

Unit 6. Biblical Law Literature in Its Ancient Near Eastern Context, Lecture 2: Ancient Near Eastern Law - Part II

In the previous lecture, we presented the main ancient Near Eastern law collections known to us today. These collections are removed from one another in time and place. Surprisingly, however, they share many characteristics. The topics of all the collections – criminal and civil – are very similar. The basic formula of each law within the different collections is also identical: the formulation in general uses the pattern “If ... then”. This pattern is known as ‘casuistic’ among biblical scholars. All the collections are also eclectic: none of them systematically covers different areas of law. They also present similar norms and viewpoints. And above all – in several cases, we can identify specific parallels between them. All these factors suggest that these collections belonged to a common legal heritage.

Dr. Jon Taylor: We probably shouldn’t imagine that the code is like a modern code of law, where you can stand up in court and refer to “paragraph 3 says this, therefore”. It’s more a propaganda, or, not even really propaganda, it’s ideology that establishes, first of all, the king’s legitimacy for doing this, how he has been selected by the gods, and he has done all these wonderful things, ... this is what should happen in this kind of case, this is what should happen... so it’s not necessarily what actually happened in the day to day level, but a kind of a mission statement.

Scholars tend to doubt that the law codes reflect the law which was actually practiced. As Jon explained, many maintain that the collections did not serve as binding law books. This claim is supported by the fact that other legal documents, such as verdicts or contracts, do not use any law collection as reference books. Moreover, the ruling reflected in these documents sometimes contradicts the law found in the collections. Some scholars thus regard the law codes as collections of precedents from the royal court. Others believe that they are nothing but royal propaganda. A third approach classifies law codes as intellectual material produced by school scribes for literary purposes.

The Bible also contains law codes that are integrated into the canon. At least one of them seems to be referred to as a book on its own right. During the Sinai Revelation, Moses declares:

וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנוֹ הָעָם וַיֹּאמְרוּ כָל אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע

And he took the Book of the Covenant and read it out loud to the people.

And they said: All that the Lord has spoken we will do, and be obedient!

(Ex. 24:7)

What is this Book of Covenant? Scholars usually assume that it includes all the laws given to Moses from when he “approached God” (Exod 20:21) until he descended from Sinai (Exod 20:22–24:3). This is, in effect, a law code. It is considered among scholars to be the oldest of its kind in the Bible.