

Fundamental Issues in the Study of *Tanakh*  
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**Shiur #6d: *Tanakh* and Archaeology – The Era of the Forefathers (continued)**

Let us now consider the evidence that supports, rather than conflicts, with the depictions of *Sefer Bereishit*. As we will see, there are many findings that do conform to the biblical narratives from the time of the forefathers, and indicate that these narratives were indeed written with a profound familiarity with the period.<sup>[1]</sup>

1. In a previous chapter we undertook a linguistic analysis showing that the language of the Torah is a more ancient form of Hebrew, different in several respects from the language during the period of the monarchy. This conclusion has ramifications pertaining directly to the language of *Sefer Bereishit*, and particularly the names appearing in it. In general, the great majority of the names mentioned in the stories of the forefathers do not appear again in *Tanakh* – at least not until the Second Temple Period, long after even the most revisionist estimations of the authorship of *Sefer Bereishit*. Moreover, these names follow the structure known to us from other cultures dating to the first half of the second millennium B.C.E., the same period identified as the period of the forefathers.<sup>[2]</sup> Another specific example is the fact that during the period of the monarchy, the phenomenon of personal names containing some element of God's Name was quite common (e.g. Yehoram, Yehoshafat, Yehoyakim, Yishayahu, Yirmiyahu, Yoel, etc), whereas in the earlier period it was rare. In fact, the Torah records only two people with names of this sort: Yehuda and Yehoshua. Had the Torah indeed been written during the period of the monarchy, we might reasonably expect to find many names that were more common during that later era, including some that integrated an element of God's name. How could the later authors, as proposed by this approach, have known of the structure and nature of names from the period more than a thousand years earlier?
2. Many social and legal phenomena described in *Sefer Bereishit* conform to what we know today about the laws and practices of various peoples in the ancient Near East – even though the Torah, given at a later time, explicitly forbade some of these practices. The presentation of the forefathers as people who were active within a socio-legal framework that partly contravened the Torah, proves the familiarity of *Sefer Bereishit* with the world within which its characters functioned. It is also testimony to the authenticity and honesty of the biblical account, which makes no pretense of presenting the forefathers as operating in accordance with the laws of the Torah, which came later. Let us examine some examples of this phenomenon.

- a. The relationship between Sarai and Hagar, as described in [Bereishit 16](#), is quite easily understood in light of the laws of the Hammurabi Code.<sup>[3]</sup> These laws state explicitly that

"If a man takes a wife and she give a maidservant to her husband, and that maidservant bears children and afterwards would take rank with her mistress; because she has borne children, her mistress may not sell her for money, but she may reduce her to bondage and count her among the maidservants."<sup>[4]</sup>

Firstly, this shows that the practice of taking a maidservant, in the event that one's first wife did not bear children, was indeed a known phenomenon, although no such practice appears in the Torah later on. Secondly, this law from the Hammurabi Code sheds light on Sarai's attitude towards Hagar:

"And he went in to Hagar, and she conceived; and when she saw that she had conceived, her mistress was despised in her eyes. And Sarai said to Avram: 'My wrath is upon you: I gave my handmaid into your bosom, and when she saw that she had conceived, I was despised in her eyes; may God judge between me and you.' And Avram said to Sarai: 'Behold, your handmaid is in your hand; deal with her as you see fit.' And Sarai dealt harshly with her, and she fled from before her." ([Bereishit 16:4-6](#))

It seems, then, that Sarai was familiar with the prevailing custom at the time, and that this was the basis for her acting towards Hagar as she did.

- b. When Reuven tries to persuade Yaakov to send Binyamin together with his older brothers to Egypt, he offers a most surprising assurance: "You shall slay my two sons if I do not bring him [Binyamin] to you" ([Bereishit 42:37](#)). How does Reuven arrive at this very strange idea, which contravenes the position of the Torah – "Fathers shall not be slain for their sons, nor shall sons be slain for their fathers; a man shall be slain for his own sin" ([Devarim 24:16](#))? It turns out that the Hammurabi Code contains many expressions of the idea that someone who indirectly causes the death of another person's son, is punished by having his own son put to death. For instance:

"If a builder builds a house for a man and does not make its construction firm, and the house which he has built collapse and cause... the death of a son of the owner of the house, they shall put to death a son of that builder." (Sections 229-230)<sup>[5]</sup>

The Torah objects to this idea, but the very fact that Reuven expresses it arises from the prevalent practice at the time.

- c. Avraham expresses his anguish before God at his lack of a son who can inherit from him:

"What will You give me, seeing that I go childless, and the steward of my house is Eliezer of Damascus... Behold, to me You have given no seed, and now one who is born in my house is to be my heir" ([Bereishit 15:2-3](#)).

The Torah offers no basis for the idea that the steward of the house inherits. However, the laws of Nuzi and of Babylon do include several such instances.<sup>[6]</sup>

3. In terms of the geographical reality, too, the descriptions in the stories of the forefathers accord well with archeological findings.<sup>[7]</sup> These findings indicate that the Middle Bronze Age had its own special characteristics, including, first and foremost, the existence of fortified settlements as well as rural villages, around which nomads wandered. These nomads maintained relations with the inhabitants of the villages, and their graves are located at a slight distance from them. Moreover, diverse groups, including the Emorites and the Hurrians, made their way from the north to the Judean mountains. During later eras, such as during the period of the settlement of *Eretz Yisrael*, nomadic groups no longer resided in the land. These findings sit well with the biblical narratives, according to which the forefathers, who were nomads, maintained contacts with the inhabitants of the towns (e.g. the story of Shekhem, in [Bereishit 34](#)), and people of different ethnic origins dwelled in the land, including Canaanites and Perizzites ([Bereishit 13:7](#)), Emorites (ibid. 14:13), Hittites (ibid. 23:3), and Hivvites (ibid. 34:2; 36:2).

These points and others lend support to the reliability of the biblical descriptions of the period of the forefathers. To these we must add Rav Yoel Bin Nun's important comment:

"The argument often offered by scholars, and hinted at by N. Na'aman,<sup>[8]</sup> according to which all of these data could also have been known to a later author, from the First Temple Period (or even writers of a later period), is unfounded and unscientific. No one, during the period of the monarchy, engaged in historical research of the sort that is undertaken by modern scholars, and no author at that time could have written a book so brimming with details, customs and names that had been common and well-known a thousand years previously."<sup>[9]</sup>

The scope of our present discussion does not allow for further elaboration on proofs one way or the other concerning the authenticity of the narratives in *Sefer Bereishit*. We have presented a few examples representative of this discussion, and they offer a basis for an understanding of the nature and limitations of this controversy.

(To be continued)

## Appendix Chazal's Understanding of the Forefathers' Observance of Mitzvot

In apparent contrast to the argument we made above, *Chazal* interpret the verse, "Because Avraham obeyed Me and observed My custody, My commandments, My statutes, and My teachings" ([Bereishit 26:5](#)) as teaching "that Avraham observed the entire Torah, even before it was given" (Mishna [Kiddushin 4:14](#)). However, Ramban, in his commentary on *Bereishit*, questions this:

"If this is so, how could Yaakov establish a monument (*matzeva*) ([Bereishit 28:18](#)), or marry two sisters... and Amram married his aunt ([Shemot 6:20](#)), and Moshe established twelve monuments (ibid. 24:4)? And how is it possible that they permitted themselves that which Avraham had forbidden for himself – an act for which God had rewarded him?"

Ramban offers several possible explanations, and the assumption common to most of them is that *Chazal's* teaching here should not be understood literally.

1. The first possibility Ramban suggests is that perhaps the reference is only to observance of Shabbat. *Chazal* do teach that Yaakov "observed Shabbat and established set boundaries," and observance of Shabbat is considered as important as the entire Torah.
2. A second possibility is that *Chazal* refer here only to the Noachide commandments, in all their details.
3. The observance of the commandments prior to the giving of the Torah may have been practiced only in Eretz Yisrael: both Yaakov and Amram married outside of Eretz Yisrael.
4. According to the plain meaning of the text, the verse is not talking about observance of the entire Torah, but rather of the specific commands given to Avraham, such as going to Eretz Kena'an and the binding of Yitzchak, the performance of righteousness and justice, and the commandment of circumcision. This last option is adopted by Rashbam in his commentary on the same verse.

Indeed, there is a certain irony in the fact that the very testimony that the forefathers did not observe the entire Torah – on the contrary, in certain instances they acted in accordance with the accepted norm at their time, and in contravention of the laws of the Torah that were given at a later time – actually strengthens the claim as to the ancient dating of the Torah. Had the Torah depicted the forefathers as acting in accordance with the laws of the Torah, it would be easy to claim that such descriptions were anachronistic, and influenced by trends and beliefs prevalent during the period of the monarchy.

<sup>[1]</sup> Our discussion here is based mainly on the following sources: S. Yevin, "*Iyyunim bi-Tekufat ha-Avot*," *Beit Mikra* 7, 4 (16), 5727, 13-47; Y.M. Grintz, pp. 30-38; Bin-Nun, pp. 45-64. These articles cite dozens of other examples of the phenomena which they discuss; we will address only a few examples. In addition, in a future chapter we shall discuss at length the relationship between the story of the Flood and parallel narratives in the Mesopotamian culture, and especially in the Epic of Gilgamesh. The great similarity between the descriptions – not only in general content, but even in the more specific details – offers further proof of the ancient authorship of the biblical account.

<sup>[2]</sup> See Yevin, pp. 15-17. A. Mazar, "*Ha-Zika bein ha-Arkheologia le-Cheker ha-Historia*," in: *Ha-Pulmus al ha-Emet ha-Historit ba-Mikra*, p. 105, notes that "it is unthinkable that there appeared *ex nihilo* from the seventh century [B.C.E.] onwards ... the 'Emorite' names characteristic of the second millennium B.C.E., in the narratives of *Sefer Bereishit*."

<sup>[3]</sup> The Hammurabi Code is the most extensive legal codex discovered among the legal systems of the ancient Near East. A stele discovered at the beginning of the 20<sup>th</sup> century displays 282 laws, enacted at the command of the Babylonian king Hammurabi, who lived during the 18<sup>th</sup> century B.C.E. We will discuss the relationship between the laws of the Torah and the Hammurabi Code in a later chapter; for the time being, we refer to the Code as evidence that *Sefer Bereishit* demonstrates familiarity with the world reflected in such findings.

<sup>[4]</sup> The Code of Hammurabi, King of Babylon", section 146. Translated by Robert Francis Harper, Ph.D. [http://upload.wikimedia.org/wikipedia/en/4/4e/The\\_code\\_of\\_Hammurabi.pdf](http://upload.wikimedia.org/wikipedia/en/4/4e/The_code_of_Hammurabi.pdf)

<sup>[5]</sup> Ibid. For additional examples, see sections 116; 209-210. Grintz, pp. 58-59.

<sup>[6]</sup> See Grintz, p. 58.

<sup>[7]</sup> For a discussion on this topic see Y. Meitlis, pp. 117-118.

<sup>[8]</sup> N. Na'aman, p. 287: "These undated elements may belong to ancient periods, but by the same token might also belong to much later periods."

<sup>[9]</sup> Rabbi Y. Bin-Nun, p. 54. See footnote 1.