

Kinship and Covenant in Ancient Israel

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THE RELATIONSHIP BETWEEN THE LANGUAGE OF KINSHIP IN WEST SEMITIC TRIBAL SOCIETIES AND THE LANGUAGE OF COVENANT IN SUCH GROUPS HAS BEEN LITTLE STUDIED IN RECENT YEARS AND IS POORLY UNDERSTOOD.

West Semitic Tribal Societies and Kinship

The social organization of West Semitic tribal groups was grounded in kinship. Kinship relations defined the rights and obligations, the duties, status, and privileges of tribal members, and kinship terminology provided the only language for expressing legal, political, and religious institutions. Kinship was conceived in terms of one blood flowing through the veins of the kinship group. If the blood of a kinsman was spilled, the blood of the kinship group, of each member, was spilled. Kindred were of one flesh, one bone. "The whole kindred conceives of itself as having a single life."¹ On meeting Jacob, Laban says, "Surely thou art my bone

¹ W. Robertson Smith, *Kinship and Marriage in Early Arabia*, new edition, ed. Stanley A. Cook (London: Adam and Charles Black, 1903), 46. Smith's classic work here cited is badly flawed by theories of matrilineal descent among the early Semites and notions of their "totemism," views taken up by Smith from his close friend John F. McLennan and, unfortunately, developed enthusiastically. As E. E. Evans-Pritchard, a great admirer of Smith, has said, "Even so great a scholar as Smith sometimes fell into traps. But if he sometimes misinterpreted the evidence, there is no question about his significance for the history of thought, especially for the history of social anthropological thought." Moreover, his rich insights in social anthropology are presently enjoying a revival of interest among anthropologists; social historians of ancient Israel should not lag behind. See further, T. O. Beideman, *W. Robertson Smith and the Sociological Study of Religion*, with a foreword by E. E. Evans-Pritchard (Chicago: University of Chicago Press, 1974); and Robert A. Oden Jr., "The Place of Covenant in the Religion of Israel," in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. Patrick D. Miller Jr., Paul D. Hanson, and S. Dean McBride (Philadelphia: Fortress Press, 1987), 437-440. More generally on kinship, see Meyer Fortes, *Kinship and the Social Order* (Chicago: Aldine, 1969).

and flesh [bašar].”² Tribesmen of Israel meeting David at Hebron introduce their negotiations with him by saying, “Behold we are thy bone and thy flesh.”³ Another term for flesh, še’er, both in Hebrew and Canaanite means ‘blood relation’ in many contexts, and in Leviticus 18:6 and 25:41, the two terms for flesh, še’er and bašar, are compounded, to designate the ‘near of kin.’

Rooted in the concept of kinship, was the obligation to protect one’s kindred.⁴ It is incumbent on the tribesman to kill the killer of his kinsman, and in time of war, offensive or defensive, to rally to the tribal muster. His kinsman’s enemy is his enemy. Of early tribal society in Arabia, Robertson Smith wrote as follows:

The key to all divisions and aggregations of Arab groups lies in the action and reaction of two principles: that the only effective bond is a bond of blood, and that the purpose of society is to unite men for offense and defense. These two principles meet in the law of blood-feud, the theory of which is that the blood-bond, embracing all men who bear a common *nisa* or group-name, constitutes a standing obligation to take up the quarrel of every tribal brother.⁴

The obligation of the kinsman is also to uphold the welfare of his fellow kinsman. Properly vengeance is proscribed within the kinship group. The law of Leviticus 19:17–18 refracts in a new framework old principles of the kinship ethos: “You shall not hate your brother in your heart. . . . You shall not take vengeance nor bear a grudge against the members of your people [i.e., your kindred], but you shall love your fellow [tribesman] as yourself.” One is obliged to love one’s kinsman as himself, as his own soul.⁵ Joab, with some justification, accused David of reversing the requirements of traditional behavior toward one’s own by “loving those who hate you and hating those who love you.” Properly the bond of kinship requires that one bless those who bless one’s brother, curse those who curse one’s brother.

To the kinship group, the family (*mispatākh*), falls the duty of redemption. Redemption, *gē’ūlāh*, indeed, defines the kinship group,⁶ and the verb *gā’al*, ‘to redeem,’ is often best translated ‘to act as kinsman.’ The

duties of the *gō’el* are several: to avenge the blood of a kinsman,⁷ to redeem property sold by a poor kinsman,⁸ to redeem the kinsman sold into debt slavery,⁹ to marry the widow of a brother or near kinsman to secure his line.¹⁰ Certain laws, embedded in the Priestly Work and in Deuteronomy, proscribe the taking of interest or rent and require that interest-free loans be given to needy brethren. These laws, which may be regarded as idealistic or unrealistic in their present framework—applied to all Israel—have their origin in the kinship group—the lineage (*bēt ’āb*) or family (*mispatākh*), which held property in common as an inalienable patrimony.¹¹

We have noted that the language of love (*’ahāhāh*) is kinship language, the bond that holds together those in intimate relationships, the relationships of family and kindred. *Hesed* (‘loyalty’) too, I should argue, originally was a term designating that loyal and loving behavior appropriate to a kinship relationship. “Kinship,” Meyer Fortes has written, “predisposes the axiom of amity, the prescriptive . . . altruism exhibited in the ethic of generosity. . . . Kinsfolk are expected to be loving, just and generous to one another and not to demand strictly equivalent returns of one another.” *Hesed* as used in early Israel, a society structured by kinship bonds, covers precisely this semantic field. On the other hand, when extended in use outside the kinship group, behavior required by or appropriate to a kinship relationship becomes “gracious” or “altruistic” behavior. With the breakdown of kinship structures in society, and

7. See Num. 35:19–27.

8. Lev. 25:25–33.

9. Lev. 25:48–49.

10. Ruth 3:9, 12–13 and 4:1–14. See Baruch A. Levine, “In Praise of the Israelite *mispatākh*. Legal Themes in the Book of Ruth,” in *The Quest for the Kingdom of God: Studies in Honor of George E. Mendenhall*, ed. H. B. Huffmon, F. A. Spina, and A. R. W. Green (Winona Lake, Ind.: Eisenbrauns, 1983), 95–106, and Hanan Brichto, “Kin, Cult, Land, and Afterlife—A Biblical Complex,” *HUCA* 44 (1973), 1–54 (called to my attention by Lawrence Stager).

11. It is not my purpose here to analyze the several levels in the structure of tribal Israel, from ‘lineage,’ *bēt ’āb*, to ‘tribe,’ *šebət*. There is a rich literature relating to this topic including the following useful studies: George E. Mendenhall, “Social Organization in Early Israel,” in *Magnalia Dei: Essays on the Bible and Archaeology in Memory of G. Ernest Wright*, ed. F. M. Cross, W. E. Lemke, and Patrick D. Miller Jr. (Garden City, N.Y.: Doubleday, 1976), 132–51, and *The Tenth Generation: The Origins of the Biblical Tradition* (Baltimore: Johns Hopkins University Press, 1973), 174–197; C. H. J. de Geus, *The Tribes of Israel* (Assen, Amsterdam: Van Gorcum, 1976), 120–164; Norman Gottwald, *The Tribes of Yahweh* (Maryknoll, N.Y.: Orbis Books, 1979), 237–376; Robert R. Wilson, “The Mechanisms of Judicial Authority in Early Israel,” in *The Quest for the Kingdom of God*, 59–75; and Lawrence E. Stager, “The Archaeology of the Family in Ancient Israel,” *BASOR* 260 (1985): 1–35 and bibliography.

2. Gen. 29:14.

3. 2 Sam. 5:1; cf. Judg. 9:1–4; Gen. 37:27 (*hyntu bšrmw*); etc.

4. *Kinship and Marriage*, 69. Compare the “laconic formula” cited by Emmanuel Marx, “they pursue and are pursued together (*briādu ve-yartāridu mā’ha’iq*),” and his quotation from A. Musil of a Rwala saying: “bound to mutual protection, both aggressive and defensive.” See Marx, *Bedouin of the Negev* (New York: Praeger, 1967).

5. Cf. 1 Sam. 18:1–3 and 20:17 for the expression “to love as one’s own soul”; also the discussion below.

6. Cf. Ezek. 11:1.

in social metaphors in theological language, the extended meaning of *hesed* became increasingly prominent. But its rootage in kinship obligations is primary. Strictly speaking, *hesed* is a kinship term.¹²

The Divine Kinsman

In the religious sphere, the intimate relationship with the family god, the "God of the Fathers," was expressed in the only language available to members of a tribal society. Their god was the Divine Kinsman. We are dealing here obviously with a sociomorphism.

The notion of the Divine Kinsman is especially vivid in the West Semitic onomasticon, in theophorous names.¹³ Especially common in Amorite, Canaanite, and Hebrew names is the element *ab*, 'father.' It is used both as a theophorous element and as a divine epithet: [*abī-*] my father is 'El'; [*yādi-*]¹⁴ *abū* 'may the Divine Father know (us)' or 'The Divine Father has known (us)',¹⁵ that is, 'entered into an intimate relationship.' The element *ak*, 'brother,' or better, 'male kinsman,' is used similarly: [*āhi-*]¹⁶ *Il*, 'my kinsman is 'El,' or [*yāma'-āhūm*], 'the Kinsman has sworn.' Other kinship terms include '*im*' or '*umm*', 'mother,' *āħat*, 'sister,' used of female deities. Of special interest are the terms '*amm*' and *ħal*, usually translated 'paternal uncle' and 'maternal uncle.' They are especially frequent in Amorite names and probably meant 'unspecified paternal kinsman' and 'unspecified maternal kinsman.' In any case, we best translate them by 'kinsman' or 'clansman.' '*Am*' names were popular also in Canaan and Israel. *Ga'yum*, 'clan' or 'clansman,' is also found in Amorite names as a theophorous element or epithet, as is the more bizarre *ham*, 'father-in-law,' which survives in Hebrew and Ammonite as an element in feminine names. These terms do not exhaust the list of kinship ap-

¹² See the classic study by Nelson Glueck, *Hesed in the Bible*, trans. Alfred Gottschalk (Cincinnati: Hebrew Union College Press, 1967), and, more recently, Katharine Doob Sakenfeld, *The Meaning of Hesed in the Hebrew Bible: A New Inquiry*, HSM 17 (Missoula, Mont.: Scholars Press, 1978). The quotations from Meyer Fortes are from his influential volume *Kinship and the Social Order: The Legacy of Lewis Henry Morgan* (Chicago: Aldine, 1969), 237–241. Fortes (241) discusses the term *nānānu* used by the Garia of New Guinea, which means 'to have a proper attitude toward a person' and thus 'to fulfill all the obligations due to him': "*Nānānu*, strictly and ideally speaking refers only to conduct towards members of one's security circle [kinship group]; it may be extended, however, to include associates or farming neighbors to whom one is not by kinship reckoning under any moral obligation." The parallel to the term *hesed* is striking.

¹³ See CMHE, 14 and 89. M. Noth, *Die israelitischen Personennamen im Rahmen der gemeinsamitischen Namengebung* (Stuttgart: Kohlhammer, 1928), 66–82.

¹⁴ *Yadi* may be taken as a jussive, or more probably as an old preterite.

pellations used of the 'god of the father.' I shall mention only one other pertinent example, '*irib*, the 'Divine Ancestor,' who takes first position in pantheon lists from Ugarit and who survives into Late Bronze Age Palestine in an inscription from Lachish and on a seal from Philistia.¹⁵

The Divine Kinsman, it is assumed, fulfills the mutual obligations and receives the privileges of kinship. He leads in battle, redeems from slavery, loves his family, shares the land of his heritage (*nāħālāh*), provides and protects. He blesses those who bless his kindred, curses those who curse his kindred.¹⁶ The family of the deity rallies to his call to holy war, "the wars of Yahweh," keeps his cultus, obeys his patriarchal commands, maintains familial loyalty (*hesed*), loves him with all their soul, calls on his name.

Kinship-in-Law

The kinship bonds that give unity and cohesion to the lineage and family in tribal societies become attenuated as tribal societies become more complex, as we move to the level of the tribe or a confederation of tribes. Mendenhall, in an excellent study of the nature of the biblical community, puts it thus: "No one is likely to deny the constant importance of real kinship in ancient Near Eastern cultures . . . Nevertheless, the function of real kinship ties in society is so limited that something larger is needed, particularly as population density increases and social conflicts become more complex."¹⁷ And again, "As social units become larger, kinship ties become increasingly dysfunctional as the basis for the larger group; but kinship terminology seems to become more used [italics added] to express the new bond that ties the larger group together."¹⁸

In tribal societies there were legal mechanisms or devices—we might even say legal fictions—by which outsiders, non-kin, might be incorporated into the kinship group. Those incorporated, an individual or a group, gained fictive kinship and shared the mutual obligations and privileges of real kinsmen. In the West Semitic tribal societies we know best, such individuals or groups were grafted onto the genealogies and fictive kinship became kinship-in-flesh.

In Israel, contrary to many primitive band or tribal societies, the legal compact of marriage introduced the bride into the kinship group or

¹⁵ See my discussion in "An Old Canaanite Inscription Recently Found at Lachish," *Tel Aviv* 11 (1984): 71–75.

¹⁶ Cf. Gen. 12:3.

¹⁷ Mendenhall, *The Tenth Generation*, 177.

¹⁸ Ibid., 176.

family. This is the proper understanding of Genesis 2:24: "Therefore a man will abandon his father and his mother and cleave to his wife, and [the two of them] will become one flesh." Flesh refers not to carnal union but to identity of "flesh," kinship, "bone of my bone, flesh of my flesh." Obviously offspring of the marital union will be of one flesh; what is asserted is that the covenant of marriage establishes kinship bonds of the first rank between spouses.

Adoption of sons or daughters is another means of ingrafting non-kin or distant kin into the lineage. The practice was widespread in the Near East and in Israel. Its formulae survive (often in secondary settings): "I will be to him a father and he will become my son," or "my son art thou, today I have begotten thee," or "a child is born to us, a son is given to us."¹⁹

Oath and covenant, in which the deity is witness, guarantor, or participant, is also a widespread legal means by which the duties and privileges of kinship may be extended to another individual or group, including aliens. In describing early Arab tribalism, Robertson Smith writes:

The commingling of blood [in the oath and covenant ritual] by which two men became brothers or two kins allies, and the [legal] fiction of adoption by which a new tribesman was feigned to be the veritable son of a member of the tribe, are both evidences of the highest value, that the Arabs were incapable of conceiving any absolute social obligations of social unity which was not based on kinship; for a legal fiction is always adopted to reconcile an act with a principle too firmly established to be simply ignored.

Again, Smith says that "a covenant of alliance and protection was based on an oath. Such an oath was necessarily a religious act; it is called [*qasama*] . . . a word which almost certainly implies that there was a reference to the god at the sanctuary before the alliance was sealed, and that he was made a party to the act. . . . We see that two groups might make themselves of one blood by a process of which the essence was that they commingled their blood, at the same time applying the blood to the god or fetish so as to make him a party to the covenant also. Quite similar is the ritual in Exodus 24 where blood is applied to the people of Israel and to the altar."²⁰

19. See 1 Sam. 7:14; Ps. 2:7; and Isa. 9:5.

20. Smith, *Kinship and Marriage*, 56–62. See also the neglected but fundamental study of Johs. Pedersen, *Der Eid bei den Semiten: Studien zur Geschichte und Kultur des islamischen Orients*, Drittes Heft, ed. C. H. Becker (Strassburg: Trübner, 1914), 21–51. I quote one excerpt (21):

Covenants bound with covenant oaths may be made with individuals or groups. An example of an individual covenant is that between Jonathan and David. Note the following phrases: "And Jonathan loved him [David] as himself [ke-napsō]. . . . And Jonathan made a covenant with David in that he loved him as himself."²¹ In 1 Samuel 20:14–20, in a partially corrupt text, the covenant is further specified:

Only this, if I am still alive, may you maintain Yahweh's loyalty [hesed] to me. But if I die, never break faith [hesed] with my house [lineage]. And when Yahweh exterminates all the enemies of David from the face of the earth, the name of Jonathan must never be allowed by the family of David to die out from among you, or Yahweh will make you answer for it. And in his love for David, Jonathan renewed his oath to him, because he loved him as his very self.²²

In 2 Samuel 1:26, in the Lament of David, is a further reference to Jonathan and David's relationship: "I grieve over thee Jonathan my brother. . . . To love thee was for me / Better than the love of women." The language used in these passages is transparently the language of kinship and mutual kinship obligation. Jonathan loves David as himself; David's love for Jonathan exceeds that of sexual love. The oath and covenant is binding on the offspring of David and Jonathan. David is to protect Jonathan's name (lineage) in the event of his death. In life and death, loyalty appropriate to kinsmen (*hesed*) is to be kept unbroken. And David addresses Jonathan as "my brother."²³

Bei den Arabern beruht jeder Schutz, jedes Recht und jede Pflicht auf Stammesgenossenschaft. Nur innerhalb des Stammes lässt sich ein menschliches, normales Leben führen, denn außerhalb des Stammes herrscht nur Tod und Flucht, alles böse und unmenschlich ist. Dies Verhält mit den unverbrüchlichen Pflichten und Rechten, die darin einbegriffen sind, wird, wie wir gesehen haben, von den Arabern mit dem Wort *'ahd* bezeichnet. Wenn zwei Parteien ein *'ahd* mit einander eingehen bilden sie dadurch eine neue Lebensgemeinschaft von derselben iniegen Art wie das Verhältnis zwischen den Stammesverwanten. Das ganze Leben, alle Rechte und Pflichten werden gemeinsam.

21. 1 Sam. 18:1–3.

22. The text is that of the New American Bible, prepared by the late Patrick W. Skehan and the writer. It is based partly on the OG, partly on conjecture. See also Kyle McCarter, *1 Samuel*, in the Anchor Bible (Garden City, N.Y.: Doubleday, 1980), 337. David's endeavor to carry out his obligation to Jonathan is recorded in 2 Sam. 9:1–7 and 21:7.

23. Cf. J. A. Thompson, "The Significance of the Verb *Löve* in the David-Jonathan Narratives in 1 Samuel," *VT* 24 (1974): 34–38, and McCarter, *1 Samuel*, 341 f., who stress the political significance of the covenant and its analogy with suzerainty treaties.

The language of kinship used in marriage, adoption, and covenants of individuals and groups is put to use even in parity treaties and vassal treaties negotiated at the international level between independent states. That such language survives in societies evolved far beyond the tribal level is remarkable, and it points to the tenacity of the kinship ethos, especially in peoples of the West Semitic world.

In the treaty between Hiram of Tyre and Israel, Hiram is called a "lover" of David, and Solomon and Hiram entered into a covenant, presumably a renewal of a treaty between Hiram and David, a "treaty of brotherhood."²⁴

William L. Moran and Hayim Tadmor have investigated the use of the term *love* in treaties of the second and first millennium B.C.E.²⁵ Especially vivid is the use of the term *ra'amītu*, 'love,' in the Amarna correspondence between kings in a treaty relationship. This use of *love*, as Tadmor has pointed out, was restricted to the "diplomatic parlance" of the West in the Second International Period. It returns in the *adē* documents of eighth- to seventh-century Assyria, whose form and terminology was borrowed from the West. In Tadmor's words, "Thus by way of the Aramaic intermediaries, the Neo-Assyrian *adē* documents continue the highly developed Syro-Anatolian and possibly also north Mesopotamian second-millennium traditions."²⁶ Thus in a treaty of Esarhaddon, vassals are to swear concerning Assurbanipal, his heir: "You shall love [him] as yourselves" (*kī napsāt[i]l kunu lā tarammāni*).²⁷ Similarly, in the language of second-millennium treaties we find such terms as *ahkūtum* or *atbjutum*, 'brotherhood,' usually used by kings of equal rank, and *abbītum* and *mārītum*, 'fatherhood' and 'sonship,' usually used of overlord and vassal respectively.²⁸ Munn-Rankin com-

It must be said, however, that the expression "to love as himself" is a kinship term and need imply nothing as to David's "suzerainty" over Jonathan. The covenant binds David and Jonathan in the bonds of kinship, reflecting their mutual love and more practically binding their offspring in the obligations of kinship, thereby preserving their offspring—ideally—from murder and countermurder of their opposing dynasties.

24. See 1 Kings 5:14–26; cf. Amos 1:9.

25. See William L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ* 25 (1963): 77–87, and Hayim Tadmor, "Treaty and Oath in the Ancient Near East: A Historian's Approach," in *Humanizing America's Iconic Book*, ed. C. M. Tucker and D. A. Knight (Chico, Calif.: Scholars Press, 1982), 125–152.

26. Tadmor, "Treaty and Oath," 145; cf. 152.

27. See Moran, "Love of God," 80, and references, n. 23.

28. See especially J. M. Munn-Rankin, "Diplomacy in Western Asia in the Early Second Millennium B.C.," *Iraq* 18 (1956): 68–110; Tadmor, "Treaty and Oath," 131 f.; M. Weinfield, "Covenant Terminology in the Ancient Near East and Its Influence on

ments, "In every case in which one ruler calls another 'brother' in the Mari correspondence there is either direct evidence that they were in treaty relations, or that they were jointly engaged in military operations, which presuppose the existence of a treaty."²⁹

Not infrequently the daughter of a king was given to his treaty partner, with the proviso that their offspring mount the throne after the ally's death. Thus kinsman-in-law (the father-in-law) became the kinsman-in-flesh of the ally's heir.³⁰

Often it has been asserted that the language of "brotherhood" and "fatherhood," "Love," and "Loyalty" is "covenant terminology." This is to turn things upside down. The language of covenant, kinship-in-law, is taken from the language of *kinship, kinship-in-flesh*.

Kinship and Tribal Federation

Early Israel must be designated a tribal league or federation. The tribe has been described as a fragile social entity, dependent on so-called sodalities, that is, kinship, religious, and military associations, to give it stability and unity.³¹ If this is so, the tribal federation is even more fragile, coming into being when tribal societies are threatened by external and internal pressures that threaten their security and peace. Not least of the internal pressures is the need to restrain the terror and ravages of the blood feud. External threat in the chaotic age in which the Israelite league came into being included the armies of highly organized city states as well as opposing tribal leagues of the southeast (to which we shall return below).

The federation of Israelite tribes, as we have observed, was united by military, kinship, and religious ties, "sodalities" in anthropological jargon. We may describe the social organization of the league from three standpoints.

The league was a military organization first of all, designed to marshal a militia for offense and defense, especially for *ḥerem*, 'Holy War.' The league militia, ideally, was formed by an alliance of clan musters,

²⁹ Munn-Rankin, 'Diplomacy in Western Asia,' 84.

³⁰ See, for example, the treaty of Suphiluluna and Mattiwaza, and the treaty of Hattusili with Pendišena of Amurru, published by E. F. Weidner, *Politische Dokumente aus Kleinasiien*, Boghazköi-Studien 8. und 9. Heft (Leipzig: Hinrichs, 1923), 1–36 and 129–135.

³¹ See Elman R. Service, *Primitive Social Organization: An Evolutionary Perspective*, 2nd ed. (New York: Random House, 1971), 103–105.

the *'elip*. In the rituals of Holy War, the "militia of Yahweh" was called up by the god of the league, that is, by priestly oracle and/or the *šəp̄ēt*, a term we usually translate imprecisely as 'judge', the temporary leader in battle, under the sanctions of covenant oaths or curses. In such rituals we find the social function of the epic of the Divine Warrior recited and reenacted in cult.

The league was also a kinship organization, a covenant of families and tribes organized by the creation or identification of a common ancestor and related by segmented genealogies. Such genealogies are in substantial part constructs, based as much on "kinship-in-law" as real kinship, and the genealogies tend to be fluid, shifting to reflect social and historical changes and developments. The league in ideal form was conceived as twelve tribes, related at once by covenant and kinship.

The Israelite League was also a religious organization or society. Priestly families, linked by genealogy to create a priestly "tribe," were set aside to conduct rituals and sacrifices and to preserve religious lore. The league was called the '*ām* Yahweh', which we generally translate the 'people of Yahweh.' However, as we have seen, '*ām(m)*' is a kinship term, and for our purposes here is perhaps better translated the 'kindred' of Yahweh. Yahweh is the god of Israel, the Divine Kinsman, the god of the covenant. Religious unity is undergirded by the institution of the pilgrimage feasts, where Israel's epic is sung, and covenant ceremonies or covenant renewal ceremonies reconstitute the league anew.

To be sure, these three aspects of league organization are overlapping. The '*ām* Yahweh,' 'kindred of Yahweh,' in some contexts must be translated the 'militia of Yahweh,' and in other contexts the '*ām* Yahweh' is a community of worshippers, a cultic association.³²

I have discussed elsewhere the evidence that confederations of tribes flourished in southeastern Palestine and northern Arabia before their evolution into "nation states" headed by kings: Edom, Moab, Ammon, Midian, Ishmael, and Qedar.³³ The Israelite league was called the '*ām* Yahweh'; indeed, this is the old proper name of the league. So too Moab was called the '*ām* Kəmōš,' 'sacral league' or 'kindred' of Chemosh, and Ammon the '*ām* Milkōm'.³⁴ In North Arabic is found the *'ahl Aθtar*, 'the

family of the god 'Aθtar.' We have noted also that, just as names with the theophorous element Yahweh dominate the Israelite onomasticon, so too in Ammon, Moab, and Edom their onomastica are dominated by the name of their league god.³⁵

Israel is the kindred (*ām*) of Yahweh; Yahweh is the God of Israel. This is an old formula. But this formula must be understood as a legal language, the language of kinship-in-law, or in other words, the language of covenant.

Social Metaphors in Israel's Religious Language

In light of our exposition of the social institutions of tribal Israel, institutions rooted in an ideology of kinship and its legal substitutes that I have dubbed "kinship-in-law," it will be useful, I believe, to reexamine social metaphors, "sociomorphisms," in Israel's religious language.

The God of Israel adopts Israel as a "son" and is called "father," enters a marriage contract with Israel and is designated "husband," swears fealty oaths together with Israel and enters into covenant, assuming the mutual obligations of kinship, taking vengeance on Israel's enemies going to war at the head of Israel's militia.

In Israel marriage may be described as entry into a mutual covenant of love, loyalty (*hesed*), and fidelity (*ēmet*). In Ezekiel 16, Jerusalem is addressed as a beautiful woman of mixed ancestry. Yahweh came upon her and said, "I looked upon thee, and behold thy time was a time of love, and I spread my skirt over thee and covered thy nakedness, and I made oaths to thee and entered into a covenant with thee . . . and thou becamest mine."³⁶

In Hosea 2:4–25 there is the song of the divorce of wife Israel by her husband Yahweh, an allform of the covenant lawsuit (found *inter alia* in Hosea 4), followed by a song of wooing and remarriage as Israel is led by her lover in the wilderness, retracing the way of the Exodus and the entry into the land. The new espousal will be eternal, marked by loyalty (*hesed*) and fidelity (*ēmetāh*), and Israel will "know" Yahweh, and call him "my husband." The child called *lô 'āmmî*, 'no kin of mine,' shall be called '*āmmî*, 'my kin.' In this lovely song the terms for kinship, marriage, covenant, and kinship-in-law are interchangeable social metaphors drawn from the traditional ethos of the tribal league. Hosea with

³² Note the language of 2 Kings 11:17 (= 2 Chron. 23:16): "Jehoada made a covenant between Yahweh, the king, and the people that they should become the 'kindred of Yahweh.'" For a recent discussion of '*ām(m)*', and a review of the literature dealing with the term, see Robert M. Good, *The Sheep of His Pasture: A Study of the Hebrew Noun 'Āmm(m) and Its Semitic Cognates*, HSM 29 (Chico, Calif.: Scholars Press, 1983).

³³ See below, chapter 2.

³⁴ See Jer. 49:1 where Milcom is to be read (with the versions), and the expression '*āmmō*', 'his [Milcom's] people' or 'kindred' is found. For '*ām* Yahweh, see Judg. 5:11, 1 Sam. 2:24, 2 Sam. 1:12, etc.

³⁵ See below, chapter 2. On the Israelite onomasticon, see Jeffrey H. Tigay, *You Shall Have No Other Gods: Israelite Religion in the Light of Hebrew Inscriptions*, HSS 31 (Atlanta: Scholars Press, 1986).

³⁶ Ezek. 16:8; cf. Mal. 2:14 ("wife of my covenant"); and Prov. 2:17. Tadmor, "Treaty and Oath," 139 observes that the Akkadian term for marriage is *rīṣānum*, 'binding agreement,' 'pact,' 'covenant.'

equal ease uses the language of "sonship" or adoptive sonship in describing his relation with Israel: "When Israel was a lad then I came to love him, and I called my son out of Egypt."³⁷

The interchangeability of the terms of "kinship-in-law" is well illustrated in the ideology of Davidic kingship. I have quoted above from royal liturgies: "I will be to him a father and he will become my son"; "My son art thou, today I have begotten thee"; and "A child is born to us, a son is given to us," all formulas of Yahweh's adoption of David, or the Davidid, as his son. Side by side we find the relation of David to the deity specified in terms of oaths sworn by David and Yahweh, and of Yahweh's covenant (*bērīt*) and covenant oath(s) (*'ēdāt*).³⁸ The royal liturgy preserved in Psalm 89 contains the verses "Forever will I keep my covenant is secure with him; his seed I make to endure forever, and his throne as the days of heaven."³⁹

The ideology of divine sonship was also at home in Canaan; both the language of adoptive sonship and of the Davidic covenant were at home in the Israelite kingdom. We may compare the discrete meanings of Akkadian *māritum*: 'sonship,' 'adoption,' 'status of being a natural or adopted son or daughter,' 'status of vassal (under treaty).'⁴⁰ It should be stressed that adoptive sonship places obligations of kinship on the father, as is generally recognized, and also on the son, which is often forgotten. Kinship obligations are necessarily mutual. In the language of kinship-in-law, the so-called Davidic Covenant, the same is true. Whether one chooses a royal ideology in which the language of divine sonship is used or chooses one using the language of covenant, mutual relations are established between king and Deity. There are no "unilateral" covenants in a kinship-based society.⁴¹

³⁷ Hos. 11:1.

³⁸ Ps. 132:1-2, 11, 12. On *'ēdāt*, see below, and CMHE, 267, and n. 209. *dwtr* 'his covenant oaths' should be read in Ps. 132:1 parallel to 'dty' in v. 12.

³⁹ Ps. 89:29-30; cf. 2 Sam. 23:5.

⁴⁰ See CAD vol. 10, pt. 1, pp. 319-321; RLA 1:37-38 and references.

⁴¹ There are, to be sure, some interesting parallels between two types of "dynastic promise to David" and two types of dynastic clauses of suzerainty treaties of the second millennium. Certain elements are common to both types: the suzerain secures the vassal on the throne, secures the land in his possession, and lists land boundaries. Sometimes "sonship" is granted. But two types of promise are found in regard to the future of the dynasty. The usual is to promise that a king's heirs will remain on the throne under the protection of the suzerain so long as they are obedient to the stipulations of the covenant. The treaty makes the perpetuation of the dynasty conditional. In the second type, the promise of the land and promise of the dynastic succession are unconditional. This type is found in pure form in the treaty of Ludkhaliyas IV and Ulmi-Teshup of Dattassa. It is said that if Ulmi-Teshup is faithful to his covenant with his suzerain, it is the obligation of the suzerain to preserve his heirs on the throne of

Elements of Confusion in the Understanding of Israel's Ancient Covenant

The failure to recognize the rootage of the institution of covenant and covenant obligations in the structures of kinship societies has led to confusion and even gross distortion in the scholarly discussion of the term *bērīt*, 'covenant,' and in the description of early Israelite religion.

From the time of Wellhausen there has been the tendency to strip the term *bērīt*, 'covenant,' of any element of mutuality, or of any legal overtones, at least in its use in early contexts. Hence it has been claimed that the term denotes primarily 'obligation,' either an obligation taken on by the deity voluntarily (grace), or obligations imposed by a superior (the deity) upon an inferior. In the latter case the stipulations of covenant can secondarily come to mean 'law.' The covenants of Abraham and David thus are claimed to be covenants of grace, the Sinaitic covenant a covenant of law. For Wellhausen and his modern successors, a mutual covenant with legal stipulations is a construct of the late monarchical especially of the Deuteronomistic school and the Priestly tradition of the Pentateuch.⁴²

For Wellhausen, the relationship between God and Israel in premonarchical times and in early prophecy was "natural," spontaneous, free, interior (individualistic). Such language is his inheritance from a philosophical milieu created by idealism and romanticism, borrowed immediately from Vatke, and congruent with Protestant antinomianism. That

Dattassa, and to preserve the land in the heirs' possession. If a future son sins (rebels), he may be punished or removed, but kingship and land must pass to another heir of Ulmi-Teshup, in theory thereby creating an eternal dynasty. Put another way, it can be said that permanence of dynasty and possession of land rests on the "reservoir of grace" filled by the obedience of Ulmi-Teshup alone, and therefore is not dependent on the fidelity of each succeeding heir—presumably intensifying Ulmi-Teshup's motivation to obedience. The analogy with the "high" or unconditional royal ideology of the Davidids is obvious. Thanks to the piety of David, the throne is eternally promised to the house of David; thanks to the fidelity of Abraham, the land is promised perpetually to his seed. One suspects that in this unconditional promise to heirs, archaic kinship ideology is at work: the family of the faithful covenant partner is bound forever in kinship bonds with the suzerain, and his family. For references, see CMHE, 268 and notes; and Baruch Halpern, *The Constitution of the Monarchy in Israel*, HSM 25 (Chico, Calif.: Scholars Press, 1981), 45-47.

⁴² See the useful sketch of the history of the discussion by Oden, "The Place of Covenant," 429-447. Cf. Moshe Weinfield, "*bērīt*" in *ThWAT*, cols. 781-808, and the literature cited; L. Perlitz, *Bundestheologie im Alten Testament*, WMANT 36 (Neukirchen-Vluyn: Neukirchener Verlag, 1969); and E. Kutsch, *Verhessung und Gesetz*, BZAW 131 (Berlin: De Gruyter, 1973).

early covenant forms were sociocentric, mutual, and expressed in legal institutions (kinship-in-law) was unthinkable. Law—static, petrified, exterior, abstract—was the creation of the Judaic spirit, hence late and perverse. That such views persist in the face of new knowledge of the ancient Near East, the history of religion and law, and advances in social anthropology is a testimony, not to the soundness of the Wellhausenist synthesis but to the power and perversity of Paulinist and anti-Judaic dogma, or, in other words, to the survival of stubbornly often unconsciously held traditions of Christian apologetics in biblical scholarship.

Tribal covenants structured by kinship-in-law as well as federations of tribes under a league god were mutual covenants. Even the international treaties of the Hittites and the suzerainty or parity treaties of north Syrian Semites in the second millennium were mutual, at least in form and language, obligations being undertaken by both parties.⁴³ Pedersen's classic study of oath and covenant gives the following definition of *āhd*, the primary term for covenant among the early Arabs: "Ahd means generally the relationship between those who belong together with all the rights and obligations which spring from this relationship. It encompasses consequently both the relationship between those related by kinship and those united by covenant."⁴⁴ In some contexts right or obligation' may be primarily in view; but, says Pedersen, (if we translate the word [*āhd*] with 'obligation' [Pflicht], yet always underlying this meaning at the same time is the presupposition of the mutual relationship of the parties which is the ground of the obligation." The term *āhd* is cognate with Hebrew **ād* < *ēād* / *ēādū*, Aramaic 'dy', borrowed into the Assyrian dialect in the frozen form *ādē*.⁴⁵ The plural form in Aramaic and Hebrew, comparable to Homeric *horkia* in the idiom *horkia pista tammein* and Phoenician 'lt in the idiom *krt*' lt, has generally been taken to mean 'covenant oaths' but is better taken to be a *plurale tantum* like Akkadian *rīšātum* since the idiom is 'to cut': *krt*, *gzt*, *tammein* (sic). Evidently, *ēādōt* / *ēādūt* is one of the Priestly tradent's characteristic archaisms.⁴⁶ The

usual term in Hebrew is, of course, *bērīt*.⁴⁸ Its etymology is obscure, but the term is identical in its distribution with Arabic 'āhd, Hebrew 'ēādōt, Aramaic 'ādāyā, Akkadian *rīšātum*, 'bond, covenant, treaty.'

Religion and religious sodalities in a tribal society were an essential instrument of social bonding.⁴⁹ In the Israelite league, kinship ties were extended by the bonds of a covenant of which Yahweh was party and guarantor. The league covenant bound the tribes to the deity, and tribe with tribe, with stipulations as to the deity's cult and stipulations governing tribal behavior. These were the basis of solidarity and peace (*sālōm*), mutual responsibilities in time of war, and the duties of conducting a common cult. The whole design and motivation of the covenanted league was the establishment of mutual obligations. The notion of a *bērīt*, 'covenant,' in the era of early Israel without the mutual bonds of kinship-in-law between Yahweh and Israel, and between the tribes of the league, is not merely unlikely; it runs counter to all we have learned of such societies. Moreover, the survival of the social forms of covenant and law, even in the era of Israel's full-fledged state, is dramatic witness to their liveliness in the era before the rise of the state. States, designed to centralize power, and to impose hierarchical rule, do not generate rules based on kinship. They do not legislate egalitarian laws, nor devise segmentary genealogies. On the contrary, the survival of the league and covenantal institutions in Israel placed limits on the evolution of kingship and the arbitrary powers ordinarily exercised by the monarchial city state. Indeed the perception in Israel that the era of the league was Israel's normative age, and that the law of the league remained a check on kingship—traditions cherished by the prophetic movement—ever remained an obstacle to Israel's development into full-scale Oriental despotism. Attempts were made to suppress these traditions, notably by Solomon and Ahab, and each brought protest and prophetic reaction, and in the north, revolutions and the overthrow of dynasties.

The antiquity of covenant forms, of the language of kinship-in-law, and of religio-military federations of tribes is not in doubt. This has been clear since the discovery of the texts of international treaties of

43. See Tadmor, "Treaty and Oath," 138–140; William L. Moran, ANET, 628, n. 64.

44. Pedersen, *Der Eid bei den Semiten*, 8.

45. 'ēādōt shows the usual dissimilation of (long) u-class vowels in proximity, characteristic of Hebrew (*āhdāt* > *āhdōt* > *ēādūt*); *ēādūt* is a secondary form, the feminine plural being normal. See CMHE, 267 and references.

46. CMHE, 267, n. 209; H. Tadmor, "The Aramaization of Assyria: Aspects of Western Impact," in *Mesopotamien und seine Nachbarn*, ed. Hartmut Kühne, H. S. Nissen, and J. Renger, XXV *Rencontre Assyriologique Internationale* (Berlin: Dietrich Reimer, 1982), 455–458; Tadmor, "Treaty and Oath," 143–152.

47. See CMHE, 322 f., and 314; cf. C. L. Seow, "The Designation of the Ark in Priestly Theology," HTR 8 (1984): 185–198.

48. On extrabiblical occurrences of *bērīt* from the end of the second millennium, see CMHE, 267 and notes, and more recently, Tadmor, "Treaty and Oath," 138, n. 61. Tadmor's suggestion that *bērīt* originally meant 'cutting,' 'slaughter,' in reference to the cutting up of the animal in covenant rites, following M. Held, is not implausible. In this case, however, biblical *br*, 'to cut, kill,' *bry* in Jewish Aramaic, is not to be related to *br*, 'create,' but to *brw*, in Old South Arabic, 'to cut, kill,' used in parallel with *hrg* and *θbr*.

49. See Mendenhall, *The Tenth Generation*, 179; Oden, "The Place of Covenant," 439 f.

the second millennium. Such forms were constitutive of West Semitic tribal societies including Israel, and persisted after the emergence of the West Semitic states, especially in "nation states" (as opposed to city states), and was peculiarly persistent in Israel in the era of the monarchy. The studies of Bickerman, Mendenhall, Baltzer, and Korošec placed the treaty formulations of the second millennium into particular prominence in the discussions of covenant and law in Israel.⁵⁰ The importance of these studies cannot be overstressed, both in providing analogies to the covenant forms in Israel and in pointing to the antiquity of such legal formulations. At the same time the very concentration of scholars on these parallels to Israelite institutions, all drawn from the formulation of the Neo-Assyrian vassal treaties, has tended to obscure the realities surviving in state juristic documents, has tended to obscure the actual social matrix of Israel's covenant institutions in the tribal confederacy. Above all, the misuse of the Neo-Assyrian vassal treaties for dating and defining covenant formulations in Israel has led to confusion. The papers of Hayim Tadmor have been decisive in correcting mis-⁵¹ understanding of the Neo-Assyrian vassal treaties. The *adé* documents which appear first in the mid-eighth century B.C.E., borrow much of their formulary and technical terms from West Semitic, especially Aramaic sources, where they had been at home for a thousand years or more, forms absent from the native culture of Mesopotamia proper. Moreover, in Assyrian hands, the old treaty type was transformed into essential a fealty oath although it also had wider usage. "Borrowed from language west of the Euphrates, it became a ruthless tool in the hands of the Assyrian and Neo-Babylonian emperors and was in fact instrumental the final destruction of the west itself."⁵² While the Neo-Assyrian fea-

50. E. Bickerman, "Couper une alliance, Archives avec l'Ami," in *Couper une alliance, Law and Covenant in Israel and the Ancient Near East* (Pittsburgh: Biblical Colloquium, 1955), 133-156; George E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Philadelphia: Fortress, 1971), which appeared in German under the title *Das Bundesformular*, WMANT 4 (Neukirchener Verlag, 1960; 2nd rev. ed. 1964); and V. Korošec, *Hethitische Staatsverträge, ein Beitrag zu ihren juristischen Grundlagen* 60 (Leipzig: Weicher, 1931).

Wertung. Leipziger rechtswissenschaftliche Studien. 30 (= 1998).

51. See the studies listed in note 46.

52. Tadmor, "Treaty and Oath," 152; cf. A. Kirk Grayson, "Akkadian Treaties of the Seventh Century B.C." *JCS* 39 (1987): 127–160, and Simo Parpola, "Neo-Assyrian Treaties from the Royal Archives at Nineveh," *JCS* 39 (1987): 161–189. I am indebted to J. J. M. Roberts for calling my attention to the latter two studies. Parpola gives evidence for qualifying Tadmor's narrow definition of the Assyrian use of the Aramaic *adē* and questions his contention that the *adē* institution is borrowed from Neo-*loamward adē*, and provides an explanation for its being borrowed in Neo-Assyrian times and transformed into a plural *tantum*. Nor does he adequately address the West. However, he has no adequate explanation for its being borrowed in Neo-

A Brief Sketch of the Stages of the Covenant Institutions in Israel

The twelve-tribe league of Yahweh, the *'am Yahweh*, whose bonds to each other and bonds to Yahweh were formulated in terms of the covenant of Yahweh, is the primary locus of covenant institutions. In this society the covenanted tribes were a salient sodality. Covenant language was "at home," living and immediate. No doubt older socioreligious lan-

Tadmor's broader thesis in his paper "The Aramaization of Assyria: Aspects of Western Impact." See now also G. N. Knoppers, "Ancient Near Eastern Royal Grants and the David Covenant," *TAOCS* 116 (1996): 670–697.

the Davidic Covenant, *JBL* 111 (1993) 221–231.

53. See CMHE, 265–273.

54. See especially *Judg.* 19:11–20:48; 1 Sam. 11:1–11.

guage stands behind the institutions of the league (older typologically): the language and legal institutions of the Divine Kinsman, who adopted (or entered into covenant with) the patriarch, the lineage, or tribe, in other words the "god of the father."⁵⁵

In the historical context of the league we find the *Sitz im Leben*, the cultic and social function of old "liturgical law." By "liturgical law," I mean to specify the legal type called by Alt "apodeictic law" (a less than felicitous designation): succinct formulae in origin, "Thou shalt," and series of curses, shaped by oral recitation and preserved in decalogues or dodecalogues. Such covenant law evidently belonged to the rites of covenant or covenant renewal. So too we are inclined to place the cycles of tribal blessings in Genesis 49, Deuteronomy 33, and Judges 5 in the context of the rites of Holy War, or their equivalent, the reenactment of the epic victory of Yahweh which I have labeled the "ritual conquest," celebrated in the pilgrimage festivals.⁵⁶

Again it is in the historical context of league institutions that the law of the *go'el*, the "redeemer," the law proscribing the taking of interest, and the law of the inalienable Patrimony have their natural setting. While we find these laws at present in late settings in the Pentateuch, they run counter to the claims and interests of kingship and monarchy and could not have been invented in late monarchical times.⁵⁷

In the early monarchy the covenantal and kinship institutions that flourished in the days of the league were in part displaced by royal institutions and in part transmuted into new forms, maintaining some continuity with league values and social structures but reshaped to conform to a monarchical superstructure. There was, particularly in the Solomonic era, a systematic assault on the structures of the league and its sodalities which shored up tribal loyalties. New instruments were introduced to centralize power: the nation was partitioned into administrative districts which in part cut across traditional tribal boundaries; the militia was subordinated to a standing army and royal guard; *corvée* and taxation were instituted; and family patrimonies were seized by the crown in order to provide royal grants to the king's nobles, especially the military nobility. A royal cultus was instituted centered on Yahweh's choice of Zion and the house of David.⁵⁸ Yahweh's covenant with the

55. The term *personal god* is especially unfortunate in describing this type of deity. Alt's term *theoi patrōoi* is much more felicitous.

56. CMHE, 99–111.

57. It has sometimes been claimed that rules concerning redemption from debt slavery cannot be native to a tribal society. Such a view is contradicted by anthropological data and is baseless.

58. See especially J. J. M. Roberts, "The Davidic Origin of the Zion Tradition," *JBL* 92 (1973): 329–344, and "Zion in the Theology of the Davidic-Solomonic Empire," in

tribes of Israel was narrowed in focus to Yahweh's covenant with David, or the house of David, as Israel's representative. Yet this reformulated covenant language is relatively rare—despite its frequency in scholarly literature. The language of divine sonship, adoption of the king by the deity, is the preferred "high Judaean" royal ideology, preferred even by the Deuteronomist. A temple in the Canaanite mode was built in Jerusalem, compromised only by the introduction of the league Palladium, the ark of the covenant, into its holy of holies, in place of a cult statue.

At the same time the memory of the old constitution of the league remained lively, especially in prophetic circles, the ground of the prophetic critique of crown and temple cult. And if Lawrence Stager is correct, rural Israel maintained certain of its kinship structures and tribal institutions—covenantal traditions—in the face of all attempts to transform Israel into a city state of Canaanite polity.⁵⁹

Late in the monarchy and in the Exile there was a revival of covenantal ideology, law, and cultic practice. Drawing on surviving elements of league and kinship structures, as well as traditional religious and legal lore, the tradents of the school of Deuteronomy and of the Priestly school made a stalwart effort to reconstruct and resurrect the covenantal institutions of the "Mosaic Age," that is, of the era of the league. To be sure, their efforts to recover the past were flawed, and they produced nostalgic constructs of the era conceived as normative. Their efforts were shaped by the special concerns of their own times as they drew up programs of reform or programs for an ideal future. The covenantal law, for example, draws on traditional law of the old time, but it is schematized, idealized, and reformulated with the introduction of late elements alongside the genuinely archaic. In any case I should assert that the Pentateuchal tradents, D and P, were more successful in their reconstructions of the covenantal institutions of early Israel than we critical historians have supposed, and that their traditionalist approaches are often less doctrinaire and closer to historical reality than the unilinear historical schemes imposed by scholars of yesterday.⁶⁰

59. See Stager, "The Archaeology of the Family in Ancient Israel," 24–28; Halperin, *The Constitution of the Monarchy in Israel*, 175–249; H. Tadmor, "Traditional Institutions and the Monarchy: Social and Political Tensions in the Time of David and Solomon," in *Studies in the Period of David and Solomon*, 239–257.

60. I am indebted to Professor Stager for a number of helpful criticisms of this chapter.

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