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## The Patriarchs and Near Eastern Laws and Customs: How the Patriarchs Interacted with Mesopotamian Society

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### Cover Page Footnote

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American philosopher Allan Bloom once said, “We are like ignorant shepherds living on a site where great civilizations once flourished. The shepherds play with the fragments that pop up to the surface, having no notion of the beautiful structures of which they were once a part.”<sup>1</sup> Reading the Bible is much like wandering around ancient ruins. As one begins to piece together the fragments that have been recorded, one can learn about the world in which these characters lived. Soon, the ruins begin to take on life. What once were mere stories of long ago become flesh and blood, and just like that, Abraham, Isaac, and Jacob stand before us and reveal themselves as they truly are.

For this reason, it is of utmost importance that culture is considered when reading the Bible, particularly the Old Testament. There is perhaps no part of the Old Testament that better displays the personalities and struggles of ancient Near Eastern inhabitants better than the stories of the Patriarchs in Genesis. As Abraham, Isaac, and Jacob marry, have children, and interact with their Near Eastern neighbors, they reveal the cultural underpinnings of the land. The reader is allowed a rare opportunity to take a glimpse into a largely mysterious time in history. However, the Bible is not alone in its recordings of the patriarchal period. Several ancient texts have been found that give much insight on this area. These documents have revealed many mysteries and answered countless questions regarding ancient Near Eastern culture. This essay will take a deeper look into how these documents line up with the Bible’s account and will conclude that the Bible is accurate in its description of Near Eastern civilization. Ancient Mesopotamian law and customs are so reflected in the lives of the patriarchs that it is inappropriate to place them in any other time period.

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<sup>1</sup> Alan Bloom, *Closing of the American Mind* (New York: Simon & Schuster, 1989), 239.

## Marriage

### Abram, Sarai, and Hagar

Sarai was faced with a challenge that many women throughout history have been struggled with, barrenness. Being barren was humiliating to ancient women, as being able to produce children was an essential duty of women. Not having a child was a source of ultimate sorrow and shame.<sup>2</sup> Abram was longing for an heir within his bloodline and, with Lot gone, he had run out of options. Many different Near Eastern law codes existed that Abram could use to his advantage in this situation. The first option was that he could divorce Sarai and marry someone else. This option is not mentioned in the Bible, and it is likely that Abram never seriously considered it. However, according to the Code of Hammurabi, infertility was sufficient grounds for divorce.<sup>3</sup>

The other alternative was suggested by Sarai; Abram could take her servant, Hagar, as his concubine and surrogate. This option was clearly better for Sarai, who had given up hope on conceiving herself. In fact, many ancient law codes stated that a wife must give a servant as a surrogate if she cannot produce a child within two years. Assyrian marriage contracts from that era confirm this, as well as the older Sumerian Code of Lipit-Ishtar and the Code of Ur-Nammu.<sup>4</sup> However, this child would not be recognized as the child of the servant, but instead it would be considered the child of the first wife. After that, the servant is free to have more children of her own.<sup>5</sup> The Biblical narrative aligns almost perfectly with the ancient law codes. The only area of

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<sup>2</sup> Charles F. Pfeiffer Howard F. Vos, and John Rea, ed., *Wycliffe Bible Encyclopedia*: vol. 1. (Chicago: Moody Press, 1975), 205.

<sup>3</sup> Jean-Pierre Isbouts, *Archaeology of the Bible* (Washington, D.C.: National Geographic, 2016), 52.

<sup>4</sup> Ibid.

<sup>5</sup> John F. Walvoord and Roy B. Zuck, *The Bible Knowledge Commentary* (Dallas, TX: SP Publications Inc., 1983), 56.

dispute is that Sarai did not provide a servant for her husband within two years. However, the Biblical narrative involving God's promises answers for this anomaly.

### **Isaac and Rebekah**

In the story of Isaac and Rebekah, Eliezer, Abraham's head servant, travels back to Harran to seek a bride for Isaac. Abraham was incredibly old and likely could not have traveled this far by himself. Eliezer was to act as Abraham in the choosing of Isaac's wife. The only requirement was that she was not to be a Canaanite, but one of Abraham's own family members. Abraham makes this clear when he says, "I want you to swear by the Lord, the God of heaven and the God of earth, that you will not get a wife for my son from the daughters of the Canaanites, among whom I am living, but will go to my country and my own relatives and get a wife for my son Isaac." (Gen 24:3-4). Isaac himself seemed to have no say in this matter. Rebekah also did not seem to have much say. The negotiations for the marriage were between Eliezer, on behalf of Abraham, and Rebekah's brother and father. This would have been standard for this era. While ancient Mesopotamians surely did feel love, marriage was a legal transaction and was treated as such, often between the groom and the bride's father or, more often, between two families.<sup>6</sup>

Although Rebekah's family seemed to be touched by the miraculous aspects of Eliezer's encounter with Rebekah, the text does not exclude the possibility that there were marriage negotiations. It was customary at this time for the groom's family to pay a bride-price.<sup>7</sup> While the term "bride-price" is not expressed, Eliezer did bestow upon them many expensive gifts as

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<sup>6</sup> Stephen Bertman, *Handbook to Life in Ancient Mesopotamia* (Oxford: Oxford University Press, 2003), 275.

<sup>7</sup> *Ibid.*, 276.

well as gold and silver (Gen 24:53). It was also customary for a dowry to be paid by the bride's family.<sup>8</sup> There is no real mention of a dowry being paid, but Rebekah is mentioned being sent off with a nurse and attendants, so the dowry may have been in the form of servants. The custom of a father handing down one or more servants to a daughter is well documented in the Nuzi tablets.<sup>9</sup> The dowry and the bride-price were not only gifts to the other family, but they were also insurance policies. If one party were to divorce the other or if the engagement were to be called off, that side would have to pay back what they were given.<sup>10</sup>

## **Polygamy**

Polygamy was a common practice in the ancient Near East. However, polygamy is often misunderstood by the general public as a practice that was unregulated and based merely on the desires of men. In fact, it is in the regulations of polygamy that one can see the most alignment with scripture. This paper has already highlighted Sarah and Hagar's relationship to the polygamy laws, but the relationship that Leah, Rachel, Bilhah, and Zilpah was much more complicated. Jacob, angered that he was tricked into marrying Leah, confronts Laban. Laban convinces Jacob to work seven more years for Rachel. However, he allows Jacob to marry Rachel after the customary seven-day honeymoon period is over, saying, "...It is not our custom here to give the younger daughter in marriage before the older one. Finish this daughter's bridal week; then we will give you the younger one also, in return for another seven years of work." (Gen 29:26-27). Laban's choice to give Rachel to Jacob within a week was not out of the kindness of his heart. The Code of Hammurabi states that a man can only take a second wife if

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<sup>8</sup> K.R. Nemet-Nejat, *Daily Life in Ancient Mesopotamia* (Greenwood Press, CT, 1998), 140.

<sup>9</sup> Cyrus H. Gordon and Gary Rendsburg, *The Bible and the Ancient Near East* (New York: W.W. Norton, 1997), 126.

<sup>10</sup> *Ibid.*

the first wife has not conceived. Once Leah was pregnant, Jacob could not have married another wife.<sup>11</sup> Thus, Jacob had to marry Rachel before Leah fell pregnant.

However, there was an exception. One could give her husband a maid servant as a lesser wife. If this servant produces children, the man cannot marry another woman. For example, after Hagar gave birth to Ishmael, she was then both unsellable and Abraham then could not have another wife unless he divorced Sarah, or until one of the wives died. Abraham did marry Keturah after Sarah's death and produced more sons.

From laws regarding polygamy, to wedding customs, the patriarchs strove to follow the law codes and practice the customs of their time. While some actions taken by the patriarchs would be considered unorthodox, this only proves that they were real people, not flawless literary inventions.

### **Names**

Historians and archaeologists have long used names inscribed on tablets, walls, and pottery as a guide to what era the object is from. The Bible is riddled with names from beginning to end. There are thirty-eight names presented in the story of the patriarchs. Of these names, only eleven are found in later stories of the Bible. This is typical, as names come in and out of fashion, just as they do in modern society. Additionally, the names that are present in the patriarchal tradition are present throughout the fertile crescent during the Middle Bronze age. The same names are used by the Amorites and the Hyksos and are present in such reliable literary documents as the Mari tablets and the Execration texts.<sup>12</sup> These names, which are limited

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<sup>11</sup> L.W. King, trans. "Law Code of Hammurabi (1780 B.C.)" Law Code of Hammurabi. Accessed April 29, 2021. <http://mcadams.posc.mu.edu/txt/ah/assyria/hammurabi.html#Hammurabi.Law.144> (144-147).

<sup>12</sup> David E. Graves, P.H.D., *Biblical Archaeology*, vol 1. (Toronto, CAN: Electronic Christian Media, 2018), 293.

to a remarkably specific time period, show that they were not the invention of later authors outside of the era, but are legitimate and commonly used names that would have been forgotten if it weren't for the diligent records of the Hebrew peoples.

### Covenants

Covenants were a prominent feature of ancient Near Eastern culture. It should be no surprise then that covenants are also a prominent feature in scripture. In the Old Testament, there are six different types of covenants, international treaties, clan/tribal alliances, personal agreements, loyalty agreements, marriage, and national legal agreements.<sup>13</sup> The topic of marriage as a legal agreement has already been discussed, but there is a standard form for ancient Near Eastern covenants that the Abrahamic covenant is modeled after.<sup>14</sup> One example of this is the royal land grant in Genesis 15. Ancient Near Eastern royal covenants often begin with the king identifying himself, followed by a historical prelude. This can be seen in Genesis 15:7, where God says, “I am the Lord, who brought you out of Ur of the Chaldeans to give you this land to take possession of it.”<sup>15</sup> Ancient Near Eastern land treaties also had border delineations, and this too is seen in Genesis 15, “To your descendants I give this land, from the Wadi of Egypt to the great river, the Euphrates—the land of the Kenites, Kenizzites, Kadmonites, Hittites, Perizzites, Rephaites, Amorites, Canaanites, Girgashites and Jebusites” (Gen 15:18-21).

Royal treaties are often sealed with a sign of the covenant being made. This can be seen in the cutting of the covenant in Genesis 15. The idea of cutting a covenant is found in a fifteenth

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<sup>13</sup> Peter Gentry and Stephan Wellum, *God's Kingdom through God's Covenants* (Wheaton, IL: Crossway, 2015), 17.

<sup>14</sup> Rene A. Lopez, “Israelite Covenants in the Light of Ancient Near Eastern Covenants.” *Chafer Theological Seminary Journal*, Spring, 10:1 (2004): 92.

<sup>15</sup> Unless otherwise noted, all biblical passages referenced are in the *New International Version* (Grand Rapids, MI: Zondervan, 20011).



century text that was discovered in Qatna, an ancient Syrian city. Similarly, cutting a donkey in half as a sign of a covenant is well documented among the Mari people.<sup>16</sup> The Shechem people were also known to do this and were even referred to as the “sons of Hamor” which translates to the sons of the donkey.<sup>17</sup> These were contemporaries of Abraham who are mentioned in Genesis 34. While the covenant made between Abraham and God is unique in its use of three different types of animals, a cow, goats, and pigeons, the idea of cutting animals in half and walking through them was a typical self-maledictory oath that Abraham would have understood well as a man of the era.<sup>18</sup> Additionally, we see that only God passes through the flanked animals, sealing the royal land grant (Gen 15:17).

While the Genesis narrative follows the formula for ancient Near Eastern royal treaties well so far, there is an anomaly; the treaty is split into two stories. The first story in Genesis 15 reviews God’s side of the deal as the kingly figure. The treaty continues in Genesis 17 with Abraham’s side of the covenant. Here, circumcision is given as a sign of the self-maledictory oath on Abraham’s part.<sup>19</sup> Additionally, one can see stipulations, which are another sign of Near Eastern land treaties. God makes it clear in Genesis 17 that every single person must be circumcised. He says, “Any uncircumcised male, who has not been circumcised in the flesh, will be cut off from his people; he has broken my covenant” (Gen 17:14). There seems to be no strict indication of curses (blessings are present) and witnesses. Although all people in Abraham’s company were to be circumcised, and therefore witnessing the covenant.<sup>20</sup> The only real curse is

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<sup>16</sup> Graves, *Biblical Archaeology*, 291.

<sup>17</sup> *Ibid.*, 292.

<sup>18</sup> Study note on Genesis 15:17, in NIV Study Bible (Grand Rapids, MI: Zondervan, 2011), 35.

<sup>19</sup> Study note on Genesis 17:10, in NIV Study Bible (Grand Rapids, MI: Zondervan, 2011), 37-38.

<sup>20</sup> M. Weinfeld. “The Covenant of Grant in the Old Testament and in the Ancient near East.” *Journal of the American Oriental Society*, APR-JUN, 90, no. 2 (1970): 185. doi:10.2307/598135.

that if one were to not keep the covenant through circumcision, they were to be cut off from their people.

The covenants made in the time of the patriarchs not only resemble those of their era, but they are also often nearly identical. These covenants shared practices that would soon take on to be remembered. The literary structures within the covenants can be seen throughout the ancient Near East. These similarities firmly tie the patriarchs to their time period, making a powerful apologetic for the accuracy of Genesis.

## **Laws and Customs**

### **Inheritance**

Inheritance plays a big part in the lives of the patriarchs. However, this is an area where the Genesis narrative defiantly pushes against the social norms. The codes of Lipit-Ishtar and the Hammurabi code dictate that a man is supposed to give his sons equal shares of land. However, Abraham gives Ishmael no inheritance, his youngest sons by Keturah a small portion before his death, and Isaac the vast majority of his estate (Gen 25:1-11). Isaac attempts to give his oldest son a double inheritance, but it is stolen by Jacob (Gen 27). Some scholars, like Randall Price, claim that Jacob split his land evenly among his sons, keeping with the laws of his time.<sup>21</sup> However, this is not the case. On his death bed, Jacob says to Joseph, “And to you I give one more ridge of land than to your brothers, the ridge I took from the Amorites with my sword and my bow” (Gen 48:22). Additionally, Jacob adopted Manasseh and Ephraim, Joseph’s sons, in order to give them equal portions as Joseph’s brothers (Gen 48). This was something that Jacob

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<sup>21</sup> Randall Price, *Zondervan Handbook of Biblical Archaeology* (Grand Rapids, MI: Zondervan, 2017), 74.

only did for Joseph's sons. Thus, one could argue that, through Ephraim and Manasseh, Jacob gave Joseph far more than his brothers, roughly four times their portion.

From Isaac to Ephraim, the Genesis narrative keeps with the theme of the younger sibling usurping authority over the older and becoming more profitable. This theme defies the cultural norms, but seems to also acknowledge their existence, especially concerning Jacob's will, where he gave twelve individuals equal portions, but admitted to favoring one. This is a clear disregard for the norm, not lack of understanding of it. There is an area, however, where Jacob shows a clear understanding of the law. Jacob cuts Reuben out of his will. Reuben had laid with his father's concubine, Bilhah. The Bible says, "While Israel was living in that region, Reuben went in and slept with his father's concubine Bilhah, and Israel heard of it" (Gen 35:22). Jacob disinherits his son, which is an action supported by the Hammurabi code, and which an act as atrocious as having relations with one's stepmom easily allows for.<sup>22</sup>

Overall, the patriarchs went against the grain when it came to favoring children in their will. While their actions defied the law codes of their areas, they did so openly. For Abraham, this was due to religious instruction from God. For Isaac, it was due to favoring one son over the other. For Jacob, it was for various reasons, including losing his son for so many years. Whatever the reason, the patriarchs consistently favored the younger of their sons. Eventually, this role would be flipped, and Israel would favor the older sons in their wills (Deu 21).

## **Slavery**

Slavery is a prominent feature in the lives of the patriarchs. This is to be expected since slavery was a very prominent feature of the ancient Near East. The most prominent slave in the

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<sup>22</sup> L.W. King, trans. "Law Code of Hammurabi (1780 B.C.)" Law Code of Hammurabi. Accessed April 29, 2021. <http://mcadams.posc.mu.edu/txt/ah/assyria/hammurabi.html#Hammurabi.Law.144> (169-169).

patriarchal period is Hagar, Abraham's concubine. While she did become Abraham's lesser wife, she still had very few rights. However, the rights she did have are clearly outlined in the Code of Hammurabi. For example, when Sarah becomes enraged with her pregnant servant, she approaches Abraham, desiring retribution. She says, "...You are responsible for the wrong I am suffering. I put my slave in your arms, and now that she knows she is pregnant, she despises me. May the Lord judge between you and me" (Gen 16:5). Abraham reminds Sarah that Hagar is her servant and that she can do what she likes with her. However, that is not necessarily true. Because Hagar was having Abraham's child and could claim equality with another female like Sarah, she legally could not be sold by her.<sup>23</sup> The Bible does not mention this, but it is clear that this frustrated Sarah because instead of selling Hagar, she deals harshly with her to the point that Hagar runs away, risking death (Gen 16:1-16).

Zilpah and Bilhah are two more servants who became the concubines of a patriarch. Zilpah and Bilhah were originally the servants of Laban, Leah and Rachel's father. However, ancient Babylonian marriage contracts reveal that it is customary to gift one's daughter a female servant as an attendant.<sup>24</sup> However, Rachel, who was barren just as Rebekah and Sarah were, used her slave to give Jacob the children he desired. This was customary for infertile women, but Leah soon followed suit despite having already provided Jacob with several sons.<sup>25</sup>

Altogether, one can see that the patriarchs and their wives dealt legally with their slaves. While Sarah was cruel to Hagar, possibly even beating her, this was not illegal. Their dedication

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<sup>23</sup> Jean-Pierre Isbouts, *Archaeology of the Bible* (Washington, D.C.: National Geographic, 2016), 53.

<sup>24</sup> Study note on Genesis 29:24, in NIV Study Bible (Grand Rapids, MI: Zondervan, 2011), 57.

<sup>25</sup> John F. Walvoord and Roy B. Zuck, *The Bible Knowledge Commentary* (Dallas, TX: SP Publications Inc., 1983), 56.

to obeying the Near Eastern laws can be seen in Sarah's and Abraham's decision to release Hagar instead of selling her and in their legal use of giving concubines in marriage.

### **Conclusion**

Throughout the years, it has been increasingly popular to assume that accurate information regarding the patriarchs could not have been preserved past the time of the exodus. This has led many critical scholars to adhere to theories regarding exilic authorship. However, the information found in Genesis 11-49 proves that this would have been impossible. The minutest details regarding wedding customs, polygamy laws, slave trade laws, covenantal structure, and even names prove that information was, in fact, accurately passed down from the time of the patriarchs to the time of Moses, who is said to be the author. These facts should encourage critical scholars to look further into the details that are correct in the recording of the time of the patriarchs, and reconsider theories on the authorship and accuracy of the Genesis narrative.

## Bibliography

- Bertman, Stephen. *Handbook to Life in Ancient Mesopotamia*. Oxford: Oxford University Press, 2003.
- Bloom, Alan. *Closing of the American Mind*. New York: Simon & Schuster, 1989.
- Gentry, Peter and Stephan Wellum. *God's Kingdom through God's Covenants*. Wheaton, IL: Crossway, 2015.
- Gordon, Cyrus H. and Gary Rendsburg. *The Bible and the Ancient Near East*. New York: W.W. Norton, 1997.
- Graves, David E. P.H.D., *Biblical Archaeology*, Vol 1. Toronto, CAN: Electronic Christian Media, 2018.
- Isbouts, Jean-Pierre. *Archaeology of the Bible*. Washington, D.C.: National Geographic, 2016.
- King, L. W., trans. "Law Code of Hammurabi (1780 B.C.)." Law Code of Hammurabi. Accessed April 29, 2021.  
<http://mcadams.posc.mu.edu/txt/ah/assyria/hammurabi.html#Hammurabi.Law.144>.
- Lopez, Rene A. "Israelite Covenants in the Light of Ancient Near Eastern Covenants ." *Chafer Theological Seminary Journal*, Spring, 10:1 (2004): 74.
- Nemet-Nejat, K.R. *Daily Life in Ancient Mesopotamia*. Greenwood Press, CT, 1998.
- Pfeiffer, Charles F. Howard F. Vos, and John Rea. Ed. *Wycliffe Bible Encyclopedia*: vol. 1. Chicago: Moody Press, 1975.
- Price, Randall. *Zondervan Handbook of Biblical Archaeology*. Grand Rapids, MI: Zondervan, 2017.
- Walvoord, John F. and Roy B. Zuck, *The Bible Knowledge Commentary*. Dallas, TX: SP Publications Inc., 1983.
- Weinfeld, M. "The Covenant of Grant in the Old Testament and in the Ancient near East." *Journal of the American Oriental Society*, APR-JUN, 90, no. 2 (1970): 184–203.  
doi:10.2307/598135.