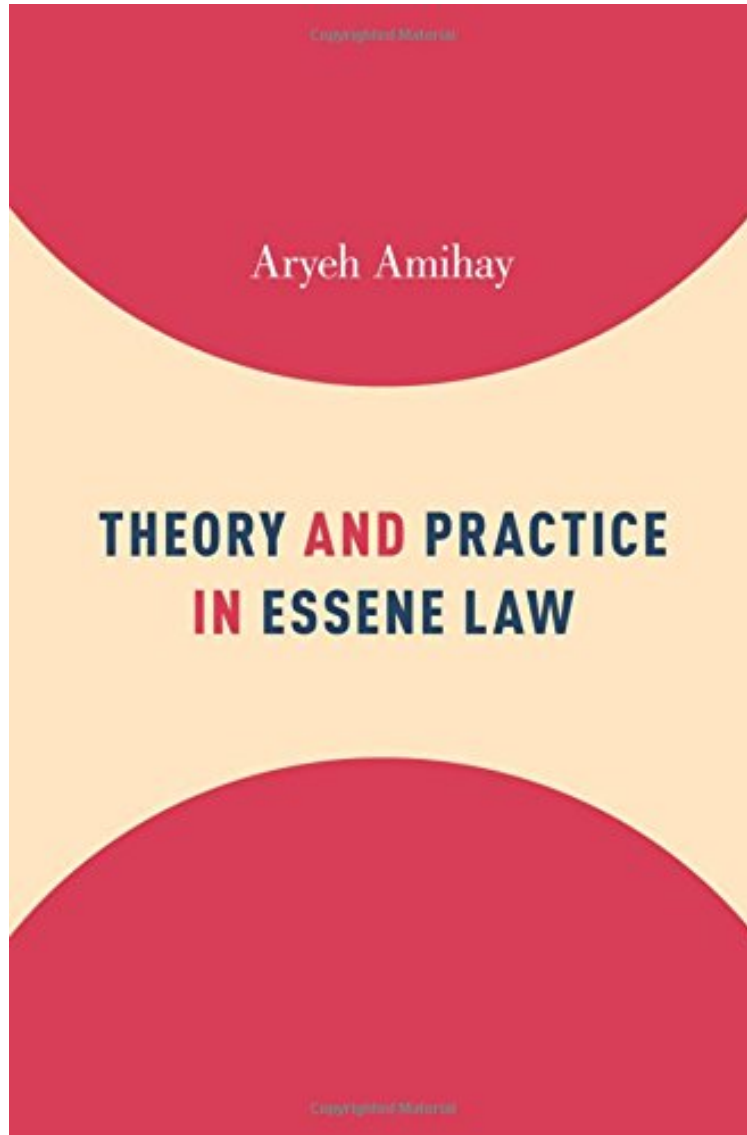


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Theory and Practice in Essene Law

Aryeh Amihay

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Aryeh Amihay : Theory and Practice in Essene Law before purchasing it in order to gauge whether or not it would be worth my time, and all praised Theory and Practice in Essene Law:

This book offers a novel approach for the study of law in the Judean Desert Scrolls, using the prism of legal theory. Following a couple of decades of scholarly consensus withdrawing from the "Essene hypothesis," it proposes to revive

the term, and suggests employing it for the sectarian movement as a whole, while considering the group that lived in Qumran as the Yahad. It further proposes a new suggestion for the emergence of the Yahad, based on the roles of the Examiner and the Instructor in the two major legal codes, the Damascus Document and the Community Rule. The understanding of Essene law is divided into concepts and practices, in order to emphasize the discrepancy between creed, rhetoric, and practices. The abstract exploration of notions such as time, space, obligation, intention, and retribution, is then compared against the realities of social practices, including admission, initiation, covenant, leadership, reproof, and punishment. The legal analysis yields several new suggestions for the study of the scrolls: first, Amihay proposes to rename the two strands of thought of Jewish law, formerly referred to as "nominalism" and "realism," with the terms "legal essentialism" and "legal formalism." The two laws of admission in the Community Rule are distinguished as two different laws, one of an association for a group as a whole, the other as an admission of an individual. The law of reproof is proven to be an independent legal procedure, rather than a preliminary stage of prosecution. The methodological division in this study of thought and practice provides a nuanced approach for the study of law in general, and religious law in particular.

"An erudite and interdisciplinary application of scholarship, *Theory and Practice in Essene Law* offers an important corrective to the imprecise adoption of legal terminology and the use of anachronistic rabbinic categories for the Judean Desert Scrolls. Amihay's excavation of the space between ideal law and lived practice brings to the fore a tension at the core of the Essene community, and revitalizes the figures preserved within these millennia-old legal records."--Reading Religion

"An outstanding contribution to the study of ancient Judaism, this brilliant volume employs the tools of legal philosophy and sociology of law to reconstruct the essentialist-determinist worldview of the Essene sect and to illuminate the complex and dialectical relationship between this worldview and the sect's written laws and living legal practice. A remarkable achievement!"--Christine Hayes, author of *What's Divine about Divine Law? Early Perspectives*

"This volume offers a fresh reading of a number of legal texts from Qumran from the perspectives of legal theory and sociology. Amihay forcefully argues against employing anachronistic rabbinic terminology with reference to Second Temple legal texts from Qumran. The introduction of a category of 'Essene law' is likely to stimulate debate and no doubt some controversy."--Charlotte Hempel, Professor of Hebrew Bible and Second Temple Judaism, University of Birmingham

About the Author Aryeh Amihay teaches Judaism and Religious Studies at the University of California, Santa Barbara. He holds a BA in Biblical Studies from the Hebrew University of Jerusalem, and a PhD in Religion from Princeton University.