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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 per-
fection.”

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. 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. The
nature of the Abrahamic-Davidic covenant however is still vague and needs clarification. The
present study suggests a new way of understand-ing the character of the Abrahamic-Davidic
covenants and this by means of a typological and functional comparison with the grant for-
nuale in the Ancient Near East.

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,”

2 Cf. G. Mendenhall, “Covenant Forms in Israelite
Tradition”, Bibl. Archael. 17 (1954) pp. 50ff.; K. Balt-
zer, Das Bundesformular, Wissenschaftliche Mono-
graphien zum Alten und Neuen Testament, No. 4, 1964
(sec. ed.); D. J. McCarthy, Treaty and Covenant, Ana-
lecta Biblica 21, 1963.; M. Weinfeld, Dueteronomy and the

3 A. Poebel (Das appositionell 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-
nium onwards: the political treaty which is well known to us from the Hittite empire and the royal grant, the classical form of which is found in the Babylonian *kudurru* documents (boundary stones) but which occurs as such also among the Hittites in the Syro-Palestine area, and in the Neo-Assyrian period. The structure of both types of these documents is similar. Both preserve the same elements: historical introduction, border delineations, stipulations, witnesses, blessings and curses. 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, 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 loyalty 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 Bulta we read: “Baltya... 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 name 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

self a conditional self-curse as for instance in the grant of Abba-El where Abba-El takes the following oath: šuma ša addinukummi erekku = “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 183 g, i.
to your descendants all these lands ... inasmuch as Abraham obeyed me (ץֵשֵׁם בּכֵל) and kept my charge (יִשֵׁר מַשׁדֶּר), my commandments, my rules and my teachings," a verse preserving verbally the notion of keeping guard or charge (יִשֵּׁר מַשׁדֶּר) 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" (הָנִיחַ הַטּוֹלֶמֶּן) (Gen. XXIV, 40, XLVIII, 15 = JE; XVII, 1 = P) which is equivalent to the expression: בְּהַרְפֵּשׂ (Ex. XVII, 16, 20).

The P source adds to the Hebrew phrase הָנִיחַ הַטּוֹלֶמֶּן the phrase (XVII, 1) which conveys the idea of perfect or loyal service expressed in the Assyrian document by (ittalak) šalmiš. 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 devotion: הָנִיחַ הַטּוֹלֶמֶּן (VI, 9).

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, loyalty" and "uprightness of heart" (הָנִיחַ לָשַׁנֵּהוּ בְּכָלָה, מַשֵּׁר וָיִשְׁרָא לִבּוֹ) (I Kings III, 6), "walked after me with all his heart" (הָנִיחַ לָשַׁנֵּהוּ בְּכָל הַרְפֵּשׂ) (XIV, 8), "a whole heart (like the heart of David)" (לָשַׁנִּי הָרְפֵּשׂ נָעִים) (XV, 3). are the counterparts of the Assyrian terms: "with his whole heart" נָעִים לָשַׁנֵּהוּ; "stood before me in truth" בְּהַרְפֵּשׂ נָעִים; "walked with loyalty (perfection)" מַשֵּׁר וָיִשְׁרָא לִבּוֹ which come to describe the loyal service as a reward for which the gift was bestowed. 20a

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.

14 As in Hebrew so also in Akkadian ina pānī alāku/attaluku is similar in connotation to לעמ אלוקי ina pānī uazzu, 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. Noetcheer, 'Das Angesicht Gottes schauen', nach biblischer und babylonischer Auffassung, 1924, pp. 83ff, 112f.

15 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 deuteronomic 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 deuteronomic literature to the neo-Assyrian literary tradition, see Weinfield, Deuteronomy and the Deuteronomic 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.” 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.” The same motivation occurs in a deed from Elephantine which reads: “I have turned my thoughts to you during my lifetime” when I was old in years and unable to take care of myself.” The verb anālu 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 (etaŋlu ana nāṣar māt šarrī) and I am very sick” (marāṣu danniʃ). In fact the verb marāṣu in Akkadian has also the meaning of “to care for” and so has the HebrewHEL. Held pointed out recently the correspondence of Hebrew אֶל to the Ugaritic עשתוי “to be sick”, the same correspondence actually exists between anālu and marāṣu on the figurative level of these expressions.

In the light of all this we may properly understand Ps. CXXXII, 1: which the Septuagint and the Syriac misunderstood by reading עשתוי “his humility” which does not fit the context. In line with what we have said above, it has to be understood as “his submissiveness” 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.” here is the semantic equivalent of עשתוי in the quoted Aramaic gift deed, which means “to take favorable

24 Cf. especially I Sam. XXII, 8: “and nobody cares about me” in the context of loyalty to the king. Cf. also Amos VI, 6 אֲמֹתָנֵי יְהוָה לֹא נָשְׂר בְּהוֹיֶת “They do not care about the breach of Joseph” and Jer. XII, 13 וְלֹא נָשְׂרָה בְּהוֹיֶת כְּעֹלָם נָהָלָה “they have sown wheat and have reaped thorns, they exerted themselves but did not profit.”
26 Cf. Amos 6: 6 אֲמֹתָנֵי יְהוָה לֹא נָשְׂר בְּהוֹיֶת = “I subjugated mighty countries” in the Azitawada inscription (KAI 26: 18); cf. Mesha inscription 1.5 and Ex. X, 3: נָשְׂר מִמֶּמֶנֶת לֹא אֲמֹתָנֵי יְהוָה מָדֶפֶּה which has to be rendered: “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.
27 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." The Akkadian ḫasāsu, the equivalent of Hebrew ḫasā, likewise means "to think about" or to "consider" 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: "I raised my eyes thereunto, considered him (favorably) and established his gift." The establishing of God's grant to the Patriarchs is expressed by הָסַע which is the semantic equivalent of ḫasā in the Assyrian grant.

David's exertion for which he was granted dynasty is expressed then in Ps. CXXXII by הָסַע which somehow corresponds to the discussed анашу, марашу and לְיוֹ פְּלַשֶׁת. In the deuteronomic historiography, however, David's devotion is expressed, as in the Neo-Assyrian grants, 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." This phrase is close to the Biblical phrase: "the God... who keeps his gracious promise (פְּלַשֶׁת) 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 (פְּלַשֶׁת) to your servants who serve you wholeheartedly" (דְּבָרֵי הָסַע, 1 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. 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 דֵּרֵי, a word which conveys the general idea of an obligation concerning two parties, similar to rikṣu in Akkadian and ʾishīṭu 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 הָסַע, "the gracious covenant," in contradistinction to the covenants of Sinai and the Plains of Moab which are referred to as דֵּרֵי only. On the other hand, P reserved the term דֵּרֵי for the grant whereas the treaty is referred to as נַעַרְוָי. This becomes especially clear when one compares the terms used for the
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 Tudḫaliyaš 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 (yaššṭai-) the king will prosecute him at his court. 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 Mursiliš 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 Tudḫaliyaš IV and Puduḫepa for the descendants of Šaḫurunuwaš, a Hittite high official. There we read:42 “Nobody in the future shall take away43 this house from U-umanava (or Tesup-manava), her children, her


38 See below.

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

40 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 1, 1964, pp. 119–133.

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 ziladuwa arḫa lē kuiski dāš; cf. the same formula in KBo IV, 10, vs. 11. Cf. urram šēram manman lē šéeqe iššu gāti X in the grants from Ugarit written in Akkadian (PRU III passim) and šēr. ʿāntu bānām (or: mnk mnkml = whoever you are) l. yqṣu. bn PN in the Ugaritic version of the grants. Compare the conveyance formula from Elephantine: mnr šēr šēram lē šéeqe iššu gāti X = “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 šēram and šēram see J. J. Rabinowitz, Jewish Law, 1956, p. 161. Hebrew šēram so šīram šēram and so šīram šēr šēram have also the meaning of future, cf. Gen. XXX, 33, Ex. XIII, 14, Deut. VI, 20, Jos. IV, 6, 21, XXII, 24, 27 for הירא and Isa. XXX, 8 for לירא. Cf. also the neo-Assyrian formula: ina šortu ina līšiš = “some time in the future”; see Y. Muffs, Studies, pp. 206–207.
grandchildren and her offspring. When anyone of the descendants of dU-manava provokes the anger of the kings...whether he is to be forgiven 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.44

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 (ipallaššunuti).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 the house of deponent,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).

44 duddunu = “to forgive”; cf. recently A. Goetze, JCS XVIII (1964), p. 93.
45 nat demédani lē ṁišāni; cf. the Abba-El deed from Alalah: ana kanim ul inaddin = “he shall not give it to anyone else” (Wiseman, JCS 12 (1958) 1-63), and the Nuzi deed quoted below: mimma ana awēš 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): hilemin aššurin = “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).
48 ipallaššunuti 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 mardī ša Zigi altamannu šu ugišu zitta šepqē = lit. “and the sons of Zigi, whoever you are, shall receive his inheritance portion according to his allotment.”
50 altamannu here is the equivalent of the Ugaritic mnk (mn + ka) quoted above note 43. Comp. the Canaanite and Aramaic inscriptions: KAI 13:3 (šam ʾyr), 225:5 (šam ʾyr), 259:2 ṣam ʾyr and Zech. IV, 7:šam ʾyr. šam ʾyr ṣam ʾyr ṣam ʾyr ṣam ʾyr ṣam ʾyr ṣam ʾyr ṣam ʾyr = “whoever you are big mountain before Zerubabel, you will become a plain.”
53 kirbana la šeppe = lit. “lump (clod) of earth (symbolizing tablet of rights) will not be broken”; cf. E. Cassin, JESHO 5 (1962), p. 133.
54 See note 45 above.
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 up and his posterity shall inherit the earth . . . I will smash his adversaries before him and will defeat his enemies . . . he will call me ‘you are my father’ 56 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 pact 58 (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


56 בְּנֵי, verbs connoting strength (cf. בְּנֵי, when intensified by Hiph‘il or Pi‘el express the concept of keeping and holding, cf. Ps. LXXX, 18: מָלֵךְ עַל מַלְכָּתוֹ פֶּרֶס אֶת בְּנֵי אֶרֶץ; “May your hand be on the man at your right, upon the man you held with you”); cf. also Is. XL, 10: אֲמָתָאֲרָי אֲרָיָא הַבַּתְיָה בְּכָיָא זָרָי I “I have taken hold of you and helped you, I kept you with my victorious right hand.” For the understanding of אֲמָתָאֲרָי in Ps. LXXX, 18 and in Is. XL, 10 I am indebted to Prof. H. L. Ginsberg.

58 Cf. Jer. III, 4, 19 and see below.


57 Cf. Sefire III: 7 (םַרְעָה יְהֹוָה אֲלֵילָתָא “You will have been false to this treaty”); see W. Moran, Biblica 42 (1961), p. 239. מַרְעָה מִיָּהוֹוָה here and in v. 50 has the same meaning as מַרְעָה in Neh. X, 1 (cf. J. Greenfield, Acta Orientalia XXIX (1965), p. 8). מַרְעָה 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.

58 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 Šuppiluliumaš and Mattiwaža.60 Mattiwaža, in describing how he established relations with Šuppiluliumaš, 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 Ḥattušiliš 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 Orientes, 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.

59 Weidner, Politische Dokumente, No. 2, ll. 24ff. (pp. 40–41).

60 ña maruitja ēppuškami. ña maruiti ēpēšu means to adopt as a son; cf. E. A. Speiser, New Kirkuk Documents Relating to Family Laws, AASOR (1930), pp. 7ff. Cf. also below.

61 amatu ša ina pišu ụṣuša ña kutallitu u ilštu.


64 Compare I/II:37: “Behold, Muršiliš is now my son.”

65 II:44: NUMUN ñUTUñ.KU.NU.
did not call her ‘my daughter’ 67 which reminds us of Ps. LXXXIX, 27.

Hattušiliš 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 Mattiwaš 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.
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, JAO 88 (1968), p. 182, note 19.
70 ḫudumumma, ḫudumumma “I will gather him to my bosom, I will say to him” instead of ḩudumumma, ḩudumumma “I will recite the law, the Lord said to me.” Cf. H. Gunkel, Psalmen HKAT, ad loc. who follows Torecyner.
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 sphere 72 as may be seen from the quoted Nuzi will. In this document the father declares 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 “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 (כְּרֵאשׁ נִבְאָה) and afflictions of the sons of man (כְּרֵאשׁ הַמִּדְחָה) may be now properly understood. In the so-called ūppi šimti documents from Nuzi published recently 73 and analyzed by Speiser 74 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-

75 This means of course anybody who assumes parenthood of the children (ana abbuta) as for instance the wife or the daughter of the one who draws the will.
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 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-Tēşup, Abimardaš’ son, to throne, house and land, only on condition that DU-Tēşup will not sin (yašta-) 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, Alalaḫ, 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

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


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 בְּשֵׁם אֲנִישׁוֹת אֵת מִינָיו בְּנֵי אָדָם "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 בְּשֵׁם and אֲנִישׁוֹת as parents literally (on the basis of Palestinian Syriac נַפִּירָתָה) is not warranted. It might as well be understood as “human” (comp. Hos. XI, 4: בְּשֵׁם אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת-בְּשֵׁם אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת אֲנִישׁוֹת (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 disinherit following repetitive trials (l.25 ff.), which is similar in attitude to CH §168-169, according to which the son is to be disinherit only after he had 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 kùrsi inandinšu, a bbùta umakkaršu, ina bit kùrsi inandinšu, summa hāšku kirba[n]a ı[çepp]e ı[ukakšasu k[i]ma yaši eṭeppuš = “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 clamp of clay to disinherit him (kuškašu), she may act as though she were I” (HSS XIX, 19:28-32).


86 Cf. e.g. ina libbišunu ša mārtya rabī 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: נַפִּירָת), is repudiated as the first born.
family and thus entitled him to a double share in the inheritance. Indeed, the phrase מֶלֶךְ וְאָבִיהַ 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 surely 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 father and you will not turn away from me.” The phrase מִלְחָמָה בלשון “I will put you among the sons” undoubtedly alludes to adoption as Ehrlich indicated and as such anticipates the inheritance of the land.

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-

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88 Read רַח instead of רַי; cf. A. Ehrlich, Randglossen zur hebr. Bibel, ad loc.
89 Cf. above p.
90 ibid. Cf. in the Azitawadda inscription: מֶלֶךְ וְאָבִיהַ “and every king made me his father (= his suzerain)”; see N. H. Tur-Sinai (Torezyner), The Language and the Book II, 1964, p. 76 (Hebrew).
91 In Greek τοιχία = פֶּלֶךְ, ερέξου or διάρχει = שְׁתֵּי. שִׁבְתֵּי in Ezra X, 44 implies adoption (cf. S. Feigin, JBL 50 (1931) pp. 196f. though we do not accept his restoration).
92 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.
kingdom, in Ugarit\textsuperscript{99} and in Alalah,\textsuperscript{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.\textsuperscript{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 presupposed\textsuperscript{102} but it is never formulated as the condition for national existence as it occurs in the deuteronomistic 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 parenetic 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."\textsuperscript{103} Indeed all the earth is mine but you shall be to me a kingdom of priests and a holy nation.\textsuperscript{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. I will remember in their favor\textsuperscript{105} the covenant with the ancients (סְדֵדָרְתָּם הַלְּבֹנָתָם" (Lev. XXVI, 44-45). Deuteronomy however concludes chap. XXVIII with the threat that the people

\textsuperscript{99} Cf. e.g. Friedrich, \textit{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.

\textsuperscript{100} PRU III, 16.249:22-29 (pp. 97-98); 16.145 (p. 169, \textit{bēl arni}).

\textsuperscript{101} AT No. 17 (p. 40: \textit{bēl māšīkti}).

\textsuperscript{102} 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 (בְּרֵיחֲו הָעֵתֶּס, הָעֵתֶּס הָעֵתֶּס (בְּרֵיחֲו הָשָּׁם)) in contradistinction to JE and P. (see below).

\textsuperscript{103} Cf. Gen. XVIII, 19. This is an expectation and not a condition.

\textsuperscript{104} For the meaning of מַלָּלָת and its Akkadian equivalent \textit{sikiltum}, \textit{→ 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 \textit{sīlī} of his suzerain, which is rendered by C. Virolleaud as propriétaire. The \textit{sīlī} in the Ugaritic text now elucidates the \textit{mēlī} in the Pentateuch. It seems that \textit{sīlī} and \textit{mēlī} 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 \textit{sikiltum} of the goddess), we may safely say that the basic meaning of the root \textit{sakāāu} 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. Huffman, BASOR 184 (1966), pp. 36f.

\textsuperscript{105} 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 (1980), pp. 213-215. For a recent thorough discussion of this passage see: W. L. Moran, "A kingdom of Priests," \textit{The Bible in current Catholic thought}, edit. J. McKenzie, 1982, pp. 7-20.

\textsuperscript{106} Cf. above.
will be sent back to Egypt and no allusion to the grace of the covenant is made.\textsuperscript{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.\textsuperscript{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 עדוות ברית and as in Ps. CXXXII, 12 which have the meaning of obligation in general\textsuperscript{108} but especially to “the law of Moses” הרהשא (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 who commits himself and swears, as it were, to keep the promise.\textsuperscript{109} It is he accompanied by a smoking oven and a blazing torch (תירוקו נבש)\textsuperscript{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 theophany\textsuperscript{111} it seems that in this particular context they have a different meaning. In the Šurpu documents\textsuperscript{112} we read about an oath taken by holding a torch\textsuperscript{113} or about the oath of furnace, stove etc.\textsuperscript{114} In the same series we find the oath of the slaughtered sheep and the touching of its wound.\textsuperscript{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 (קושד I immeru ʾibul) saying: “(May I be cursed) if I


\textsuperscript{108} Cf. e.g. Isa. XXXI, 9.

\textsuperscript{109} The Akkadian divine epithets: \textit{tināru lā anātu = “the incessant oven” (Dilbat); ištā tum napītum = “the blazing fire” (Istar), (cf. K. Tallqvist, \textit{Akkadische Götterepitheta} 1938, pp. 33–34) and 

\textsuperscript{111} \textit{animū} and 

\textsuperscript{112} “the torch of heaven and earth” (Istar) (cf. E. Ebeling, \textit{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.


\textsuperscript{114} \textit{animū} and 

\textsuperscript{115} “an oath sworn by slaughtering a sheep and touching the wound.”
take back what I gave you.’”

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…” 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. 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.”

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

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.) 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 bull and two doves. 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 ūmînu Yarimlim…[ana 4] Ištar usḫlî, reading with CAD E p. 130a. According to Lohfink (Landverkeissung pp. 98f.) 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.

For the sacrificial nature of the offerings brought at the ceremony in Gen. XV, see E. Loewenstamm, “Zur Traditions geschichte 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.

118 AT*•54:16-18: GÚ SILÁ a-sa-kî IGI PN UGULA UKU.ÚŠ a-bi-îḫ (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 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.L.A.

121 kinûnu in line 55.

122 Cf. note 114 above.

123 We are also told there that Abraham gave seven lambs to Abimelech as a “witness” (77Y) 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.

124 ARM II, 37.

125 ḫazzum (cf. ḫanzum and enzum) is Hebrew 74 (see AHw).

126 ḫayarum qatûlim, ARM II, 37:6, 11.


129 “Two doves on whose eyes he had put spices (and) on whose heads he had strewed 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 NINDA + GUD (=fattened bull) which equals Akkadian bēru is in many cases three years old and may therefore be paralleled with Gen. XV, 9.

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, 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 deuteronomistic covenant become binding and valid not by virtue of the treaty ritual but by the oath-implication (the māmītu) that accompanies 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 Matī'īlu of Bit-Agūš even states explicitly that the ram is brought forward in the treaty ceremony not for sacrificial purposes, but to serve as a palatable example of the punishment awaiting the transgressor of the treaty (= Drohritus): “This ram was not taken from its flock for sacrifice (UDU. SISKUR) . . . if Matī'īlu (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 Matī'īlu 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.”

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), so Bir Ga'yah declared in his treaty with Matī'īlu: “(As) this calf is cut into two so may Matī'el be cut into two.” 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-implication in this manner: “so may it befall me if I shall not observe the words of the covenant.”

Dramatic acts of this sort were not, however, only performed with animals. In the Sefire treaty, in the vassal treaties of

(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 šinšimīni (Akkad. gušlu Hebrew חזן), full form šīm-bī-zi-ta, which is actually antimony.

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 immērū ša šulātātā damātu = “one three-year old sheep of good quality” (RA 23, p. 154, 47:15); šulātātā ena = “a three-year old she-goat” in connection with a feast (Anatolian Studies 6 (1956) p. 152:44); 1 alpū šulēšša cēru 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 spec. p. 47 there. For the age adjective šulēšša, compare also לולע וילוחים (Isa. XV, 5, Jer. XLVIII, 34) and see Mishna Parah I, 1 (הלוחים).

The vultures (דעלא and ותלוי 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. Hllers, Treaty Curses, pp. 68–69). This is actually the function of the scene of vultures eating the carcasses on the stele of Eannatum.


Esarhaddon, and in Hittite military oath-taking ceremonies similar acts were performed with wax images and other objects. 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 does the book of Deuteronomy. Apparently the oath-impredation, 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 formulæ expressing the gift of land to Abraham are identical with the legal formulæ of conveyance of property in the ancient Near East. Especially instructive in this case are the formulæ of conveyance in perpetuity. So, for example, the formulæ: “for your descendants after you throughout their generations” (Gen. XIII, 15), “for your descendants forever” (Gen. XVII, 7–8) are identical with the conveyance and donation formulæ of Susa, Alalah, Ugarit, and Elephantine. In Assyria and Babylonia proper we meet with different clichès in this context such as: ana arkāt āmē or ana sāt āmē which although not as close to as or as the expressions of the peripheral documents (adī dārī) 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 ūmīšu) Abba-El gave

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145 This type of symbolism was also employed in Babylonian magic; see E. Reiner, Surpu, III:60–112.
147 mārmārīšu 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.
149 Cf. A. Cowley, Aramaic Papyri of the fifth century B.C. 1932, 8:9, (p. 22): “you have rights over it from this day forever and your children after you”; cf. 25:9 (p. 85). On preservation of ancient legalistic formulæ in the Elephantine Papyri, see recently Y. Muffs, Aramaic Legal Papyri from Elephantine, pp. 179ff.
151 ana ʾāšā irēšu = “he granted to him in perpetuity,” BBSt 8, 1:13; cf. also 34:6.
152 Cf. CAD vol. 3 (D) p. 198.
the city...” Similarly we read in Gen. XV, 18: On that day (בֵּיתוֹ הָהָיְהוָא) 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.\(^{133}\) 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.\(^{134}\)

The formulation of the priestly covenant with Abraham, “to be unto you a God (לְּהוֹדֵהְךָ לְאָדָם) (Gen. XVII, 7, 8) and the priestly formulation of the covenant with Israel, “I will be your God and you shall be my people (הָיָהוָא לְךָ אָדָם) (Lev. XXVI, 12, Ex. VI, 7; cf. Deut. XXXIX, 12), is taken from the sphere of marriage/adoption legal terminology\(^{135}\) 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.\(^{136}\) 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: ‘אָדָם צֶּבַע גְּדוֹלָה—ךָ צֶּבַע ‘אָדָם פָּרוֹשׁ (Jos. XIV, 14; cf. vv, 8, 9 and Num. XIV, 24, XXXII, 11–12, Deut. I, 36), a phrase which is semantically equivalent to בֵּיתוֹ הָהָיְהוָא רֹמֵהוּ מַשְׁלָה (= be perfect i.e., wholly devoted) of the Abrahamic covenant and מַשְׁלָה הָיָה (Jos. XIV, 22-23) as I have shown elsewhere,\(^{137}\) the greatness of the name has political significance,\(^{138}\) a thing which also finds expression in the Genesis traditions, which apparently had been crystallized under the impact of the united monarchy.\(^{139}\)

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).\(^{140}\) The reason for the gift was the faithfulness of Caleb during his mission with the spies: “because he filled up after the Lord” יִתְנְךָ בֵּית הָהָיְהוָא מַשְׁלָה יִרְשָׁא (Jos. XIV, 14; cf. vv, 8, 9 and Num. XIV, 24, XXXII, 11–12, Deut. I, 36), a phrase which is semantically equivalent to בֵּיתוֹ הָהָיְהוָא רֹמֵהוּ מַשְׁלָה (= be perfect i.e., wholly devoted) of the Abrahamic covenant and מַשְׁלָה הָיָה of the Davidic covenant. Furthermore as in the

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133 Cf. above note 55.
136 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.
138 As I have shown elsewhere, the greatness of the name has political significance, a thing which also finds expression in the Genesis traditions, which apparently had been crystallized under the impact of the united monarchy.
139 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.
140 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.
141 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 land called on the valley of Eshkil, 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, Encyclopaedia Biblica (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” (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 documents 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 or the times of the conquest or is rather a back projection of later times.

Clements suggested that Hebron was the birthplace 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: maryannuship, priesthood 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 חנה וולש). It shall be for him and his descendants after him a pact of priesthood forever (ברית חנה וולש).” 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. In other biblical texts which do not follow the rigid distinction (of the priestly code) between priests and Levites, but rather adopt the deuteronomistic 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.”

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: “he walked with me (= he served me) with integrity and equity” ( shalt be righteous and holy) (v. 6). 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 bestows. 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, a due for all time.”

 аналогично the tithe which, according to Num. XVIII, 19f, 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” (הַלְּקָלָה וְבָאְמָה אֲשֶׁר הָעָבַרְוָה). Grants of the tithe of a city to royal servants are actually known to us from Ugarit, as we read for instance

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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 mārē̂nu ana dāria mariannu u šangī ṣa Enlīl = “his grandsons in perpetuity are (will be) mariannu and priests of Enlīl.”
166 Cf. e.g. Schorr, Urkunden, VAB 5, No. 220; Thureau-Dangin, RA 16 (1919), pp. 141ff. and the Alalah 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.\textsuperscript{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 out\textsuperscript{172} 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-durrū’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.

\textbf{APPENDIX: THE ABRAHAMIC COVENANT IN THE PRIESTLY SOURCE}

Clements\textsuperscript{1} 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?

\textsuperscript{171} GN ḡadu gabbī mimmi šumēša iddīn ana PN . . . ana dáriš ana mārē mārēšu: šēšu, šikarsu ša maṣšarika, 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.


\textsuperscript{1} \textit{Abraham and David}, pp. 70ff.

Secondly, as Y. Muffs has shown,\textsuperscript{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,\textsuperscript{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 people\textsuperscript{4} 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 in a Patriarchal context and its appearance in this psalm can be explained only on the basis of its reference to Genesis XVII.

\textsuperscript{3} “Readings in the History of Biblical Thought, Covenant Traditions in Deuteronomy,” Lectures at the Jewish Theological Seminary, 1965.

\textsuperscript{2} It is Muffs’ opinion (\textit{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, 6ff.) P uses the verb פָּלַט which is the terminus technicus in P for redemption and release.

\textsuperscript{4} The LXX and the Syriac read: אֲבָרֶם אַבְרָהָּם “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, a fact indicated by verse 4. Here God is depicted as subduing peoples and nations under Israel: יד הר עמים התהי будут האמות ברבותינו, 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. Circumcision has to be observed, according to P, 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, Ammonites, Edomites and Moabites were circumcised 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.”

