

**Biblical Law Section and Pentateuch Section**  
**Abstracts for 2009 Session on Narrative and Law**  
**Monday, November 23, 4:00-6:30 p.m.**

Pamela Barmash, Washington University  
*Law and Narrative in Genesis*

Legal elements of Genesis are often analyzed without regard to their placement in narrative texts. However, narratives show how a storyteller perceives the legal system as operating, and in so doing, the storyteller presents us with critical aspects of how power relationships can allow one party to manipulate the law or take advantage of the flaws of a legal system. By analyzing how an offense is shaped in narrative in comparison to how it is treated in formal law, we can illuminate how Israelite storytellers evaluated their legal system.

Diana Lipton, King's College London  
*Legal Analogy in Deuteronomy and Fratricide in the Field*

Deuteronomy 22: 25-27 includes a rare biblical example of a legal analogy. A man who lies by force with an engaged girl in the open countryside will die. Nothing, however, will be done to the girl, since this is like the case of a man attacking and murdering another man; there was no one to save her. The analogy ensures that the sex is deemed non-consensual, but I argue here that its interest lies elsewhere. Genesis 4:1-12 contains two cruces: the precise meaning of rogets (v. 7), and the lacuna created by Cain's missing words to his brother Abel (v.8). An intertextual reading with Deut. 22:25-27 may illuminate both. Deut. 22:25-27 and Gen. 4:1-12 share several conceptual and verbal features: the field; a man who 'arises' against another (Deut. 22:26, cf. Gen. 4:8); a murder; and a victim who cries out (Deut. 22:27, cf. Gen. 4:10). This intertextual reading complicates the reader's perception of what Cain did to Abel, and God's response. I ask whether Deuteronomy's legal analogy indicates a parallel juxtaposition of sex and murder in Genesis 4. This is supported by an Akkadian-based reading of rogets as 'snake' (phallic, and cf. Gen. 3:1); by the similarity between Gen. 4:7 and Gen 3:16 (combined desire and mastery); by the association elsewhere in Genesis of problematic sexual encounters and violence (e.g., 6:1-4, 11; 19:4-1); and by a third possible intertext, 2 Sam. 14:4-11, which likewise involves unpunished fratricide in the field (the woman of Tekoa's 'sons', cf., Absalom and Amnon), following an incestuous sexual encounter (Amnon and Tamar) whose victim cries out (2 Sam. 13:19), and ends with (temporary) banishment. How should Deuteronomy's legal analogy be brought to bear in relation to these textually and ethically complex narratives?

Bruce Wells, Saint Joseph's University  
*The Story of the Hated Wife in Genesis and in Deuteronomy*

This paper will consider the three Deuteronomic texts (21:15-17; 22:13-21; and 24:1-4) that refer to a wife who is hated, as well as the narrative of Leah in Genesis 29, who is referred to in this same way. Based on ancient Near Eastern comparative evidence, the paper will argue that a

hated wife is one who either has been divorced or has been demoted from first-ranking wife to a secondary status by her husband. It will also show that the term "hate" is used only in instances where the husband's actions are without grounds--i.e., the actions are not based on the wife's misconduct. The paper will conclude that, contrary to much previous scholarship, the law in both the Deuteronomic and the Genesis texts conforms to standard ancient Near Eastern legal traditions but that there is insufficient evidence for seeing a direct connection between the Genesis narrative and the Deuteronomic laws.

Klaus-Peter Adam, Lutheran School of Theology at Chicago  
*Inadvertence in Abstract Legal Terminology in Asylum Laws and in Narratives*

Ex 21:13-14 in the Covenant Code addresses the problem of inadvertence of homicide and of bloodguilt. This paper considers mainly the wording of *šgg/šgh* (and *zyd*) in a number of cases that mention unintentionality with possibly committed bloodguilt, e.g. in 1Sam 14:24; 26:21, and in detailed descriptions of asylum legislation, e.g. in Numbers 35:11,15; Josh 20:3,9. Inadvertence features in additions to the priestly legislation in Numbers 15:22-26; 15:27-31, in Qohelet 5:5; 10:5 and in Lev 4:2,22,27 and others. The paper addresses inadvertence and its relevance in cases of bloodguilt on two levels. First, it considers the formal differences between shorter abstract legal sentences (in Exod 21:12-14) and legal texts of a more elaborate narrative style (Deut 19:1-15, Num 35). Also, it considers the elaborate narratives about bloodguilt and revenge, mostly in 1-2 Samuel. Secondly, it reflects upon the implications of the parallel use of inadvertence in case narratives as well as in the abstract legal codes. The paper traces the development of this category in biblical law and examines whether it was first used in abstract legal sentences of codified law and only secondarily in case narratives.

Calum Carmichael, Cornell University  
*Jacob's "Red, Red Dish" and the Ritual of the Red Heifer*

Historical events sometimes inspire biblical rituals. If the event occurs during the lifetime of the legendary lawgiver, Moses, the redemption from Egypt, for example, the ritual is explicitly linked to the event. There is no explicit linkage if the event occurs before Moses' lifetime. An example is the ritual of the Red Heifer which is linked to Esau selling his birthright for a "red, red dish" that his brother cooked and that Esau needed to fend off death. There are eight significant correspondences between the narrative in Genesis and the law codified in Numbers. The purpose of the ritual is to counter primitive fears about the dead.