Rebecca and Hagar:
Two Biblical Women through the Lens of Ancient Law
Miryam Brand

Rebecca and Choice: Genesis 24

…Then Laban and Bethuel answered, "The matter was decreed by the LORD; we cannot speak to you bad or good. Here is Rebekah before you; take her and go, and let her be a wife to your master's son, as the LORD has spoken." … Then he and the entourage under him ate and drank, and they spent the night. When they arose next morning, he said, "Give me leave to go to my master." But her brother and her mother said, "Let the maiden remain with us some ten days; then you may go."

He said to them, "Do not delay me, now that the LORD has made my errand successful. Give me leave that I may go to my master." And they said, "Let us call the girl and ask for her reply."

They called Rebekah and said to her, "Will you go with this man?" And she said, "I will."

So they sent off their sister Rebekah and her nurse along with Abraham's servant and his entourage.

And they blessed Rebekah and said to her, "O sister! May you grow into thousands of myriads; May your descendants seize The gates of their foes." Then Rebekah and her maids arose, mounted the camels, and followed the man. So the servant took Rebekah and went his way.

Isaac had just come back from the vicinity of Beer-lahai-roi, for he was settled in the region of the Negeb. And Isaac went out to meditate in the field toward evening and, looking up, he saw camels approaching. Raising her eyes, Rebekah saw Isaac. She alighted from the camel and said to the servant, "Who is that man walking in the field toward us?" And the servant said, "That is my master." So she took her veil and covered herself.

The Veil - Middle Assyrian Laws (12th century BCE)

41: If a seignior wishes to veil his concubine, he shall have five (or) six of his neighbors present (and) veil her in their presence (and) say, "She is my wife," (and so) she becomes his wife. A concubine who was not veiled in the presence of the men, whose husband did not say, "She is my wife," is not a wife; she is still a concubine. If a seignior died (and) his veiled wife has no sons, the sons by concubines become (legitimate) sons; they shall receive a share (of the estate).

(Note: in this collection of laws, all "legitimate" women are veiled, including single ones – concubines and prostitutes are not.)

Hagar – What did Sarai Expect?

The Set-Up and the Prophecy: Genesis 16

וְשָׂרַי אֵשֶׁת אַבְרָם לֹא יָלְדָה לוֹ וְלָהּ שִׁפְחָה מִצְרִית וּשְׁמָהּ הָגָר: וַתֹּאמֶר שָׂרַי אֶל־אַבְרָם הִנֵּה־נָא עֲצָרַנִי יְהוָה מִלֶּדֶת בֹּא־נָא אֶל־שִׁפְחָתִי אוּלַי אִבָּנֶה מִמֶּנָּה וַיִּשְׁמַע אַבְרָם לְקוֹל שָׂרָי: וַתִּקַּח שָׂרַי אֵשֶׁת־אַבְרָם אֶת־הָגָר הַמִּצְרִית שִׁפְחָתָהּ מִקֵּץ עֶשֶׂר שָׁנִים לְשֶׁבֶת אַבְרָם בְּאֶרֶץ כְּנָעַן וַתִּתֵּן אֹתָהּ לְאַבְרָם אִישָׁהּ לוֹ לְאִשָּׁה: וַיָּבֹא אֶל־הָגָר וַתַּהַר וַתֵּרֶא כִּי הָרָתָה וַתֵּקַל גְּבִרְתָּהּ בְּעֵינֶיהָ:

וַתֹּאמֶר שָׂרַי אֶל־אַבְרָם חֲמָסִי עָלֶיךָ אָנֹכִי נָתַתִּי שִׁפְחָתִי בְּחֵיקֶךָ וַתֵּרֶא כִּי הָרָתָה וָאֵקַל בְּעֵינֶיהָ יִשְׁפֹּט יְהוָה בֵּינִי וּבֵינֶיךָ: וַיֹּאמֶר אַבְרָם אֶל־שָׂרַי הִנֵּה שִׁפְחָתֵךְ בְּיָדֵךְ עֲשִׂי־לָהּ הַטּוֹב בְּעֵינָיִךְ וַתְּעַנֶּהָ שָׂרַי וַתִּבְרַח מִפָּנֶיהָ:

וַיִּמְצָאָהּ מַלְאַךְ יְהוָה עַל־עֵין הַמַּיִם בַּמִּדְבָּר עַל־הָעַיִן בְּדֶרֶךְ שׁוּר: וַיֹּאמַר הָגָר שִׁפְחַת שָׂרַי אֵי־מִזֶּה בָאת וְאָנָה תֵלֵכִי וַתֹּאמֶר מִפְּנֵי שָׂרַי גְּבִרְתִּי אָנֹכִי בֹּרַחַת:

וַיֹּאמֶר לָהּ מַלְאַךְ יְהוָה שׁוּבִי אֶל־גְּבִרְתֵּךְ וְהִתְעַנִּי תַּחַת יָדֶיהָ: וַיֹּאמֶר לָהּ מַלְאַךְ יְהוָה הַרְבָּה אַרְבֶּה אֶת־זַרְעֵךְ וְלֹא יִסָּפֵר מֵרֹב: וַיֹּאמֶר לָהּ מַלְאַךְ יְהוָה הִנָּךְ הָרָה וְיֹלַדְתְּ בֵּן וְקָרָאת שְׁמוֹ יִשְׁמָעֵאל כִּי־שָׁמַע יְהוָה אֶל־עָנְיֵךְ:...וַתִּקְרָא שֵׁם־יְהוָה הַדֹּבֵר אֵלֶיהָ אַתָּה אֵל רֳאִי כִּי אָמְרָה הֲגַם הֲלֹם רָאִיתִי אַחֲרֵי רֹאִי: עַל־כֵּן קָרָא לַבְּאֵר בְּאֵר לַחַי רֹאִי הִנֵּה בֵין־קָדֵשׁ וּבֵין בָּרֶד: וַתֵּלֶד הָגָר לְאַבְרָם בֵּן וַיִּקְרָא אַבְרָם שֶׁם־בְּנוֹ אֲשֶׁר־יָלְדָה הָגָר יִשְׁמָעֵאל:

So Sarai, Abram's wife, took her maid, Hagar the Egyptian—after Abram had dwelt in the land of Canaan ten years—and gave her to her husband Abram as concubine. He cohabited with Hagar and she conceived; and when she saw that she had conceived, her mistress was lowered in her esteem.

And Sarai said to Abram, "The wrong done me is your fault! I myself put my maid in your bosom; now that she sees that she is pregnant, I am lowered in her esteem. The LORD should decide between you and me!" Abram said to Sarai, "Your maid is in your hands. Deal with her as you think right." Then Sarai treated her harshly, and she ran away from her.

A messenger of the LORD found her by a spring of water in the wilderness, the spring on the road to Shur, and said, "Hagar, slave of Sarai, where have you come from, and where are you going?" And she said, "I am running away from my mistress Sarai."

And the messenger of the LORD said to her, "Go back to your mistress, and submit to her harsh treatment." And the messenger of the LORD said to her, "I will greatly increase your offspring, And they shall be too many to count."

The messenger of the LORD said to her further, "Behold, you are pregnant and shall bear a son; You shall call him Ishmael, for the LORD has paid heed to your suffering…

And she called the LORD (i.e. the messenger of the LORD) who spoke to her, "You Are El-roi," ("God of Seeing." by which she meant, "Have I not gone on seeing after my being seen!" Therefore the well was called Beer-lahai-roi. It is between Kadesh and Bered.

Hagar bore a son to Abram, and Abram gave the son that Hagar bore him the name Ishmael.

Nuzi tablets

The tablet of adoption belonging to [Zike], the son of Akkuya: he gave his son Shennima in adoption to Shuriha-ilu, and Shuriha-ilu, with reference to Shennima, (from) all the lands . . . (and) his earnings of every sort gave to Shennima one (portion) of his property.

If Shuriha-ilu should have a son of his own, as the principal (son) he shall take a double share; Shennima shall then be next in order (and) take his proper share. As long as Shuriha-ilu is alive, Shennima shall revere him. When Shuriha-ilu [dies], Shennima shall become the heir. Furthermore, Kelim-ninu has been given in marriage to Shennima. If Kelim-ninu bears (children), Shennima shall not take another wife; but

if Kelim-ninu does not bear, Kelim-ninu shall acquire a woman of the land of Lullu as wife for Shennima, and Kefim-ninu may not send the offspring away. Any sons that may be born to Shennima from the womb of Kelim-ninu, to (these) sons shall be given [all] the lands (and) buildings of every sort. [However], if she does not bear a son, [then] the daughter of Kelimninu from the lands (and) buildings shall take one (portion) of the property. Furthermore, Shuriha-ilu shall not adopt another son in addition to Shennima. Whoever among them defaults shall compensate with 1 mina of silver (and) 1 mina of gold.

Code of Hammurabi (c. 1755–1750 BCE)

146: When a seignior married a hierodule and she gave a female slave to her husband and she has then borne children, if later that female slave has claimed equality with her mistress because she bore children, her mistress may not sell her; she may mark her with the slave-mark and count her among the slaves.

I47: If she did not bear children, her mistress may sell her.

Nimrud (Neo-Assyrian period; c. 648 BCE)

Amat-Ashtarti, the woman over the new palace at Calah, gives her daughter Subietu to Mili-ramu, the son of Abdi-Asuzi…(dowry information).

If Subietu does not bear sons he shall take a handmaid. She (the wife) shall deposit her shares and her (…). Sons shall she (the handmaid) bring into being as her sons. She (the wife) shall not curse, strike, nor be furious and treat her (the handmaid) improperly. Subietu with Milki-ramu shall not be at enmity. If Milki-ramu is at enmity with her and he divorces her, then he is to give (the dowry back).

Biblical Parallel: Bilhah (and Zilpah)

Genesis 30:3-8

וַתֹּאמֶר הִנֵּה אֲמָתִי בִלְהָה בֹּא אֵלֶיהָ וְתֵלֵד עַל־בִּרְכַּי וְאִבָּנֶה גַם־אָנֹכִי מִמֶּנָּה: וַתִּתֶּן־לוֹ אֶת־בִּלְהָה שִׁפְחָתָהּ לְאִשָּׁה
וַיָּבֹא אֵלֶיהָ יַעֲקֹב: וַתַּהַר בִּלְהָה וַתֵּלֶד לְיַעֲקֹב בֵּן: וַתֹּאמֶר רָחֵל דָּנַנִּי אֱלֹהִים וְגַם שָׁמַע בְּקֹלִי וַיִּתֶּן־לִי בֵּן עַל־כֵּן קָרְאָה
שְׁמוֹ דָּן: וַתַּהַר עוֹד וַתֵּלֶד בִּלְהָה שִׁפְחַת רָחֵל בֵּן שֵׁנִי לְיַעֲקֹב: וַתֹּאמֶר רָחֵל נַפְתּוּלֵי אֱלֹהִים נִפְתַּלְתִּי עִם־אֲחֹתִי גַּם־
יָכֹלְתִּי וַתִּקְרָא שְׁמוֹ נַפְתָּלִי:

She (Rachel) said, "Here is my maid Bilhah. Consort with her, that she may bear on my knees and that through her I too may have children." So she gave him her maid Bilhah as concubine, and Jacob cohabited with her. Bilhah conceived and bore Jacob a son.

And Rachel said, "God has vindicated me; (Heb. *dananni*, connected with "Dan") indeed, [God] has heeded my plea and given me a son." Therefore she named him Dan.

Rachel's maid Bilhah conceived again and bore Jacob a second son. And Rachel said, "A fateful contest I waged (Heb. *naphtule … naphtalti*, connected with "Naphtali") with my sister; yes, and I have prevailed." So she named him Naphtali.

Ishmael -- Inheriting with Isaac

Genesis 21:9-10

וַתֵּרֶא שָׂרָה אֶת־בֶּן־הָגָר הַמִּצְרִית אֲשֶׁר־יָלְדָה לְאַבְרָהָם מְצַחֵק: וַתֹּאמֶר לְאַבְרָהָם גָּרֵשׁ הָאָמָה הַזֹּאת וְאֶת־בְּנָהּ כִּי
לֹא יִירַשׁ בֶּן־הָאָמָה הַזֹּאת עִם־בְּנִי עִם־יִצְחָק:

Sarah saw the son whom Hagar the Egyptian had borne to Abraham playing (מצחק). She said to Abraham, "Cast out that slave-woman and her son, for the son of that slave shall not share in the inheritance with my son Isaac."

Parallel: Code of Hammurabi on Inheritance

170: When a seignior's first wife bore him children and his female slave also bore him children, if the father during his lifetime has ever said "My children!" to the children whom the slave bore him, thus having counted them with the children of the first wife, after the father has gone to (his) fate, the children of the first wife and the children of the slave shall share equally in the goods of the paternal estate, with the first-born, the son of the first wife, receiving a preferential share.