

Biblical Law Section

Abstracts for 2009 Session on Law in Narrative and Culture (S24-5)

Tuesday, November 24, 9:00-11:30 a.m.

Cheryl Strimple, Southern Methodist University

Widows and Justice: Law, Narrative, and Identity Discourse

It is not unprecedented to compare law and narrative in an attempt to construe the meaning of individual law provisions in the Hebrew Bible. In fact, narrative is usually viewed as serving a contextualizing function in order to make sense of law, and law collections, in turn, are valued for the socio-historical information they provide. A common-sense approach to biblical law that assumes it was authoritative and operative, as well as analogous in the function to modern-day law, undergirds much of the scholarship that cites legislation concerning widows, orphans, and aliens as proof of the biblical model of justice. However, narratives about widows, for example, do not always cohere with the image of widows presented in law provisions, leading to consideration of the function of narrative in comparison to law in the realm of public discourse concerning identity. Do the different genres, law and narrative, promulgate separate discourses on identity? This study will compare the story of Tamar in Genesis 38 with legislation concerning widows in order to show that identity discourse differs according to genre.

Steven Richard Scott, University of Ottawa

Law as the Order of Creation in Mesopotamia, Egypt, and Israel

This presentation will begin by describing the concept of law in relation to creation in Mesopotamia and Egypt. One of the central metaphors to describe creation in both Mesopotamia and Egypt was that of the king of the gods commanding creation into being. The word of a king was law, and consequently in both Mesopotamia and Egypt the order of creation was also law. This is reflected in the terms used to describe the order of creation, *kettu* and *mesharu* in Mesopotamia, and *ma'at* in Egypt, which are often translated as justice and righteousness, terms associated with the administration of law. In Mesopotamia the order of creation was seen as being written down in the tablets of heaven, and in Egypt Thoth, the god of scribes, law, and legislation, wrote as Re spoke in the hall of *ma'at*. In both Egypt and Mesopotamia the earthly laws were seen as reflecting the heavenly law: the order of creation was supposed to run through the whole of creation, including human society. When humans did not live according to this heavenly law, that is, did not help support the order of creation, the gods would withdraw the heavenly law from humans. There was thus an unwritten contract between the Gods and humans. In the second part of the presentation the conclusions of first part will then be discussed in relation to Israelite and Jewish literature. Items discussed will include the beginning of Genesis, the focus on obedience in Genesis, the tablets of Moses, the ark-throne of the LORD, and the warnings and promises of the prophets.

Avi Shveka, Hebrew University of Jerusalem

"Lo Telekh Rakhil Be'ammekha" (Lev 19:16): A New Interpretation

The commandment "lo telekh rakhil be'ammekha" (Lev 19:16) is universally understood as a prohibition against slander. This interpretation is based on the contexts of the same idiom in its few other occurrences in the Bible. Etymologically, however, the word "rakhil" is derived from the root r.k.l, whose meaning, both in biblical Hebrew and in other Semitic languages, is related to trade. The difficulty to embed the meaning "slander" in the semantic field of trade has led some scholars to conclude that there existed two different roots r.k.l in biblical Hebrew. This paper suggests, alternatively, that while the idiom "halakh rakhil" was used metaphorically in the context of social relationship, its proper meaning is "to paddle, to travel for the purpose of trade". The commandment in Lev 19:16 should hence be understood as a prohibition against using the practice of buying cheap and selling dear – naturally exercised by international merchants traveling long distances – within the boundaries of one's local social group ("be'ammekha"), where such profit-making was considered unjustified. This interpretation is supported by a number of biblical texts which reflect a highly-negative attitude towards trading, and even regard it explicitly as sin (e.g. Ez 28:18). It is also well in accordance with other biblical laws which forbid normal commercial practices when done inside the boundaries of the community, limiting them to relations with foreigners (a quintessential example being the prohibition of interest). Moreover, this interpretation gives as a key to understand the attaching of this commandment to the commandment "do not stand forth against the life of your neighbor", an attachment that has long puzzled scholars. The historical context of the prohibition against rate-gap profits is most probably the reality of rich landlords who exaggerated food prices in times of hunger.

G. Thomas Hobson, Concordia Seminary (Clayton)
Cut Off from (One's) People: Punitive Expulsion in the Torah

This paper will present evidence that the Torah's penalty "cut off from (one's) people" is not a divine extermination curse, as held by Wold, Milgrom, and rabbinic Judaism, nor a death penalty by another name, but a form of punitive expulsion, building on Von Rad's hypothesis on the meaning of this penalty. Although there is only one example of punitive expulsion to be found in any of the extant Near Eastern law codes, evidence for this practice can be found in other sources such as historical narratives, letters, and royal decrees. This paper will focus on the findings of the writer's dissertation research, which has brought together the largest collection of evidence currently available for punitive expulsion in the ancient Near East. Evidence will be presented from Sumer, Babylon, Mari, the Hittite Empire, Ugarit, Egypt, Assyria, and post-exilic Judah, including Qumran, and the rabbinic practice of excommunication. Objections to the punitive expulsion theory will be examined and discussed. The writer seeks to establish that "cut off from (one's) people" is a lesser penalty than capital punishment. In its Israelite context, the penalty serves to remove a source of moral contamination that threatens divine wrath against the community, while also functioning as an expression of mercy.