

The Egyptian Sojourn and Deliverance from Slavery in the Framing and Shaping of the Mosaic Law

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The Egyptian sojourn and the Lord's deliverance out of slavery, and the implications this holds for debt slavery and the treatment of resident aliens and other disadvantaged people in Israel, play a significant role in the framing and shaping of the Law as it is laid out in the Pentateuch. Historical critical issues abound and will be addressed but, as the text stands, this point is essential to our understanding of the literary, historical, theological, and ethical dimensions of the Law. The approach taken in this essay will be to begin with the extreme outside boundaries of the Law within the Torah and move inward: first, the whole Law, from Exodus 19 to Deuteronomy 26; and then the Law as revealed at Sinai, from Exodus 20 to Leviticus 25.

From Exodus 19 to Deuteronomy 26

As is well-known, the most inclusive frame for the Law extends all the way from Exodus 19, the first chapter of the Mosaic Law narrative at Sinai, through Deuteronomy 26, the last chapter of Law in the Torah, according to the canonical text. Exodus 19 initiates the covenant making narrative at Sinai. Deuteronomy 26 concludes Moses' exposition of the Law in Moab forty years later in ways that echo Exodus 19. In Exodus 19:3b-6 the Lord introduces the covenant to Moses this way:

- 3 . . . כֹּה תֹאמַר לְבֵית יַעֲקֹב וְתִגִּיד לְבְנֵי יִשְׂרָאֵל:
- 4 אַתֶּם רְאִיתֶם אֲשֶׁר עָשִׂיתִי לְמִצְרַיִם וְאֲשָׂא אֶתְכֶם עַל-כַּנְפֵי נְשָׁרִים וְאָבֵא אֶתְכֶם אֵלַי:
- 5 וְעַתָּה אִם-שָׁמַעַתְּ תִשְׁמָעוּ בְקוֹלִי וְשָׁמַרְתֶּם אֶת-דְּבָרֵי וְהִלִּיתֶם לִי סִגְלָה מִכָּל-הָעַמִּים כִּי-לִי כָל-הָאָרֶץ:
- 6 וְאַתֶּם תִּהְיוּ-לִי מִמְּלֶכֶת כְּהֻנִּים וְגוֹי קָדוֹשׁ אֲלֵה הַדְּבָרִים אֲשֶׁר תְּדַבֵּר אֶל-בְּנֵי יִשְׂרָאֵל:
- (3b) . . . Thus you shall say to the house of Jacob and declare to the children of Israel:
- (4) "You yourselves have seen what I did to Egypt and lifted you up on the wings of eagles and brought you to myself.
- (5) So now, if you will truly obey my voice and keep my covenant, then you shall become my *special treasure* among all the peoples; for all the earth belongs to me, (6a) but you yourselves shall become my *kingdom of priests* and *holy nation*."
- (6b) These are the words which you shall speak to the children of Israel.

There is a threefold pattern here. First comes the background history of the Lord's deliverance from Egypt (v. 4), second, the call for their commitment to keep the regulations of the covenant introduced here (v. 5a), and finally, the Lord's corresponding commitment to make Israel his "special treasure . . . kingdom of priests and holy nation" (vv. 5b-6).

The expression “kingdom of priests” appears nowhere else in the Hebrew Bible, but it is a conspicuous fact that the terms “special treasure” (Hb. סִגְלָה) and “holy nation” (Hb. וְגוֹי קָדוֹשׁ) reappear together in the last two verses of Deuteronomy 26, with the exception that “holy nation” is changed to “holy people” (Hb. עַם-קָדוֹשׁ). Deuteronomy 26:18-19 reads as follows:

וַיְהִי הַיּוֹם הַיּוֹם הַזֶּה הָאֲמִירָה לְפָנֶיךָ יְיָ אֱלֹהֵינוּ לְעַם סִגְלָה כַּאֲשֶׁר דִּבַּרְתָּ לָּךְ וְלִשְׁמֵר כָּל-מִצְוֹתֶיךָ: 18

וְלִתְתֶנְךָ עָלֵינוּ עַל כָּל-הַגּוֹיִם אֲשֶׁר עָשָׂה לְתַהֲלָה וְלִשְׂמֵם וְלִתְפָאָרֶת וְלִהְיִתָּךְ עַם-קָדוֹשׁ לַיהוָה 19

אֲלֵהֶיךָ כַּאֲשֶׁר דִּבַּרְתָּ:

(18) And the Lord has solemnly declared you today to be his people, a *treasured possession, just as he spoke to you*;
yes, to keep all his commandments, (19) and *to set you high above all the nations* that he has made, for praise and for renown, and for splendor, and for you to be a *holy people* to the Lord your God, *just as he spoke*.

The passage is laid out here to reflect its internal parallel structure as seen in the clause “just as he spoke to you” in v. 18, and the same at the end of v. 19, less the prepositional phrase “to you.” These are the last words in the Mosaic Law, and they refer back to the very beginning of the Law giving narrative in Exodus 19:5-6.¹ This interpretation of the reference is reinforced by the combination of specialized terminology the two passages hold in common. It is true that the terms “special treasure” and “holy people” occur together earlier in Deuteronomy 7:6 and 14:1-2, but there is nothing corresponding to “just as he spoke to you” in those places. There is no such explicit reference back to the Lord speaking these promises at an earlier time. Moreover, there is a corresponding sequence between the Exodus 19 and Deuteronomy 26 passages. Both Exodus 19:5-6 and Deuteronomy 26:18-19 begin with Israel as the Lord’s “special treasure” and then add the contrast between all the other nations or peoples and Israel as “holy” to the Lord. Neither Deuteronomy 7:6 nor 14:1-2 do this.

Both Exodus 19 and Deuteronomy 26 also include a confirmation of the people’s commitment to the covenant. This is clearer in the Exodus 19 narrative context where Moses recounts the Lord’s words to the Israelites and they respond, כָּל אֲשֶׁר-דִּבַּר יְהוָה נַעֲשֶׂה “All that the Lord has spoken we will do” (v. 8; cf. Exod 24:3). The cultic reconfirmation of this initial commitment takes place as part of the blood covenant oath ratification ceremony in Exodus 24:6-8: the people swear the oath, כָּל אֲשֶׁר-דִּבַּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע “All that the Lord has spoken we will do; yes, we will be obedient” (v. 7). Deuteronomy 26:17-19 is not without difficulties in this regard,² but it is quite clear that the text is referring to some kind of dual two-way oath commitment between the Lord and his people, using the same unusual key verb and similar

¹See the especially helpful comments on this point and, in fact, the whole passage, in Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: The Jewish Publication Society, 1996), 245-46. See also Rolf Rendtorff, *The Covenant Formulary: An Exegetical and Theological Investigation*, transl. Margaret Kohl (Edinburgh: T&T Clark, 1998), 66-69.

²It is especially difficult to determine how the last clause in v. 18 fits into the Lord’s solemn declaration; see, e.g., Tigay, *Deuteronomy*, 246.

and the statement of blessings and curses of the covenant (Deut 28), Deuteronomy 29:9-14(10-15) recounts a covenant ceremony in which the people enacted their commitment to the Lord.⁵

Moses summoned all the people together and recited a retrospective historical prologue (Deut 29:1-8[2-9]). The passage then tells us that the people of all stages and stations of life stood there before the Lord (vv. 9-10[10-11]) לְעִבְרָךָ בְּבְרִית יְהוָה אֱלֹהֶיךָ וּבְאֵלֹתָיו אֲשֶׁר יְהוָה “to pass over in (or, ‘enter into’) the covenant of the LORD your God and his oath, which the LORD your God is cutting (or, ‘establishing’; or, ‘renewing’) with you today” (v. 11[12]). The verb “pass over” (עבר) is the same as that used in Genesis 15:17 and Jeremiah 34:18, 19 for the passing between the parts of animals in a covenant making ritual. The preposition is different here (ב “in” rather than בֵּין “between”), so the connection is not certain, but some scholars have noted the possibility.⁶ If this is correct, we know what the ritual procedure was for the ratification (or renewal) of the covenant in the plains of Moab.

In any case, this is the occasion in Moab that corresponds to the blood covenant ritual in Exodus 24:6-8. Deuteronomy 26:17-19 in Moab corresponds to Exodus 19:4-8 at Sinai, and Deuteronomy 29:11(12) in Moab corresponds to Exodus 24:6-8 at Sinai. In both instances, the former anticipates and the latter consummates. The following verses (Deut 29:12-14[13-15]) assure us that this occasion was all about ratifying the covenant relationship between God and Israel in Moab. The expression to “cut a covenant” appears in both vv. 11(12) and 13(14), and the covenant formulary and reference to the promise to the patriarchs (v. 12[13]) leave no doubt.

The correspondences between Exodus 19:3-6 and Deuteronomy 26:17-19 are not the only links between the beginning and ending of the Law. As noted above, the threefold covenant pattern in Exodus 19:4-6 begins with the background history of the Lord’s deliverance from Egypt in Exodus 19:4, “You yourselves have seen what I did to Egypt and lifted you up on the wings of eagles and brought you to myself.” This element of the covenant pattern is given in more expanded form in Deuteronomy 26:5-10, often referred to as the “small credo.” It was to be recited at a first fruits festival celebration after the conquest and occupation of the promised-land:

(5) . . . אֲרַמְלִי אֲבָד אָבִי וַיֵּרַד מִצְרַיִם וַיֵּגֶר שָׁם בְּמַתִּי מֵעַט וַיְהִי־שָׁם לְגֹי גְדוֹל עַצוּם וְרַב:

(6) וַיִּרְעוּ אֶתְנוּ הַמִּצְרָיִם וַיַּעֲנוּנוּ וַיִּתְּנוּ עָלֵינוּ עֲבָדָה קָשָׁה:

(7) וַנִּצְטַק אֶל־יְהוָה אֱלֹהֵי אֲבוֹתֵינוּ וַיִּשְׁמַע יְהוָה אֶת־קִלְנוּ וַיִּרְא אֶת־עַנְיֵנוּ וְאֶת־עַמְלָנוּ וְאֶת־לַחֲצָנוּ:

(8) וַיּוֹצֵאֵנוּ יְהוָה מִמִּצְרַיִם בְּיַד חֲזָקָה וּבְזֹרַע נְטוּיָה וּבְמַרְא גָדֹל וּבְאֵתוֹת וּבְמִפְתָּיִם:

(9) וַיְבִאֵנוּ אֶל־הַמָּקוֹם הַזֶּה וַיִּתְּנוּ־לָנוּ אֶת־הָאָרֶץ הַזֹּאת אֲרֶץ זִבְת חֶלֶב וּדְבָשׁ:

(10) וַעֲתָה הִנֵּה הִבְאֵתִי אֶת־רַאשֵׁית פְּרִי הָאֲדָמָה אֲשֶׁר־נָתַתָּה לִּי יְהוָה

(5b) My father was a wandering (or, ‘perishing,’ or ‘ailing,’ or ‘refugee’) Aramean.

He went down to Egypt and lived there as *a resident alien*, few in number,

⁵This may well be the very ceremony to which Deuteronomy 26:17-18 alludes; Tigay, *Deuteronomy*, 277.

⁶See, e.g., Lundbom, *Deuteronomy*, 805-6; Tigay, *Deuteronomy*, 277-78; McConville, *Deuteronomy*, 415; Daniel I. Block, *Deuteronomy*, NIVAC (Grand Rapids: Zondervan, 2012), 678.

but there he became a great nation, mighty and numerous.

- (6) But the Egyptians treated us badly and afflicted us and imposed upon us hard labor.
 (7) So we cried out to the Lord, the God of our fathers, and the Lord heard our voice and saw our affliction, our toil, and our oppression.
 (8) So the Lord brought us out from Egypt with a strong hand, with an outstretched arm, with great fear, and with signs and wonders.
 (9) He brought us to this place and gave us this land, a land flowing with milk and honey.
 (10a) So now I bring the first fruit of the ground which you have given to me O LORD.

The credo begins with an apparent reference to Jacob as a “wandering Aramean.” The precise meaning and reference of the term is debated. If “wandering” is correct it would probably refer to Jacob’s exploits with Laban in Aram for twenty years or so, or perhaps it could refer to the fact that the original home of the patriarchs was Aram (Gen 24:4, 10; 25:20).⁷ Alan Millard suggests that it refers to Jacob as a “refugee” from Aram, since he not only lived with Laban and served him, but fled from him as a refugee.⁸ The most natural rendering of the verb would be “perishing,” which would seem to refer to the more immediate famine that drove Jacob to take his family down to Egypt in the days of Joseph. Some take it to mean that he was old and “ailing” at the time.⁹ In any case, the following clauses speak of him and his family living in Egypt as *resident aliens*,¹⁰ growing from few into many, and then being enslaved. The Lord’s merciful deliverance from Egypt comes next, and finally the anticipated conquest of the land (vv. 7-9). The credo ends with a reference to the promised-land as “a land flowing with milk and honey.”¹¹

⁷Tigay, *Deuteronomy*, 240.

⁸Alan R. Millard, “A Wandering Aramean,” *JNES* 39 (1980): 153-55.

⁹Yair Zakovitch, “‘My Father Was a Wandering Aramean’ (Deuteronomy 26:5) or ‘Edom Served my Father,’” in *Mishneh Today: Studies in Deuteronomy and Its Cultural Environment in Honor of Jeffrey H. Tigay*, ed. Nili Sacher Fox, et al. (Winona Lake, Indiana: Eisenbrauns, 2009), 133-137 summarizes the views and the issues, although his proposed text critical solution is not necessarily convincing.

¹⁰For a helpful discussion of נָכַר meaning “resident alien” see James K. Hoffmeier, *The Immigration Crisis: Immigrants, Aliens, and the Bible* (Wheaton, Illinois: Crossway, 2009), 48-52. Here in v. 5 the verb is used, not the noun, but the point remains the same.

¹¹Even this expression may be intended here as part of the contrast between their life in Egypt as compared to the promised land (see, e.g., Deut 11:8-17 and esp. “a land flowing with milk and honey” in v. 9). The best explanation of this expression that I am aware of is Barry J. Beitzel, *The Moody Atlas of the Bible* (Chicago: Moody Publishers, 2009), 60-62. He notes that Egypt was largely an agricultural land with the Nile for irrigation, whereas Canaan was largely a pastoral land, dependent on rainfall for sufficient water. Egypt was not completely devoid of pastoralism (e.g., Gen 47:6), of course, nor was Canaan without agriculture (e.g., Gen 26:12; Judg 6:11), but these were not their major commodities (Deut 11:10-17). Thus, the promised land was a land “flowing with milk” of goats “and honey” of bees, not agricultural crops but pastoral produce. Since they were dependent on God to give the rain in due season, the Israelites must trust God for it and live faithful to him. Under Gods’ blessings it would be a land of abundance (Lev 26:3-5; Deut 28:4-5, 11-12), “flowing with milk and honey.” Under his curses there would deprivation (Lev 26:19-20; Deut 28:17-18, 23-24).

After the credo there is a concluding pronouncement to the effect that the Israelite was to bring his basket of first fruits in celebration of all the Lord's gifts in the land.¹² They were to place the fruits before the Lord, bow down to him, and celebrate a joyous festival:

וְשִׂמַחְתָּ בְכָל־הַטּוֹב אֲשֶׁר נָתַן־לְךָ יְהוָה אֱלֹהֶיךָ וּלְבֵיתְךָ אֶתָּה וְהַלְוִי וְהַגֵּר אֲשֶׁר בְּקִרְבְּךָ:
 (11) Then you shall rejoice in all the good things which the Lord your God has given to you and to your household; (that is,) you and the Levite and the *resident alien* who is in your midst.

The inclusion of the Levite and the resident alien is especially significant, and is repeated twice along with the fatherless and widow in the next few verses, where the text moves from the first fruits celebration when they enter the land to the principles and procedures of the third year tithe (vv. 12-15; cf. Deut 14:28-29).¹³ And, once again, the commanded proclamation ends with the same description of Canaan as “a land flowing with milk and honey” (v. 15):

13 . . . בְּעֵרְתִי הַקֶּדֶשׁ מִן־הַבַּיִת וְגַם נָתַתִּיו לַלְוִי וְלַגֵּר לִיתּוֹם וְלְאִלְמָנָה כְּכָל־מִצְוֹתֶיךָ אֲשֶׁר צִוִּיתִנִי לֹא־עֲבַרְתִּי מִמִּצְוֹתֶיךָ וְלֹא שָׁכַחְתִּי:
 14 לֹא־אֲכַלְתִּי בְּאֲנִי מִמֶּנּוּ וְלֹא־בִעַרְתִּי מִמֶּנּוּ בְּטָמֵא וְלֹא־נָתַתִּי מִמֶּנּוּ לְמַת שְׂמַעְתִּי בְּקוֹל יְהוָה אֱלֹהֵי עֲשִׂיתִי כְּכֹל אֲשֶׁר צִוִּיתִנִי:
 15 הַשְׂקִיפָה מִמַּעוֹן קִדְשֶׁךָ מִן־הַשָּׁמַיִם וּבִרְךָ אֶת־עַמְּךָ אֶת־יִשְׂרָאֵל וְאֵת הָאָדָמָה אֲשֶׁר נָתַתָּה לָנוּ כַּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְתֵּינוּ אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ:
 (13) . . . I have removed the sacred portion from the house and also given it to the Levite and the *resident alien*, to the orphan and to the widow, according to all your commandments which you commanded me. I have not transgressed your commandments and I have not forgotten.
 (14) I have not eaten from it while mourning, nor have I consumed any of it while unclean or given any of it to the dead. I have obeyed the LORD my God. I have done according to all which you have commanded me.
 (15) Look down from your holy dwelling, from heaven, and bless your people Israel and the land which you have given to us just as you swore to our fathers, a land flowing with milk and honey.

¹²I shall not enter fully into the debate whether the cultic procedures and pronouncements in Deut 26:5-10 and 13-15 were intended to apply only to the original first and third year of Israelite occupation of the land, or extended to every year and/or every third year they lived in the land. The tendency among scholars seems to favor the latter interpretation, an opinion with which the present writer agrees. For the former view see Peter C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 319-20, 322-23. For the latter see A. D. H. Mayes, *Deuteronomy*, NCBC (Grand Rapids: Eerdmans, 1979), 331-32, 336; E. H. Merrill, *Deuteronomy*, NAC (Nashville: Broadman and Holman, 1994), 331, 335; and McConville, *Deuteronomy*, 377.

¹³For a full discussion of the ancient Israelite tithe system, including the third year tithe and its relation to the other years, see Richard E. Averbeck, “מַעֲשֵׂר, tithe, tenth” in NIDOTTE 2.1035-55.

The fact that they would actually deliver the third year tithe to the local towns so that “the Levite and the resident alien, the orphan and the widow” could eat and be satisfied is emphasized because in this prosperous land they must practice concern for those less fortunate. This is central to living in covenant relationship with the Lord as those who were his treasured possession, kingdom of priests, and holy people.

Moreover, in terms of content, these two proclamations focus first on God’s grace toward the Israelites (vv. 5-10) and, second, their response to God’s grace through covenant obedience (vv. 13-15). Special care for the needy and disadvantaged becomes the occasion for proclaiming, “I have obeyed the LORD my God. I have done according to all which you have commanded me” (v. 14b).¹⁴ The significance of this kind of care for the resident alien in particular (highlighted in the citations above) is of special interest to us here because of its close connection to their deliverance from slavery in Egypt. The Israelites themselves had been the less fortunate, vulnerable, and enslaved resident aliens in Egypt (v. 5). As we shall see below, the same theme also becomes prominent elsewhere in the shaping and framing of the Torah Law and its various collections.

The Ten Words

We now turn to the frame, shape, and rationale of the Law as it was revealed at Sinai. The main point of the argument here is that the same covenant law pattern appears here in its own peculiar way. For the purposes of this part of the discussion, the Law at Sinai extends from the introduction of the so-called “Ten Commandments” in Exodus 20:1 to the colophon in Leviticus 26:46,

אֱלֹהֵי הַחֻקִּים וְהַמִּשְׁפָּטִים וְהַתּוֹרָה אֲשֶׁר נָתַן יְהוָה בְּיַד מֹשֶׁה
בְּנֵי יִשְׂרָאֵל בְּהַר סִינַי בְּיַד־מֹשֶׁה:

These are the decrees, the judgments, and the instructions that the LORD established
between himself and the Israelites at Mount Sinai by the hand of Moses.

We could perhaps extend this to the second colophon in Leviticus 27:34.¹⁵ And, of course, there are a number of units of law between Exodus 20 and the end of the Leviticus. Furthermore, there

¹⁴See the helpful analysis in Christopher Wright, *Deuteronomy*, NIBCOT (Peabody, Mass.: Hendrickson, 1996), 270-74.

¹⁵There is a good deal of debate about the extent of the so-called “Holiness Code” in Leviticus 17-27, sometimes referred to as the “Holiness Legislation” or “Collection” to avoid any sense that this is a comprehensive set of laws, which some take to be implied in the term “Code.” See, e.g., the helpful discussions in Jacob Milgrom, *Leviticus 17-22*, Anchor Bible 3A (New York: Double Day, 2000), 1332-34; idem, *Leviticus 23-27*, Anchor Bible 3B (New York: Double Day, 2001), 2407-9; and Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007), 12-14, and the literature cited in those places. I will use the standard term “Holiness Code” or simply “H” in this essay as a convention only.

Some scholars limit the Holiness Code to Leviticus 18-26 because the standard holiness terminology does not appear in Leviticus 17 or 27. See the holiness command in Leviticus 19:2, “You shall be holy because I, the LORD your God, am holy” (cf. 20:7, 26; 21:6-8) and the related formula, “I am the LORD (your God),” which

are units of law in the Book of Numbers as well. But the point of the colophon is that this is a natural end of the collection as a whole, the blessings and curses of the covenant having just been pronounced (cf. the curses and blessings in Deut 27-28 in relation to the treatment of Deut 26 above).

Returning now to the main topic, as is well-known among Bible scholars, the term “Ten Commandments” is actually something of a misnomer. The regular term for “commandments” does not appear when the ten are referred to as a group. For example, in Exodus 34:28 we read,

וַיְהִי־שָׁם עִם־יְהוָה אַרְבָּעִים יוֹם וְאַרְבָּעִים לַיְלָה לֶחֶם לֹא אָכַל וּמַיִם לֹא שָׁתָה וַיִּכְתֹּב עַל־הַלְּחָת
אֵת דְּבַר־יְהוָה הַבְּרִית עֲשֻׂרַת הַדְּבָרִים:

And he (Moses) was there with the Lord forty days and forty nights. He did not eat bread and he did not drink water, and he wrote the words of the covenant on the tablets, *the ten words*. (cf. also Deut 4:13; 10:4)

As it turns out, this becomes significant in the discussion of the enumeration of “the ten words.”¹⁶ Although this is not the place to discuss all the details, Exodus 20:2 stands at the head of the ten words (cf. also Deut 5:6), but it does not contain a “command.” Briefly, there are three

appears regularly throughout Leviticus 18-26 (see 18:2, 4, 5, 6, 21, 30; 19:3, 4, 10, 12, 14, 16, 18, 25, 28, 30, 31, 32, 34, 36, 37; 20:7, 8, 24; 21:8, 12, 15, 23; 22:2, 3, 8, 9, 16, 30, 31, 32, 33; 23:22, 43; 24:22; 25:17, 38, 55; 26:1, 2, 13, 44, 45). Both formulas begin with “I am the LORD” and 20:7, for example, combines them: “Consecrate yourselves and be holy, because I am the LORD your God” (cf. also 19:2-3).

Others extend the Holiness Code back into Leviticus 17, perhaps considering its placement to be due to a supposed late holiness redaction. On the one hand, Leviticus 17 looks back to chapters 1-16 in the sense that it emphasizes making offerings in the tabernacle (Lev 17:1-9) along with blood “atonement” and, therefore, the prohibition against eating blood (vv. 10-16). On the other hand, the primary goal of the regulations in Leviticus 17 was to reinforce one of the major concerns of chapters 18-26: the absolute exclusivity of Yahweh worship. Also, this would place a major unit of cultic altar regulations at the beginning of the Holiness Code, like at the beginning of the Book of the Covenant (Exod 20:22-26) and at the beginning of the core legislation in the Book of Deuteronomy (Deut 12).

Leviticus 27 is normally treated as an appendix to the book because of the colophon at the end of Leviticus 26. A similar colophon, however, appears at the end of Leviticus 27 (27:34). Although, like Leviticus 17, chapter 27 does not use the standard formulas of Lev 18-26, some note that its general content is appropriate and, again, its location here may be due to a supposed late H redaction.

The content of Leviticus 27 actually suits the pattern of cultic regulations not only at the beginning of the other law collections (see above), but also at the end of them. The festival regulations in Exodus 23:14-19 conclude the laws in the Book of the Covenant (discussed below). Similarly, the first fruits and third year tithe festival regulations in Deuteronomy 26 conclude the core law section of Deuteronomy (i.e., Deut 12-26; discussed above). Leviticus 27 contains cultic regulations for paying vows, the dedication of houses and fields, the presentation of first born animals, and tithes. It would seem that as Exodus 20:22-26 corresponds to 23:14-19, and as Deuteronomy 12 corresponds to 26, in the same way, Leviticus 17 corresponds to 27. It belongs to regular pattern of the cultic framing of the non-cultic law collections. In my view, this explains why Leviticus 27 is placed after Leviticus 26 in spite of the colophon in Leviticus 26:46, and why there is another colophon at the end of the Leviticus 27.

¹⁶See the helpful discussion in Nahum M. Sarna, *The JPS Torah Commentary: Exodus* (Philadelphia: The Jewish Publications Society, 1991), 108; and M. D. Koster, “The Numbering of the Ten Commandments in Some Peshitta Manuscripts,” *VT* 30 (1980):468-73, esp. p. 469. For a good substantial up to date discussion see now Mark F. Rooker, *The Ten Commandments: Ethics for the Twenty-first Century* (Nashville, TN: B&H Publishing, 2010), 10-15 and the literature cited there. And see esp. H. Louis Ginsberg, *The Israelian Heritage of Judaism* (New York: The Jewish Theological Seminary, 1982), 119-122. I thank Rabbi Dr. Benjamin Scolnic for pointing me to Ginsberg.

major views. Philo, Josephus, the Greek Orthodox, and most Protestants take Exodus 20:2-3 to be the first word, prohibiting worship of any other gods in Israel. Augustine, Lutherans, and Roman Catholics take vv. 2-6 to be the first commandment prohibiting worship of any other gods and making idols. The latter adjust by treating “do not covet” in v. 17 as the ninth and tenth words, since the prohibition “you must not covet” (לֹא תַחְמֹד) appears twice in that verse.¹⁷ Thus, both of these traditions combine v. 2 with the following verse(s) as an introduction to the commands.

The Jewish tradition, on the other hand, commonly treats v. 2 alone as the first word, on a par with the other nine. Since these are ten “words” rather than ten “commandments,” the first word does not need to express a “command.”¹⁸ Thus, vv. 3-6 constitutes the second word, as a prohibition against worshipping other gods and making idols.¹⁹ One can observe this ongoing tradition, for example, on a silver plaque embedded on the front cover of an album made of olive wood, decorated in ivory and mother-of-pearl. It was made in the Bezalel School of Art and Design in Jerusalem around 1912, just over a century ago, and is now housed in the Israel Museum.²⁰ The first of the ten words begins with אֲנִי “I” and the second with לֹא יְהִיָּה “There shall not be . . .,” corresponding to Exodus 20:2 and 3, respectively.

The double accent system in the BHS Masoretic text of Exodus 20:2-6 reflects the same in a certain way. The last word of v. 2 (“slavery,” lit. “slaves”) has two accents (עֲבָדִים), an *athnah* (אָ), the accent which normally comes at the *middle* of a verse) and a *silluq* with *soph*

¹⁷Further support for this view derives from the way Exodus 20:17 appears in Deuteronomy 5:21, “You must not covet (תַּחְמֹד) your neighbor’s wife. And you must not desire (תִּתְאַוֶּה) your neighbor’s house, his field, and his male slave and his female slave, his ox and his donkey, and anything that belongs to your neighbor.” The switch from one verb to the other suggests that perhaps these really are two separate commands, not to be counted as one. See Block, *Deuteronomy*, 160 and the literature cited there for support of this numbering. See also the related discussion below and n. 21.

¹⁸Against this point, Ginsberg, *The Israelian Heritage of Judaism*, 121-22 argues that Exod 20:2 really amounts to a commandment: “You must acknowledge that I . . . am your God who delivered you etc.” In either case, v. 2 is normally treated as the first of the ten words in the Jewish tradition.

¹⁹See, e.g., the Talmud (*b. Makkot* 23b-24a) in I. Epstein, ed., *The Babylonian Talmud*, vol. 36 (New York: R. Bennett, 1959), 169, where the tradition of 613 commands from the Lord to Moses correspond to the members of a man’s body, and the reference given is Deut 33:4, “the law (תּוֹרָה) that Moses gave us.” But the letters of the word תּוֹרָה taken as numbers add up to 611 (i.e., 400+6+200+5 = 611), not 613. The explanation given is that the first two commands in the Decalogue (“I am” and “You shall have no other gods,” Exod 20:2 and 3) do not count in the 613 because these two Israel “heard from the mouth of the Might [Divine],” directly. Similarly, the Mekilta *Bahodesh* speaks about the arrangement of the Decalogue “Five on the one tablet and five on the other.” Number one “I am the Lord they God” (Exod 20:2) corresponds to number six “Thou shall not murder,” and number two “Thou shalt have no other god” (Exod 20:3-6) corresponds to number seven “Thou shalt not commit adultery”; see *Mekilta de-Rabbi Ishmael*, vol. 2, translated by Jacob Z. Lauterbach (Philadelphia: The Jewish Publication Society, 1961), 262-3.

²⁰Chaya Benjamin, *Early Israeli Arts and Crafts: Bezalel Treasures from the Alan B. Slifka Collection in the Israel Museum* (Jerusalem: The Israel Museum, 2008), 111.

passuq (: ֿ, the accent which normally comes at the *end* of a verse). The second would make v. 2 a finished statement and, therefore, would suggest that it is being treated as the first of the ten words. Moreover, vv. 3-4 have no *soph passuq* at all, so there is no ending accent at the end of either of these verses, and the last word of v. 5 once again has both an *athnah* and a *silluq* with *soph passuq* (לְשׂוֹנְאִי = “to those who hate me,” all one word in Hebrew). The first links v. 5 forward to v. 6 and, therefore, would suggest that the second word of the Decalogue extends all the way from v. 3 through v. 6. Thus, if one reads the accents this way, the “First Word” would consist of v. 2 and the second vv. 3-6.²¹

There is good reason to take the Jewish view seriously. It rightly places emphasis on v. 2 as the first and fundamental word at the head of the ten. But whatever conclusion one comes to in this matter, the major point remains valid: as in Deuteronomy 26 at the end of the Law, the fundamental principle with which the Law begins is the redemptive history that made the covenant possible:

Exodus 20:2

אֲנִכִּי יְהוָה אֱלֹהֶיךָ אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם מִבֵּית עֲבָדִים:

I am the Lord your God who brought you out from the land of Egypt, from the house of slavery.

Here the term “slavery” actually appears, not just “Egypt” or words for oppression, as in the passages treated above. Furthermore, the Sabbath rest for the slave and not coveting another person’s slave are incorporated into the fourth and tenth words, respectively. This brings us to the Book of the Covenant.

The Book of the Covenant

As is well-known, the units of the law in the Torah generally begin and end with cultic regulations. For example, the laws of the Book of the Covenant actually begin with the idol and altar regulations in Exodus 20:22-26 and end with three annual feasts in Exodus 23:14-19.²² Right after the cultic introduction at the end of Exodus 20 there is a verse that introduces the regulations that follow in chapters 21-23, “Now, these are the regulations which you shall set before them” (Exod 21:1). What is of special interest to us here is that the debt slave release laws

²¹A similar double accent system for the Decalogue in Deuteronomy 5:6-10 accents the end of v. 6 (= Exod 20:2) the same as Exodus 20:2, but there are variations forward from there. See Ginsberg, *The Israelian Heritage of Judaism*, 119-22 and Patrick D. Miller, *The Ten Commandments* (Louisville, KY: Westminster John Knox, 2009), 387-89 for remarks on the possible differences between the enumeration of the ten words in Exodus as compared to Deuteronomy (see also n. 17 above). Ginsberg argues that in Exodus 20 the prologue statement in v. 2 is the first word, while in Deuteronomy 5 we should follow the Lutheran and Catholic tradition. We should not read the two texts in the same way. The introduction in Deut 5:6 (= Exod 20:2) is not the first of the ten words as it is in Exodus 20, but a statement of the Lord’s commitment under the covenant made at Sinai, which is then followed by the ten words (Deut 5:7-10, the prohibition against other gods and idols, being the first word). Block, *Deuteronomy*, 159 notes several ways in which the Ten Words are articulated differently between Exodus 20 and Deuteronomy 5.

²²See, e.g., Joe M. Sprinkle, ‘*The Book of the Covenant*’ *A Literary Approach*, JSOTSS 174 (Sheffield, 1994), 36-39. See also Leviticus 17 with 27 for the Holiness Laws and Deuteronomy 12 with 26 for the core legal section of the Book of Deuteronomy discussed at more length in n. 15 above.

for fellow Israelites follow immediately in vv. 2-11, right at the start of the non-cultic regulations. They begin in v. 2 with the release of the male slave,

כִּי תִקְנֶה עֶבֶד עִבְרִי שֵׁשׁ שָׁנִים יַעֲבֹד וּבְשִׁבְעַת יָצֵא לְחֶפְשִׁי חֲנָם:

“When you acquire a *Hebrew slave*, he shall serve you six years and in the seventh year he shall go out as a free man, without payment.”

and they end with the release of the female slave in v. 11,

וְאִם-שָׁלֹשׁ-אֲלָהָהּ לֹא יַעֲשֶׂה לָּהּ וַיִּצְאָהּ חֲנָם אֵין כֶּסֶף:

“But if he does not do these three things for her (see v. 10), then she shall go out without payment; there is no money (involved).”

There has been some dispute over the meaning of עִבְרִי in v. 2. Some scholars regard the term as cognate to Akkadian *hābiru/hāpiru*, in which case it would refer to displaced, foreign, and often indigent peoples known from other ANE texts, not necessarily Israelite debt slaves.²³ The parallel passage on Hebrew debt slave law in Deuteronomy 15, however, clearly has it referring to native Israelites when it begins with the term “your brother” v. 12:

כִּי-יִמָּכַר לְךָ אֶחָיִךְ הָעִבְרִי אֹד הָעִבְרִיָּה

“If *your brother*, (that is,) a Hebrew man or a Hebrew woman, is sold to you . . .”

Similarly, compare the parallel passage in Leviticus 25:39:

וְכִי-יִמָּוֶד אֶחָיִךְ עִמָּךְ וְנִמְכַר-לְךָ לֹא-תַעֲבֹד בּוֹ עֲבָדַת עֶבֶד:

“And if *your brother* becomes so poor with regard to you that he sells himself to you, you must not enslave him in the service of a slave.”

²³See the summary discussion in Sprinkle, *The Book of the Covenant*, 62-64, and the full argument in favor of this interpretation in Christopher J. H. Wright, *God’s People in God’s Land: Family, Land, and Property in the Old Testament* (Grand Rapids: Eerdmans, 1990), 253-59; and more briefly, idem, *Deuteronomy*, 192-93. The major problem with this view is the juxtaposition of “your brother” with “(whether) male Hebrew or female Hebrew” in Deuteronomy 15:12, which assures us that “Hebrew” there refers to a native Israelite as the debt slave (see presently), contra the arguments in Wright, *God’s People in God’s Land*, 254. See “your brother” versus “your foreigner” in Deuteronomy 15:3 and the remarks in Block, *Deuteronomy*, 370-71; and McConville, *Deuteronomy*, 256, 261-63.

This is not to deny that there is a plausible relationship between Hebrew עִבְרִי and Akkadian *hābiru/hāpiru*. One could argue that the Israelites were in the category of *hābiru* generally, and that is why the term became used in reference to them in the first place. But in that case, here in Exodus 21 it is referring specifically to Israelites who are עִבְרִי delivered out of slavery in Egypt by the Lord their God (cf. Exod 20:2 in the discussion above). In the Hebrew Bible the term גֵּר “resident alien” seems to cover the social (as opposed to ethnic) category of *hābiru*. See now also the remarks in David P. Wright, *Inventing God’s Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (Oxford: Oxford Univ., 2009), 125-26.

This is likely the intended meaning in Exodus 21 as well.²⁴

Scholars have observed, and it is of special interest to us here, that no other ANE law collection begins with slave law.²⁵ Why do the non-cultic laws of the Book of the Covenant begin with slave law, and Hebrew debt slave law in particular? I and others would argue that it is for the same reason that the ten words begin the way they do (see above). According to the text as it stands, the giving of the Law as it was conceived of in ancient Israel arose out God's previous deliverance from slavery in Egypt, which was in turn motivated by his previous covenant commitment to the patriarchs. The sequence of the deliverance from Egypt to receiving the Law at Sinai begins with Exodus 2:23b-25,

וַיִּאָנְחוּ בְנֵי־יִשְׂרָאֵל מִן־הָעֲבָדָה וַיִּזְעֻקוּ וַתֵּעַל שׁוֹעַתָּם אֶל־הָאֱלֹהִים מִן־הָעֲבָדָה: 23

וַיִּשְׁמַע אֱלֹהִים אֶת־נַאֲקָתָם וַיִּזְכֹּר אֱלֹהִים אֶת־בְּרִיתוֹ אֶת־אֲבְרָהָם אֶת־יִצְחָק וְאֶת־יַעֲקֹב: 24

וַיֵּרָא אֱלֹהִים אֶת־בְּנֵי יִשְׂרָאֵל וַיִּדַע אֱלֹהִים: 25

- (23) . . . And the Israelites groaned because of the slave labor and they cried out and their cry for help rose up to God because of their slave labor.
 (24) So God heard their outcry and God remembered his covenant with Abraham, Isaac, and Jacob.
 (25) God saw the Israelites and God took notice of them.

This thematic connection works its way from the narrative context into and through the core substance of the Book of the Covenant. Within the cultic frame noted above (Exod 20:22-26 <> 23:14-19), there is an inner sabbatical frame in the correspondence between the sabbatical release of the male debt slave in Exodus 21:2-11 and the Sabbath for the land and the regular weekly Sabbath in Exodus 23:10-13 (i.e., Exod 21:2-6[7-11] <> 23:10-13).²⁶ This sabbatical correspondence between the beginning and end of the laws in the Book of the Covenant once again highlights the importance of their deliverance from slavery. Thus, they were not to enslave one another.

Furthermore, and to the same point, one should add the correspondence between Exodus 22:20(21) and 23:9:

Exodus 22:20(21)

וְגַר לֹא־תוֹנֶה וְלֹא תִלְחָצֶנּוּ כִּי־גֵרִים הֵייתֶם בְּאֶרֶץ מִצְרַיִם:

²⁴See, e.g., Sarna, *Exodus*, 119 and the extensive discussion in William H. C. Propp, *Exodus 19-40*, AB (New York: Doubleday, 2006), 186-88.

²⁵See, e.g., Sprinkle, *The Book of the Covenant*, 62 and idem, *Biblical Law and its Relevance: A Christian Understanding and Ethical Application for Today of the Mosaic Regulations* (Lanham, Maryland: Univ. Press of America, 2006), 59.

²⁶See the very helpful work done on the sabbatical framework of the Book of the Covenant in Igor Swiderski, "Sabbatical Patterns in the Book of the Covenant," Masters Thesis at Trinity Evangelical Divinity School (Deerfield, Illinois, 2013). This is truly a masterful Master's thesis, written on the level of a PhD dissertation. It is worthy of serious scholarly attention. The thesis is available through the Roling library of Trinity International University, Deerfield, Illinois.

You must not afflict a resident alien and oppress him, for you were resident aliens in the land of Egypt.

Exodus 23:9

וְגַר לֹא תִלְחָץ וְאַתֶּם יְדַעְתֶּם אֶת־נַפְשׁ הַגֵּר כִּי־גֵרִים הֵייתֶם בְּאֶרֶץ מִצְרַיִם:

You must not oppress a resident alien, since you yourselves know the life of the resident alien, for you were resident aliens in the land of Egypt.

The close correspondence between these two verses is stunning. Structurally, if we keep the cultic and sabbatical framing of the law in mind (see just above), Exodus 23:9 would conclude the unit that begins with Exodus 22:20(21). Thus, Exodus 22:20(21) through 23:9 would constitute a discreet unit of largely apodictic laws surrounded and framed by these two verses about the treatment of resident aliens in light of their own resident alien experience in Egypt. Actually, as Wright has observed, Exodus 23:9 leads naturally to the following sabbatical frame as well, where the poor and enslaved are of special concern once again, along with the resident alien (see vv. 10-13).²⁷ Here again, therefore, we have the same thematic emphasis that appears elsewhere in the framing of the Law. The enclosing structures within the Book of the Covenant, therefore, look something like this:

(1) Exod 20:22-26 <-----cultic frame----->Exod 23:14-19

(2) Exod 21:2-11<-----sabbatical frame----->Exod 23:10-13

(3) **a** Ex 21:12-22:16(17)//// **c** Exod 22:20(21)-23:9
 \ largely casuistic / largely apodictic:
 \ / resident alien frame [22:20(21)<>23:9]
 (4) **b** Exod 22:17(18)-19(20)
 apodictic: capital crimes

It is not my purpose here to treat the arrangement of the various laws enclosed within the structural layout summarized in the chart above. In very general terms, the first major section of law in the Book of the Covenant consists of the main body of largely casuistic laws in Exodus 21:1-22:16(17). The second major section consists of the mainly apodictic laws in Exodus 22:17(18)-23:13.²⁸ (The festival laws in Exod 23:14-19 correspond to the cultic regulations in Exod 20:22-26, see the chart above; and Exod 23:20-33 gives specific instructions for the upcoming conquest of the land.) Unit (3) in the chart above reflects the division between the

²⁷Wright, *Inventing God's Law*, 10-16, 51-90 proposes that Exodus 22:20-23:19 actually consists of two strings of apodictic laws (Exod 22:20-30 and 23:9-19, respectively). Thus, the parallels laws in 22:20 and 23:9 introduce two sections of law rather than provide an inclusion surrounding the laws in between them. In any case, the main point is the same: the basic rationale of the Law in ancient Israel was to protect the poor and under privileged, because that is what they themselves had been in Egypt. Wright sees the structure his way at least partly because of the supposed parallels between the apodictic laws in the Book of the Covenant and the so-called "exhortatory block" in the Laws of Hammurabi. The analysis suggested here keeps the inclusion structures currently under discussion intact (see also the chart below).

²⁸See, e.g., Sarna, *Exodus*, 117-18.

mainly casuistic and apodictic units, respectively, but it excludes unit (4) Exodus 22:17(18)-19(20). These latter laws actually initiate the apodictic unit, but they stand outside the resident alien unit (3) and are distinctive. They highlight three major capital crimes in Israel: sorcery, bestiality, and idolatry. They appear to supply a pivot point between the larger casuistic and apodictic units, but that is a subject for another time.²⁹

As noted above, Exodus 23:9 not only echoes 22:20(21) and, therefore, forms an inclusion for the apodictic laws that stand between them, but it also leads suitably into the sabbatical year rest for the land (23:10-11) and the regular weekly Sabbath (vv. 12-13). These latter laws once again emphasize the need to make special provision for the poor, the enslaved, and the resident alien. They also correspond to the seventh year release of debt slaves in Exodus 21:2-6(-11) at the beginning of the casuistic section, as indicated in unit (2) in the chart above. The beginning of the casuistic laws corresponds to the end of the apodictic laws in this way. This is all part of the literary framing of the Book of the Covenant. Virtually at every turn the rationale of the Law depends on their deliverance from slavery in Egypt and its implications for how they must treat the poor and disadvantaged in Israel, including the resident alien.

Scholars have recognized the numerous parallels between the first (i.e., casuistic) section of the Book of the Covenant and the cuneiform law collections of the ANE. Wright argues forcefully that the substance and sequence of both the casuistic and apodictic sections point to direct compositional literary dependence of the Book of the Covenant on the laws of Hammurabi – not only its laws but also the (apodictic) prologue and epilogue.³⁰ Others have proposed a less direct connection, such as, for example, a common oral law tradition that was prevalent in the ANE, or a specifically Amorite legal tradition that influenced Israelite law, or a combination of these and other factors.³¹ Wright argues from his documentary compositional analysis that one cannot separate the Book of the Covenant from its narrative context compositionally. Doing this would obviate the rationale of both the narrative and the Law.³²

²⁹See Sprinkle, *The Book of the Covenant*, 160-65 for a helpful discussion.

³⁰This is the main burden of his monograph; Wright, *Inventing God's Law*. His proposal is controversial. For critical reviews see, for example, Meir Malul's remarks in *Strata: Bulletin of the Anglo-Israel Archaeological Society* 29 (2011):155-59 and Bruce Wells in *The Journal of Religion* 90 (2010):558-60. In my view, Wright's main argument is not convincing. Reading the book and carefully examining his charts of the primary data of the Book of the Covenant as compared to the Laws of Hammurabi (esp. pp. 82-90 and 360-63) has left me with a uneasy sense that his theory is too often imposed on the material. There are too many exceptions and his rationale for why such exceptions exist does not always convince. Nevertheless, there is much that is of great value in Wright's analysis (see presently).

³¹See the helpful review of approaches in Wright, *Inventing God's Law*, 16-24; and also, e.g., Samuel Greengus, "Biblical and Mesopotamian Law: An Amorite Connection?" in *Life and Culture in the Ancient Near East*, ed. Richard E. Averbeck, et al (Bethesda, Maryland: CDL Press, 2003), 63-81; and Raymond Westbrook and Bruce Wells, *Everyday Law in Biblical Israel* (Louisville, Kentucky: Westminster John Knox, 2009), 20-33.

³²Wright, *Inventing God's Law*, 149-51, 322-23, 327, 332-45, 353.

Debt Slavery in Leviticus 25

This brings us to the overall framework of the Law given at Sinai as a whole, from Exodus 19 through Leviticus 26 (see the discussion of the colophon in Lev 26:46 above). As previously discussed, not only is the call to covenant in Exodus 19:3-6 founded upon the deliverance from Egypt, but so are the ten words. Furthermore, not only does the Book of the Covenant begin with debt slave law, but the whole of the laws given at Sinai also end with debt slave law in Leviticus 25:39-55, just before the blessings and curses of the covenant in Leviticus 26. This latter point is not often taken into account in discussions of the Sinaitic Law. Perhaps this is because the Laws of Hammurabi, for example, do indeed conclude with slave laws, so ANE law collections ending this way is in fact not unique to biblical law, in contrast to the fact that no such collections begin with slave laws. Or perhaps it is because the overall canonical shape and frame of the Law is often not given full consideration; the emphasis tends toward the literary shape of the units of law within it. Or perhaps it is due to a combination of these and other factors. In any case, from the point of view of the text as it stands, Hebrew debt slave and release is “the beginning and end” of the Law at Sinai, literally.

It is important here to observe the main historical and theological rationale explicitly stated in both units of Hebrew debt slave law in the later sections of Leviticus 25. Basically, the point is that the Lord had already brought the Israelites out of slavery in Egypt, so they cannot be re-enslaved in Israel. After declaring that no Israelite who sold himself was to be treated as a slave in Israel, but as (if he was) a hired man (שָׂכִיר) temporary resident (תּוֹשֵׁב)³³ among them, and was to be released in the year of jubilee (vv. 39-41), the Lord then proclaimed (v. 42):

כִּי־עַבְדֵי הֵם אֲשֶׁר־הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרַיִם לֹא יִמְכְּרוּ מִמִּכְרֵת עֶבֶד:

. . . for they are my slaves, whom I brought out from the land of Egypt. They shall not be sold in a slave sale.

All Israelites were already the Lord’s slaves, so no one else could enslave them – not even another Israelite, much less anyone else (cf. v. 53). Similarly, but even more emphatically, after dealing with the situation where an Israelite became a debt slave to a resident alien (גֵר) temporary resident (תּוֹשֵׁב) among them (vv. 47-54), the Lord once again proclaims in the last verse of the chapter (v. 55):

כִּי־לִי בְנֵי־יִשְׂרָאֵל עֶבְדִים עַבְדֵי הֵם אֲשֶׁר־הוֹצֵאתִי אוֹתָם מֵאֶרֶץ מִצְרַיִם אֲנִי יְהוָה אֱלֹהֵיכֶם:

. . . for the children of Israel are my slaves; they are my slaves whom I brought out from the land of Egypt. I am the Lord your God.

The double appearance of both “my” and “I” in this verse is conspicuous and emphatic.

³³The term “temporary resident” (תּוֹשֵׁב), therefore, can be paired with either “hired man” (שָׂכִיר; v. 40) or “resident alien” (גֵר; v. 47). In the former it refers to an Israelite, and in the latter a non-Israelite. Moreover, in v. 40 the point is that they should be handled by the “master” according to the standards of (lit. “like”) a hired man temporary resident, not according to the rules of regular debt slavery.

Furthermore, from a literary and content point of view, Leviticus 25 flows immediately into Leviticus 26 with no break between them. The continuity between the two chapters is self-evident, for example, from the references back to the sabbatical year regulations of rest for the land in Leviticus 26:34-35, 43. But more immediately, Leviticus 26 begins:

Leviticus 26:1

לֹא־תַעֲשׂוּ לָכֶם אֱלִילִם וּפְסִל וּמִצְבֵּה לֹא־תִקְיְמוּ לָכֶם וְאִבָּן מִשְׁכִּית לֹא תִתְּנוּ בְּאֶרְצְכֶם
לְהִשְׁתַּחֲוֹת עָלֶיהָ כִּי אֲנִי יְהוָה אֱלֹהֵיכֶם:

You must not make for yourselves useless images, and you must not set up for yourselves idols and standing stones, and you must not allow a carved stone in your land to bow down to it, for **I** am the LORD your God.

This yields, of course, a sequence that echoes the beginning of the Covenant Law at Sinai. The emphatic statement of the Lord’s deliverance from slavery in Egypt at the end of Leviticus 25 (cf. Exod 20:2) leads directly to the forceful prohibition against idol images, standing stones, or carved stones in Leviticus 26:1 (cf. Exod 20:3-6). Thus, we have here at the end of the Law as given at Sinai the same sequence as that in Exodus 20:2-6 at the beginning of the Law at Sinai, discussed above.³⁴ (Compare also “Sabbath” in Exodus 20:8-11 with “Sabbaths” in Leviticus 26:2, perhaps.)

The relatively non-cultic regulations of the Holiness Code (Lev 18-26; “non-cultic” as compared to Leviticus 1-16), therefore, end with this emphasis on the Lord’s deliverance from slavery in Egypt, just as the Ten Words begin with it in Exodus 20.³⁵ Significantly, the non-cultic regulations of the Holiness Code also begin with the same kind of rationale, and the first major section of the collection is framed by it. Compare the beginning and end of the laws for the holiness of the people and the priests in Leviticus 18-22:

Leviticus 18:3

כַּמַּעֲשֵׂה אֶרֶץ־מִצְרַיִם אֲשֶׁר יִשְׁבַתְּם־בָּהּ לֹא תַעֲשׂוּ וּכַמַּעֲשֵׂה אֶרֶץ־כְּנָעַן אֲשֶׁר אָנֹכִי
מְבִיא אֶתְכֶם שָׁמָּה לֹא תַעֲשׂוּ וּבַחֲקֵיהֶם לֹא תֵלְכוּ:

You must not do as they do in the land of Egypt where you dwelt and as they do in the land of Canaan into which I am about to bring you – you must not walk in their statues.

³⁴One should also observe here that a similar reference back to the deliverance from Egypt actually appears in the very last verse, Leviticus 26:45 (i.e., just before the colophon in v. 26): וְזָכַרְתִּי לָהֶם בְּרִית רְאשֵׁי אֲשֶׁר: “And I will remember for them the covenant with their ancestors whom I brought out from the land of Egypt before the eyes of the nations to be their God. I am the LORD.”

³⁵See the discussion of the extent and framing of the “Holiness Code” in n. 15 above. Especially recall that, in my view, Leviticus 17 and 27 provide a cultic frame for this collection, much like Exodus 20:22-26 and 23:14-19 for the Book of the Covenant and Deuteronomy 12 and 26 for the core law collection in the Book of Deuteronomy.

Leviticus 22:32b-33

אֲנִי יְהוָה מְקַדְּשְׁכֶם:

הַמוֹצֵיא אֶתְכֶם מֵאֶרֶץ מִצְרַיִם לְהִיזֹת לָכֶם לְאֱלֹהִים אֲנִי יְהוָה:

I am the LORD who sanctifies you, the one who brought you out from the land of Egypt to be your God – I am the LORD.

This cannot be a coincidence, especially in light of all the similar framing of the Law as a whole and the other biblical law collections (and sub-sections) treated above.

Moreover, as is well-known, Leviticus 19:18 reads, “You must not seek vengeance and you must not maintain (a grudge) against the sons of your people, but you must show love to your neighbor as yourself – I am the LORD,” meaning that one must love their neighbor by doing what is good for them just as one naturally does what is good for oneself. It is significant that later, in vv. 33-34 of the same chapter, the same principle applies to the resident alien: “When a resident alien resides with you in your land, you must not oppress him. Like one native born among you shall be the resident alien who resides with you. You shall show love to him as yourself, *for you were resident aliens in the land of Egypt* – I am the LORD your God.” Here again we have the same undergirding rationale as that referred to above in the discussion of Exodus 22:20[21] and 23:9, and in the connection between the first and second proclamations in Deuteronomy 26. And then again in Leviticus 19:36b we read: “I am the LORD your God who brought you out from the land of Egypt” (cf. also 23:43; 25:38; 26:13; as well as 22:33; 25:42, 55; and 26:45, all treated above). Thus, as J. Joosten has noted, “there is not one single subject treated in H which is not directly connected in some way with that momentous event from the past.”³⁶

In reality, therefore, there are a good number of instances seeded through the Law in which the call for good and fair treatment of resident aliens is based on Israel’s past experience in Egypt. One could say that it is essential to the ethos of the whole Law, Exodus through Deuteronomy, from beginning to end, and in between. Whether laying foundations or coming to conclusions, the lawgiver gravitated toward the founding event and its implications for the good life in ancient Israel.

In summary, therefore, according to the text as it stands, for both the outside framework and the internal rationale that pervades the non-cultic Sinai Law there is a primary emphasis on the Lord’s deliverance of Israel out of their slavery in Egypt. The far outside frame is Exodus 20:2-6 with Leviticus 25:55-26:1 (see just above; cf. also Lev 26:45). The next level of the frame moving inward is the Hebrew debt slave laws at the non-cultic beginning of the Book of the Covenant (Exodus 21:2-11) and its correspondence to the end of the non-cultic regulations in Leviticus 25:39-54. Within the Book of the Covenant itself, the laws against oppressing resident aliens and the association of these laws with Israelites as oppressed resident aliens in Egypt (Exod 22:20[21] and 23:9) provide the framework for the second major portion of the Covenant Law (Exod 22:21[22] through 23:8). Within the Holiness Code, a similar framing takes place.

Furthermore, this framework and rationale has an even wider sweep, covering the whole Law from Exodus 19 to Deuteronomy 26. Deuteronomy 26:16-19 uses virtually the same terms

³⁶See J. Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26*, VTSup 67 (Leiden: Brill, 1996), 101 and the full discussion of this matter on pp. 93-101.

for “treasured possession” and “holy nation/people” as Exodus 19:5-6. The text itself emphasizes this echo of the beginning of the Law at the end of it in the last clause: כַּאֲשֶׁר דִּבֶּר: “as he has spoken” (Deut 26:19b, see the discussion above). The NIV and NRSV render it “as he promised,” clearly referring back to the original promises in Exod 19:5-6. More to the point, earlier in the same chapter the Lord’s deliverance of Israel from slavery in Egypt is the substantial rationale of the proclamation for the presentation of the first fruits, known as the “small credo” (Deut 26:5b-10a). This, of course, corresponds to the same in Exodus 19:4. It also leads to the command to set the first fruits before the Lord as an act of worship that would supply a feast with the worshipper as well as “the Levite and the resident alien (הַגֵּר)” (Deut 26:11).

The second proclamation (Deut 26:13b-15) was associated with the third year tithe (v. 12). It too emphasizes care for the disadvantaged in the society, including the Levite, the resident alien (גֵּר), the orphan, and the widow (vv. 12 and 13). It is especially significant that this provides the occasion for the worshipper to proclaim: “I have done according to all which you have commanded me” (v. 14b). Thus, the care for the disadvantaged, including the resident alien, was the cutting edge of the Law. To fulfill this requirement was to fulfill the whole Law. After all, they had lived as oppressed resident aliens in Egypt (v. 5). Living a life worthy of their identity and status before Yahweh required that they never allow the same kinds of oppression to reign in Israel as they themselves had experienced in Egypt. The following chart is an attempt to capture this overall pattern visually:

Exod 19:4-6 <-----> Deut 26
 Exod 20:2-6 <-----> Lev 25:55-26:1
 Exod 21:2-11 <-----> Lev 25:39-54

Major Historical Critical Considerations

The analysis presented above covers a lot of textual territory and, along the way, the literary terrain varies greatly. As is well-known, there are three main sections of legal regulations embedded in the Torah. The results of this study suggest that, even with the varied textual terrain, the basic nature and rationale of the Law from Sinai to Moab is essentially the same throughout. First of all, above all, and throughout, the Law speaks to the Israelites as those delivered by the Lord out of slavery in Egypt and, therefore, called and bound by covenant to live as freed slaves devoted to the God who delivered them. Their devotion to the Lord was to include both exclusive worship of him as their only God, and special care to treat one another justly, making special provision for the poor and disadvantaged among them, including resident aliens. Since the Israelites themselves had been oppressed as resident aliens in Egypt, they must be sure to avoid oppressing one another when they are in charge. This was the essence of the matter. In the canon as we have it, this provides the outside frame for the Law as a whole and, in several instances, frames major units of law within the Torah. Thus, this essential rationale of the Law not only encases it but also permeates it. The ramifications of this reality for our understanding of the OT Law and its intentional life-giving application to the people of ancient Israel are immense.

Textual Terrain in the Torah

As to the canonical text itself, the unevenness of the textual terrain is clearly evident, and that is partly what gives rise to historical critical analysis of the Law and its relationship to the narrative framework around and through it. First there are the Ten Words and the Book of the Covenant at the core of the initial covenant making narrative at Sinai in Exodus 19-24. Here there is no tabernacle in view, and the Book of the Covenant even legislates for solitary altars at the outset (Exod 20:24-26). It has the community of freed slaves at the center of its vision, so the ten words open with the Lord's deliverance from slavery (Exod 20:2), and the Book of the Covenant puts regulations for debt slavery first and associates them with a sabbatical cycle (Exod 21:2-11). The sabbatical emphasis surfaces again near the end of the legal stipulations of the Book of the Covenant (Exod 23:10-12), thus, forming an inclusion structure. And just before that, the apodictic law section of the Book of the Covenant places special emphasis on provisions for the needy and the resident alien in Israel (see Exod 22:20[21]-23[24] with 23:9, and much that stands between them).

As noted above, David Wright has argued that one cannot separate the Book of the Covenant from some version of its narrative context because of how the laws and the narrative support and depend on each other.³⁷ Moreover, according to Wright's analysis, the Book of the Covenant itself is also a unified composition.³⁸ These conclusions, of course, depend largely on Wright's argument that the Laws of Hammurabi with its prologue and epilogue served as the primary source document for the composition of the Book of the Covenant, although he admits that some elements of this literary compositional unity do not depend on his theory.³⁹

In any case, according to Wright, around 700 BC when the Laws of Hammurabi were available to Israelite scribes as a source for their composition of the Book of the Covenant, at that time a narrative about the Egyptian enslavement, the Lord's deliverance from it through Moses, and the making of the covenant between God and Israel at Sinai was already circulating.⁴⁰ This pre-existing narrative supplied the context and rationale for the writing of the Law. In reality, however, according to Wright, all of this was "a cipher for Israel or Judah under Assyrian domination" as far as those who composed the Book of the Covenant were concerned. They took "a primary royal propagandistic motif, the king's care for the poor," and used it to against their "Mesopotamian overlords."⁴¹

While I accept neither Wright's arguments for thoroughgoing literary dependence of the Book of the Covenant on the Laws of Hammurabi (see the earlier remarks above), nor his view that the narrative of the exodus is a cipher for Israel's resistance to the Neo-Assyrian domination, nevertheless, his estimation of the central importance of the deliverance from slavery in Egypt

³⁷See esp. Wright, *Inventing God's Law*, 332-45.

³⁸Wright, *Inventing God's Law*, 352-55.

³⁹See, e.g., the name memorialization in Exodus 3:15 with that of 20:24; Wright, *Inventing God's Law*, 332-33.

⁴⁰Wright, *Inventing God's Law*, 356.

⁴¹Wright, *Inventing God's Law*, 151.

for the nature and rationale of the Law in the Book of the Covenant is on the mark.⁴² Wright's argument applies only to the Book of the Covenant, not the whole Law as given at Sinai, much less Moses' exposition of it in Moab (i.e., Deuteronomy). Nevertheless, what he concludes for the connections between the narrative and the Book of the Covenant applies *mutatis mutandis* to the whole Law, both at Sinai and in Moab.

With that in mind we turn to the second primary unit of Law in the Torah, where there is a shift from the making of the covenant and principles for living it out in the community to instructions for the priests and the tabernacle. Here the textual and legal terrain is very different, even though the text still has us at Sinai. In general terms, the first part of this priestly material, often referred to as "P" (i.e., the Priestly Code; Exodus 25-Leviticus 16), has the reader (or hearer) of the Law standing and ministering inside the tabernacle looking out at the community, so to speak. This is the overall perspective of the material. The second part, often referred to as "H" (i.e., the Holiness Code; Leviticus 17-27),⁴³ has the reader standing and living out in the community, looking in toward the tabernacle.

The deliverance from slavery and its implications are naturally drawn out in the second part of this priestly material, since this was so significant for the identity and functionality of the community. Near the end of this section of law the text returns once again to debt slavery (Lev 25:36-55), and the explicit connection to the narrative of deliverance from slavery in Egypt. The text also draws out the implications for taking special care of the needy or disadvantaged, whether native Israelites or resident aliens. The structural correspondence between the debt slave laws at the beginning of the Book of the Covenant and then again in the final regulations at the end of the Holiness Code, which concludes the Law as given at Sinai, highlights once more the same essential rationale of the Law. Moreover, the same rationale interpenetrates the main substance of the Holiness Code (see the remarks on Lev 18-22 above).

Another major shift in the terrain occurs when we move forward to the third major unit of the Law as Moses expounded it in Deuteronomy. Here we are no longer at Sinai, but in Moab and about 40 years later, so diachronic factors begin to emerge directly from the text itself. The tabernacle is not directly in view, since the conquest and occupation of the promised land is the more immediate concern, rather than the travel through the wilderness to the promised land. Thus, even the altar law changes to adjust for the shift to occupation of the land (Deut 12) as opposed to travel through the wilderness (Lev 17). In spite of this shift in terrain, the final chapter of legal regulations in Deuteronomy (Deut 26) again comes back to the same essential focus with which the Law began at Sinai and had continued to occupy itself since then.

Earlier in this essay, therefore, we treated the Egyptian slavery and deliverance and its connection to the resident alien and other disadvantaged people in Israel as it is articulated in Deuteronomy 26. Much more could be done with the permeation of the same rationale in various places through the legal regulations that fill out the Book of Deuteronomy. There has been no time to pursue that point in the present essay, but for instance, in Deuteronomy 5 the rationale for the Sabbath command in the Ten Words specifically emphasizes the deliverance from slavery and its implications for life in Israel (Deut 5:15). At Sinai the rationale derives from God's rest on the seventh day of creation instead (Exod 20:11). Moreover, it is of special importance here that the same legal rationale appears once again for the third section of Torah debt slave and

⁴²Wright, *Inventing God's Law*, 335-38.

⁴³For the content and limits of the "Holiness Code," see n. 15 above.

manumission regulations, **וּזְכַרְתָּ כִּי עֶבֶד הָיִיתָ בְּאֶרֶץ מִצְרַיִם וַיִּפְדֶּךָ יְהוָה אֱלֹהֶיךָ** “Remember that you were slaves in Egypt and the LORD your God redeemed you” (Deut 15:15a; cf. the discussion of Exod 21:2-11 and Lev 25:39-55 above).

The main point here is that these shifts in the canonical terrain are especially important to keep in mind when analyzing the individual legal regulations themselves in their immediate context, as well as in comparing them to parallel regulations situated in another textual terrain. In fact, in my opinion, from the point of view of literary analysis it is only good common sense that this would take methodological priority. The text needs to be thoroughly worked as it stands, including text critical and other such matters, before we resort to other measures. I do not mean to overstate the matter. There are certainly diachronic dimensions to the text, not only those stated explicitly in the text (as noted above), but also other scribal and compositional processes through time. Some of these are reflected in the text in one way or another.⁴⁴

The results of the present study apply most directly to the literary analysis of the Law in the Pentateuch – not so much the question of the historical exodus, as the tradition historical and redaction critical issues associated with the composition of the Law. Nevertheless, according to the text as it stands, there would be no Law without the exodus. The latter provides the Law with an ever present historical rationale that sets a frame within the Law (on its edges) and its various parts, and surfaces in numerous places throughout.

The discussion offered here covers a great deal of textual territory – too much to treat every textual detail directly, much less all the historical critical issues that have been raised by scholars over the past couple centuries. Nevertheless, the results of this inquiry lead naturally to a consideration of two of the foremost historical critical issues that arise in the study of the Law: the relationship between the Law and the narrative in which it is embedded, and the internal consistency and coherence of the three main sections of law in the Torah. The so-called “small credo” in Deuteronomy 26:5-10 discussed above relates directly to the first of these historical critical questions, while the relationship between the three units of debt slave law, one in each of the three major sections of law in the Torah, corresponds to the second.

The “Credo” in Deuteronomy 26

With regard to the small credo, as noted above the explicit connection between Exodus 19:4-6 and Deuteronomy 26:16-19 provides the outside frame for the legal material in the Torah as a whole. The end returns to the beginning; that is, to the initial and foundational principles of the covenant as it was established at Sinai. Just before the envelope closes, however, Deuteronomy 26:5-10 brings us back to the overall narrative in which the Law is embedded. Norbert Lohfink has dubbed this passage “the best-known and most important credal text of the Old Testament.”⁴⁵ The relevant historical critical discussion begins with Julius Wellhausen, who proposed that the Yahwist has the Israelites moving to Kadesh immediately after the crossing of the Reed Sea, without ever going to Sinai. Thus, Kadesh was the true scene of the Mosaic history

⁴⁴See Richard E. Averbeck, “Pentateuchal Criticism and the Priestly Torah,” in *Do Historical Matters Matter for Faith: A Critical Appraisal of Modern and Post Modern Approaches to the Bible*, ed. James K. Hoffmeier and Dennis R. Magary (Wheaton, Illinois: Crossway, 2012), 156-58 for some of the details.

⁴⁵Norbert Lohfink, “The ‘Small Credo’ of Deuteronomy 26:5-9,” in *Theology of the Pentateuch: Themes of the Priestly Narrative and Deuteronomy*, transl. Linda M. Maloney (Minneapolis: Fortress Press, 1994), 265.

and the giving of the legislation (see the fragment of the legislation in Exod 15:25b, and compare Exod 17:1-7 with Num 20:1, 13-14). The later priestly writer, however, inserted the Priestly Code, which includes essentially all of Exodus 19-Numbers 9 (see Kadesh in Num 13:26).⁴⁶

With this as his starting point, Gerhard von Rad later argued that the small credo in Deuteronomy 26:5-10 actually predates the Yahwist and was a set tradition already in his day. The tradition included the patriarchal age, the oppression in Egypt, the deliverance by Yahweh, and his bringing them into the promised land. The giving of the Law at Sinai is conspicuous for its absence.⁴⁷ Although the later Deuteronomist knew the Sinai tradition, he dare not add it to this long established historical credo. He too, like the Yahwist, adopted it as it was. So the exodus and Sinai traditions were originally independent and were not brought together until after they had already developed in oral form separately in different places at different times in association with alternate cultic *sitzen im leben*. The Yahwist is the one who actually brought them together but, as noted above, the credo itself was not changed precisely because of its already established traditional status. This is why the credo tradition does not include anything about coming to Sinai and receiving the Law there.⁴⁸ Von Rad concluded from the small credo, and other contributing passages (cf. Deut 6:20-24; Josh 24:2-13; Pss 78; 105; 136; etc.), that “from the earliest times the Settlement tradition took the patriarchal period as its starting-point,”⁴⁹ although he admitted that there are texts that begin the Settlement tradition with the exodus, not the patriarchs (e.g., Pss 78 and 136).⁵⁰ It was Martin Noth who developed von Rad’s thesis into a full-fledged history of earliest Israel and its various oral traditions, in many cases lending some form of historical credibility to those diverse traditions.⁵¹

Lohfink studied the small credo in detail and concluded otherwise. Basically, he separated Deuteronomy 26:5b and 10a from vv. 6-9, since the former are in the first person singular (i.e., v. 5b “my father” and v. 10a “I” and “me”), while the latter are in the first person plural (i.e., vv. 6-9 “us” and “our”). Thus, vv. 5b and 10a combined constitute an old prayer for the first fruit ritual (J). The Deuteronomist (D) took this old prayer and used the early historical summary of Numbers 20:15-16 (E) as the core around which to build up the historical summary in Deuteronomy 26:6-9, all from “the old sources of the Pentateuch” (i.e., JE). The text as it stands in its context, therefore, is Deuteronomistic (i.e., 7th century BC), but it was built up from the older traditions, which, in turn, it preserved.⁵²

⁴⁶Julius Wellhausen, *Prolegomena to the History of Israel*, preface by Douglas A. Knight (Atlanta: Scholars Press, 1994), 342-43, 353, 438-39. Cf. Gerhard von Rad, “The Form-Critical Problem of the Hexateuch,” in idem, *From Genesis to Chronicles: Explorations in Old Testament Theology* (Minneapolis: Fortress Press, 2005), 1-58, esp. pp. 10-16 for a summary of the historical critical view of the matter.

⁴⁷Von Rad, “The Form-Critical Problem of the Hexateuch,” 3-10.

⁴⁸Von Rad, “The Form-Critical Problem of the Hexateuch,” 38-41.

⁴⁹Von Rad, “The Form-Critical Problem of the Hexateuch,” 43.

⁵⁰Von Rad, “The Form-Critical Problem of the Hexateuch,” 41.

⁵¹Martin Noth, *The History of Israel*, second edition (New York: Harper and Row, 1960), 110-138.

⁵²Lohfink, “The ‘Small Credo’ of Deuteronomy 26:5-9,” 269-89.

More recently, Konrad Schmid and others have accepted von Rad's point that the Settlement tradition (i.e., patriarchs, to Egyptian slavery, to exodus, to settlement in the promised land) and the Sinai tradition were originally independent. But he has also argued for an original separation between the exodus tradition and the patriarchal tradition, and this not only in the oral but also the literary stage of the development of the biblical account.⁵³ According to this view, what we have in the small credo is neither the early tradition that the Yahwist adopted (von Rad) nor the older JE traditions that the Deuteronomist adopted (Lohfink). It was the priestly writer who brought them together in the exilic or post-exilic period. The problem with this view, of course, is that, unlike the Sinai tradition, the credo does indeed make reference to the patriarchs at the beginning: "My father was a wandering Aramean. He went down to Egypt and lived there as a resident alien, . . ." If, as Schmid argues, there is no such connection between the patriarchal tradition and the exodus tradition until after the priestly tradition became codified in the post-exilic period, then the small credo would have to date to the post-P period, near the end of the development of the written text, not at the beginning of the tradition as von Rad had it.⁵⁴

Schmid's conclusion with regard to the "small credo" makes sense, given his method. But the method is precisely what is in question.⁵⁵ One sometimes gets the impression that he shapes his reading of a passage to fit his theory rather than the other way around. His dating of the small credo to a post-P redaction is an example of this. It derives from his previous commitment to the theory that the link between the patriarchal and exodus traditions was not made until very late in the compositional process. Moreover, his inquiry itself seems to paint itself into a corner, so to speak. Schmid has to somehow deal with the fact that, according to his own analysis, the earlier Israelite tradition has Israel coming up out of Egypt without any indication of how they got down there to begin with. He makes a rather feeble proposal to resolve this problem when he slips from history of tradition over into actual history to suggest that they were among the groups of Semites who regularly moved into the delta area in northern Egypt. But this does not really resolve the textual problem anyway, since even this proposed rationale for them being down in Egypt does not appear in the text either. Why and how could the tradition of deliverance from Egypt start without some kind of rationale for them being there in the first place?⁵⁶

I am not able to consider every detail of the discussion here but, in sum, this is how the discussion of the small credo has gone over the past century or so. This little passage has undergone a long and twisted historical critical journey. And there is still no settled consensus – no "assured results" of historical critical inquiry. In fact, it seems to me that the method does not

⁵³Konrad Schmid, *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible*, transl. James D. Nogalski (Winona Lake, Indiana: Eisenbrauns, 2010), 3-4.

⁵⁴Compare von Rad, "The Form-Critical Problem of the Hexateuch," 41-47 and Lohfink, "The 'Small Credo' of Deuteronomy 26:5-9," 282 with Schmid, *Genesis and the Moses Story*, 8, 97, 156, 236-38, 254-57.

⁵⁵For a more complete summary and critique of Schmid's overall proposal, see Richard E. Averbeck, Review of Konrad Schmid, *Genesis and the Moses Story: Israel's Dual Origins in the Hebrew Bible*, in *RBL* 05/2011.

⁵⁶Schmid, *Genesis and the Moses Story*, 123-24. He suggests that in some passages the Israelites simply lived in Egypt (e.g., Deut 6:21-23). No descent into Egypt is mentioned. But even then he has to admit that they were not actually ethnic Egyptians anyway. Thus, he resorts to the historical fact that many Asiatic groups settled in the Nile delta from the beginning of the second millennium BC.

lend itself to reaching a consensus – only multiple schools of investigation pitted against each other. The von Rad/Noth hypothesis was quite well-received for some time, but this is no longer the case. In the meantime, from a literary point of view, the small credo provides part of the back side of the envelope set in Moab within which the Law of the Torah is inserted (i.e., Deut 26).

The fact that the small credo does not refer to Sinai is interesting and important, but there could be several different explanations, and not all of them would be diachronic in nature. As it stands, the confession recounts the history of how the worshipper has ended up in the promised land with a first fruits offering to bring. It is focused on the journey from an ancestry with no homeland, to slavery in Egypt, to the Lord's deliverance from there, to settlement and prosperity in what is now the worshipper's homeland provided to him by the God whom he is worshipping. This is the textual terrain. Sinai was a very important stop along the way, but it was never the homeland, and the latter is the concern of both the worshipper and the text in their context in Deuteronomy 26. Moreover, the confession itself is embedded in the Law in the first place, as part of it. So why would it make reference to itself? Furthermore, as we noted at the beginning of this section, the fact remains that the Law itself conceives of no such separation of the exodus and settlement traditions from the Sinai tradition. In fact, the rationale of the Law is largely based on the direct and original compositional connection between the two.

Hebrew Debt Slavery and Release Laws

Both the small credo in Deuteronomy 26:5-10 and the Hebrew debt slavery and release regulations reflect the same core rationale for the Law in the Torah. With regard to the latter, the Law as it was given at Sinai begins and ends with native Hebrew debt slave and release law in light of the Lord's deliverance out of slavery in Egypt. The deliverance from slavery in Egypt is mentioned as the whole postulate of the Law in the first of the ten words (Exod 20:2; see the discussion above), and the non-cultic regulations of the Book of the Covenant begin with debt slave and release stipulations (Exod 21:2-11). Similarly, the Law as given at Sinai ends with the same subject (Lev 25:39-43 and 47-55), again with special emphasis on the deliverance from slavery in Egypt as the whole postulate of the Law (Lev 25:38, 42-43, 55). This is the fundamental historical fact and theological rationale underlying the whole covenant as well as the Law embedded within it. God had set his people free, so he is their God and they are his people (Lev 25:55-26:1).

The historical critical point of contention in this instance is the coherence or lack thereof between the three sets of debt slave regulations distributed across the three main units of Law in the Torah: Exodus 21:2-11 (the Book of the Covenant, or "Covenant Code"), Leviticus 25:39-43 (and vv. 47-55; the "Holiness Code," a priestly perspective), and Deuteronomy 15:12-18 (the "Deuteronomic Code"). As Bernard Levinson has noted, "Alongside the history of sacrifice and the festival calendar, the question of the sequence and relation of the laws concerning manumission of slaves has been essential to any larger attempt to construct a history of Israelite religion and a compositional history of the Pentateuch."⁵⁷

The standard historical critical view has been that the debt slave law in Exodus 21 came first (early pre-exilic). Deuteronomy 15 came next and revised the Exodus 21 regulation in light

⁵⁷Bernard M. Levinson, "The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory," in *Congress Volume Leiden 2004*, ed. André Lemaire, VTSup 109 (Leiden: Brill, 2006), 281.

of new conditions in the 7th century BC (i.e., late pre-exilic, the well-accepted date for Deuteronomy). The combined debt slave regulations of Exodus 21 and Deuteronomy 15 failed to carry the day in late pre-exilic Judah, according to the account in Jeremiah 34. The later (exilic and/or post-exilic) priestly “Holiness Code” regulations in Leviticus 25, therefore, revised the failed Exodus and Deuteronomy debt slave regulations, maintaining the institution, but only in a substantially revised form in which the manumission would occur in the jubilee year, not in the seventh year after only six years of debt slavery.⁵⁸

A substantial contingent of the Israeli school of biblical criticism generally turns the order of Deuteronomy 15 and Leviticus 25 around the other way. The Holiness Code comes before the Deuteronomistic Code, so Deuteronomy 15 is dependent not only on Exodus 21 but also Leviticus 25.⁵⁹ The major voices in favor of the latter alternative include Sara Japhet, Jacob Weingreen, and Jacob Milgrom.⁶⁰ More recently, Benjamin Kilchör has supplied data and argued that this latter direction of dependence between the legal corpora is much more likely. He bases this, among other things, upon a carefully constructed and rather comprehensive literary analysis comparing the parallel debt slave regulations in the three corpora, ending up with the sequence Exod 21 > Lev 25 > Deut 15.⁶¹

A few points are especially relevant to our discussion here.⁶² For example, as a principle of method, when we compare the debt slave laws in Exodus 21, Leviticus 25, and Deuteronomy 15, we need to keep in mind the peculiarities of the textual terrain in each instance. Because the textual terrain varies, one passage may lend access to a detail or perspective that is not found in another. The differences are important for building a more complete picture of the legal and cultural phenomena. It is important to note, for example, that the second part of the Exodus 21

⁵⁸Levinson, “The Manumission of Hermeneutics,” 283.

⁵⁹See the helpful summary in Levinson, “The Manumission of Hermeneutics,” 285-88. Yehezkel Kaufmann, *The Religion of Israel: From Its Beginnings to the Babylonian Exile*, Translated and abridged by Moshe Greenberg (Chicago: Univ. of Chicago Press, 1960), 166-211 was one of the first to argue for this historical order in the development of the three codes. But he also argued that there was no dependence of one upon the other in the historical development of their legal regulations and, therefore, no legal innovations between them.

⁶⁰Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” in Sara Japhet (ed.), *Studies in the Bible, 1986*, Script Hieroslymitana 31 (Jerusalem, 1986), 63-89; J. Weingreen, *From Bible to Mishnah: The Continuity of Tradition* (New York: Holmes & Meier, 1976), 132-42; Jacob Milgrom, *Leviticus 23-27, AB 3B* (New York: Doubleday, 2001), 2254-57.

⁶¹Benjamin Kilchör, “Frie aber arm? Soziale Sicherheit als Schlüssel zum Verhältnis der Sklavenfreilassungsgesetze im Pentateuch,” *VT* 62 (2012): 381-97 and idem, “The Direction of Dependence between the Laws of the Pentateuch: The Priority of a Literary Approach,” *Ephemerides Theologicae Lovanienses* 89 (2013): 1-14. I thank Joshua Berman for kindly calling my attention to Kilchör’s publications.

⁶²For more comprehensive treatments of the subject see Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, JSOTSup 141 (Sheffield: Sheffield Academic Press, 1993) with Joe M. Sprinkle, *The Book of the Covenant: A Literary Approach*, JSOTSup 174 (Sheffield Univ. Press, 1994), 50-72; and Raymond Westbrook, “The Female Slave,” in *Law from the Tigris to the Tiber: The Writings of Raymond Westbrook*, vol. 2, *Cuneiform and Biblical Sources*, ed. Bruce Wells, and Rachel Magdalene (Winona Lake, Indiana: Eisenbrauns), 149-74, a reprint from *Gender and Law in the Bible and the Ancient Near East*, ed. V.H. Matthews, et al., JSOTSup 262 (Sheffield: Sheffield Academic Press, 1998), 214-38. For a relatively brief analysis see Richard E. Averbeck, “Law,” in *Cracking Old Testament Codes*, ed. D. Brent Sandy and Ronald L. Giese, Jr. (Essays in Honor of Richard D. Patterson; Nashville: Broadman & Holman, 1995) 131-34.

passage in vv. 7-11 turns from the male debt slave to the female debt slave, specifically, a family daughter who is actually slated to become the wife of the master or his son.⁶³ Thus, she does not go out from the master's house in the seventh year as the male does. Deuteronomy 15:12-17 makes it clear that if a woman debt slave was not slated to be a wife, she would go out free just like any male debt slave. Jeffrey Tigay, for example, agrees that these texts do not necessarily contradict each other.⁶⁴ Unfortunately, many scholars have treated this as a cardinal point in their theory, arguing that the woman debt slave going free like the male debt slave is an innovation in Deuteronomy 15, intending to subvert Exodus 21.⁶⁵

Leviticus 25 raises the discussion to a whole different level. Even Tigay agrees that the debt slavery and release regulations in Leviticus 25 most certainly subvert the regulations in Exodus 21 and Deuteronomy 15.⁶⁶ One of the most obvious differences is that in Exodus 21:2 and Deuteronomy 15:12 the debt slave serves for six years and goes out in the seventh, while Leviticus 25:40, 54 has him going out in the year of jubilee. Thus, he could theoretically serve as a debt slave for as many as 49 years. The regular harmonistic approach is to argue that the debt slave serves six years (Exod 21:2; Deut 15:12) unless the jubilee year intervenes, in which case the slave goes free at the jubilee (Lev 25:40). Moreover, even if he chooses to continue as a debt slave to his master after the six years (Exod 21:5-6; Deut 15:16-17), or is indebted to a resident alien or stranger and has not been redeemed by his family (Lev 25:47-53), he must still go free in the jubilee (Lev 25:54-55). Tigay effectively refutes this explanation,⁶⁷ and argues that "Leviticus 25 represents a system for the relief of the poverty that is independent of the one in Exodus and Deuteronomy." He leaves open the question of whether Leviticus 25 derives from a different time and/or place than Exodus 21 and Deuteronomy 15, or whether "it simply reflects the approach of another school of thought."

However, Bernard Levinson and, following him, Jeffrey Stackert, argue vehemently for the debt slave laws in Leviticus 25 as a text whose author(s) intended to subvert the regulations in Exodus 21 and Deuteronomy 15.⁶⁸ To them it is not a matter of just another school of thought being expressed. This not the place to engage fully with the details of all their arguments, but

⁶³Contra Calum Carmichael, "The Three Laws on the Release of Slaves," *ZAW* 112 (2000): 515-518, I take the *qere* reading in v. 8 (*lō* "for himself"), not the *ketiv* (*lō'* "not"). This seems to be the more natural reading, especially in light of the parallel in v. 9, where he designates her as a wife for his son and the *lamed* preposition clearly means "to" or "for." See also the discussion in Wright, *Inventing God's Law*, 132-33.

⁶⁴See the helpful discussion in Tigay, *Deuteronomy*, 148-49, 466. He argues that "it is possible that the two laws refer to different cases," recognizing that Deuteronomy 15:12-17 is not taking into consideration the marital issues for the debt slave woman in Exodus 21:7-11.

⁶⁵See, e.g., Gerhard von Rad, *Deuteronomy: A Commentary*, OTL (Philadelphia: The Westminster Press, 1966), 107; Lundbom, *Deuteronomy*, 494; Levinson, "The Manumission of Hermeneutics," 301-304.

⁶⁶Tigay, *Deuteronomy*, 466-67.

⁶⁷Ibid. He points out, for example, that the jubilee year comes only once every 50 years, which would mean that Leviticus 25 ignored the most frequent date of slave manumission in favor of a date when only a few would go free. Moreover, the early redemption based on years until the next jubilee (Lev 25:50-53) would not make any sense if one would go free after six years anyway.

⁶⁸See esp. Levinson, "The Manumission of Hermeneutics," 305-322 and Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*, FAT 52 (Tübingen: Mohr Siebeck, 2007), 141-64.

there are a number of points at which I myself would vehemently disagree with Levinson and Stackert. For example, Levinson makes much of the importance of rendering Leviticus 25:46a as follows:

וְהִתְנַחֲלֵתֶם אֹתָם לְבָנֵיכֶם אַחֲרֵיכֶם לְרֵשֶׁת אֲחִזָּה לְעַלְמָם בְּהֵם תַּעֲבֹדוּ

You may give them [i.e., foreign slaves] as an inheritance to your sons after you to possess (them as) property. *You may enslave them perpetually.*⁶⁹

After a good deal of discussion, he argues that reading לְעַלְמָם “perpetually” as the start of the next clause helps us to see that the text “cites the Covenant Code technical term for permanent indenture.” He concludes, “As a result, the older law has, for all practical purposes, been abrogated in terms of its original application to Israelites.”⁷⁰ That is, according to Levinson, Leviticus 25:46 abrogates the regulation in Exodus 21:6, which allows for perpetually slavery of an Israelite, and applies it to foreign slaves instead.

But there is a serious problem with his argument. Leviticus 25:46a does not actually use the Covenant Code’s terminology for perpetual slavery. In Leviticus 25:46 the expression is a combination of the Qal verb עָבַד with the preposition בְּ, which means “to press into slavery; put to forced labor.” It means this all ten times it occurs in the Hebrew Bible (Exod 1:14; Lev 25:39, 46; Jer 22:13; 25:4; 27:7; 30:8; 34:9, 10; Ezek 34:27). Exodus 21:6 uses the Qal verb עָבַד, but without the preposition, and the parallel passage in Deuteronomy 15:17 uses the noun, not the verb at all, and again without the preposition. In terms of both their context and in their lexical diction, the latter are expressions of voluntary perpetual slavery, which is very different from being pressed into slavery. Leviticus 25:46 in no way abrogates what is being legislated in Exodus 21:6, or for that matter, Deuteronomy 15:17 either.

In fact, it works the other way around. The same verbal expression (the Qal verb עָבַד with the preposition בְּ, meaning “to press into slavery”) appears in Exodus 1:14 for the Egyptians pressing the Israelites into slavery. So when the same terminology appears again at the beginning of the debt slave regulations in Leviticus 25:39 (just a few verses before v. 46), the point is that they must never press fellow Israelites into slavery like the Egyptians had done to them as a nation. The Lord himself had delivered all of them from that (v. 38), so they cannot do this to one another. Instead, they should treat one another with all due respect, even when someone among them became destitute. This does not mean they could not be treated as “debt slaves” (as in Exod 21 and Deut 15). Yes, the destitute one would “sell himself” to them (v. 39), but the term “slave” is never used in the context in order to make sure they are not treated as those who were “pressed into slavery.” The latter was reserved for foreign slaves. The point is

⁶⁹See Levinson, “The Manumission of Hermeneutics,” 308-316. This verse has been of interest to me since I prepared the NET translation of Leviticus, which Levinson cites with approval (Levinson, “The Manumission of Hermeneutics,” 313 n. 87).

⁷⁰Levinson, “The Manumission of Hermeneutics,” 314. Stackert follows Levinson in this and other points of his argument; see Stackert, *Rewriting the Torah*, 154 and n. 94.

that, just as harmonistic analyses can be superficial and demonstrably inadequate, so can critical arguments and proposals. We are all prone to anxiously overstepping the text in favor of our own positions in regard to it.

Furthermore, Adrian Schenker has made a good argument for the position that the debt slave laws in Leviticus 25 supplement and complement those in Exodus 21, contra not only Levinson and Stackert, but also Tigay and others.⁷¹ Schenker writes in his first paragraph, “My purpose is to show that the jubilee of Leviticus 25 does not supersede the earlier biblical legislation on slaves, but implies and completes it.”⁷² In other words, the various slave laws are not contradictory. According to Schenker, one must keep in mind the fact that the subject in this part of Leviticus 25 is the year of jubilee and the debt slave law, therefore, is written as part of the ongoing regulations for the fiftieth year release.

Schenker contends that Exodus 21 and Leviticus 25 are actually referring to two different categories of debt slaves: one who enters debt slavery single or married but without children in Exodus 21:2-3, as opposed to one who enters debt slavery married and with children in Leviticus 25:39-43. The latter is the head of a family who enters slavery at a point of destitution. His circumstances have deteriorated to the point where he has even lost his landed inheritance due to debt. Thus, he enters “debt slavery,” although he is not to be treated as a “slave” but “as a hired worker, as a temporary resident” (v. 40).⁷³ His purpose is not limited to paying off his debt, however. Part of the deal is that the master is responsible to provide for his family until the jubilee. At that time his family land inheritance will revert back to him, so he can once again begin providing for his family from the produce of his own land. It would make no sense for such a person to go out of debt slavery before his land reverted back to him. That would leave him without the necessary resources with which to begin again.

On the master’s part, there is a great deal of expense in providing for a whole family along with debt forgiveness. There would be little incentive to take on such a financial burden if the time period was limited to six years. So, in the case of a man who is the head of a family, the period of debt slavery needs to extend beyond the regular six year period. Of course, if the period from the point of entering the debt slavery agreement to the year of jubilee is longer, there is more incentive, and if it is shorter there is less. This was a concern elsewhere in the ANE as well, as William Hallo has pointed out.⁷⁴ On the other hand, generosity toward one’s fellow Israelite is part of the overall burden of Leviticus 25 in the first place.

⁷¹Adrian Schenker, “The Biblical Legislation on the Release of Slaves: The Road from Exodus to Leviticus,” *JSOT* 78 (1998):23-41 (esp. pp. 32-34) reprinted in idem, *Recht und Kult im Alten Testament: Achtzehn Studien*, OBO 172 (Universitätsverlage Freiburg Schweiz; Göttingen: Vandenhoeck & Ruprecht, 2000), 134-49.

⁷²Schenker, “The Biblical Legislation on the Release of Slaves,” 23. Levinson, “The Manumission of Hermeneutics,” 323 cites this sentence negatively in his last footnote.

⁷³See the remarks on “temporary resident” in n. 34 above.

⁷⁴William W. Hallo, “Slave Release in the Biblical World in Light of a New Text,” in *Solving Riddles and Untying Knots: Biblical, Epigraphic, and Semitic studies in Honor of Jonas C. Greenfield*, ed. Ziony Zevit, Seymour Gitin, and Michael Sokoloff (Winona Lake, Indiana: Eisenbrauns, 1995), 88-93. See also Schenker, “The Biblical Legislation on the Release of Slaves,” 33, 38-39.

Conclusion

The point here is that the debt slave and manumission laws agree between them. They are not contradictory, but simply reflect the textual terrain and sociological situation that they are embedded in. Not only that, they also serve a key purpose in underlining the basic historical background and rationale of the Law that has been the burden of this paper. The Law and the narrative within which it is embedded are closely related, and the rationale of each depends on the connection to the other. They do not make sense independently. The narrative refers to the Law and depends upon it, and the Law likewise depends on the events the narrative recounts, especially Israel's enslavement in Egypt and the Lord's deliverance from there.

Historically, therefore, one can at least say that there is good reason to believe that none of the three major sections of law in the Torah were written without the story of the enslavement in Egypt and the Lord's deliverance from there clearly in mind. The Law is consistent and coherent within itself, at least in this regard. This, in turn, makes it difficult for me to believe that there is no real historical memory here. It was a hard won release nationally, and it could seem hard for the Israelites themselves to release debt slaves in Israel too, once they were established. This is made explicit, for example, in Deut 15:18. There could be, and there was, a temptation to forgo the manumission regulations, as Jeremiah 34 makes clear. Nehemiah 5 likewise tells us that even the exile did not rid Israel of the ongoing temptation to oppress one's fellow Israelites through this and related practices.

We have the same in us too, all of us. So we must always be on our guard against oppressive domination of the disadvantaged in whatever ways it rears its ugly head in us, among us, or around us in our culture and in our social and political world. This is essential and central to the OT Law, and needs to be at the heart of how we treat people in our lives every day. Having the heart for this, however, depends on knowing and experiencing the reality of the Lord's deliverance from our own corruption that has enslaved us.