

The Covenants of the Patriarchs with Foreigners at Beersheba. The Historical and Legal Background of the Traditions in Gen 21:22–24, 25–33 and Gen 26:26–31

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ABSTRACT: The author of this paper seeks the original historical context as well as the oldest form, structure and concept of the biblical records of the covenants of Abraham and Isaac with the local ruler(s) as recorded in Gen 21:22–24, 25–33; 26:26–31. The patriarchs, who enjoy the status of foreign/sojourner/resident in the land of the Philistine king, Abimelek, and their peaceful agreements are depicted in three biblical sources, which are very similar to each other in terms of structure and literary context. Those are compared with selected Hittite, Babylonian and Assyrian records of the royal covenants from the 2 millennium BC. The methodology adopted in the research allowed several important formal and substantive points of contact to be noted in the compared sources. Through this comparison, the paper confirms that Gen 21:22–24, 25–33; 26:26–31 reflects two ancient patterns of bilateral covenants between the monarch and an equal or subordinate social partner: *royal grants* and *suzerain-vassal treaties*. The paper also discusses the socio-cultural and legal spectrum of the Near Eastern royal procedures and how they were re-edited and adapted by the editors responsible for the current version of the biblical cycles about the patriarchs.

KEYWORDS: Abraham, Isaac, Abimelek, foreign/sojourner/resident, covenant, *royal grant*, *Suzerain-Vassal Treaty*, Gen 21:22–24, Gen 21:25–33, Gen 26:26–31, Levant royal texts from the 2nd millennium BC

The covenant is one of the oldest and most complex institutions of the Hebrew Bible. It appears in all its parts in various forms as well as in different literary, cultural and religious contexts. It primarily establishes and validates the bilateral relationships between biblical heroes, both individual and collective, and the God they worship. Additionally, it also defines peaceful settlements between individuals. The Old Testament highlights the antiquity and the ideological and religious background of the covenants by using specific terminology and appropriately selected literary forms and structures that mirror the successive stages of the sojourn of the Hebrew generations in Syro-Palestine and interactions with its inhabitants. When describing specific examples of economic, socio-political, military, cultural and religious covenants, the authors and editors of biblical sources are most likely to refer to the Hebrew term בְּרִית *b'rit*.¹ The understanding of the historical origins of this

¹ The etymology of בְּרִית *b'rit* is still not clear. In the Hebrew Bible, the term does not occur in the plural, which emphasises the originality and permanence of the theological concept of covenant. J. Barr, "Some Semantic Notes on the Covenant," *Beiträge zur Alttestamentlichen Theologie* (eds. H. Donner – R. Hanhart – R. Smend) (Göttingen: Vandenhoeck & Ruprecht 1977) 29–31. Its extensive semantic field suggests the following motifs:

term as well as the cultural and legal essence of the covenant, however, is seriously hindered due to the wide time span and the constantly evolving socio-religious realities within which the institution originated and crystallised and the biblical sources describing it.

For this reason, the last decades brought many academic studies on the biblical rite of covenant and its rooting in the history of the ancient Levant. Comparative studies of the forms, structures, term calques and content of Near Eastern royal treatises and edicts and their comparison with biblical texts have resulted in interesting hypotheses suggesting a formal and substantive dependence of the latter on several fundamental issues. Among ethnographers, historians and exegetes, the most influential were publications by Moshe Weinfeld,² who noticed significant similarities in ancient extra-biblical and biblical records of covenants. Weinfeld first identified two main patterns of the covenant in Hittite, Babylonian and Neo-Assyrian sources: the *royal grant* and the treaty/edict governing the relationship of the king and his vassals (*Suzerain-Vassal Treaty*), and then suggested their presence in the Hebrew Bible. In his opinion, the *royal grant* was a voluntary and unconditional commitment of the ruler to the subject (*promissory covenant*), followed by his benevolent action that did not require any activity on the part of the beneficiary. This royal grant was sometimes a reward for the vassal's services, other times an incentive for loyal and faithful service. According to Weinfeld, the second model of the covenant was obligatory and conditional (*obligatory covenant*). It compelled the vassal to obedience, reverence and action for the benefit of the ruler (the scope of which was specified in the settlement itself). Moreover, the permanence and nature of the king's grant/favour directly depended on the attitude of the subject.³ Weinfeld was followed by George

1) a festive meal accompanying the conclusion of transaction/agreement; 2) election/selection (Akk. *barû* "to look/ to look for"); 3) bilateral bond, agreement (Akk. *riksu*; Hitt. *išhiul* "clasp, bonds"); 4) covenant as a settlement based on a binding oath. M. Weinfeld, "B'rit," *TDOT* II, 253–259; A. Mello, "L'alleanza sinaitica," *Parola, Spirito e Vita* 84/2 (2021) 19–21; G. McConville, "ברית," *NIDOTTE* I, 747–755; S. Linington, "The Term ברית in the Old Testament: Part I: An Enquiry into the Meaning and Use of the Word in the Contexts of the Covenants between God and Humans in the Pentateuch," *OTE* 15/3 (2002) 687–714. The extra-biblical and biblical terminology of covenant illustrates various aspects of love, brotherhood, loyalty, solidarity and commitment. M. McAfee, "The Good Word. Its Non-Covenant and Covenant Significance in the Old Testament," *JSOT* 39/4 (2015) 377–404; M. Haran, "The B'rit «Covenant»: Its Nature and Ceremonial Background," *Tehillah le-Moshe. Biblical and Judaic Studies in Honor of Moshe Greenberg* (eds. M. Cogan – B.L. Eichler – J.H. Tigay) (Winona Lake, IN: Eisenbrauns 1997) 203–219.

2 M. Weinfeld, "The Common Heritage of Covenantal Traditions in the Ancient World," *I trattati nel mondo antico* (eds. L. Canfora – M. Liverani – C. Zaccagnini) (Rome: L'Erma di Bretschneider 1990) 175–191; M. Weinfeld, "The Covenantal Aspect of the Promise of the Land to Israel," *Normative and Sectarian Judaism in the Second Temple Period* (ed. M. Weinfeld) (LSTS 54; London: Clark 2005) 200–226; M. Weinfeld, "The Covenant of Grant in the Old Testament and in the Ancient Near East," *JAOS* 90 (1970) 184–203; M. Weinfeld, "Covenant Terminology in the Ancient Near East and Its Influence on the West," *JAOS* 93 (1973) 190–199; M. Weinfeld, "The Loyalty Oath in the Ancient Near East," *Normative and Sectarian Judaism in the Second Temple Period* (ed. M. Weinfeld) (LSTS 54; London: Clark 2005) 2–44; M. Weinfeld, *The Promise of the Land. The Inheritance of the Land of Canaan by the Israelites* (Berkeley, CA: University of California Press 1993) 222–264; M. Weinfeld, "Sarah and Abimelech (Genesis 20) Against the Background of an Assyrian Law and the Genesis Apocryphon," *Normative and Sectarian Judaism in the Second Temple Period* (ed. M. Weinfeld) (LSTS 54; London: Clark 2005) 194–199.

3 According to the proponents of Weinfeld's theory, these two models of settlement also differed in the formula and function of the oath taken, reinforced by a ritual curse. In the *royal grant*, it was used against the one who wanted to violate the rights of the vassal granted to him by the suzerain, while in the *Suzerain-Vassal Treaty*

E. Mendenhall⁴ and other exegetes,⁵ pointing in terms of metaphor or direct analogy to elements of these two models of Near Eastern settlement in the biblical concept of God's conditional covenant with Israel (cf. Exod 19–24; Deut 4–11; 27–30; Josh 24),⁶ as well as in YHWH's unconditional guarantees to Abraham (Gen 12:1–3; 15:7–12; 17:1–27)⁷ and David

it was used against the subject who violated his obligations to the king. The *royal grant* covenant was to protect the vassal and referred to the present/ recent past, and the *Suzerain-Vassal Treaty* covenant was to protect the king and was oriented towards the future. Weinfeld, "The Covenant of Grant," 185.

- 4 G.E. Mendenhall, "Ancient Oriental and Biblical Law," *BA* 17/2 (1954) 25–46; G.E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17/3 (1954) 49–76; G.E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh, PA: Biblical Colloquium 1955); G.E. Mendenhall – G. Herion, "Covenant," *ABD* I, 1188–1192. According to Mendenhall, the concept of Israel's covenant with YHWH was derived from the agreements of the Hittite suzerains with their vassals (14th–12th century BC), although it lacked the motif of witnesses, curses and blessings, and the deposition of a record of the settlement in a sanctuary. Others have sought parallels in Neo-Assyrian and Neo-Hittite texts (cf. *Inscriptions of Barrakab*, king of Sam'al). E. Otto, "Die Ursprünge der Bundestheologie im Alten Testament und im Alten Orient," *ZAR* 4/1 (1998) 38–45, 56–61; R.D., Miller, "The Israelite Covenant in Ancient Near Eastern Context," *BN* 139 (2008) 7–9, 11–15; R.D. Miller, *Covenant and Grace in the Old Testament. Assyrian Propaganda and Israelite Faith* (PHSC 16; Piscataway, NJ: Gorgias Press 2012) 73–75; V. Korošec, *Hethitische Staatsverträge. Ein Beitrag zu ihren juristischen Wertung* (Leipziger Rechtswissenschaftliche Studien 60; Leipzig: Weicher 1931) 26, 29, 33–34; E. Devecchi, "Treaties and Edicts in the Hittite World," *Organization, Representation, and Symbols of Power in the Ancient Near East* (ed. W. Gernot) (Winona Lake, IN: Eisenbrauns 2012) 637–641.
- 5 D.J. McCarthy, "B^crit and Covenant in the Deuteronomistic History," *Studies in the Religion of Ancient Israel* (eds. G. Anderson et al.) (VTSup 23; Rome: Brill 1972) 65–85; E. Kutsch, *Verheissung und Gesetz. Untersuchungen zum sogenannten »Bund« im Alten Testament* (BZAW 131; Berlin: De Gruyter 1973); C. Levin, "The Origins of Biblical Covenant Theology," *Re-Reading the Scriptures. Essays on the Literary History of the Old Testament* (ed. C. Levin) (FAT 87; Tübingen: Mohr Siebeck 2013) 245–259; L. Lepore, "La b^crit nella duplice accezione di obbedienza e di comunione," *RdT* 42 (2001) 867–890; C. Koch et al., "Covenant," *EBR* V, 897–907; G.N. Knoppers, "Ancient Near Eastern Royal Grants and the Davidic Covenant: A Parallel?," *JAOS* 116 (1996) 670–671; P.D. Hanson, "Covenant and Politics," *Constituting the Community. Studies on the Polity of Ancient Israel in Honor of S. Dean McBride Jr* (eds. J.T. Strong – S.S. Tuell) (Winona Lake, IN: Eisenbrauns 2005) 205–233; M. Grisanti, "The Davidic Covenant," *TMSJ* 10/2 (1999) 235.
- 6 These are the latest leading publications on the subject: D. Bock, "Covenants in Progressive Dispensationalism," *Three Central Issues in Contemporary Dispensationalism* (ed. H.W. Bateman IV) (Grand Rapids, MI: Kregel 1999) 169–226; E.H. Merrill, *Everlasting Dominion. A Theology of the Old Testament* (Nashville, TN: Broadman & Holman 2006) 434–442; T. Frymer-Kensky, *Studies in Bible and Feminist Criticism* (Philadelphia, PA: Jewish Publication Society 2006) 141–142; W. Brueggemann, *Theology of the Old Testament. Testimony, Dispute, Advocacy* (Minneapolis, MN: Fortress 2005) 417–420; S. Hahn, "Covenant in the Old and New Testaments: Some Current Research (1994–2004)," *CwBR* 3/2 (2005) 263–292; N. Lohfink, "The Concept of «Covenant» in Biblical Theology," *The God of Israel and the Nations. Studies in Isaiah and the Book of Psalms* (eds. N. Lohfink – E. Zenger) (Collegeville, MN: Liturgical Press 2000) 11–31; E. Aurelius, "Bundestheologie im Alten Testament. Ein Buch von Lothar Peritt und seine Folgen," *ZTK* 111 (2014) 357–373; D. Markl, "God's Covenants with Humanity and Israel," *The Hebrew Bible. A Critical Companion* (ed. J. Barton) (Princeton, NJ: Princeton University Press 2016) 312–337; B. Levinson, "Revisiting the «and» in Law and Covenant in the Hebrew Bible: What the Evidence from Tell Tayinat Suggests about the Relationship between Law and Religion in the Ancient Near East," *Maarav* 24/1–2 (2020) 27–43.
- 7 C.L. Rogers, "The Covenant with Abraham and Its Historical Setting," *BSac* 127 (1970) 242–257; D.J. McCarthy, *Treaty and Covenant. A Study in Form in the Ancient Oriental Documents and in the Old Testament* (AnBib 21A; Rome: Biblical Institute Press 1978); P.R. Williamson, "Covenant," *Dictionary of the Old Testament. Pentateuch* (eds. T.D. Alexander – D.W. Baker) (Downers Grove, IL: IVP 2002) 146–149; N. Lohfink, "Children of Abraham from Stones. Does the Old Testament Promise a New Covenant Without Israel?," *In the Shadow of Your Wings. A New Readings of Great Texts from the Bible* (ed. N. Lohfink) (Collegeville, MN: Liturgical Press 2003) 151–170; E.H. Merrill, "The Covenant with Abraham: The Keystone of Biblical Architecture," *Journal of Dispensational Theology* 12/36 (2008) 5–18.

(2 Sam 7:8–15; 23:1–5).⁸ Soon, however, both this interpretation of the Near Eastern patterns of covenant and the fact of their biblical adaptations started to be questioned.⁹ The analyses of ancient literary sources¹⁰ and artefacts¹¹ made it possible to better define the administrative,

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- 8 E.W. Nicholson, *God and his People. Covenant and Theology in the Old Testament* (Oxford: Clarendon 1986) 56–82. The texts on Abraham and David have in common the theme of God's promise, hence the exegetes are connecting them despite differences in their style and origin. M. Weinfeld, "The Davidic Covenant," *IDB-Sup.* 189, 195; G. Johnston, "The Promissory and Obligatory Features of God's Covenant with Abraham in the Light of Selected Ancient Near Eastern Royal Grants and Grant Treaties," 10–11, https://academia.edu/39993252/The_Promissory_and_Obligatory_Features_of_God_s_Covenant_with_Abraham_in_the_Light_of_Selected_Ancient_Near_Eastern_Royal_Grants_Grant_Treaties [access: 20.08.2022].
- 9 R.S. Hess, "The Book of Joshua as a Land Grant," *Bib* 83/4 (2002) 493–506; S.L. McKenzie, "The Typology of the Davidic Covenant," *The Land, That I Will Show You. Essays on the History and Archaeology the Ancient Near East in Honour of J. Maxwell Miller* (eds. J.A. Dearman – M.P. Graham) (JSOTSup 343; Sheffield: Sheffield Academic Press 2001) 152–178; J.J.M. Roberts, "Davidic Covenant," *Dictionary of the Old Testament Historical Books* (eds. B.T. Arnold – H.G.M. Williamson) (Downers Grove, IL: InterVarsity Press 2005) 206–211; H. Kruse, "David's Covenant," *VT* 35/2 (1985) 139–164; G. Johnston, "A Critical Evaluation of Moshe Weinfeld's Approach to the Davidic Covenant in the Light of Ancient Near Eastern Royal Grants: What Did He Get Right & What Did He Get Wrong?," 1–18, <https://lisarobinsonsportfolio.files.wordpress.com/2013/05/ghj-ets-royal-throne-grants-2011.pdf> [access: 13.09.2022].
- 10 An anthology of ancient Ugaritic, Hittite, Babylonian and Assyrian covenant records from the 2 millennium BC is offered in a three-volume publication: K. Kitchen – P. Lawrence, *Treaty, Law and Covenant in the Ancient Near East. I. The Texts* (Wiesbaden: Harrassowitz 2012) 69–694; K. Kitchen – P. Lawrence, *Treaty, Law and Covenant in the Ancient Near East. II. Text, Notes and Chromograms* (Wiesbaden: Harrassowitz 2012) 17–70; K. Kitchen – P. Lawrence, *Treaty, Law and Covenant in the Ancient Near East. III. Overall Historical Survey* (Wiesbaden: Harrassowitz 2012) 31–214. The starting point in the search for the genesis of the biblical concept of covenant is the treaties concluded in Hattusa – the capital of the Hittite Empire – which over time became a model throughout Anatolia and Syro-Palestine. B. Christiansen – E. Devecchi, "Die hethitische Vasallenverträge und die biblische Bundeskonzeption," *BN* 156 (2013) 67–72; D.J. Wiseman, "Is It Peace? – Covenant and Diplomacy," *VT* 32/3 (1982) 311. Among the 29 records of these agreements found so far, only seven refer to the Hittites; the others relate to Sumer and Akkad. The covenants of the Hittite kings with the rulers of neighbouring states (e.g. Egypt) or subordinate principalities (Aleppo, Karkemish and Tarhuntassa) follow the same structure: 1) title/preamble (names, titles, genealogies of kings and their counterparties); 2) historical prologue (description of the socio-political background of the settlement); 3) covenant stipulation (*royal grant of succession for perpetuity*); 4) deposition of the record of the covenant in a sanctuary; 5) witnesses (gods/people); 6) ritual blessings; 7) ritual curses; 8) solemn oath/ceremony of conclusion; 9) epilogue (description of tablets, seals, witnesses). Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 251–654 (No. 36–80); Kitchen – Lawrence, *Treaty, Law and Covenant*, II, 253–263; C. Koch, *Vertrag, Treueid und Bund. Studien zur Rezeption des altorientalischen Vertragsrechts im Deuteronomium und zur Ausbildung der Bundestheologie im Alten Testament* (BZAW 383; Berlin: De Gruyter 2008) 19–104; R. Lopez, "Israelite Covenants in the Light of Ancient Near Eastern Covenants," *CTS Journal* 10/1 (2004) 74–92; Johnston, "The Promissory and Obligatory Features of God's Covenant with Abraham," 9; J. Brinkman, "Babylonian Royal Land Grants, Memorials of Financial Interest, and Invocation of the Divine," *JESHO* 49/1 (2006) 1–47.
- 11 The relics of royal grants are, for example, *kudurru*, i.e. boundary stones, which were placed in Babylonia and its subordinate territories between 17th and 7th centuries BC. They were marked with a special inscription/image confirming such a grant or conclusion of a transaction giving the right to land ownership. The stones contained the names of the witnesses of the granting, invocations to the local gods responsible for protecting the land, and formulas of curses for those who dared to violate them. The *Kudurru* were placed at their respective boundary points or deposited as a certificate (deed of ownership) at local sanctuaries. From the 2 millennium BC, among other things, the *kudurru* are preserved confirming the ownership rights to lands granted by Nebuchadrezzar I (died 1103 BC) and Marduk-nādin-ahhē (1095–1078 BC) – the kings of the Babylonian second dynasty of Isin. G. Buccelatti, "The Kudurrus as Monuments," *Cinquante-deux réflexions sur le Proche-Orient ancien offertes en hommage à Léon De Meyer* (eds. H. Gasche – M. Tanret – C. Janssen) (Mesopotamian History and

legal and diplomatic realities in which the multiethnic communities of Mesopotamia, Egypt and Syro-Palestine created and perfected the institution of the covenant. Its structure, forms and meaning proved more complex than the two-pronged typology developed by Weinfeld. Thus, the researchers once again discussed the historical origins and structures of the oldest forms of the covenant in the Levant, setting new directions for research. As scholars unanimously acknowledged the covenant as one of the most original¹² and popular forms of civil law agreements among the indigenous and immigrant populations of the Levant, the evolution of this institution started¹³ to be noticed. This recognition also prompted the need for further research into the Near Eastern texts and their influence on biblical traditions. It was noted that there is a need for further in-depth queries on the sources from the first and second half of the 2nd millennium BC as they offer valuable insights into the socio-political institutions as well as legal and administrative structures of Mesopotamia, Egypt and Syro-Palestine. Those structures may have already been encountered and applied in the Late Bronze Age by the nomadic tribes of the most ancient proto-Israelites, i.e. the patriarchs. An urgent postulate was also expressed for analogous historical, critical and intertextual research on Hebrew Bible texts that refer to official bilateral covenants concluded based on legal and customary norms that were in force in the Levant in the 2 millennium BC. At this level of research, it is important to differentiate between biblical texts that discuss a covenant made by two counterparts from the same nation or clan and those that refer to covenants concluded with partners from foreign ethnic groups or different nations.

To follow the research path thus established, that is to search for possible points of contact between the legislation and customs of the ancient Near East and the Bible, three biblical sources have been chosen for analysis in this publication. They describe the settlement that Abraham and Isaac made with Abimelek, the king of Gerar (Gen 21:22–24,

Environment. Occasional Publications 2; Louvain: Peeters 1994) 283–287; I. Gelb – P. Steinkeller – R. Whiting, *Earliest Land Tenure Systems in the Near East. Ancient Kudurrus* (OIP 104; Chicago, IL: The Oriental Institute of the University of Chicago 1994); H.D. Baker, “Babylonian Land Survey in Socio-Political Context,” *The Empirical Dimension of Ancient Near Eastern Studies. Die empirische Dimension altorientalischer Forschungen* (eds. G.J. Selz – K. Wagensonner) (WOO 6; Wien: Lit 2011) 298–307.

12 The most ancient testimonies of the Levant covenants, in which at least one of the counterparties is a local ruler, date back to the 3rd millennium BC. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 1–68. The development of the procedures of these covenants and their literary record continued into the Hellenic and Roman era. E. Ben Zvi, “A Balancing Act: Settling and Unsettling Issues Concerning Past Divine Promises in Historiographical Texts Shaping Social Memory in the Late Persian Period,” *Covenant in the Persian Period. From Genesis to Chronicles* (eds. R.J. Bauckham – G.N. Knoppers) (Winona Lake, IN: Eisenbrauns 2015) 109–129.

13 T. Hegg, “The Covenant of Grant and the Abrahamic Covenant,” 1–5, https://academia.edu/69383366/The_covenant_of_grant_and_the_Abrahamic_covenant, [access: 20.08.2022]. In the Hittite monarchy, for example, *išhiul* “instructions” were in use, under which the rulers encouraged sons/relatives, military officers, officials, courtiers or priests to obey and warned against insubordination under the sanction of losing grants and privileges. During the proclamation of these royal instructions, the officials took oaths and invoked the wrath of the gods upon themselves for their possible violation (formulas of curses). J.L. Miller, *Royal Hittite Instructions and Related Administrative Texts* (WAW; Atlanta, GA: Society of Biblical Literature Press 2013); A. Goetze, “The Beginning of the Hittite Instructions for the Commander of the Border Guards,” *JCS* 14/2 (1960) 69–73; A. Taggar-Cohen, “Biblical Covenant and Hittite *išhiul* Reexamined,” *VT* 61 (2011) 461–488.

21:25–33 and 26:26–31). Those sources will be contrasted with the representative records documenting the conclusion of similar covenants with foreigners in Mesopotamia and Syro-Palestine during the first and second half of the 2 millennium BC. The goal is to examine the form and structure of these biblical sources in the context of their socio-cultural and historical era to which the texts of Gen 21:22–24, 21:25–33 and 26:26–31 seem to relate. The aim to this confrontation of sources is to analyse the broader common historical background of the three traditions concerning the patriarchs as well as the concept of their bilateral relationship with the representatives of the Syro-Palestinian community who were foreign in cultural and religious terms. Assuming that the selected biblical texts, although finally edited in the Persian era, refer to much older traditions of Israel, it can be expected that in their own way (in historical-salvific, ideological-theological terms) they reflect certain historical socio-cultural realities of the 2 millennium BC. This is the era with which the Hebrew Bible links the time of the patriarchs, their sojourn in Syro-Palestine and their contacts with indigenous ethnic groups. Comparison of the biblical texts concerning Abraham and Isaac's covenants with Abimelek to extra-biblical records offers insights into their socio-cultural and administrative-legal origins. It also makes it possible to identify similarities and differences in the biblical and extra-biblical concept and record of the covenant and, consequently, to determine the extent of any substantive and formal borrowings by the editors of Genesis. Such an in-depth query into the historical and cultural background of the sources of Gen 21:22–24, 21:25–33 and 26:26–31 is needed because the previous studies of the application of the Near Eastern covenant formulas in the Hebrew Bible focused only on the relationship of Abraham,¹⁴ David¹⁵ and Israel¹⁶ with God, and neglected the issues of the economic, commercial and socio-political bonds of the patriarchs with the local leaders of Syro-Palestine.

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- 14 The most representative records of God's covenant with Abraham and his descendants are the traditions (Gen 15 and 17). In the prism of diachrony, their origins and editorial process are defined in various ways. They are usually considered to be two versions of one source or two completely separate narratives. Through the prism of synchrony, the same literary and thematic pattern is noted in these two traditions and it is assumed that both refer to the same historical-salvific fact, presenting it in a slightly different theological perspective. D. Bediako – E. Baidoo, "The Covenant of Abraham: Relationship between Genesis 15 and 17," *VVUJT* 2 (2012) 3–9.
- 15 E.T. Mullen, "The Divine Witness and the Davidic Royal Grant: Ps 89:37–38," *JBL* 102 (1983) 207–218; E.T. Mullen, "The Royal Dynastic Grant to Jehu and the Structure of the Books of Kings," *JBL* 107/2 (1988) 193–206; Z. Ben-Barak, "Meribaal and the System of Land Grants in Ancient Israel," *Bib* 62 (1981) 73–91; Y. Muffs, *Love and Joy. Law, Language and Religion in Ancient Israel* (New York: Jewish Theological Seminary of America 1992) 134.
- 16 R. Oden, "The Place of Covenant in the Religion of Israel," *Ancient Israelite Religion. Essays in Honor of Frank Moore Cross* (eds. P.D. Miller – P.D. Hanson – S.D. McBride) (Philadelphia, PA: Fortress 1987) 429–447; R. Smend, *Die Bundesformel* (ThSt 68; Zürich: EVZ-Verlag 1963) 7–31; S.-T. Sohn, "«I Will Be Your God and You Will Be My People»: The Origin and Background of the Covenant Formula," *Ki Baruch Hu. Ancient Near Eastern, Biblical, and Judaic Studies in Honor of Baruch A. Levine* (eds. R. Chazan – W.W. Hallo – L.H. Schiffman) (Winona Lake, IN: Eisenbrauns 1999) 355–372. The covenant with God at every stage of Israel's biblical history is recognised as the foundation of the monotheistic/monolatrous faith.

1. Literary Context of the Patriarchs' Settlements with Abimelek (Gen 21:22–24, 25–33; 26:26–31)

In the flagship texts describing the genesis and effects of YHWH's covenant with Israel (Exod 24:1–11; 34:1–28; Deut 5:3; 7:9, 12; 9:9, 11, 15; 28:69; 29:8, 13, 20; Jer 31:33) or His chosen patriarchs and leaders: Noah, Abraham, Moses, Joshua, David and Solomon (Gen 8:20–9:17; 15:1–21; 17:1–27; Josh 24:1–28; 2 Sam 7:1–29; 23:5; 1 Kgs 8:23), the *בְּרִית* *b'rit* is based on His unilateral promise/oath guaranteeing constant graciousness (cf. *royal grant model*) or makes it conditional on obedience to His will (cf. model *Suzerain-Vassal Treaty*). In contrast, in the traditions according to Gen 21:22–24, 21:25–33 and 26:26–31, the Hebrew term – *b'rit* – has a much less visible theological overtone. This is because the parties to the agreement described therein are exclusively human beings¹⁷ and the subject of their settlement does not concern the sphere of religion. However, even in these three texts, there are signs of the Hittite and Neo(Assyrian) model of the covenant. In the canonical order of the Hebrew Bible, these are the first records of the agreements that the proto-Israelites (patriarchs)¹⁸ concluded with culturally and religiously foreign representatives of the local communities of Canaan, specifically with the ruler/rulers of the Philistine city-state of Gerar and its surroundings.¹⁹

Those three texts share similarities in their literary form, structure,²⁰ themes as well as historical and cultural context. This suggests that they were likely created around the same time

17 A description of the bilateral settlement between the Israelites and representatives/leaders of foreign ethnic groups, referred to as *בְּרִית* *b'rit*, can also be found in the texts of Josh 9:1–27; 2 Sam 5:11–12; 1 Kgs 5:15–32; 7:40–47; 9:10–14, 27.

18 Many exegetes suggest historical ethnic ties between the clan of the patriarchs and the Amorite and Aramaean peoples alternately inhabiting the area of Syro-Mesopotamia in the Middle and Late Bronze Age extending between the Euphrates and its tributary the Khabur (Nahr al-Khābūr) and referred to as Aram-Naharaim “Aram of the two rivers” (Gen 24:10) or Paddan Aram “the Plain of Aram” (Gen 28:2–7). The texts from Mari indicate a (semi)nomadic culture of these peoples using an early form of a West Semitic language. There are many indications that Abram's clan originated from the Amorite culture of the mid-2 millennium BC and was associated with Haran (Gen 11:31–32; 24:4, 10; 28:2, 5, 10). R.S. Hendel, *Remembering Abraham. Culture, Memory, and History in the Hebrew Bible* (Oxford: Oxford University Press 2005) 52–54; A. Malamat, “The Proto-History of Israel: A Study in Method,” *The Word of the Lord Shall Go Forth. Essays in Honor of David Noel Freedman* (eds. C. Meyers – M. O'Connor) (Winona Lake, IN: Eisenbrauns 1983) 306–307.

19 K.A. Kitchen, “The Patriarchal Age: Myth or History?,” *BAR* 21/2 (1995) 53–54. The Bible does not emphasise ethnic differences in covenant partners, implying that bilateral settlements did not create kinship ties, but established and strengthened them. Hence, they were accompanied by the language of adoption, table fellowship (commensalism) and marriages (cf. Gen 20:1–18; 26:6–11), which were supposed to strengthen mutual relationships. F.M. Cross, “Kinship and Covenant in Ancient Israel,” *From Epic to Canon. History and Literature in Ancient Israel* (ed. F.M. Cross) (Baltimore, MD: John Hopkins University Press 1998) 3–4; J.L. Wright, “The *raison d'être* of the Biblical Covenant: Assessing Mendenhall's Emphasis on Kinship,” *Maarav* 24 (2020) 49.

20 The multiplicity of texts about the patriarchs' covenant with foreign rulers is the result of the editors of the book using the same sources and thematic motifs to describe Israel's proto-history in the land of Canaan. But it cannot be ruled out that they are traces of actual agreements concluded by Abraham and Isaac with the same or a subsequent ruler of the region. The Hittite archives record several such cases. Thus, for example, Kurunta, the king of Tarhuntassa concludes a similar covenant with two successive Hittite rulers, and Tudhaliya IV of Hatti between 1230 and 1210 BC with two kings of Tarhuntassa – Kurunta and Ulmi-Tesub.

and from a common source, which was successively corrected by the editorial circles responsible for the current version of the book. Unlike Hittite, Assyrian and Babylonian sources,²¹ the traditions about Abraham and Isaac's settlements with Abimelek do not have, and probably never had, the form of an autonomous historical document/literary source from the period they describe.²² Rather, they reflect much later oral or written Hebrew traditions that became an integral part of the extensive patriarchal cycles (Gen 11:27–25:18 and 25:19–36:43) over time. Due to their complex and long editorial process and the strictly defined function they play in their current literary context, they cannot be assessed according to the same substantive and formal criteria that are applied to reading and evaluating archival extra-biblical texts on ancient bilateral settlements. This is because the editors of Genesis did not intend them to be literal and complete records of ancient transactions that were drawn up to become locally binding law. Rather, they should be regarded as summaries/reports intended to record important facts from the ancient history of the clan of proto-Israelites (patriarchs), cultivated in the memory of their descendants, the socio-cultural and legal consequences of which affected relations with the indigenous inhabitants of Syro-Palestine.²³ The specific socio-cultural context, reflected in the Hebrew conceptual calque used in Gen 21:22–24, 21:25–33 and 26:26–31, does not rule out the possibility

A similar settlement with two successive rulers of Arpad, 'Atar-sumki and Mati 'el, was concluded between 775 and 773 BC by King Bar-Ga'yah. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 610–642, 911–934 (No. 73–74, 86, 87–88). Kitchen – Lawrence, *Treaty, Law and Covenant*, II, 33; Christiansen – Devecchi, “Die hethitische Vasallenverträge,” 68.

- 21 These testimonies were usually written on rectangular stone, basalt or bronze tablets of various sizes (20/40 cm long and wide) and bearing two seals which were fixed with a bronze chain, as evidenced by two holes made in their upper or central edges.
- 22 Two different points of reference should be considered in this regard. On the one hand, the imprecisely defined age of the patriarchs in the Hebrew Bible (cf. 1 Kgs 6:1), which exegetes associate with the period between the 18th and 15th centuries BC. Kitchen, “The Patriarchal Age,” 48–57, 88–95. On the other hand, the period of (post)priestly redaction of Genesis (5th/4th century BC), in which, in the perspective of theological retrospection, a definitive version of the earliest history of Israel was born, based on written records from the 8th century BC (source J [Jahwist]) and older pre-Jahwist oral traditions. I. Finkelstein – N. Silberman, *The Bible Unearthed. Archaeology's New Vision of Ancient Israel and the Origin of Its Sacred Texts* (New York: Simon & Schuster 2002) 36–38. An example of such a tradition evoking the distant historical memory of the people of Israel is Amos 9:7:
- הֲלוֹא כִבְנֵי כּוּשִׁיִּים אַתֶּם לִי בְנֵי יִשְׂרָאֵל נָאִם יְהוָה הֲלוֹא אֶת־יִשְׂרָאֵל הֵעֲלִיתִי מֵאֲרָץ מִצְרָיִם וּפְלִשְׁתִּיִּים מִכַּפְתּוֹר וְאַרְבִּים מִקִּיר
hālō' kibnē kušijjīm 'atten li b'ne jisrā'el nō' um-JHWH hālō' 'et-jisrā'el he'elēti mē'ereš mišnajim ūp'lišijjīm mikkaptōr wa'āvām miqqīr “are not you Israelites the same to me as the Cushites? declares the Lord. Did I not bring Israel up from Egypt, the Philistines from Caphtor and the Arameans from Kir?” The two nations referred to here: the Arameans from the Middle Euphrates area (Kir), with whom Abram's family was associated, and the Philistines (Sea Peoples) from Crete and the Aegean region (Kaptor), who were under the rule of Abimelek during the patriarchs' time, fit into the historical background proposed in Gen 21:22–24; 21:25–33; 26:26–31.
- 23 Such reports of the concluded covenants can be found in texts from Mari. D. Charpin *et al.*, *Archives Royales de Mari* (Paris: Édition Recherche sur les Civilisations 1988) XXVI/2, 144–145, 181–182 (No. 372). In this respect, the texts of the Bible reflect the style of the Old Babylonian covenant records. For example, four records of a peaceful covenant from the 18th century BC, which Zimri-Lim, the ruler of Mari, concluded with four vassals, the kings of the Middle Euphrates region, have been preserved. These were: Ibal-pi-el II of Eshnunna, Hammurabi of Babylon, Atamrum of Andarig and an anonymous ruler of Kurda. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 212–224 (No. 20–23). On the other hand, from the 18th century BC, there are reports written in Old Assyrian on trade and economic covenants concluded by Till-Abnu, the ruler of Apum and

that the covenant reports recorded therein may belong to a small group of texts that are rooted in the earlier culture of the Northwest Semitic languages.²⁴ However, today it is hidden under the language of the Jahwistic²⁵ and (post)priestly cycles 11:27–25:18 and 25:19–36:43 written much later. Those cycles describe the history of Abra(ha)m, Isaac and Jacob/Israel in a way that portrays their sojourn in Syro-Palestine and their relations with its inhabitants. That could be read as an archetype of the future history of the people of Israel who, under the leadership of Moses, abandoned Egypt in the last phase of the Bronze Age and managed to settle permanently in Canaan in the early phase of the Iron Age, to establish later the foundations of the monarchy in the land promised by God to the patriarchs.

The texts of 21:22–24, 21:25–33 and 26:26–31 are consistent in terms of chronology, topography and facts. They unanimously point to *בְּאֵר שָׁבַע* *bē'ēr šāba'* Beersheba (21:31–33; 26:23–33) in the land of the Philistines (*אֶרֶץ פְּלִשְׁתִּים* *'eres p'lištim*; 21:32; 26:12) as the place of the patriarchs' settlement with a foreign ruler, making an allusion to the seat/residence of king Abimelek in *גֵּרָר* *gērār* (Gerar) in the Negeb (26:1, 6, 26; cf. 20:1–2). This information is difficult to verify. Apart from the Bible, there are no sources that would confirm the existence and socio-political function of these locations in the Middle Bronze Age. The most ancient extra-biblical data on the geography of southern Syria, Phoenicia, Canaan and Transjordan are provided by the royal archives of Egypt from the Twelfth Dynasty period (1976–1794 BC). They are laconic though, as they mention only a few of the leading peoples and centres of the region. They refer to Laish (later Dan) at the northern end of Canaan, as well as Hazor (cf. texts from Mari), Afek, Rehob, Shechem, Jerusalem, and Hebron. The archaeologists suggest that Canaan, Phoenicia and southern Syria were still under Egyptian control from 1550 through 1100. It is noted, however, that some ethnic groups and towns enjoyed a certain degree of autonomy at that time. Major changes in this region of the Levant began as late as in the 12th century BC, with

Assur, with the rulers of Anatolia (e.g. Yamsi-Hadnu of Kahat). Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 225–230 (No. 24–26).

- 24 One can notice here, for example, the use of the long form of the pronoun *אֲנִי* (1st person singular), which in the Bible distinguishes the Yahwistic source from the priestly source (in P [priestly source] it occurs only in Gen 23:4), and which is reflected in the older North-Semitic languages (e.g. Ugaritic). R.M. Wright, *Linguistic Evidence for the Pre-exilic Date of the Yahwistic Source* (London: Clark 2005) 82; R. Hendel, “Is the ‘J’ Primeval Narrative an Independent Composition? A Critique of Crüsemann’s *Die Eigenständigkeit der Urgeschichte*,” *The Pentateuch* (eds. T.B. Dozeman – K. Schmid – B. Schwartz) (FAT 78; Tübingen: Mohr Siebeck 2011) 201–202; M. Majewski, “Klasyfikacja języków semickich,” *Studia Leopoliensia* 4 (2011) 140–144.
- 25 The concept of a Yahwistic source, with which exegetes usually associate the oldest parts of the biblical texts about the covenants of Abraham and Isaac in Genesis, is still widely discussed to this day. The best-known, and at the same time extremely opposite, approaches to this issue are the classical theory of Julius Wellhausen which supports the early origin of the Yahwist, and the hypothesis of John Van Seters (*Abraham in History and Tradition* [New Haven, CT: Yale University Press 1975] 311) who shifts its final redaction to the period of the Babylonian captivity, calling it the pre-priestly corpus of the Pentateuch. The text of Gen 21:25–26 together with Gen 20:1–17 and 21:28–30, however, is linked by Van Seters to the Elohist source. An extensive analysis of these issues is proposed by Tadeusz Brzegowy (“Najnowsze teorie na temat powstania Pięcioksięgu – próba oceny,” *CT* 72/1 [2002] 11–44).

the arrival of the Philistines (Sea Peoples)²⁶ and the Hebrew tribes that gradually superseded the weakening indigenous population of the Canaanites. According to the chronology of the Bible and archaeological artefacts (the Tel Dan stele and the Mesha stele from the 9th century BC), the Israelites did not take control of this region until the 10th century BC, when King David laid the foundations for monarchical structures, defeated the Philistines (2 Sam 5:1–25) and extended political influence to significant areas of Syro-Palestine.²⁷

One of the introductory issues is the problem of the identity of the partner of the covenant with Abraham and Isaac. In all cases, it is a king named אַבִּימֶלֶךְ *'abimelek* “my father is king” who, according to the Bible, lives permanently/resides with his court and army in Gerar and extends authority over the city-state in the land of the Philistines (אֶרֶץ פְּלִשְׁתִּים) *'eres p^elištīm*; 21:32, 34).²⁸ To provide further context, the Bible presents Abraham’s and Isaac’s settlements with Abimelek against the background of deception/fraud²⁹ committed by them and the dispute over the wells in and around Beersheba (21:25–31 and 26:32–33). It takes place in the atmosphere of their striving for their own land and during a time of famine in the area (26:1; cf. 12:10). The origin and literary structure of the description of Abimelek’s covenant with Abraham (21:22–34) and its connection with the analogous text about Isaac’s settlement with Abimelek (26:26–33) is the subject of lively debate among exegetes. The proponents of a diachronic³⁰ and synchronic³¹ reading of these passages offer various reconstructions of their editorial process and an unequal reading of their final version.

26 L.E. Stager, “The Impact of the Sea Peoples in Canaan (1185–1050 BCE),” *The Archaeology of Society in the Holy Land* (ed. T. Levy) (London: Leicester University Press 1995) 332–348.

27 N. Na’aman, “The Conquest of Canaan in the Book of Joshua and in History,” *From Nomadism to Monarchy. Archaeological and Historical Aspects of Early Israel* (eds. I. Finkelstein – N. Na’aman) (Washington, D.C.: Biblical Archaeology Society 1994) 231–280.

28 The identification and location of this biblical topos is the subject of discussion. Most commonly, the Hebrew אֶרֶץ גֵּרָר *g^erārāb* is associated with Tell Abu Hureyra/Tel Haror, located about 18 kilometres southeast of Gaza. The archaeologists suggest that Gerar was one of the largest fortified towns of Canaan in the Middle Bronze Age (about 16 ha of surface area). E.D. Oren, “Tel Haror,” *NEAEHL* II, 580.

29 Both patriarchs claim that their wives are their sisters, which triggers a conflict with a local Philistine ruler, in the resolution of which YHWH God is involved (20:1–18; 26:1–33; cf. 12:9–20).

30 To explain terminological and thematic discrepancies and repetitions in 21:22–34 and 26:26–31, exegetes usually propose two distinct oral traditions, two separate written sources, or two successive versions (version A related to 26:1–33:21, 22–24, 27[31], 32 and B related to 20:1–18, 21:25–26, 28–30 [31 or 32–33]) behind these analogous texts. Scholars differ significantly in their definition of their scope and nature. W. Zimmerli, *1 Mose 12–25. Abraham* (ZBK.AT 1/2; Zürich: Theologischer Verlag 1976) 105–106; E.A. Speiser, *Genesis* (AB 1; New York: Doubleday 1978) 159–160; C. Westermann, *Genesis. II. 12–36* (BK.AT 1/2; Neukirchen-Vluyn: Neukirchener Verlag 1981) 423–425. Some argue for the secondary nature of the message about Abraham, others about Isaac. Not everyone associates the covenants of Abraham, Isaac and the Philistine king with the motif of the well, and consequently, with the aetiology of the place (Beersheba). They unanimously recognise only that the text of 26:26–31 contains a more complete version of the covenant than the text of 21:22–34 and that none of its three biblical versions today is an autonomous tradition, but an integral part of a larger narrative (11:27–25, 18 and 25:19–36:43), without which it would be incomplete and incomprehensible.

31 The proponents of synchrony suggest reading 21:22–34 in the context of 20:1–18 and in light of the text of 26:26–33, which also includes two structural components (26:26–31, 32–33). Some believe that all these messages were originally part of one collection “Abraham/Isaac in Gerar” (20:1–18; 21:22–34; 26:1–33), which was divided and integrated into cycles 11:27–25, 18 and 25:19–36:43 to emphasise the continuity of

2. Structure of the Two Traditions about Abraham's Covenant with Abimelek (Gen 21:22–24, 25–33)

The current form, structure and content of verses 21:22–33 make it possible to distinguish two short reports on the conclusion of one or two different settlements between Abraham and Abimelek: 21:22–24 and 21:25–33.³² In its current version, 21:22–34 is an independent pericope separate from the preceding (21:1–21) and following (22:1–19)³³ contexts, which focus on the theme of God's promise of offspring and blessing and God's verifications of the patriarch's fidelity and obedience. This part of the cycle about Abraham (21:1–22:19) is an illustration of his covenant with YHWH based on His unconditional (15:1–21) and conditional (17:1–27) guarantees and gifts, to which the patriarch responds with heroic loyalty and faith. The pericope 21:22–34 is editorially and thematically related to 20:1–18. The text reveals why Abimelek went to Abraham and the circumstances of the patriarch's residence in Beersheba. The fact of the bilateral covenant contained in 21:23–24 can be read in the light of the invitation to settle in the king's land, mentioned in 20:15, sent by the king to Abraham who had the status of a sojourner/foreigner (גֵר *gwr* in 21:23). The course of the ritual of covenants from 21:22–24, 25:33 is in line with the *royal grant* and *Suzerain-Vassal Treaty* procedures, well-known in this region of the Levant, recorded in the Hittite, Babylonian and Assyrian royal archives.³⁴ To illustrate this thematic and structural convergence, it is first necessary to determine the oldest form of these sources that would be temporally closest to the events described.³⁵ It can be done based on the criteria of textual criticism and the history of the development of the Hebrew text.

the narrative about the patriarchs. K.A. Mathews, *Genesis 11:27–50:26* (NAC 1B; Nashville, TN: Broadman & Holman 2005) 276–277.

- 32 The themes of 21:22–24 and 21:25–33 are heterogeneous. Both sources mention the relationship between Abraham and Abimelek, but only in 21:22–24 do they mention the patriarch's oath of loyalty, and only in 21:25–33 their covenant (21:27, 32). In 21:25–33, new themes appear: the well (21:25–26, 27a, 31a, 31b?, 32a, 32b?), the gift of sheep and cattle (21:27a) and the seven lambs (21:28–30), while in 21:31, Abraham's oath is no longer mentioned (21:23–24), but the mutual oath of the two partners to the agreement. These arguments suggest that verses 21:22–33 should not be regarded merely as a description of a single covenant, but should instead be seen as two traditions that speak unequivocally of a single bilateral settlement or of two independent agreements.
- 33 The literary distinctiveness of 21:22–34 is confirmed by the Masoretic petucha markers after 21:21 and 21:34.
- 34 According to these patterns, in the middle of the 2 millennium BC, covenants were concluded by Hittite rulers, e.g. Arnuwandas I with the People of Ismirika or Suppiluliuma I with Shattiwaza of Mitanni. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 348–354, 365–406.
- 35 Unfortunately, neither the original record of this covenant nor a copy of it, which would come from the time of the patriarchs or a period close to them, has been preserved. In order to recreate the oldest possible form of the Hebrew text behind the current version of Gen 21:22–24 (cf. 21:25–33; 26:26–31), the Masoretic punctuation dating back to the 8th/9th century AD was first removed. Then, in parentheses, there are the full-length vowels (matres lectionis) used by scribes probably from the 9th/8th century BC, as well as the final ה (*hē*) in feminine nouns, which replaced the original ה used in early and late Canaanite and Proto-Hebrew (13th century BC). Also, the original form of the accusative written with the particle תט (*'et-*), which linguists associate with the 11th/10th century BC, has been put in parentheses. The process of leading linguistic transformations in the area of the southern Levant is reconstructed in: Na'aman, "The Conquest of Canaan," 219–221.

The following is a hypothetical record of the oldest textual form of the biblical version of the first tradition about Abraham's settlement with Abimelek; it allows distinguishing its original structure and identifying parallels with the Near Eastern covenants:

Narrative framework of the first covenant rite in Beersheba (21:22–24)

^{21:22} ויהי (י) בעת (ה)ה(ו)א ויאמר אבי(י)מלך ופי(י)כל שר צבאו(ו) אל אברהם לאמר אלה(י)ם עמך בכל אשר את(ה) עש(ה)
So, then, Abimelek and Phicol his troop-commander spoke to Abraham, saying: “God is with you in all that you do.

Oath

^{21:23a} ועת(ה) השבע(ה) לי(י)

And now, swear (on oath) to me

Reference to God

^{21:23a} באלה(י)ם הנ(ה)

by God, herewith.

Covenant stipulation

^{21:23b} אם־תשקר לי(י) ולני(י)נ(י) ולנכדי(י) כחסד אשר עש(י)ת(י) עמך תעש(ה) עמדי(י) ועם (ה)ארץ אשר גרת(ה) בה
You shall (surely) not betray me, or my offspring, or my posterity, according to the kindness that I have shown you, you shall deal with me, and with the land in which you have stayed.”

Oath + possible formula of ritual self-curse

^{21:24} ויאמר אברהם אנכי(י) אשבע

Then said Abraham: “I do (so) swear!”

The first report on the patriarch's settlement with the local ruler (21:22–24), in whose territory “he resides as a foreigner, sojourner, guest” (גור *gur* in 21:23), is brief and laconic. In fact, it only outlines its general conditions and the main objective, which is to create/recreate (cf. 20:1–18) conditions for lasting peaceful coexistence³⁶ between partners from different cultural, religious and social spheres. The text of 21:22–24 and its current literary expansion – 21:25–33³⁷ – cause many problems of interpretation. They contain no chronological or thematic link to their immediate context. Also, they do not have a coherent internal structure, which suggests that they were originally two independent traditions: two accounts of one or two separate or successive settlements between Abraham and Abimelek.³⁸ The immediate context preceding the account of the birth of Isaac, the son of promise,

36 The model biblical concept of a peaceful pact is contained in the tradition of Gen 9:1–17. B.F. Batto, “The Covenant of Peace: A Neglected Ancient Near Eastern Motif,” *CBQ* 49/2 (1987) 190–191.

37 The diachronic analysis of 21:22–34 leads the exegetes to different conclusions about the origin and form of the sources that comprise these verses. In this fragment, some find one source (E) with elements of J (21:33), others two (J, E) or more sources, attributing to them the forms: covenant/oath, account of a dispute or etiology explaining the meaning of the name Beersheba oscillating around the number “seven” (Abraham and Abimelek are mentioned seven times each; the motif of seven sheep) and “oath.” G. Wenham, *Genesis 16–50* (WBC 2; Dallas, TX: Word Books 1994) 90–91.

38 The exegetes who do not consider the structure of the Near Eastern covenants, find in 21:22–33 a single message/scene consisting of three interventions by Abimelek (21:22b, 23, 26b, 29b) and two responses by

and the distancing of the firstborn Ishmael (21:1–21), does not in any way foreshadow them. At the same time, the formula $\text{וַיְהִי בְּעֵת הַהֵרֹא} \text{ } waf\acute{h}\acute{i} \text{ } b\acute{a}'\acute{e}t \text{ } habiw'$ in 21:22 defining their chronology is so ambivalent as to make it impossible to answer the question of to which stage of the previously described past the editor of the cycle wishes to link Abraham's settlement(s) with Abimelek. There are many indications that both accounts of the agreement(s) (21:22–24, 21:25–33) are related to the tradition of 20:1–18, in which Abimelek plays a leading role, and to the motif of the dispute that arose during his first meeting with the patriarch³⁹ as a result of hiding Sarah's true identity and status.⁴⁰ The same motif returns in the twin narrative of Isaac, Rebekah and Abimelek (26:6–11), where, by way of editorial calque, it provides a further context for a similar compromise between the two previously conflicted parties (26:26–31). It is possible that both reports on the covenant between Abraham and Abimelek were introduced by the editor of the cycle (successively) to illustrate the wording of verse 21:34, informing about the length and status ($\text{גִּוּר} \text{ } gwr$) of his sojourn in the land of the Philistines.

In a manner typical of the Near Eastern covenant records, the text of 21:22–24 first sets the historical/narrative framework of the reported events, briefly defining its chronology ($\text{וַיְהִי בְּעֵת הַהֵרֹא} \text{ } waf\acute{h}\acute{i} \text{ } b\acute{a}'\acute{e}t \text{ } habiw'$) and providing the names of all the heroes (21:22). Their location, Beersheba, is given only in 21:31 (cf. 21:32, 33) against the background of the two-pronged aetiology of its name. However, it is foreshadowed from the beginning by the stem $\text{שָׁבַע} \text{ } \acute{s}b'$ appearing simultaneously in two meanings ("oath" in 21:23, 24, 31; "seven" in 21:28, 29, 30). None of the three biblical accounts (21:22–24, 25–33; 26:26–31), which are so similar in structure and theme, define/mention Abimelek's function and place of his rule. His royal position in the settlements with Abraham and Isaac is only suggested by the presence of the commander of his forces – Phicol (21:22, 32; cf. 26:26) and the mention of his return to the land of the Philistines (21:32; 26:31). This, however, does not affect the message of the biblical texts. Their context clearly states that Abimelek was a king (20:2; 26:8), which makes it possible to read his agreements with Abraham and Isaac in the light of the Near Eastern covenant institution (*royal grant* and *Suzerain-Vassal*

Abraham (21:24b, 30b) interspersed with short comments by the narrator (21:22a, 24a, 25–26a, 27–29a, 30a, 31–33). K&D I, 157.

39 The verse 20:1 specifies the topographical framework of an event that will result first in a conflict and then in a settlement between a local ruler and a nomad temporarily residing in his territory (in the Negeb between Kadesh and Shur). It all takes place during Abraham and Sarah's sojourn in Gerar, the seat of Abimelek (no note of his origin; cf. 21:32; 26:1). The absence of the term $\text{בְּרִית} \text{ } b\acute{r}it$ (cf. 21:27, 32; 26:28) and the motif of an oath (to God/YHWH; cf. 21:23, 31; 26:31) does not allow Abimelek's settlement with Abraham in Gerar (20:1–18) to be given the status of a covenant (in the form of a *royal grant* or a treaty of loyalty – *Suzerain-Vassal Treaty*).

40 This theme in the cycle about Abraham appears earlier in 12:9–20 in a similar topographical context: the motif of the patriarch's journey through the lands of the Negeb (cf. 12:9 and 20:1), then belonging to the Philistines. In the tradition about Isaac, this issue returns again (26:6–11) and, as in the cycle about Abraham, provides an indirect introduction to the climate of the peaceful covenant with the Philistine king Abimelek (26:26–33).

Treaty).⁴¹ In 21:22, Abimelek initiates the settlement and demands that Abraham residing in his territory as a sojourner/resident recognise his hereditary authority in and around Gerar (21:23a). By the king's will, this recognition takes the form of a loyalty oath (niph. imperative plus paragogic *he*) made to the patriarch's professed God,⁴² which could suggest a type of covenant: *Suzerain-Vassal Treaty*. According to the ruler, it is God who guarantees the prosperity Abraham enjoys in his land (21:22b). He should also act as a witness to guarantee the reliability and irrevocability of Abraham's oath on which the covenant is based (21:23a). In accordance with religious, cultural and diplomatic standards of the Levant of the 2 millennium BC, the oath made in a bilateral covenant emphasised its fraternal and at the same time binding character. It also contained a warning to anyone violating its conditions (the principle of divine retribution for perjury). For theological reasons, this solemn oath stands at the centre of the first report (stem שבַּע *šb'* in 21:23, 24) and is closely linked to its first element (21:22), which recalls the circumstances of the settlement and specifies its religious basis. By taking an oath of loyalty to the local ruler, Abraham must be aware that if it is broken, God's blessing on Abimelek's land, as well as the king's kindness, will be in question.

The essence of the covenant is expressed in verse 21:23, albeit laconically, unlike in the records of analogous Hittite, Babylonian or Assyrian covenants. The verse focuses on the idea of loyalty which, in the whole of pericope 21:22–34, can be read in the context of reciprocation to the king (עֲשִׂיתִי עִמָּךְ אֶשְׂרֶךְ כַּחֲסֵד אֲשֶׁר-אֲסִיתִי *kaḥsed 'āšer-'āšiti 'immēkā*) of brotherhood and fidelity (*royal grant*), but also of obedience and full availability (*Suzerain-Vassal Treaty*). Indeed, it was expressed in a strong negative form, i.e. using a vow excluding betrayal, revolt, rebellion or insubordination towards the covenant partner.⁴³ In this sense, the stem שקר *šqr* appears in 21:23, meaning “to act deceitfully, swear/accuse falsely, spread false news, lie, slander, betray, fail” (Exod 20:16; 23:7; Lev 5:22; Deut 19:18; 2 Sam 18:13; 1 Kgs 22:22–23; Ps 7:15; 27:12; 31:19; 38:20; Prov 12:19; Isa 59:3; Jer 8:10).⁴⁴

41 The biblical sources are too fragmentary to precisely determine the type of covenant described in them. They only make it possible to note terminological and structural similarities with the legal procedures and their archival records used by the Near Eastern monarchies. The verses 21:22–24, 25–33 can be read both in the light of a *royal grant* type settlement (21:25–33) and a *Suzerain-Vassal Treaty* (21:22–24).

42 Such an oath invoking the name of the professed God is contained in the records of bilateral covenants from the first and second half of the 2 millennium BC, concluded by the rulers of Mari, Kanesh, Assur, Babylon, Assyria and many Hittite kings. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 251–654 (No. 36–80); Kitchen – Lawrence, *Treaty, Law and Covenant*, II, 257–262.

43 Similar themes and terminology appear in the records of covenants concluded by the Hittite rulers: the anonymous king of Hatti and Paddatissu of Kizzuwatna (15 BC, tablet from Bogazköy, Middle Babylonian language), Tudkhalia II of Hatti and Sunassura I of Kizzuwatna (1400/1380 BC, Hittite language), Suppiluliuma of Hatti and Sunassura of Kizzuwatna (1400/1380 BC, Middle Babylonian language) or Arnuwandas I of Hatti and People of Ismirika (14 BC, tablet from Bogazköy, Middle Hittite language). Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 295, 319, 327–331, 349–353 (No. 39, 50, 51, 53).

44 This negative formula of the oath is not only a reflection of the Near Eastern legal terminology, but also fits into the context of Abraham's reprehensible attitude towards Abimelek in 20:1–18 (cf. 26:6–11).

The sojourner/foreigner's commitment to loyalty is reinforced by the Philistine ruler who recalls the kindness previously shown to him (𐤇𐤒𐤍 *hesed* in 21:23b). In his view as well as in accordance with the procedure of entering into bilateral relations valid at the time, it demanded an adequate response from the beneficiary of the royal grant and respect for the social position and rights of the suzerain. In this context, the patriarch's oath is not merely an exclusion of betrayal or rebellion, but it has a thoroughly positive connotation, becoming a commitment to lasting fidelity and loyalty in return for the graciousness already obtained from the king (20:14–16). Abraham declares a practice of 𐤇𐤒𐤍 *hesed* adequate to Abimelek's earlier actions, the beneficiary of which will be the king and his close and distant offspring, as well as the land/its inhabitants where he currently resides as a sojourner/foreigner (21:23). This is the wording of the last two elements of the summary report from 21:22–24, i.e.: the covenant stipulation (21:23) and the oath sanctioning it (21:24).⁴⁵ Thus, the relations with the local ruler, tensioned through Abraham's fault, are finally regulated, which opens the prospects for peaceful coexistence. The patriarch recognises the authority of Abimelek and his family (dynasty)⁴⁶ in the land where he currently resides with his clan and possessions, and thereby declares availability and loyalty. The procedure of the bilateral settlement presented in 21:22–24 corresponds largely to the structure of the Near Eastern covenant records, especially Hittite covenants from the 2 millennium BC. In the scheme presented in the Bible, the only significant difference is in the formula of Abraham's oath. In the Near Eastern texts, this element is given much more attention and, in practice, both counterparties repeat the full formula of the required oath. The absence of a bilateral oath in 21:22–24 is probably due to the specific ideological and theological aims of the editor of the book. Another reason is perhaps the fact that those verses are not a record of the covenant, but only a narrative report of its conclusion.

Furthermore, there is a hypothetical reconstruction of the most primary record of another covenant between Abraham and Abimelek, or another version of it. In the present biblical context, it is an expansion of verses 21:22–24, although, as indicated above, it belongs to a different source. And this record reflects the structure of the Near Eastern agreements:⁴⁷

45 In many Near Eastern records of a bilateral covenant such as *royal grant* or *Suzerain-Vassal Treaty*, the oath is associated with the formula of curse/self-curse, which expressed the will to voluntarily bring misfortune upon the counterparty and oneself in the event of a violation of the agreement.

46 This issue distinguishes many Hittite *royal grants*. An example is the guarantee made by Tudhaliya IV of Hatti to a ruler named Ulmi-Tesub of Tarhuntassa (about 1210 BC): “[The land of Tarhuntassa] which I have given [to] you – that shall your son and grandson retain, (and) none shall take it from them. If any son and grandson of yo[urs] is disloyal (sins), then the King of the Hatti-land shall judge him, and if he is tainted by a(ny) disloyalty, then as he (himself) is inclined shall the King of the Hatti duly deal with him. So if t(he) (man) is (deserving) of execution, then shall one execute him. But his house and land shall not be taken from him, and shall not be assigned to (someone) of another family. Only to a descendant of Ulmi-Tesub shall it be given (§2.8–11).” In Gen 21:23, Abimelek demands such respect and loyalty from Abraham for himself and his descendants, but he does not punish him for breaking his oath, as is the case with the model of *suzerain treaties*. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 633.

47 The text of 21:25–33 would be in line with the model of a *royal grant* type settlement given by a local ruler.

Narrative framework of the second covenant rite in Beersheba (21:25–33)

21:25 וה(ו) כח אברהם (את) אב(י) מלך על־אד(ו) ת באר (ה)מים אשר גזל(ו) עבדי אב(י) מלך

Now, Abraham reproved Abimelek, about the water-well that Abimelek's servants had seized.

21:26 ויאמר אב(י) מלך לא ידעת(י) מ(י) עש(ה) (את) (ה)דבר (ה)ז(ה) וגם את(ה) לא הגדת ל(י) וגם אנכ(י) לא שמעת(י) בל(י) (ה)י(ו)ם

But Abimelek replied: “I don't know who did this thing, and neither did you tell me, nor did I hear (of it), until today.”

21:27 ויקח אברהם צאן ובקר ויתן לאב(י) מלך ויכרת(ו) שני(י)הם בר(י) ת

Then Abraham took sheep and cattle, and gave them to Abimelek, and the two of them made a treaty/covenant.

21:28 ויצב אברהם (את) שבע כבשת (ה) צאן לכדהן

And Abraham put aside seven lambs of the flock.

Testimony/witnesses

21:29 ויאמר אב(י) מלך אל־אברהם מ(ה) הנ(ה) שבע כבשת (ה)אל(ה) אשר הצבת לבדנ(ה)

Then, Abimelek said to Abraham: “What's this (about), these seven lambs that you have put aside?”

21:30a ויאמר כ(י) (את) שבע כבשת תקח מיד(י) בעב(ו)ר תהי(ה) ל(י) לעד(ת)

And he then spoke thus: “These seven lambs you shall receive from my hand, so that this shall be a witness for me

Covenant stipulation

21:30b כ(י) חפרת(י) (את) (ה)באר (ה)זאת

that I have dug this well!”

Editorial gloss

21:31a על כן קרא למק(ו)ם (ה)ה(ו) באר שבע

Thus he called that place «Beer-Sheba»

Oath + possible formula of ritual self-curse

21:31b כ(י) שם נשבע(ו) שני(י)הם

for there the two of them swore (on oath).⁴⁸

21:32 ויכרת(ו) בר(י) ת בבאר שבע [ויקם אב(י) מלך ופ(י) כל שר צבא(ו) וישב(ו) אל־ארץ פלשת(י)ם]

And they made a treaty/covenant at Beersheba. [Then Abimelek and Phicol his troop-commander arose and returned to the Philistine land].⁴⁹

Symbolic religious ceremony closing the covenant

21:33 ויטע אשל בבאר שבע ויקרא שם בשם יהוה אל ע(ו)לם

So he planted a tamarisk at Beersheba, and there called upon the name of YHWH, Eternal God.

48 The whole verse is a late expansion integrated into the covenant record in the form of an etymology of place.

49 The text in [] is an editorial gloss, which was certainly not in the original covenant record.

Compared to 21:22–24, in the description of the bilateral settlement in Beersheba in 21:25–33, the roles and objectives of the (same) partners are reversed. This time it is Abraham who seeks an agreement with Abimelek, who by conscious or unconscious action has provoked the conflict. The negotiation concerns the right of ownership/use of the well. The right, violently denied by the king's anonymous servants (21:25), is sought by the patriarch who is concerned about water for his flocks. The text of 21:25–33, similarly to 21:22–24, is not a literal record of the covenant made according to the standard scheme of ancient historiography (cf. extra-biblical texts), but a narrative report of its conclusion. It describes the course of events more accurately than the source of 21:22–24. It is initiated by an extensive presentation of the event that became the direct cause of the covenant stipulation (introductory frame-narrative: 21:25–28).⁵⁰ The biblical editor reconstructs the course of the dispute, which was resolved by the settlement. The patriarch complains about the king's subjects who forbid him access to the well that he dug (21:25; cf. 21:30b). During the negotiations, the king informs the patriarch, with whom he had previously concluded a general non-aggression agreement (21:22–24), of his ignorance in this regard (21:26). The material grant that Abraham provides to Abimelek from his livestock (21:27) seems to be the turning point in the negotiations. This generous grant (צֶאֱן וַיִּקְרָר *šō'n ubāqār*) referring to the analogous gift of the Philistine king in Gerar (20:14–16) was intended, in the spirit of the negotiating practices of that time, to settle the dispute over the well and, at the same time, to give the patriarch a title to claim Abimelek's favour in the future. The patriarch's gift opened the way to a bilateral covenant (וַיִּקְרְתוּ שְׁנֵיהֶם בְּרִית *wajjikr'tū šnêhem b'rît*) based on the procedure of a *royal grant* obliging the beneficiary to respond adequately. In the biblical source, generosity is symbolised by the seven sheep/lambs given by Abraham (21:28–30a). This is the main reference point in the act of covenant stipulation (21:30b), and at the same time, it constitutes one of the two bases (stem שְׁבַע *šb'*) for the aetiology of its place, Beersheba (cf. 21:31).

Verses 21:28–30 provide further detail and examples of the covenant made at Beersheba, which, in the form of inclusions, is mentioned twice in 21:27b and 21:32a. Abraham offered seven lambs⁵¹ as a gift in the settlement concluded with the king in exchange for the right to the well. If the Philistine ruler accepted the gift, it would be the evidence that Abraham dug the well and has the right to it (21:30). In response to the gift, the local ruler should acknowledge the claim of the resident of his land and award a permanent royal grant (the right to the well), putting an end to forceful attempts to take it over (21:25–26). This

50 The narrative introductions outlining the historical background of the covenant can be seen, for example, in the records of the settlements concluded by the Hittite rulers: Arnuwandas I and the Kaskeans (14 BC, tablet from Bogazköy, Middle Hittite language), Suppiluliuma I and Shattiwaza of Mitanni (14 BC, tablet from Bogazköy, Middle Babylonian language) or Shattiwaza of Mitanni and Suppiluliuma I of Hatti (14 BC, tablet from Bogazköy, Middle Babylonian language). Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 233, 359, 367–371, 389–395 (No. 29, 54, 55A, 56A).

51 Animals were part of the possessions of nomadic and semi-nomadic clans engaged in shepherding in the Near East, but also of the property of royal palaces and temples, hence they were also a subject of negotiation. Kitchen – Lawrence, *Treaty, Law and Covenant*, III, 69.

particular issue of land ownership is at the heart of the covenant at Beersheba and earns the respect of the king. He recognises the validity of Abraham's claim, which thus becomes the subject of a special royal grant. By taking a bilateral oath (21:31b)⁵² and making an official covenant (21:32a; cf. 21:27b) supported by mutual gifts (cattle and sheep, the right to a well), Abraham and Abimelek finally mitigate the second/next dispute that arose between them in Beersheba.⁵³ According to the epilogue of the biblical report (21:33), the settlement is crowned by Abraham's planting of a tree. This, like the gift of the seven sheep (21:29–30), serves as a symbolic testimony (seal) to the concluded settlement and a visible reminder about the validity of the settlement in the future.

The analysis of the content, form, structure and literary context of 21:25–33 demonstrates that the text is not a duplicate of the description/report of 21:22–24. On the contrary, it offers a reference to a different existential and legal situation associated by the editor of the book with the era of Abraham and Abimelek and a different way of documenting it. In this case, it is the attitude of the Philistine king that is inappropriate and triggers a dispute and, consequently, negotiations with the patriarch. Those are finalised only with the conclusion of an official bilateral covenant. Under the agreement at Beersheba (21:25–33) and the earlier agreements with Abimelek (20:15; 21:23–24), Abraham is allowed to reside freely in the Philistine land where he temporarily settled. In both covenants 21:22–24 and 21:25–33, Abimelek is accompanied by Phicol, the commander of his forces (cf. 26:26).⁵⁴ Although neither Phicol nor his forces are active in either covenant, the information about their arrival in 21:22 and departure in 21:32, can be seen as a thematic bracket that closes the pericope into a narrative whole. It can also refer to the negotiating practice of that time, according to which the presence of military officers/forces provided additional arguments in reaching the final settlement. Although the biblical texts do not suggest any influence of Phicol and his forces on the course of the negotiations, and verses 21,25 and 26,27 additionally emphasise the firmness and courage of Abraham and Isaac in confronting Abimelek and his commander,⁵⁵ the friendly attitude of Abra-

52 The text of 21:31b (cf. 21:24) does not communicate the wording of the oath and does not mention the blessings/self-curses associated with it as practised in the Near Eastern records. In contrast to 21:22–24, the religious overtones of the oath (reference to God, cf. 21:23a) are not emphasised. It is said, however, that it was made by both counterparties in order to publicly confirm the status and indissolubility of the settlement concluded by them.

53 V.H. Matthews, "The Wells of Gerar," *BA* 49/2 (1986) 118–126.

54 There is no Phicol or a note about Abimelek's forces in 20:11–18, although this text presents the most serious confrontation between the two counterparties of the covenant. Phicol at the king's side reappears in 26:26 during negotiations with Isaac, which, as in the case of Abraham, take place in the context of the recent incident with the patriarch's wife who claimed to be his sister, and the conflict over wells near Gerar (26:1–24). These discrepancies and similarities must be explained by the complex process of editing these traditions, which were subject to literary and theological elaboration.

55 This motif is particularly evident in Abimelek's words to Isaac in 26:16, 28–29, in which he emphasises the superiority, prosperity and strength of the patriarch interpreted by him as the fruit of YHWH's blessing (cf. 20:3–7, 17–18).

ham and Isaac towards the local ruler manifested by submissiveness and gifts (cf. 21:24, 27–30; 26:30) could to some extent be dictated by the presence of the forces, which is implicitly assumed by the presence of Phicol. Nevertheless, in 21:22–24, 25–33, the patriarch reveals peaceful intentions, although he also had some military force at his disposal (cf. Gen 14:14–17). Indeed, at each stage of the negotiations he attempts to mitigate the dispute (21:23–24) with a generous gift (21:27–29),⁵⁶ a symbolic planting of a tree (וַיִּטֵּעַ אֶשֶׁל *wajjiṭṭa' 'ešel*), a religious celebration in honour of God (וַיִּקְרָא שֵׁם יְהוָה אֵל עֹלָם *wajjiqrā'-šām b'ešēm JHWH 'el 'ōlām*) and perhaps a feast (21:33; cf. 26:30).

3. Structure of Isaac's Covenant with Abimelek (Gen 26:26–31)

The text of Gen 26:26–31 is the third and last biblical record of a bilateral settlement that the patriarch of Israel concludes with the local ruler of Syro-Palestine. And this time it involves Abimelek, the Philistine king of Gerar (cf. 20:1–18; 21:22–34), although it is not clear whether he is the one who negotiated with Abraham or his successor of the same name. His covenant partner is already Isaac, Abraham's son. This is the hypothetical proposal of the original biblical source, which, in the present context of cycles about the patriarchs, is a literary and thematic parallel for 21:22–24, 25–33, although it belongs to a different tradition. And this record is kept in the trend of the Near Eastern covenants,⁵⁷ which can be seen in its structure:

⁵⁶ The beginning of bilateral negotiations with generous gifts to the covenant partner is in line not only with the *modus operandi* of the patriarchs (cf. Jacob's attitude towards the angry Esau in 32:2–24; 33:16), but also with the negotiation strategy of the peoples of the Levant.

⁵⁷ The verses 26:26–31 bear the hallmarks of the *royal grant* and *Suzerain-Vassal Treaty* settlement models present in the Hittite, Babylonian and Assyrian royal archives as illustrated by the record of the covenant made by Suppiluliuma of the Hittites and Niqmad II of Ugarit (mid-14th century BC, the Babylonian language). The epilogue of the description of its stipulation reads as follows: “⁸[Th]us Suppiluliuma, the Great King, King of Hatti, the hero, ⁹has (signed and) sealed these (borderlands)], towns, and mountains to Niqmad, ¹⁰[King] of Ugarit, as well as to his sons, and ¹¹grandsons forever. «Niqmad is thus ¹²foe of my foe, friend of my friend». ¹³Now, towards the Sun-king, the Great King, his master, he has been wholly true, ¹⁴and he has kept the treaty of friendship with Hatti. ¹⁵Thus, the Sun-king, the Great King, has recognized the loyalty of Niqmad.” Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 460–463 (No. 60. §6.8–15). This trend includes a Hittite document from the mid-13th century BC confirming the settlement of the king of the Hittite, Hattusili III, with his vassals from the town of Tiliura in Ugarit. Under this document, the king could freely distribute lands and possessions to loyal partners, officials, military officials and members of the court, but also take them away. He also had the power to raise the socio-economic status of residents or sojourners residing in his territory. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 1052–1054. P. Vargyas, “Stratification sociale à Ugarit,” *Society and Economy in the Eastern Mediterranean (c. 1500–1000 B.C.)* (eds. M. Heltzer – E. Lipiński) (OLA 23; Leuven: Peeters 1988) 111–123. Hittite texts from the New Kingdom period (1400–1200 BC), on the other hand, show that the king, when offering a grant to his vassals, usually imposed taxes on them, and even when he exempted them from taxes in a document, he expected material support or specific actions (military support, cultivation of the entrusted land) in return. Knoppers, “Ancient Near Eastern Royal Grants,” 688–689.

Narrative framework of the covenant rite in Beersheba (26:26–31)

26:26 ואב(י) מלך הלך אל(י)ו מגרר ואחזת מרעה(ו) ופ(י) כל שר צבא(ו)

Now Abimelek went to him [Isaac] from Gerar, with his friend Ahuzzath and troop-commander Phicol.

26:27 ויאמר אלהם יצחק מד(ו) ע באתם אל(י) ואתם שנאתם (את) (י) ותשלח(ו) ב(י) מאתכם

And Isaac said to them: “Why have you come to me, as you hate me, and dismissed me from your presence?”

Oath

26:28 ויאמר(ו) רא(ו) רא(י) ב(י) כ(י) ה(י) ה(י) יהוה עמך ונאמר תה(י) נא אל(ת) ב(י) ב(ו) ת(י) ב(י) ב(י) נ(י) ו ב(י) נ(י) ב(י) ת עמך

Then they said: “We saw clearly that YHWH is with you, so we say/said: Let an oath be between us – between us (people) and you, And let us make a treaty with you.

Covenant stipulation

26:29a אם תעש(ה) עמנו(ו) רע(ת) כאשר לא נגענו(ו)ך וכאשר עש(י)נו(ו) עמך רק ט(ו) ב ונשלחך בשל(ו)ם

That you will do us no evil, just as we have not harmed you, and just as we have done you only good, and have sent you off in peace

Testimony of God

26:29b את(ה) עת(ה) בר(ו)ך יהוה

- you, now, (are) one blessed by YHWH!”

Solemn ceremony/ritual feast closing the covenant

26:30 ויעש להם משת(ת) ויאכל(ו) וישת(ו)

Then he [Isaac] made a feast for them, and they ate and drank (together).

Oath + possible formula of self-curse

26:31 וישכ(י) מ(ו) בבקר וישבע(ו) א(י) ש לאח(י)ו וישלחם יצחק וילכ(ו) מאת(ו) בשל(ו)ם

Then they arose early in the morning, and they swore (on oath), with each other. Then Isaac sent them off, and they left him peacefully.

This biblical report begins with an introduction showing the historical background of the covenant (26:26–27), which is comparable in terms of content, form and volume to the similar introductions in traditions in 21:22–24 and 21:25–33. It presents all participants to the negotiations,⁵⁸ their location, Beersheba (26:23, 33; cf. 21:31, 32, 33; 26:1, 6, 26) as well as the direct and indirect reasons for the peaceful settlement. As in the case of Abraham, the bilateral negotiations follow an earlier conflict that had arisen between Abimelek and Isaac who had come to the king’s land. This time, too, the dispute was triggered by the patriarch claiming his wife, Rebekah, to be his sister (26:7–11; cf. 20:1–18), and exacerbated by the Philistine king allowing the economic persecution of a wealthy neighbour during a famine that broke out in the Gerar region (26:12–22; cf. 26:1). Following these events,

58 In addition to Abimelek, king of Gerar, the text mentions Phicol, troop commander (21:22, 32), and the king’s friend Ahuzzath, who acts as an advisor and intermediary. The presence of two official witnesses/officers on the side of the Philistine king reflects the tense situation that had arisen between him and Isaac, but also emphasises the diplomatic value of the settlement they made, which in time becomes a non-aggression pact.

Isaac was deprived of his right to reside in Gerar (26:16) and forced to settle in the nearby Beersheba. There, with the help of YHWH (26:24), he soon lived a prosperous life and gained independence from the local ruler.⁵⁹ This course of events provoked peaceful negotiations between Abimelek and Isaac, which end in the conclusion of a bilateral covenant (*royal grant* type).

The purpose for the king coming to Isaac in Beersheba is revealed only in the last part of the historical/narrative introduction to the covenant report (26:27). The reason for this conciliatory initiative (26:28–29) is his intention to quell Isaac's anger provoked by the deceitful, jealous and hostile activity of the Philistines filling up the wells built by him and Abraham and expelling him from Gerar and the nearby valley (26:12–22). Abimelek, Ahuzzath and Phicol, afraid of the righteous wrath of YHWH for the harm done to the foreigner/sojourner residing in their land, as well as fearing retaliation by Isaac himself, who is growing in material strength due to God's constant graciousness, wish to persuade the patriarch to reconcile (26:28) by declaring the readiness to take an oath (הָלָאֵה *'ālāh*)⁶⁰ and to conclude a covenant (בְּרִית *b'rît*).⁶¹

According to the standards of royal covenants in this region of the Levant in the 2 millennium BC, the essence of the settlement between Abimelek and Isaac is defined immediately after a presentation of its historical realities, participants and witnesses (26:26–27). Its legal status and social importance are emphasised by the double collateral proposed by one of the parties, in this case by the Philistine king (26:28). It involves a solemn oath (הָלָאֵה *'ālāh*) sanctioning the peaceful nature and indissolubility of the concluded settlement⁶² and the proposal of an official agreement (בְּרִית *b'rît*), which bears the hallmarks of Hittite, Babylonian and Assyrian royal covenants of the *royal grant* and *Suzerain-Vassal Treaty*⁶³ types. The ruler and notable of Gerar (27:28) strive to obtain a guarantee of non-aggression from the patriarch who has an increasing social authority over the area, which they directly associate with the kindness of God YHWH (26:28a, 29b). They also demand requital for the help previously provided to the patriarch (26:28–29a). Their words reflect

59 The symbols of the existential situation of Isaac and his clan in the land of the Philistines are the terms: מִזְבְּעָה *mizbēah*, אֶבֶל *'ōbel*, בְּעָר *b'ēr* in 26:25, which stress his religious, social and economic autonomy, and at the same time provide the context for the covenant with Abimelek described in 26:26–31.

60 This element appears in all types of Near Eastern covenants from the 2 millennium BC. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 69–694 (No. 10–81); Kitchen – Lawrence, *Treaty, Law and Covenant*, II, 256–263.

61 By emphasising Abimelek's strenuous (double) attempt to conclude a peaceful settlement, the biblical editor stresses the wisdom and prudence of Isaac, who by his patient and peaceful attitude towards the Philistines, earned the graciousness of his God (26:24) and their recognition (26:28–29), the ultimate result of which was the covenant at Beersheba.

62 The source 26:28–31 does not suggest a religious nature of the oath (cf. reference to God in 21:23), but such a possibility is suggested by the context of events to which Abimelek refers in 26:28a, 29b. A comparison of 21:22–24, 25–33; 26:26–31 with extra-biblical covenant reports from the 2 millennium BC could imply that the biblical texts deliberately omitted the element of blessings/(self-)curses.

63 Due to the fragmentation of the biblical source and the unclear socio-legal status of Isaac in relation to the local ruler, it is difficult to precisely define the model of the covenant described in 26:26–31.

the procedure and terminology of Near Eastern covenants, although they do not correspond to the historical realities referred to in the introduction to the report on the settlement at Beersheba (26:27) and its preceding context (26:12–22).⁶⁴ The status of the settlement is raised by the invocation by the Philistines of God YHWH, who blesses the patriarch, and in the procedure of the covenant, acts as a witness and addressee of the oath made by both parties (26:28a, 31a).⁶⁵

The epilogue of the biblical report on the covenant informs that Isaac accepts a favourable offer of a peaceful settlement with the local ruler, which is in line with the signs of favour already received by him (26:29). It also becomes the guarantee and basis for a harmonious existence. Henceforth, Isaac and his clan would be allowed to reside within the boundaries of the Philistine land ruled by Abimelek and enjoy the status of foreigner/sojourner giving them socio-economic and religious autonomy.⁶⁶ According to the local custom, both parties finalise the covenant with a ritual feast (26:30),⁶⁷ which probably lasted until the following day and ended with an additional oath combined with a rite of blessings/self-curses attributed to it, closing the negotiations and sealing the peaceful settlement (26:31). Thus, the source of 26:26–31 also reproduces key elements of the covenant ritual known from the archives of the 2 millennium BC: the historical introduction (26:26–27), the (mutual) oath of the counterparties (26:28, 31a) and the covenant stipulation (26:29a), the testimony of God and the people (26:26, 29b), and the festive meal (וַיֵּאָכְלוּ וַיִּשְׂתּוּ *wajjō 'kē lū wajjištū* in 26:30).⁶⁸ In the cycles about Abraham and Isaac, these components are appropriately

64 These words can only be justified by the case of Rebekah, in which Abimelek, under the influence of God's special intervention, treats Isaac with exceptional indulgence and kindness (26:8–11; cf. 20:1–18).

65 The role of God/gods as the witness of the covenant and the addressee of the oath, and thus the avenger of any violation of it, is emphasised by the Near Eastern records of royal settlements, including the Ancient Assyrian agreements of an anonymous ruler Kanesh with the local merchants from the 19th century BC. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 187–195 (No. 15–16).

66 The king and his courtiers twice invoking the patriarch's God – YHWH (26:28b, 29b) meant in practice consent to His worship in the land of the Philistines and was an expression of the monarch's kindness. A. Ross, *Creation and Blessing. A Guide to the Study and Exposition of Genesis* (Grand Rapids, MI: Baker Books 1998) 468.

67 P.A. Kruger, "Symbolic Acts Relating to Old Testament Treaties and Relationships," *Journal for Semitics* 2/2 (1990) 162–163.

68 An example of such a covenant is the *land grant* concluded by king Abba-AN/EI of Aleppo and Yarim-Lim of Alalakh (18/17 BC, Alalakh tablet No.*456, Old Babylonian language): ⁴⁰*Ab-ba-AN a-na Ya-ri-im-li-im ni-iš ilāni* ⁴¹*za-ki-ir ù ki-ša-ad l immerim it-bu-uh* ⁴²*šum-ma ša ad-di-nu-ku-um-mi e-le-eq-qū-[ú]*. ⁴⁰Abba-AN swore to Yarim-Lim the oath of the gods, ⁴¹and cut the neck of a lamb, (saying): ⁴²("May I be cursed) if I take back what I gave you." Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 233 (No. 29. §3.40–42). The document refers to the rebellion of the inhabitants of the town of Irridu ruled by Yarim-Lim, which was quashed by Abba-AN. After the fighting ceased, the two rulers concluded a peaceful settlement and took an oath in the presence of witnesses. As compensation, Yarim-Lim receives Alalakh and Murar from Abba-AN, and during the symbolic rite of killing of a lamb, Abba-AN makes an oath not to take back the granted lands. The gesture of grasping/releasing the hem of the king's robe from his hand, meaning the entry into, or abandonment of, the covenant relationship, had a similar meaning. E. Greenstein, "«To Grasp the Hem» in Ugaritic Literature," *VT* 32/2 (1982) 217–218; Kruger, "Symbolic Acts," 160–161; A. Altman, *The Historical Prologue of the Hittite Vassal Treaties* (Ramat-Gan: Bar-Illan University Press 2004) 568. The archives of Kanesh and Mari offer a similar pattern of the king's covenant with sojourners on his land. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 187–196, 209–223 (No. 15–16, 20–24).

integrated into the context of the narrative, including through an editorial gloss on God's blessing for the patriarch (26:28a).

Conclusions

The comparison of Gen 21:22–24, 25–33, and 26:26–31 with representative Near Eastern covenant records from the 2 millennium BC makes it possible to notice some contextual, structural and thematic similarities. However, it must also be remembered that the sources being compared represent different cultural-religious backgrounds and have different functions within the traditions they establish at a particular moment in history. In contrast to the quoted extra-biblical sources, the texts about the settlements of the patriarchs with the local rulers of Syro-Palestine are short, laconic and do not have the form of a strictly historical/historiographical record. Their purpose is to illustrate one important aspect of the (post)priestly conception of the age of the patriarchs of Israel, in which an attempt is made to emphasise their permanent place and growing authority within the multiethnic monarchical structures of Syro-Palestine given the subsequent acquisition of the lands of Canaan.

In their form and structure, the descriptions of the covenants of Abraham and Isaac with Abimelek resemble some records of the Near Eastern *royal* (land) *grants* and *Suzerain-Vassal*⁶⁹ *Treaty* (loyalty oath). However, there are also significant differences between them.⁷⁰ This fact does not allow the conclusion that they are directly based, in terminologi-

69 Such agreements were practised in the Kassite monarchy in Mesopotamia (1595–1155 BC) and by the kings of the Hittite Second Dynasty of Isin (1155–1025). On their basis, the scope and nature of royal grants were defined, the taxes were abolished or the rules of trade between towns, clans and temple personnel were determined. J.N. Postgate, *Neo-Assyrian Royal Grants and Decrees* (StPohl. Series Maior I; Rome: Pontifical Biblical Institute Press 1969) 2–3; J.A. Brinkman, "Provincial Administration in Babylonia under the Second Dynasty of Isin," *JESHO* 6 (1963) 233–241; B. Porter, "Conquest of Kudurru's? A Note on Peaceful Strategies of Assyrian Government," *Tablet and the Scroll. Near Eastern Studies in Honor of William W. Hallo* (eds. M.E. Cohen – D.C. Snell – D.B. Weisberg) (Bethesda, MD: CDL Press 1993) 194–197. A representative text could be the *royal grant* of Ashurbanipal offered to his vassal named Baltāya: "Bul-ṭa-a-a [...] ¹³ lib-bu-šu gu-um-mu-ru a-na bēli-[šu] ¹⁴ i-na maḥ-ri-ja i-na ki-na-a-ti i-zi[zu-ma] ¹⁵ it-tal-la-ku šal-me-[iš] ¹⁶ [k]i-rib ēkalli-ja i-na šumi dam-ki ir-bu-[u-ma] ¹⁷ iṣ-š]u-ru ma-šar-ti šarrū-ti-ja" Baltāya [...] whose heart is devoted to his master, who stood before me with truthfulness, walked with integrity, grew up in my palace with a good name, and kept the charge of my kingship" (K 211 = J 647, 15, 13–17); quoted after J. Koehler – A. Ungnad, *Assyrische Rechtsurkunden* (Leipzig: Pfeiffer 1913) 15. The texts of 21:22–24, 25–33; 26:26–31 consider the patriarchs to be people of the East, hence the legal procedures applicable within that geographical area should also apply to them. In the settlements between the patriarchs and Abimelek, for example, there is no contrast resulting from the difference of origin, language or faith present in deuteronom(ist)ic or priestly theology which perceived the relations of the Israelites with foreigners against the background of a struggle over land and religious/cultic distinction (monotheism/monolatry). Hence, in 21:22–24, 25–33, 26:26–31 one can even see positive feelings towards the local ruler.

70 They result from the multiculturalism of the Levant and the wide time span of the era in which the institution of the covenant evolved formally and substantively. In the 2nd and 1st millennia BC, the structure of the two covenant models was essentially constant, although one can see some discrepancies between Hittite *vassal treaties* and Assyrian *vassal oaths*. S. Parpola – K. Watanabe, *Neo-Assyrian Treaties and Loyalty Oaths* (SAA 2; Helsinki: Helsinki University Press 1988) XXXV–XLIII; K.A. Kitchen, "Genesis 12–50 in the Near

cal, formal or structural terms, on much more ancient Hittite, Assyrian or Babylonian models. The comparative analysis of these thematically related sources, on the other hand, strengthens the hypothesis that both types of the covenant were conditional, containing implicit commitments to strictly defined actions and attitudes of loyalty from the vassal to the suzerain.⁷¹ The texts about the patriarchs and Abimelek confirm that the Hittite and Assyrian patterns of concluding covenants in this part of the Levant were known in the era from which the oldest (oral/written) versions of the Abraham and Isaac traditions come. At the same time, the texts of Gen 21:22–24, 25–33; 26:26–31 suggest that the formal and substantive side of the covenants concluded at that time was more complicated than Weinfeld and his proponents suggest.⁷² There are many indications that the settlements described in 21:22–24, 25–33 and 26:26–31 refer to the procedure of the royal grant, which, however, was conditional. On the basis of the conducted analyses, it can be assumed that the original versions of the biblical records of the patriarchs' settlement emphasised more strongly that Abimelek, in return for his declared kindness to the patriarchs, demanded from them a lasting (for generations) relationship based on loyalty and respect for the office he held. The editors of the final version of 21:22–24, 25–33; 26:26–31, however, revised those sources so that the records of the settlement with Abimelek do not bear the hallmarks of a unilateral and authoritative royal initiative towards the proto-Israelites (patriarchs), offering them the right of access to land, wells and his kindness in return for recognition of the king's authority, but take the form of a bilateral commitment to peaceful coexistence.⁷³ After all, the verses of 21:31 and 26:26–31 and their immediate context

Eastern World," *He Swore an Oath. Biblical Themes from Genesis 12–50* (eds. R.S. Hess – P.E. Satterthwaite – G.J. Wenham) (Cambridge: Tyndale 1993) 68–74. The Yahwist and post(priestly) narrative about the covenant of the patriarchs with Abimelek lacks the formulas of subordination and dependence typical of the *Suzerain-Vassal Treaty* (loyalty oath). Instead, traces of this Assyrian pattern of loyalty from the 8th/7th century BC can be found in the deuteronom(ist)ic texts expressing the dependence of David (the dynasty) and all Israel on YHWH God (cf. formulas: "to walk before JHWH with wholeness and righteousness," "to love JHWH," or "with all the heart and with all the soul" in Deut 4:29; 6:5; 10:12; 11:11, 13, 22; 13:4; 19:9; 26:16; 30:6; Josh 22:5; 23:14; 1 Sam 7:3; 12:20, 24; 1 Kgs 2:4; 3:6; 8:23, 25; 9:4; 14:8; 15:3). W.L. Moran, "The Ancient Near Eastern Background of the Love of God in Deuteronomy," *CBQ* 25/1 (1963) 82–83.

71 The mutual obligation to cultivate peaceful relations is referred to in the settlement concluded by king Hattusili II of Hatti with Ramesses II of Egypt. This text, written in the Middle Babylonian language, is dated to 1259 BC. Kitchen – Lawrence, *Treaty, Law and Covenant*, I, 610–642. Christiansen – Devecchi, "Die hethitische Vasallenverträge," 71–72.

72 Gen 21:22–33 and 26:26–31, for example, lack the terminology and idea of adoption in the sense of a father-son relationship, which can already be found in the texts of Sumer and Akkad, documents dating from the Late Bronze Age in Anatolia, as well as some traditions of the Davidic monarchy (cf. 2 Sam 7:14–16; Ps 89:21–28). The ideas of allegiance, unconditional terminology and eternity/irrevocability typical of the Near Eastern models of covenant are also not noticed (cf. Gen 17:1–9; 2 Sam 7:13–16). Instead, there is a motif of dynasty (Gen 21:23a), although not in the form of a promise to be kept, as in 2 Sam 7:13, 16; Ps 89:31–38. L. Eslinger, *House of God or House of David. The Rhetoric of 2 Samuel 7* (JSOTSup 164; Sheffield: JSOT Press 1994) 57–63; M. Cassuto Morselli – G. Maestri, "Le alleanze mai revocate. Una prospettiva ebraica," *Parola, Spirito e Vita* 84/2 (2021) 93; A. Botta, "How Long Does an Eternal Covenant Last? עולם in the Light of Aramaic-Egyptian Legal Documents," *BT* 59/3 (2008) 158–161; J.J. Krause, *Die Bedingungen des Bundes. Studien zur konditionalen Struktur alttestamentlicher Bundeskonzeptionen* (FAT 140; Tübingen: Mohr Siebeck 2020) 10–11.

73 Knoppers, "Ancient Near Eastern Royal Grants," 692–693.

speak of the activity of both parties to the covenant,⁷⁴ which is finalised by a mutual oath. That significantly reduces the social disproportions between the Philistine ruler (suzerain status) and patriarchs (vassal status).⁷⁵ The biblical sources also suggest that the settlements between the Philistine king and the patriarchs of Israel are firmly rooted in the recent past and, at the same time, clearly oriented towards the future.⁷⁶ Thus, in their final and universal theological perspective, they encourage the Israelites to open up and create conditions of peaceful coexistence with the ethnic groups of Canaan, but at the same time emphasise that it was their kings (Abimelek) who sought a covenant with the patriarchs and treated them as equal partners. This is, certainly, the result of a rather late ideological and theological elaboration of sources 21:22–24, 25–33, 26:26–31, which aims to strengthen the social and cultural status of the patriarchs in the land of Canaan in the context of its future acquisition by their offspring (cf. Gen 13–14). However, the very fact of the bilateral relations of Abraham and Isaac with Abimelek described in biblical sources is still an open and unresolved issue. In the absence of extra-biblical sources that could confirm the active presence of the patriarchs in Syro-Palestine in the late Bronze Age, the texts of 21:22–24, 21:25–33 and 26:26–31 remain the only valuable testimony of their socio-economic contacts with the culturally and religiously foreign inhabitants of Syro-Palestine. The traditions suggest that one should look a little more broadly at the origins and conventions of the covenant in the Bible and note certain points of contact with civilisation and legislation of the ancient Levant. According to their content, the relations of the Israelites with the authorities and representatives of the indigenous social groups of Canaan go back to the deepest roots of the age of the patriarchs and take the form not only of subordinate covenants governing the most important sectors of their military and socio-economic activity but also of bilateral official agreements of peaceful cooperation based on a solemn and binding mutual oath.

74 Some believe that the guarantee of loyalty and commitment to the covenant was initially declared by only one party (suzerain/partner/vassal) P. Kalluveettil, *Declaration and Covenant. A Comprehensive Review of Covenant Formulae from Old Testament and the Ancient Near East* (Rome: Biblical Institute Press 1982) 34–51. It was only over time that the covenant records began to emphasise the mutual commitment of the parties. M. Weinfeld, "Covenant Terminology," 255. However, many researchers contest this view. Knoppers, "Ancient Near Eastern Royal," 672; K.A. Kitchen, "Egypt, Ugarit, Qatna and Covenant," *UF* 11 (1979) 453–464; H. Tadmor, "Treaty and Oath in the Ancient Near East. A Historian's Approach," *Humanizing America's Iconic Book. Society of Biblical Literature Centennial Addresses 1980* (eds. G.M. Tucker – D.A. Knight) (Chico, CA: Scholar Press 1982) 127–152.

75 Thanks to these ideological and theological elaborations, the patriarchs do not appear as vassals of the local rulers of Syro-Palestine, especially the uncircumcised Philistines (this is how they are referred to in the deuteronomist texts; cf. 1 Sam 14:6; 31:4). In 21:22–24, 25–33; 26:26–31, the patriarchs are presented as equal partners with Abimelek, who justifies his declared kindness by the blessing of God, while at the same time seeking their loyalty and brotherhood.

76 S.J. Foster, "A Prototypical Definition of בְּרִית, 'covenant' in Biblical Hebrew," *OTE* 19/1 (2006) 39–41.

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