

Law and Religion in the Eastern Mediterranean. From Antiquity to Early Islam. Edited by Anselm C. Hagedorn and Reinhard G. Kratz. Oxford: Oxford University Press, 2013. Pp. xviii + 408. £80 (cloth).

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The volume under review comprises fourteen articles by scholars from different fields of ancient studies encompassing Hebrew Bible, ancient Greece, the ancient Near East, Qumran, Elephantine, the Nabataeans, and the early Arab world. The introduction by the editors of the volume outlines the topic, structure and aims

of the book and gives a short overview of the articles' contents (pp. 1–9). Unlike other studies on ancient law and religion, the present volume is intended to “broaden the interpretative framework by looking beyond the individual society” instead of concentrating on a particular society or cultural realm (p. 1). Centering on the relationship between law and religion, the collection aims at investigating “cultural similarities and differences across geographical and historical space” in the Eastern Mediterranean (p. 2). Due to the important role of the Eastern Mediterranean in cross-cultural exchange processes and historical developments between different oriental and occidental societies, the broad perspective of the collection is most welcome and stimulating for future research.

In this regard, however, the assortment of the cultures and textual traditions covered in the book seems unbalanced. That is, unlike what the title of the book suggests, the emphasis is clearly on the Hebrew Bible, which is the topic of the seven articles of part II (pp. 184–394). In contrast, the cuneiform sources are only included “as a constant point of reference, especially for the study of biblical law” (p. 2). The choice is explained by the long-term study the cuneiform sources have experienced in comparison to the biblical material. This, however, applies mainly to certain texts and to the question of how parallels between the ancient Near Eastern and biblical texts are to be explained. As with many areas of life, the interconnection and interplay between legal and religious concepts have not, so far, been very well studied. This includes, e.g., the question of which actions are considered to be legal or religious transgressions, and the respective sentencing procedures. In addition, various texts and text genres among the ancient Near Eastern cuneiform sources have thus far received little attention by scholars of biblical studies. This applies, for instance, to texts from the Hittite and Old Assyrian cuneiform sources, as well as to the Hieroglyphic Luwian and Lycian inscriptions. Correspondingly, they are also virtually ignored in the present volume, even though inclusion there would have been illuminating in a number of instances (for which see below). In view of this, one might also ask why the editors decided to include a revised and updated English version of a German-language article by Josef Wiesehöfer that was already published in *Recht und Religion: Menschliche und göttliche Gerechtigkeitsvorstellungen in den antiken Welten*, ed. H. Barta, R. Rollinger, and M. Lang (Wiesbaden, 2008), 191–204.

Despite this imbalance, the volume comprises very interesting and stimulating articles addressing a wide

range of cultures, textual traditions, and topics. Although each contribution focuses on different subjects and textual sources, there are many links between them. This applies particularly to the function of oaths, curses, ordeals, and oracles in legal procedures and the underlying interplay between the human and divine sphere (see A. David for Egypt, M. Gagarin for Early Greece, F. S. Naiden for the Near Eastern and Greek law codes, J. F. Healey for the Nabataeans, and B. S. Jackson for the Hebrew Bible); the role of the divine sphere in the lawgiving process and in jurisdiction (see Gagarin for Greece, Healey for the Nabataeans, Naiden for the Near Eastern and Greek law collections, E. Otto for Deuteronomy, A. Shemesh for Qumran, and I. Schneider for Early Islam); and developments in the legal history of ancient Israel under the influence of neighboring cultures and their reflection in the literary history of Deuteronomy (Otto, R. G. Kratz, and B. Wells).

A number of articles deal with specific legal terms (J. Wiesehöfer for Ancient Iran) and/or specific laws or legal procedures like sale (A. D. Gross for Aramaic law) and marriage and divorce (A. F. Botta, Jackson, and Wells for the Hebrew Bible, the Aramaic documents from Elephantine and ancient Near Eastern cuneiform sources). Several articles are centered on specific texts like Deuteronomy (Otto, Kratz, Wells), Job (F. R. Magdalene), the Early Islamic book *al-Aḥkām al-sulṭāniyya* (Schneider) or particular text genres like tomb inscriptions (Healey for Nabatean culture) and sale documents (Gross for Aramaic Law). In view of the many interrelations between the articles and sometimes controversial views (cf., e.g., the different interpretations of the Aramaic and Hebrew verb שָׁנָא by Botta and Wells) the use of cross-references as well as a word index would have been advantageous.

In the following a few remarks will be made on single articles:

The article of David (pp. 13–39) emphasizes the common features between legal and religious language and rituals in the Ramesside period of ancient Egypt. Since a similar interrelationship is also to be found in sources of neighboring cultures, occasional references (e.g., to the legal language and concepts in ancient Near Eastern invocation rituals) would have enriched the otherwise very illuminating study. It should further be noted that the curse formula of Ramesses II's Hittite treaty, cited by the author as an example of the interplay between the legal and religious realm in Egyptian culture (p. 19), originates in the Hittite

treaty tradition (see B. Christiansen, *Schicksalsbestimmende Kommunikation. Sprachliche, gesellschaftliche und religiöse Aspekte hethitischer Fluch-, Segens- und Eidesformeln*, Studien zu den Boğazköy-Texten 53 [Wiesbaden, 2012]).

A further shortcoming is the lack of differentiation between various types of curses, such as unconditional and conditional curses, or curses phrased as a plea to a deity (e.g., “may god X destroy you”) and curses like “you will perish” or “he belongs to the flame.” Although all types can be addressed as performative speech, the assertions that “saying a curse accomplishes it” and “cursing is already punishing” (p. 21) are only applicable to some types of curses (see, e.g., A.-M. Kitz, *Cursed are You! The Phenomenology of Cursing in Cuneiform and Hebrew Texts* [Winona Lake, 2014] p. 66 and chapter 7; Christiansen, *Schicksalsbestimmende Kommunikation*, pp. 419f., 519f. passim).

In his discussion of the legal use of the Aramaic verb שָׂנֵא lit. “to hate” (pp. 105–28), Botta rejects the definition of the verb given by H. Z. Szubin and B. Porten in their article “The Status of a Repudiated Spouse: A New Interpretation of Kraeling 7 (TAD B3.8),” *Israel Law Review* 35 (2001): 46–78 (on p. 120 erroneously cited by Botta as Porter and Szubin 1995). According to Szubin and Porten, in the Elephantine papyri the term denotes the demotion of the status of a spouse within an ongoing matrimonial bond. On the basis of a comparison of attestations of the Hebrew verb שָׂנֵא in the Hebrew Bible as well as the Egyptian and Akkadian equivalents *msd̄j* and *zēru*, Botta affirms the traditional interpretation of שָׂנֵא as an Aramaic legal term for divorce. While Botta’s argumentation against Porter’s and Szubin’s interpretation of the Elephantine references is overall convincing, he seems not to differentiate clearly enough between the petition for divorce by one of the marriage partners and its approval by a court or another legal authority. According to the Elephantine legal documents cited by Botta, the verb appears to denote the petition for divorce, but not the legal dissolution of the marriage. The latter required a legal process that obligated the marriage partner who asked for the divorce to forgo rights to certain money and property (see also Wells, p. 302, note 49). Contra Botta (p. 119), this obligation is hardly meant as a penalty, but as a financial compensation. Another shortcoming is that the author tends to ignore attestations that are not compatible with the interpretation as a term denoting the end

of a relationship, especially in the Hebrew Bible (for which see also the examination by Wells: “The Hated Wife in Deuteronomic Law,” *Vetus Testamentum* 60 [2010]: 131–46). Furthermore, the analysis of the side-by-side occurrence of the verbs *zēru* “to hate” and *abātu* “to flee” or, in another copy, *ḥabātu* “to move across, roam through” in LE §30 in terms of a “hendiadyc pair” (p. 115) does not seem appropriate in the context of the respective legal clause.

Very interesting in view of cross-cultural comparison is the article by Healey on fines and curses among the Nabataeans (pp. 165–86). Focusing on the characteristics of the Nabatean tomb inscriptions, Healey notes that their closest parallels are the Greek and Lycian tomb inscriptions from the epichoric and early Hellenistic period in Lycia (with most epichoric Lycian inscriptions, contra Healey p. 167, dating to the fourth instead of the fifth century BCE). The similarities among these inscriptions are indeed striking. It is regrettable, therefore, that Healey does not provide a detailed comparison. This applies particularly to the character of the inscriptions as summaries of legal contracts kept in temples or archives, the legal dispositions regarding the plots of the tombs and the combination of fines and curses as sanctions for tomb violations (which are, in contrast to Healey’s claim on p. 173, also a typical feature of the Lycian tomb inscriptions; for a short overview see B. Christiansen, “Typen von Sanktionsformeln in den lykischen Grabinschriften und ihre Funktionen,” in **h₂nr. Festschrift für Heiner Eichner*, ed. Robert Nedoma and David Stifter, *Die Sprache* 48 [2009]: 44–54).

Naiden’s article, “Gods, Kings, and Lawgivers” (pp. 79–104), offers a comparison between the roles of deities and rulers in the lawgiving process in Mesopotamia, ancient Israel and Greece. Since cross-cultural research has so far focused on the relationship between the ancient Near Eastern and biblical texts, the inclusion of the Greek sources is very welcome. A deficiency of the study is, however, the omission of the Hittite, Neo-Babylonian and Middle Assyrian law collections, which show quite a different picture in comparison to the sources examined by Naiden. A further shortcoming is the lack of differentiation between the image of the ruler’s role depicted in the law collections and the controversially debated actual impact of the ruler on the formation of laws (for an overview, see S. A. Jackson, *A Comparison of Ancient Near Eastern Law Collections Prior to the First Millennium BC* [New Jersey, 2008], 69–113 and 257–76).

In his discussion of the relationship between law and religion in the Bible (pp. 189–209) B. S. Jackson addresses, *inter alia*, the Deuteronomic application of talion. For Deut. 19:21, “Your eye shall not pity; it shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot,” he suggests that an important aspect of the talionic punishments is the manifest visibility on the offender’s body. Thus, the observers “will continually be reminded of the offence, both on its iniquity and of the consequences of performing it” (pp. 204f.). As also indicated by Deut. 19:20, this indeed appears to be a crucial function of many forms of

talion and the related mirror punishments. It should, however, be noted that in case of the death penalty the offense is, in contrast to the other punishments listed in Deut. 19:21, only visible for a short period of time (see, e.g., the regulation in Deut. 21:22f.). Accordingly, Deut. 19:20 does not explain the punishment as a means to continually remind the people of the offense by its permanent representation on the offender’s body, but only states that the punishment should make the people take notice of the deed and become afraid in order to prevent them from similar offenses in the future.