NEJS 113B: LAW IN THE BIBLE AND ANCIENT NEAR EAST
Brandeis University
Fall 2015
Instructor: David Wright
Teaching Fellow: Jared Pfost
TF 11:00–12:20
Wright Office Hours: TBA

DESCRIPTION:

A study of laws and legal ideas in biblical and Near Eastern law “codes,” treaties, contracts; economic documents and narratives; the development and function of the documents and ideas; the meaning of the laws; and their significance for the various societies.

LEARNING GOALS AND OUTCOMES:

Students will
- be able to analyze in writing a topic in the area of ancient Near Eastern law.
- understand the legal ideas and supporting religious ideology infusing ancient Near Eastern religions.
- learn how to frame questions, investigate problems, and evaluate conclusions using the methods and perspectives of historical analysis and religious studies.
- become familiar with the scholarly conventions and contemporary knowledge concerning Near Eastern Studies to critically assess claims in the academic literature of those fields and in the popular media.
- obtain a basic understanding of how academic scholarship approaches and studies the Bible.
- be able to situate texts, traditions, and ideas related to the study of law in their contexts and to assess their meaning in the light of those contexts.
- learn about notions of social justice in antiquity and be able to put modern concerns about the same in a larger context.
- gain a firm historical understanding about the relation of legal ideas in the larger ancient Near East.
- acquire a historical perspective on religious traditions and texts that play an important role in American, European, and Israeli society.
- develop their abilities in critical thinking and writing.
- learn to synthesize and summarize information from complex and diverse sources.

BOOKS FOR CLASS:

Roth, Martha. Law Collections from Mesopotamia and Asia Minor. 2nd ed. SBL.
A modern scholarly translation of the Hebrew Bible/Old Testament, such as the following:

*The Jewish Study Bible.* Adele Berlin and Marc Brettler, eds. Oxford: Oxford University Press. The first edition (2003) is in paperback; the second edition (2014) is presently only hardcover. On sale in the bookstore. [This has a good basic commentary and other articles. Good for your library.]

Revised Standard Version online [http://quod.lib.umich.edu/r/rsv/browse.html](http://quod.lib.umich.edu/r/rsv/browse.html)

**SCHEDULE AND READINGS:**

(L = on Latte; m = Monday, etc, h = Thursday)

1. **Introduction**

8/28f *Introduction, with Goring Ox Laws as an Example*


2. **Sources and Methods**

9/1t *Sources and Genres of Law (Casuistic, Apodictic; Text Types); Problems for Analysis (Ideology versus Reality); Approaches to the Study of Near Eastern Law*

  • Readings: Samples from law collections, contracts, court documents, treaties, narratives, instructions (read through to a general sense of genres) (L); Wright, “Methods for Studying Law” (L); Frymer-Kensky, “Israel,” in Raymond Westbrook, ed., *History of Near Eastern Law*, 2:975-1046 (browse this to see how the author and editor have topically organized the evidence) (L).


9/4f *Critical Models of Pentateuch (Source Criticism, Redaction Criticism, Dates)*

  • Readings: Genesis 1-2, 6-9; Friedman, “Pentateuch” (L).

  • Graduates: Read one recent article or book chapter on Pentateuchal theory that you haven’t yet read (clear your choice with me).

9/6: Assessment 1 due on readings for 9/1, 4

9/8t *Mesopotamian Law Collections: Their Purpose*

  • Readings: Read all the Laws of Hammurabi, the Middle Assyrian Laws, and the Hittite Laws (in Roth’s volume); Bottero, “Code of Hammurabi.”

  • Graduates: Westbrook, “Cuneiform Law Codes” (L).

9/11f Special Lecture: Jeffrey Stackert

(9/15t No class)
9/18f  *Biblical Law Collections: Their Purpose*
• Readings: The Covenant Code (Exodus 20:23-23:19), the Deuteronomy 12-26, the Holiness Code (Leviticus 17-26), the Decalogue (2 very similar versions, one in Exodus 20 the other Deuteronomy 5); Westbrook, “Biblical and Cuneiform Law Codes” (L).
• Graduates: Stackert, *Rewriting the Torah*-Conclusion (L).

9/22t  *The Problem of Similarity in Near Eastern Law (From Oral Tradition to Textual Dependence)*

9/24h: Assessment 2 due on readings for 9/8, 18, 22

3. **Assault and Homicide**

9/25f  *Miscarriage and Talion (“an-eye-for-an-eye”) Laws in the Covenant Code and Hammurabi’s Laws*
• Readings: Exodus 21:22-27; Hammurabi’s Laws 196-201; Frymer-Kensky, “Tit for Tat: The Principle of Equal Retribution in Near Eastern and Biblical Law” (L); Wright, “Textual Dependence...Talion” (L).
• Graduates: Jackson, “Pregnant Woman Victim” (from his *Wisdom-Laws*, 209-239) (L); Westbrook, “Lex Talionis” (L).

(9/29t) No class, Brandeis “Monday”

10/2f  *Talion Laws in Deuteronomy and the Holiness Code*
• Readings: Reread Exodus 21:22-27 and compare Deuteronomy 19:15-21 and Leviticus 24:17-22; also read the whole of Leviticus 24:10-23; Nihan, “Murder, Blasphemy and Sacral Law” (L).

10/5m: Assessment 3 due on sessions for 9/25, 10/2

10/6t  *Homicide and Asylum*
• Graduates: Read all of Wright, *IGL* Chapter 8 (Goring Ox) (L); Finkelstein, “Ox That Gored” (L).

3
10/9f  *Homicide and Cultic Centralization and Cultic Restriction*

- Readings: Deuteronomy 19; Numbers 35; Greenberg, “Biblical Conception of Asylum” (L).
- Graduates: Stackert, Rewriting, pp. 31–112 (on asylum) (L).

10/12m: Assessment 4 due on sessions for 10/6, 9

4. **Debt-Slavery and the Poor**

10/13t  *Debt Slavery: The Scribal Evolution of Law*

- Readings: Exodus 21:1-11; Deuteronomy 15:12-18; Leviticus 25; Wright, “She Shall Not Go Free” (L).
- Graduates: Levinson, “Manumission of Hermeneutics” (L).

10/15h: Paper topic to be chosen and cleared with instructor or TA

5. **Property and Theft**

10/23f  *Bibliography and Research Session*

6. **Decalogue, Apodictic Law, and the “Covenant Code Narrative”**

10/27t  *The Decalogue: Origins and Meaning*

- Readings: Decalogue in Exodus 20 and Deuteronomy 5; Greenberg, “Decalogue” (L)
10/30f *Apodictic Laws in the Covenant Code*

- Graduates: Wright, “Chiasmus in the Covenant Code Reconsidered” (L).

11/3t *The Covenant Code Narrative and the Elohist Source of the Pentateuch*

- Readings: Exodus 3; Exodus 18; Exodus 2; Wright, “Covenant Code Narrative” (pp. 332-345 from *IGL*) (L); Wright, “Origin, Development, and Context of the Covenant Code” (L); Morrow, “Resistance and Hybridity” (L).
- Graduates: Baden, Composition of the Pentateuch (on E, pp. 103–148); Baden, “Review of IGL” (L); Wright, “The Covenant Code Appendix” (L).

11/5h Assessment 6 due on readings for 10/27, 30 and 11/3

7. Sexual Behavior

11/6f *Sexual Behavior: the Family Laws in Deuteronomy and MAL; Adultery and Rape*

- Readings: Deuteronomy 22-25 (read for laws on sexual behavior); Middle Assyrian Laws (Roth; read for laws on sexual behavior and correlate with laws in Deuteronomy); Exodus 22:15–17; Edenburg, “Ideology and Social Context of the Deuteronomic Women's Sex Laws” (L).

11/9m Bibliographies for paper due

11/10t *Sexual Behavior: Homosexuality, Zoophilia, and Incest*

- Readings: Exod 22:18; Leviticus 18 and 20; Hittite Laws 187-200; Hammurabi Laws 154-158; Hoffner, “Incest, Sodomy and Bestiality” (L); Olyan, “And with a Male You Shall Not Lie the Lying Down of a Woman” (L).

11/13f *The Suspected Adulteress (Sotah) and the Question of Ordeal*

- Readings: Numbers 15; Frymer-Kensky, “Ordeal Texts” (from her dissertation) (L); compare the story Numbers 16 as an ordeal; Frymer-Kensky, “Sotah” (L); Camp, “Numbers 5:5:11–31….Controlling Priest” (L).

11/16m: Assessment 7 due on readings for 11/6, 10, 13

8. Treaty

11/17t *Assyrian Treaty and the Book of Deuteronomy*

- Readings: Deuteronomy chapters 13 and 28; Vassal Treaties of Esarhaddon (L); compare the latter text with the Deuteronomy chapters; Levinson and Stackert, Between the Covenant Code and Esarhaddon’s Succession Treaty” (L).
• Graduates: Levinson and Stackert, “Limits of Resonance”; Lauinger, “Esarhaddon’s Succession Treaty at Tell Tayinat” (L); Lauinger, “Some Preliminary Thoughts on the Tablet Collection in Building XVI from Tell Tayinat” (L).

11/20f *Hittite Treaty and the Bible*
• Readings: Treaty of Ramses II and Hattusili III (L); Berman, “CTH 133 and Hittite Provenance of Deuteronomy 13” (L).
• Graduates: Levinson, “Bible’s Break with Ancient Political Thought” (L).

11/23m: Assessment 8 due on readings for 11/17, 20

11/24t *Research Paper Help*

(11/27 No class, Thanksgiving)

9. Ritual Law

12/1t *Ritual Law: The Festivals*
• Readings: Exodus 23:14-19; Deuteronomy 16; Levinson, “Passover and Unleavened Bread” (L).

12/4f *Ritual Law: Dietary Laws and National Holiness*
• Readings: Exodus 22:30; Deuteronomy 14; Leviticus 11; also read Leviticus 17-26 quickly to find places where the holiness of the deity or the people is mentioned; Schwartz, “Israel’s Holiness” (L).
• Graduates: Moran, “Literary Connection” (L); Wright, “Spectrum of Impurity” (L).

11/7m: Assessment 9 due on readings for 12/1, 4

12/8t *The Ideology of the Priestly Writings*
• Readings: Genesis 1–2, 6–9; Exod 6, 40; Wright, “Profane Versus Sacrificial Slaughter”
• Graduates: Wright, “Law and Creation in the Priestly-Holiness Writings of the Pentateuch”

Papers due during final exam week. Date will be announced

WORK FOR THE COURSE:

Undergraduates and graduates: Both groups will do the same basic work, but graduates are expected to do more extensive work. They have extra reading assignments (listed under “graduates” for each session). Graduate research papers will be longer (see below).

Research paper: The major work for the course is a research paper (ten pages double-spaced, excluding bibliography; longer for grads). It will be developed in stages over the
course of the semester. (A longer paper may be written in conjunction with a paper for another class if the other instructor permits. Clear with me.) Topics are to be chosen by October 15. You are encouraged to choose your topic and start your work much earlier. A list of possible topics will be posted on Latte. That list is only suggestive. Students should feel free to go in the direction that they wish. For other possible topics, consult the categories in:


Each paper should have a comparative component. This does not need to be an argument for cultural dependence; comparison may be done for phenomenological insight (for this type of comparison, see Wright, “Methods for Studying Law” on September 4). Exceptions to this requirement are possible, depending on topic.

For non-biblical sources, students may explore the contents of the following works (both in the Judaica Reference Room and the first also electronically):


Undergraduates should read and reference at least ten academic articles or book chapters pertaining to your paper topic (apart from works listed in this syllabus, though you may include these works in your research and final bibliography for the paper). Graduate should read substantially more than this. These works may include academic biblical commentaries. Do not include in your count primary text editions or translations, such as the Bible, Roth’s volume, or the Hallo or Pritchard volumes just cited. Use a standard bibliographic form. Bibliographies listing these works are due November 9. Key research resources for building your bibliography will be the *Oxford Encyclopedia of Bible and Law* (see above) and the bibliographic search engines ATLA and Old Testament Abstracts. To get to the latter, go to the ITS page (http://lts.brandeis.edu/), choose the “Brandeis Scholar” tab on the right “Quick Links” menu, then click the subject area Near Eastern and Judaic Studies from the “Quick Sets” menu, and then choose ATLA or Old Testament Abstracts. Bibliographies may also be built from the bibliographies in recent books and articles that you find. You will likely have to order some of your articles or books from Interlibrary Loan. This takes time. So start your bibliographical search and reading well before November 2. (Online resources: you are welcome to do web searches to find bibliographic items. For example, Googling
“women, bible, law, bibliography” may turn up some helpful results. But any online articles you use must be academic and peer reviewed. If in doubt ask me or the TA.)

Final papers are due during exam week (to be determined specifically).

*Periodic assessments:* Across the course of the semester students will turn in assessments (one page, single-spaced or longer) of the readings for the two or three previous sessions. There will be 9 total. The dates are listed in the schedule of topics. An assessment is to be a critical discussion of the prominent ideas, themes, or arguments presented, or a critical analysis of significant evidence. It should engage at least two of the secondary academic articles in connection with a number of the primary texts assigned. The assessment should include at the top the bibliography of the works reviewed, in proper bibliographic form. These assessments will be graded with a percentage grade. Students may rewrite 2 assessments for a higher grade. (See the policy on late work, below, for how this affects assessment grades.)

*Preparation and participation:* One of the most important elements of the course is reading the materials, being armed with questions, and prepared for in-class discussion.

**GRADING:**

Paper: 50% (bibliography 5%; the final paper 45%)
Weekly assessments: 35%
Preparations and participation (including attendance): 15%

**OTHER CONSIDERATIONS:**

Success in this 4 credit hour course is based on the expectation you will spend a minimum of 9 hours of study time per week in preparation for class (readings, papers, discussion sections, preparation for exams, etc.).

Any assignment turned in late will be docked 5% per day (Saturday-Sunday = 1 day). The final paper cannot be turned in late.

Attendance is included in your participation grade. Let the instructor or TA know if you will not be attending class. While one or two absences will be forgiven, for brief illnesses or occasional conflicting events, three or more absences without reasonable justification will lower the final grade.

Those with documented learning disabilities should speak to the instructor if accommodations are necessary.

Plagiarism or other academic dishonesty is not tolerated.