

**Aus einem Briefe von W. Robertson Smith
vom 27. 8. 91.**

Mitgeteilt von **K. Budde.**

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Your criticism of **אשר לו יערה** [Ex. 21, 8] is very effective. Some of the objections might be met by taking as subject to **יערה** not the master but the father, or making the subject indefinite „her master, to whom, in the contract, she was destined (as concubine).“ But this does not really remove any difficulty except the use of **לו** instead of **לנפשו**.

But now if we accept your **ידעה** we must I think go further and delete **לא (לו)** altogether. For

(1) The awkwardness of **אשר** to which you refer (p. 104) disappears : „If she do not please her master when he comes to know her (carnally).“ On the other reading we should expect **להוא לא ידעה**.

(2) **והפרה** is now intelligible, for of course the price of a **ثيب** is low, so that the father will profit considerably. I do not think that there would be any lowering in the price according to Eastern ideas if she returned a virgin.

(3) **בגר** which is a strong word receives its full force.

(4) Above all, as you point out, v. 9¹⁾ presupposes the consummation of the marriage.

The difficulty on this view is that the father is allowed to transfer the girl to his son. This was of course horrible

¹⁾ Soll gewifs 10 heissen.

in the eyes of the later Jews, and *to this I ascribe* the correction of the text.

Given ידעה two methods of correction were attempted — one the insertion of לא, the other the change of ידעה to יערה. It is plain that the Jerusalem Targum expresses neither לו nor לא and takes יעד to mean „purchase“ simply. The Qrê arises from a fusion of the two corrections.

In old Israel the transfer of the father's concubine to the son is not at all inconceivable : for (1) that the heir inherited marital rights in Old Israel as in Arabia is certain : cf. Kinship p. 89 sqq., and (2) that the transference could only take place after the first husband was dead is highly improbable in a society where divorce was common. Absaloms act obviously did not shock popular feeling.

Ex. 21, 22.

دِيَّةُ مَا فِي بَطْنِهَا Bokhārī in Kitāb al Ṭibb, Bāb al-Kihāna VII. 26 of the Bulāc vocalised edition. The mischief in this case is done in a struggle between two women. Your כנפלים seems excellent.