An Exploration of Marriage in the Bible and Ancient Near East

Erica Michelle S. Rosenkranz

Thesis Submitted in Partial Fulfillment of

Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinical Program
New York, New York

March 13, 2006
Advisor: Dr. Andrea Weiss

HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
NEW YORK SCHOOL

FINAL THESIS APPROVAL FORM

AUTHOR: Erica Michelle S. Rosenkranz

TITLE: An Exploration of The Marriage in the Bible and the Ancient Near East

A. Wein   3/13/06

SIGNATURE OF ADVISOR   **Date**

Onnia Smith   3/13/06

SIGNATURE OF REGISTRAR   **Date**

....

ALL SIGNATURES MUST BE OBTAINED BEFORE YOUR THESIS WILL BE
CONSIDERED ACCEPTED.

PLEASE TYPE OR PRINT ALL INFORMATION ON THIS FORM.

2005

Thesis Abstract

Title: An exploration of the Marriage in the Bible and Ancient Near East

Author: Erica Michelle S. Rosenkranz

Contribution of this Thesis:

This thesis seeks to answer the following questions: To what extent does the Bible contain evidence of the customs and practices associated with modern Jewish marriage? To what extent do Jewish marriage laws and customs trace back to the biblical period and the Bible itself? This thesis addresses these questions by examining the legal and narrative material in the Bible, as well as many ancient Near Eastern law codes.

This thesis is divided into two chapters. Chapter one analyzes the legal and narrative material about marriage in the Bible. Chapter two addresses the ancient Near Eastern legal codes on marriage. These law codes reflect the pertinent issues involving marriage for the peoples of the ancient Near East. Questions considered include: How do the legal issues presented in the ancient Near Eastern law codes compare to the Bible? How are they similar? In what respects do they differ?

Lastly, the conclusion of this thesis compares the information gleaned about marriage in the Bible to modern marriage customs. Do we learn anything from the biblical material about marriage that sheds light on the modern components of marriage? The goal of this thesis is that the reader will gain a better understanding of how Jewish marriage laws have evolved from the time of the Bible to the present day.

Layout:

Introduction

Chapter I: How Marriage is Depicted in the Bible

Chapter II: Ancient Near Eastern Documents and a Biblical Comparison

Conclusion: Reflections on Marriage in the Bible and Modern Jewish Marriage Customs

Materials Used:

The focal texts of this thesis are the Bible and the following ancient Near Eastern Texts: the Laws of Ur-namma, Laws of Lipit-Ishtar, Laws of Hammurabi, Laws of Eshnunna, Neo Babylonian Laws, and Middle Assyrian Laws. In addition, a number of secondary sources are cited.

Exploration of Marriage in the Bible and Ancient Near East

Erica Michelle S. Rosenkranz

Thesis Submitted in Partial Fulfillment of

Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinical Program
New York, New York

March 13, 2006
Advisor: Dr. Andrea Weiss

HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
NEW YORK SCHOOL

FINAL THESIS APPROVAL FORM

AUTHOR: Erica Michelle S. Rosenkranz

TITLE: An Exploration of The Marriage in the Bible and the Ancient Near East

A. Wein   3/13/06

SIGNATURE OF ADVISOR   **Date**

Onna Smith   3/13/06

SIGNATURE OF REGISTRAR   **Date**

....

> ALL SIGNATURES MUST BE OBTAINED BEFORE YOUR THESIS WILL BE
> CONSIDERED ACCEPTED.

PLEASE TYPE OR PRINT ALL INFORMATION ON THIS FORM.

2005

Thesis Abstract

Title: An exploration of the Marriage in the Bible and Ancient Near East

Author: Erica Michelle S. Rosenkranz

Contribution of this Thesis:

This thesis seeks to answer the following questions: To what extent does the Bible contain evidence of the customs and practices associated with modern Jewish marriage? To what extent do Jewish marriage laws and customs trace back to the biblical period and the Bible itself? This thesis addresses these questions by examining the legal and narrative material in the Bible, as well as many ancient Near Eastern law codes.

This thesis is divided into two chapters. Chapter one analyzes the legal and narrative material about marriage in the Bible. Chapter two addresses the ancient Near Eastern legal codes on marriage. These law codes reflect the pertinent issues involving marriage for the peoples of the ancient Near East. Questions considered include: How do the legal issues presented in the ancient Near Eastern law codes compare to the Bible? How are they similar? In what respects do they differ?

Lastly, the conclusion of this thesis compares the information gleaned about marriage in the Bible to modern marriage customs. Do we learn anything from the biblical material about marriage that sheds light on the modern components of marriage? The goal of this thesis is that the reader will gain a better understanding of how Jewish marriage laws have evolved from the time of the Bible to the present day.

Layout:

Introduction

Chapter I: How Marriage is Depicted in the Bible

Chapter II: Ancient Near Eastern Documents and a Biblical Comparison

Conclusion: Reflections on Marriage in the Bible and Modern Jewish
Marriage Customs

Materials Used:

The focal texts of this thesis are the Bible and the following ancient Near Eastern Texts: the Laws of Ur-namma, Laws of Lipit-Ishtar, Laws of Hammurabi, Laws of Eshnunna, Neo Babylonian Laws, and Middle Assyrian Laws. In addition, a number of secondary sources are cited.

AN EXPLORATION OF THE MARRIAGE
IN THE BIBLE AND ANCIENT NEAR EAST

Senior Thesis by Erica Michelle S. Rosenkranz

Hebrew Union College – Jewish Institute of Religion

New York, New York

March 13, 2006

Thesis Advisor: Dr. Andrea Weiss

Acknowledgments

I would like to thank my thesis advisor, Andrea Weiss. Thank you for your time, dedication, and support. Also, thank you for teaching me about the Bible and the ways in which we can learn from our ancient Near Eastern neighbors.

I would also like to thank my academic advisor and mentor, Norman Cohen. You have been an inspiration to me, and I thank you for sharing your wisdom and knowledge with me during these past four years.

My mother and sister were always there for me. Thank you for your endless support in everything I do. You have always been there for me with words of encouragement and love.

Finally, I would like to thank my husband, Andrew Rosenkranz. Words cannot express how fortunate I am to have you as my husband. Thank you for being my number one fan!

Table of Contents

INTRODUCTION

Ecclesiastes 9:9 states "Enjoy happiness with the woman you love all the fleeing days of life that have been granted to you under the sun." We see in this quote that the Bible encourages us to be in a loving relationship with someone. Furthermore, in the story of creation, as described in Genesis 2:22, God creates woman in order to be a companion and helper for man. Again, the Bible stresses the importance of people involved in a loving partnership, which ideally culminates in marriage.[1]

There are a number of components commonly associated with a Jewish marriage: selecting a spouse, engagement, the wedding ceremony and the celebration. In the contemporary Jewish world, the process begins with a person selecting a spouse. In most cases today, a person self-selects a spouse. In some cases, an introduction may be made by a mutual friend or by a parent, but in both cases the people involved willingly choose to move to the next step.

The next step is the engagement, which usually involves a proposal and a presentation of an engagement ring, a public sign of betrothal. The time period of a couple's engagement varies. A couple may remain engaged until they can financially afford their own wedding, or simply for the amount of time it takes to plan the specific details of the wedding ceremony and celebration.

Following the engagement period is the wedding ceremony.[2] This day is filled with many traditional Jewish rituals and customs. Before the *huppah* is raised, many

---

[1] Although this thesis deals with heterosexual marriages, lesbian, gay, bisexual and transgendered couples, in increasing numbers participate in Jewish rituals of marriage.
[2] This section describes an array of traditional Jewish wedding customs; however, not all Jewish couples choose to include all of these customs in precisely the manner described.

4

festivities take place that "heighten anticipation and set the tone for the whole day."[3]

These include: a *tish*, *hakhnassat kallah*, *bedeken de kallah*, and the *ketubah* signing.[4]

The *tish*, or literally, the "grooms table" is the first ceremony. Traditionally, all the male

guests, or just a circle of friends and relatives, gather together. Usually schnapps or wine

is served at this festive gathering, and the groom may present a *d'var Torah*, a lecture on

the weekly Torah portion. However, because the groom is usually nervous at this time,

his is consistently interrupted with songs and jokes from the guests. While the groom and

his friends are involved in the *tish*, traditionally the bride is surrounded by women in

another room. She is often seated in a special chair covered with pillows and special

flowers. The women sing songs and dance around the bride. When the bride is ready,

she sends a person to the groom's table to invite the men to the veiling, which is called

the *bedekin*. This custom is derived from Genesis 24:65, when Rebekah covers her face

with her veil before she marries Isaac. In this ceremony, the groom lowers the veil over

the bride's face. As Diamant explains, by "'dressing his bride with a veil, the groom also

sets her apart from all others."[5]

Following the veiling ceremony, the *ketubah* is signed. The *ketubah* is the legal

marriage document. This document "presents a variety of interests, mirrors segments of

life, and records a fairly long span of the Jewish past."[6] The *ketubah* is special document

because it is a "home companion of every Jew everywhere." Sometimes, the bride and

groom invite many guests to witness the *ketubah* signing. Others make an intimate time

---

[3] Diamant, *The New Jewish Wedding*, 160. Also see Nancy Wiener's book., etc.
[4] Ibid.
[5] Ibid, 162.
[6] Epstein, *The Jewish Marriage Contracts*, 2.

5

of this with a small group of family or friends only, and "create a space for everyone to settle down, take a breath, and focus."[7]

After the *ketubah* is signed the Jewish wedding begins. Under the *huppah*, or the wedding canopy, the ceremony usually begins with two introductions, Psalm 118:26 and the prayer called *Mi Adir*. After that, the blessing over the first cup of wine is said and the *birkat erusin*, or betrothal blessings, are recited.

Following the betrothal blessings is the ring ceremony. Traditionally, the groom is the first one to give the ring to the bride. As he gives his bride the ring, the groom recites a statement in Hebrew, which can be translated as follows: "By this ring you are consecrated to me as my wife in accordance with the traditions of Moses and Israel." According to Jewish law, the bride is not legally required to do or say anything when she receives the ring. In many Jewish weddings today, a bride takes an active part in the ring ceremony, and she recites the same formula, corrected in gender.

The second half of the wedding ceremony consists of the *sheva b'rachot*, the breaking of the glass, and *yichud*. The *sheva b'rachot*, or seven wedding blessings, include many of the great themes of Judaism: creation, Eden, Zion, redemption, and Jerusalem.[8] After the *sheva b'rachot* are concluded, the breaking of the glass takes place. Traditionally, the man steps on a glass that is wrapped in a napkin. This custom dates back to the writing of the Talmud. According to the Talmud, Mar bar Rabina made a feast for his son. He observed that the rabbis present were very happy. So he seized a goblet worth 400 *zuzim* and broke it before them.[9] However, the interpretation of this act was changed somewhat after the destruction of the Jerusalem Temple. Therefore, at even

---

[7] Ibid.
[8] Diamant, *The New Jewish Wedding*, 178.
[9] Ibid, 192.

the height of personal joy, communal sadness is recalled."[10] Furthermore, the broken glass can also symbolize the frailty of human relationships.[11]

After the couple leaves the *huppah*, the man and woman usually spend ten or fifteen minutes alone in *yichud*, or seclusion. *Yichud* today symbolizes the practice of ancient days when a groom would bring the bride to his tent to consummate the marriage. In modern times, *yichud* can provide the couple with several moments of private time and reflection before the wedding celebration takes place.

To what extent does the Bible contain evidence of the customs and practices associated with modern Jewish marriage? To what extent do Jewish marriage laws and customs trace back to the biblical period and the Bible itself? This thesis will address these questions by examining the legal and narrative material in the Bible, as well as many ancient Near Eastern law codes.

This thesis will be divided into two chapters. Chapter one will analyze the legal and narrative material about marriage in the Bible. In this chapter, practices concerning choosing a mate will be addressed, including parentally-arranged versus self-initiated marriages, and exogamous versus endogamous marriages. In addition, this chapter will examine the betrothal period. More specifically, the following issues will be addressed: waiting period before betrothal, betrothal as the consent to marriage, the bride-price involved in betrothal, and a betrothal custom. Third, the marriage rites will be addressed. This section will contain information about the wedding feast and the act of "taking" a wife. Lastly, this chapter will cover several other important issues including levirate marriage, and polygamy versus monogamy.

---

[10] Ibid.
[11] Ibid.

Chapter two will address the ancient Near Eastern material on marriage. The ancient Near Eastern law codes, including the Laws of Ur-namma, Laws of Lipit-Ishtar, Laws of Hammurabi, Laws of Eshnunna, Neo Babylonian Laws, and Middle Assyrian Laws, will be reviewed. These law codes will reflect the pertinent issues involving marriage for the peoples of the ancient Near East. Questions to be considered include: How do the legal issues presented in the ancient Near Eastern law codes compare to the Bible? How are they similar? In what respects do they differ?

Lastly, the conclusion of this thesis will compare the information gleaned about marriage in the Bible to modern marriage customs. Do we learn anything from the biblical material about marriage that sheds light on the modern components of marriage? The goal is that through this process of research and analysis, the reader will gain a better understanding of how Jewish marriage laws have evolved from the time of the Bible to the present day.

CHAPTER ONE: HOW MARRIAGE IS DEPICTED IN THE BIBLE

I.   Introduction

Certain legal and narrative sections of the Bible help sketch a picture of what marriage was like in ancient Israel. This chapter will address the information we can uncover from selected biblical texts. First, the matter of choosing a mate will be explored, including the more specific question of who selects a spouse and who can be selected. Second, the topic of betrothal will be addressed. This section will contain information regarding the waiting period before betrothal, betrothal as the consent to marriage, the bride price involved in betrothal, and a betrothal custom. Third, the marriage ceremony will be addressed. While the Bible does not discuss the wedding ceremony in depth, it does describe the feast that takes place on the wedding day and the way a man, literally, takes a wife in marriage.   Lastly, this chapter will cover several other important notions about marriage in the Bible. These issues include: levirate marriage, and polygamy versus monogamy.

II.   Choosing the Mate

A. Who selects?

The Bible teaches us a fair amount about how a mate is selected. There are two specific ways: either the parent selects a spouse or the selection is self-initiated. There

are a handful of references in the narrative material that suggest that the ancient Israelites

shared the ancient Near Eastern practice of parentally arranged marriages.[12]

The first instance of a parentally arranged marriage in the Bible is Hagar, who

selects a wife for her son Ishmael, in Genesis 21:21. This is the only case in the Bible

where a mother selects a spouse for her child. The text states: "And his mother got a wife

for him, Ishmael, from the land of Egypt."[13] According to Raymond Collins, if we

attribute any credence to the year numbers of Genesis, which state that Abraham was

eighty-six when he fathered Ishmael in Genesis 21:5 and one hundred year's old Isaac's

birth in Genesis 21:5 and give a year of two for Isaac to be weaned in Genesis 21:8, we

can suggest that Ishmael was fifteen or sixteen when his mother arranged his marriage to

a native-born Egyptian. Collins observes that this may reflect one of the justifications for

parentally arranged marriages, "namely, the relatively young age at which boys and girls

reached a marriageable age."[14] Since boys and girls got married at such a young age,

they were inexperienced and unskilled in finding a mate. In this situation, it was more

practical for a parent to choose a spouse for his/her young child.

In addition, parentally arranged marriages were a way for parents to make sure their

legacy would continue.[15] Thus, if a parent chose his/her son-in-law or daughter-in-law,

he/she would be able to choose a partner who would be more likely to adhere to the

family traditions and promote the family rituals for generations to come. Often, the

biblical characters saw this as an immediate need when they were ill or old in years. In

---

[12] There are six references to parentally arranged marriages in the Bible. Four of these will be explored in this chapter. The two others are as follows: Genesis 37:45-47, Pharaoh gave Asenath, daughter of Potipherah, to Joseph as a wife; and Joshua 15:16, 17 and Judges 1:12-13, Caleb, in an attempt to stimulate support for an invasion of the city Kiriath-sepher, offers his daughter Achsah as a wife to any man who would spearhead the attack. Othniel accepted the challenge and marries Achsah.

[13] All translations will be taken from the JPS Tanakh.

[14] *Anchor Bible Dictionary*, s.v. "Marriage."

[15] Epstein, *Marriage in the Bible and Talmud*, 15.

Genesis 24:1-4, the text tells us that "Abraham was old and advanced in years."

According to Nahum Sarna, Abraham's old age "lends urgency to his quest for a wife for

his son.[16] Therefore, Abraham sends his servant to find a wife for his son, Isaac.

Eventually, the servant selects Rebecca, and in Genesis 24:58, she agrees to marry Isaac,

and says "I will go". This particular word choice is important because it recalls Gods

first word to Abraham, "Go."[17] In this moment, Rebekah becomes a kind of Abraham-

figure; and, in doing so, Rebekah becomes the person who carries on Abraham's legacy.

In selecting Rebekah to marry Isaac, Abraham has assured, that even after his death, his

values will be passed on to future generations. [18]

Unlike Abraham choosing a wife for Isaac, we do not know what specifically

compels Judah, in Genesis 38:6, to choose a wife for his son Er. Sarna simply suggests

that Judah, the father, "selects a bride for his son, as was the custom in biblical times."[19]

Therefore, Judah simply follows the custom of his time. We do, however, know why

Judah instructs Onan, Er's brother, to marry Tamar following Er's death in Genesis 38:8.

In doing this, Judah "proposes a course of action to provide his eldest son with

descendants posthumously."[20] Like Abraham in Genesis 24, Judah instructs Onan to

marry Tamar in order that he does "his duty by her as a brother-in-law, and provides

offspring for [his] brother." In essence, the marriage of Judah and Onan will guarantee a

future family line.

In I Samuel 18, Saul marries his daughters off as a way to strengthen his rule. He

wants to give one of his daughters to David in marriage because he is jealous of David's

---

[16] Sarna, *Genesis*, 162.

[17] Levenson, "Genesis," *The Jewish Study Bible*, 49.

[18] Ibid.

[19] Sarna, *Genesis*, 266.

[20] Menn, *Judah and Tamar*, 55.

success and the love of his people for David.[21] He hopes that by marrying one of his

daughters to David, and by negotiating David's service in battle against the Philistines,

David will be killed in the line of duty.[22] In I Samuel 18:17, Saul first offers his eldest

daughter, Merab, to David in marriage. Although Saul does not withdraw the offer, he

marries Merab to another man, after David declines his offer. Next, in I Samuel 18:21,

Saul offers Michal, a younger daughter, to David in exchange for the foreskins of one

hundred Philistines. It is clear that David becomes the king's son-in-law "at Saul's, not

his own, initiative."[23] Saul allows David to marry Michal because of his ulterior motive.

Saul hopes that David will be killed in battle and will no longer be a threat to his success.

Parentally arranged marriages are not the only type of marriages we see in the Bible.

There are five marriages in the Bible in which the man initiates the marriage. In two

cases, parents oppose this initiation. In three cases, the parents do not seem to play a role

at all.[24] In Genesis 26:34, Esau marries Judith, the daughter of Beeri the Hittite, and

Basemath, the daughter of Elon the Hittite. Esau initiates these marriages against the will

of his parents, as the text says in Genesis 26:35, the non-Israelite women were a "source

of bitterness to Isaac and Rebekah." Esau's willingness to marry Beeri and Basemath

without the consent of his parents is probably placed here to "remind us of his

unworthiness to be the true heir, and in this way serves to offer some sort of justification

in advance for Jacob's stealing the blessing in the next episode."[25] Regardless of the

consequences, Esau does as he wishes, and he marries two Hittite women.

---

[21] Newsom and Ringe, *The Politics of Marriage: David's Wives*, 90.
[22] Ibid.
[23] Efrat, "I Samuel." *Jewish Study Bible*, 597.
[24] The only one of these cases that will not be discussed is in I Kings 3:1, Solomon' s marriage to Pharaoh's daughter
[25] Alter, *Five Books of Moses*, 138.

We see another marriage against parental will in Judges 14. In Judges 14:2,

Samson chooses his wife, and he declares to his parents, "I noticed one of the Philistine

women in Timneh; please get her for me as a wife." Samson's parents initially object. In

Judges 14:3, Samson's parent's say to him, "Is there no one among the daughters of your

own kinsman and among our people, that you must go and take a wife the uncircumcised

Philistines." According to Boling, this verse indicates that Samson's parents initially

object "to the declaration of independence implied by Samson's not only choosing his

own wife, but choosing a non-Israelite one,"[26] but, Samson nonetheless marries the

Philistine woman as he wishes.

On the other hand, there are several examples in the Bible of self-initiated marriages

that are not against the will of one's parents. In Genesis 34:8, Shechem "takes"[27] Dinah

and rapes her. Then, Hamor, Shechem's father, pleads to Jacob, Dinah's father, to allow

him to marry her. Hamor says, "My son, Shechem, longs for your daughter. Please give

her to him in marriage." Hamor pleads with Jacob to allow the marriage to take place[28]

and is for the marriage, because he wishes to induce Jacob and his family to "let the

incident [rape] be forgotten".[29]

Also, in I Samuel 25 and II Samuel 2:2-5 David initiates his marriages to Abigal,

Ahinnoam, Maacah, Haggith, Abital, and Eglah. David marries these women in order to

gain power on a number of levels.[30] David's marries Abigal because she is a wealthy

widow, whose land and assets David and his people could surely use.[31] David then

---

[26] Boling, *Judges*, 229.
[27] The concept that Shechem "takes" Dinah will be discussed in a later section titled *Marriage Rites*.
[28] It is important to note that this marriage does not take place.
[29] Sarna, *Genesis*, 235.
[30] McCarter Jr, *1 and 2 Samuel*, 90.
[31] Ibid, 92.

marries Ahinoam of Jezreel. Nothing is known with certainty about Ahinoam's identity, but it "is tantalizing that the only other Ahinoam mentioned in the Hebrew Bible is Saul's wife", which can be found in 1 Samuel 14:50.[32] Therefore, it is possible that David marries Ahinoam, one of Saul's wives, in order to displace Saul as king.[33] David's additional marriages to Maacah, Haggith, Abital and Eglah were largely political. These marriages took place in order to forge relationships with neighboring kingdoms, such as Maacah, the daughter of king of Geshur and mother of Absalom, or with prominent families in Israel and Judah.[34] These marriages enable David to gain power and thus become a dominant leader.

The passages mentioned in this section suggest that there are two ways that determine the selection of a spouse. They include: parentally arranged marriages and self initiated marriages. In the first case, a parent chooses a spouse for a child when he or she is of a marriageable age. In the second scenario, a man self initiates a marriage; and, either a parent opposes the selection or does not get involved at all. Lastly, it is important to mention that there are six cases of parentally arranged marriages and five cases of self initiated marriages in the Bible. The numbers are almost equivalent. This information seems to suggest that it was the norm to have either a parentally arranged marriage or a self initiated marriage; and, they were probably equally practiced.

---

[32] Ibid.
[33] Ibid.
[34] Ibid.

B. Who Can Be Selected?

1. Endogamy in the Laws of the Torah

It is clear that there are two types of relationships in the biblical text: endogamous and exogamous. Endogamy is the custom of marrying within one's own group, such as a clan or tribe. Exogamy is the custom of marrying outside of one's group. We learn from various parts of the Torah that it was prohibited to marry within one's own immediate family. Leviticus 18:1-8 defines what was considered an incestuous and hence, illicit, union. According to the Holiness Code, in Leviticus 18:1-18, a person is prohibited from "uncovering the nakedness", or having sexual relations with, his/her mother, stepmother, mother-in-law, father-in-law, father's sister, mother's sister, paternal uncle's wife, half-sister, stepsister, sister-in-law, living wife's sister, daughter-in-law, stepdaughter, granddaughter, or daughter of a stepson or stepdaughter.[35] It is important to note here that although the text does not specifically mention that a person may not marry someone from his immediate family, it is implied. In fact, according to the Bible, the act of having sex could be a legal measure to consummate a marriage.[36] Furthermore, although people were not allowed to have sexual relations, or marry a certain list of immediate family members, they were allowed and often encouraged to marry cousins[37] and others within the larger clan. Furthermore, not only was marriage between cousins permissible, according to King and Stager, it was not unusual.[38] Leviticus 18:9 states that one is prohibited from having sexual relations with or marrying one's sister or half-sister.

---

[35] In addition, the laws in Deuteronomy 27:20, 22-23 explain that a person is prohibited from marrying his father's wife, sister, or mother-in-law.
[36] Campbell, *Marriage and Family in the Biblical World*, 45.
[37] Ibid, 56.
[38] King and Stager, *Life in Biblical Israel*, 55.

However, there are two situations mentioned in the Bible that seem controversial in light of this law. These situations include: the story of Abraham and Sarah in Genesis 12 and 20 and the story of Amnon and Tamar in II Samuel 13.

In Genesis 12:12 and Genesis 20:2, Abraham tells the foreigners that Sarah is his sister, not his wife. In Genesis 12:12, Abraham tells Sarah that if the Egyptians see her, she should tell them that she is his sister and not his wife. Abraham explains that if she does this, the Egyptians will let them both live. In Genesis 20:2, in the land of Gerar, Abraham instructs Sarah to tell the natives that she is his sister. However, probably due to Sarah's beauty,[39] Abimelach, the King of Gerar, summons Sarah, in order to have sexual relations with her. Luckily, God comes to Abimelach in a dream and tells him that Sarah is already married; and, therefore, stops him from having sexual relations with her. Soon after, in Genesis 20:10, Abimelach confronts Abraham and asks, "What was your purpose in doing this?" Abraham replies, in Genesis 20:11, "Surely there is no fear of God in this place, and they would kill me because of my wife." Abraham continues, "And besides, she is in truth my sister, my father's daughter though not my mother's; and she became my wife."

But, is Sarah really Abraham's half-sister? According to Jon Levenson, on the plain sense of the biblical text, there is not evidence that she is.[40] Furthermore, Sarna explains that Abraham's use of the fact that Sarah is his sister "undoubtedly reflects a sensitivity to resorting to falsehood, even in self-defense."[41] In this case, Levenson and Sarna believe that Abraham is lying and telling the foreigners that Sarah is his sister in order to save his own life and escape danger. In addition, Firestone points out that the word

---

[39] Sarna, *Genesis*, 141.
[40] Levenson, "Genesis," *Jewish Study Bible*, 43.
[41] Sarna, *Genesis*, 143.

16

sister in the Hebrew language also means sweetheart and wife.[42]   He believes that in

Genesis 12 and 20, Abraham tells the foreigners the Sarah is really his sweetheart, and

therefore, Abraham is expressing his love for her.[43] These interpretations suggest Sarah

is not in fact Abraham's half-sister, and therefore, the text does not conflict with the law

in Leviticus 18.

In the second situation, in II Samuel 13 Amnon becomes infatuated with his half-

sister Tamar and demands that she has sexual relations with him. Tamar asks Amnon not

to force her to have sexual relations. In II Samuel 13:13, she says: "Please, speak to the

king; he will not refuse me to you."   Here, Tamar is pleading with Amnon to ask King

David for her hand in marriage. However, how could this marriage be permissible if the

law in Leviticus 18:9 states that a man may not have sexual relations with his half sister?

There are three possible explanations.[44] First, the law in Leviticus in was place at this

time, but Tamar suggested something that was legally impossible in an attempt to avoid

being raped. Second, the law in Leviticus was in place, however, it did not apply to the

royal family. Third, it is possible that the law from Leviticus 18:9 was written after this

story in II Samuel was written.

In sum, the stories in Genesis 12, 20 and II Samuel 13, seem problematic in light of

the laws in Leviticus 18:9 and Deuteronomy 27, which state that a man may not have

sexual relations, or therefore, marry his sister or half-sister. Scholars help explain the

conflicts in the stories of Abraham and Sarah and Amnon and Tamar, but the question

persist: Were the biblical characters doing something that was legally prohibited? Did

the laws in Leviticus and Deuteronomy not exist at the time in which these stories were

---

[42] Firestone, *Difficulties in Keeping a Beautiful Wife*, 95.
[43] Ibid, 18.
[44] McCarter, *II Samuel*, 23 .

written? Or, are there narrative reasons to account for why the characters would make statements that appear to conflict with the laws of the Torah? While these questions are not easily resolved, we can find a number of examples that support the legal material and illustrate the trend toward endogamy in the Bible.

2. Endogamy in the Biblical Narratives

The first example of an endogamous marriage is found in Genesis 24. In this chapter, Abraham sends his servant to find a wife for his son, Isaac.[45] In Genesis 24:3-4, Abraham says to his servant, "And I will make you swear by the Lord, the God of heaven and the God of the earth, that you will not take a wife for my son from the daughters of the Canaanites among whom I dwell, but will go to the land of my birth and get a wife for my son Isaac." This passage suggests that intermarriage with the Canaanites was seen as "a lethal threat to Abraham's identity and destiny."[46] As a patriarch, it is important to Abraham's identity to marry his children off to people within his own family.

Another example of an endogamous marriage takes place in Genesis 29:12, when Jacob marries his cousins, Rachel and Leah. It is clear from Genesis 29:14 that Jacob is "flesh and bones" with Laban, Rachel and Leah's father. We learn in Genesis 28:2 that Isaac, Jacob's father, commands him to "go to Paddan-aram, to the house of Bethel, your mother's father, and take a wife there from among the daughters of Laban, your mother's brother." Jacob does as Isaac commands and is therefore recognized to be the true heir to

---

[45] Parentally arranged marriage. See previous section.
[46] Levenson, "Genesis," *Jewish Study Bible*, 48.

18

the Abrahamic covenant.[47] This evidence suggests that in order to be part of the Abrahamic covenant you must not marry outside of the clan. This may be one reason why Isaac confirms Jacob's title to the birthright despite the deception that previously took place.[48] In addition to these two examples, we find several other examples. In Genesis 28:8 Esau marries his cousin Mahalath, in Genesis 29:12 Jacob marries his cousins Rachel and Leah, and in Numbers 36:10-12. Furthermore, all the daughters of Zelophehad marry sons of their uncles, and in I Chronicles 23:22 Eleazar's daughters marry their first cousins.

Why were ancient Israelites so concerned with their children marrying within their own clan? There are several justifications for endogamy. The importance of an endogamous marriage could be based on unfriendly relations with a neighboring tribe. In addition, the value placed on an endogamous relationship may signal a need for separation from a majority group while living among of adjacent to foreigners.[49] Also, the desire to have an endogamous marriage may reflect the practical need to preserve a certain norm of religious behavior, and to maintain ethnic purity of the tribe of family.[50] In sum, endogamy made sure that the practices and beliefs of the Jewish tradition were preserved and passed on for future generations.[51]

---

[47] Sarna, *Genesis*, 197.
[48] Esau is not meant to receive the Abrahamic covenant and the blessing. This is made clear from the fact that he marries several times outside the clan.
[49] *Anchor Bible Dictionary*, s.v. "Marriage".
[50] Ibid.
[51] Meyers, *Discovering Eve*, 183.

3. Exogamy in the Bible

While endogamy seems to have been the norm in ancient Israel, it is important to recognize that many biblical traditions also reveal that endogamy was not inviolable. A number of biblical characters marry outside of their clans against the will of their parents.[52] For example, Esau marries two Hittites, in Genesis 26:34,[53] against the wish of his parents, Rebekah and Isaac; Esau's union with the local women becomes an intolerable torment to his parents.[54] In addition, Samson marries a Philistine woman, though his parents strongly object to the decision he has made to marry a non-Israelite woman.

Although there are several cases in which parents object to an exogamous marriage, there are also several times where a biblical character marries outside of the clan, without causing a problem. For example, David marries a Calebite and Aramean in 2 Samuel 3:3, and Ahab, a Phoenician in I Kings 16:31, without a hint of trouble. Furthermore, the book of Ruth is filled with exogamous marriages that are looked upon with favor. In Ruth 1, after Emilech, Naomi's husband dies, Naomi's sons marry Moabite women, one named Orpah and the other Ruth. After Mahlon and Chilion, Naomi's sons, die, Ruth remains dedicated to Naomi and follows her on the journey back to Judah. Even though Ruth is a Moabite woman, Naomi and Ruth remain friends and involved in each other's lives.[55] Ruth even ends up marrying Boaz, a kinsman of Naomi's husband. Not only does Naomi approve of this marriage, but the entire community sanctions the marriage.[56]

---

[52] Moses marries a Cushite woman against the will of Miriam in Numbers 12:1. However, there is no reference to this disapproval in Exodus 2:21.

[53] Esau also marries a Canaanite in Genesis 28:6-9.

[54] Sarna, *Genesis*, 195.

[55] Nowell, *Women in the Old Testament*, 86.

[56] Newsom and Ringe, *Women's Bible Commentary*, 83.

The text tells us, in Ruth 4:11-12, that all the elders blessed Ruth and said, "May the Lord make the woman who is coming into your house like Rachel and Leah, both of whom build up the House of Israel! Prosper in Ephrathah and perpetuate your name in Bethlehem! And may your house be like the house of Perez whom Tamar bore to Judah – through the offspring which the Lord will give you by this young woman." Even though Ruth was a Moabite, she was accepted by both Naomi and the community at large.

There is another category, a type of exogamy that only pertains to a king. A king marries an outsider as a "diplomatic ploy that reflected the range of his trading ventures and his attempt to secure alliances with kingdoms."[57] For example, in I Kings 3:1, 11:1 and 14:21, we learn that King Solomon had many foreign wives. The text states, "Solomon loved many foreign wives in addition to Pharaoh's daughter – Moabite, Ammonite, Edomite, Phoenician, and Hittite women." In the case of King Solomon, he needed his specific foreign wives in order to entice his relationships with the surrounding Transjordan borders of Amnon, Moab, and Edom.

It is important to note that endogamous marriage was condemned by some of the biblical authors[58] because "foreign wives would introduce their pagan practices into Judah."[59] For example, in the case of Solomon, his tolerance, participation in, and contributions toward foreign worship, as well as his coronary activities to his diplomatic marriages seems to be "described and condemned by the author."[60]

---

[57] Zevit, "I and II Kings." *Jewish Study Bible*, 697.
[58] It is clear from the biblical text that during the post exilic period, of Ezra and Nehemiah, intermarriage was strictly prohibited with foreign nations. We find these prohibitions in Ezra 10:6-11 and Nehemiah 13:1-3.
[59] Ibid.
[60] Zevit, "I and II Kings." *Jewish Study Bible*, 697.

21

4. Conclusion: Endogamy and Exogamy

The bible contains evidence of the existence of exogamous marriages throughout Israel's history.[61] Even if endogamy was preferable as a need to preserve a certain type of religious norm,[62] exogamy was definitely an ongoing practice. In sum, the Bible reflects both systems, endogamy and exogamy, in operation.

III. Betrothal

In the Bible, marriage legally began with betrothal, which was usually arranged between the husband-to-be and the bride's father or other legal guardian.[63] We learn a number of things about betrothal from the biblical text. In Genesis 29, Jacob serves Laban, Rachel's father, for seven years before he can marry her. During these seven years, Jacob has the status of an indentured laborer working to pay off the bride-price.[64] However, he is technically betrothed. We learn from this example that there was often a long period of betrothal before one could marry. In addition, betrothal often required the consent of the woman. In Genesis 24, Abraham sends his servant to find a wife for his son, Isaac. The servant's question to Abraham implies that the woman must consent to the marriage. In Genesis 24:5, Abraham's servant asks him, "What if the woman does not consent to follow me to this land?" Abraham's response is telling. All he requests is that his servant does not bring Isaac back to the land of Canaan. This suggests that Abraham wants to find a wife who consents to the marriage to his son. Luckily, the servant finds Rebecca, and in Genesis 24:58, Rebekah's mother and brother ask her, "will

---

[61] Meyers, *Discovering Eve*, 183.
[62] Louis Epstein, *Marriage in the Talmud and Bible*, 55.
[63] Campbell, *Marriage and Family in the Biblical World*, 110.
[64] The bride-price will be explored later in this chapter.

you go with this man?" Rebekah answers, "*I will*" go and marry Isaac. Furthermore,

after Rebekah consents to the marriage, her mother and brother bless her and in Genesis

24:60 they say: "May you grow into thousand of myriads; may your offspring seize the

gates of their foes." Not only does Rebecca consent to marry Isaac but her brother and

brother bless her and in doing so, give her their approval.

We also learn about another aspect of betrothal from this chapter, Genesis 24:53-61.

In these verses, we learn about the bride-price. The bride price was compensation to the

bride's father for the reduction of the household. When the bride-price was paid, the

woman became formally engaged, in the sense of legally contracted for, although she was

still living in her father's house.[65] In Genesis 24:53, the servant brings out objects of

silver and gold, and garments, and gives them to Rebekah. The servant also gives

presents to her brother and her mother. The two types of gifts, the one to Rebekah, and

the other to her family, most likely correspond to the bride price and gifts.[66] The first gift

was a fixed amount paid by the groom in compensation for the loss of the bride's services

and her potential offspring. These will now belong to her husband's family. This is

probably what is called elsewhere in Hebrew, the *mohar*[67]. The *biblum*, the second gift,

consisted of ceremonial marriage gifts to the bride's family.

The bride-price shows up in several other biblical texts. For example, in Genesis

31:14-16, Rachel and Leah refer to the institution of the bride price. The text states,

"Then Rachel and Leah answered Jacob, saying, 'Have we still a share in the inheritance

of our father's house? Surely, he regards us as outsiders, now that he has sold us and has

---

[65] Levenson, "Genesis," *Jewish Study Bible*, 416; see also Campbell, *Marriage and Family in the Biblical World*, 57.

[66] Sarna, *Genesis*, 168.

[67] Mohar and Biblum are Hebrew terms used in Exodus 22:16.

23

used up our purchase price." This text suggests that in some cases the bride price went to the bride herself. In verses 14-16, Rachel and Leah complain that Laban has consumed the bride price, probably in the form of Jacob's labor, without concern for them, in effect disowning them.[68] We also learn in Genesis 34:12 that the bride price was somewhat negotiable. Although the bride price and gifts were usually fixed by custom,[69] a large bride price could be offered. In Genesis 34:12, Hamor offers Dinah's father a high bride-price if he will allow his daughter to marry his son.[70]

In the Bible, the bride-price is an important part of betrothal because it signifies the legal engagement. Once a bride's father paid the bride-price, the woman was legally contracted to her husband-to-be.[71] However, as mentioned above, even after the bride-price was paid, the bride-to-be remained in her father's house until the actual marriage took place. The biblical implies that there was a prohibition that did not allow a person to have sexual relations before she got married, and therefore, a woman was supposed to be a virgin at the time of betrothal. This is evident from Genesis 24:16 and Deuteronomy 22:13-21. In Genesis 24:16, the text tells us that before Rebekah's betrothal to Isaac, she was a "virgin whom no man had known." Furthermore, in the case explained in Deuteronomy 22:13-21, if a man marries a woman and then accuses her of not being a virgin, and he is found to be correct, the woman will be humiliated and stoned to death.[72] This legal code emphasizes the importance the Bible places on virginity before marriage/betrothal.

---

[68] Levenson, "Genesis," *Jewish Study Bible*, 64.

[69] Sarna, *Genesis*, 235.

[70] He offers such a high bride price because Shechem has "defiled" Dinah.

[71] It is important to note, that according to the Bible, Exodus 22:15 if a man sleeps with a virgin, he must make her his wife by payment of the bride-price.

[72] There is a special case that should be mentioned. If a man seizes a woman and lies with her before she is betrothed, he must marry her, according to Deuteronomy 22:29.

Thus far, the information about betrothal does not include any rituals or customs. In fact, the Bible only tells us about one custom that takes place sometime between the moment of betrothal and marriage. We learn of this custom in Genesis 24:65 when Rebekah, prior to her marriage to Isaac, takes out her veil and covers herself. According to Levenson, Rebekah's veiling herself "has both symbolic and socio-legal significance."[73] The veil is an unspoken sign to Isaac that Rebekah is his bride-to-be.[74]

Although the biblical text does not give us specific examples of the betrothal practices among the ancient Israelites, overall, the description of marriage in the narrative stories give us a sketch of what betrothal may have looked like. First, there seems to have been a long period of betrothal. This time period allowed the husband an opportunity to work for his bride-price. Second, a woman may have consented to a betrothal before a marriage was arranged. Third, a bride-price was probably paid to the bride's father in compensation for the loss of the bride's services and potential children; and, it probably represented the legal engagement. Fourth, it seems possible that a woman veiled herself, prior to her wedding, as an unspoken sign to her husband that she was a bride-to-be. Finally, it is likely that a woman was expected to be a virgin at the time of betrothal and was not supposed to have sexual relations with a man until she was married.

---

[73] Sarna, *Genesis*, 170.

[74] Esther, *Structure and Patriarchal Functions in the Biblical Betrothal Type*, 10.

IV. Marriage Rites

A. Wedding Feast

We do not find a lot of information about the wedding ceremony in the Bible. However, the biblical text does provide us with some data. First, the biblical text tells us about a *feast* that begins on the wedding day. In the story of Samson's marriage to a Philistine woman, in Judges 14, a feast takes place for seven days. A seven day feast is also mentioned in Genesis 24:27. After being tricked and marrying Leah, Laban, Leah's father, instructs Jacob that he must wait a **bridal week** in order to get Rachel's hand in marriage. The bridal week, or more specifically, "the week of this one," is the seven days of feasting in the celebration of marriage.[75]

B. *Lakach*

In addition to the wedding day feast, we glean something else from the biblical material concerning the wedding day. In Genesis 24 we learn that a man "takes" a wife in marriage. The Hebrew term, *lakach*, has legal force[76] and marks the aggressive power in which one acquires someone or something. Actually, it is equivalent to the Akkadian *ahazu*, to "seize, possess, or marry". This term defines the marriage institution from the perspective of the groom. In addition, we see the term lakach in many sections of the Bible including Genesis 4:19, 11;29, 20:2, 24:3, Exodus 21:10 and I Samuel 25:43. It is important to mention that there is also a subcategory of the term *lakach* which can be found in Genesis 16:3. In this example, if the primary wife brings a maidservant to her

---

[75] Sarna, *Genesis*, 205; see also Campbell, *Marriage and Family in the Biblical World*, 45.
[76] *Theological Dictionary of the Old Testament*, s.v. "Lakach."

husband, in order to have children, the man "takes" the maidservant as his wife.[77] In conclusion, at the time of marriage, a man "takes" the woman as his wife, and she becomes the legal obligation of the man from that time forward.

V. Levirate Marriage

Levirate marriage is the obligatory practice of a man marrying his brother's widow. Deuteronomy 25:5 states: "When brothers dwell together and one of them dies and leaves no son, the wife of the deceased shall not be married to a stranger, outside the family. Her husband's brother shall unite with her; he shall take her as his wife and perform the levir's duty." According to Levenson, levirate marriage had its origin in the notion that "the widow had initially been purchased, through marriage by the head of the family and so became part of the dead husband's estate…and, she remained the property of the clan after this death."[78] In addition, Eryl Davies points out, the levirate marriage was important in order to assure the livelihood and protection of the widow and "to provide [the widow] with her male offspring who would inherit her husband's estate."[79] According to Davies levirate marriage was necessary to provide security for the widow and offspring to inherit the dead husband's estate. This being said, a man who did not wish to perform the levir's duty, as explained in Deuteronomy 25:7-10, would be publicly embarrassed. As the text says, "His brother's widow shall go up to him in the presence of the elders, pull the sandal of his foot, spit in his face and make this

---

[77] Ibid.
[78] Levenson, "Genesis," *Jewish Study Bible*, 266.
[79] Davies, *Inheritance Rights and the Hebrew Levirate Marriage*, 17.

declaration: Thus shall be done to the man who will not build up his brother's house! And he shall go in Israel by the name of 'the family of the sandaled one.'"

The legal texts state that a man was supposed to perform the levir's duty. However, various narrative passages raise questions about whether or not the practice was always adhered to. In Genesis 38:8, Onan is called upon to marry his dead brother's wife, Tamar. In other words, he is expected to perform the levir's duty. Although Onan married Tamar, it is still unclear whether he actually performs the levir duty, according to Deuteronomy.[80] As mentioned above, one of the reasons that a man is expected to marry his brother's wife is in order to provide offspring to inherit the dead husband's estate. Since Onan would not sleep with Tamar, this was not possible. According to Levinson, Onan refused to sleep with Tama because "he knew, if they had children, he would have to expend his own resources to support a child that is legally someone else's; and, the child, as the heir to a first-born son, would displace [him] in the line of inheritance.[81]

There is another story in the biblical narrative that must be mentioned in regard to Levirate marriage. In Ruth 3:13, Boaz marries Ruth. It is clear from the text in Ruth 3:9 that Boaz is a "redeeming kinsman," and therefore, related to Ruth's dead husband. In making this reference to Boaz as a "redeeming kinsman," Ruth links the concept of redemption and levirate marriage that are not otherwise connected in the Bible.[82] However, because Boaz is not Ruth's dead husband's brother, this story is not precisely that of Levirate marriage. For, if Boaz was the brother of Ruth's dead husband, he would have been obligated to marry her. Also, if this had been the scenario, Ruth would not

---

[80] Weisberg, *The Widow of our Discontent: Levirate Marriage in the Bible and Ancient Israel*, 405.
[81] Levinson, "Genesis," *Jewish Study Bible*, 77.
[82] Reinhartz, "Ruth," *Jewish Study Bible*, 1583.

have needed the acceptance of the community at large, and no elaborate pretense would have been required in order for the marriage to take place.[83]

In sum, the legal text in Deuteronomy 25:10 explains the obligation of a man to marry his dead brother's wife. Furthermore, this text also explains how a man will be humiliated if he does not wish to perform the levir's duty. In addition, the narrative material in Genesis 34 seems to suggest that the authors were aware of the law about the levir's duty. In this case, Onan marries Tamar, his deceased brother's wife. However, the narrative material in Ruth 3 may suggest just the opposite. In fact, it is possible that the law in Deuteronomy was not normative at the time the book of Ruth was written.[84] This interpretation can be explained by the fact that Ruth does not marry, Mahlon, her deceased brother's husband. Instead she marries Boaz, another kinsman.

VI. Polygamy and Monogamy

Some biblical scholars, such as Andreas Kostenberger[85] and Philip King and Lawrence Stager[86] suggest that monogamy was the ideal in ancient Israel.[87] However, others, like Louis Epstein and Edward Westermack, do not support this notion.[88] According to Epstein and Westermack, there was no ideal system, and both monogamy and polygamy existed as part of the biblical system. Both opinions can be supported by the biblical text. Kostenberger support his claim by citing the teachings of Genesis 1-2.

---

[83] Ibid.
[84] Ibid.
[85] Kostenberger, *God, Marriage and Family*, 43-44.
[86] King and Stager, *Life in Biblical Israel*, 38.
[87] See also *Anchor Bible Dictionary*, s.v "Marriage," and Campbell, *Marriage and Family in the Biblical World*, 69-70.
[88] Epstein, *The Marriage Laws in the Bible and Talmud*, 10.

He explains that while it certainly was within the Creator's prerogative and power to make more than one wife for the man, God intentionally only made Eve, plus in Genesis 2:24, God reveals to Adam his plan with the words, "A man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh." In this scenario, Kostenberger stresses the fact that God creates only one woman for Adam, and therefore, it is ideal for him and others to only have one wife.[89] Furthermore, Kostenberger points out that God took a risk in only creating one wife for Eve. He suggests several questions in light of this thinking: "What would have happened if Eve had died before having children, or had died in childbirth? Would the human race have perished? If God desired for the earth to be populated, as in Genesis 1:28, does not logic dictate that this could occur faster if Adam was provided with more than one or perhaps even a large number of wives?"[90] Kostenberger indicates that even in spite of these practical arguments in favor of having more than one wife, the "creator's design is simple and clear: one woman for one man."[91] Other texts have also been used to suggest that monogamy was the ideal marriage.[92] A number of legal texts also speak about marriage using the singular noun, "wife." For instance Deuteronomy 22:22 states: "If a man is found lying with another man's wife...."[93]

In addition to the legal material, there are four narratives, all within the books of Genesis and Exodus, which suggest that monogamy may have been the ideal; in these cases, a man marries only one woman. First, we learn of Noah's only wife in Genesis 6:18. God tells Noah that he and his wife, in the singular form, shall establish a covenant

---

[89] Kostenberg, *God, Marriage and Family*, 43.
[90] Ibid.
[91] Ibid.
[92] *Anchor Bible Dictionary* , s.v. "Marriage."
[93] See also Exodus 21:5, Leviticus 18:8, 18:11, 18:14-16, 18:20, 20:10, 21:13, and Numbers 5:12.

with God and be saved from the flood. Second, the text tells us that Isaac marries only

one woman, Rebekah, in Genesis 24:67. Third, we read about Joseph's only marriage, to

Asenath, in Genesis 41:45. Lastly, Moses marries one woman, Zipporah in Exodus 2:21.

Why might a society favor monogamy? Epstein argues that polygamy had certain

obstacles, such as the costly purchase price of wives and the difficulty of maintaining

peace in a household with rival wives of equal position.[94]

Epstein and Westermack point out that neither monogamy nor polygamy represents

the ideal system, for they both co-exist throughout the Bible. While we see monogamous

marriages in the Bible, as discussed above, there is evidence for numerous illustrations of

polygamous marriages in the Bible.[95] For example, there are eleven biblical characters in

the Bible who marry more than one wife.[96] These include:

1) Lamech, who took two wives Adah and Zillah (Genesis 4:19);

2) Jacob, who took two wives Leah and Rachel (Genesis 29:15-30);

3) Esau, who took three wives (Genesis 26:34, 36:2, 28:9);

4) Gideon, who had "many wives" (Judges 8:30);

5) Elkanah, who took two wives Hannah and Peninnah (I Samuel 1:2);

6) David, who took seven wives and additional unnamed wives (I Samuel 18:17-30, 25:38-43, 2 Samuel 3:2-5, 2 Samuel 5:13);

7) Saul, who took many wives, including Ahinoam, Abigail, Maacah, Haggith, and Abital (II Samuel 3:2);

8) Solomon, who took his royal harem (I Kings 3:1, and 11:3);

---

[94] Ibid.
[95] Ibid, 7.
[96] These examples do not include those who have "relationships" with concubines.

31

9) Rehoboam, who took eighteen wives (2 Chronicles 11:21);

10) Abigah, who took fourteen wives (2 Chronicles 13:21);

11) Jehoida, who took two wives (2 Chronicles 24:3).[97]

In addition, there is one law in Deuteronomy 21:15-17 which explains what a man should do if he has two wives, one loved and the other unloved, and he has children with both. This law explicitly allows one man to be married simultaneously to two wives.[98] In light of this law, as well as the many polygamous marriages throughout the Bible, Epstein suggests that "polygamy is not uncommon and not unworthy."[99] He continues: "The frequency of polygamous marriage among the leading personalities in the Bible, without explicit protest, denotes any tradition, that is against it."[100] In sum, according to Epstein and Westerman, polygamy and monogamy were established institutions in Hebrew society from an early stage. In conclusion, there is a disagreement among scholars as to whether or not monogamy was the ideal in the Bible. In the Bible, it seems that monogamy and polygamy both were part of the ancient Israelites lifestyle.[101]

---

[97] Ibid; see also *Anchor Bible Dictionary*, s.v. "Marriage."
[98] Ibid.
[99] Ibid, 4
[100] Ibid.
[101] Epstein, *Marriage Laws in the Bible and Talmud*, 3.

CHAPTER TWO: ANCIENT NEAR EASTERN DOCUMENTS AND A BIBLICAL COMPARISON

I.   Introduction

In modern times, people create laws concerning marriage that reflect the issues of modern society. So, too, ancient Near Eastern documents reflect both the concerns of the ancient Near Eastern peoples and the historical setting of their time. In this chapter, marriage will be explored through the lense of the following ancient Near Eastern codes of law: Laws of Ur-namma, Laws of Lipit-Ishtar, Laws of Hammurabi, Laws of Eshnunna, Neo Babylonian Laws, and Middle Assyrian Laws. A study of these laws will help us address the following questions:

1. What were the pertinent issues involving marriage for the peoples of the ancient Near East?

2. Where do we find these issues explored in the legal codes, and how are they presented?

3. What are the similarities and differences in the legal codes with respect to marriage?

4. How do the ancient Near Eastern law codes about marriage compare to the biblical material explored in the prior chapter?

II.   Important Information about the Ancient Near East.

Before examining the pertinent issues involving marriage for the peoples of the ancient Near East, it will be helpful to have an overview of the timeframe and background of the ancient Near Eastern law codes under consideration.

First, the Laws of Ur-Namma date back to approximately 2100 B.C.E. These laws are usually attributed to King Ur-Namma of Ur.[102] Ur-Namma achieved independence for the city of Ur from the overlord Utu-hegal of Uruk. During his eighteen year reign, Ur-Namma founded the Third Dynasty of Ur, uniting for only the second time in history the city-states of southern and northern Mesopotamia after the collapse of the Dynasty of Akkad.[103]

Second, the Laws of Lipit-Ishtar, from about 1900 B.C.E, are a collection of laws from a royal dynasty (known as Lipit-Ishtar). The head of the family was the fifth ruler of the First Dynasty of Isin. Members of this dynasty ruled the city of Isin, and from there consolidated military power in the cities of Lower Mesopotamia.[104]

Third, the Laws of Hammurabi are one of the longest and best organized of the law collections of Mesopotamia.[105] Dating back to approximately 1750 B.C.E, this collection of rules was compiled toward the end of the forty-three year reign of Hammurabi, the sixth ruler of the First Dynasty of Babylon, who directed the great political expansion of the empire and "organized a complex and sophisticated government and military bureaucracy to administer it."[106]

Fourth, the laws of Eshnunna, from approximately 1770 B.C.E., probably refer to an event in the one year of the reign of Dadusha, a ruler of the Kingdom of Eshnunna. During the Old Babylonian period, Eshnunna's influence extended beyond the city on the Dijala River and into Assyria to the north, and Babylonia to the south.[107]

---

[102] Roth, *Law Collections from Mesopotamia and Asia Minor*, 13.
[103] Ibid.
[104] Ibid, 23.
[105] Richardson. *Hammurabi Laws: Text, Translation and Glossary*, 5.
[106] Roth, *Law Collections from Mesopotamia and Asia Minor*, 72.
[107] Reuven, *The Laws of Eshnunna*, 1.

Fifth, the Neo-Babylonian laws are a collection of laws written at the end of the

seventh century B.C.E, when Babylonian and Median forces decisively defeated the

Assyrians, and consequently the Neo-Babylonian dynasty became the political and

military successor to the Sargonid kings. As a result, Babylonia had regained a position

of economic and military strength.[108]

Finally, the Middle-Assyrian Laws date back to 1076 B.C.E., emanating from the city

of Assur. By the time these laws were written, political and military control of the Near

East was in the hands of the Hittites in Anatolia, the Egyptians in the Mediterranean

coastal areas, the Assyrians in northern Mesopotamia, and the Kassites in southern

Mesopotamia.[109]

All of these law codes share several defining features: Class systems in the legal

codes, the style of writing found in the ancient Near Eastern law codes, and the judicial

authority in the law codes. These issues are noteworthy because they reflect three areas

in which the ancient Near Eastern law codes differ from biblical laws.

A. Class Systems in the Legal Codes

The Laws of Ur-Namma refer to two specific classes of people. The principal class

consists of the free person (*lu*, "man"), the wife (*dam*), the first ranking wife (*nitadam*),

the native born woman (*dumu-gi*), and the widow (*nu-masu*). The secondary class is

comprised of the male and female slave (*arad* and *geme*).[110]

The Laws of Lipit-Ishtar are primarily concerned with the free person (*lu*, "man"),

which includes both the child (*dumu*) in the context of adoption or apprenticeship and

---

[108] Roth, *Law Collections from Mesopotamia and Asia Minor*, 142.

[109] Ibid, 153.

[110] Ibid, 14.

inheritance, as well as the free-born or native son (*dumu-gi*). There are also three

categories of priestesses or devotees (*naditu, qadistu,* and *ugbabtu*), the wife (*dam*), and

the first ranking wife (*nitadam*). These laws also refer to a secondary class of people, the

male and female slave (*arad* and *geme*).[111]

The Laws of Hammurabi distinguish three principal classes of people: the free

people (*awilu*), including men, women, and minors; the commoner (*muskenu*), who are

inferior to the *awilu* in some rights and privileges; and the male and female slave (*wardu*

and *amtu*), which include slaves belonging to free persons, commoners, and the palace.

The Laws of Hammurabi also take note of additional groups, some of which include:

classes of priestesses (*kalmusatitu, naditu, qadistu, sekretu, sagitu, ugbabtu*), and the

female innkeeper (*sabitu*). Women are included in all categories and classes, and the

laws refer to the wife (*assatu*) of both the free person and the commoner, as well as the

"first-ranking" wife (*hirtu*) and the widow (*almattu*).[112]

The Laws of Eshnunna are primarily concerned with the principal class: the free

people (*awilu*), which includes both men and women (*mar awilum* and *marat awilim*), the

wife (*assatu*), and the child (*maru*). The laws also refer to a secondary class of person,

the commoner (*muskenu*), as well as to the male and female slaves of free persons (*wardu*

and *amtu*).[113]

In the Neo-Babylonian Laws, emphasis is placed only upon the class of free persons

(*amelu*). The slave (*ameluttu*) is mentioned as personal property, but is not the subject of

any specific law.[114] The Middle Assyrian Laws, however, consider two principal classes

---

[111] Ibid, 23-24.
[112] Richardson. *Hammurabi Laws: Text, Translation and Glossary*, 5
[113] Reuven, *The Laws of Eshnunna*, 110.
[114] Roth, *Law Collection From Mesopotamia and Asia Minor*, 143-144.

of people, the free person (*ailu*, "man"), and the male and female slave (*urdu* and *amtu*).[115]

Two conclusions can be extrapolated from this material about the class systems of the ancient Near Eastern societies. First, the ancient Near Eastern law codes differ in an important way from the biblical material. Although the biblical text mentions a distinction between an Israelite and a slave, the Bible does not have a multitiered class system. The Bible, as a whole, is a more democratic work.[116]

Second, in the Laws of Urnamma, Lipit-Ishtar and Hammurabi, the class system includes a "first ranking wife." The fact that there is a "first ranking wife" indicates that the peoples of the ancient Near East were not completely monogamous. Thus, as in ancient Israel, polygamy seems to have been the common practice among the peoples of the ancient Near East.

B. The Style of Writing Found in the Ancient Near Eastern Law Codes

The law cases and legal provisions included in the collections of the ancient Near East usually are presented in a casuistic formulation that first describes a situation and then sets out the resolution or sanction that restores balance.[117] For example, a typical way of presenting a legal provision would be to declare that if a man does "x," then "y" will happen to him. A variation of this casuistic formulation is the relative construction: "A man who does _____ will receive _____."[118]

---

[115] Ibid, 153-154.
[116] Gordon and Rendsburg, *The Bible and the Ancient Near East*, 154.
[117] Ibid, 10.
[118] Ibid, 73.

For the most part, all of the ancient Near Eastern law codes that are addressed in this chapter are written in a casuistic formulation. In comparison, the biblical laws are written in two styles: casuistic and apodictic style. Albrecht Alt explains that the term "apodictic" describes the "categorical, unconditional formulations of laws, including those presented in the imperative form; that is, words and commandments spoken by God in direct address to the Israelites."[119]

Moreover, the subject realm of these laws can be described as dealing with "the sacred realm of human relations with the divine."[120] In other words, these laws equate to "moral pronouncements of general character rather than the illustrations of case law."[121] The apodictically formulated laws relate to both the religious and the secular aspects of life. Consequently, according to Alt, the apodictically formulated laws appear to be uniquely Israelite in origin.[122]

C. Judicial Authority in the Law Codes

The ancient Near Eastern Law Codes reflect an understanding of the King as the divinely authorized guardian and administrator of justice.[123] The ruler presented himself as the worthy recipient of the gods' favor and support, the highest mark of which is his ability to administer and dispense justice throughout his realm. Therefore, the ruler demanded absolute loyalty from his subjects.[124] If the laws were violated, severe

---

[119] *Anchor Bible Dictionary*, s.v. "Law."
[120] Ibid.
[121] Ibid.
[122] Ibid.
[123] Ibid.
[124] Ibid.

punishment was decreed. For example, in the case of the Laws of Hammurabi, the King

established the state's right to impose a death penalty.[125]

Although the royal court of the king appears in the Bible, and the biblical text

mentions appointed judges who presumably took over authority from the King, the

"ultimate authority of the laws was seen as coming from God."[126] Therefore, in the

Bible, even when leaders like Moses deliver a message or tell the people what they are

commanded to do, the laws are presented as words spoken directly by God.[127] In this

respect, Israelite society was very different than other ancient Near Eastern societies.

In sum, all of the material noted above, shows that there are several differences

between the defining features of the ancient Near Eastern material when compared to the

biblical text. The next questions is: How do the pertinent issues found in the ancient

Near Eastern sources compare to the Bible?

III. Pertinent Issues Involving Marriage

The ancient Near Eastern codes discuss many issues involving marriage. Some of the

most relevant include: a) the ownership of property or wealth; b) the physical appearance

of a married woman; c) the marriage contract; and, d) sexual relations between a man and

woman both prior to marriage and during marriage. In this section, each issue involving

marriage will be explored by looking at all of the appropriate ancient Near Eastern

documents from the codes under discussion. Then, the material presented will be

compared to the biblical text.

---

[125] Richardson. *Hammurabi Laws: Text, Translation and Glossary*, 6.
[126] *Anchor Bible Dictionary*, s.v. "Laws."
[127] Ibid.

A. Ownership of Property and Wealth

The ancient Near Eastern legal codes emphasize the importance of determining how property or other forms of wealth will be distributed. In analyzing the specific cases dealing with marriage and property or wealth, we can gain a greater understanding of marriage from the ancient Near Eastern context. In the ancient Near Eastern texts mentioned above, marriage and wealth or property are seen from two perspectives: when a husband and wife's marriage is dissolved and when a husband or wife dies.

When a marriage is dissolved, the legal codes explain what will happen to one's property if a man decides to end his marriage. It seems there is a difference of opinion about whether or not a man is obligated to give his wife property or money if he dissolves the marriage.[128] For example, in the Hammurabi Code, a man is obligated to do so without question: "If a man intends to divorce his first ranking wife who did not bear him children, he shall give her silver as much as was her bridewealth and restore to her the dowry that she brought from her father's house, and he shall divorce her."[129] However, the Middle Assyrian Laws seem to disagree: "If a man intends to divorce his wife, if it is his wish, he shall give her something; if that is not his wish, he shall not give her anything, and she shall leave empty handed."[130] Marc De Mieroop points out that both of these laws were practiced by the peoples of the ancient Near East.[131] Furthermore, De Mieroop explains that because men had more authority and power in the ancient Near

---

[128] De Mieroop, *History of the Ancient Near East*, 104

[129] Hammurabi 138. All translations of the ancient Near Eastern texts are taken from Marla's Roth book, *Laws of Mesopotamia and Asia Minor*.

[130] MAL 37.

[131] De Mieroop, *History of the Ancient Near East*, 105.

40

Eastern society, it does not seem unfitting that they could withhold money or wealth from their former wife.[132]

In the second scenario, there are two legal codes that discuss what specific property or wealth will be distributed to a surviving spouse if one of them dies. For example, in the Neo-Babylonian laws, if a woman's husband dies, the woman must receive money or possession from her husband's estate that is equivalent to the dowry that she was given by her father.[133] However, quite the opposite result occurs, according to the laws of Hammurabi, if a man's wife dies. In this scenario, her husband "will have no claim to that woman's dowry; her dowry belongs only to her father's house."[134] In this case, a man is not entitled to any of the woman's possessions. It is probable that the distinction between the two laws exists because a man was able to provide for himself in the ancient Near Eastern society, and a woman was not; and, furthermore, a woman was always dependant on either her father or her husband to support her.[135]

In both of these scenarios, the question arises whether a woman, after a divorce or death of her husband, is entitled to the bride-price and dowry that her father paid to her husband at the time of betrothal. It is evident from these documents that the peoples of the ancient Near East participated in the giving of money or possessions prior to marriage. Furthermore, Nuzi texts, dating back to the 15th century B.C.E., are full of references to the bride-price and the dowry. Raymond Collins explains that the frequent emphasis on the bride-price "has the effect of role-casting the wife as the object of the

---

[132] Ibid.
[133] LNB 12.
[134] Hammurabi 163.
[135] Gordon and Rendsburg, *The Bible and the Ancient Near East*, 160.

marital agreement rather than as the subject."[136] In fact, there is some evidence in the

Nuzi texts that the payment of the bride-price could be postponed until the marriage was

consummated, or until the bride had proven her fertility. For example, one text states:

> In the past, Akammusni married [me] off and took 40 shekels of silver for me
> from my husband, but now Akam-musni and my husband are both dead, and now
> [as to] myself, Akkiya, son of Hut-tesup, seized me in the street as his sister and
> took the authority [of brother] over a sister for me. He will marry me off and take
> 10 Shekels of surampashu silver from the [future] husband.[137]

It is particularly interesting here that there is a reduction of the bride-price for Kuni-asu

from her first marriage, in which the bride-price was 40 shekels, to her second marriage,

in which the bride-price was 10 shekels. Raymond Collins suggests that this "may be due

to the fact that she is no longer a virgin or that she has proven herself barren with her first

husband."[138] Moreover, the Nuzi texts show two important things: a bride-price was paid

by the groom's family to the bride's family, and it may have been negotiable or change-

able due to specific situations. This is very similar to the biblical concept of the bride-

price. In the Bible, the bride-price signified the legal engagement of a man and woman,

and was also a negotiable amount depending on the specific situation.[139] Therefore, it

seems that both the ancient Near Eastern texts and the Bible viewed the "bride-price as a

defining practice that surrounded the marriage process.

B. The Appearance of a Married Woman

The only ancient Near Eastern law code that describes the physical appearance of a

married woman is the Middle Assyrian Laws. This legal code explains that a married

---

[136] *Anchor Bible Dictionary*, s.v. "Marriage."
[137] Ibid.
[138] Ibid.
[139] See chapter one.

woman had to make sure her face was covered when she entered the public domain. For example, the legal code provides that, "Wives of a man, widows, or any Assyrian women who go out into the main thoroughfare shall not have their face bare. When they go about in the main thoroughfare during the daytime, they shall go veiled."[140] According to Claudio Saporetti, Assyrian women wore a veil in order that no other man, besides her husband, would look at her beauty and be tempted to initiate sexual relations with her.[141] Furthermore, according to the Middle Assyrian laws, if a woman was a concubine or a slave woman, she was not allowed to cover her face, because the code also says: "Slave women shall not be veiled, and he who should see a veiled slave woman shall seize her and bring her to the palace entrance."[142] The Middle Assyrian laws, therefore, specify that only a married woman of proper status was permitted to have her face veiled.

The custom of a woman covering her face with a veil is also found in the Bible. However, in the Bible, a woman does not cover her face with a veil to signify that she is a married woman. Instead, as set forth in Genesis 24:65, a woman covers her face with a veil before she is married. This gesture symbolizes that she is a bride-to-be, and that she is about to enter into the covenant of marriage.

C. The Marriage Contract

The two legal codes that mention the importance of a marriage contract are the Laws of Hammurabi and the Laws of Eshnunna. The Laws of Hammurabi state clearly that a marriage contract is absolutely essential for a marriage. The law states: "If a man marries a wife but does not draw up a formal contract for her, that woman is not a wife."

---

[140] MAL 40.
[141] Saporetti, *Middle Assyrian Laws*, 25.
[142] MAL 40.

43

The Laws of Eshnunna also explain that a man and woman need a marriage contract in order to be considered married. The code states: "If a man marries the daughter of another man without the consent of her father and mother, and moreover does not conclude the nuptial and the contract, should she reside in his house for even one full year, she is not a wife."[143] This law implies that a contract was necessary for the marriage to be considered legal. Furthermore, this law suggests that it was necessary for a man to get his parent's permission, which was part of the marriage process. It may be concluded that a person needed the bride parents' approval before he could obtain a legally sanctioned marriage.[144]

Surprisingly, in the Bible there is no mention of a marriage contract. However, it is important to mention that an Aramaic Papyri from Elephantine, dating back to approximately 459 B.C.E reveals that Jews in the ancient world had marriage contracts. For example, in one specific document, on the 21st of *Chislev*, year 6 of King Artaxerxes, Mahseiah son of Yedoniah, a Jew from Elephantine, of the detachment of Haumadata, said to Jezaniah, son of Uriah: "There is the site of a house belonging to me, west of the house belonging to you, which I have given to your wife, my daughter Mibtahiah, and in respect of which I have written her a deed...."[145] According to this text, it seems that in the ancient world, a father helped write the marriage contract for his daughter and her new husband.

---

[143] LE 28.
[144] De Mieroop, History of the Ancient Near East, 110.
[145] Pritchard, *Ancient Near Eastern Texts*, 222.

D. Sexual Relations Between a Man and a Married Woman

According to the ancient Near Eastern documents, having sex marks the change of status of a man and woman from unmarried to married.[146] In other words, having sex establishes the marriage. We see this notion in the Laws of Hammurabi and the Laws of Eshnunna.

The Laws of Hammurabi declare: "If a man selects a bride for his son and his son carnally knows her, after which he himself then lies with her and they seize him in the act, they shall bind that man and cast him into the water."[147] In this case, the reason the sexual act is forbidden is because the groom and bride have already had sex. Therefore, they are considered to be married. When the father sleeps with the woman, he is essentially sleeping with his son's wife, which is considered adultery. In the ancient Near Eastern texts, adultery was punishable by death.[148] In this case, the man who had committed adultery was cast into the water.

In the Laws of Eshnunna, a man has sexual relations with his son's bride-to-be before his son has sexual intercourse with the woman. The Laws of Eshnunna state: "If a man selects a bride for his son and his son does not carnally know her, and he himself then lies with her, he shall weigh and deliver to her 30 shekels of silver."[149] In this case, because the groom has not had sexual relations with his bride-to-be (so that the marriage is not established), the father of the groom only has to pay a fine. In essence, he has not committed adultery.

---

[146] *Anchor Bible Dictionary*, s.v "Adultery."
[147] Hammurabi 155.
[148] Campbell, *Marriage and Family in the Biblical World*, 28.
[149] Hammurabi 156.

In the Bible, a man is also not allowed to have sexual relations with a married woman. If he does, he shall be put to death.[150] However, there is one difference between the biblical text and the ancient Near Eastern sources mentioned above. In the Bible, once a woman is betrothed, she is legally contracted for, and any man, besides her groom who sleeps with her is committing adultery. Considering this, the Bible is even more stringent than the ancient Near Eastern sources.

IV.   Other Issues to Consider

A. Parental Roles

It is interesting to note how parents play a key role in the marriage process, in both the Bible and the ancient Near Eastern texts. According to the Bible, when a man reached a marriageable age, his parents selected a wife for him. For example, Hagar selects a wife for Ishmael, Abraham sends his servant to find a wife for Isaac, and Judah chooses a wife for Er and Onan. In addition, a man or woman's parents often declared their joy or unhappiness about a marriage that was about to take place. For example, in Genesis 26:34, Rebecca and Isaac are unhappy that Esau marries a Hittite woman. A similar conclusion may be reached from the Law of Eshnunna concerning the marriage contract.[151] Specifically, a person's parents either consented or did not consent to a marriage, which resulted in affecting the marriage process.[152]

---

[150] King and Stager, *Life in Biblical Israel*, 60.
[151] LE 28
[152] Reuven, *The Laws of Eshnunna*, 150.

B. Levirate Marriage

Although we do not find the information about levirate marriage in the laws from Mesopotamia and Asia Minor that are mentioned thus far, we do find the concept of levirate marriage in the Ugartic texts. The Ugaritic documents are from Canaan, and date back to somewhere between 1300-1200 B.C.E. In one Addadian document from Ugarit, Arhalba warns: "Whoever, after my death, takes, in marriage, my wife, Kubaba daughter of Takan, from my brother – may Baal crush him."[153] This suggests that levirate marriage was the common practice.

The biblical text also stresses the importance for a man to perform the levir's duty. Furthermore, as Davies points out, levirate marriage in the bible is a way to provide security for the widow, while at the same time allowing the offspring to inherit the decedent's estate.[154]

C. Barrenness in marriage

Another important issue that we see in both the ancient Near Eastern documents and the Bible is the importance of a married couple to produce offspring. In fact, the Bible and ancient Near Eastern texts explain that a man may take a second wife, or concubine, if his wife is unable to bear children.[155]

One such ancient Near Eastern text can be found in the Nuzi marriage documents. This text states:

> Zike, son of Akkuya, gave his son Shennima in adoption to Shuriha-ilu,
> And Shuriha-ilu gave Shennima all these fields. Should there be a son of

---

[153] *Anchor Bible Dictionary*, s.v. "Marriage."
[154] See chapter one.
[155] Ibid.

> Shuriha-ilu, he will be the chief heir, and Shennima will be secondary
> heir…And she [Shuriha-ilu] gave Kelim-ninu as wife to Shennima. If
> Kelim-nini bears children, Shennima will not take another wife, but if
> Kelim-ninu does not bear children, Kelim-ninu will take a slave-girl from
> The land of Nullu as wife for Shennima, and Kelim-ninu shall have
> authority over the child [of the slave girl].[156]

This document stresses that it is the duty of a man to produce offspring. If his first wife is unable to do so, he is commanded to find a slave-girl and have children with her.

This same notion is found several times in the biblical material. First, in Genesis 16:1-5, because Abraham's wife, Sarah, is barren, she provides Abraham her handmaid, Hagar, in order to enable Abraham to produce an offspring. Second, in Genesis 30:1, seeing that she is unable to conceive, Rachel offers her handmaid Bilhah to Jacob, and he bears a son named Dan. Third, in Genesis 30:0, Leah offers Jacob her maid Zilpah, and Jacob bears another son named Dan.

V.   Conclusion

This chapter explores the issues concerning the peoples of the ancient Near East, and has compared the ancient Near Eastern material with the biblical material. The issue raised is whether the biblical material about marriage, presented in chapter one, is either similar or dissimilar to the material presented in this chapter. One can conclude that the biblical and ancient Near Eastern texts address many of the same issues. In fact, in most cases, the legal rulings and decisions that are made are quite similar to each other. In addition, it seems clear that the marriage customs and rituals of ancient Israel were quite similar to their Near Eastern neighbors.

---

[156] Ibid.

48

CONCLUSION: REFLECTIONS ON MARRIAGE IN THE BIBLE AND MODERN JEWISH MARRIAGE CUSTOMS

This thesis has compiled information about marriage from the Bible and other ancient Near Eastern sources. Although the material available was limited and sparse, with none of it specifically focused on this topic, an attempt has been made to glean as full a picture as possible about marriage in ancient Israel.

In light of this research, one can draw an interesting conclusion: Most of the modern day Jewish marriage rituals simply cannot be traced back to the Bible. For instance, these texts do not mention the many rituals and customs that are associated with a Jewish wedding ceremony. In fact, the Bible never mentions that a wedding ceremony even took place. Furthermore, the biblical texts do not discuss specific marriage rituals, such as exchanging engagement rings, the *tish*, the *hupah*, the *ketubah* signing, the exchanging of wedding rings, the *sheva berakhot*, the breaking of the glass, or the idea of *yichud*.[157]

Where, then, do we find this material? Many of the components of a traditional Jewish marriage are later developments, largely from both the rabbinic and post-rabbinic periods.[158] For example, we know from the Talmud that the *huppah* was originally the groom's home, or an addition to his father's home, into which the new couple moved.[159] Furthermore, medieval scholars such as Ran and Rif explain that the *huppah* was effected by the bride's mere entrance into the room.[160] According to Lamm, this is why the

---

[157] See the introduction for further explanation of these rituals.

[158] For more information on this, see the following books: *The Jewish Laws of Marriage and Divorce in Ancient and Modern Times* by M. Mielzner, *Rabbinic Law, Legend and Custom* by Mendell Lewittes, and *Marriage and Divorce in Jewish Law* by Israel Naamani.

[159] Lamm, *The Jewish Way in Love and Marriage*, 211.

[160] Ibid.

"symbolizing of the *huppah* in a synagogue or hall, for example, can be done with only a canopy; if it had walls, then as soon as the couple stepped into it after the betrothal with the intent of marriage, they would change status."[161] In addition, the breaking of the glass is a custom that comes from the Talmud. In tractate *Berachot Mar*, the son of Ravina made a wedding feast for his son, and when he noticed that some of the rabbis became loud in their joy, he "bought a cup worth four hundred *zuz*, and smashed it before them, and immediately they sobered."[162] Later commentators, such as Rashi and Tosafists, derived that only a glass could be used for the ceremonial breaking.

Furthermore, the particulars of the *ketubah* are recorded in a few rabbinic sources. *Kebubot* 10a tells us about the necessity and importance of the *ketubah*. According to this section, the *ketubah* is a document that explains the husband's obligation to his wife, providing that he must honor his wife, provide her basic needs, such as food, clothing and shelter, and must fulfill her sexual needs. Additionally, the ketubah specifies that the husband will pay his wife a particular sum of money in the event of death or divorce. Finally, *Ketubot* 10a explains that a *ketubah* is considered so important that a husband and wife are forbidden to live together without a wife having it in her possession. It is important to note here that although the particulars of the *ketubah* are found in rabbinic sources and no mention of the *ketubah* appears in the Bible, we do find marriage documents from Elephantine that date back to 459 B.C.E.

Interestingly, one of the few customs that can specifically be linked to the Bible is the practice of *bedekin,* or the veiling of the bride prior to the wedding ceremony. This practice is often associated with Genesis 29:21-25, where we learn that Laban tricks

---

[161] Ibid.
[162] Lamm, 229.

Jacob into marrying Leah instead of Rachel. We learn that Jacob cohabits with Leah thinking that she is Rachel. In Genesis 29:25 the text states: "When morning came, there was Leah! So Jacob said to Laban, 'What is this you have done to me? I was in your service for Rachel! Why did you deceive me?'" When, this verse in modern times, is associated with *bedekin*, the ceremony symbolizes the groom checking to make sure he is marrying the correct wife. However, the bedekin ceremony should, in fact, be linked to a more appropriate and romantic episode in the Bible. In Genesis 24:65, Rebekah places a veil over her face before she marries Isaac. As mentioned earlier, this may represent a change in Rebekah's status as the bride-to-be and the fact that she is about to enter into the covenant of marriage. In light of this explanation, in modern times, the *bedekin* symbolizes that the groom acknowledges that his bride-to-be is about to be his wife. This is a beautiful and more positive association with the custom of *bedekin*. Afterall, in Genesis 24:65, the custom of *bedekin* is not about a husband checking to make sure he has the right merchandise, but instead it is a custom associated with a biblical love story.

In conclusion, this thesis has shown that many customs in the Bible are very similar to the customs of the ancient Near East. However, while there are a few places in which we see connections to the Bible, the modern Jewish ceremony largely is not linked to the Bible, but instead is linked to the rabbinic and post-rabbinic traditions.

Bibliography

Abma, R. *Bonds of Love: Methodic Studies of Prophetic Texts with Marriage Imagery*. The Netherlands: Van Gorcum and Company, 1999.

Alter, Robert. *The Five Books of Moses*. New York: W & W Norton and Company, 2004.

Anderson, A. "The Marriage of Ruth." *Journal of Semitic Studies* (1978): 171-183.

Baumann, Gerlinde. *Love and Violence: Marriage as a Metaphor for the Relationship Between YHWH and Israel in the Prophetic Books*. Minnesota: Liturgical Press 2003.

Berlin, Adele, and Marc Brettler, and Michael Fishbane, eds. *The Jewish Study Bible*. Oxford: University Press, 2004.

Berlin, Adele. "Characterization in Biblical Narrative: David's Wives." *The Journal for the Study of the Old Testament* (1982): 69-85.

Biale. Rachel. *Women and Jewish Law: The Essential Texts, Their History, and Their Relevance Today*. New York: Random House Inc., 1995.

Bienkowski, Piotr, and Alan Millard, eds. 2000. *Dictionary of the Ancient Near East*. London: British Museum Press, 191.

Boling, Robert. *The Anchor Bible: Judges*. New York: Doubleday and Company, 1975.

Borowski, Oded. *Daily Life in Biblical Times*. Atlanta: Society of Biblical Literature, 81-83.

Boshoff, William. "The marriage metaphor in Hosea 2:4-17 against its ancient Near Eastern Background." *Old Testament Essays* (1992): 7-25.

___. "The Female Imagery in the Book of Hosea." *Old Testament Essays* (2002): 23-41.

Campbell, Ken. *Marriage and Family in the Biblical World*. Illinois: InterVarsity Press, 2003.

Cogan, Mordechai. *The Anchor Bible: 1 Kings*. 10 vols. New York: Doubleday and Company, 2000.

Cogan, Mordechai, and Hayim Tadmor. *The Anchor Bible: II Kings*. New York: Doubleday and Company, 1988.

Diamant, Anita. *The New Jewish Wedding*. New York: Simon and Schuster, 2001.

De Mieroop. *History of the Ancient Near East*. Massachusetts: Blackwell Publishing, 2004.

Derby, Josiah. "David's Marriage to Michal." *Jewish Bible Quarterly* (1991): 79-83.

___. "A Problem in the Book of Ruth." *Jewish Bible Quarterly* (1994): 178-185.

___. *The Jewish Marriage Contracts*. New York: The Jewish Theological Seminary Press, 1927.

Epstein, Louis. *Marriage Laws in the Bible and Talmud*. Boston: Harvard University Press, 1942.

Firestone, Reuven. "Difficulties in Keeping a Beautiful Wife." *Journal of Jewish Jewish Studies* (1991): 196-214.

Freedman, David, ed. 1922. *The Anchor Bible Dictionary*, 4 vols. New York: Doubleday Press, 559-569.

Frymer-Kensky, Tikva. *Reading the Women of The Bible*. New York: Schocken Books, 2002.

Gordon, Cyrus, and Gary Rendsburg. *The Bible and The Ancient Near East*. New York: W & W Norton and Company, 1997.

Hepner, Gershon. "Abraham's Incestuous Marriage With Sarah: A Violation of the Holiness Code." *Vetus Testamentum* (2003): 143-155.

Haut, Irwin. *Divorce in Jewish Law and Life*. New York: Sepher-Hermon Press, 1983.

The Jewish Publication Society Tanakh. Philadelphia: The Jewish Publication Society, 1999.

King, Philip, and Lawrence Stager. *Life in Biblical Israel*. London: Westminster John Knox Press, 2001.

Kostenberger, Andreas. *God, Marriage and Family: Rebuilding the Biblical Foundation*. Illinois: Crossway Books, 2004.

Kruger, Paul. "The Removal of the Sandal in Deuteronomy XXV 9: A Rite of Passage." *Vetus Testamentum* (1996): 534-539.

Lamm, Maurice. *The Jewish Way in Love and Marriage*. San Francisco: Harper and

Row Publishers, 1980.

Levine, Baruch. *The Anchor Bible: Numbers 21-36.* New York: Doubleday and
Compnay, 2000.

___. *JPS Commentary: Leviticus.* New York: The Jewish Publication Society, 1989.

McCarter, Kyle. *Anchor Bible: I Samuel.* 8 vols. New York: Doubleday and Company,
1980.

___. *Anchor Bible. II Samuel.* New York: Doubleday and Company, 1984.

Meiselman, Moshe. *Jewish Women in Jewish Law.* New York: KTAV Publishing
House, 1978.

Menn, Esther. *Judah and Tamar in Ancient Jewish Exegesis.* New York: Brill
Publishers, 1997.

Meyers, Carol. *Discovering Eve: Ancient Israelite Women in Context.* Oxford:
Oxford University Press, 1988.

Milgrim, Jacob. *The JPS Commentary: Numbers.* New York: The Jewish Publication
Society, 1989.

Newsom, Carol, and Sharon Ringe. *The Women's Bible Commentary.* Kentucky:
Westminister John Knox Press, 1998.

Nowell, Irene. *Women in the Old Testament.* Minnesota: The Liturgical Press, 1991.

Propp, William. *The Anchor Bible: Exodus 1-18.* New York: Doubleday and
Company, 1998.

Richardson, M. *Hammurabi Laws: Text, Translation and Glossary.* New York:
Sheffield Academic Press, 2000.

Reuven, Yaron. *The Laws of Eshnunna.* Jerusalem: Magnes Press, 1969.

Roth, Martha. *Law collections from Mesopotamia and Asia Minor.* Georgia:
Scholars Press, 1997.

Sarna, Nahum. The JPS *Commentary: Genesis..* New York: the Jewish Publication
Society, 1989.

___. *The JPS Commentary: Exodus.* New York: The Jewish Publication
Society, 1989.

Schereschewsky, Ben Zion. 1971. *Encyclopedia Judaica*, 11 vols. Jerusalem: Keter Publishing, 1026-1053.

Speiser, Ephraim. *The Anchor Bible: Genesis.* New York: Doubleday and Company, 1991.

Tigay, Jeffrey. *The JPS Commentary: Deuteronomy.* New York: The Jewish Publication Society, 1989.

Weems, Renita. *Battered Love: Marriage, Sex, and Violence in the Hebrew Prophets.* Minneapolis: Fortress Press, 1995.

Weinfeld, Moshe. *Anchor Bible: Deuteronomy 1-11.* New York: Doubleday and Company, 1991.

Weisberg, Dvora. "The Widow of Our Discontent." *The Journal for the Study of the Old Testament* (2004): 403-430.

Zipor, Moshe. "Restrictions on Marriage for Priests." *Biblica* (1987): 259-267.