

# Topics in the Bible: Biblical Law Fall 2020

Wednesdays 8:00–10:45am  
Zoom

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Pronouns: she/her

Office Hours: by appointment on Zoom

In this class we will study the concept of biblical law from a number of perspectives. Centering the primary sources, we will first explore the three major “law codes” found in the Pentateuch and discuss issues around their origins, including but not limited to their literary relationships to other biblical and Mesopotamian legal texts, their relationship to practiced law in the ancient Middle East, their literary/narrative contexts, and their relationship to scribal culture. In the latter half of this class we will turn to issues of law in the Second Temple period. We will examine the questions about the influence of Torah on legal texts at Qumran and on legal thought in this period more broadly.

## Course Requirements and Grading

### **PARTICIPATION (50%)**

You are expected to attend each class having done both the primary and secondary reading. You will be called on in class to read, translate, and interpret biblical texts. You may also be asked to be prepared to present a 5-minute synthesis of a secondary reading or to lead the discussion around a particular reading.

### **FINAL PAPER (50%)**

You will write a final paper for this course on a topic of your choice related to biblical law. Your paper topic must be approved by me by class time on November 4<sup>th</sup>. You can submit your paper topic to me via email or set up a one-on-one Zoom meeting to discuss it. Your paper should be between 7,500 and 10,000 words. **It is due in class on December 9<sup>th</sup>.** You will be expected to present your paper to the rest of the students in the class on the 9<sup>th</sup> and to field questions from your peers.

## Covid-19 Clauses

We are in the midst of an ongoing global pandemic. This will undoubtedly affect our class in a number of ways.

- First and foremost, you should prioritize your health and the health of your family. If you are unable to attend class for Covid related reasons (and this covers anything from illness to unexpected childcare duties), please just let me know. Your grade will not suffer.
- If you are not able to prepare all of the readings because of \*gestures around at everything,\* that is also fine. Do what you can. You are all graduate students and scholars-in-training. I trust your judgment to prioritize your education as much as you are able in these times. Your grade will not suffer.
- I am fully aware that this will limit your access to research related resources, and that you might be more restricted than you normally would be when it comes to your final papers. If you are having a hard time locating a source, please check in with me and I will see if I can help you find it. You can also check in with the Judaic Studies librarian Guy Burak. He is wonderful and a huge help in locating research materials. If none of these avenues work, let it go. Make a footnote in your paper that you hoped to cite this but couldn't access it. That is for you more than it is for me. Should you come back to this paper in a year or ten to present it or publish it, you can follow up on leads you had now. Your grade will not suffer for lack of access to resources.
- If you need an extension on the final paper, just ask. Your grade will not suffer.
- If it's not clear by now, please do not worry about your grade in this course. I assume you are here because you are interested in biblical law and want to learn about biblical law. We will do the best we can together over the next few months.

## Course Schedule

### September 2      **Introduction; What is biblical law? Laws, Law Codes, Legal Collections**

1. Skaist, Aaron. "**Ancient Near Eastern Law Collections and Legal Forms and Institutions.**" Pages 305–318 in *Oxford Handbook of Biblical Law*. C.f. Westbrook, Raymond. "The Character of Ancient Near Eastern Law," Pages 1–90 in *A History of Ancient Near Eastern Law*. Edited by Raymond Westbrook. Leiden: Brill, 2003.
2. Yaron, Reuven. "**Biblical Law: Prolegomena,**" Pages 27–44 in *Jewish Law in Legal History and the Modern World*. Edited by Bernard S. Jackson. Leiden: Brill, 1980.

**September 9**      **NO CLASS: NYU "Legislative Day" (Monday Schedule)**

**September 16**      **Covenant Code: Content and Form**

1. Exodus 20–23; focus especially on Exodus 21
2. Edenberg, Cynthia. "The Book of the Covenant," Pages 157–176 in *OHBL*.
3. Boyd, Samuel L. "Exodus 21:35 and the Composition and Date of the Covenant Code." *Die Welt des Orients* 48, no. 1 (2018): 9–23.
4. Hurowitz, Victor. "" His Master Shall Pierce His Ear with an Awl" (Exodus 21.6): Marking Slaves in the Bible in Light of Akkadian Sources." 58 (1992): 47-77.
5. Levinson, Bernard M. "The 'Effected Object' in Contractual Legal Language: The Semantics of 'If you purchase a Hebrew Slave' (Exod XXI 2)." *Vetus Testamentum* 56, no. 4 (2006): 485–504.

Optional:

1. Mendenhall, George E. "Ancient oriental and Biblical law." *The Biblical Archaeologist* 17, no. 2 (1954): 26-46.
2. Alt, Albrecht. "The Origins of Israelite Law," Pages 101-171 in *Essays on Old Testament History and Religion*. Oxford: Blackwell, 1966.

**September 23**      **Covenant Code Ancient Middle Eastern law; Laws of Hammurabi**

1. The Laws of Hammurabi (in English translation) [PDF]
2. Bottéro, Jean. "The Code of Hammurabi." Pages 156–184 in *Mesopotamia: Writing, Reasoning, and the Gods*. Translated by Zainab Bahrani and Marc Van de Mieroop. Chicago: The University of Chicago Press, 1992.
3. Wright, David P. "The Laws of Hammurabi as a Source for the Covenant Collection (Exodus 20:23, 23:19)." *Maarav* 10 (2003): 11-87.
4. Wells, Bruce. "The Covenant Code and Near Eastern Legal Traditions: A Response to David P. Wright."
5. Wright, David P. "The Laws of Hammurabi and the Covenant Code: A Response to Bruce Wells."
6. Morrow, William S. *An Introduction to Biblical Law*. Grand Rapids, Michigan: Eerdmans, 2017: 66–93.

Optional:

1. Otto, Eckart. "Town and Rural Countryside in Ancient Israelite Law." *Journal for the Study of the Old Testament* (1993): 3-22.

2. Jackson, Bernard S. "The Ceremonial and the Judicial: Biblical Law as Sign and Symbol." no. 30 (1984): 25-50.
3. Wells, Bruce. "What Is Biblical Law? A Look at Pentateuchal Rules and Near Eastern Practice." *Catholic Biblical Quarterly* 70, no. 2 (2008): 223-243.

### **September 30      Deuteronomistic Code: Content and Relationship to CC**

1. In English: Deut 12–26
2. In Hebrew: Deuteronomy 12:1–32; 15:12–17; 16:1–17
3. Rofe, Alexander. "The Arrangement of the Laws in Deuteronomy." *ETL* 64 (1988): 265-287.
4. Chavel, Simeon. "The Literary Development of Deuteronomy 12: Between Religious Ideal and Social Reality," Pages 303–326 in *The Pentateuch: International Perspectives on Current Research*. Edited by Thomas Dozeman, Konrad Schmid, and Baruch J Schwartz. Vol. 78 of *Forschungen zum alten Testament*. Tübingen: Mohr Siebeck, 2011.
5. Gesundheit, Shimon. "The Deuteronomistic Festival Calendar," Pages 96–166 in *Three Times a Year: Studies on Festival Legislation in the Pentateuch*. Tübingen: Mohr Siebeck: 2012.

### **October 7              Deuteronomistic Code: Form/Comparative [Jeffrey Stackert visits class]**

1. Deut 13
2. Vassal Treaty of Esarhaddon (in English)
3. Stackert, Jeffrey and Bernard M. Levinson. "Between the Covenant Code and Esarhaddon's Succession Treaty: Deuteronomy 13 and the Composition of Deuteronomy." *Journal of Ancient Judaism* 3 (2012): 123-140.
4. Weinfeld, Moshe. *Deuteronomy and the Deuteronomistic School*. Oxford: Oxford University Press, 1972: pp. 59–157.
5. Morrow, William. "Have Attempts to Establish the Dependency of Deuteronomy on the Esarhaddon Succession Treaty (EST) Failed?" *HeBAI* 8 (2019): 133–158.
6. Quick, Laura. *Deuteronomy 28 and the Aramaic Curse Tradition*. Oxford: Oxford University Press, 2017: pp. 41–67.

### **October 14            Priestly "Law" in the Pentateuch : Is Ritual Law?**

1. In English: Lev 1–16

2. In Hebrew: Lev 1; 11
3. Feldman, Liane. "Introduction" Pages 1–28 in *The Story of Sacrifice: Ritual and Narrative in the Priestly Source*. Tübingen: Mohr Siebeck: 2020.  
\*\*Focus on pp. 18–23\*\*
4. Feldman, Liane. "Moses's Private Audience," Pages 29–66 in *The Story of Sacrifice: Ritual and Narrative in the Priestly Source*. Tübingen: Mohr Siebeck: 2020.
5. Halberstam, Chaya. "The Art of Biblical Law." *Prooftexts: A Journal of Jewish Literary History* 27, no. 2 (2007): 345–364.
6. Meshel, Naphtali S. "Food for Thought: Systems of Categorization in Leviticus 11." *Harvard Theological Review* 101, no. 2 (2008).
7. Balberg, Mira. "Ritual Studies and the Study of Rabbinic Literature." *Currents in Biblical Research* 16, no. 1 (2017): 71–98.

**October 21            Holiness Legislation: Content and Form; Is this a Code?  
[Baruch Schwartz visits class]**

1. In English: Lev 17–26
2. In Hebrew: Lev 17; 19; 25:44–46
3. Schwartz, Baruch. Excerpts from *The Holiness Legislation: Studies in the Priestly Code*. Jerusalem: Magnes Press, 1999. [In Hebrew] pp. 17–33; 241–249
4. Schwartz, Baruch J. "Israel's Holiness: The Torah Traditions," Pages 47–59 in *Purity and Holiness: The Heritage of Leviticus*. Edited by M.J.H.M Poorthuis and Joshua Schwartz. Leiden: Brill, 2012.
5. Nihan, Christophe. "The Holiness Code Between D and P: Some Comments on the Function and Significance of Leviticus 17–26 in the Composition of the Torah," Pages 81–122 in *Das Deuteronomium zwischen Pentateuch und Deuteronomistischem Geschichtswerk*. Edited by Eckart Otto and Reinhard Achenbach. Göttingen: Vandenhoeck & Ruprecht, 2004.
6. TBD: Possibly an article-in-progress from Baruch Schwartz on the Decalogue in Leviticus 19

**Optional:**

7. Levinson, Bernard M. "The Birth of the Lemma: The Restrictive Reinterpretation of The Covenant Code's Manumission Law by the Holiness Code (Leviticus 25:44-46)." *Journal of Biblical Literature* 124, no. 4 (2005): 617-639.
8. Feldman, Liane. "The Possibility of Decontamination," Pages 153–194 in *The Story of Sacrifice: Ritual and Narrative in the Priestly Source*. Tübingen: Mohr Siebeck: 2020.

## October 28      Reading Law in Narrative Context

1. Exod 19–20; Num 9
2. Chavel, Simeon. "Oracular Novellae and Biblical Historiography: Through the Lens of Law and Narrative." *Clio* 39, no. 1 (2009): 1–27.
3. Cover, Robert M. "Nomos and Narrative." *Harvard Law Review* 97, no. 4 (1983): 4–69.
4. Gewirtz, Paul. "Narrative and Rhetoric in the Law," Pages 2–13 in *Law's Stories: Narrative and Rhetoric in the Law*. Edited by Peter Brooks and Paul Gewirtz. New Haven: Yale University Press, 1996.

## November 4      Reading Narrative into Law

1. In Hebrew: Lev 9–10
2. Feldman, Liane. "Yahweh's Private Performance," Pages 67–108 in *The Story of Sacrifice: Ritual and Narrative in the Priestly Source*. Tübingen: Mohr Siebeck: 2020. Cf. Feldman, Liane M. "Ritual Sequence and Narrative Constraints in Lev 9:1–10:3." *Journal of Hebrew Scriptures* 17, no. 12 (2017): 1–35.
3. Liss, Hanna. "Ritual Purity and the Construction of Identity: The Literary Function of the Laws of Purity in the Book of Leviticus," Pages 329–354 in *The Books of Leviticus and Numbers*. Edited by Thomas Römer. Leuven: Uitgeverij Peeters, 2008.
4. Nasuti, Harry P. "Identity, Identification, and Imitation: The Narrative Hermeneutics of Biblical Law." *Journal of Law and Religion* 4, no. 1 (1986): 9–23.

## November 11      "Rewritten Law" in Second Temple Literature

1. Columns 56:12–59:21 of the *Temple Scroll*
2. Deut 17:14–20
3. Wise, Michael Owen. "The Deuteronomy Source," Pages 35–60 in *A Critical Study of the Temple Scroll from Qumran Cave 11*. Chicago: The Oriental Institute of the University of Chicago: 1990.
4. Fraade, Stephen. "The Temple Scroll as Rewritten Bible: When Genres Bend," Pages 136–154 in *Hā-ʾish Mōshe: Studies in Scriptural Interpretation in the Dead Sea Scrolls and Related Literature in Honor of Moshe J. Bernstein*. Edited by Binyamin Y. Goldstein, Michael Segal, and George J. Brooke. Leiden: Brill, 2018.

5. Zahn, Molly M. "Beyond 'Rewritten Bible': Revision and Reuse in the Temple Scroll, Jubilees, and Qumran Sectarian Works," Pages 98–136 in *Genres of Rewriting in Second Temple Judaism: Scribal Composition and Transmission*. Cambridge: Cambridge University Press: 2020.

**November 18      "Rewritten Law" in Second Temple Literature  
[Alex Jassen Visits Class]**

\*\*\*readings for this class are provisional and subject to change\*\*\*

1. CD 11:7–9; Jer 17:21–22; Exod 16:29
2. Jassen, Alex P. *Scripture and Law in the Dead Sea Scrolls*. Cambridge: Cambridge University Press, 2014: pp. 18–68 (chapters 1–2).
3. Jassen, Alex P. "Law and Exegesis in the DSS: The Sabbath Carrying Prohibition in a Comparative Perspective," Pages 115–156 in *The Dead Sea Scrolls at 60: Scholarly Contributions of New York University Faculty and Alumni*. Edited by Lawrence Schiffman and Shani Tzoref. Leiden: Brill, 2010.
4. Pakkala, Juha. "Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah," Pages 193–221 in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period*. 2011.
5. Rhyder, Julia. "The Reception of Ritual Laws in the Early Second Temple Period," Pages 390–428 in *Text and Ritual in the Pentateuch*. Edited by Christophe Nihan and Julia Rhyder. Winona Lake: Eisenbrauns; Penn State University Press, 2020.

**November 25      No class, Thanksgiving Break**

**December 2      Torah and Law in the Second Temple Period**

1. Kazen, Thomas. "The Role of Law in the Formation of the Pentateuch." Pages 257–274 in *OHBL*.
2. Collins, John J. "The Law in the Late Second Temple Period." Pages 367–382 in *OHBL*.
3. Kratz, Reinhard G. "Temple and Torah: Reflections on the Legal Status of the Pentateuch between Elephantine and Qumran," Pages 77–104 in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake: Eisenbrauns, 2007.

4. Schmid, Konrad. "The Persian Imperial Authorization as an Historical Problem and as a Biblical Construct: A Plea for Distinctions in the Current Debate Konrad Schmid." Pages 22–38 in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*. Edited by Gary N. Knoppers and Bernard M. Levinson. Winona Lake: Eisenbrauns, 2007.
5. Schmid, Konrad. "The Genesis of Normativity in Biblical Law," Pages 119–136 in *Concepts of Law in the Sciences, Legal Studies, and Theology*. Edited by Michael Welker and Gregor Erzmüller. Tübingen: Mohr Siebeck, 2013.

**December 9**

**Student Presentations**