

Introduction

Those who think of cultural diffusionism as being long since dead in the academy would do well to look to biblical studies. Cultural diffusionism is based upon the concept of diffusion, or the transmission of features from one culture to another.¹ Diffusionism, then, as one reference work puts it, “refers to any learned hypothesis that posits an exogenous origin for most elements of a specific culture or cultural subset.”² Diffusionism as a mode of thinking flourished in the nineteenth and early twentieth centuries and its main proponents “aimed at a comprehensive survey of the spread of cultural traits from the earliest times until today. They developed complex ... classifications of ‘culture circles’ (*Kulturkreise*) and surveyed their possible dissemination from an original centre.”³ That is, the hypothesis that most features of any given culture will have come from outside of the culture led to the idea of “culture areas,”⁴ wherein various ostensibly distinct groups in actuality share very similar cultural traits. This is because these traits, at some prehistoric or historic point, diffused outward from the place, or “centre,” where they originally developed, lending a similarity to the cultures, or subcultures, of one area. Yet, once these culture areas established themselves, further cultural changes could still arise through the diffusion of traits from one *Kulturkreis* to another.

Although diffusionism has long fallen out of favor in academic circles, and no biblicist would subscribe to diffusionistic theories as they were originally formulated a century or more ago, many biblical scholars nonetheless seem to hold ideas about culture and cultural change that betray traces of

¹ Glick, “Diffusion, diffusionism,” 118; Barnard, *History and Theory*, 47.

² Glick, “Diffusion, diffusionism,” 118.

³ Eriksen and Nielsen, *History of Anthropology*, 28.

⁴ Barnard, *History and Theory*, 47, 50, 54. It should be noted, however, that the term “culture area” has taken on a broader meaning in anthropology and is not strictly moored to diffusionistic thinking.

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diffusionism. For example, when assessing changes in ancient Israelite texts, history, and society, the instinct of many biblical scholars is to look outward: Where did the particular change, the new practice or idea, come (i.e., “diffuse”) from? From which group did the ancient Israelites adopt it: The Mesopotamians? The Egyptians? The Greeks? While it is of course valid and important to ask these questions, too often what underlies the posing of such questions by biblical scholars is the presumption that cultural change *must be* the result of borrowing from another group. In the case of the Israelites, the origin of most cultural traits is understood to be Mesopotamia, with whom the Israelites and various other groups inhabited the “culture circle” of ancient Near Eastern societies. According to this viewpoint, whether consciously or unconsciously held, features that deviate from the reconstructed norms of this broad ancient Near Eastern culture are the ones seen as being most in need of explanation, but the reasons posited for such deviations often proceed along similarly diffusionistic lines of thinking. For example, instead of deriving from Mesopotamia, a newly “adopted” practice or idea might be seen as originating in some other cultural center, ancient Egypt – perhaps, or Greece, or Rome. Thus, though cultures do change, and can even change often, such change is generally treated as an epiphenomenon of the constant intrusion of foreign elements.⁵

It is the aim of this book to utilize a more nuanced conception of culture. Although it is certainly true that cultures can and do influence one another, it is my view that change is also, or even primarily, a product of *internal* processes that drive cultural shifts on both the regional and societal levels.⁶ This stance will underlie my examination of one particular aspect of cultural change in ancient Palestine – that in patterns of marital gift exchange – and its relationship with other, wider changes in Israelite social structure.⁷ While

⁵ This points to one of the major problems with diffusionistic thinking. As Barnard writes: “An implicit presupposition of extreme diffusionism is that humankind is uninventive: things are invented only once, and then are transmitted from people to people, sometimes across the globe” (ibid., 47). Yet, less extreme forms of diffusionism, like the one described above, seem to make the equally problematic assumption that human inventiveness was limited to only a few societies in the ancient world. For other criticisms mounted against diffusionistic ideas, see Eriksen and Nielsen, *History of Anthropology*; Barnard, *History and Theory*; and Herzfeld, “Mediterraneanist Dilemma,” 439–454. I will not attempt a systematic critique of diffusionism in this work. Rather, the summary I have just presented of this way of thinking will serve to contrast the methods I will utilize to examine changes in marriage gifts with those that have sometimes been used by other scholars.

⁶ For the sake of clarity, let me state that I see this as being the case for *all* societies, and not just ancient Israel.

⁷ The focus in this book will be on the practices of the Israelites and Judeans, rather than on those of other groups within ancient Palestine, whose cultures are generally much less well known to us.

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some of these changes may have been spurred by foreign interventions and foreign influences, I will argue here that it is not only more accurate, but more fruitful to regard such changes as being borne of gradual and ongoing social processes that intersect and are interwoven with, and influence and are influenced by, other social processes. Thus, marriage and other localized social practices are not separate from such features of social structure as economic stratification and modes of production but are inextricably linked to such features. Changes in one area relate directly to changes in the others.

Before I discuss these issues in more detail, however, it is necessary to define the question – that is, to define marriage gifts – and explicate why this study is even necessary. While marriage gifts are, of course, gifts given upon the occasion of marriage, these gifts can differ markedly in both form and content. Anthropologists, who have perhaps had the greatest occasion to study marriage gifts, have noted that such gifts fall into four different categories cross-culturally: bridewealth and groomwealth, and dowry and dower, with bridewealth and dowry being far more common than the other two varieties. Bridewealth – and I will use this term throughout this work, rather than the term “brideprice,” because the latter fell out of favor in anthropological circles decades ago – is normally defined as property “tendered by the husband’s grouping to the kin of his wife,” as J. L. Comaroff puts it.⁸ Groomwealth moves in the opposite direction: it is property tendered by the wife’s family to that of her husband. It is important to note that in neither of these cases does the property go directly to the bride or to the groom, but only to their *kin*. This feature is regularly emphasized by anthropologists because it is this that most clearly separates bridewealth and groomwealth from dowry and dower, gifts involving “property which is brought to a union, the former being provided by the bride’s family and the latter by that of the groom.”⁹ As another work describes it, dowry “is property given by a family to its daughter upon marriage for the benefit of her new conjugal household.”¹⁰ Dower, then, is just the opposite – property given by a family to their son upon marriage – though

⁸ “Introduction,” 4. The term bridewealth was originally proposed by E. E. Evans-Pritchard, who wrote: “On one point at least there seems to be fairly complete accord among specialists, namely about the undesirability of retaining the expression ‘bride-price.’ There are very good reasons for cutting the term out of ethnological literature since at best it emphasizes only one of the functions of this wealth, an economic one, to the exclusion of other important social functions; and since, at worst, it encourages the layman to think that ‘price’ used in this context is synonymous with ‘purchase’ in common English parlance. Hence we find people believing that wives are bought and sold in Africa in much the same manner as commodities are bought in sold in European markets. It is difficult to exaggerate the harm done to Africans by this ignorance” (“Alternative Term for ‘Bride-price,’” 36).

⁹ *Ibid.*, 4.

¹⁰ *Dictionary of Anthropology*, 129.

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such a gift is in any case rare. Jack Goody has further suggested that the category of dowry be subdivided into dowry proper and *indirect* dowry, where the groom or his family either gives property directly to the bride or else gives it to her family, who then pass it on to her as dowry.¹¹ Such differences are not merely classificatory, but relate directly to why these gifts take diverging forms to begin with, a subject that will be treated at length in Chapter 3. Suffice it to say here that when examining marriage gifts, it is imperative to keep in mind with whom the gift originates and with whom it ends up.

Putting definitions aside for the moment, scholars have long noted the presence of marriage gifts in many different ancient texts, including the Hebrew Bible. These gifts are discussed or mentioned in a variety of biblical sources, including legal materials and Pentateuchal and other narratives, and also appear in many postbiblical materials, such as the Elephantine Papyri, Philo, Josephus, the archives from the Judean desert, and the Mishnah. The gifts are referred to by different names – *mōhar* (מֹהָר), *šillūhīm* (שְׁלֻחִים), *proix* (προίξ), *phernē* (φερνῆ), *kethubba* (כְּתוּבָה) – and take on different forms: In some cases, property goes to the bride's family, in other cases, it goes to her. In some cases, it originates with the groom's family; in other cases, it originates with hers. Roughly speaking, *mōhar* is the most common form of gift in the Bible, and has been taken by most, though not all, scholars to constitute bridewealth. In later texts, however, *mōhar* as bridewealth is almost entirely absent.¹² Dowry, on the other hand, while relatively infrequent in the biblical corpus, is attested by many postbiblical texts.

Scholars have chosen to make sense of these divergences, and of Israelite marriage gifts in general, in different ways. Some scholars seem unaware of the evidence pointing to the decline of bridewealth and the rising prominence of dowry in the Second Temple period. Others, as I implied earlier, have taken a diffusionistic stance, attributing these changes to the influence of one foreign group or another. Still others have taken a culturally evolutionistic stance, not unlike the nineteenth-century thinking that saw bridewealth as being merely a “primitive” purchase price through which a man acquired a wife, or being primarily concerned with assessing whether or not the biblical *mōhar* does in fact serve as such a purchase price. Let me begin here with the work of W. Robertson Smith who, apart from being influential, himself subscribed to the idea that bridewealth – or brideprice, as he would have called it – is a purchase price. Furthermore, he saw it as being central

¹¹ He introduces the term in Goody, “Bridewealth and Dowry,” 20, and uses it in all subsequent works on marriage. These will be discussed at length in Chapter 3.

¹² While the term is found in the marriage contracts from Elephantine, it is used there to refer to indirect dowry rather than bridewealth. See Chapter 2 for more on this issue.

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to a particular type of marriage deemed “marriage by purchase,” whereby a man acquires a wife for himself, or his father does so for him, by exchanging property for a wife in what amounted to a sale.¹³ Robertson Smith states: “In fact marriage by purchase is found throughout the Semitic races wherever the husband is the wife’s *baʿal* or lord. The Arabic *mahr* is the same word with the Hebrew *mōhar*, which is also paid to the damsel’s father (Deut. 22. 29), and the Syriac *mahrā*, which Bar ‘Ali . . . defines as ‘whatever the son-in-law gives to the parents of the bride.’ The etymological sense is simply ‘price.’”¹⁴ Yet Robertson Smith does not treat Israelite marriage gifts at length, a fact that is unsurprising given that his work on marriage focuses primarily on Arabia. While he does remark upon dowry among Arabs, he does not discuss the few cases of dowry that appear in the biblical corpus, nor does he note the prominence of dowry and absence of “brideprice” in the postbiblical period.

Robertson Smith’s ideas about the *mōhar* reflect ideas about “brideprice” and non-Western marriage that were widely held in the nineteenth and early twentieth centuries, and were consequently followed by many who wrote on the Bible. Louis M. Epstein is a case in point. The similarity between Epstein’s view of the *mōhar* and that of Robertson Smith is evidenced by the following statement: “Mohar means purchase price . . . [The] form of Jewish marriage . . . represents a transaction, a conveyance of rights.”¹⁵ Unlike Robertson Smith, however, he does note that the *mōhar* changed over time: “It was paid in cash to the bride’s father, later to the bride herself. With the enactment of Simeon b. Shetah, it was merely promised to the bride, and thus became a divorce price, rather than a marriage price.”¹⁶ Epstein refers here to an edict described in rabbinic texts.¹⁷ In tannaitic and later materials, the *mōhar* is equated with the rabbinic *kethubba* payment or divorce penalty – the sum promised to the wife by her husband in the event that he should divorce her. Rabbinic texts attribute the change from the biblical gift, which was given to the bride’s father, to the later Jewish payment that occurred only in the

¹³ So-called “marriage by purchase” will be discussed at greater length in Chapter 3.

¹⁴ Smith, *Kinship and Marriage*, 96.

¹⁵ *Jewish Marriage Contract*, 58–59. He contrasts this with the content of Jewish marriage, which is “all that romance and union imply” (ibid., 59).

¹⁶ Ibid., 58.

¹⁷ See *t. Ket.* 12:1 and *b. Ket.* 82b, as well as Satlow, *Jewish Marriage in Antiquity*, 213–216 and 352, where he provides a brief bibliography of scholarship on this famous text. Epstein’s statement is seemingly based on the Bavli passage, which posits a three-stage development in the *mōhar*: from bridewealth to indirect dowry to divorce penalty. This contrasts with *t. Ket.* 12:1, which seems to assume the change was from bridewealth to divorce penalty, without the intermediate stage.

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case of divorce to a rabbi living in the first century CE.¹⁸ We will leave aside for the moment the question of whether or not this story is best seen as factual or aetiological. More important to note here is that the rabbis themselves noticed a change between the marriage customs practiced in their time and those described in the biblical corpus. Epstein notes that this divorce penalty was not practiced by the Israelites, and also points to differences in customs surrounding dowry in the Hebrew Bible and in later times. Yet what he posits is not the rising prominence of dowry – he sees dowry as a gift common even in Israelite times – but a change from dowry as merely a parental gift to the bride to dowry as property over which the husband has the power of usufruct.¹⁹ Unfortunately, however, Epstein is content to make broad generalizations based upon a small number of examples. The few biblical narratives that mention dowry give too little information about the gift for one to draw firm conclusions about what if anything was its legal character in the preexilic period, thus making it difficult or impossible to compare it with dowry later on. Equally problematic is that Epstein points to certain changes in marital gift exchange, but offers no explanation as to why such changes occurred.

Like Epstein, E. Neufeld clearly draws upon the ideas of Robertson Smith in discussing biblical marriage gifts, and especially the biblical *mōhar*. Though Neufeld problematizes Robertson Smith's assertion that the word *mōhar* is etymologically equivalent with "purchase," calling it "very obscure" and "one of those very ancient words of which the etymology is almost lost," he does subscribe to the idea that the *mōhar* is a purchase price.²⁰ He also accepts the argument made by other scholars that *mōhar* is paid as a compensation to the father for the loss of his daughter's labor, arguing that this viewpoint does not fundamentally conflict with the idea of purchase (which is in any case true), and also sees it as a *pretium pudicitiae*, or payment for taking a woman's virginity. In addition, Neufeld provides a detailed discussion of biblical marriage gifts of all kinds – his and Millar Burrows's respective treatments remain to this day the most detailed studies of such gifts in existence, the present work excluded. Yet Neufeld's treatment is generally synchronizing. That is, he assumes one static Israelite culture that exchanged *both* bride-wealth and dowry, and perhaps other types of less significant marriage gifts, in a manner similar to other "Semites." He is especially interested in finding analogues to Israelite practice among the Mesopotamians, seeking continuity in the practices of the Israelites and the other "Semitic" peoples of the region.

¹⁸ Satlow, *Jewish Marriage in Antiquity*, 213.

¹⁹ Neufeld, *Ancient Hebrew Marriage Laws*, 89–106.

²⁰ *Ibid.*, 94–110.

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Interestingly, he does note certain differences between Israelite practice and the marital customs described in the fifth century Elephantine Papyri, differences he attributes at least partially to the “foreign influence” of the Egyptians.²¹ However, like Epstein, Neufeld notes that the *mōhar* did change over time, undergoing a “historical evolution ... under the influence of economic and social changes. In later times the *Mōhar* declined in actual value, lost much of its original meaning and eventually assumed a merely symbolical character.”²² Unfortunately, Neufeld does not state when he believes this historical evolution began or describe what exactly were the economic and social changes to which he refers.

Though Millar Burrows wrote a few years before Neufeld, I only now treat his work, because unlike Epstein and Neufeld, he is critical of the idea of the *mōhar* as a purchase price.²³ His monograph *The Basis of Israelite Marriage* in fact concerns itself almost exclusively with the arguments for and against this stance.²⁴ In the end, he rejects both the idea of purchase and of the gift as *pretium pudicitiae*, at that time a popular rival idea. His preference is instead to regard the gift as a compensation to the bride’s father. While, as we saw, Neufeld in fact combines all three of these ideas in his interpretation of *mōhar*, the work of Burrows can be seen as a first step away from the problematic idea of purchase, an idea patently contradicted, as he and others argued, by the fact that an Israelite wife is *not* a slave: she can be divorced, but she certainly cannot be sold.²⁵ Like Neufeld, Burrows does discuss dowry,²⁶ which he clearly regards as having been a regular part of marital arrangements in ancient Israel, and even includes a discussion of indirect dowry. He entertains the notion that the nature of bridewealth was changing, not only in ancient Israel, but in ancient Near Eastern society as a whole. Although Burrows, in contrast to Neufeld, does attempt to explain why this change was occurring, his explanation is based at least partially on the evolutionistic thinking that was still fairly widespread at the time he was writing – that is, a Eurocentric evolutionism that assumes all cultures move, albeit at different speeds, along the same path of development, from the basest primitivism to

²¹ Ibid., 106, 156.

²² Ibid., 107.

²³ For other early scholars critical of this idea, see Eberharder, *Das Ehe- und Familienrecht* and Dussaud, “Le ‘Mohar’ Israelite,” 141–151. See also Christopher Wright, *God’s People*, 183–200, for a review of scholarship on the question of whether or not the *mōhar* was a purchase price.

²⁴ See *Basis of Israelite Marriage*.

²⁵ Other arguments against the idea of Israelite marriage as marriage by purchase are outlined in Burrows, *Basis of Israelite Marriage*, 30–52.

²⁶ Ibid., 41–50; and also in Burrows, “Complaint of Laban’s Daughters,” 250–276.

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the *haute* civilization of Western Europe. He posits that, prehistorically, the *mōhar* most likely *was* a purchase price and that

in the course of social development an emerging sense of dissatisfaction with such a practice might give rise to the custom of giving a bride a dowry. When fathers were no longer able to regard their daughters as mere objects of market-value, and affection inspired regret at losing them from the home (a situation which may have arisen very early), it would be natural to give them presents to atone, so to speak, for enriching the family treasury by selling them.²⁷

Thus, changes in bridewealth, and in fact the very inception of dowry, are connected to an increasing respect for women, who are mere chattels in bride-wealth-giving societies, but regarded with “affection” and valued as human beings in societies that, as a consequence of this enlightened attitude, give dowry instead. The Eurocentrism in such ideas is, to my eyes, patent, especially when one considers that bridewealth was a custom virtually unknown to Europeans until contact with other cultures, and especially those of Africa, brought it to their attention.

Unsurprisingly, debates in the scholarly literature over whether or not Israelite marriage constituted marriage by purchase gradually died down as the very concept of marriage by purchase, and the unilinear cultural evolutionism upon which it was so often based, were assailed and ultimately debunked by functionalist anthropologists.²⁸ For example, the view of *mōhar* as purchase price goes unmentioned in Raphael Patai’s *Sex and Family in the Bible and the Middle East*, despite his use of the term “bride price” to refer to the *mōhar*. Instead, it is replaced with the view of *mōhar* as compensation for economic loss, an idea already evidenced in the work of earlier scholars, as we saw, and also with the conception of *mōhar* as a compensation for the loss of progeny to the wife’s lineage. Patai writes:

Over and above the purely economic considerations there has always been, of course, the procreative factor. In the patrilineal family children belong only to the families of their fathers. A new union, therefore, holds out the promise of increasing the numbers and the strength of the bridegroom’s father’s family, enabling him to gain status and prestige through the birth of grandsons. No comparable advantage accrues from the birth of children to the mother’s family, of which they will not be members. There, it is regarded as proper by all concerned that the bride’s father, who loses, not only a daughter, but all her future progeny, should receive material

²⁷ Burrows, *Basis of Israelite Marriage*, 43.

²⁸ See Chapter 3 for a detailed discussion of the history of ideas regarding marriage and marriage gifts in anthropology.

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compensation for her in the amount and up to the limit allowed by local tradition.²⁹

Interestingly, Neufeld entertains this same idea, but ultimately denies its applicability to the Israelites because of a lack of evidence.³⁰ While it is true that no direct connection between progeny and *mōhar* is made by the biblical texts that speak of this gift, Patai's viewpoint was closer to the functionalist ideas of bridewealth current at the time he was writing than was Neufeld's position regarding marriage by purchase. Despite this, Patai's discussion is rather simplistic and treats the entire Middle East as if it were one large cultural bloc whose customs might be compared willy-nilly, presumably because, regardless of differences in time period, environment, and mode of production, the groups in the region are all "Semites" and thus assumed to be culturally of one piece. In addition, he does not treat biblical marriage gifts as thoroughly as does Neufeld – only what he calls "bride price" is addressed – nor does he discuss the changes that occurred in the Second Temple period.

An even clearer case of diffusionistic thinking regarding marriage gifts is provided by Markham Geller's "New Sources for the Origins of the Rabbinic Ketubah."³¹ Unlike the works cited thus far, this article is concerned exclusively with marriage gifts in the Second Temple and rabbinic periods, and more precisely with the shifts that led to the rabbinic *kethubba* payment, or divorce penalty. Geller attempts to reconstruct these shifts, but is equally concerned with finding "Mesopotamian analogues," "precedents," or "prototypes" to what one finds in the Elephantine papyri and rabbinic literature.³² His assumption is clearly that changes in Israelite or Judean practice must have "derived from Mesopotamia" or elsewhere – that is, that foreign influence is what causes cultural change.³³ When he fails to find analogues for certain aspects of the rabbinic marriage contract in Mesopotamia, he shifts his focus to the Demotic marriage deeds from Egypt, in which he does uncover several parallels. While these parallels are certainly intriguing, Geller's assumption that changes must be absorbed from outside is problematic. This is especially so considering his observation that Demotic marriage contracts themselves changed over time³⁴ – did the Egyptians, too, absorb these changes from elsewhere?³⁵

²⁹ Patai, *Sex and Family*, 56.

³⁰ Though he does state that this theory may be "a partial explanation of the prehistoric origin of the *Mōhar*." See Neufeld, *Ancient Hebrew Marriage Laws*, 97.

³¹ "New Sources."

³² *Ibid.*, 233, 235–237, and elsewhere.

³³ *Ibid.*, 239.

³⁴ *Ibid.*, 242.

³⁵ Interestingly, Esther Eshel and Amos Kloner argue, contra Geller, that "different ethnic groups that inhabited Palestine and Egypt were influenced by the Aramaic common law. It is

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Geller's article aside, biblical and later marriage gifts received only sporadic attention in the scholarly literature between the 1950s and the 1980s, even as the study of women received more attention. While the *mōhar* and other gifts sometimes received brief treatments, no thorough studies were put forth. The most noteworthy example of one of these briefer treatments may be seen in Roland de Vaux's seminal work of social history, *Ancient Israel: Its Life and Institutions*, originally published in 1961. De Vaux, in a discussion of the "typical Israelite marriage," refers to and rejects the old argument for *mōhar* as a purchase price.³⁶ Instead, he echoes the simplified functionalist explanation of Burrows and others that it is a "compensation given to the family" of the woman.³⁷ His view is different, however, in that he views the *mōhar*, over which he argues the bride's father only has the right of usufruct, as reverting to the daughter at the time of succession; he thus regards it as a type of indirect dowry.³⁸ Because the evidence for this in the biblical text is virtually nonexistent, de Vaux's reconstruction relies on comparative evidence from Mesopotamia and from modern Arab groups, though this evidence itself is not uniform. To his credit, though, de Vaux also does what many scholars have not done: treat the other forms of marriage gifts found in the Hebrew Bible. He refers to two cases of indirect dowry in the book of Genesis (24:53 and 34:12, though it must be said the latter is unclear), and asks the following question: "Was there, in addition [to indirect dowry], a dowry, a contribution on the part of the bride at the time of the marriage?"³⁹ Due to the paucity of evidence, he concludes in the negative: "In general, the custom of providing a dowry never took root in Jewish territory, and Si 25:22 seems even to repudiate it."⁴⁰ While de Vaux's conclusion might be seen as reasonable with regard to the biblical evidence, he was wrong to read so much into Sirach's statement – an examination of other Second Temple period and Roman-era sources makes clear that dowry had in fact very much taken hold during these periods.⁴¹

therefore difficult to maintain that the Jews were influenced directly by the Egyptian culture; it is more likely that the tendency to secure the woman's rights was developed in the Aramaic common law during the Hellenistic period" ("Aramaic Ostrakon," 21). This statement demonstrates the chicken-and-egg problem inherent in diffusionistic analysis. Eshel and Kloner fail to note, however, the changes in Demotic marriage contracts that precede the Hellenistic period: were they, too, the result of Aramaic legal influence? (On the Egyptian evidence, see Pestman, *Marriage and Matrimonial Property*; and Porten et al., *Elephantine Papyri in English*, 23–25, 346–347, 366–370.)

³⁶ De Vaux, *Ancient Israel*, 26–27.

³⁷ *Ibid.*, 27.

³⁸ The view of *mōhar* as indirect dowry is also expressed on p. 39 of de Vaux.

³⁹ *Ibid.*, 28.

⁴⁰ *Ibid.*, 28.

⁴¹ See Chapter 2 for a thorough examination of this material.