

Among the Semites a man paid a price for his bride, Heb. *nôhar*, who thus was his property and he alone had the right of divorce. There were exceptions. Among the Babylonians sometimes no *nôhar* was paid, and the wife for special reasons could divorce her husband (Johns, *op. cit.* 142 f.); among the later Jews the wife might divorce if the husband was a leper, or on similar grounds (*Mishna*, 'Ketuboth', vii. 10); and an Arab husband frequently divorced his wife on her own importunity (cp. the case cited in *Ar. Des.* t. 232) or under pressure from her relatives, who returned the *nôhar*. But the payment of the *nôhar* and the husband's sole right to divorce were the general rule. Semitic lawgivers accept the latter as an existing institution and regulate it, usually in the wife's interest. By Hammurabi the divorced concubine has her dowry returned with maintenance for her children (§ 137). A wife may be divorced for barrenness but takes the *nôhar* and her marriage portion, or, if there is no *nôhar*, a sum according to her husband's rank (138-140). An evil wife may be divorced without compensation, or remain a slave in her husband's house while he marries another (141). Disease is not sufficient ground for divorce; the husband may take a second wife but must either maintain the first in his own house or, if she will, send her to her father's with her marriage portion (148f.). And we have already seen (on xxii. 22) that re-marriage was regulated in case of the man's desertion. Among the ancient Arabs divorce was allowed and the divorced couple could re-marry, but this the Koran regulates by forbidding re-marriage till the wife has first married another and been divorced by him—the opposite of D's law but apparently with the same intention of making divorce a more serious and difficult affair than it was popularly conceived to be. Among the Arabs of to-day a woman is lightly passed to another husband, Doughty, *Ar. Des.* i. 237, 465, etc., etc.; Jennings-Bramley, *PEFQ*, 1905, 137, 213 ff.: "I do not remember having met a man who had not divorced several wives." He states this facility of divorce as one reason for the absence of intrigues among them, cp. 218. If a wife for good cause run to her relatives, her father returns the *nôhar*, 1907, 25. Arabs E. of the Dead Sea permit a divorced couple to re-marry without requiring the wife to be meantime married and divorced by another man, if a victim is first sacrificed (Janssen, *Nev. Bib.* 1906, January).

Similarly in Israel. No O.T. oracle or law institutes divorce. But the husband's right of divorce is accepted or permitted—cp. our Lord's teaching, Matt. xix. 8—and is put under regulations of which those in D are in the interest of the wife and either punish the husband for his evil behaviour to her by withdrawing the right to divorce, xxii. 19, 29, or ensure deliberation on the husband's part before he completes the act, by subjecting it to the condition of a good reason and of legal procedure, yet without lessening his responsibility, xxiv. 1 ff. The other codes have nothing similar in temper to this. H forbids a priest to marry a divorcee and allows the divorced daughter of a priest to return to her father's house, Lev. xxi. 7, 14, xxii. 13; P prescribes that the vow of a divorcee shall stand, Num. xxx. 9 (10). The second marriage of a divorcee is nowhere sanctioned, not even in xxiv. 2, where (as the Heb. syntax makes plain) it is merely a fact in the case legislated for. But this shows that the practice was usual just as among the Arabs, and in the earlier history there is an instance of the re-marriage of a divorced couple—David and Michal—after her marriage to another man (1 Sam. xviii. 27, xxv. 44, 2 Sam. iii. 14 ff.)¹. Steuenagel thinks that, as among the Arabs under the Koran, so in Israel the marriage of a divorced wife to another man and her divorce from him had been regarded as the necessary condition of her re-marriage.

¹ No legal divorce is mentioned in this case. And there was none in the case of Hosea (i.—iii.) which on other grounds is of too special a nature to be relevant here.

24 When a man taketh a wife, and marieth her, then it shall be, if she find no favour in his eyes, because he hath found some unseemly thing in her, that he shall write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife. And if the latter husband hate her, and write her a bill of divorcement, and

to her former husband, and that D's law means that *even* if she has meantime been married to another, the former husband must not take her back. But for the existence of such a condition in Israelite practice there is no evidence. We must be satisfied with this—that D's law tends to make divorce a much more serious affair than it was usually conceived to be in Israel, and so to check the too-frequent practice of it by diminishing the possibilities of re-marriage which tempted men to divorce their wives with a light heart. D would forbid that easy passage of a woman between one man and another, which seems to have often happened in Israel, and which meant the degradation or defilement of the woman herself. If such be the motive of the law it is in harmony with D's other measures for the elevation of woman, v. 21, etc.

When a man taketh a wife] xxii. 13, then it shall be...that he shall write her, etc.] Rather, and it come to pass...that he write her, etc. The apodosis does not commence here but in v. 4.

some unseemly thing] As in xxiii. 14 (15), the nakedness of a thing, something indecent or repulsive, LXX ἀσχημον παράγμα. The expression is so indefinite that it gave rise to controversy in the Rabbinic schools; that of Shammai understanding by it *unchastity*, that of Hillel any physical blemish or other, even the most trivial, cause of dislike. It cannot be adultery for this was punished by death. The words suggest some immodest exposure or failure in proper womanly reserve. bill of divorcement] Lit. of separation. Bill, Heb. *sepher*, used of any missive (e.g. 2 Sam. xi. 14 f.) or legal deed (Jer. xxxii. 11), as well as book, LXX βιβλίον. Something in legal form, and possibly procurable only from some public authority. Yet, notice, there is no mention of elders here as in the procedure in xxii. 13-21. The later Jews called such a document *get*, and the procedure in connection with it is prescribed in the *Mishna*, 'Gittin.'

and give it...her...and send her...] Two further formal steps of personal service of the deed, and the husband's own solemn dismissal. So his responsibility in the matter is not weakened.

2. And she depart...out of his house, and go and become another man's] Still part of the protasis of the sentence, stating the facts of the case.

3. Still the protasis; delete *if* and *if*.

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origin (e.g., Schmidt 1970:126-31; Veijola 1975:59-60; contrast Mettinger 1976:44), looking ahead to Yahweh's promise to David in II Sam 7:5-17, and comparable, then, to other passages in the story of David's rise that we have taken to be Deuteronomistic expansion (especially I Sam 25:28b-31; cf. below the NOTES at 3:18 and 5:1-2 and the Introduction, pp. 4-8).

9. *May God... again.* Hebrew *kôh ya 'ăšeh li hâ'elôhîm wêkôh yôsîp* (see the Textual Note), a standard oath formula (I Sam 3:17; etc.), here followed by *kî*, as in I Sam 14:44; 28:13; etc. (cf. Driver and GK? §149d). See I Samuel, the NOTES on 3:17 and 14:44.

10. from Dan to Beersheba. A conventional way of describing the full extent of the united kingdom of Israel. Dan (Tell el-Qâdi on the southern slope of the Hermon) and Beersheba (Tell es-Seba'), ca. twenty-three miles southwest of Hebron) lay at the traditional northern and southern extremes of the land.

12. all Israel. That is, the territories ruled by Ishbaal, as listed in 2.9. See the NOTE there on "Israel in its entirety" and Flanagan 1975:107-8.

13. You won't see me. Hebrew *lô'tir'eh 'et-pânay*, lit. "You will not see my face." Those who were privileged to "see the face" of a king on a regular basis were the members of his inner circle of personal advisers (cf. II Kings 25:19 = Jer 52:25; Esth 1:14). It was a sign of favor and privilege to be granted an interview with a king or other person of high rank, and expressed exclusion from "seeing the face" of the king was, conversely, a form of disgrace (cf. David's treatment of Abishalom in 14:24ff.). See also the following NOTE.

Michal daughter of Saul. The story of David's marriage to Michal was told in I Sam 18:20-27. After David's estrangement from Saul and flight—with Michal's help (I Sam 19:11-17)—from the Israelite court, Saul remarried his daughter "to Palti, the son of Laish, who was from Gallim" (I Sam 25:44). We may suspect with Caird and most other commentators that "the request for the return of Michal was a political move to reinforce the claims of David to the kingship," but our narrator, according to whom any such ambition was alien to David's personality (see the COMMENT), puts forward a different reason. David requires Abiner to arrange the return as proof of his good faith. Only on this condition will he grant the Benjaminite general the privilege of an interview. Compare Gen 43:3,5, where Joseph requires his brothers to bring Benjamin as a sign of their truthfulness. "You won't see me," says Joseph in language identical to that of David in the present passage, "unless your brother is with you."

14-16. It is surprising to find Ishbaal involved in these proceedings, especially in view of the fact that the negotiations between David and Abiner are aimed at his elimination. Accordingly, Noth (1960:184 n. 1) followed earlier critics in challenging the integrity of these verses. The claim that Michal became David's wife during Saul's lifetime was, in Noth's opinion, made only late in the development of the tradition, and the relevant portions of I Samuel 18-19 reflect this later tradition. In the present passage, then, v. 14 would seem to be secondary—an adjustment of the older story, in which Michal became David's wife here for the first time—to the tradition in I Samuel 18-19, and v. 15 would have to be corrected to read "Abiner" instead of "Ishbaal" (as the subject of the verb. But Grønbaek (1971:237-38), while sharing Noth's doubt of the historicity of an early marriage between David and Michal, has emphasized an essential element of the passage not taken into account by Noth. The involvement of Ishbaal, son of Saul and brother of Michal, serves the author's apologetic purpose of giving further legitima-

tion to David's union with Michal, which might otherwise seem to have been illicitly arranged. These verses, in other words, contribute directly to what we have taken to be the major purpose of the larger composition. They are best regarded, therefore, as a necessary part of the narrative, not a product of revision of the sort imagined by Noth or, indeed, a scrap of "an alternative account" (Ackroyd). We are told that Ishbaal cooperated in the return of Michal, which might otherwise have been condemned as a consequence of the treachery of a treasonous member of Ishbaal's court but which, instead, by virtue of the king's own involvement, had the character of an officially sanctioned act of state.

But if we assume that the story of David and Michal, with all its components, belongs to the oldest version of this story and is likely, therefore, to correspond somehow to historical reality, we are obliged to offer an explanation of the rather strange behavior of the principals in the present episode. On what basis does David make the demand for the return of Michal? Why does Ishbaal cooperate at the cost of giving credibility to David's right to the northern throne? How can our narrator, whose purpose is to present David's behavior in the best possible light, expect his audience to overlook an apparent violation of marriage law (e.g., Deut 24:1-4)? None of this makes sense unless we assume there are special legalities involved to which all parties are acting responsibly. In a recent study (1979) Ben-Barak, on the basis of Mesopotamian materials drawn from a variety of periods, has shown that such legalities existed, at least in Mesopotamia, and may have been applicable in the present case. Biblical prohibitions against remarrying one's former wife after she has become a second man's wife apply specifically to cases where the first husband has divorced the woman willingly (Deut 24:1; cf. Jer 3:1), but no stipulation is made about cases in which the first husband is forcibly removed from his wife. The Mesopotamian laws cited by Ben-Barak apply specifically to cases of the latter kind. If a husband is forced to leave the country and give up his wife, she becomes legally a widow after a certain period of time and may remarry. If, however, the first husband subsequently returns, he may reclaim her and she must return to him. Ben-Barak concludes plausibly that David's claims are made on some such basis as this and that Ishbaal, whatever he might have preferred to do, was not in a strong enough position to flout an established legal practice. Certainly it seems to be the case that David, by citing the "bride-price" he paid for Michal (see the following NOTE), means to state a legal basis for his demand.

14. whom I betrothed for a hundred Philistine foreskins. An allusion to the story in I Sam 18:20-27. Saul himself had set this unusual *nôhar* or "bride-price" (on which see I Samuel, the NOTE at 18:22b-25) in the hope and expectation that David would lose his life trying to acquire it (v. 25). But Saul's scheme backfired (as usual), and David, with Yahweh's help (cf. v. 28), met the requirement and won a royal bride (v. 27).

15. Paltiel son of Laish. Cf. I Sam 25:44, where Michal's second husband is called by a shorter form of his name, "Palti." His home is said there to be Gallim, a Benjaminite town north of Jerusalem (cf. Isa 10:30).

16. Bahurim. Cf. the Textual Note. The modern site is Râs et-Tmîm, just east of Mount Scopus, Jerusalem; see Maps 3 and 7. Ancient Bahurim was a Benjaminite village, the home of Shimei, David's accuser in later life (16:5; 19:17; II Kings 2:8), and Azmaveth, one of David's heroes (cf. 23:31 and the Textual Note there on "the

