the breach of the covenant but on the contrary it has God saying: "Even when they are in the land of their enemies I will not reject them or spurn them so as to destroy them, violating my covenant with them (להפר בריתי אתם). I will remember in their favor¹⁰⁵ the covenant with the ancients (וּזְכַרְתִּי לָהֶם בְּרִית רִאשֹׁנִים)" (Lev. XXVI, 44-45). Deuteronomy however concludes chap. XXVIII with the threat that the people

¹⁰³ For the meaning of סגללה and its Akkadian equivalent *sikiltum*, see M. Greenberg, JAOS 71 (1951) pp. 172-ff. Cf. now PRU V, 60 (18.38), 11.7-12 (p. 84) where the Ugaritic vassal is called the *sglt* of his suzerain, which is rendered by C. Virolleaud as *propriété*. The *sglt* in the Ugaritic text now elucidates the סגללה in the Pentateuch. It seems that *sglt* and סגללה belong to the treaty and covenant terminology and that they are employed to distinguish a special relationship of the suzerain to one of his vassals. On the basis of Ugaritic, Biblical and also Alalahian evidence (cf. the seal impression in D. J. Wiseman, AT, pl. III, where king Abba-El is said to be the *sikiltum* of the goddess), we may safely say that the basic meaning of the root *sakālu* is to set aside a thing or certain property either with good intention (as Israel is set aside from other nations) or with an evil purpose as in CH §141 and in other Babylonian sources. Cf. the discussion of M. Held in JCS 15 (1961) pp. 11-12. For the Ugaritic text cf. also H. B. Huffmon, BASOR 184 (1966), pp. 36f.

¹⁰⁴ As a reward for her loyalty, Israel will in turn be God's most precious possession: she will be God's priesthood. A similar idea is indeed expressed in the consolation prophecy in Isa. LXI, 6: "And you shall be called the priests of Yahweh. You will be named servants of our God, you shall eat the wealth of the nations and in their splendour you shall excel," cf. R. B. Y. Scott, Oudtest. St. VIII (1950), pp. 213-215. For a recent thorough discussion of this passage see: W. L. Moran, "A kingdom of Priests," *The Bible in current Catholic thought*, edit. J. McKenzie, 1962, pp. 7-20.

¹⁰⁵ Cf. above.

⁹⁸ Cf. e.g. Friedrich, *Verträge*, No. 3, 7C:13-17 (pp. 112ff.); V. Korošec, "Juristische Bemerkungen", pp. 218ff., although the different attitudes towards the condemned should not reflect a historical development, as Korošec puts it, but might be explained as a double standard: to the privileged on the one hand and to the unprivileged on the other.

⁹⁹ PRU III, 16.249:22-29 (pp. 97-98); 16.145 (p. 169, *bél arni*).

¹⁰⁰ AT No. 17 (p. 40: *bél māšikiti*).

¹⁰¹ It is not without significance that in spite of frequent references to the promise of the Patriarchs, Deuteronomy never mentions the eternity of this promise (ברית עולם, לדורותם, עד עולם) in contradistinction to JE and P. (see below).

¹⁰² cf. Gen. XVIII, 19. This is an expectation and not a condition.

will be sent back to Egypt and no allusion to the grace of the covenant is made.¹⁰⁶

In regard to the Davidic covenant, it should be admitted that the conception of conditionality is implied in Ps. CXXXII (v. 12) which seems to be an ancient Psalm. It is indeed possible that alongside the conception of unconditional promise of the dynasty there was also in existence the concept of a conditional promise.¹⁰⁷ The conception of conditionality might have especially developed after the division of the kingdom. However, this ambiguous approach could not have been maintained after the fall of Judah. The Deuteronomist who was active at the time of the destruction and Exile therefore turned the conditionality into a dogma and built his ideology around it. As with most of the other motifs and ideas in the deuteronomic work so also with this idea there is nothing new in the very idea of conditionality. What is characteristic of the deuteronomic work is the transformation of this concept of conditionality into the dominant factor in the history of the monarchy. What is also characteristic of the Deuteronomist is the linking of the conditionality not only to ברית and עדות as in Ps. CXXXII, 12 which have the meaning of obligation in general¹⁰⁸ but especially to "the law of Moses" תורת משה (cf. I Kings II, 4; II Kings XXI, 7-8).

THE COVENANT WITH ABRAHAM IN GEN. XV

In the light of our analysis we may properly understand the nature of the covenant in Gen. XV. In this covenant it is God as the suzerain

¹⁰⁶ Deut. XXX, 1-10 is a later addition and revolves around the deuteronomic doctrine of return to God, cf. H. W. Wolff, "Das Kerygma des deuteronomistischen Geschichtswerks," ZAW 73 (1961) pp. 180ff.

¹⁰⁷ Cf. M. Tsevat, "Studies in Samuel III," HUCA 34 (1963) 75f., though I cannot accept his opinion of II Sam. VII, 13b-16 being a gloss.

¹⁰⁸ Compare the corresponding Akkadian terms: *riksu/riksâte* and *adê*.

who commits himself and swears, as it were, to keep the promise.¹⁰⁹ It is he accompanied by a smoking oven and a blazing torch (תנור עשן וולפיר אש)¹¹⁰ who passes between the parts as though he were invoking the curse upon himself. Though the torch and the oven are usually held to be related to the theophany¹¹¹ it seems that in this particular context they have a different meaning. In the *Šurpu* documents¹¹² we read about an oath taken by holding a torch¹¹³ or about the oath of furnace, stove etc.¹¹⁴ In the same series we find the oath of the slaughtered sheep and the touching of its wound.¹¹⁵ It therefore stands to reason that like the cutting of the animals so also the torch and the oven are part of the procedure of taking the oath.

A similar oath occurs in the Abba-El—Yarimlim deed where Abba-El, the donor, takes the oath by cutting the neck of a lamb (*kišād 1 immeru iṭbuḥ*) saying: "(May I be cursed) if I

¹⁰⁹ On the covenant with Abraham in Gen. XV as representing an oath, cf. Lohfink, *Die Landverheissung*, pp. 11-23.

¹¹⁰ Cf. D. J. McCarthy, "Three Covenants in Genesis," CBQ 26 (1964) pp. 179ff.

¹¹¹ Cf. e.g. Isa. XXXI, 9.

The Akkadian divine epithets: *tināru lā anīhu* = "the incessant oven" (Dilbat); *išātum napīhtum* = "the blazing fire" (Ištar), (cf. K. Tallqvist, *Akkadische Götterepitheta* 1938, pp. 33-34) and *dipār šamē u eršetī* = "the torch of heaven and earth" (Ištar) (cf. E. Ebeling, *Die akkadische Gebetserie "Handerhebung"* etc. 1953, p. 130:34-37) are attributed solely to the astral deities and cannot therefore be considered as parallels to our case.

¹¹² E. Reiner, *Šurpu*, AfO Beiheft 11, 1958.

¹¹³ *māmūt dipāru našū šum ili zakāru* "curse caused by holding a torch and taking an oath" (*Šurpu* III:93).

¹¹⁴ Cf. e.g. KI *ma-mīt UDUN la-ap-ti ti-nu-ri* KI.NE (= kinūnu) KI.UD.BA *u nap-pa-ḥa-tū* = together with the oath of furnace, grill, kiln, stove, brazier or bellows (*Šurpu* VIII:75); *ma-mīt* ⁴IZI.GAR u KI.NE = "the oath of lamp and stove" (*Šurpu* III:145). On ovens in Mesopotamia see A. Salonen, "Die Öfen der alten Mesopotamier" *Baghdader Mitteilungen* 3 (1964), pp. 100ff.

¹¹⁵ *Šurpu* III:35: *māmūt immeru taḇāḥu nikissu lapātu* = "an oath sworn by slaughtering a sheep and touching the wound."

take back what I gave you."¹¹⁶ In another document which completes the data of this gift we read: "On that day Abba-El in exchange for Irridi gave the city . . . On that day Yarimlim delivered (or brought up) to Ištar . . ."¹¹⁷ which seems to reflect a situation similar to that of the covenant in Gen. XV, i.e., that the inferior party delivers the animals while the superior swears the oath.

In Alalaḫ as well as in Gen. XV the animals slaughtered at the scene of the covenant are considered as sacrificial offerings.¹¹⁸ That the act of cutting the neck of the animal is of sacrificial nature may be learned from another covenantal description in Alalaḫ where we read: "the neck of a sacrificial lamb was cut in the presence of PN the general."¹¹⁹ A later Alalaḫian covenantal

text¹²⁰ tells us about an offering¹²¹ and a brazier¹²² in connection with the oath that the parties had taken which reminds us of the offerings and the oven and torch in Gen. XV.¹²³ The ancient covenant in Ex. XXIV is wholly based upon sacrifices and the secular patriarchal covenants are also ratified by sacrifices (Gen. XXI, 27,¹²⁴ XXXI, 54). From Mari we learn about different traditions of sacrifices.¹²⁵ The provincial tribes seem to prefer a goat¹²⁶ and a puppy for the ceremony while the king of Mari insists on killing an ass.¹²⁷

In fact this tradition of covenantal sacrifices goes back to the third millennium B.C. Thus in the treaty between Naram-Sin and the Elamites (2300–2250 B.C.)¹²⁸ we find sacrifices offered and statutes erected at the Elamite sanctuary. In the treaty between Lagash and Umma, recorded on the stele of the vultures, we hear about sacrificing a bull¹²⁹ and two doves.¹³⁰ The doves remind

¹¹⁶ D. J. Wiseman, "Abban and Alalaḫ," JCS 12 (1958), p. 126:39–42; cf. above n. 10. In the continuation Abba-El states that if Yarimlim betrays him he will forfeit his territory, which then makes the gift conditional. We must, however, keep in mind that the deed of Abba-El to Yarimlim is not a deed of grant but rather a deed of exchange. Alalaḫ was given to Yarimlim in place of the destroyed Irridi. The gift of Alalaḫ is therefore not a reward for loyal service as is the case in grants, but is a part of a political arrangement between two parties.

¹¹⁷ *ina ūmiššu Yarimlim . . . [ana d] Ištar ušēli*, reading with CAD E p. 130a. According to Lohfink (*Landverheissung* pp. 93f.) the tradition of Gen. XV, 7ff. reflects an incubation dream in a sanctuary (Hebron or Shechem). If true this might be an additional parallel feature to the Alalaḫ covenant.

¹¹⁸ For the sacrificial nature of the offerings brought at the ceremony in Gen. XV, see E. Loewenstamm, "Zur Traditionsgeschichte des Bundes zwischen den Stücken," VT XVIII (1968) pp. 500ff. However, in view of the evidence presented here, we cannot accept his opinion that the sacrifice is a late element in the tradition of Gen. XV.

¹¹⁹ AT* -54:16-18: GŪ SILÁ *a-sa-ki* IGI PN UGULA UKU. UŠ *ta-bi-iḫ* (cf. A. Draffkorn JCS 13 (1959) p. 95, n. 11). The presence of the general at this transaction may be paralleled with Gen. XXI, 22f. and the Yahwistic counterpart in XXVI, 26ff. where the covenant between Abimelech and Abraham and Isaac respectively is made in presence of Phicol the general (for this parallel I am indebted to Dr. Y. Muffs of the Jewish Theological Seminary).

¹²⁰ S. Smith, *The Statue of Idrimi*, 1949; cf. the review by A. Goetze, JCS 4 (1950) pp. 226–231.

¹²¹ Read in line 55 with Goetze (*ibid.* p. 228) SISKUR instead of GAZ; compare line 89 the same sign (SISKUR) with *ni-iq-qi* H.I.A.

¹²² *kinūnu* in line 55.

¹²³ Cf. note 114 above.

¹²⁴ We are also told there that Abraham gave seven lambs to Abimelech as a "witness" (𐤀𐤍𐤍) or as Speiser (*Genesis*, Anchor Bible, *ad loc.*) translates a "proof" for his rights on the well. A similar procedure is found in an Old Babylonian act of partition where one of the partners gives to the other two lambs as a proof of the agreement: E. Szlechter, JCS 7 (1953) p. 92, 5:16–17. Compare also A. Goetze, JCS 4 (1950) p. 228, n. 20.

¹²⁵ ARM II, 37.

¹²⁶ *ḫazzum* (cf. *ḫanzum* and *enzum*) is Hebrew 𐤀𐤎 (see AHw).

¹²⁷ *ḫayarum qatālum*, ARM II, 37:6, 11.

¹²⁸ Cf. W. Hinz, "Elams Vertrag mit Naram-Sin von Akkade," ZA 24 (1967) pp. 66–96.

¹²⁹ Rev. I:37–40: ^dUtu *lugal ni-sig₁₀-ga-ra larsam^{ki} é-babbar NINDÁ+GUD-šè an-kú* which is translated by E. Sollberger, (*Le système verbal dans les inscriptions "royales" présargoniques de Lagaš*, 1952, example 161): à Utu, le roi étincelant, à Larsa dans l'Ebabbar, j'y ai fait le sacrifice (alimentaire).

¹³⁰ "Two doves on whose eyes he had put spices (and) on whose heads he had strewn cedar(?) he caused to be eaten for Enlil at Nippur (with the plea): 'As long as days exist . . . if the Ummaite . . . breaks his word . . .'"

us of the pigeon and the turtledove in Gen. XV whereas the NINDÁ + GUD (=fatted bull) which equals Akkadian *būru* is in many cases three years old¹³¹ and may therefore be paralleled with Gen. XV, 9.¹³²

It is true, in the ceremony of Gen. XV the passing between the parts symbolizes the self-curse, similar to the act of seizing the throat,¹³³ but this does not nullify the sacrificial nature of the ceremony. On the contrary, the ritual adds solemnity to the oath. It is only in the covenantal ceremonies of the first millennium that the sacrificial element gradually disappears and gives way to the dramatic act. Thus, the Assyrian treaty and similarly the deuteronomic covenant become binding and valid not by virtue of the treaty ritual but by the oath-imprecation (the *māmātu*)¹³⁴ that ac-

(translation according to S. N. Kramer, *The Sumerians*, 1964, p. 311). An offering of a similar kind although in a different context is to be found in Lev. XIV, 4, 49 where two birds are taken together with cedar wood, crimson stuff and hyssop. The word translated by Kramer spices is *šim/šimbi* (Akkad. *guḫlu* Hebrew כהל), full form *šim-bi-zi-da*, which is actually antimony.

¹³¹ Cf. CAD vol. 2 (B) p. 266. The three-year old bull in I Sam. I, 24 (LXX and Qumran) and the three-year animals in Gen. XV do not therefore reflect precisely a Shilonite tradition as Loewenstamm contends (*loc. cit.*). It seems that the three-year animal was considered of good quality in general; cf. e.g.: 1 *immeru ša šullušitu damqu* = "one three-year old sheep of good quality" (RA 23, p. 154, 47.15); *šullušita enza* = "a three-year old she-goat" in connection with a feast (Anatolian Studies 6 (1956) p. 152:44); 1 *alpu šuluššū ešrā ša . . . PN ana Ebabbara iddinu* = "the three-year old ox, the tithe which PN has given to Ebabbara" (J. N. Strassmaier, *Inschriften von Nabonidus*, 1071:1). For cattle and sheep and their ages in Mesopotamia, cf. MSL VIII, 1 and espec. p. 47 there. For the age adjective *šuluššū*, compare also עגלת שלשִׁיָּה (Isa. XV, 5, Jer. XLVIII, 34) and see Mishna Parah I, 1 (שְׁלִישִׁית).

¹³² The vultures (הַעֵיִט and הַצֶּפֶר) are collective nouns coming down upon the carcasses might visualize the fate of the one who will violate the oath (compare the threat in Jer. XXXIV, 20 and the conventional curses of the betrayer being eaten by animals and birds; cf. Hillers, *Treaty Curses*, pp. 68–69). This is actually the function of the scene of vultures eating the carcasses on the stele of Eannatum.

¹³³ Cf. ARM II, 62:9'; 77, *passim*; I, 37:20, cf. Enuma elish VI:98.

¹³⁴ Cf. I. Gelb, *Bibl. Orient.* 19 (1962), pp. 159–162.

companies the ceremony. The ritual itself—if it was performed—served only a symbolic and dramatic end: to tangibly impress upon the vassal the inevitable consequences that would follow from his infringement of the covenant. The treaty between Ashurnirari V and Mati'ilu of Bit-Agusi¹³⁵ even states explicitly that the ram is brought forward in the treaty ceremony not for sacrificial purposes, but to serve as a palpable example of the punishment awaiting the transgressor of the treaty (= Drohritus): "This ram was not taken from its flock for sacrifice (UDU.SISKUR) . . . if Mati'ilu (shall violate) the covenant and oath to the gods, then, as this ram, which was taken from its flock and to its flock will not return, and at the head of its flock shall not stand, so Mati'ilu with his sons, (ministers), the men of his city, shall be taken from their city, and to his city he shall not return, and at the head of his city he shall not stand . . . if he who is specified by name shall violate this covenant . . . as the head of this ram shall be struck off so shall his head be struck off."¹³⁶

Like Saul, who cut a yoke of oxen into pieces and proclaimed: "Whoever does not come after Saul and Samuel, so shall it be done to his oxen" (I Sam. XI, 7),¹³⁷ so Bir Ga'yah declared in his treaty with Mati'ilu: "(As) this calf is cut into two so may Mati'el be cut into two."¹³⁸ Zedekiah's covenant with the people on the manumission of the slaves (Jer. XXXIV, 8–22) is to be understood in an analogous manner. Hence, those passing between the two parts of the calf (v. 18) must have accepted the consequences ensuing from a violation of the oath-imprecation in this manner: "so may it befall me if I shall not observe the words of the covenant."¹³⁹ Dramatic acts of this sort were not, however, only performed with animals. In the Sefire treaty,¹⁴⁰ in the vassal treaties of

¹³⁵ Cf. E. Weidner, *AfO* 8 (1932–1933) pp. 16ff.

¹³⁶ Weidner, *op. cit.*, Col. I:10ff.

¹³⁷ Compare the Mari letter (ARM II, 48) where it is proposed to cut off the head of a culprit and circulate it among the cities of Ḫana so that the troops may fear and quickly assemble.

¹³⁸ Cf. J. A. Fitzmeyer, *The Aramaic Inscriptions of Sefire*, *Biblica et Orientalia* 19, 1967, I A:39–40.

¹³⁹ See W. Rudolph, *Jeremia*², HAT, 1958, p. 205.

¹⁴⁰ I A:35–42.

Esarhaddon,¹⁴¹ and in Hittite military oath-taking ceremonies¹⁴² similar acts were performed with wax images and other objects.¹⁴³ Generally speaking, however, it appears that this act was not a requisite part of the ceremony. Many Hittite and Assyrian treaties make no mention of such acts and neither does the book of Deuteronomy. Apparently the oath-imprecation, which was recorded in the treaty document, was believed to be enough to deter the treaty party from violating the stipulations of the treaty.

Distinction should therefore be made between the covenant in Gen. XV which similarly to the covenants of Alalah and Mari preserves the sacrificial element alongside the symbolic one and between the covenant in Jer. XXXIV in which the ceremony, although performed before God, seems to be nothing more than a self-curse dramatized by a symbolic act. Another difference between Gen. XV and Jer. XXXIV should also be mentioned and that is: while in Gen. XV and similarly in the Abba-El deed it is the superior party who places himself under oath, in Jer. XXXIV and similarly in the treaty of Ashurnirari V it is the inferior who does it. As we already indicated, this difference stems from the fact that the Abba-El deed and Gen. XV constitute a covenant of grant which binds the suzerain whereas Jer. XXXIV and similarly the treaty of Ashurnirari V are none other than commitments of the vassals to their masters.

THE LEGAL FORMULAE IN THE COVENANT WITH ABRAHAM

It has already been indicated that the legal formulae expressing the gift of land to Abraham are identical with the legal formulae of conveyance of property in the ancient Near East.¹⁴⁴ Especially instructive in this case are the formulations of conveyance in perpetuity. So, for example, the formulae: "for your descendants forever" לזרעך

עד עולם (Gen. XIII, 15), "for your descendants after you throughout their generations" לזרעך לזרעך (Gen. XVII, 7-8) are identical with the conveyance and donation formulae from Susa,¹⁴⁶ Alalah,¹⁴⁷ Ugarit,¹⁴⁸ and Elephantine.¹⁴⁹ In Assyria and Babylonia proper we meet with different clichés in this context such as: *ana arkāt ūmē*¹⁵⁰ or *ana šāt ūmē*¹⁵¹ which although not as close to עד עולם or לזרעך as the expressions of the peripheral documents (*adi dāriš*¹⁵² etc.) nevertheless render the same idea of perpetuity.

The proclamation of the gift of land in Gen. XV is also styled according to the prevalent judicial pattern. In the gift-deed of Abba-El to Yarimlim we read: "On that day (*ina ūmišu*) Abba-El gave

¹⁴⁵ דור = *dūru* with the pronominal suffix is also attested in Old Babylonian documents pertaining to conveyance in perpetuity. Cf. e.g. *eqlam ana dārišu idna* = give the field as his permanent property (TCL VII, 16:13; cf. F. R. Kraus, *Altbabylonische Briefe*) to which one might compare Lev. XXV, 30: = "that house shall be established forever to him that bought it throughout his generations" (i.e. for his permanent property).

¹⁴⁶ Cf. *ana dār u pala ana šēršēri . . . kima abu ana māri išāmu*, PN *ana dārāli išām* (MDP XXII, 45:10-21) = "forever and for all times, for the offspring . . . like a father, who bequeathes to his son, so shall PN bequeath forever."

¹⁴⁷ *mārmārišu ana dāria marianni*: "his descendants will have the status of *mariannu* forever," AT 15:8-9; cf. S. Smith, *The Antiquaries Journal* XIX (1939) p. 43.

¹⁴⁸ Cf. e.g. PRU III, p. 160, 16.132: 27-38: *u ittadinšu ana Adalšeni [u] ana mārēšu adi dārīti* = "and gives it to Adalšeni and his sons forever"; cf. 16.248:14 (p. 48: *ana dāri dāri*), 16.182 + 199:9 (p. 148: *ana dārīti ana dāri dāri*), 16.146:10-12 (p. 146: *eqlatu šāmīd ana dārīti*). The formula in Ugaritic is: *wlbnh 'd 'lm* (PRU II, 16.382, pp. 20-21).

¹⁴⁹ Cf. A. Cowley, *Aramaic Papyri of the fifth century B.C.* 1932, 8:9, (p. 22): אנתי שליטה בה מן יומא זנה = "you have rights over it from this day forever and your children after you"; cf. 25:9 (p. 85). On preservation of ancient legalistic formulae in the Elephantine Papyri, see recently Y. Muffs, *Aramaic Legal Papyri from Elephantine*, pp. 179ff.

¹⁵⁰ F. Steinmetz, "Die Bestallungsurkunde Königs Šamas-šum-ukīn von Babylon," *Ar. Orientaln* 7 (1935), pp. 314-318, II:9.

¹⁵¹ *ana šātī irenšu* = "he granted to him in perpetuity," BBSt 8, I:13; cf. also 34:6.

¹⁵² Cf. CAD vol. 3 (D) p. 198.

¹⁴¹ D. J. Wiseman, *Iraq* 20 (1958), II.608-611.

¹⁴² J. Friedrich, "Der hethitische Soldateneid," *ZA* 35 (1924) p. 163, I:41-45, II:1-3.

¹⁴³ This type of symbolism was also employed in Babylonian magic; see E. Reiner, *Šurpu*, III:60-112.

¹⁴⁴ Cf. J. J. Rabinowitz, *Jewish Law*, 1956, pp. 130-131; *idem*, "The Susa Tablets," *VT* 11 (1961), pp. 55ff.

the city . . ." Similarly we read in Gen. XV, 18: On that day (ביום ההוא) Yahweh concluded a covenant with Abraham saying: "To your offspring I give this land." The phrase "on that day" in these instances has certainly legal implications.¹⁵³ The delineation of the borders and the specification of the granted territories in vv. 18-21 indeed constitute an important part of the documents of grant in the Ancient Near East.¹⁵⁴

The formulation of the priestly covenant with Abraham, "to be unto you a God" לְהִיְתֹב לָךְ (Gen. XVII, 7, 8) and the priestly formulation of the covenant with Israel, "I will be your God and you shall be my people" וְהִיְתִי לָכֶם (Lev. XXVI, 12, Ex. VI, 7; cf. Deut. XXIX, 12), is taken from the sphere of marriage/adoption legal terminology¹⁵⁵ like its Davidic counterpart in II Sam. VII, 14.

The Covenant with Abraham and the Covenant with David are indeed based on a common pattern and their literary formulation may have the same historical and literary antecedents.¹⁵⁶ The promise of the land to Abraham is preceded by the promise of progeny (Gen. XV, 4-5) and the latter is formulated in the way the promise of the dynasty is phrased in II Sam. VII, 12: אִשָּׁר יֵצֵא מִמְּעִיד (II Sam. VII, 12). Similarly the promise of a great name to Abraham (וְאִנְגְדְלָה שְׁמֶךָ, Gen. XII, 2) sounds like II Sam. 7, 9: "David will have a name like the name of the great ones of the earth" כְּשֵׁם

הַגְּדֹלִים אֲשֶׁר בָּאָרֶץ.¹⁵⁸ As I have shown elsewhere,¹⁵⁹ the greatness of the name has political significance,¹⁶⁰ a thing which also finds expression in the Genesis traditions, which apparently had been crystallized under the impact of the united monarchy.¹⁶¹

The priestly source in Genesis goes even further and combines the promise of land with the promise of dynasty. To the promise of progeny he adds that "Kings shall come out from you" (XVII, 6, 16, XXXV, 11), which sounds like a promise of dynasty.

THE GRANT OF HEBRON TO CALEB

On the basis of the grant typology, discussed here, we may properly understand the nature of some other promises and bestowals in the Old Testament. Thus, the accounts of the conquest inform us about the gift of Hebron to Caleb (Jos. XIV, 13-14, Judg. I, 20; cf. Num. XIV, 24, Deut. I, 36).¹⁶² The reason for the gift was the faithfulness of Caleb during his mission with the spies: "because he filled up after the Lord" יֵעַן כִּי מָלֵא אַחֲרַי יְהוָה אֱלֹהֵי יִשְׂרָאֵל (Jos. XIV, 14; cf. vv. 8, 9 and Num. XIV, 24, XXXII, 11-12, Deut. I, 36), a phrase which is semantically equivalent to הִיָּה תְּמִיִם (= be perfect i.e., wholly devoted) of the Abrahamic covenant and הִיָּה שְׂלֵם of the Davidic covenant. Furthermore as in the

¹⁵³ Cf. above note 55.

¹⁵⁴ Cf. BBSt (*passim*) and also Cowley, *Aramaic Papyri*, 8:3ff.; 13:13f.; 25:4f. See on this point M. Weinfeld, *Deuteronomy and the Deuteronomistic School*.

¹⁵⁵ Cf. Y. Muffs, "Studies in Biblical Law IV (The Antiquity of P)," Lectures at the Jewish Theological Seminary, 1965. On the prophetic vs. Pentateuchal imagery of the covenantal relationship between God and the people, see Weinfeld, *Deut. and the Deuteronomistic School*.

¹⁵⁶ The tradition of the covenant with Abraham is very ancient and reflects the covenant customs in Mari and Alalakh but the literary formulation of this covenant is later and seems to be from the time of the United Monarchy; cf. R. E. Clements, *Abraham and David*, Studies in Biblical Theology, sec. series 5, 1967.

¹⁵⁷ Cf. R. A. Carlson, *David the Chosen King*, 1964, p. 122.

¹⁵⁸ Carlson, *ibid.*, pp. 114-115.

¹⁵⁹ "Holy people and great nation," Molad 1964, pp. 662-665 (Hebrew). Cf. also 'Oz leDavid (Ben-Gurion Festschrift), 1964, pp. 399f.

¹⁶⁰ Cf. *šumam rabēm* in connection with military victories in ARM I, 69:14'-16'.

¹⁶¹ The extent of the promised land in Gen. XV, 19-21, and especially the Kenites, Kenizzites and Kadmonites mentioned there, also point to a Davidic background; cf. B. Mazar, "Historical Background of the Book of Genesis," JNES 28 (1969), pp. 79f.

¹⁶² Joshua is secondary in this tradition (cf. Num. XIV, 24, Deut. I, 36). The promise of land to Joshua was incorporated later when the conquest was nationalized and the original account of spying out the south (till Hebron and the valley of Eshkol, Num. XIII, 22-23) was expanded by an alleged excursion to the northern part of the country (till Rehob at Lebo-Hamath, v. 21). See Commentaries and recently: J. Liver, art. Caleb, Encyclop. Miqra'it (Hebrew).

Abrahamic-Davidic covenants and in the grants of the Ancient Near East so also in the Caleb gift we find the conventional formulae of conveyance in perpetuity: "to you and your descendants forever" ולבניך עד עולם . . . לך (Jos. XIV, 9).

Granting a city or a territory to the one who excelled in the king's expedition is indeed very common in the *kudurru* documents¹⁶³ and the case of Caleb has therefore to be considered as a grant although we don't know whether the grant reflects an authentic historical fact of the times of the conquest or is rather a back projection of later times.

Clements¹⁶⁴ suggested that Hebron was the birth place of the traditions of the Abrahamic and Davidic covenants. The tradition about the grant to Caleb is certainly rooted in Hebron. It therefore seems plausible that the tradition of the grant of Hebron to Caleb had been transmitted by the same circle which transmitted the tradition of the Abrahamic-Davidic covenants.

THE GRANT OF PRIESTHOOD AND PRIESTLY REVENUES

The documents of grant in the Ancient Near East also include grants of status: *maryannu*-ship,¹⁶⁵ priesthood¹⁶⁶ etc. The priesthood of Aaron in Israel had also been conceived as an eternal grant. Thus we read in Num. XXV, 12-13: "Phinehas, son of Eleazar son of Aaron the priest, has turned back my wrath from the Israelites by displaying among them his passion for me . . . say, therefore, I grant him my pact of friendship (ברית שלום). It shall be for him and his descendants after him a pact of priesthood forever (ברית כהנה עולם)." As in other grants so also here the grant is given for showing one's zeal and devotion for his master; and like the other grants

so also the gift of priesthood is given in perpetuity.¹⁶⁷ In other biblical texts which do not follow the rigid distinction (of the priestly code) between priests and Levites, but rather adopt the deuteronomic attitude of priests and Levites as one group, the grant applies to the whole tribe of Levi. Thus, we read in Malachi II, 4f: "that my covenant might be with Levi . . . my covenant was with him of life and well being (החיים והשלום)." In the continuation an indication is also found about the loyalty and devotion of Levi which is similar in its phraseology to the descriptions of the loyalty of Abraham and David:¹⁶⁸ "he walked with me (= he served me) with integrity and equity" בשלום ובמשור הלך אתי (v. 6).¹⁶⁹ The eternal covenant with Levi is also mentioned alongside the covenant with David in Jer. XXXIII, 17ff.

Priestly revenues in the Ancient Near East were also subject to grants and royal bestowals. This is indeed also reflected in Israel. The holy donations assigned to the Aaronide priesthood are formulated in the manner of royal grants: "All the sacred donations of the Israelites, I grant them to you and to your sons as a perquisite,¹⁷⁰ a due for all time" לך נתתים למשהה (Num. XVIII, 8, cf. Lev. VII, 34ff) and in a slightly different formulation: "all the sacred gifts that the Israelites set aside for the Lord I give to you, to your sons . . . as a due forever, it shall be an everlasting salt covenant . . . for you and your offspring as well (v. 19)."

Similarly the tithe which, according to Num. XVIII, 21f., belongs to the Levites, was also given to them as a grant for their service: "And to the children of Levi I grant all the tithe in Israel for an inheritance in return for the services that they perform" (חלף עבדתם אשר הם עבדים). Grants of the tithe of a city to royal servants are actually known to us from Ugarit, as we read for instance

¹⁶³ Cf. e.g. King, *BBSt* pp. 31ff., 43ff., 96ff.

¹⁶⁴ *op. cit.*

¹⁶⁵ Cf. S. Smith, *The Antiquaries Journal* XIX (1939), ATT/8/49 (p. 43): *mār mārēšu ana dāria marianni u šangī ša Enlil* = "his grandsons in perpetuity are (will be) *mariannu* and priests of Enlil."

¹⁶⁶ Cf. e.g. Schorr, *Urkunden*, VAB 5, No. 220; Thureau-Dangin, *RA* 16 (1919), pp. 141ff. and the Alalāh text in the previous note.

¹⁶⁷ Cf. above.

¹⁶⁸ Cf. above.

¹⁶⁹ See note 15 above.

¹⁷⁰ Following the translation of *The Torah*, Jewish Publication Society of America, 1962.

in the grant of Ammistamru II:¹⁷¹ "Ammistamru granted everything whatsoever (that belongs to the city) to PN . . . forever for his grandsons: his grain, and his wine of its tithe."

The connection of the Aaronites and the Levites to Hebron has been recently pointed out¹⁷² and we may suppose therefore that the "Sitz im Leben" of the grant to Aaron and the Levites is rooted in Hebron like the other discussed grant traditions.

As we have shown, the grants to Abraham, Caleb, David, Aaron and the Levites have much in common with the grants from Alalah, Nuzi, the Hittites, Ugarit, and Middle-Babylonian *ku-durru*'s, i.e., mainly in documents from the second half of the second millennium B.C. This fact and the possible link of the mentioned Israelite grants to Hebron, the first capital of David's kingdom, may lead us to the contention that it was Davidic scribes who stood behind the formulation of the Covenant of grant in Israel.

APPENDIX: THE ABRAHAMIC COVENANT IN THE PRIESTLY SOURCE

Clements¹ argues justifiably for the dependence of the Abrahamic covenant in P upon the Davidic covenant. Following the Wellhausenian view about the lateness of P, however, he explains this dependency as a post-exilic reinterpretation of the Abrahamic covenant. This can hardly be maintained. First, the Davidic royal tradition is already reflected in the JE Abrahamic covenant, as Clements admits. Why then can we not simply say that P follows this tradition, to which it is literally attached?

¹⁷¹ GN *qadu gabbi mimmi šumšiša iddin ana PN . . . ana dāriš ana mārē mārēšu: šēšu, šikarsu ša ma'šariša*, PRU III 16.153:4-11 (pp. 146-147). As in Ugarit so in Israel the tithe is taken from grain and wine (and also oil) whereas in Mesopotamia tithe is mostly taken from barley and dates; cf. BIN I, 109:2; YOS VII, 188:4.

¹⁷² Cf. the unpublished dissertation by M. D. Rehm, *Studies in the History of the Pre-Exilic Levites*, announced in the *Harvard Theol. Review* 61 (1968) pp. 648-649. Cf. also B. Mazar, "Cities of Priests and Levites," VT Suppl. VII, 1959, pp. 197ff.

¹ *Abraham and David*, pp. 70ff.

Secondly, as Y. Muffs has shown,² D's covenant formula in Deut. XXVI, 17f. is actually a reworking of P's covenant formula ("I shall be your God and you shall be my people"), the difference being only this, that in P the covenant relationship is one-sided, i.e., the initiative is God's: it is God who adopts the people,³ whereas in Deuteronomy Israel takes an active part in establishing the relationship with God: Israel affirms that Yahweh is its Lord (XXVI, 17).

Thirdly, what could have prompted an exilic or postexilic author to create an ideal of "kings coming forth from Abraham" or of Abraham as "father of the host of nations" which we find in the priestly source (Gen. XVII, 5-6, 16, XXXV, 11, XXVIII, 3, XLVIII, 4)? As a matter of fact, these ideas go hand in hand with the concept of dominion over the nations expressed in the Yahwistic source (Gen. XXVII, 29).

As evidence for the contention that the Abrahamic covenant was formulated in the Davidic court circle, Clements rightly refers to the old Jerusalemite Psalm XLVII, in which we hear about "the chiefs of the peoples assembling together, the people⁴ of the God of Abraham" (V. 10). He overlooks, however, the fact that this idea has been preserved not in the JE tradition, but in the priestly tradition where Abraham is called "Father of the host of nations" and where he is promised "that Kings shall stem from him." The phrase "the God of Abraham" is found elsewhere only in a Patriarchal context and its appearance in this psalm can be explained only on the basis of its reference to Genesis XVII. The

² "Readings in the History of Biblical Thought, Covenant Traditions in Deuteronomy," Lectures at the Jewish Theological Seminary, 1965.

³ It is Muffs' opinion (*ibid.*) that the pattern of P's covenant is one of adoption by manumission (= redemption from slavery i.e. Exodus). This seems to be supported by the fact that in describing the election of the people (cf. e.g. Ex. VI, 6f.) P uses the verb גאֵל which is the terminus technicus in P for redemption and release.

⁴ The LXX and the Syriac read: עַם אֱלֹהֵי אַבְרָהָם "with the people of the God of Abraham" but this seems to be a tendentious reading prompted by the wish to avoid the identification of the nations with "the people of the God of Abraham" itself.

rulers of the nations gather in Jerusalem for the celebration of God's kingship by virtue of their belonging to the God of Abraham who was the father of a host of nations. This psalm undoubtedly reflects the political situation of the Davidic Empire when Ammonites, Moabites, Edomites, Ishmaelites and Midianites were vassals of Israel,⁵ a fact indicated by verse 4. Here God is depicted as subduing peoples and nations under Israel: *ידבר עמים תחתינו ולאומים תחת רגלינו*, an idea found in Isaac's blessing of Jacob: "let peoples serve you and nations bow to you" (Gen. XXVII, 29) which is reminiscent of the language of David's victory psalm (Ps. XVIII, 44, 48; cf. II Sam. XXII, 44, 48).

The argument that the sign of the Abrahamic covenant in P, the circumcision, reflects the period of exile when circumcision assumed a new importance in Jewish life can hardly be maintained.⁶ Circumcision has to be observed, according to P,

⁵ On the interrelationship between these nations at the end of the second millennium B.C., see O. Eissfeldt, *JBL* 87 (1968) pp. 383ff. Cf. also B. Mazar, "Historical Background of the Book of Genesis," *JNES* 28 (1969), pp. 79-80.

⁶ On Sabbath and circumcision in P see also my article in *Tarbitz* 37 (1968) pp. 105ff. (Hebrew with English summary).

also by the Ishmaelites. The question then to be posed is who would be interested in the time of the exile, when circumcision became the badge of Jewish distinctiveness, to share this very symbol of distinctiveness with the Ishmaelites? Wouldn't it be more reasonable to say: the priestly scribes who based their theology on "signs of covenant" used in the covenant with Abraham, "the father of a host of nations," a sign which absolutely marked these nations? As is well known, in contradistinction to the Philistines, Hittites, Mesopotamians etc. who were not circumcised, the ethnic groups which belong to the family of the Hebrews like the Ishmaelites, Midianites, Edomites, Ammonites and Moabites were circumcised⁷ and thus could be considered as forming the family of Abraham. As may be learned from Gen. XXXIV, circumcision had been considered also in old Israel as a prerequisite for joining the people of Israel. No wonder, then, that the circumcised peoples were looked upon as having a common ethnic-cultural background and stemming from Abraham "the father of a host of nations."

⁷ Cf. Jer. IX, 25 and read: *כי כל הגויים האלה וכל בית ישראל ערלי לב* (cf. W. Rudolph, *Jeremia*² HAT, *ad loc.*). On the whole problem see M. Haran, "The Religion of the Patriarchs," *Annual of the Swedish Theological Institute*, vol. IV, 1965, pp. 42-43.