In 2010 and 2011 the Ecole des langues et civilizations de l’Orient ancien in the Institut catholique de Paris sponsored two spring colloquia dedicated to the study of law and justice in the literature of the ancient Near East and the Old Testament. The papers presented there are here made available to a wider audience, arranged in three sections: ancient Near Eastern literature, Hebrew Bible, and “Christian Orient.”

Daniel Petit (“Crime et châtiment en indo-européen: Une perspective historiographique,” 13–33) starts things off with a brief survey of Indo-European legal sanctions, noting, with several nineteenth- and twentieth-century legal historians, three basic types: (1) the “unique sanction,” where jurists mandatorily implement the death penalty for most serious crimes; (2) the “lex talionis,” where the punishment rendered is identical to the crime committed (“eye for an eye”); and (3) the “graduated sanction,” where jurists try to make punishment proportionally compensational. Although many hold the first two options to be backwardly premodern, practiced mainly by non-Indo-European “barbarians,” Petit ridicules this opinion for what it is: a grossly prejudiced “erreur de perspective” (30).

Jean-Marie Durand (“La notion de ‘roi de justice’ à l’époque amorrite,” 34–45) next questions the roles enacted by second-millennium Mesopotamian kings interested in the
appropriate dispensation of justice, noting that the power arrogated to such kings is usually limited by identifiable constraints: (1) position and status (new successor? old patriarch? foreign conqueror?), (2) inherited custom (e.g., state-mandated debt reduction), (3) inherited tribal boundaries, and (4) inherited legal procedures. Michaël Guichard and Lionel Marti (“La justice sociale dans les inscriptions des rois mésopotamiens: Étude de cas,” 46–68) examine legal texts from the reigns of Lipit-Ishtar (d. 1860 BCE) and Sargon II (d. 705 BCE), concluding that, although these reigns are separated by more than a millennium, the evidence generated by their legal scribes “illustrates well the strong conservatism in matters of royal ideology” common to most Mesopotamian monarchies, “the mîšarum (debt-reduction equivalent to or a recovery of the andurârum) being one of the (most) characteristic” (65).

Sophie Démare-Lafont (“L’écriture du droit en Mésopotamie,” 69–83) next examines a number of Mesopotamian texts to ascertain the degree to which royal juridical texts preserve actual legal custom, unsurprisingly concluding that Mesopotamian legal tradition generated within palace circles is quite different from populist texts reflecting the work of local notaries preoccupied with the mundane business of adjudicating civil disturbances and legalizing marriage (and other types of) contracts. Drawing from her extensive research on Hittite law, Isabelle Klock-Fontanille (“Le roi Hittite peut-il être juste sans loi[s],” 84–96) tries to distinguish Hittite “justice” as a pragmatic government institution empowered to keep the law from “justice” as a legal principle, though the two can and do interface on several levels.

Thomas Römer begins the Hebrew Bible section with an essay entitled “La loi du roi en Deutéronome 17 et ses fonctions” (99–111), in which he reverses his earlier opinion that Deuteronomy be primarily defined as the ideological preface of the books narrating the history of the Israelite monarchy, arguing instead that the “law of the king” in Deut 17:14–20 is likely inserted into Torah as a concession to those exiles longingly hoping for the return of the monarchy. Correspondingly, Eckart Otto (“The Book of Deuteronomy and Its Answer to the Persian State Ideology: The Legal Implications,” 112–22) argues that, although many read Deut 10:12–11:32 as material generated by an exilic redactor, these verses already presuppose the existence of the Priestly Code, the document most responsible for criticizing the Persian gathu–ideology claiming for the Achaemenid king the right to confiscate and govern the territory of his neighbors.

Christophe Nihan (“Révisions scriinales et transformations du droit dans l’Israël ancien: Le cas du talion [jus talionis],” 123–58) next observes, in spite of the general impression conveyed by Talmud and Die Bergpredigt, that lex talionis appears only three times in Torah (Exod 21:22–25; Deut 19:16–21; Lev 24:10–23) and, further, that the expression “‘soul for soul, eye for eye, tooth for tooth’ designates a form of voluntary compensation
for injuries ... caused by accidental circumstances,” thus “highlighting the principle of strict proportionality” (158). Reinhard Achenbach (“Rechtliche und Religiöse Aspekte der Integration Fremder in die Israelitische Kultusgemeinde” 159–96) examines several (extra)biblical texts (e.g., the Khirbet Qeiyafa inscription) to argue that Israel developed rather early a conception of protection rights for foreigners and that it was the prophets who broadened it into an international legal corpus before various Greek poleis codified it. Diana Edelman (“The ‘Seeing God’ Motif and Yahweh as a God of Justice,” 197–224) surveys several (extra)biblical texts to conclude that Tanak participated in a larger ancient Near Eastern cultural understanding about the “eyes of the gods,” anthropomorphic organs that constantly examine the outward deeds as well as the inward motives of human subjects.

Olivier Artus (“La mise en œuvre du droit et la justice par les figures exemplaires de l’Ancien Testament: Abraham, David, Salomon, Josias,” 225–33) rehearses the debate between H. Cazelles (רשׁ שׁפְת replaces שׁפֶת in the Canaanite expression שׁפֶת עָשֶׂר, a hendiadys itself adapted from Akkittum ūmišarum, in order to integrate into it a juridical dimension) and H. Niehr (משׁפְת derives from Akkadian Kittum ūmišarum all right, but the terminological change is irrelevant) to argue that משׁפְת in Gen 18:19 broadly exemplifies the “literary logic of the Enneateuch” linking the figure of Abraham to the royal figures of David and Solomon (233). Jesús Asurmendi (“Loi et justice: L’équilibre instable de la sagesse,” 234–45) attributes to the cult the responsibility for harmonizing the otherwise confrontational motifs of “law” and “justice” in Sirach (Sir 35:1–7) and, further, that the cult has no clear value apart from its pragmatic responsibility to embody real justice in the real world (Sir 34:21–31). Sophie Ramond finishes section 2 (“Loi et justice dans les deutéro-canoniques du corpus de sagesse [Siracide et sagesse de Salomon],” 246–61) with a study of the Greek terms most commonly used to translate משׁפָט and צדקה, concluding that “the usage of the words from the semantic fields intermingle the two themes they convey” and that both Sirach and Wisdom “reinterpret the tôrâ in terms of wisdom and its observance in terms of justice” (261).

Section 3 consists of a single essay (“Le droit de désobéir: Une question de justice dans les récits apocryphes et hagiographiques?” (265–74) in which Jacques-Noël Pérès asks what power was strong enough to embolden so many early Christians to reject the laws of the lands in which they lived when the punishment for such disobedience was certain death, noting that many apocryphal texts provide clues: (1) because human laws can sometimes oppose divine law; and (2) because human law can only address the needs of the seen realm, not the unseen.
Like most anthologies, some of these essays are better than others, but overall this volume helpfully engages one of the more ragged edges of the human dilemma, particularly as it boundaries the needs and desires of those ancient peoples responsible for giving us the Bible.