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8. FURTHER ASPECTS OF BIBLICAL AND ORIENTAL STUDIES

Much could be added to the preceding sections, and more work is being done in still other fields, with striking and valuable results. Law and topography are two such fields.

I. ANCIENT LAW IN THE BIBLICAL WORLD

Law has benefited from the discovery of several ancient collections of laws since the recovery of Hammurapi's stela in 1901-2¹ Renewed interest in biblical law was stimulated by Alt's study in 1934, in which he emphasized the distinction in formulation as between 'casuistic' or case law ('If a man...') and 'apodictic' law ('Thou shalt/shalt not...'),² classing the former as Canaanite and the latter as more particularly Israelite. Unfortunately, the distinction has been over-emphasized, and apodictic formulations are not unique to Israel, as is clearly shown by the mixture of 'casuistic' and 'apodictic' forms in the treaty-covenants and laws of the Ancient Near East.³

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A much more fruitful approach to Ancient Oriental and biblical law has been opened up by Greenberg⁴ As noted above (p. 134), he pointed out that 'discrepancies' occur within Hammurapi's laws that are just as severe as anything in the Pentateuch that has tempted Old Testament scholars into literarycritical schemes of unilinear development between 'codes'. The presence of such 'difficulties', deliberately included within a single law-collection such as Hammurapi's, is a signal warning that merely to arrange the offending laws in a unilinear scheme is not a proper solution at all - particularly as it 'leads to a disregard of [valid legal] distinctions' (Greenberg, pp. 7-8) And comparison of biblical and extra-biblical laws has too often ignored the cultural backgrounds of both. Hence, one must work out the proper legal distinctions that exist within a given series of usages current with a people (be they Babylon-

¹ For the Ur-Nammu laws, cf. S. N. Kramer and A. Falkenstein, *Orientalia* 23 (1954) pp. 40-48; for those of Lipit-Ishtar, from Eshnunna, of Hammurapi, the Middle Assyrian, Hittite and Neo-Babylonian laws, see the translations with bibliographies in *ANET*, pp. 159-198; also R. Haase, *Einführung in das Studium Keilschriftlicher Rechtsquellen*, 1965, and *Die Keilschriftlichen Rechtssammlungen in Deutscher Übersetzung*, 1963.

² A. Alt, *Die Ursprünge des Israelitischen Rechts*, 1934, in *Berichte über die Verhandlungen der Sächsischen Akademie d. Wissenschaft, Ph.-Hist. Kl.*, 86:1; repr. in *KS*, 1, pp. 278-332.

³ Note the criticisms by I. Rapaport, *PEQ*, October 1941, pp. 158-167, T. J. Meek, *Hebrew Origins*², 1950 (repr. 1960), p. 72, and S. Gevirtz, *VT* 11 (1961), pp. 137-158, esp. 156-157; a more elaborate critique is offered by E. Gerstenberger, *Wesen und Herkunft des 'Apodiktischen Rechts'*, 1965. For apodictic style (incl. 2nd person) in covenant-stipulations, cf. D. J. McCarthy, *Treaty and Covenant*, 1963, pp. 36-37 and list, p. 49; 3rd person apodictic laws occur in the laws of Eshnunna, Hammurapi and the Middle Assyrian laws. Both 2nd and 3rd persons are used in West Semitic curseformulae (Gevirtz, *loc. cit.*). G. von Rad, *Studies in Deuteronomy*, 1953, (= *SBT*, No. 9), pp. 17-36, over-emphasizes formal stylistic distinctions such as does Alt, and fails entirely to regulate his form-criticism by external controls (p. 24, combination of apodictic and conditional statutes in Near Eastern laws is ignored; p. 29, 'negative style' was never peculiar to any age).

⁴ M. Greenberg, 'Some Postulates of Biblical Criminal Law' in *Yehezkel Kaufmann Jubilee Volume*, 1960, pp. 5-28 (English section).

ians or Hebrews), and one must observe and apply the differences in the values that are basic to each culture (whether Hebrew, Babylonian or other). These two principles are brilliantly worked out and illustrated by Greenberg, using examples from the realm of criminal law. On the second principle, the underlying contrast in values between the Babylonian and Hebrew outlook emerges clearly: the latter sets a supreme value on human life in a religious context, while the former sets most store on the sanctity of property.⁵ For illustration of the other principle, the reader must refer to Greenberg's study;

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at several points the supposed 'early-late' distinctions of the unilinear kind simply fall away as meaningless.⁶

Not only the subject-matter and the form of biblical laws but also the linguistic usage can be so old that it is only fully explicable in terms of external data (especially cuneiform) from the first half of the second millennium BC. As already mentioned above (p. 129), this has been shown by Speiser⁷ for some difficult expressions in Leviticus. This can apply both to individual words and verses (*e.g.*, Lv. 19:20, 21; 27:12) and to connected passages (*e.g.*, Lv. 5:15 ff.; 25:35-54).⁸ Furthermore, it is probably misleading to use the word 'code' both of the Near Eastern law-collections⁹ and of the biblical laws,¹⁰ and so this term (with overtones of 'Code Napoleon') should be dropped in favour of more neutral terms such as 'law-collections', 'laws', or (legal) usage.

II. THE TOPOGRAPHY OF BIBLE LANDS

Topography has always been a concern of biblical and Near Eastern studies since the pioneer days of Edward Robinson,¹¹

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⁵ Cf. Greenberg, *op. cit.*, p. 18, on biblical severity and non-biblical leniency over homicide, and biblical leniency and non-biblical severity over property-offences.

⁶ This has a direct and unfavourable bearing on the conventional kind of speculations indulged in by (*e.g.*) Eissfeldt, *The OT, an Introduction*, 1965, pp. 220 ff: (esp. on the relationship of D(eut.) and B(ook of the Covenant) in Ex.). On the real relationships between the laws of Ex., Nu., Lv., and Dt., the unpretentious little volume by G. T. Manley, *The Book of the Law*, 1957, esp. chapters vi-ix, is far more realistic than the kind of romancing exemplified by Eissfeldt (who cites Manley's book, but ignores his evidence), and is much closer methodologically to Miles's treatment of the Hammurapi laws in Sir J. C. Miles and G. R. Driver, *The Babylonian Laws*, I, 1952, as well as to the important issues raised by Greenberg.

⁷ E. A. Speiser, *Yehezkel Kaufmann, Jubilee Volume*, 1960, pp. 29-45 (English section).

⁸ The passages quoted are those dealt with by Speiser, *loc. cit.*

⁹ On the possible function and nature of the 'codes' of Lipit-Ishtar, Hammurapi, *etc.*, and their indirect relation to royal edicts at the beginning of a king's reign, cf. J. J. Finkelstein, *JCS* 15 (1961), pp. 100-104, and D. J. Wiseman, *JSS* 7 (1962), pp. 161-172, with earlier references.

¹⁰ Thus, in Ex., Dt., Jos., and possibly Lv., the commandments and 'laws' also come within the framework of covenant-form and its stipulations (*cf.* pp. 90-102, above).

¹¹ E. Robinson, *Biblical Researches in Palestine (etc.)*, I-III, 1841, and *Later Biblical Researches in Palestine*, 1856. Standard is still F. M. Abel, *Géographie de la Palestine*, I-II, 1933-8; J. Simons, *Geographical and Topographical Texts of the Old Testament*, 1959, is virtually undocumented and of very limited utility. D. Baly, *The Geography of the Bible*, 1957, and *Geographical Companion to the Bible*, 1963, are quite useful. On atlases, *etc.*, *cf.* p., 167, notes 53, 54, below.

and not least in studies by Alt and Noth between the two world wars.¹² More recently, a great deal of valuable work has been done by scholars in Israel; for example, surveys and excavations in Philistia,¹³ the Negeb and Arabah,¹⁴ Carmel and environs,¹⁵ and studies in the historical topography of Eastern Palestine and Aramaean inroads.¹⁶

¹² Numerous studies in *ZDPV*, *Palästina-Jahrbuch*, etc.; some of Alt's are in *KS*, I-III.

¹³ E.g., J. Naveh, *IEJ* 8 (1958), pp. 87-100, 165-170, and B. Mazar, *IEJ* 10 (1960), pp. 65-77; cf. also H. E. Kassis, *JBL* 84 (1965), pp. 259-271.

¹⁴ Y. Aharoni, *IEJ* 8 (1958), pp. 26-38, and *IEJ* 13 (1963), pp. 30-42.

¹⁵ Y. Aharoni, *IEJ* 9 (1959), pp. 110-122.

¹⁶ B. Mazar, *JBL* 80 (1961), pp. 16-28; H. Tadmor, *IEJ* 12 (1962), pp. 114-122.