

Douglas A. Knight

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Douglas Knight's study has as its object the social world of ancient Israel rather than the literary text of the Bible. Drawing on anthropological and sociological studies of law in other cultures, he argues that laws do not emerge from legislative action so much as from a gradual process rooted in custom. The study is divided into two parts. The first four chapters develop the method and approach. The remaining three chapters outline what he takes to be the three primary legal systems in ancient Israel – village law, urban and national law, and cultic law.

Chapter 1 outlines the standard view of the development of the main collections of law in the Hebrew Bible – the Covenant Code, the Deuteronomic Code, the Holiness Code, the Priestly Code, and the Decalogue. Knight regards the standard view, which assigns these collections to different periods beginning with the early monarchy, with skepticism. Who would have written and read these codes in the pre-exilic period? And why should they have been composed in writing in the first place? Knight suggests that these laws were only collected in the Persian period in response to a demand similar to that of Darius I for a collection of Egyptian laws in 519 BCE.

Chapter 2 reflects on the nature and function of law as a means of maintaining social order and resolving conflict. Chapter 3 (“The Law of Power”) discusses the politics of legislation: Whose laws? Whose benefits? Knight calls for a hermeneutic of suspicion to be applied to the biblical laws. Chapter 4 discusses the vocabulary of legal discourse and the basic forms of written law. Knight contends that “there is no indication and little likelihood that kings drafted the laws or dictated them to scribes. Furthermore, it is equally improbable that a monarch would voluntarily have commissioned scribes, judges, or priests to produce a new set of laws for the kingdom” (100). He further contends that the population was able to manage well on the basis of customary law down to the Babylonian Exile. The production of written collections was only required by Persian imperial policy. The evidence for this policy is found on the reverse of the Demotic Chronicle, on a third-century BCE papyrus. It is a copy of an edict of Darius I, ordering scholars to write the law of Egypt from olden days until year 44 of Pharaoh Amasis (570-526 BCE). The law is further specified as that of “the temples and the people” (106). Knight discerns three kinds of law here: state laws (of Pharaoh), religious ordinances (of temples), and popular customary laws (of the people). He infers a similar policy in Judah and other parts of the empire. In his view, however, the reign of Darius is too

early for the written production of the legal texts in the Hebrew Bible. He rejects categorically the theory of Persian authorization of the Torah, arguing that the narrative parts would have been of no interest to the Persians. Rather, he suggests, the decree of Darius provided the initial impetus for the writing down of laws, and the corpus developed gradually in the subsequent centuries. When the biblical laws were first written, they represented mainly the parochial interests of the priests and the elites.

Chapter 5 discusses village law. Knight begins with a sketch of the archeological evidence for village life, emphasizing the number and diversity of villages, and cautioning against any assumption that Pentateuchal texts faithfully reflect their legal practices. He lays out twelve criteria for identifying village laws (e.g. laws that reflect the social hierarchy of village life and are oriented to life on the land). In effect, Knight asks which laws would have been of primary concern to village life and focuses on family life, marriage, property laws and the like. As he admits in the conclusion to the chapter, "Not many of the biblical laws can be traced unequivocally to the villages of ancient Israel" (154).

Chapter 6 turns to the cities and the states. Here again Knight provides a useful overview of the evidence for city life. In this case he offers fifteen criteria for identifying city laws, most of which overlap with those applied to the villages. The urban inhabitants were primarily the wealthy and the powerful. Knight regards the bulk of the biblical laws as those of the cities and states.

Cultic laws (addressed in chapter 7) are more easily identified. Here again, Knight emphasizes the diversity of Israelite practice and the degree to which the laws reflect the interests of priests.

In some respects this study represents a considerable advance over previous treatments of biblical law. Knight has read widely in legal theory, and he brings a methodological sophistication to his work that is lacking in earlier scholarship. Ironically, however, the sophistication of his methodological reflections undercuts his attempt to write a social history of Israelite law. If the laws are indeed literary creations of the urban elites of the Persian period, how can we have any confidence that they at all reflect pre-exilic village life, or urban life for that matter? Moreover, Knight never addresses how these literary laws were supposed to function in the Persian or Hellenistic period. Were they composed just to satisfy Persian authorities? Or did they have some bearing on life in post-exilic Judah?

Knight's claim that no one in Israel or Judah would have produced written laws before the Persian era strikes this reviewer as simply bizarre. On the one hand, he never addresses the manifold relation of the biblical laws, especially the Covenant Code, to Mesopotamian laws that date from the second millennium. (David Wright's 2009 book, *Inventing God's Law* [New York: Oxford