

מעמדה המשפטי של האם במזרח הקדום ובמקרא מאת לאה יעקבזן. ירושלים. מגנס.
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(*The Legal Status of the Mother in the Ancient Near East and the Bible* by Lea Jacobsen . Jerusalem: Magnes Press.2017. 350 pp.)

In her book, *The Legal Status of the Mother in the Ancient Near East and the Bible*, Lea Jacobsen sets an ambitious goal – to answer the fascinating question as to what the legal status of mothers was in the ancient Near East and in biblical society. Through meticulous analysis of Near Eastern documents from the Ancient Babylonian and Assyrian periods through the Persian period, she builds a case for mothers having had considerable status in the home and society, despite the ancient Near Eastern societies' being patriarchal in principle. While numerous previous studies that Jacobsen quotes (4) analyzed the woman's role as wife in ancient Near Eastern society, the current study is the first comprehensive one of its kind to look at the woman's authority in that society as reflected in her status as parent to her children. Noting an increase in a woman's status when she bore a child (as opposed to a woman who had not borne children) (5–6), Jacobsen probes the parameters of the woman's status as a parent within the society.

Jacobsen examines the topic as it relates to two specific areas that she claims characterize family life, as seen in the large number of documents addressing these issues: the mother's participation in arranging marriages for her children, as well as the laws enacted in many societies to protect her from criminal or sinful behavior by her children toward her. The book is thematically organized around these two areas. Following a brief introduction, Jacobsen first analyzes ancient Near Eastern documents in two chapters (one devoted to each of these areas) and then proceeds to analyze the biblical text in two chapters (one devoted to each of these areas). In her concluding chapter, she summarizes her findings, presents results concerning variations over time that are evident within the Near Eastern and the biblical data, and then briefly attempts to synthesize the two bodies of data (290–292). Her presentation of research is felicitous: recognizing the need to depict the large amount of material clearly, she demarcates individual sections with descriptive headings (conveniently listed also in the table of contents), transliterates the Near Eastern documents in italicized English and translates them into Hebrew, as well as providing charts and tables of data (62–74, 139, 142, 151, 158–9, 160–1).

Jacobsen presents a thorough and impressive array of ancient Near Eastern laws (as evidenced in formal law codes) and legal documents from a range of periods. These legal documents demonstrate that women's status was not merely theoretical but was indeed an active factor in social and legal situations. In her research, she notes a set protocol to effecting marriage in the ancient world. There were three basic steps, and in the absence of any one, the union was not a legally valid marriage: first, both parents had to agree to the union. Once they agreed, the groom was required to make a wedding feast and to enter into a contract with the parents.

The author musters evidence for women's involvement in arranging various types of marriages (adoptions, interim arrangements leading to marriage, polygamous marriages, etc.) for their daughters and on occasion also for their sons – whether together with their husbands, or alone, or together with the girl's brothers (and even very rarely sisters). She notes this involvement even in cases in which the husband was absent or dead and there were other men in the clan (such as a grandfather or uncles of the bride) who might have taken charge.

Jacobsen further adduces evidence that law codes and courts in the Near East protected women from their children's renunciation of them, or from their children's attempts to deny them required marks of respect, or from denying them living quarters within the family home. Furthermore, she notes some evidence demonstrating equal punishment for mistreating either parent, although she also points to some indication of slightly harsher punishment for disrespecting a father than a mother.

In her discussions, she differentiates between various historical periods and locales, as well as between formal laws as opposed to legal documents demonstrating enforcement of those laws. Overall, her analysis is detailed and compelling.

Jacobsen's treatment of each example from the biblical texts is equally detailed, but in this reviewer's view, her stated objective of comparing the ancient Near Eastern documents with the biblical evidence leads to an occasionally forced analysis of the biblical data. Consequently, the assumption underlying her conclusions – that the disparate bodies of data form a seamless whole (introduction - 1, 3, 5–6, 11, 13; conclusion – 291–2; and, within the analysis, e.g., 226–30) – does not appear to have been proved. Had she focused on each body of material separately and presented her conclusions

about each – rather than attempting to equate them – her findings might be more robust.

As the author herself notes, in the Bible there is little legal material concerning the mother's role in marrying off her children, and therefore, based on the assumption of "law derived from literature" (המשפט מתוך הסיפורת) (8 n. 28, 12), she chooses also to analyze biblical poetry and prose for hints as to the Bible's approach. This choice creates an imbalance between the relatively straightforward logic employed when presenting Near Eastern judicial materials as opposed to somewhat strained logic employed when analyzing the biblical narrative. Even when taking up the question of children's respect for their parents in the Bible, where Jacobsen's analysis rests on laws, the paucity of examples (only Deut 21:18-21 and Deut 22:20–21) leads to a lopsided presentation as compared to the Near Eastern materials. Furthermore, the fact that the chapters analyzing biblical data are relatively short, encompassing together only 50 pages as compared to 200 pages analyzing the Near Eastern data, adds to the disproportion. To this reviewer it appears that this imbalance derives from excessive and unwarranted efforts to find parallels between the biblical and the ancient Near Eastern material.

As an example of this forced analysis, Jacobsen maintains that Rebekah specifically justified (to Isaac) sending Jacob to Haran with the claim that there he would find an appropriate wife, because the involvement in arranging marriages was apparently within her "rights" as a mother in pre-Israelite times. Jacobsen goes on to say that if this specific narrative exemplifies the general rule, one can conclude that in the Bible, the mother was the motivating force behind the father's decision to interfere in his son's choice of marriage partner (232). This reasoning appears circular: Jacobsen assumes that Rebekah's initiative was based on her right to be involved in her son's choice of marriage partner (presumably deriving it from Near Eastern documents), but never proves that assumption; nevertheless, she proceeds to build a virtual hierarchy of privileges upon this basis. Is it justified to generalize from this one example and claim that it *demonstrates* that mothers had the legal prerogative of partnering with fathers in choosing a marriage partner for their sons (289)?

Moreover, Jacobsen omitted biblical evidence that might tend to vitiate her point. For example, she neglects to note that in the description of Jacob and his sons' negotiations with Shechem and Hamor (Gen 34), there is no mention

of the mother. Nor is there any mention of the mother when Jethro gives his daughter to Moses as a wife (Exod. 2:16–21). Although Jacobsen may also have omitted Near Eastern evidence, these lacunae seem more objectionable regarding the Bible, given the paucity of biblical data and the tenuousness of her proofs from it.

The deficiencies discussed above should not detract from the generally impressive accomplishments of this study. Jacobsen has certainly done an excellent job of presenting and investigating compelling data from ancient Near Eastern records and opening the field to further discussion. Her style displays her considerable expertise, and her impressive collection and analysis of the materials she marshals will no doubt stimulate further research into the subject.

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