The Problem of Border Durability in Genesis 31:44-54

Old Testament Interpretation Exegesis Paper

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Between Jacob's flight from Laban and his dramatic encounter with Esau, Genesis 31:44-54 describes the covenant—often seen as a non-aggression pact[1]—forged between Jacob and Laban. This passage follows Jacob's passionate confrontation with Laban and is shortly followed by Jacob's transformational wrestling at Peniel. However, this more subtle section achieves a lot despite its brevity, making claims about the establishment of the border city of Mizpah[2] and explaining the persistent strained relationship with Syria and wider Mesopotamia. In this paper, I aim to showcase, through a close reading of the text and in consultation with commentaries, journal articles, and scholarly monographs, how these verses hold two ideas in tension. On one hand, the author seeks to depict the frailty of this agreement, illustrating the instability of the established border and foreshadowing its eventual contravention by the descendants of Laban. On the other hand, the author seeks to establish the concreteness of the border through etiological and material evidence for his exilic audience. By intensifying the duplicitous nature of Laban and by his establishment of the terms of the pact, I see the author problematizing the infringement of the pact for his modern audience.

After rummaging through the tents of Jacob's relatives, searching for his missing idols and coming up empty-handed, Laban listens to Jacob's recounting the past twenty years of mistreatment and proposes a solution: "Come now, let us make a covenant, you and I," (Genesis 31:44) as an attempt to bring an end to their differences.[3] Unable to prevent Jacob's

[1] E. A. Speiser, *Genesis*, Anchor Bible (New Haven: Yale University Press, 1974), 244-257.
[2] Nadav Na'aman, "The Jacob Story: Between Oral and Written Modes," *Scandinavian Journal of the Old Testament* 33, no. 1 (2019): 136–58, doi:10.1080/09018328.2019.1600260.
Yair Zakovitch, *Jacob Unexpected Patriarch* (New Haven, CT: Yale University Press, 2014), 90–92.
[3] Victor P. Hamilton, *The Book of Genesis: Chapters 18-50* (Grand Rapids, Michigan: Eerdmans, 1995), 310–16.

departure, substantiate allegations of idol theft, or more satisfactorily resolve Jacob's grievances, Laban is faced with limited options—either resorting to violence or seeking a settlement.[4]

It seems Laban cannot bring himself in any way to agree with Jacob's claims[5], undercutting Jacob's titles to his family and his flocks and while Laban reminds Jacob that he did have the power to harm him (v. 29), he opts instead to make a pact. From my reading, it remains unclear whether Laban's hesitancy stems from a genuine aversion to causing Jacob and his family harm or apprehension of potential retaliation from Jacob's relatives in Canaan. As Victor P. Hamilton suggests, the unilateral nature of Laban's proposed solution casts an air of skepticism over the proposal's durability. Laban's inclination to disregard earlier covenants doesn't bode well for the establishment of this new one.[6]

Several commentators note that Jacob's conspicuous lack of verbal response to Laban directly speaks volumes, only actually speaking two words in the whole episode.[7] This proposed covenant, rendered as purely an enterprise of Laban's, prompts the question: Does Jacob, or more importantly the author, believe Laban can be relied upon to honor this new covenant? However, despite his silence toward Laban, Jacob complies. His acquiescence, shown by his instruction to "gather stones" to his kinsmen, demonstrates Jacob's desire to be free of Laban at any cost, rather than an enthusiastic agreement.

Among scholars, there's widespread consensus regarding the division of this text into its distinct sources. Most attribute the bulk of the text to the Yahwistic tradition through to

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[4] Nahum M. Sarna, *Understanding Genesis* (New York, New York: Jewish Theological Seminary Press, 2015), 201–2.
[5] Hamilton, *The Book of Genesis*, 310–16.
[6] Hamilton, *The Book of Genesis*, 310–16.
[7] Hamilton, *The Book of Genesis*, 310–16. & Zakovitch, *Jacob Unexpected Patriarch,* 90–92.

verse 50 and identify the final four verses as belonging to the Elohistic.[8] "However, some scholars, such as Nadav Na'aman, suggest that the text has undergone such significant reworking and harmonization, making it challenging to clearly differentiate the sources. Furthermore, Victor Hamilton notes that the text could be read as a unified work, particularly if viewed as an explanation for "the origin of the compound place name Mizpah of Gilead." As evidence for this harmonization of the sources, E. A. Speiser posits, "In all likelihood, the mound of stones served as the symbol of the treaty in J's version, and the stele or stone slab in E's. In the course of time, however, a certain amount of cross-harmonization took place."[9] In any case, there appears to be substantial agreement between the two sources regarding the essential events of the pacts–barring a slight difference in terms of the pact in verses 50 and 52.

Given the noticeable alignment between the two sources, I've organized the text, regardless of its origin, into seven distinct narrative events: Pact Proposition (v. 44), Pillar Building (vv. 45-46), Naming (v. 47-49), Stipulations (v. 50, v. 52), Credit Taking (v. 51), Invocation (v.53), and the Covenantal Meal (v. 54). Note how these short 11 verses contain a wealth of narrative events. Despite the swift pace of this section, it subtly highlights the ongoing tensions between Jacob and Laban at every turn. To my mind, the text simultaneously emphasizes the pervasive disunity between the two parties, hinting at the precarious nature of their agreement, while establishing it with seemingly incontrovertible evidence such as the mound and pilar. Instead of treating these events individually, I'll group

[8] E. A. Speiser, *Genesis*, Anchor Bible, 244-257.
[9] E. A. Speiser, *Genesis*, Anchor Bible, 244-257.

them discussing events of unilateral action, areas of contention, and instances of mutual agreement.

This text, which is ostensibly about reaching an agreement, is remarkable for the many actions taken unilaterally, lacking a clear indication of accord between Jacob and Laban. As I mentioned previously, it's Laban's idea to forge a covenant in the first place. But interestingly it only mentions Jacob and his kinsmen building the mound or pillar. Subsequently, Laban appropriates all of Jacob's labor, claiming credit for these endeavors. This recurring theme of 'taking credit' for Jacob's efforts persists throughout the Jacob-Laban story.[10] These pivotal moments—the Pact Proposition, Pillar Building, and Credit Taking—seem to intensify tensions between Jacob and Laban, akin to a Cold War-type conflict, even as they establish their pact.

Laban singularly imposes stipulations upon the agreement, notably focusing on two key points: the delineation of the border (v. 52) and an agreement not to 'ill-treat my daughters, or […] take wives in addition to my daughters' (v. 50). Scholars present various perspectives on this demand concerning additional wives. Initially, one might consider it as Laban's concern for the welfare of Rachel and Leah. However, Jonathan Paradise's article, 'What did Laban demand of Jacob,' presents a compelling argument. Paradise suggests that Laban's stipulation pertains not to physical abuse but rather to practical legal-economic aspects typically addressed in a marriage contract.[11] This condition likely encompasses inheritance and property matters, suggesting that Laban perceives everything Jacob

[10] Hamilton, *The Book of Genesis*, 310–16.
[11] Jonathan Paradise, "What did Laban demand of Jacob?: a new reading of Genesis 31: 50 and Exodus 21: 50," *Tehillah le-Moshe* (1997): 91-98.

possesses—his flocks, property, wives, and children—as ultimately falling under his authority and provision. Even if the text's meaning isn't that explicit, Speiser notes that this stipulation aligns with elements found in many cuneiform marriage documents.[12] Consequently, it becomes challenging to interpret this condition sympathetically toward Laban.

More surprising than the subtle disagreements within a text focused on forming a pact are the areas of direct contention. The naming of the place of agreement, detailed in verses 47-49, appears significant. While one might interpret the transition from the Aramaic 'Jegar-sahadutha' to 'Galeed' as a mere translation, possibly indicating mutual consent without any party seen as superior, the act of naming appears intertwined with conflicting assertions about the divine.

Jacob's outright refusal to swear by both the God of Abraham and the God of Nahor, choosing instead to swear by the Fear of his Father Isaac, suggests a deliberate distancing from any association with Laban's ancestral God or the names attributed to them. Yair Zakovitch suggests that "the Rocks and pillar function as borders between the two nations, and the gods of both, guarding their respective territories, act as witnesses to the pact's formation and the compliance of both nations."[13] The name given to the place and the gods invoked to oversee it appear to me to be related; you cannot have one without the other. If the Gods are meant to sit upon the mound and judge, then they sit in tension with each other in identity, name, and even the name of the place where they sit.

[12] E. A. Speiser, *Genesis*, Anchor Bible, 244-257.
[13] Zakovitch, *Jacob Unexpected Patriarch,* 90–92.

In this whole sequence, the only area of true mutual agreement is found in the covenantal meal. But that begs the question: on what basis is the meal even had? It appears detached from the mounting conflict and unilateral maneuvering. If the only area of agreement is truly the meal they celebrate, I find the whole agreement to be on shaky ground.

Up to this point, I have focused exclusively on what makes this an uncertain agreement. So, in what ways is it stable? This, I believe, is part of the dramaturgical move that the text makes. By establishing this territorial debate on the reversal of the trickster Jacob, getting played by Laban, the narrative argues that Jacob got the bad end of the deal.[14] By highlighting the cruelty of Laban in his bargaining, it amplifies any further encroachment as doubly cruel. If Jacob got the bad end of the deal, it only bolsters Israel's claim to the land south of Mizpah.[15] In other words, perhaps Laban is bound to break the covenant, but he really shouldn't because he already has more than his fair share.

In my exploration of Genesis 31:44-54, the text masterfully navigates the delicate balance between portraying the fragility of an agreement and reinforcing the stability of established boundaries. This covenant forged between Jacob and Laban exemplifies this intricate dynamic. The narrative illustrates the tenuous nature of the pact, helping to give a reason for the rising tensions with Syria, and mirroring the situation with the likely contemporaneous Babylonian exile. This fragility is accentuated by the unilateral actions, ongoing tensions, and conflicts interwoven into the agreement. But amidst this apparent

[14] John Edward Anderson, "Divine Deception and Incipient Fulfillment of the Ancestral Promise," in *Jacob and the Divine Trickster: A Theology of Deception and YHWH's Fidelity to the Ancestral Promise in the Jacob Cycle* (Winona Lake: Eisenbrauns, 2014), 123–29

[15] J. Garijo-Serrano, "Constructing imaginative geographies in Genesis," *Hervormde Teologiese Studies* 77(2), doi:https://doi.org/10.4102/hts.v77i2.6969.

instability, the author strategically emphasizes the solidity of the border through etiological and material evidence, offering a sense of permanence of ownership to the land to an exilic audience. Laban's duplicitous nature and his imposition of excessive terms emphasizes the unfairness of territorial disputes where Jacob, portrayed as the trickster turned victim, bolsters Israel's claim to the land south of Mizpah.

Ultimately, this text, like all the patriarchal cycles, points to the fulfillment of the ancestral promise of land and progeny. It portrays the resilience of the promise despite the adversity faced by the patriarchs. The narrative resonates with the assurance that despite temporary mistreatment, Elohim/Yahweh remains faithful to deliver on the promise, providing hope for a future return to the land pledged to Jacob and his descendants. In the tapestry of uncertainties and complexities, the text communicates the enduring fulfillment of divine promises, even amidst displacement and great adversity.

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