

Topic One: Biblical Law

Biblical materials are a natural starting place for any discussion of Jewish law. The biblical books contain the basic legal norms the tradition holds to be part of the covenant between God and Israel. The legal content of the Bible comes to be regarded in later periods as a constitutional body of doctrine that is of unique authority because of its Divine authorship. This material thus forms the literary core upon which later Jewish law is built.

The study of biblical law is concerned primarily with the extensive collection of codes, commandments, and cases reported in four of the books of the Pentateuch (the five books of Moses). These materials are explicitly legal in style and content. Before turning our attention to these codes, however, it is worth noting that the descriptions of the earlier patriarchal period in the first book of the Pentateuch, the Book of Genesis, also contain clear evidence that the society of those early times had developed sophisticated legal institutions.

Throughout this book, biblical translations without further reference will be from the Jewish Publication Society editions: *The Torah* (1962); *The Prophets* (1978); and *The Writings* (1982). At a number of points a substitute translation from a Catholic publication, *The Jerusalem Bible* (1966), or from a Protestant translation, *The New English Bible* (1961) has been used. When one of the latter two translations is used, it is indicated in the citation.

A. THE BIBLICAL WORLD

The Book of Genesis is in part a sacred family history and in part a collection of long-remembered tales to be told around the fire. It traces the tale of the clan of Abraham from the beginning of Creation. Whatever its sources may be, there is little reason to doubt the essential authenticity of the tales or that they were carefully preserved for many generations before being reduced to their present, written form. Mod-

ern archaeology has provided ample evidence that these stories contain a kernel of historic truth that their transmitters may not have always understood. For our purposes, the most important kernels of history are the signs of a fairly sophisticated legal system that operated in the patriarchal period.

The Bible describes Abraham and his kinsmen as "ēv'rim" coming from the root meaning "to pass"—in this instance, to wander along the Fertile Crescent of Mesopotamia, which is located in what today is part of Syria and Iraq. Some of the ēv'rim or "Habiru," kept flocks of sheep and herds of cattle, as Abraham did. Others were skilled craftsmen. Still others hired themselves out as workers or warriors. Often they made sudden raids on caravans and on weak, outlying communities. When successful, they settled down permanently in the areas they had conquered; when unsuccessful, they became prisoners of war and slaves of their conquerors. Eventually, those who lost in war were absorbed by the settled communities in which they were enslaved, and the conquering nomads adopted names associated with the territories they had acquired. Hence the Moabites, Ammonites, and Edomites. (Consequently, beginning with Jacob, the Bible no longer uses the term "Hebrews," but "Children of Israel.")

It is this nomadic raider's life that is described in the story of the war in chapter 14 of Genesis, for at that time the land of Canaan was well suited to such free movement. In Abraham's time, the land was held under loose Egyptian control. Because the lowlands had the best soil and water supply, the cities of Canaan were located along the Mediterranean coastal plain and in the valleys of Jezreel and the Jordan. Central Canaan, the hilly region between the Jordan Valley and the coastal plain, was not good farming land and was sparsely settled. The high country was able to support the grazing of sheep and cattle, however, and nomadic newcomers would not have to compete with a firmly settled people to use the land for that purpose. The hilly country of Canaan thus was especially inviting to wanderers. It was there and in the even emptier and drier Negev valley below that Abraham and his family settled. In the hill country, Abraham, Isaac, and Jacob settled in such places as Mamre, Bethel, Shekhem, and Dothan. Archaeologists have unearthed the last three places and have found tangible evidence of what the Bible reports. In the Negev, Beersheva was the strategic center then, as it has remained ever since. In Abraham's time, Sodom and Gemorah and other towns flourished at the southern end of the Dead Sea. Recent excavations have supplied support for the biblical story of their catastrophic end.

Abraham and his family, including his nephew, Lot, lived a semi-nomadic life that required a clear and simple chain of command within

the community. The basic social unit in this patriarchal society was the clan. In the nomadic tribes the elders of each clan ruled their families within a larger unit that consisted of a loose council. The common pattern was for the elders to sit together in camp, or, when settled, in the gate of the city and supervise the community's affairs. In time of crisis, an ad hoc leader, often referred to as a "judge," might be given temporary power to rule. From time to time a charismatic leader would appear to unite the scattered clans for some great effort. But the residual and crucial social unit remained the extended family, united by common descent and loving allegiance to a ruling elder.

As communities became more settled, the practice of electing a temporary ruler or king led to permanent royal government. Eventually the idea of a dynasty took hold, in which the right of succession passed by descent from father to son with little residual power in the clan elders to deny ratification, no matter how untalented the heir might be. By 2000 B.C.E. the royal laws of the kingdoms of Mesopotamia were embodied in law codes, but the Israelites were not governed by a permanent monarchy until a thousand years later.

The documents from those early times that survive in Genesis include several that appear to have been designed to serve primarily a legal function by a draftsman whose mindset would be familiar to anyone who knows how lawyers draft documents that create and protect interests in land. Chapter 23 of Genesis records Abraham's purchase of real property, the cave of Makhpelah, which is the traditional burial place of the Hebrew patriarchs near the present-day city of Hebron. The concerns of the author of the ancient text are apparent and would be quite understandable to a modern real estate lawyer. He is interested in establishing a record that will place his client's title to the burial caves beyond all cloud or conceivable adverse claim. As you read the text, note, for example, (a) Abraham's refusal to take the caves as a gift and his insistence that he provide consideration and purchase them; (b) the repeated recitals in the text of the presence of witnesses to the transaction, especially for two vital steps—the naming of the price by the seller and the payment by the buyer; (c) the careful description of the precise boundaries of the parcel sold—not just the cave, but the adjacent field and the trees as well; (d) the mention that the transaction occurred in the town gate, the appropriate location for public business; and (e) the careful preservation of the chapter itself as a sort of closing memorandum stuffed in the file. What follows is the chapter itself, without its context. It has been placed in the Bible without obvious connection to the material that immediately precedes or follows it.

Genesis 23:

Sarah's lifetime—the span of Sarah's life—came to one hundred and twenty-seven years. Sarah died in Kiriath-arba—now Hebron—in the land of Canaan, and Abraham proceeded to mourn for Sarah and to bewail her. Then Abraham rose from beside his dead and spoke to the children of Heth, saying, "I am a resident alien among you; sell me a burial site among you, that I may remove my dead for burial." And the children of Heth replied to Abraham, saying to him, "Hear us, my lord: you are the elect of God among us. Bury your dead in the choicest of our burial places; none of us will withhold his burial place from you for burying your dead." Thereupon Abraham bowed low to the people of the land, the children of Heth, and he said to them, "If it is your wish that I remove my dead for burial, you must agree to intercede for me with Ephron, the son of Zohar. Let him sell me the cave of Makhpelah which he owns, which is at the edge of his land. Let him sell it to me in your presence, at the full price, for a burial site."

Ephron was present among the children of Heth; so Ephron the Hittite answered Abraham in the hearing of the children of Heth, all who sat in the gate of the city, saying, "No, my lord, hear me:

I give you the field and I give you the cave that is in it; I give it to you in the presence of my people. Bury your dead." Then Abraham bowed low before the people of the land, and spoke to Ephron in the hearing of the people of the land, saying, "If only you would hear me out! Let me pay the price of the land; accept it from me, that I may bury my dead there." And Ephron replied to Abraham, saying to him, "My lord, do hear me! A piece of land worth four hundred shekels of silver—what is that between you and me? Go and bury your dead." Abraham accepted Ephron's terms. Abraham paid out to Ephron the money that he had named in the hearing of the children of Heth—four hundred shekels of silver at the going merchants' rate.

So Ephron's land in Makhpelah, facing Mamre—the field with its cave and all the trees anywhere within the confines of that field—passed to Abraham as his possession, in the presence of the children of Heth, of all who sat on the council of his town. And then Abraham buried his wife Sarah in the cave of the field of Makhpelah, facing Mamre—now Hebron—in the land of Canaan. Thus the field with its cave passed from the children of Heth to Abraham, as a burial site.

The Book of Genesis contains other artifacts of legal concerns in patriarchal society, including:

- The tale of Esau's sale of his birthright suggests a fixed system of succession on death, with preference for primogeni-

ture and recognition that the expectation of the firstborn is alienable (Gen. 27);

- Laws against marriage out of the clan (Gen. 24; 26:34–35; 27:46–28:9);
- Obligations of levirate marriage, the obligation of a brother to marry a childless brother's widow (Gen. 38); and
- Ritual matters—such as, not eating blood (Gen. 9:4), circumcision (Gen. 17:10–14), not eating the sciatic nerve (Gen. 32:32).

B. FUNDAMENTALIST AND HISTORICAL APPROACHES TO THE BIBLE

There are two general approaches to understanding biblical texts. One, the fundamentalist view, is held by many Orthodox Jews, some Protestant Christians, and almost all Moslems. It contends that the whole Pentateuch was given by God to Moses at Sinai and that the remaining books of the Hebrew Bible are the direct word of God to the prophets or sages whose names are attached to them. The other, historical view, is held by the great majority of the Conservative and Reform Movements in contemporary American Judaism, much of Christendom, and most biblical scholars. It is that the Bible consists of a number of texts, composed by a variety of people in a number of places and times and later compiled in written form by a redactor.

The fundamentalist approach has the distinct advantage of imparting divine certainty and authority to the ideas and norms of the Bible. If you believe that the Bible is literally the word of God, its power to shape your thought and action is inescapable. Those who follow the historical approach must explain the Bible's authority in some other ways—if they attribute any authority at all to the words of the text.

On the other hand, the historical approach has several strengths. One is its ability to provide a plausible explanation for the apparent inconsistencies in biblical narratives, laws, and philosophies. Some such discrepancies may be readily resolved, for the texts in question may apply to different circumstances. In other cases, the texts are not easily reconciled and almost certainly say contradictory things about the same subject. Since fundamentalists believe that God is consistent and that the Torah (the first five books of the Bible) is the inerrant record of God's word given at one time, they must find some way to apply such texts, even if they must distort the texts' plain meaning. Those who take an historical view of the Bible need not do that. They can point to

the differing times and places in which inconsistent texts were written and can marshal internal and external evidence suggesting that one text should be assigned to one time period and the conflicting text to another. Available evidence indicates that the Torah includes materials written from the eleventh century B.C.E. to the sixth century. It is not surprising, then, that the Torah reflects changes occurring during that length of time, although ancient societies probably changed much more slowly than our own does. Assigning inconsistent texts to different time periods often makes for a more straightforward, and probably more accurate, understanding of the discrepancies.

The historical method also explains why biblical stories and institutions often parallel those of neighboring cultures. Archaeological digs in the Middle East during the last hundred years have revealed sizable quantities of written texts that had long lain buried in the sand. Stories and laws similar to those of the Bible have been found. These finds undermine the fundamentalists' belief that the biblical text is a unique document given by God to Moses at Sinai discontinuous with the ideas and institutions of the surrounding peoples. Biblical laws and stories differ from those discovered in the ruins of the ancient Near East, but the differences are those one would expect to find among neighboring cultures, not the discontinuities that separate completely different patterns of thought and practice. The similarities between the civilization of the Israelites and that of their neighbors, then, also argue for understanding the Bible as the product of an historical context.

This book uses the historical method based on textual criticism to understand the Jewish tradition because of the advantages described above and because we believe that that is the appropriate way for historians and social scientists to study any culture. Like any such scholars, we seek to describe and understand the culture we are studying and to reconcile the conflicting evidence regarding the operation of that legal system as plausibly as possible. At the same time, this book will indicate where fundamentalists offer different interpretations of specific legal phenomena. It will also describe many sources of authority which Jews have attached to their tradition throughout the ages so that it can fairly present the passion and commitment which this tradition has engendered among its adherents.

C. THE STRUCTURE AND CONTENTS OF THE BIBLE

The name "Bible" was first used by the Jews of Alexandria, whose language was Greek. *Biblia* was the Greek equivalent of "The Books,"

from *biblos*, "book" or "paper," which, in turn, derives from Byblos, a Phoenician city noted for the manufacture and sale of paper. In the Book of Daniel (9:2), the Bible is referred to as "The Books." This is the oldest name known to us for what we today call "The Bible." The word *canon* has also come to mean "The Bible." This word comes from the Greek word *Kanon* meaning measuring rod, and perhaps ultimately from the same root as the Hebrew word *Kanne*, meaning rod. The standard version of the official text of the Greek classics was called the "canon." The early Christian Church Fathers applied the same term to the official version of the Bible.

In the Jewish tradition the Bible is commonly known in Hebrew as the *Tanakh*, which is an acronym composed of the first consonants of the three major divisions of the work—*Torah*, *Nevi'im* and *Ketuvim*.

Hebrew letters are not all easily noted in English characters, and there are several systems for transliterating them. When we introduce the reader to a Hebrew term, we use the form of transliteration used in the *Encyclopedia Judaica*, in both our text and translations, but when we quote materials by other translators, we reproduce their transliterations. So, for example, we have written *get* for the Aramaic word for a writ of divorce, but one of the authors we cite writes this word *Get* and a British court opinion uses *gett*. There are not many Hebrew or Aramaic words that the reader will have to learn in this book, however, and so we trust that the variant transliterations will not cause problems.

1. *Torah*

The term, "Torah," carries a number of connotations, including law or instruction in general. Its primary meaning, however, is to describe the Pentateuch, consisting of the five books of Moses, traditionally believed to have been delivered by God to Moses at Mount Sinai. These books, known in English as Genesis (Gen.), Exodus (Ex.), Leviticus (Lev.), Numbers (Num.), and Deuteronomy (Deut.), trace the story of the Jews from the period of the patriarchs, through their enslavement and deliverance from Egypt, to the point when they were about to reenter the Promised Land. These books also contain several extensive law codes consisting of civil, criminal, and cultic rules, as well as ethical imperatives.

Over the centuries, beginning probably as early as 2000 or 1700 Before the Common Era (B.C.E.), a body of legends, stories, and accounts of historical events began to develop among the Hebrew tribes. Some grew from their shared experiences and adventures. Some they bor-

rowed from the cultures of other peoples among whom they lived, reshaping them to better fit their own world view.

This material was passed down orally for centuries. It is not at all certain when parts of it were first written down, but judging from the details of the patriarchal narratives (the accuracy of which has been demonstrated by recent archaeological discoveries), much of it was committed to writing at a very early date.

Beginning with the time of the establishment of the first Jewish monarchy, about the year 1000 B.C.E., these writings began to be systematically collected and edited by various schools of scholars and editors. By about 400 B.C.E., the Torah as we know it, an interweaving of the efforts of these schools, had come to be recognized by the Jewish people as a complete, unique, and holy text. This date is based on the description in the Book of Nehemiah (Neh. 8:13–18) of a public reading of the Torah which included how to celebrate the festival of Sukkot, a practice the text indicates the people did not know before. The date is also confirmed by the fact that the Samaritans, who were excluded from the Jewish community around 450 B.C.E. and have remained outside the Jewish community ever since, accept the Torah as it was written at that time as holy text.

2. *Prophets*

During the period of the kingdoms of Judah and Israel and the first exile to Babylon (1000–444 B.C.E.), the institution of prophecy flourished. Divinely inspired persons were a major source of religious, moral, and, to a lesser degree, legal and political instruction. The second division of the Tanakh is made up of books from the prophetic era. Six books recount the history of the period—Joshua, Judges, I Samuel, II Samuel, I Kings, and II Kings. Together these books are called “Former Prophets.” They are “former” not in a chronological, historical sense, but only in the sense that these books come before the books of the literary prophets in the traditional, Jewish ordering of the Hebrew Bible. Following these historic books is a collection known as “Latter Prophets.” This collection consists of fifteen books which contain the words of the literary prophets: Isaiah, Jeremiah, Ezekiel, and the twelve minor prophets (minor primarily in the sense that their books are shorter).

The writing and compiling of the prophetic books took place over a very long period of time. Some portions, such as Joshua and Judges, may be as old as some of the material included in the Torah itself, while other parts were probably written as late as 300 B.C.E. Some

claim that the prophetic canon was closed by the end of Persian hegemony (323 B.C.E.) because prophetic literature lacks Greek words and any reference to the downfall of the Persian empire and the transition to Greek rule. All agree, however, that the latest possible closing date for this section is about 200 B.C.E.

This date has come to be the cut-off date for two major reasons. First, the Book of Daniel is clearly a prophetic book in style and content but was excluded from this section. The Book of Daniel was written in about 170 B.C.E. and is likely to have been excluded because the public recognized the completeness of the prophetic section and therefore felt it could not be opened to include another prophet. Second, in the Book of Ecclesiasticus, written around 180 B.C.E., the writer, a Jewish teacher named Ben Sira, refers to the Torah and lists the books of the former and latter prophets as we know them today, indicating these as two complete entities—Torah and Prophets.

One of the reasons Palestinian Jews did not accept Jesus as a prophet was that they believed prophecy was closed. In fact, Zekhariah 13:2–5 reports that prophecy fell into discredit after the return from the Exile in the late sixth century B.C.E.

3. *Writings*

The third major division of the Tanakh, the Ketuvim, or “Writings,” consists of historical books tracing the history of the people from the death of Moses to the restoration after the Babylonian exile. The Ketuvim also includes poetic and wisdom literature—Psalms, Proverbs, Song of Songs, Lamentations, Ecclesiastes (Kohelet), Job, Jonah, and Esther.

For a number of generations, books were added and dropped from the collection of sacred texts before it took final shape. We know of other popular books, such as Tobit, Judith, Maccabees, and Ecclesiasticus (The Wisdom of Ben Sira) that circulated among the people at the same time as books that were later included in the Ketuvim section. In Ecclesiasticus, for instance, Ben Sira refers to the Books of Psalms, Proverbs, Ezra, Nehemiah, and Job, and so it is clear that these books were widely read by 180 B.C.E.

By the year 132 B.C.E., Ben Sira’s nephew records the existence of three sections of sacred writings, but none with a specific name. The Book of Maccabees, written in approximately 125 B.C.E., recognizes three sections with only the third section lacking a specific name. The Mishnah reports that the rabbis debated the inclusion of Ben Sira, Esther, Song of Songs, and Ecclesiastes in the Bible during the first and early second centuries C.E.

4. *The Closing*

The Bible as a complete set of documents was probably closed by about the year 125 C.E. The sacredness of the Torah and Prophetic sections had been accepted long before that. Most of the decisions concerning the Ketuvim were made by the Council of Yavneh (Jamnia) in 90 C.E.

In addition to the Hebrew Bible, the Christian Bible has, of course, incorporated the four Gospels containing accounts of the life of Jesus, the Book of Acts, the Epistles, and the apocalyptic Book of Revelation. Since Jews do not accept Jesus as Messiah, these books were left out of the Hebrew canon. There were other books, however, where the decision was considerably tougher. The losers, known generally as the Apocrypha, are not included in the Hebrew Bible, although they are found in some Christian Bibles. The Apocrypha includes the books of I and II Esdras, Tobit, Judith, Additions to Esther, The Wisdom of Solomon, Ben Sira (Ecclesiasticus), Barukh, The Letter of Jeremiah, The Prayer of Azariah, Susanna, Bel and the Dragon, The Prayer of Manasseh, and I and II Maccabees. Those books were included in the Greek translation of the Bible known as the Septuagint, and the Catholic Church therefore considers them canonical. Protestants do not accept them as part of their canon, however; neither do Jews.

A list of the books of the Hebrew Bible in the traditional, Jewish ordering appears in Appendix I.

D. THE BIBLICAL LAW CODES

Three major law codes are found in the Torah: Exodus 19–24, Leviticus 1–26, and Deuteronomy 4–26. As an example of early biblical law, this topic will examine the Exodus law code in some detail.

The Exodus code is often called “The Book of the Covenant,” and it is believed to be the oldest of the three biblical codes. You will find it helpful to read this text over at least once to gain a sense of its sweep and content. It is presented here in a modern, American English translation from Hebrew. This reduces some of the textual problems you would have were you to attempt to read the original. There punctuation and spacing of words is often uncertain, and the breakdown of the text into verses and chapters does not exist since that is of relatively recent origin. Many of the words are known to us only through the text itself, and thus there are numerous instances in which it is not clear what the words themselves mean. Over time, scribal errors and some variations in the text have obscured its meaning. In addition, because

the text is very ancient, the usage and grammar are unfamiliar, and a modern reader inevitably will have the same sorts of problems with the text that he or she would have with a text from Chaucer or the Magna Carta. The important point is that these difficulties are not uniquely those of the modern reader. As you ponder the meaning of what follows, be aware that the scholars of the classic, rabbinic period two millenia ago were confronted with similar, although by no means identical, problems with this text. For them, too, it was an ancient text written in an archaic language and an unfamiliar literary form.

Many readers of this text may have the converse problem in dealing with it freshly. For thousands of years Western civilization assumed that every cultured person knew this very familiar story. Nothing is so hard to read as a text to which one has been exposed since childhood. We know the story so well that we are likely to see in it just what we expect to see. "Here comes Mount Sinai and the Ten Commandments again!" Such readers will find it helpful to read this text as if they had never read it before. In particular, note the places where you do not understand the words (or where the translators indicate there is doubt regarding the meaning of the text) and those places where you do not see the connection between one statement and those preceding or following. The crucial point is that the rabbinic tradition took this text seriously as an authoritative legal code. We ask you to do the same so that you can understand the problems the keepers of the tradition have had and their responses to those difficulties.

In reading this text you will be exposed to a central problem with which this book will be concerned. The tradition we are studying holds that what the biblical text says is *the* authoritative guide for human behavior, and yet what the text means is persistently unclear. In other words, the starting point for Jewish law is the legitimacy of the text, which precedes its intrinsic clarity or persuasiveness. This text is the *law*, and its authority is not a function of our ability to understand it.

Of course, what has just been described is familiar terrain for lawyers in every age faced with positive law. The parallels between biblical interpretation and constitutional interpretation should be obvious. Similar techniques are used to discover the meaning of the cryptic, centuries old text of the United States Constitution. But the parallel is equally analogous to the position of a traffic court judge who must apply a traffic ordinance that the judge is not free to question. The starting point of any such enterprise is to read the text itself and seek to derive its meaning directly. Go through the text now any way you can. It will be referred back to it again and again as we see how several mil-

lenia of interpreters have approached it in an effort to find the eternal meaning they were confident could be found in it.

Notice the variety and diversity of the subjects treated in the Exodus text. It is concerned with correct social behavior, the penalties for wrongdoing, the treatment of slaves and animals, and the relationships of individuals in a family. What does it tell you about the society in which it was adopted? Here are a few assertions about that society you should test as you read the text: (a) it was a stratified society with distinct social classes; (b) the status of women and slaves was inferior, but both groups were seen as possessing human dignity; (c) the economy was primarily agricultural, although the pastoral keeping of herds existed alongside the raising of crops; (d) people lived in houses rather than tents; and (e) there was a strong sense of group responsibility and interdependence, but at the same time the group did not live in isolation and expected to have outsiders living with them.

The text also contains a variety of legal forms. Is it a single, coherent document or a series of quite different pieces? Compare the text of chapters 19 and 20 with chapters 21 through 23. Note how the text goes from the sublime, all-encompassing mandates of the Ten Commandments to very specific, almost mundane matters.

Two distinct styles of legal expression are presented in the code, apodictic and casuistic. Apodictic law is in the imperative form, "thou shalt" and "thou shalt not." The casuistic form begins with the words "If . . ." or "When . . ." It appears to be the report of a specific situation followed by a ruling. Part of the Exodus code, particularly the Ten Commandments in chapter 20, is in apodictic form, while much of the rest of the code is in casuistic form. These differences in form may tell us something about the sources of these laws. Apodictic law suggests a general command given by an authority, while the casuistic form, particularly when the circumstances become very specific, suggests that the law is the report of an actual case and indicates that the rule has grown from the accumulation of practice rather than a single legislative act. This distinction might be thought of in terms of the distinction between statutory legislation and the organic processes of case decision in a common law system. At the very least, the form tells something about the place of general principle, concept, and rule as opposed to the importance of instance, example, precedent, and particular circumstance in the legal consciousness of the society.

The text suggests a variety of reasons for observance of the law. The message of chapters 19 and 20 is unmistakable: "Obey this law because you promised the Almighty you would obey it. Moreover, God is impassioned, punishing those who disobey and fail to keep their prom-

ises." Chapters 21 through 23 are quite different. The sanctions here are human and social, the aim is a just and peaceful community. We should all act this way because that is the right way for people to treat each other. Toward the end of chapter 22 the tone shifts again. Now the fair and compassionate treatment of strangers, widows, orphans, and debtors is no longer based solely on the fear of Divine anger. Instead the major appeal is to the moral quality of compassion, the memory of our own suffering that leads us not to cause others to suffer. Finally, in chapter 24 yet another tone becomes dominant. Now the covenantal act is described in ceremonial terms resembling a treaty between the elders of the tribes of Israel and God. The pact is sealed in an epiphanal meal and with sacrifices, much as a treaty between desert chiefs might be concluded.

Remember while reading the Exodus code that it was probably transmitted orally for centuries before being committed to writing. This affected its form since the rememberer needs memory jogging devices as a transition from one verse to the next to help him keep his place and preserve the text. Consequently the order is based on associations that one makes from one law to another. This feature differentiates the biblical code from a modern secular code, which is likely to be ordered much more strictly by topic or principle. Nevertheless, you should be on the lookout for organizational logic that suggests the connections between successive points.

The code should not be seen as merely secular law in the modern sense, and the text will not permit you to read it that way. Many important religious tenets are contained in the code, not the least of which is the principle of law observance itself. The source of the law is not an earthly being, a king or prophet, but God Himself, who reveals law directly. Stemming from this belief in God's law are notions that justice is an all-encompassing principle. The obligation of just dealing insisted on in the code is not limited to the male members of the clan, but extends to women, slaves, strangers, and animals. Exodus demonstrates that from its beginnings Jewish law combined the secular and the religious. The codifier was not impressed with the distinction. To him, both aspects of law are simply parts of an integrated and homogeneous system by which God rules the world.

EXODUS

Chapter 19:

On the third new moon after the Israelites had gone forth from the land of Egypt, on that very day, they entered the wilderness of Sinai.
[2] Having journeyed from Rephidim, they entered the wilderness of

Sinai and encamped in the wilderness. Israel encamped there in front of the mountain, [3] and Moses went up to God. The LORD called to him from the mountain, saying, "Thus shall you say to the house of Jacob and declare to the children of Israel: [4] 'You have seen what I did to the Egyptians, how I bore you on eagles' wings and brought you to Me. [5] Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, [6] but you shall be to Me as a kingdom of priests and a holy nation.' These are the words that you shall speak to the children of Israel."

[7] Moses came and summoned the elders of the people and put before them all the words that the LORD had commanded him. [8] All the people answered as one, saying, "All that the LORD has spoken we will do!" And Moses brought back the people's words to the LORD. [9] And the LORD said to Moses, "I will come to you in a thick cloud, in order that the people may hear when I speak with you and so trust you thereafter." Then Moses reported the people's words to the LORD, [10] and the LORD said to Moses, "Go to the people and warn them to stay pure [see v. 15] today and tomorrow. Let them wash their clothes. [11] Let them be ready for the third day, for on the third day the LORD will come down, in the sight of all the people, on Mount Sinai. [12] You shall set bounds for the people round about, saying, 'Beware of going up the mountain or touching the border of it. Whoever touches the mountain shall be put to death: [13] no hand shall touch him, but he shall be either stoned or pierced through; beast or man, he shall not live,' When the ram's horn sounds a long blast [meaning of Hebrew uncertain], they shall come up onto the mountain."

[14] Moses came down from the mountain to the people and warned the people to stay pure, and they washed their clothes. [15] And he said to the people, "Be ready for the third day: do not go near a woman."

[16] On the third day, as morning dawned, there was thunder, and lightning, and a dense cloud upon the mountain, and a very loud blast of the horn; and all the people who were in the camp trembled. [17] Moses led the people out of the camp toward God, and they took their places at the foot of the mountain.

[18] Now Mount Sinai was all in smoke, for the LORD had come down upon it in fire, the smoke rose like the smoke of a kiln, and the whole mountain [some Hebrew manuscripts and the Greek, "all the people"] trembled violently. [19] The blare of the horn grew louder and louder. As Moses spoke, God answered him in thunder. [20] The LORD came down upon Mount Sinai, on the top of the mountain, and the LORD called Moses to the top of the mountain and Moses went

up. [21] The LORD said to Moses, "Go down, warn the people not to break through to the LORD to gaze, lest many of them perish. [22] The priests also, who come near the LORD, must purify themselves, lest the LORD break out against them." [23] But Moses said to the LORD, "The people cannot come up to Mount Sinai, for You warned us saying, 'Set bounds about the mountain and sanctify it.'" [24] So the LORD said to him, "Go down, and come back together with Aaron; but let not the priests or the people break through to come up to the LORD, lest He break out against them." [25] And Moses went down to the people and spoke to them.

Chapter 20:

God spoke all these words [Tradition varies as to the division of the commandments in vss. 2–14, and as to the numbering of the verses from 13 on.] saying:

[2] I the LORD am your God who brought you out of the land of Egypt, the house of bondage: [3] You shall have no other gods beside Me.

[4] You shall not make for yourself a sculptured image, or any likeness of what is in the heavens above, or on the earth below, or in the waters under the earth. [5] You shall not bow down to them or serve them. For I the LORD your God am an impassioned God, visiting the guilt of the fathers upon the children, upon the third and upon the fourth generations of those who reject Me, but showing kindness to the thousandth generation of those who love Me and keep My commandments.

[7] You shall not swear falsely by [others, "take in vain"] the name of the LORD your God; for the LORD will not clear one who swears falsely by His name.

[8] Remember the sabbath day and keep it holy. [9] Six days you shall labor and do all your work, [10] but the seventh day is a sabbath of the LORD your God: you shall not do any work—you, your son or daughter, your male or female slave, or your cattle, or the stranger who is within your settlements. [11] For in six days the LORD made heaven and earth and sea, and all that is in them, and He rested on the seventh day; therefore the LORD blessed the sabbath day and hallowed it.

[12] Honor your father and your mother, that you may long endure on the land which the LORD your God is giving you.

[13] You shall not murder.

You shall not commit adultery.

You shall not steal.

You shall not bear false witness against your neighbor.

[14] You shall not covet your neighbor's house: you shall not covet your neighbor's wife, or his male or female slave, or his ox or his ass, or anything that is your neighbor's.

[15] All the people witnessed the thunder and lightning, the blare of the horn and the mountain smoking; and when the people saw it, they fell back and stood at a distance. [16] "You speak to us," they said to Moses, "and we will obey; but let not God speak to us, lest we die." [17] Moses answered the people, "Be not afraid; for God has come only in order to test you, and in order that the fear of Him may be ever with you, so that you do not go astray." [18] So the people remained at a distance, while Moses approached the thick cloud where God was.

[19] The LORD said to Moses:

Thus shall you say to the Israelites: You yourselves saw that I spoke to you from the very heavens: [20] With Me, therefore, you shall not make any gods of silver, nor shall you make for yourselves any gods of gold. [21] Make for Me an altar of earth and sacrifice on it your burnt offerings and your sacrifices of well-being [others, "peace-offering." Exact meaning of *shelamim* uncertain.], your sheep and your oxen; in every place where I cause My name to be mentioned I will come to you and bless you. [22] But if you make for Me an altar of stones, do not build it of hewn stones; for by wielding your tool upon them you have profaned them. [23] Do not ascend My altar by steps, that your nakedness may not be exposed upon it.

Chapter 21:

These are the norms that you shall set before them:

[2] When you acquire a Hebrew slave, he shall serve six years; in the seventh year he shall be freed, without payment. [3] If he came single, he shall leave single; if he had a wife, his wife shall leave with him. [4] If his master gave him a wife, and she has borne him children, the wife and her children shall belong to the master, and he shall leave alone. [5] But if the slave declares, "I love my master, and my wife and children: I do not wish to be freed," [6] his master shall take him before God [others, "to the judges."]. He shall be brought to the door of the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his slave for life.

[7] When a man sells his daughter as a slave, she shall not be freed as male slaves are. [8] If she proves to be displeasing to her master, who had designated her for himself, he must let her be redeemed; he shall not have the right to sell her to outsiders, since he broke faith with her. [9] And if he designated her for his son, he shall deal with her as is the practice with free maidens. [10] If he marries another, he must not

withhold from this one her food, her clothing, or her conjugal rights [or "ointments"]. [11] If he fails her in these three ways, she shall be freed, without payment.

[12] He who fatally strikes a man shall be put to death. [13] If he did not do it by design, but it came about by an act of God, I will assign you a place to which he can flee.

[14] When a man schemes against another and kills him treacherously, you shall take him from My very altar to be put to death.

[15] He who strikes his father or his mother shall be put to death.

[16] He who kidnaps a man—whether he has sold him or is still holding him—shall be put to death.

[17] He who repudiates [or "reviles"] his father or his mother shall be put to death.

[18] When men quarrel and one strikes the other with stone or fist, and he does not die but has to take to his bed—[19] if he then gets up and walks outdoors upon his staff, the assailant shall go unpunished, except that he must pay for his idleness and his cure.

[20] When a man strikes his slave, male or female, with a rod, and he dies there and then [literally, "under his hand"], he must be avenged. [21] But if he survives a day or two, he is not to be avenged, since he is the other's property.

[22] When men fight, and one of them pushes a pregnant woman and a miscarriage results, but no other misfortune ensues, the one responsible [Hebrew, "he"] shall be fined according as the woman's husband may exact from him, the payment to be based on reckoning [i.e., the age of the embryo; others, "as the judges determine"]. [23] But if other misfortune ensues, the penalty shall be life for life, [24] eye for eye, tooth for tooth, hand for hand, foot for foot, [25] burn for burn, wound for wound, bruise for bruise.

[26] When a man strikes the eye of his slave, male or female, and destroys it, he shall let him go free on account of his eye. [27] If he knocks out the tooth of his slave, male or female, he shall let him go free on account of his tooth.

[28] When an ox gores a man or a woman to death, the ox shall be stoned and its flesh shall not be eaten, but the owner of the ox is not to be punished. [29] If, however, that ox has long been a gorer, and its owner, though warned, has failed to guard it, and it kills a man or a woman—the ox shall be stoned and its owner, too, shall be put to death. [30] If ransom is laid upon him, he must pay whatever is laid upon him to redeem his life. [31] So, too, if it gores a minor, male or female, [the owner] shall be dealt with according to the same norm. [32]

But if the ox gores a slave, male or female, he shall pay thirty shekels of silver to the master, and the ox shall be stoned.

[33] When a man opens a pit—or when he has dug a pit but has not covered it—and an ox or an ass falls into it, [34] the one responsible for the pit must make restitution; he shall pay the price to the owner, but shall keep the dead animal.

[35] When a man's ox injures his neighbor's ox and it dies, they shall sell the live ox and divide its price; they shall also divide the dead animal. [36] If, however, the ox has long been known as a gorer, and its owner has failed to guard it, he must restore ox for ox, but shall keep the dead animal.

[37] When a man steals an ox or a sheep, and slaughters it or sells it, he shall pay five oxen for the ox, and four sheep for the sheep. [This constitutes chap. 22:1 in some editions.]

Chapter 22:

If the thief is seized while tunneling [i.e., under a wall for house-breaking], and he is beaten to death, there is no bloodguilt in his case. [2] If the sun has risen on him, there is bloodguilt in that case.—He must make restitution; if he lacks the means, he shall be sold for his theft. [3] But if what he stole—whether ox or ass or sheep—is found alive in his possession, he shall pay double.

[4] When a man lets his livestock loose to graze in another's land, and so allows a field or a vineyard to be grazed bare, he must make restitution according to the top yield from that field or vineyard.

[5] When a fire is started and spreads to thorns, so that stacked, standing, or growing [literally, "field"] grain is consumed, he who started the fire must make restitution.

[6] When a man gives money or goods to another for safekeeping, and they are stolen from the man's house—if the thief is caught, he shall pay double; [7] if the thief is not caught, the owner of the house shall depose before God [see note on 21:6] that he has not laid hands on his neighbor's property. [8] In all charges of misappropriation—pertaining to an ox, an ass, a sheep, a garment, or any other loss, whereof one party alleges, "This is it"—the case of both parties shall come before God: he whom God declares guilty shall pay double to the other.

[9] When a man gives to another an ass, an ox, a sheep or any other animal to guard, and it dies of injuries [or "dies or is injured"] or is carried off, with no witness about, [10] an oath before the LORD shall decide between the two of them that the one has not laid hands on the property of the other; the owner must acquiesce, and no restitution shall be made. [11] But if [the animal] was stolen from him, he shall

make restitution to its owner. [12] If it was torn by beasts, he shall bring it as evidence; he need not replace what has been torn by beasts.

[13] When a man borrows [an animal] from another and it dies of injuries [or "is injured or dies"; see note on v. 9], its owner not being with it, he must make restitution. [14] If its owner was with it, no restitution need be made; but if it was hired, he is still entitled to the hiring fee.

[15] If a man seduces a virgin who has not been spoken for, and lies with her, he must make her his wife by payment of a bride price. [16] If her father refuses to give her to him, he must still weigh out silver in proportion to the bride price for virgins.

[17] You shall not tolerate [literally, "let live"] a sorceress.

[18] Whoever lies with a beast shall be put to death.

[19] Whoever sacrifices to a god other than the LORD alone shall be proscribed [see Lev. 27:29].

[20] You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt.

[21] You shall not mistreat any widow or orphan. [22] If you do mistreat them, I will heed their outcry as soon as they cry out to Me, [23] and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans.

[24] If you lend money to My people, to the poor who is in your power, do not act toward him as a creditor: exact no interest from him. [25] If you take your neighbor's garment in pledge, you must return it to him before the sun sets; [26] it is his only clothing, the sole covering for his skin. In what else shall he sleep? Therefore, if he cries out to Me, I will pay heed, for I am compassionate.

[27] You shall not offend God, nor put a curse upon a chieftain among your people.

[28] You shall not put off the skimming of the first yield of your vats [meaning of Hebrew is uncertain]. You shall give Me the first-born among your sons. [29] You shall do the same with your cattle and your flocks: seven days it [i.e., the male first-born] shall remain with its mother; on the eighth day you shall give it to Me.

[30] You shall be men holy to Me: you must not eat flesh torn by beasts in the field; you shall cast it to the dogs.

Chapter 23:

You must not carry false rumors; you shall not join hands with the guilty to act as an unjust witness. [2] Do not side with the mighty

[others, "multitude"] to do wrong, and do not give perverse testimony in a dispute by leaning toward the mighty; [3] nor must you show deference to a poor man in his dispute.

[4] When you encounter your enemy's ox or ass wandering, you must take it back to him.

[5] When you see the ass of your enemy prostrate under its burden and would refrain from raising [For this use of the verb 'zb see Neh. 3:8, 34. For the whole verse see Deut. 22:4.] it, you must nevertheless raise it with him.

[6] You shall not subvert the rights of your needy in their disputes. [7] Keep far from a false charge; do not bring death on the innocent and the righteous, for I will not acquit the wrongdoer. [8] Do not take bribes, for bribes blind the clear-sighted and upset the pleas of the just.

[9] You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt.

[10] Six years you shall sow your land and gather in its yield; [11] but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat. You shall do the same with your vineyards and your olive groves.

[12] Six days you shall do your work, but on the seventh day you shall cease from labor, in order that your ox and your ass may rest, and that your bondman and the stranger may be refreshed.

[13] Be on guard concerning all that I have told you. Make no mention of the names of other gods; they shall not be heard on your lips.

[14] Three times a year you shall hold a festival for Me: [15] You shall observe the Feast of Unleavened Bread—eating unleavened bread for seven days as I have commanded you—at the set time in the month of Abib, for in it you went forth from Egypt; and none shall appear before Me empty-handed; [16] and the Feast of the Harvest, of the first fruits of your work, of what you sow in the field; and the Feast of Ingathering at the end of the year, when you gather in the results of your work from the field. [17] Three times a year all your males shall appear before the Sovereign, the LORD.

[18] You shall not offer the blood of My sacrifice with anything leavened; and the fat of My festal offering shall not be left lying until morning.

[19] The choice first fruits of your soil you shall bring to the house of the LORD your God.

You shall not boil a kid in its mother's milk.

[20] I am sending an angel before you to guard you on the way and to bring you to the place which I have made ready. [21] Pay heed to him and obey him; do not defy him, for he will not pardon your offenses, since My Name is in him. [22] But if you obey him and do all that I say, I will be an enemy to your enemies and a foe to your foes.

[23] When My angel goes before you and brings you to the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites, and the Jebusites, and I annihilate them, [24] you shall not bow down to their gods in worship or follow their practices, but shall tear them down and smash their pillars to bits. [25] You shall serve the LORD your God, and He will bless your bread and your water. And I will remove sickness from your midst. [26] No woman in your land shall miscarry or be barren. I will let you enjoy the full count of your days.

[27] I will send forth My terror before you, and I will throw into panic all the people among whom you come, and I will make all your enemies turn tail [literally, "back"] before you. [28] I will send a plague [others, "hornet"; Hebrew uncertain] ahead of you, and it shall drive out before you the Hivites, the Canaanites, and the Hittites. [29] I will not drive them out before you in a single year, lest the land become desolate and the wild beasts multiply to your hurt. [30] I will drive them out before you little by little, until you have increased and possess the land. [31] I will set your borders from the Sea of Reeds to the Sea of Philistines, and from the wilderness to the Euphrates; for I will deliver the inhabitants of the land into your power, and you will drive them out before you. [32] You shall make no covenant with them and their gods. [33] They shall not remain in your land—lest they make you sin against Me by serving their gods—for this would be a snare to you.

Chapter 24:

Then He said to Moses, "Come up to the Lord, you and Aaron, Nadab and Abihu, and seventy elders of Israel, and bow low from afar. [2] Only Moses shall come near the LORD, but they shall not come near, and the people shall not come up with him at all."

[3] Moses went and repeated to the people all the commands of the LORD and all the norms; and all the people answered with one voice, saying, "All the things that the LORD has commanded we will do!" [4] Moses then wrote down all the commands of the LORD.

Early in the morning, he set up an altar at the foot of the mountain, with twelve pillars for the twelve tribes of Israel. [5] He delegated young men among the Israelites, and they offered burnt offerings and sacrificed bulls as offerings of well-being to the LORD. [6] Moses took one part of the blood and put it in basins, and the other part of the blood he dashed against the altar. [7] Then he took the record of the covenant and read it aloud to the people. And they said, "All that the

LORD has spoken we will faithfully do [literally, "we will do and obey"]!" [8] Moses took the blood and dashed it on the people and said, "This is the blood of the covenant which the LORD now makes with you concerning all these commands."

[9] Then Moses and Aaron, Nadab and Abihu, and seventy elders of Israel ascended; [10] and they saw the God of Israel: under His feet there was the likeness of a pavement of sapphire, like the very sky for purity. [11] Yet He did not raise His hand against the leaders [Meaning of Hebrew 'asilim uncertain.] of the Israelites; they beheld God, and they ate and drank.

[12] The LORD said to Moses, "Come up to Me on the mountain and wait there, and I will give you the stone tablets with the teachings and commandments which I have inscribed to instruct them." [13] So Moses and his attendant Joshua arose, and Moses ascended the mountain of God. [14] To the elders he had said, "Wait here for us until we return to you. You have Aaron and Hur with you; let anyone who has a legal matter approach them."

[15] When Moses had ascended the mountain, the cloud covered the mountain. [16] The Presence of the LORD abode on Mount Sinai, and the cloud hid it for six days. On the seventh day He called to Moses from the midst of the cloud. [17] Now the Presence of the LORD appeared in the sight of the Israelites as a consuming fire on the top of the mountain. [18] Moses went inside the cloud and ascended the mountain; and Moses remained on the mountain forty days and forty nights.