

PRAYING LEGALLY

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PRAYING LEGALLY

by
Shalom E. Holtz

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Providence, Rhode Island

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לאבא ולאמא, שיחי'

שותפיו של שומע תפילה החונן לאדם דעת

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Preface

All translations are my own, made in consultation with published translations. Citations of the Hebrew Bible are based on the Masoretic Text of the Aleppo Codex and related manuscripts, available from the electronic corpus of Mechon Mamre (www.mechon-mamre.org). Citations of Hebrew High Holiday liturgy come from Daniel Goldschmidt, ed., מחזור לימים הנוראים: לפי מנהגי בני אשכנז לכל ענפיהם כולל מנהג אשכנז (המערבי), 2 vols. (Jerusalem: Koren, 1970). Medieval Jewish commentaries are cited from Menachem Cohen, ed., *Mikra'ot Gedolot 'Haketer': A Revised and Augmented Scientific Edition of 'Mikra'ot Gedolot' Based on the Aleppo Codex and Early Medieval MSS* (Ramat-Gan: Bar-Ilan University, 1992–).

Citation conventions and abbreviations follow those published in *The SBL Handbook of Style*, 2nd ed. (Atlanta: SBL Press, 2014) and *CAD*.

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Acknowledgments

אַבְרָהָם אֶת-ה' אֲשֶׁר יַעֲצָנִי (תה' טז:ז)

I begin by formally discharging my duty to acknowledge two sources of financial support for my research on this book. In 2014–2015, I received the Memorial Foundation for Jewish Culture’s International Fellowship in Jewish Studies. A grant from the Chelst, Schreiber, and Zwas Yeshiva College Book Fund aided my work in 2016–2018. It is an honor to be included among the recipients of both of these grants.

For some fifteen years now, one main focus of my research has been ancient Mesopotamian trial procedure, primarily as it is attested in the Neo-Babylonian cuneiform corpus. During this time, I served as a consultant to the Neo-Babylonian Trial Procedure project, funded by a Collaborative Research Grant from the U.S. National Endowment for the Humanities and led by Bruce Wells, Cornelia Wunsch, and Rachel Magdalene. While the project itself has ended, and my research interests have migrated toward divine, rather than earthly, courtrooms, my scholarly relationships with Bruce, Cornelia, and Rachel remain. All three have, in one way or another, contributed something to the present work.

Bruce and Rachel welcomed me to the Biblical Law section of the Society of Biblical Literature’s Annual Meeting. Over the years, I have presented most of the research for this book at this section’s sessions, first as a newcomer, then as a steering committee member, and now as a co-chair (with Hannah Harrington). Among the other scholarly venues in which I have shared the work published here, I should single out the Columbia Bible Seminar, whose stimulating meetings are always a monthly highlight for me. At all of these forums, audience responses to my presentations have definitely improved this publication in ways impossible to enumerate.

Similarly, conversations with teachers and colleagues have contributed to this work. Many thanks to Tzvi Abusch, Shawn Zelig Aster, Marc Brettler, Simeon Chavel, Tova Ganzel, Edward Greenstein, Peter Machinist, Moshe Shoshan, Benjamin Sommer, Jeffrey Stackert, David Vanderhooft, and Avi Winitzer, all of whom took an interest in this project and offered criticism and encouragement, as needed. Saul Olyan and the anonymous referees of *Brown Judaic Studies* made valuable suggestions that have improved the book in its present form. My sincere apologies and thanks to those whose names I neglected to mention.

For someone of my research interests, few intellectual environments rival Yeshiva University, my academic home since 2006, where I am a member of the faculty of the Bernard Revel Graduate School of Jewish Studies and of the Robert M. Beren Department of Jewish Studies at Yeshiva College. Among my colleagues there, I wish to single out Moshe Bernstein, Barry Eichler, Aaron Koller, and Ari Mermelstein, on whom I can always rely to serve as sounding boards for my ideas. This work owes a special debt to Ari and his involvement with the Yeshiva University Center for Jewish Law and Contemporary Civilization, where I was a fellow during the 2009–2010 academic year and where my first thoughts on prayer and the courtroom took shape. Lauren Fitzgerald, Professor of English and Director of the Wilf Campus Writing Center at Yeshiva University, read drafts and provided other welcome support for my writing. Alongside the names of the living, I record the memory of Yaakov Elman, with whom I shared many powerful conversations on my research. His passing is a loss to the entire world of Jewish Studies, most keenly felt at YU.

As this book took shape, the ideas it contains became a unit in my graduate-level course on prayer in the Hebrew Bible. Classroom discussions have certainly impacted what now appears in print, and I am grateful to the students who have shared their thoughts with me. Special thanks to the following students who worked as my research assistants when they were undergraduates: Jacob Yisrael Ben Pesach, Yakov Ellenbogen, Eliav Grossman, and Shlomo Wadler. Their undergraduate careers are well in their pasts, but this work remains a testament to their abilities. I am especially grateful to Yael Landman for reading and commenting on most of the manuscript, chapter by chapter, and contributing her expertise as a scholar of the ancient Near East and as a writer.

From this book's very inception, my wife, Leebie Mallin, has provided consistent interest and encouragement. Our three children, Zev (Billy), Avigayil, and Tal have grown up knowing that "Abba is writing a book called *Praying Legally*." They are always sources of delight and reminders that the second (or third) millennium C.E. is at least as interesting as the second (or first) millennium B.C.E. To all of them go my deep appreciation for tolerating my ultimately offbeat interests and for welcoming me into their worlds.

Finally, my parents, Avraham and Toby Berger Holtz, have been at my side throughout my life. The phrase "at my side" can be understood both idiomatically, as it usually is, and quite literally, for we have, in fact, occupied adjacent seats in library reading rooms. My parents are models of devotion to Jewish scholarship who nurtured and supported me every step of the way. I dedicate this book to them. May they continue to enrich the lives of our family and of all who know them.

בשמחה רבה, עש"ק פ' שקלים כד באדר א' התשע"ט

Teaneck, New Jersey
March 2019

Bibliographical Abbreviations

A.	Tablet Signature of Texts from Mari
AB	Anchor Bible
ABAW	Abhandlungen der Bayerischen Akademie der Wissenschaften
ABL	<i>Assyrian and Babylonian Letters Belonging to the K. Collection of the British Museum.</i> Edited by Robert Francis Harper. 14 vols. Chicago: University of Chicago Press, 1892–1914.
AfO	<i>Archiv für Orientforschung</i>
AMD	Ancient Magic and Divination
ANEM	Ancient Near East Monographs/Monografías sobre el Antiguo Cercano Oriente
AnOr	Analecta Orientalia
AOAT	Alter Orient und Altes Testament
ArOr	<i>Archív Orientální</i>
ASAW	Abhandlungen der Sächsischen Akademie der Wissenschaften
AYB	Anchor Yale Bible
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
BaF	Baghdader Forschungen
BaghM	<i>Baghdader Mitteilungen</i>
BCOTWP	Baker Commentary on the Old Testament Wisdom and Psalms
BE	<i>The Babylonian Expedition of the University of Pennsylvania, Series A: Cuneiform Texts.</i> Edited by H. V. Hilprecht. 31 vols. Philadelphia: University of Pennsylvania Press, 1893–1914.
BEATAJ	Beiträge zur Erforschung des Alten Testaments und des antiken Judentums
BETL	Bibliotheca Ephemeridum theologicarum Lovaniensium
BibInt	Biblical Interpretation
BIN	<i>Babylonian Inscriptions in the Collection of James B. Nies.</i> 10 vols. New Haven: Yale University Press, 1918–1987.

BJS	Brown Judaic Studies
BM	Tablets in the collection of the British Museum
BMes	Bibliotheca Mesopotamica
BMS	Leonard W. King, <i>Babylonian Magic and Sorcery</i> . London: Luzac, 1896.
Boyer, <i>Contribution</i>	Georges Boyer, <i>Contribution à l'histoire juridique de la 1^{re} dynastie babylonienne</i> . Paris: P. Geuthner, 1928.
BTS	Biblical Tools and Studies
BWL	Wilfred G. Lambert, <i>Babylonian Wisdom Literature</i> . Oxford: Clarendon, 1960.
BZ	<i>Biblische Zeitschrift</i>
BZABR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CAD	<i>The Assyrian Dictionary of the Oriental Institute of the University of Chicago</i> . Chicago: Oriental Institute of the University of Chicago, 1956–2006.
CBQ	<i>Catholic Biblical Quarterly</i>
CM	Cuneiform Monographs
COS	<i>The Context of Scripture</i> . Edited by William W. Hallo. 3 vols. Leiden: Brill, 1997–2002.
CT	<i>Cuneiform Texts from Babylonian Tablets, &c., in the British Museum</i> . London: The Trustees of the British Museum, 1896–.
CTH	Emmanuel Laroche, <i>Catalogue des textes hittites</i> . Etudes et commentaires 75. Paris: Klincksieck, 1971.
Cyr.	J. N. Strassmaier, <i>Inschriften von Cyrus, König von Babylon (538–529 v. Chr.) von den Thontafeln des Britischen Museums</i> . Babylonische Texte 7. Leipzig: Eduard Pfeiffer, 1890.
DÖAW.PH	Denkschriften Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse
EANEC	Explorations in Ancient Near Eastern Civilizations
EJL	Early Judaism and Its Literature
FAOS	Freiburger altorientalische Studien
FAT	Forschungen zum Alten Testament
GKC	<i>Gesenius' Hebrew Grammar</i> . Edited by Emil Kautzsch. Translated by Arthur E. Cowley. 2nd ed. Oxford: Clarendon, 1910.
HAT	Handbuch zum Alten Testament
HBS	History of Biblical Studies
HSM	Harvard Semitic Monographs
HTR	<i>Harvard Theological Review</i>
HUCA	<i>Hebrew Union College Annual</i>

JANER	<i>Journal of Ancient Near Eastern Religions</i>
JANESCU	<i>Journal of the Ancient Near Eastern Society of Columbia University</i>
JAOS	<i>Journal of the American Oriental Society</i>
JBL	<i>Journal of Biblical Literature</i>
JEOL	<i>Jaarbericht von het Vooraziatisch-Egyptisch Genootschap Ex oriente lux</i>
JJS	<i>Journal of Jewish Studies</i>
JNES	<i>Journal of Near Eastern Studies</i>
JNSL	<i>Journal of Northwest Semitic Languages</i>
JSOT	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JSS	<i>Journal of Semitic Studies</i>
JTS	<i>Journal of Theological Studies</i>
KAR	<i>Keilschrifttexte aus Assur religiösen Inhalts</i> . Edited by Erich Ebeling. Leipzig: Hinrichs, 1919–1923.
Köcher BAM	Franz Köcher, <i>Die babylonisch-assyrische Medizin in Texten und Untersuchungen</i> . Berlin: de Gruyter, 1963– .
Kültepe	Tablets from Kültepe
LHBOTS	Library of Hebrew Bible/Old Testament Studies
MRS	Mission de Ras Shamra
Nbn.	J. N. Strassmaier, <i>Inschriften von Nabonidus, König von Babylon (555–538 v. Chr.) von den Thontafeln des Britischen Museums</i> . Babylonische Texte 1–4. Leipzig: Eduard Pfeiffer, 1889.
NJPS	<i>Tanakh: The Holy Scriptures; The New JPS Translation according to the Traditional Hebrew Text</i>
OECT	Oxford Editions of Cuneiform Texts
OPBIAA	Occasional Publications of the British Institute of Archaeology in Ankara
ORA	Orientalische Religionen in der Antike
OTE	<i>Old Testament Essays</i>
OTL	Old Testament Library
RA	<i>Revue d'assyriologie et d'archéologie orientale</i>
RB	<i>Revue biblique</i>
RIDA	<i>Revue internationale des droits dans l'antiquité</i>
RS	Texts excavated at Ras Shamra (Ugarit)
SAAB	<i>State Archives of Assyria Bulletin</i>
SBLDS	Society of Biblical Literature Dissertation Series
SBSymS	Society of Biblical Literature Symposium Series
StBoT	Studien zu den Boğazköy-Texten
StPohl	Studia Pohl
TCL	Textes cunéiformes. Musée du Louvre

UET	Ur Excavations, Texts
VT	<i>Vetus Testamentum</i>
VTSup	Supplements to <i>Vetus Testamentum</i>
WAW	Writings from the Ancient World
WBC	Word Biblical Commentary
Wiseman, Alalakh	D. J. Wiseman, <i>The Alalakh Tablets</i> . OPBIAA 2. London: British Institute of Archaeology in Ankara, 1953.
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
WO	<i>Die Welt des Orients</i>
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
YOS	Yale Oriental Series, Babylonian Texts
ZAW	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

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