

Biblical Law Section

**Abstracts for 2009 Session, Reflections on the Work of Raymond Westbrook (S22-10)
Sunday, November 22, 9:00-11:30 a.m.**

F. Rachel Magdalene, University of Leipzig / Humboldt University Berlin

Introductory Remarks: Legal Science Then and Now

This paper, as the first paper in this panel, will introduce and summarize briefly the work of Raymond Westbrook, who has long articulated the view that the theory and methods of ancient Near Eastern science informed ancient legal science, generally, and the construction of the so-called law codes of the ancient Near Eastern and early classical world, specifically. His view is that the codes are in the nature of legal treatises, based on case law, and that they reflect an ancient Near Eastern common law that informs all the codes. This idea, then, informs his legal hermeneutic. The paper will subsequently set Westbrook's view within the context of modern legal science or philosophy. How one understands the nature of law broadly is of critical import to how one understands the history of law. It is this paper's view that the varying disagreements regarding the development of the ancient law codes, their nature, and import for ancient Near Eastern law, all reflect different modern theories of the nature of law and its development. The paper goes on to argue that Westbrook should be placed in the philosophical camp of analytical legal philosophers, all of whom are based, at least in part, on the work of Wittgenstein and that this Wittgensteinian legal philosophy informs his legal historical views and methods. The paper concludes that Wittgenstein's non-Aristotelian philosophy as applied to legal history may well be a most helpful tool in understanding legal science before Plato and Aristotle came on the scene.

Bernard S. Jackson, University of Manchester

The "Institutions" of Biblical Law

This paper will consider the contribution of Raymond Westbrook to the study of biblical law by examining the so-called "institutions" that are mentioned in the pentateuchal legal texts.

Sophie Démare-Laphont, École Pratique des Hautes Études

From the Bank of the Seine to the Chesapeake Bay: Contrasting Perspectives on Ancient Near Eastern Law

This paper will look at how different types of training, such as continental vs. common-law training, can influence how one interprets ancient legal texts and the systems they represent.

Victor Avigdor Hurowitz, Ben Gurion University of the Negev

Hammurabi's Laws: What Were They and What Did They Become?

This paper will trace the reception of the Laws of Hammurabi in later periods and will place the work of Raymond Westbrook within that context.

Anselm C. Hagedorn, Humboldt Universität zu Berlin

How Far Does a Legal Koine Extend? Remarks on Westbrook's "Common Law" in the Mediterranean

This paper will consider Raymond Westbrook's theories regarding connections between early Greek and Roman law and legal traditions from the ancient Near East.