

Biblical Law Section

Abstracts for 2009 Session on Law and the Ethics of Community

Monday, November 23, 1:00-3:30 p.m.

Shalom E. Holtz, Yeshiva University

"Judge Me, Oh Lord!" (Psalm 7:9): Prayer and Courtroom Procedure

Scholars of ancient Near Eastern literature have long recognized that the language of courtroom procedure permeates the language of prayer. In Akkadian, the formulation of a litigants' claim before the court might end with the phrase "render our verdict." The speaker in an incantation uses the same formula to demand auspicious outcomes. Hebrew psalms, such as Psalms 7:9 and 43:1, make similar demands in similar language. The roots of this language in the legal sphere, however, have not been fully exposed. This paper does so by drawing on biblical descriptions of trials, as well as on analogous records from Mesopotamia. It hopes to consider what the presence of these demands for judgment implies for biblical prayer.

John S. Bergsma, Franciscan University of Steubenville, and John Bergsma, Franciscan University of Steubenville

Biblical Manumission Laws: Has the Dependence of H on D Been Proven?

The biblical manumission laws have long been regarded as a testing ground for theories about the relative ordering of the biblical legal corpora (C, H, D). Widely differing positions on this subject have been argued by J. Wellhausen, E. Ginzberg, Y. Kaufmann, R. North, S.A. Kaufman, S. Japhet, J. Tigay, R. Westbrook, G. Chirichigno, I. Cardellini, A. Schenker, C.J.H. Wright, J. Van Seters, N. Lemche, J. Milgrom, J. Joosten, J. Bergsma, and others. However, recent studies by B. Levinson and J. Stackert claim to have resolved the debate conclusively in favor of the dependence of H (Lev 25) on D (Deut 15) on the basis of literary analysis alone. This paper analyzes the evidence presented for the literary dependence of H and D, arguing that, in the absence of shared (1) low-frequency (rare/unusual) lexemes and/or (2) lexical strings of significant length in the same or recognizably similar order, it is not possible conclusively to demonstrate literary dependency. Since the manumission laws of H and D share no low-frequency vocabulary and no strings longer than two words, literary dependency cannot be demonstrated and the debate remains open.

Roy E. Gane, Andrews University

Loyalty and Scope of Expiation in Numbers 15

Arguments for cohesion of the laws in Numbers 15 and connections between them and surrounding rebellion narratives can be reinforced by explanations for differences with Leviticus that have puzzled interpreters: 1. To remedy the inadvertent sin of the Israelite assembly, Lev 4:14 prescribes a purification offering bull, but Num 15:24 calls for a burnt offering bull plus a male goat for a purification offering. Addition of the burnt offering in Num 15 brings grain and wine accompaniments, in accordance with the rules in vv. 1-16, to be observed by the younger generation in Canaan. These laws support hope, although the disloyal older generation will perish in the wilderness (chap. 14). Also, augmentation of the ritual process corresponds to expanded expiatory scope that includes resident aliens, who will enjoy the land even though unfaithful Israelites will not. 2. Lev 4 prescribes purification offerings for inadvertent sins of the high priest, the assembly, a chieftain, and any other individual Israelite, but Num 15:22-29 only covers the assembly and the individual. Having modified the assembly's sacrifice due to inclusion of non-Israelites, Num 15

must show that the ritual for an individual alien is the same as for an individual Israelite (cf. Lev. 4:27-31). Num 15 needs no reiteration of other purification offerings because high priests and chieftains would be assembly members, not aliens. 3. Lev 5:1, 20-26 (Engl. 6:1-7) provide for sacrificial expiation in cases of non-defiant deliberate sins, but Num 15 does not include consideration of such sins. Num 15 sets up a sharp contrast between inadvertent sins, which are never defiant (vv. 22-29), and defiant sins (vv. 30-31), which are illustrated by the wood-gatherer (vv. 32-36) and dominate surrounding narratives. Basic covenant loyalty (cf. vv. 37-41) is necessary for receiving sacrificial expiation.

A. Rahel Schafer, Wheaton College

Sabbath Rest for the Animals?: The Ethics of Non-Human Sabbath Rejuvenation in Pentateuchal Law

The notion of Sabbath rest for animals has received little attention from biblical scholars. Confined to a single command in the Exodus version of the Decalogue (Exod 20:10), the motif of non-human Sabbath rest is picked up and developed further in several Pentateuchal legal texts. Expanding the definition of Sabbath rest, the Book of the Covenant (Exod 23:10-12) grounds the extension of the Sabbath to animals in their need for repose and rejuvenation. The Holiness Code (Leviticus 25:2-7) broadens the scope of Sabbath rest to include the land itself, as well as the wild animals. The Deuteronomic version of the Decalogue (Deut 5:12-15) changes the motivation for Sabbath rest, focusing on deliverance for the oppressed, and contextualizing the liberation to animals. This paper will explore the progression of the ordinance in the Pentateuch and conclude with brief reflections on the significance of these biblical provisions for animals today.